

Title 17

ZONING

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17.01 - General Provisions and Fees.

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17.01.010 - Authority.

The Zoning Code is authorized by Title 31, Article 23, of the Colorado Revised Statutes. (Ord. 454 §1, 2000)

17.01.020 - Purpose.

The general purpose of this Zoning code is to implement the planning policies adopted by the Town Board.

The specific purposes of this Zoning Code are:

- A. To promote the health, safety and general welfare of the citizens of the Town.
- B. To protect the beauty of the landscape, water and air quality, significant wildlife corridors and habitat, to conserve open space and recreational resources and otherwise protect and preserve the natural environment.
- C. To promote the orderly use, development and redevelopment of land while protecting and enhancing the economy of the Town.

- D. To provide for efficient vehicular movement throughout the Town and to ensure the provision of adequate public facilities for existing and future citizens.
- E. To establish unified regulations and procedures to implement the policies of the Comprehensive Plan and the other purposes of this Zoning Code.
- F. To secure safety from fire, other dangers, and to provide adequate sunlight and air.

(Ord. 454 §1, 2000)

17.01.030 - Jurisdiction.

This Zoning Code shall apply to all public and private land situated within the corporate limits of the Town. (Ord. 454 §1, 2000)

17.01.040 - Compliance with zoning code required.

It shall be unlawful to construct, reconstruct, alter, maintain, use or cause to be used any structure or land in violation of this Zoning Code. (Ord. 454 §1, 2000)

17.01.050 - Fees.

- A. The Board of Trustees shall set fees per resolution. No application shall be deemed complete without payment of such fees in full at the time of application.
- B. In addition to the fees established by Board resolution pursuant to subsection A, above, applicants shall reimburse the Town for its actual costs incurred for any services the Town, in its sole discretion, deems necessary for proper review and consideration of the application. By way of example and not in limitation, the Town may retain the services of architects, attorneys, engineers, surveyors, geologists, hydrologists, landscape architects and other professionals. Approval of any application shall be conditioned upon reimbursement of such costs upon presentment to the applicant by the Town.

(Ord. 614 §2, 2011; Ord. 518 §1, 2007; Ord. 454 §1, 2000)

17.01.060 - Official Zoning map.

- A. Map created. There shall be a map adopted by the Town Board known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction.
- B. Incorporated by reference. The Official Zoning Map is adopted and incorporated herein by reference.

(Ord. 454 §1, 2000)

17.02 - Definitions

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17.02.010 - Definitions.

- A. When consistent with the content, words used in the present tense include the future; words in the singular include the plural and vice versa; and the masculine includes the feminine.
- B. Terms not defined in this section shall be as defined in other titles of the Kremmling Municipal Code.
- C. For the purpose of this Title 17, the following terms and words shall have the following meanings:

“Accessory Structure” means a detached subordinate structure the use of which is customarily incidental and subordinate to, and devoted exclusively to the primary use of the land. Residential accessory structures expressly include, without limitation, garages up to one thousand two hundred (1,200) square feet in area, guest houses up to eight hundred (800) square feet in area, storage structures up to three hundred (300) square feet in area, non-commercial green houses, houses for pets and play structures. Guest houses more than eight hundred (800) square feet in area, garages more than one thousand two hundred (1,200) square feet in area, and storage structures more than three hundred (300) square feet in area may be allowed if approved through the use by special review procedure. Commercial accessory structures expressly include, without limitation, garages for the vehicles of occupants and visitors, storage buildings, loading areas and temporary construction structures, but are subject to the other provisions of this Code. (Ord. 664 §1, 2016; Ord. 533 §1, 2008; Ord. 454, §1 2000)

“Accessory Use” means a use customarily incidental to the primary use of the parcel which is conducted for the benefit of the primary parcel.

“Bed and Breakfast” means any residential structure operated by the resident owner as a temporary lodging for paying guests

“Building” means any permanent or temporary structure having a roof supported by columns or walls and used or designed to be used for supporting or sheltering any use or occupancy.

“Building Height” means the vertical distance from finished grade to the highest point of the roof surface or tower. An elevation average on the perimeter of the structure may be utilized to establish finished grade. (Ord. 664 §1, 2016)

“Building Inspector” An employee or agent of the Town, whose purpose is to issue building permits for properties located within the Town, and enforce the standards set by the Town building codes for all construction requiring a building permit. (Ord. 664 §1, 2016)

“Church” means a building intended primarily for the practice and worship of a religious faith, but not including facilities designed to accommodate overnight stays.

“Commercial Recreation Facilities” means facilities designed for, or occupied by, bowling alleys, health clubs, swimming pools, indoor golf, ice-skating or other recreational activities operated as commercial enterprises.

“Community Service Facilities” means public or private hospitals, clinics, homes for the aged, nursing homes, employees’ quarters, Town administrative facilities, water storage, fire stations, youth centers, libraries, police, jail, CATV facilities, radio stations, television stations and other public facilities and accessory uses thereto as provided under commercial and residential uses.

“Condominium” means a type of ownership, which consists of a separate fee simple estate in an individual air space of a multi-unit property together with an undivided fee simple interest in common elements.

- A. The term “Individual Air Space” shall consist of any enclosed room or rooms occupying all or part of a floor or floors in a building of one (1) or more floors to be used for residential, professional, commercial or industrial purposes.
- B. The term “Common Elements,” unless otherwise provided in the declaration or by written consent of all the condominium owners, means: the land or the interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exists of such building or buildings; the basements, yards, gardens, parking area, and storage spaces; the premises for the lodging of custodians or persons in charge of the property; installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, fans, compressors, ducts, and in general all apparatus and installations existing for common use; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance, safety, or normally in common use.
- C. The term “Condominium Unit” means an individual air space unit together with the interest in the common elements appurtenant to such unit.
- D. The term “Declaration” refers to an instrument which defines the character, duration, rights, obligations, and limitations of condominium ownership.

“Custom Meat Processing Facility” means a state licensed facility for the purpose of processing meat. (Ord. 593 §1, 2011)

“Development” means any man-made construction or activity that alters the fundamental character or use of real property, or the construction or erection of any structure.

“Drinking and Eating Establishments” means establishments primarily designed for, or occupied by, restaurants, bars, drive-ins, or other establishments where food and/or drinks are served.

“Dwelling” means any building or portion thereof designed and used for human habitation in conformance with any building code, fire code or safety code adopted by the Town.

“Dwelling Unit” means a structure or portion of a structure designed for occupancy as a resident by a single family or a single housekeeping unit which contains not more than one (1) kitchen and not less than one (1) bathroom.

“Factory Built Housing” means a structure designed primarily for single-family dwelling, which has been manufactured in a factory. These homes are inspected and certified to confirm that all homes built are constructed in compliance with the Uniform Building Code along with other various construction codes (*i.e.* National Electric Code, etc.).

“Family Childcare Home” means state licensed type of family care home that provides less than 24-hour care for two (2) or more children on a regular basis in a place of residence. Children in care are from different family households and are not related to the care giver. (Ord. 470 §1, 2002)

“Farming and Ranching” means structures used to shelter or enclose livestock, poultry, feed, flowers, field equipment, maintenance and those uses of land devoted to raising crops, animals, poultry and fish, but not including commercial feeding or feed lots.

“Guest Houses” means any structure that is physically detached from a single family dwelling, does not contain cooking facilities and is intended for occupancy by a guest of the household.

“Home Occupation” means any occupation carried on within a dwelling or accessory structure by members of the household with no servant, employee or other person being engaged; clearly incidental and secondary to the use of the dwelling for residential purposes, provided the residence character of the dwelling or accessory structure is maintained and the occupation is conducted in conformance with the standards for home occupations contained in this Code.

“Hotels, Motels, Boarding Houses, Lodging Houses” means any detached structure primarily designed for, or occupied by, persons on a temporary, usually on a daily, weekly or monthly basis, but that are not Bed and Breakfasts.

“Household” means either of the following:

- A. A family related by blood, marriage or adoption.
- B. Unrelated individuals or related and unrelated individuals, living together as a single housekeeping unit with a sense of permanency, as opposed to the transient nature of a boarding house.

“Impound Lot” means any lot, land, parcel, or part thereof, on which impounded motor vehicles are temporarily stored under appropriate protection, including wrecked or inoperable vehicles.

“Indoor Warehousing and Enclosed Storage” means any structure designed for, or occupied by, warehousing or storage and all areas enclosed by permanent walls at least six (6) feet in height which visually screen the storage area from adjacent lands, excluding storage of oxygen and explosives.

“Junkyard” shall have that definition set forth in Section 8.24.020 of this code.

“Loading Area” means a parking space, other than a public street or alley, for the parking of commercial vehicle for the purpose of loading or unloading materials or merchandise.

“Lot” means a parcel of land as shown with a separate and distinct number or letter on a plat recorded with the Grand County Clerk and Recorder or, when not so platted in a recorded subdivision, a parcel of land abutting at least one (1) public street and held under separate ownership. (Ord. 664 §1, 2016)

“Lot Area” means the number of square feet included within a lot, as measured within the boundaries of the lot, measured on a horizontal plane upon which the boundaries have been vertically projected; the total area within the property lines of the structure or use under examination excluding adjacent streets and public lands.

“Manufactured Housing” means a structure designed and intended for use as a single-family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; is installed on an engineered permanent foundation; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., 541, *et seq.*, as amended. Manufactured housing is a single-family dwelling for the purposes of this Code.

“Mini-storage” means the provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. “Mini storage” does not include open storage facilities.

“Mobile Home” means a structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be transported on streets to the place where it is to be used as a dwelling without permanent foundation when connected to required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. (Ord. 664 §1, 2016)

“Multiple Family Dwelling” means a structure containing three (3) or more dwelling units, but does not mean a townhouse for the purposes of this Title.

“Multiple Family Dwelling, Limited” means a structure containing two (2) (duplex), three (3) (triplex) or four (4) (fourplex) dwelling units immediately adjacent to each other, each having a separate outside entrance and sharing at least one common wall, but does not mean a townhouse for the purposes of this Title.

“Off-Street Parking” means parking areas located wholly within the limits of one (1) or more lots.

“Open Area” means an area free of structures.

“Open Storage” means outdoor storage, warehousing, junkyards, auto wrecking yards and material storage bins.

“Open Space” means land, area of water, or a combination of land and water within a development site designed and intended primarily for the use or enjoyment of residents, occupants, and owners of the site and/or the general public for uses including, without limitation: open landscaped areas, recreation areas and facilities, gardens, parks, walkways, paths and trails, and areas of native vegetation left substantially in their natural state or supplemented by

additional plants. The terms shall not include space devoted to structures, rights-of-way for streets, roads and other motorized vehicle ways and parking, and storage and loading areas.

“Open Storage Facility” means a business that sells, rents or leases storage spaces for goods, merchandise, vehicles, boats or equipment where such items are not kept in a wholly enclosed building. “Open storage facility” does not include impound lots or the storage of wrecked or inoperable vehicles. (See definition of “impound lot” or “junk yard”).

“Parking Area” means an open area or an enclosed structure or building used exclusively for the temporary storage of automobiles.

“Parking Space” means that part of a parking area, exclusive of drives and turning areas of loading spaces, devoted to parking for one automobile or vehicle.

“Parks and Playgrounds” means spaces, areas or structures designed for, or occupied by, and owned or dedicated to the public for public activities; or private parks, playgrounds and accessory structures thereto.

“Planned Unit Development” means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan of which does not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions to the existing land use regulations.

“Professional Buildings” means laboratories, research institutes and offices for professions, including, but without limitation, medical, dental, accounting and legal offices, and where no storage, sale or care of animals or storage or sale of merchandise is involved.

“Public Utility” means, for the purposes of this Title only, electric substation, a gas regulator station, a telecommunications facility, a water or sewage pumping station, or a water treatment plant or reservoir.

“Recreational Vehicle Park” means a developed area which contains sites for the temporary location of assorted recreational vehicles to include travel trailers, motor homes, truck campers, and to a lesser extent, tents. Such park facilities cover a range of short overnight stops, to longer destination-type stays of several days to weeks.

“Repair Garages” means buildings designed for, or occupied by, major repair activities for automobiles, trucks, farm equipment earthmoving equipment, household and/or commercial equipment; providing that no open storage will be allowed.

“Retail Commercial and Service Establishments” means structures primarily designed for, or occupied by, activities offering services, real estate, insurance, art, appliances, food, cleaning, clothing, drugs, flowers, furniture, garden and household, hardware, jewelry, music, photographs, post office, shoes, tobacco, newspapers, toys and other such merchandise.

“Schools” means any publicly or privately owned preschool, elementary school, secondary school, college or university.

“Service Station” means an establishment providing automobile maintenance and minor repair services, including, without limitation, the furnishing of gasoline, oil, water, air, greasing and periodic maintenance; but not including major maintenance requiring more than eight (8) man-hours of labor.

“Setback” means the distance from a lot or site line, creek or stream measured horizontally to a line or location within the lot or site which establishes the permitted location of uses, structures or buildings on the site. The setback shall be unoccupied, unobstructed from the ground upward, except for fences, and landscaping. In measuring a setback, the horizontal distance between the lot line and the closest projection of the principal or accessory building shall be used.

“Shop Craft Facilities” means any detached structure and/or area designed for, or occupied by, light industrial including woodworking, welding and town, county, state or federal maintenance shops.

“Single Family Dwelling” means detached buildings designed for, or occupied by, a single household.

“Site” means lot as defined herein.

“Structure” means anything constructed or erected upon the ground, including walls, columns, beams, girders, foundations, doors and windows.

“Town Board” means the Town of Kremmling Board of Trustees.

“Town Manager” means the Town Manager of the Town of Kremmling or designee.

“Townhouse” means a type of ownership consisting of a fee simple interest in an individual deeded lot and dwelling, plus a membership right in a homeowners’ association which shall own in fee simple the common areas subject to all the rights and duties as provided in the declaration of the homeowners’ association. For purposes of this definition: “Dwelling” means a single-family living unit constructed on an individually deeded lot, but as a part of a series of two or more units, each of which is attached to the adjacent unit or units by party walls or is located immediately adjacent thereto with no visible separation between walls and roofs; and “Common Areas” are as defined in each declaration and will include such items as the following: Any open spaces, greenbelts, yards, parking areas, or storage spaces located on the property owned and controlled by the homeowners’ association, but which are not part of the individual townhouse lots, and all community and commercial facilities or other parts of the property necessary or convenient to the existence, maintenance or safety of all townhouses. (Ord. 664 §1, 2016)

“Vehicle” means a machine designed to be propelled or towed by mechanical power, to move or travel along highways, streets, roads, or ground by use of wheels, treads, runners, or slides, or any other means, to transport persons or any kind of property or pull machinery, and shall include, by way of explanation, and not limitation, automobiles, trucks, trailers, motor scooters, motorcycles, ATV’s, snowmobiles, tractors, buggies, boats and wagons.

“Vested Property Right” means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

“Zoning Code” or “Code” means Chapter 17 of the Kremmling Municipal Code.

17.03 - Development Approvals

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17.03.010 - General.

Development approvals may be sought by an applicant only if and when the subject lot is zoned such that the proposed use is either a permitted use or Use by Special Review within the zone district.

Note that if the proposed use is not a permitted use or Use by Special Review, the applicant must obtain a rezoning pursuant to Chapter 17.07 prior to seeking the appropriate development approval. The following development approvals are required as follows:

17.03.020 - Building permits.

A. Permit Required:

1. The construction, alteration or repair, removal or reconstruction of any structure or any part thereof as provided or as restricted in this title shall not be commenced, except after the issuance, if required, of a written permit for the same by the building inspector, an in full conformity with the provisions of this Title, which shall be valid for one (1) year unless otherwise noted by the building inspector.
2. No building shall be erected, moved or structurally altered unless a permit, if required, therefor has been issued by the building inspector, and no permit shall be issued unless the building or structure proposed is in full conformity with all of the provisions of the Kremmling Municipal Code, this Title, the Kremmling building code and ordinance.
3. Applications for building permits shall be made on forms prescribed by the Town, and shall be accompanied by drawings to scale showing plot plan and location, floor height and size of all proposed buildings, the location and dimensions of fences, signs and parking and loading areas, and such other information as may be required by the building inspector.
4. No land or building shall be changed in use, nor shall any new structure, building or land be occupied or used without first having obtained a certificate of occupancy from the building inspector.

B. Permit Procedure. Applications for building permits shall be made on forms prescribed by the Town and shall be accompanied by drawings to scale showing plot plan and location, floor plan, height and size of all proposed buildings, the location and dimensions of fences, signs and parking and loading areas, and such other information as may be required by the building inspector. Prior to approval of the building permit the applicant must purchase the appropriate number of water and sewer taps and obtain an excavation permit. (Ord. 454, §1, 2000)

17.03.021 - Utility siting.

- A. Service lines for all utilities service, including but not limited to water, sanitary sewer, electric, telephone, CATV, natural gas, and fiber optic, shall be installed underground on all lands, lots, tracts or parcels annexed to the Town after January 1, 1997; on any lands within the Town that are not subdivided; on any lands within the Town that have no publicly dedicated streets providing access to each lot, tract, or parcel of land; and on any lands within the Town which are not zoned and for which zoning for a non-agricultural use is requested after August 31, 2002. This Section, and Section 16.07.160, shall apply to any new subdivision or re-subdivision of lands, and to any P.U.D. application for more than eight (8) lots, tracts, or parcels which process is commenced after August 31, 2002.
- B. Wire utilities such as electric, telephone, CATV, or fiber, serving any lot, parcel or tract of land not described in subsection 17.03.021.A above may be placed above ground or overhead. Businesses or residences on lots, tracts or parcels may replace worn or damaged overhead utilities or upgrade existing overhead service capability with overhead wire utilities.
- C. No new utility poles shall be sited within the Town boundaries.

(Ord. 466 §1, 2002)

17.03.030 - Categories of development approvals.

Any development in the Town must obtain one of the following development approvals:

- A. Permitted Use approval. (Commercial and Residential) See 17.03.050 for approval process. A permitted use approval is required for any use or development. (Town Manager can approve.)
- B. Site Plan approval. (Commercial and Industrial) See 17.03.060 for approval process. Site Plan Approval is required prior to commencing any commercial or industrial development, except for the following: (Town Manager or Planning & Zoning Commission approves)
 - 1. Restoration of a structure that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of public enemy, or accident or a natural disaster of any kind, as long as use of the structure does not change.
 - 2. Construction work that does not change the use or increase the existing floor area by more than one thousand (1,000) square feet.
 - 3. Construction of accessory structures less than one thousand (1,000) square feet in area.
- C. Use by Special Review approval. (All Zoning Districts) See 17.03.070 for approval process. A Use by Special Review approval is required in all zoning districts where the applicant seeks to develop, change a use, or expand by more than two hundred (200) square feet any use that is a Use by Special Review in the zoning district where the use will be located. (Planning & Zoning Commission approves)
- D. Planned Unit Development (PUD) Overlay approval. See 17.03.080 for approval process. A PUD Overlay approval is required where the applicant seeks to develop a lot pursuant to section 17.03.080 herein. (Town Trustees approve)

(Ord. 454 §1, 2000)

17.03.040 - General development approval process.

The applicant for any development approval must comply with the following procedures:

- A. Pre-application conference. The applicant must participate in a pre-application conference with the Town Manager prior to submitting any development approval application. The pre-application conference is an informal meeting between the applicant and the Town Manager to discuss the proposed application and familiarize the applicant with the applicable requirements of this Zoning Code and any other applicable regulations.
- B. Determination of completeness. After the Town has received an application, the Town Manager shall determine whether the application is complete. If the application is not complete, the Town Manager shall request additional information required under this Zoning Code. The Town Manager shall take no further action and the application shall not be deemed filed until the deficiencies have been remedied.
- C. Applicant. Applications will be accepted only from persons having legal authority to take action in accordance with the development approval. If the applicant is not the owner of the property, a written consent from each property owner must be submitted along with the application.
- D. Fee. The appropriate fee in accordance with the fee schedule shall accompany all development approval applications.

(Ord. 454 §1, 2000)

17.03.050 - Permitted Use approval.

- A. Submittal requirements. The following information shall be submitted to the Town Manager's staff on the form provided by the Town anytime after the pre-application conference:
 - 1. Name, address, telephone number of the applicant and all property owners.
 - 2. Street address and/or legal description of the lot.
 - 3. Description of the existing zoning and land uses and adjacent zoning and land uses.
 - 4. Description of the proposed use and an explanation of how the use complies with applicable standards.
 - 5. Architectural drawings of the proposed building and site plan design.
- B. Procedures.
 - 1. Town Manager review. The Town Manager reviews the application and either approves, approves with conditions or denies the application.
 - 2. Appeal to the Board of Adjustment. If the Town Manager denies the application or approves it with conditions, the applicant may appeal the decision in writing to the Board of Adjustment within fifteen (15) days of the Town Manager's decision.
- C. Criteria. The Town Manager shall approve an application if it:

1. Complies with this Zoning Code; and
2. Is consistent with the Town's Comprehensive Plan.

(Ord. 454 §1, 2000)

17.03.060 - Site Plan approval.

- A. Purpose. Any commercial or industrial use in the Town that is not approved as part of a PUD overlay process shall obtain Site Plan Approval. The purpose of site plan review is to facilitate the identification, evaluation, avoidance and mitigation of significant adverse impacts on the environment, agricultural lands, surrounding land uses and neighborhoods, and infrastructure through the imposition of reasonable conditions.
- B. Submittal requirements. The following shall be submitted to the Town Manager's staff any time after the pre-application conference.
1. The following information on the form provided by the Town:
 - a. Name, address, telephone number of the applicant and all property owners.
 - b. Street address and/or legal description of the site.
 - c. Description of the existing zoning and land uses and adjacent zoning and land use.
 - d. Description of the proposed use.
 2. Site Plan. Five (5) copies of a map, at a scale which best conveys the conceptual aspects of the plan and allows for effective public presentation, containing the following information:
 - a. Name and legal description of the proposed development and total acreage of site.
 - b. The general location and boundaries of the site.
 - c. Name, address and telephone number of the designer, engineer and surveyor.
 - d. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).
 - e. The location of all existing and proposed structures.
 - f. Roadways, parking areas, driveways and their respective dimensions.
 - g. Traffic circulation, including locations of entries and exits.
 - h. Significant on-site features including, but not limited to: utility lines, hydrologic features, aquatic habitat, wetlands, geologic features (including slopes, alluvial fans, areas of subsidence, rock fall areas, USDA soil classification and landside areas), vegetative cover, dams, reservoirs, excavations, wildlife habitats and migration routes, significant plan ecosystems, and mines.

- i. Location of existing and proposed landscaping including a re-vegetation plan. The re-vegetation plan shall illustrate the type, height, and/or caliper of the trunk of proposed plantings.
 - j. Design and layout of all sewer lines, treatment facilities and other elements of sanitary sewer, water lines and water treatment facilities and utility lines and facilities to serve the site.
3. Storm Drainage Plan.
 4. Grading Plan.
 5. Building Plans.
 6. Lighting Plan.
 7. Such other information the Town Manager deems necessary for review of the site plan application.

C. Review of Site Plan application.

1. Staff review. The Town Manager shall, in consultation with appropriate representatives of various Town and County departments, review the application based on the criteria established for site plan approval. Following the review, the Town Manager shall prepare a report stating whether the application is approved, approved with conditions or denied. The Town Manager shall notify the applicant and Planning and Zoning Commission in writing of his decision.
2. Appeal to Board of Adjustment. The action of the Town Manager may be appealed by the applicant to the Board of Adjustment. See Section 17.07 Board of Adjustment for the appeal procedure and process.

D. Site Plan review criteria. Site plans shall be approved if the site plan satisfies all of the following criteria:

1. The scale is appropriate to the site and the function of the buildings.
2. The architecture is harmonious with the scale and character of surrounding land uses and is consistent with the design themes contained in the Comprehensive Plan.
3. The landscape design takes into consideration the functions and use of open spaces and plan material for buffering.
4. The traffic and circulation system contributes to ease of access and orderly movement on the site.
5. Refuse and waste removal areas, service areas, storage yards, and exterior work yards are buffered from adjacent properties and public streets.

6. Provisions have been made to limit or mitigate the effects of noise, odors, and exhaust.
 7. Natural topography, trees and drainage patterns are preserved to the extent practicable.
- E. Term of Site Plan approval. If a building permit has not been issued within three (3) years from the date of a site plan approval, the site plan approval shall be null and void unless extended. An extension may be granted for a maximum of one (1) year upon written request to the Town Manager by the applicant. No extension shall be granted if this Zoning Code has been amended such that the site plan no longer conforms to the requirements of this Zoning Code. If a rezoning for any land included within an approved site specific development plan has occurred, the site plan shall be of no effect.

(Ord. 454 §1, 2000)

17.03.070 - Application and approval of Use by Special Review.

A. Submittal requirements.

1. The following information shall be submitted to the Town Manager's staff on the form provided by the Town any time after the pre-application conference.
 - a. Name, address, telephone number of the applicant and all property owners.
 - b. Street address and/or legal description of the lot.
 - c. Description of the existing zoning and land uses and adjacent zoning and land use.
 - d. Description of the proposed use and an explanation of how the use complies with applicable standards.
2. A schematic plan of the lot indicating locations of existing and proposed structures.
3. Elevations of proposed structures.
4. Additional information, as required by the Town Manager, that will permit review of the application under the criteria established for uses by special review.

B. Procedures.

1. Staff review. The Town Manager shall review the application in consultation with appropriate Town departments and required external organizations. Based on the criteria established for uses by special review the Town Manager shall determine whether the application is complete. Any application deemed not complete will be returned to the applicant with a list of deficiencies. No application will be forwarded to the Planning and Zoning Commission until such time as the application is complete.
2. Referral to the Planning and Zoning Commission. Once the Town Manager determines the application is complete, the application will be forwarded with staff comments to the Planning and Zoning Commission for review. Completed applications must be submitted to the Planning and Zoning Commission at least twenty (20) days prior to the date set for Planning and Zoning Commission review.

3. Planning and Zoning Commission review of the application. After the proper notification requirements have been met, the Planning and Zoning Commission shall review the application at a public hearing. Using the criteria contained in this Zoning Code, the Planning and Zoning Commission shall approve, approve with conditions or deny the application.
4. Town Board of Trustees review of the application. The Town Board of Trustees may, upon appeal of any Trustee, the applicant, staff, or Planning Zoning Commission member, review the application.

A. Procedure for Town Trustee review.

- i. At the first regularly scheduled meeting of the Trustees, after the request to review, the Trustees shall vote to review the application. A majority vote is required to proceed with the review.
- ii. If the Trustees vote to review the application, the application will be reviewed at a regularly scheduled meeting within thirty (30) days of the vote to review.
- iii. The Trustees may reverse, affirm, or wholly or in part, modify the decision of the Planning & Zoning Commission.

C. Criteria for Use by Special Review. An application for a Use by Special Review may be approved only if it satisfies the following criteria:

1. The proposed use is in conformance with the Town's most current Comprehensive plan.
2. The proposed use is consistent and compatible with the character of the immediate vicinity of the lot and surrounding land uses, or enhances the mixture of complementary uses and activities in the immediate vicinity of the parcel proposed for development; and
3. The location, size, design and operating characteristics of the proposed use will have no significant adverse effect on visual characteristics, pedestrian and vehicular circulation, parking trash, service delivery, noise, vibrations and odor on surrounding properties; and
4. There are adequate public facilities to serve the proposed use including, but not limited to, roads, potable water, sewer, solid waste, parks, police and fire protection, emergency medical services, hospital and medical services, drainage systems and schools.
5. The proposed use satisfies any additional standards imposed by this Zoning Code.

(Ord. 454 §1, 2000)

17.03.080 - Planned Unit Development (PUD) overlay approval.

- A. Authority. This section is authorized pursuant to Article 67, Title 24 of the Colorado Revised Statutes.
- B. Purpose. The purpose of Planned Unit Development (PUD) overlay is to encourage flexibility and innovation in the development of land which:

1. Fosters greater variety in the type, design, and layout of buildings and a more rational relationship between residential, business and industrial uses.
 2. Improves the design, character and quality of development.
 3. Promotes safe, efficient and economic use of land, public facilities, transportation and services.
 4. Preserves open space to the greatest extent practicable and minimize adverse environmental impacts of development.
 5. Achieves a compatibility of land uses.
 6. Improves the design and layout of development.
- C. Applicability. No PUD overlay approval may be granted for a residential development on a parcel less than five (5) acres in size or an industrial development on less than two (2) acres in size.
- D. Applicant. An application for approval of a PUD may be filed by the owners of the property for which the approval is required and must include written consents by the owners of all property to be included in the PUD.
- E. Effect of approval. Approval of a PUD overlay shall have the effect of overlaying the existing zoning and thereby adding to and modifying the existing zoning regulations. If there is a conflict between the provisions of the existing zoning description and the PUD overlay approval, the regulation of the underlying zone shall apply unless specifically addressed in the provisions of the PUD overlay approval.
- F. Submittal Requirements.
1. Preliminary Development Plan submittal requirements.
 - a. Written Statement. A written description of the existing zoning and land uses, adjacent zoning and land uses, and how the proposed land use will satisfy all applicable criteria.
 - b. Land Use Plan. A land use plan showing the following information:
 - i. Type and location of all intended uses.
 - ii. Expected gross land areas of all intended uses including open space.
 - iii. Gross floor area or residential unit size and number of all structures.
 - iv. Heights of all structures.
 - v. Transportation access and circulation patterns including vehicle, bicycle, and pedestrian circulation patterns.
 - vi. The proposed maximum density stated in terms of dwelling units per acre.

- vii. Location and size of all utilities to be provided.
 - viii. Existing natural and man-made features on the site.
 - ix. Any other information normally required by the Town as part of an application for preliminary plat approval of a subdivision that is deemed necessary by the Town Manager.
- c. Preliminary engineering plan, unless otherwise authorized by the Town Manager, including utility plan, street profiles, drainage plan and geological information.
2. Final Development Plan submittal requirements.
- a. General. The following information shall be provided on the form provided by the Town:
 - i. Name, address, telephone number of the applicant and all property owners.
 - ii. Street address and/or legal description of the lot.
 - b. Site Map. A map of the existing site at a scale of not less than 1" = 100' showing the following information:
 - i. Scale and north arrow designed as true north;
 - ii. Site boundaries and dimensions;
 - iii. Topography with contours at no greater than five (5) foot intervals;
 - iv. Vegetation, location and type;
 - v. Soil quality, for construction purposes;
 - vi. One hundred (100) year flood plain and high water areas;
 - vii. Existing structures and their current uses;
 - viii. Existing roads and other improvements.
 - ix. Location of public utilities and utility easements; and
 - x. Other information deemed necessary by the Planning and Zoning Commission.
 - c. Site Plan. A map of the site showing the major details of the proposed PUD prepared at a scale of not less than 1" = 100'. The plan shall contain sufficient detail to evaluate the land planning, building design, and other features of the planned unit development proposed. The site plan shall contain, insofar as applicable, the following minimum information.
 - i. Scale and north arrow;

- ii. Proposed name of the development;
 - iii. Identity of a subdivision master development plan of which the site may be a part;
 - iv. Topography with finished contours at no greater than five (5) foot intervals;
 - v. The location and size of all existing and proposed buildings, structures and improvements;
 - vi. Natural and proposed vegetation and landscaping, streets, walkways and easements to be reserved for public use;
 - vii. Proposed open spaces and an indication as to use and ultimate ownership, if applicable;
 - viii. Proposed drainage system;
 - ix. Proposed utility distribution;
 - x. Proposed traffic circulation with anticipated average daily traffic volumes, and access to the existing street system;
 - xi. Perspective sketches showing general architectural concepts of all new or remodeled buildings;
 - xii. Maximum height of all buildings, dimensions and square footage of all lots or parcels proposed within project;
 - xiii. Preliminary limit of disturbance/vegetation protection and temporary erosion control plan showing the maximum limits of disturbance for all construction activity including utilities and public improvements;
 - xiv. A general landscape plan at the time of initial submission to be followed by a detailed landscaping plan, once the site plan has been approved, showing the spacing, sizes and specific types of landscaping material;
 - xv. Lighting plan; and
 - xvi. Dimensions for all lines, angles and curves used to describe streets and other public rights-of-way.
- d. Written Statement. The written statement to be submitted with the PUD application must contain the following information (two copies required):
- i. Present and future ownership and tenancy and a legal description of the land included in the PUD application, including identification of all mortgages, easements, covenants or restrictions on land use, liens, and judgments which may affect the site.

- ii. Development schedule indicating the approximate date when construction of the development or phases of the development are intended to begin and be completed, including the timing of public improvements.
- iii. Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the development and any of its common areas.
- iv. Mailing list of the owners of abutting properties and properties located within one hundred (100) feet of the boundary of the proposed development.
- v. Objectives to be achieved by the development, including building descriptions, variations in building setbacks, parking, height or other requirements that are being sought; sketches of elevations, or other information as may be required to described objectives.
- vi. A phasing plan which addresses the proposed timing of public improvements and construction.

G. Procedures.

1. Submit Preliminary Development Plan. Submit preliminary development plan to the Town Manager. If the preliminary development plan meets all the submittal requirements, the Town Manager will set a date for the Planning and Zoning Commission to review the preliminary development plan.
2. Planning and Zoning Commission review of Preliminary Development Plan. At a regularly scheduled meeting, the Planning and Zoning Commission shall review the preliminary development plan submittal. This review is a mandatory informal meeting intended to provide the applicant with information regarding feasibility and any potential problems that should be addressed in the final development plan.
3. Town Board Review of Preliminary Development Plan. No later than forty-five (45) days following review of the preliminary development plan by the Planning and Zoning Commission, the Town Board shall review the preliminary development plan submittal and any information provided by the Planning and Zoning Commission. This review is a mandatory informational meeting intended to provide the applicant with information regarding the feasibility and any potential problems that should be addressed during preparation of the final development plan.
4. Submittal of Final Development Plan. After review of the preliminary development plan by the Planning and Zoning Commission and the Town Board, and after any changes are made to the preliminary development plan based upon recommendations made by the Planning and Zoning Commission and the Town Board, the applicant shall submit a final development plan to the Town Manager. Once the Town Manager determines the final development plan submittal is complete, a date will be set for the Planning and Zoning Commission to hold a public hearing for review of the final development plan submittal. Notice of the hearing shall be provided pursuant to Chapter 17.15.

5. Public Hearing by Planning and Zoning Commission on Final Development Plan. The Planning and Zoning Commission shall hold a public hearing considering the final development plan submittal. At the conclusion of the public hearing, the Planning and Zoning Commission shall recommend to approve, approve with conditions, continue the hearing to a later date, or deny the final development plan.
6. Town Board Public Hearing. No later than forty-five (45) days after the public hearing for the final development plan by the Planning and Zoning Commission, the Town Board shall hold a public hearing to review the final development plan. At the conclusion of the public hearing the Town Board shall approve the final development plan, approve the final development plan with conditions, continue the public hearing at a later date, or deny the final development plan.

H. Planned Unit Development: Review Standards and Criteria. A final development plan for a PUD overlay will not be approved unless it complies with the following requirements and standards.

1. General Requirements. The final development plan must comply with the following general requirements:
 - a. The proposed development conforms with the Town's Comprehensive Plan and any other adopted plans and policies relating to land use and development or the provision of public services.
 - b. The proposed development is compatible with the character of existing land uses in the surrounding area.
 - c. The proposed development shall not adversely affect the future of development of the surrounding area.
2. Land use intensity. The density and type of development permitted on a given site will be determined as a result of impact and site plan analysis.
3. Uses permitted. The uses in a PUD must be compatible with adjacent uses.
 - a. Residential Zone. In a residential zone, the Town may permit limited uses not generally associated with a residential zone if such uses are primarily for the service and convenience of the residents of the development and the immediate neighborhood. Such uses, if any, may not change or destroy the predominantly residential character of the PUD.
4. Avoid adverse impacts. The PUD shall avoid adverse impacts caused by traffic circulation, building height or bulk, lack of screening, ridge line and view corridor intrusion, wetland encroachment, or intrusions on privacy.
5. Open space. Open space shall be required for all PUD's. In approving a PUD, the Planning and Zoning Commission shall designate the amount, type and mix of open space to be provided (natural neighborhood, recreational, common or private). This requirement supersedes open space requirements of particular zone districts, if any.

6. Off-street parking. The Town will establish the number of off-street parking spaces in consideration of the following factors:
 - a. Probable number of cars owned or required by occupants of dwellings in the PUD;
 - b. Parking needs of any non-dwelling uses, including the traffic attracted to commercial uses from off-site; and
 - c. Varying time periods of use, whenever joint use of common parking areas is proposed.
7. Dimensional requirements. Dimensional requirements may be varied at the discretion of the Planning and Zoning Commission taking into consideration the intent, criteria and standards of the PUD overlay.
8. Site planning. The site plan for the PUD must satisfy the following site plan criteria or demonstrate that one or more of them is not applicable:
 - a. Units are clustered in the most developable and least visually sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases, are left in the natural state. Open space areas will be the maintenance responsibility of the homeowners. Any areas not left in natural state are designed for water conservation.
 - b. Roads and utility lines are designed to work with the existing grade and cut and fill slopes should be minimized. Roads and utilities are placed so that disturbance of significant vegetation is minimized.
 - c. Existing natural drainage ways are maintained to the extent practicable.
 - d. Adequate consideration has been given to soil conditions and ground water.
 - e. Trails and sidewalks are provided to allow efficient internal circulation as well as links to adjacent trail systems or other properties. Existing trails should be maintained and incorporated into open space elements of the project.
 - f. Common open spaces in a PUD site shall be preserved and maintained as provided for in an irrevocable dedication declaration, or restrictive covenants approved by the Town and filed and recorded in the office of the County Recorder, or other mechanisms acceptable to the approving agency.
 - g. Circulation in terms of an internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, access, noise, and exhaust control. Bicycle traffic shall be considered and provided for.
 - h. Variety in housing type, densities, facilities and open space is provided.
 - i. Pedestrian traffic is designed to provide safety, separation, convenience, access to points of destination, and attractiveness.

- j. Landscaping of the total site is addressed in terms of purpose of planning such as screening or ornamentation; hard surface materials uses, if any; maintenance, water needs, suitability; and effect on the neighborhood.

(Ord. 454 §1, 2000)

17.04 - Zoning Districts

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17.04.010 - Zoning District standards established.

- A. Residential Districts. In order to secure for the persons residing in the district a comfortable, healthy, safe, and pleasant environment in which to live sheltered from incompatible and disruptive activities and to encourage a diversity of housing options, the following residential districts are established.
1. R-1A: Residential Agricultural.
 2. R-1: Single Family Detached Residential.
 3. R-2: Multiple Family Residential
- B. Commercial Districts. In order to accommodate a wide variety of commercial activities, to make the Town's core district a more attractive and energetic place to live, work and shop, to separate pedestrian oriented development from automobile dependent activities and to enhance the economic development of the Town, the following commercial district is established:
1. CB: Central Business.
- C. Industrial Districts. In order to encourage a diverse employment base, provide for production of goods and services and minimize conflict with other land uses, the following industrial district is established:
1. I: Industrial.
- D. Open Space Districts. In order to preserve those lands suitable for open space conservation or low intensity recreational uses, the following district is established:
1. OS: Open Space.
- E. Mixed Use District. In order to encourage a wide variety of commercial activities and residential uses in defined areas on the periphery of the Town, resulting in the extensive and attractive use of these areas of the Town, the following mixed use district is established:
1. MU: Mixed Use

(Ord. 620 §1, 2012; Ord. 454 §1, 2000)

17.04.020 - Use and dimensional requirements.

A. R-1A: Residential Agricultural

1. Permitted Uses. The following categories of use are permitted uses in R-1A zone districts:

- a. Single family dwellings.
 - b. REPEALED (Ord. 533 §2, 2008)
 - c. Keeping of farm animals for the sole use and benefit of the occupant in well maintained pastures or pens, not overgrazed or soil pulverized to the point that blowing dust is a nuisance and manure is collected and properly treated or disposed of so as to not create offensive smells to neighboring properties. Permitted animals are limited to: two (2) of the following large animals: horses, mules, burros, llamas, sheep, cows, goats, as well as twenty (20) hens for the first two and one-half (2.5) acres. Animal numbers can increase one animal for each additional five (5) acres of land owned. This limitation does not apply to household pets.
 - d. Accessory structures to any permitted use or any approved Use by Special Review.
 - e. Farming and ranching.
 - f. Fences up to six (6) feet in height. (Ord. 533 §3, 2008)
 - g. Home occupations in conformance with home occupation standards set forth in 17.04.020.F. (Ord. 588 §5, 2010)
 - h. Family Childcare Home. (Ord. 590 §5, 2010)
2. Uses by Special Review. The following categories are allowed in R-1A zone districts only by special review:
 - a. Guest houses eight hundred (800) square feet or larger.
 - b. Parks and playgrounds.
 - c. Churches.
 - d. Libraries and museums.
 - e. Schools.
 - f. Bed and breakfasts.
 - g. Garages larger than one thousand two hundred (1,200) square feet in area. (Ord.533 §5, 2008)
 - h. Fences in excess of six (6) feet in height. (Ord. 533 §6, 2008)
 - i. Storage structures larger than three hundred (300) square feet in area. (Ord. 533 §7, 2008)
 3. Dimensional requirements. The following dimensional requirements apply to all structures constructed or located in the R-1A zone district:

- a. Minimum lot area: two and one-half (2.5) acres
- b. Minimum front setback: fifty (50) feet
- c. Minimum side setback: fifty (50) feet
- d. Minimum rear setback: fifty (50) feet

B. R-1: Single Family Detached Residential

1. Permitted Uses. The following categories are permitted uses in R-1 zone districts.
 - a. Single family dwellings.
 - b. Accessory structures to any permitted use or any approved use by special review.
 - c. Fences up to six (6) feet in height. (Ord. 533 §8, 2008)
 - d. Home occupations in conformance with home occupation standards set forth in 17.04.020.F. (Ord. 588 §6, 2010)
 - e. Family Childcare Home. (Ord. 590 §6, 2011)
2. Uses by Special Review. The following categories are allowed in R-1 zone districts only by special review:
 - a. Guest houses eight hundred (800) sq. ft. or larger.
 - b. Parks and playgrounds.
 - c. Churches.
 - d. Schools.
 - e. Bed and breakfasts.
 - f. Garages larger than one thousand two hundred (1,200) square feet in area. (Ord. 533 §9, 2008)
 - g. Fences in excess of six (6) feet in height. (Ord. 533 §10, 2008)
 - h. Storage structures larger than three hundred (300) square feet in area. (Ord. 533 §11, 2008)
3. Dimensional requirements. The following dimensional requirements apply to all structures constructed or located in the R-1 zone district.

- a. Minimum lot area: seven thousand five hundred (7,500) square feet in subdivisions approved after the effective date of this Zoning Code; six thousand (6,000) square feet for all other lots.
- b. Minimum front setback: fifteen (15) feet
- c. Minimum side setback: seven and one-half (7.5) feet residence; five (5) feet accessory structure.
- d. Minimum rear setback: ten (10) feet for principal structure; (5) feet for accessory structure.

C. R-2: Multiple Family Residential

- 1. Permitted Uses. The following categories of uses are permitted in R-2 zone districts:
 - a. Single family dwellings.
 - b. Multiple family dwellings, limited.
 - c. Accessory structures to any permitted use or any approved use by special review.
 - d. Fences up to six (6) feet in height. (Ord. 533 §12, 2008)
 - e. Home occupations in conformance with home occupation standards set forth in 17.04.020.F. (Ord. 588 §7, 2010)
 - f. Family Childcare Home. (Ord. 590 §7, 2011)
- 2. Use by Special Review. The following categories are allowed in R-2 zone districts only by special review.
 - a. Multiple family dwelling.
 - b. Guest houses larger than eight hundred (800) square feet in area (Ord. 533 §13, 2008).
 - c. Parks and playgrounds.
 - d. Churches.
 - e. Libraries.
 - f. Museums.
 - g. Schools.
 - h. Bed and breakfasts.
 - i. Mobile home parks.

- j. Community service facilities.
 - k. Townhouses.
 - l. Garages larger than one thousand two hundred (1,200) square feet in area. (Ord. 533 §14, 2008)
 - m. Fences in excess of six (6) feet in height. (Ord. 533 §15, 2008)
 - n. Storage structures larger than three hundred (300) square feet in area. (Ord. 533 §16, 2008)
3. Dimensional requirements. The following dimensional requirements apply to all structures constructed and located within R-2 zone districts:
- a. Minimum lot area: six thousand (6,000) square feet unless the lot is a townhouse lot, in which event minimum lot sizes shall be three thousand five hundred (3,500) square feet.
 - b. Minimum front setback: fifteen (15) feet
 - c. Minimum side setback: seven and one-half (7.5) feet for residences; five (5) feet for accessory structures (Ord. 464 §3, 2002)
 - d. Minimum rear setback: ten (10) feet for principal structure; five (5) feet for accessory structure
 - e. Minimum lot width: thirty (30) feet per unit, fifty (50) feet minimum
 - f. Side setbacks do not apply to townhouse lots, except that the townhouse must be set back seven and one-half (7.5) feet from the townhouse subdivision side boundary.

D. CB: Central Business

1. Permitted Uses. The following categories of uses are permitted uses in CB zone districts:
- a. Retail commercial and services establishments.
 - b. Professional buildings.
 - c. Theaters and movie houses.
 - d. Rental, repair and wholesaling facilities in conjunction with other uses permitted in CB provided that such activity is incidental and accessory to the use and conducted within a building.
 - e. Drinking and eating establishment.
 - f. Dwelling units comprising not more than one-half the total floor area of the structure and used only for long-term rental (*i.e.*, six (6) months or longer) or owner-occupancy.

- g. Vehicle parts, sales, leasing and rentals.
 - h. Laundry and dry cleaning establishments.
 - i. Accessory structures to any permitted use listed herein or any approved use by special review.
 - j. Commercial recreational facilities.
 - k. Fences up to six (6) feet in height. (Ord. 533 §17, 2008)
 - l. Home occupations in conformance with home occupation standards set forth in 17.04.020.F. (Ord. 588 §8, 2010)
 - m. Family Childcare Home. (Ord. 590 §8, 2011)
2. Uses by Special Review. The following categories are allowed in CB zone districts only by special review.
- a. Hotels, motels, boarding houses, lodging houses.
 - b. Commercial nurseries and greenhouses.
 - c. Recreational vehicle park.
 - d. Funeral parlors.
 - e. Any use, whether permitted or not, that will create an unusual traffic hazard or any objectionable noise, dust, vapor, fumes, odor, smoke, vibration, glare, or waste disposal problems.
 - f. Single family dwellings (must meet all requirements of R-1 zoning district).
 - g. Multiple family dwellings (must meet all requirements of R-2 zoning district).
 - h. Service stations, repair garages.
 - i. Community service facilities.
 - j. Schools.
 - k. Bed and breakfasts.
 - l. Townhouses (Ord. 470 §5, 2002)
 - m. Wholesaling and distribution facilities. (Ord. 470 §5, 2002; Ord. 462 §1, 2001)
 - n. Indoor warehousing and enclosed storage.(Ord. 470 §5, 2002; Ord. 464 §1 2002)

- o. Garages larger than one thousand two hundred (1,200) square feet in area. (Ord. 533 §18, 2008)
 - p. Fences in excess of six (6) feet in height. (Ord. 533 §19, 2008)
 - q. Storage structures larger than three hundred (300) square feet in area. (Ord. 533 §20, 2008)
 - r. Woodworking, general assembly and other similar activities. (Ord. 589 §1, 2010)
 - s. Custom Meat Processing facilities. (Ord. 593 §2, 2011)
 - t. Communication Towers.
 - u. Open storage facilities, with a one hundred twenty (120) foot setback from Highway 40 or Highway 9, measured from the highway right of way to the nearest facility boundary. Open storage facilities shall be subject to screening approved by the Town Board, including not limited to, vegetated berms, vegetated embankments, fencing, other landscaping or screening devices. The open storage facility shall be maintained in a clean and orderly condition.
 - v. Impound lot, with a one hundred twenty (120) foot setback from Highway 40 or Highway 9, measured from the highway right of way to the nearest facility boundary. Impound lots shall be subject to screening approved by the Town Board, including not limited to, vegetated berms, vegetated embankments, fencing, other landscaping or screening devices. The impound lot shall be maintained in a clean and orderly condition.
3. Dimensional requirements. The following dimensional requirements apply to all structures constructed or located within CB zone districts with the exception of residential uses. Residential uses must meet all dimensional requirements of the appropriate residential zoning district.
- a. Minimum lot area: two thousand five hundred (2,500) square feet, unless the lot is a townhouse lot, in which event the minimum lot size shall be three thousand five hundred (3,500) square feet.
 - b. Minimum front setback: None required. (Ord. 471 §1, 2002)
 - c. Minimum side setback: None required, where roof drainage is toward the rear lot line. If roof drainage is toward a side lot line, a minimum of six (6) foot setback from such side lot line is required. (Ord. 471 §1, 2002)
 - d. Minimum rear setback: Ten (10) feet; except, where the alley abuts the rear lot line, the distance may be reduced to five (5) feet for all structures, temporary structures, other buildings, and other obstructions, to provide for proper snow handling. (Ord. 533 §21, 2008; Ord. 471 §1, 2002)

E. I: Industrial

1. Permitted Uses. The following categories of uses are permitted in the Industrial (I) Zone.
 - a. Woodworking, general assembly and other similar manufacturing activities that do not generate high noise, dust, glare or odor.
 - b. Warehouses and mini storage.
 - c. Wholesale and distribution facilities.
 - d. Nurseries and greenhouses.
 - e. Machine shops.
 - f. Shop craft facilities.
 - g. Fences up to six (6) feet in height. (Ord. 533 §22, 2008)
2. Any use not specifically similar to the above permitted uses shall be approved only as Uses by Special Review.
 - a. Open storage facilities, with a one hundred twenty (120) foot setback from Highway 40 or Highway 9, measured from the highway right of way to the nearest facility boundary. Open storage facilities shall be subject to screening approved by the Town Board, including not limited to, vegetated berms, vegetated embankments, fencing, other landscaping or screening devices. The open storage facility shall be maintained in a clean and orderly condition.
 - b. Impound lot, with a one hundred twenty (120) foot setback from Highway 40 or Highway 9, measured from the highway right of way to the nearest facility boundary. Impound lots shall be subject to screening approved by the Town Board, including not limited to, vegetated berms, vegetated embankments, fencing, other landscaping or screening devices. The impound lot shall be maintained in a clean and orderly condition.
3. Dimensional requirements.
 - a. All industrial uses must maintain a minimum setback of twenty (20) feet from any residentially zoned area.
 - b. Other dimensional standards such as height limitations, lot area coverage, minimum and maximum lot sizes and setbacks will be established during the site plan review, taking into consideration the intensity of the proposed use, the character of adjacent land uses and the characteristics of the property.

(Ord. 454 §1, 2000)

F. OS: Open Space

1. Permitted Uses. The following categories are permitted uses in OS zone districts:
 - a. Parks.

- b. Fairgrounds.
 - c. Land conservation or preservation areas.
 - d. River corridors including riparian area and wetlands.
 - e. Recreation uses and facilities.
 - f. Water storage tanks.
 - g. Water or sewage treatment plant.
 - h. Retention ponds and structures.
 - i. Underground utilities.
 - j. Public facilities and service operations.
2. Uses by Special Review.
- a. Cemeteries or mausoleums.
 - b. Golf courses.
 - c. Clubhouses, pro-shops, concession stands and associated uses.
 - d. Communication towers.
 - e. Animal boarding facility.
 - f. Riding stables.
 - g. Agriculture production including farms, ranches, greenhouses, nurseries.
3. Dimensional requirements.
- a. Minimum front setback: fifteen (15) feet.
 - b. Minimum side setback: seven and one-half (7.5) feet.
 - c. Minimum rear setback: ten (10) feet for principal structure; five (5) for accessory structure.

G. MU: Mixed Use.

1. Permitted Uses. The following categories of uses are permitted in the MU zone district:
- a. Retail commercial and service establishments.
 - b. Professional buildings.

- c. Theaters and movie houses.
 - d. Rental, repair and wholesaling facilities in conjunction with other uses permitted in MU, provided that such activity is incidental and accessory to the use and conducted within a building.
 - e. Drinking and eating establishments.
 - f. Vehicle parts, sales, leasing and rentals.
 - g. Laundry and dry cleaning establishments.
 - h. Commercial recreational facilities.
 - i. Fences up to six (6) feet in height.
 - j. Home occupations in conformance with home occupation standards set for in 17.04.020.F
 - k. Family Childcare Home.
 - l. Single family dwellings.
 - m. Accessory structures to any permitted use listed herein or any approved use by special review.
2. Uses by Special Review. The following categories are allowed in the MU zone district only by special review.
- a. Hotels, motels, boarding houses, lodging houses.
 - b. Commercial nurseries and greenhouses.
 - c. Recreational vehicle parks.
 - d. Funeral parlors.
 - e. Any use, whether permitted or not, that may create an unusual traffic hazard or any objectionable noise, dust vapor, fumes, odor, smoke, vibration, glare, or waste disposal problems.
 - f. Multiple family dwellings (must meet all requirements of R-2 zoning district).
 - g. Service stations, repair garages.
 - h. Community service facilities.
 - i. Schools.
 - j. Bed and breakfasts.

- k. Townhouses.
 - l. Wholesaling and distribution
 - m. Indoor warehousing and enclosed garage.
 - n. Garages large than one thousand two hundred (1,200) square feet in area.
 - o. Fences in excess of six (6) feet in height.
 - p. Storage structures larger than three hundred (300) square feet in area.
 - q. Woodworking, general assembly and other similar activities.
 - r. Custom meat processing facilities.
 - s. Guest houses eight hundred (800) square feet or larger.
 - t. Parks and playgrounds.
 - u. Churches.
3. Dimensional requirements. The following dimensional requirements apply to all structures constructed or located within the MU zone district.
- a. For non-residential structures:
 - i. Minimum lot area: Two thousand five hundred (2,500) square feet.
 - ii. Minimum front setback: None required.
 - iii. Minimum side setback: None required, where roof drainage is toward the rear lot line. If roof drainage is toward a side lot line, a minimum of (six) 6 foot setback from such side lot line is required.
 - iv. Minimum rear setback: Ten (10) feet; except where the alley abuts the rear lot line, the distance may be reduced to five (5) feet for all structures, temporary structures, other buildings, and other obstructions, to provide for property snow handling.
 - b. For residential structures:
 - i. Minimum lot area: Seven thousand five hundred (7,500) square feet, unless the lot is a town home lot, in which case the minimum lot size shall be three thousand five hundred (3,500) square feet.
 - ii. Minimum front setback: Fifteen (15) feet.
 - iii. Minimum side setback: Seven and one-half (7.5) feet for the residence, five (5) feet for accessory structure.

(Ord. 620 §3, 2012)

17.04.025 – Uses prohibited in all zone districts.

Junkyards are prohibited in all zone districts.

17.04.030 - Home Occupation standards.

The following requirements and standards shall apply to home occupations:

1. The occupation shall be conducted so that there is neither outward appearance, nor manifestation of any characteristic of a business in the ordinary meaning of the term.
2. The occupation shall not utilize more than twenty (20) percent of the dwelling unit floor space and all activities, including storage of supplies or materials associated with the home occupation shall be conducted indoors.
3. No unreasonable noise, dirt, odor, vibration, or glare shall be observable off the premises.
4. Deliveries must not exceed volumes that would normally be expected in a residential neighborhood and shall not be delivered before 8:00 a.m. or after 6:00 p.m.
5. A home occupation whose primary activity is retail or wholesale sales shall be prohibited, except for catalog sales and Internet sales.
6. A home occupation shall not be open to visits from customers or clients before 8:00 a.m. or later than 6:00 p.m.
7. No window or outdoor advertising shall be permitted, except as provided in the Signs and Outdoor Advertising section of this Zoning Code.
8. All home occupations require a business license.

(Ord. 620 §2, 2012; Ord. 588 §13, 2010)

17.05 - Rezoning

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17.05.010 - General.

The procedure for changing the boundaries or area of any zone district, or for changing the zoning classification of any lot, as shown on the Official Zoning Map shall be as follows:

A. Applicant. A rezoning may be initiated by:

1. The owner of the lot proposed for rezoning.
2. Any person with the written consent of the owner of the lot proposed for rezoning.
3. The Planning and Zoning Commission.
4. The Town Board of Trustees.

(Ord. 454 §1, 2000)

17.05.020 - Rezoning process.

- A. Pre-application conference. The applicant must attend and participate in a pre-application conference with the Town Manager prior to submitting a rezoning application. The pre-application conference is an informal meeting between the applicant and the Town Manager or designee to discuss the proposed application and familiarize the applicant with the applicable requirements of this Zoning Code.
- B. Submittal requirements. The following information shall be submitted to the Town Manager's staff on the form provided by the Town any time after the pre-application conference.
1. Name, address, telephone number of the applicant and all owners.
 2. Street address and /or legal description of the property to be rezoned.
 3. Description of existing zoning, land uses and adjacent zoning and land uses.
 4. Description of the proposed use and an explanation of how the use complies with applicable standards.
 5. Rezoning fee.
- C. Application procedures.
1. The Town Manager shall prepare a report stating whether the application conforms to applicable provisions of the Town Code and recommending approval, approval with conditions or denial.

2. After the Town Manager's staff determines the application is complete and the report has been completed, staff shall establish the time and place for a public hearing. Notice of the hearing shall be provided pursuant to Chapter 17.09.
3. The Planning and Zoning Commission shall hold a public hearing to review the application and the Town Manager's recommendation and shall recommend approval, approval with conditions or deny the application.
4. Following the Planning and Zoning Commission hearing on the rezoning application, the Town Board shall, after giving such notice as is required by state statutes for adopting or amending a zoning ordinance, hold a hearing to consider the rezoning request. Using the criteria in the Zoning Code for rezoning requests, the Town Board shall approve, approve with conditions, or deny the rezoning.

D. Rezoning criteria:

1. No application for rezoning shall be approved except in compliance with each of the following criteria:
 - a. The proposed rezoning promotes the health, safety or welfare of the Town's inhabitants.
 - b. The proposed rezoning is consistent with the Comprehensive Plan.
 - c. The proposed zoning is compatible with the surrounding uses.
 - d. Changed conditions in the community since the time the current zoning district was first established make rezoning a logical extension of desired development and land use patterns.

(Ord. 454 §1, 2000)

17.06 - Variances

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17.06.010 - General.

The Board of Adjustment may vary dimensional requirements of this Zoning Code pursuant to this Chapter 17.06. (Ord. 454 §1, 2000)

17.06.020 - Variance Process.

A. Variance request submittal requirements.

1. The following shall be submitted to the Town Manager's staff on the form provided by the Town:
 - a. Name, address, telephone number of the applicant and all property owners.
 - b. Street address and/or legal description of the lot.
 - c. Map of the lot indicating the proposed structure and such other information necessary to prove that the applicable criteria are satisfied.
2. Variance request fee to be established by the Town.

B. Procedure.

1. The Board of Adjustment shall establish the time and place for a public hearing upon receipt of a complete variance request. Notice of the hearing shall be provided pursuant to Chapter 17.09.
2. At the public hearing the Board of Adjustment shall determine whether the variance request satisfies applicable criteria and shall approve, approve with conditions or deny the request.
3. The Board of Adjustment may impose only such reasonable conditions as it may deem necessary to ensure the applicable criteria are satisfied.

C. Variance criteria.

1. A variance shall be granted if the Board of Adjustment finds the following criteria are satisfied:
 - a. The particular physical surroundings, shape or topographical condition of the property cause an undue hardship on the applicant if the Zoning Code is strictly enforced.
 - b. The hardship is one suffered by the applicant and would not be applicable to other properties within the same zoning classification.
 - c. The hardship relates to the applicant's land rather than personal circumstances.
 - d. The applicant or any person presently or previously having an interest in the property has not created the hardship.

- e. The proposal is consistent with the objectives of the Comprehensive Plan and is compatible with neighborhood uses.
- f. The variance will not result in the extension of a nonconforming use.

D. Term of Variance approval. The granting of a variance becomes part of the corresponding building permit and shall have the same term as the building permit.

(Ord. 454 §1, 2000)

17.07 - Board of Adjustment

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17.07.010 - Board of Adjustment established.

- A. A Board of Adjustment (BOA) is established consisting of five (5) members appointed by the Board of Trustees of the Town (the Board), and having terms of three (3) years each. Vacancies in the BOA caused by death, resignation, refusal to act or removal by the Board shall be filled by appointment by the Board. Meetings of the BOA shall be held at the call of the Chairman or any two members of the BOA. The BOA shall adopt its own rules of procedure and keep a record of its proceeding showing the action of the BOA and the vote of each member upon each question considered. The presence of four (4) members of the BOA shall constitute a quorum, and all meetings shall be open to the public. The concurring vote of four members of the BOA shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this article, or to effect any variation in this Title.
- B. The BOA shall hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Title. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Title. All such appeals shall be heard within such time as shall be prescribed by the BOA by general rule.
- C. Upon notice of appeal, the administrative official shall forthwith transmit to the BOA all papers constituting the record upon which the action was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the BOA, after the notice of appeal has been filed, that by reason of facts in the certificates a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be on application, or notice to the officer from whom the appeal is taken and on due cause known.
- D. The BOA shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and to the Planning and Zoning Commission; and shall decide the same within thirty days. (Ord. 464 §4, 2002)
- E. The BOA may reverse, or affirm wholly or in part, or may modify the order, requirements, decision or determination as in its opinion ought to have been made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.
- F. Every decision of the BOA shall be subject to review by certiorari by the district court of Grand County, Colorado. Such appeal may be taken by any person aggrieved by an officer, official or the Board of Trustees of the Town of Kremmling.
- G. The BOA shall fix a reasonable time for the hearing of all appeals, shall give due notice thereof to the parties, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.
- H. The BOA may reverse, affirm, or wholly or in part, modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion out to be made in the premises and, to that end, has all the powers of the officer

from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this title, the BOA has the power, in passing upon appeals, to vary or modify the application of the regulations or provisions of this title relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the title is observed, public safety and welfare secured, and substantial justice done.

(Ord. 454 §1, 2000)

17.09 - Public Notice

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17.09.010 - Public notice.

- A. Notice required. Prior to any public hearing required pursuant to the Zoning Code, notice shall be provided to the public pursuant to this Section 17.09.010.

- B. Manner of Notice. The Town Manager’s staff shall cause notice to be published in a newspaper of general circulation at least fifteen (15) days prior to the public hearing. The applicant shall post notice on the property subject to the development application at least ten (10) days prior to the hearing on a sign approved by the Town. The applicant shall mail a certified letter to each adjacent landowner.

- C. Content of the Notice. All notices and certified letters shall include the name and address of the applicant, a brief description of the approval sought, the date, time and place of the hearing, the address and legal description of the property and other such information as may be required to fully apprise the public of the proposal.

- D. Applicant to pay advertising fees. All applicants requiring a public hearing shall pay the costs associated with advertising said public hearing. No application for approval under the Section 17 shall be approved until any required advertising fees are paid.

(Ord. 454 §1, 2000)

17.10 - Parking Requirements

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17.10.010 - Parking requirements.

A. The following off-street parking requirements apply throughout all zone districts for new construction and remodels that increase floor areas by one thousand (1,000) square feet:

1. Residential. Two (2) spaces for each dwelling unit except for multifamily dwelling units to be occupied by the elderly, which shall have 1.5 per each dwelling unit.
2. Guest Houses. One (1) space or one space per bedroom, whichever is greater.
3. Public Assembly. One (1) space for every three (3) person's capacity under the Uniform Building Code.
4. Hotels, Motels and other Commercial Accommodations. One (1) space for each guest unit.
5. Drinking and Eating Establishments. One (1) space per 2.5 person seating capacity.
6. Office. One space per two hundred (200) square feet of gross floor area but no fewer than three spaces per separate enterprise.
7. Industrial establishments. One (1) space per 1.3 employees.
8. Retail Commercial. One (1) space for each three hundred fifty (350) square feet of retail floor area plus one space for each two (2) employees.
9. Parking Spaces for Oversize Vehicles. Parking spaces for oversize vehicles may be required as determined in the site plan review process.
10. All other Uses. To be determined by the Town Manager.

(Ord. 454 §1, 2000)

17.11 - Sign Code

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17.11.010 - Purpose.

- A. Establish standards for the type, placement, and physical dimensions of all signs.
- B. Promote equal treatment under the law through accurate record-keeping and consistent enforcement.
- C. Bring non-conforming signs into compliance.
- D. Balance the right of individuals to identify their business with the right of the public to be protected from visual discord resulting from the unrestricted proliferation of signs.
- E. Provide a procedure for variance recognizing that instances may occur where strict application of the provisions of this chapter may deprive a person of the reasonable use of a sign.
- F. Allow for freedom of expression while preserving the historic western character of the town.
- G. Assure and promote the safety of pedestrian and vehicular traffic.
- H. Promote both preservation and renovation.

17.11.015 - Definitions.

“Abandoned Sign” - A sign is considered abandoned if the business or activity advertised on the sign is no longer licensed, no longer doing business, or is no longer active at that location, and such inactivity exists for a thirty (30) day or longer period of time.

“Awning Sign” - Proportional words, letters, numbers, or other symbols which are painted, stitched, sewn or stained onto the exterior of an awning. No awning shall block the view of other signs or extend over a public property or right-of-way.

“Banner” - A professionally produced sign made of fabric or any non-rigid material that contains language for advertisement, greeting or similar messages intended to be displayed for a short period of time. Not to be used in lieu of permanent signage.

“Billboard” - Any framework for signs advertising merchandise, services, or entertainment sold, produced, manufactured, or furnished at a place other than the location of such structure.

“Direct Illumination” - A lighting source not part of the sign, such as a flood lamp or other source aimed at and directly illuminating the sign.

“Indirect Illumination” - A lighting source that is an integral part of the sign, such as neon lighting or back lighting of a sign using an illumination source attached to or a part of the sign.

“Menu Sign” - Any sign or display device that contains the restaurant menu or daily specials. The sign will have a maximum of two (2) square feet.

“Permanent Window Sign” - A sign or painted information upon or within three feet of a window for the purpose of viewing from outside of the premises. Displayed merchandise and decorative borders are excluded.

“Portable Sign” - A movable self-supporting sign with one or two faces. The sign will have a maximum of twelve (12) square feet per side and can only be placed on private property of the business and not on any public property, sidewalk, or street. The sign shall only be posted during regular business hours.

“Sign” - Any stationary object or device situated outdoors or indoors, but subject to public view, which is used to advertise or identify an object, person, institution, organization, business, product, service or event by means including words, letters, figures, designs, color, motion, illumination or other symbols.

“Sign Area” - A sign shall be measured by the sum total of all sign faces, including logos, marks, icons, emblems and/or other types of symbols used to identify an individual business. If a sign is attached to a wall without a backing surface, the total sign area shall be the sum of the area created from the outside edge of the first letter to the outside edge of the last letter as measured in a straight line and the area from the top of the highest letter to the bottom of the lowest letter as measured in a straight line.

“Special Event Sign” - A temporary sign advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the town.

“Temporary Window Sign” - A sign advertising a sale, special, or a product or activity that does not exceed ninety (90) days and applied upon or within three feet of a window for the purpose of viewing from outside of the premises. Total area of all signs not to exceed fifty percent (50%) of the window area.

17.11.020 - General restrictions.

- A. Except as otherwise provided in this chapter, and except those signs located on Town property as are authorized by that Revocable License Agreement approved by Resolution No. 2014-03-01 dated March 5, 2014, a permit is required to erect, install, relocate, structurally modify, or perform any other non-routine maintenance of any sign.
- B. All signs are subject to inspection.
- C. Signs not specifically authorized in accordance with this chapter are prohibited.
- D. No sign shall be allowed in any public right-of-way.
- E. Signs that blink, flash, rotate, scroll or which vary in light intensity are prohibited.

- F. Animated, moving, or swinging signs are prohibited.
- G. Signs which emit visible smoke, vapor, particles, or odor are prohibited.
- H. Signs which produce audible noise or sounds are prohibited.
- I. All billboards are prohibited.
- J. Signs mounted, painted on, or attached to a parked vehicle or trailer for the primary purpose of attracting people to a product, business, or activity located on the same or nearby premises, or to a product, business, or activity located on a public right-of-way in the vicinity of such vehicle or trailer are prohibited.

17.11.025 - Sign types.

Only the following types of signs shall be allowed:

A. Business Directional Signs.

- 1. Purpose: To direct the flow of traffic in and out of drives and parking areas of buildings.
- 2. Size: Three (3) square feet maximum per sign.
- 3. Number: Two (2) per premise and two (2) per each street premise faces.
- 4. Illumination: Indirect only.

B. Business General Signs.

- 1. Purpose: To announce the name of a business or service establishment and/or to indicate the type of goods sold or services performed at the premises where the sign is located.
- 2. Size: Sixty-four (64) square feet maximum per sign. Two hundred (200) square feet total per premises.
- 3. Number: Three (3) signs. A two-sided sign is considered two (2) signs.
- 4. Illumination: Direct or indirect.

C. Business Banners - No permit required.

- 1. Purpose:
 - a. To announce public events to be held at the premises where the sign is located.
 - b. To announce the promotion of a product or service.
 - c. A welcome or greeting.
- 2. Size: Thirty (30) square feet maximum per sign.

3. Number: Two (2) signs.
4. Illumination: None.
5. Time Limit: Ninety (90) days, non-renewable. Must be marked with date hung or date of expiration.

D. Business Window Signs - Permanent.

1. Purpose:
 - a. To announce the name of a business or service establishment.
 - b. To indicate the type of goods sold or services performed.
 - c. To indicate the operating hours.
 - d. To indicate whether a business is opened or closed.
2. Location: Must be placed inside of structure.
3. Size: Total area of all signs not to exceed fifty percent (50%) of window area.
4. Illumination: Direct or indirect.

E. Temporary Signs - No permit required.

1. Purpose and limitations:
 - a. To announce the sale or leasing of a property or building where the sign is located.
 - b. To announce the building, architect, or tenant of a proposed building to be constructed where the sign is located.
 - c. To announce election candidates and/or election issues. Limited to two (2) signs per candidate or issue. Election signs shall be removed within seven (7) days after each election.
 - d. Menu signs, two (2) per restaurant.
 - e. Portable signs, one (1) per business.
 - f. Special Event signs to announce a special event.
 - g. Temporary window signs.

F. Home Identification Signs - No permit required.

1. Purpose: To identify premises and/or occupants of premises upon which the sign is located.

2. Size: Two (2) square feet maximum.
3. Number: One (1) sign.
4. Illumination: None, except that used to illuminate dwelling addresses.

G. Home Occupation Signs.

1. Purpose: To announce the name, location, sponsor, or occupant of a home occupation at the home where the sign is located.
2. Size: Two (2) square feet maximum.
3. Number: One (1) sign.
4. Illumination: None.

17.11.030 - Height.

No sign shall project above the roof line or façade of the building identified or advertised by the sign.

17.11.035 - Application for sign permit.

- A. The applicant for a permit shall complete an application on forms available from the Town. The application shall include the following information:
 1. The name, address, and telephone number of the owner, or authorized agent.
 2. The address of the property where the sign(s) will be located.
 3. Drawings indicating dimensions, square footage and the type of illumination of each proposed sign.
 4. A site plan indicating the location and dimensions of all proposed and existing signs.
 5. The total square footage of all proposed and existing signs.
 6. The applicable fee.
 7. Signature of applicant.
- B. The application will be reviewed and shall be approved with or without conditions, denied, or referred back to the applicant for additional information.
- C. The permit shall expire if the work is not completed within ninety (90) days. In the event of the expiration of the permit, the applicant may apply for a new permit.

17.11.040 - Use by Review.

- A. Application and Review. If a permit application seeks approval for a sign not in conformance with this Code, the Town Manager may grant the permit for a non-conforming sign upon the following terms and conditions:

1. Applicant shall supply such information, drawings, sketches and maps as the Town Manager deems necessary for the review of the request.
 2. A review fee shall be paid to the Town.
 3. The application shall be reviewed for conformance with the character of the neighborhood and noninterference with adjacent properties.
 4. A nonconforming sign shall not interfere in any way with foot or vehicle traffic by creating distraction, sightline interference or view blocking.
 5. The Applicant must establish the necessity of the sign by a showing that the signage allowed under this Code is insufficient for the circumstances of the property, such as speed of traffic, number of businesses on the premises needing signs, and similar reasons not simply related to competitive advantage.
 6. The application shall be granted no earlier than fifteen (15) days following public notice of the application by a single publication in the legal newspaper published at the applicant's expense. Such published notice shall include the Applicant's name, a full description of the sign, including the size, text, height, lighting and location of the proposed sign, and state that public comment is invited. The Town Manager shall seek to resolve concerns raised by any comments received, and if unable to do so, shall deny the application.
 7. Signs permitted by special review must be maintained, and the size, shape, text, lighting, and height may not be altered without obtaining approval of a new permit pursuant to this Section. Permits issued hereunder shall be transferrable from owner to owner of said property.
- B. Appeal. Applicant or any aggrieved person who commented on the application may appeal the decision of the Town Manager to the Board of Trustees, which shall hold a hearing on the application following notice of the appeal. Notice of the appeal hearing shall be made by mailing to the appellant and the applicant and by a single publication in the legal newspaper. Such published notice shall advise of the time, date and purpose of the hearing, and shall identify the Applicant and provide a full description of the sign, including the size, text, height, lighting and location of the proposed sign.

17.11.045 - Maintenance and removal.

- A. Safe and Presentable Condition. Every sign, including but not limited to those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable, and good structural material condition at all times, including the repair or replacement of defective parts, painting, cleaning, and other acts required for the maintenance of said sign.
- B. Colorado Department of Transportation (CDOT) Conformity. All signs located in the state highway right-of-way shall conform to the standards set forth by CDOT.
- C. Dangerous or Defective Signs. No persons shall maintain or permit to be maintained on any premises owned or controlled by him/her any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises once the dangerous or defective condition arises.

- D. Abandoned Signs. It is unlawful to maintain for more than thirty (30) days any sign that has become obsolete because of discontinuance of the business, service, or utility it advertises.
- E. Removal of Signs by the Town. The Town shall cause to be removed any abandoned, poorly maintained, or dangerous signs, or materially, electrically, or structurally defective signs for which no permit has been issued. The Town shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days the sign shall be removed by the Town at the sign owner's expense.

17.11.050 - Fees.

The Board of Trustees shall set the fees by resolution.

(Ord. 594 §1, 2, 2011; Ord. 568 §1, 2, 2010; Ord. 514 §1, 2, 2007; Ord. 454 §1, 2000)

17.12 - Fence Regulations

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17.12.010 - Fences.

A.

1. Permit required. No person shall construct or erect any fence within the Town of Kremmling without having first obtained a fence permit.
2. Permit not required. No permit is required to repair or replace an existing fence, if the replacement fence is the same size and constructed of the same or similar material, as the fence being repaired or replaced.
3. The person applying for the fence permit, or repairing or replacing a fence when a permit is not required, and the owner of the property, are solely responsible for identifying lot lines and correctly locating any fence. The Town is not responsible for correctly locating lot lines or fences. Approval of a permit hereunder is not an approval or a warranty that the lot lines indicated on the drawing, and/or as located on the ground, is the correct lot line or fence location.

B. Application, process. A permit for a fence shall be obtained through submittal under Kremmling Municipal Code Section 17.03.050, "Permitted Use Approval."

1. If a fence is also regulated under the Building Code (Kremmling Municipal Code Title 15), a person must obtain a permit hereunder and under the Building Code.
2. The Town Manager shall review all fence plans, and shall consult with the Police Chief to evaluate traffic or safety concerns that would result from approval of the fence. The Town Manager shall deny any application that limits sight distance or in any other way impacts traffic safety.

C. Fence materials allowed, allowed subject to special use process.

1. Fences may be constructed of wood or chain link fence material, or of vinyl, steel or aluminum products specifically made for and marketed as fence material.
2. A special use permit must be obtained if fence is constructed of any other material not listed in Section B.1 above.
3. A special use permit must be obtained for electrified fences.
4. A special use permit must be obtained if fence height is six feet, one inch (6'1") or greater in height as measured on the outside of the fence from the pre-existing predominant existing grade perpendicular to the line of the fence.

(Ord. 509 §2, 2006)

17.13 - Site Specific Development Plan/Vested Rights

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17.13.010 - Purpose.

The purpose for this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24 of the Colorado Revised Statutes, as amended. (Ord. 454 §1, 2000)

17.13.020 - Creation of vested property rights.

A vested property right shall be deemed established upon the final approval of a site specific development plan. Such vested property rights shall attach and run with the applicable property. (Ord. 454 §1, 2000)

17.13.030 - Site specific development plan.

Approved PUD overlays, approved Site Plans and final plats for major and minor subdivisions shall constitute site-specific development plans. The Town Manager may, in his discretion, also designate other approvals or permits as site specific development plans within the limits of Article 68 of Title 24 of the Colorado Revised Statutes, as amended, upon written request of the applicant. (Ord. 454 §1, 2000)

17.13.040 - Duration of right and termination.

- A. A property right that has been vested, hereunder, shall remain vested for a period of 3 years. In the event the amendments to the site specific development plan are processed and approved, the effective date of such amendments, for purposes of the duration of the vesting period, shall be the date of the approval of the original site specific development plan, unless the amendments are approved by the Town Board and the Town Board specifically finds to the contrary and incorporates such findings in an approval of the amendment.
- B. The Town may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the original approval. Failure to establish such compliance may result in a notice of forfeiture of the vested right.

(Ord. 454 §1, 2000)

17.13.050 - Development agreements.

In conjunction with approval of a site specific development plan pursuant to this article, the Town Board may enter into a Development Agreement with an owner providing that property rights shall be vested for a period exceeding three (3) years where the Town Board finds such to be warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic factors, and market conditions. (Ord. 454 §1, 2000)

17.13.060 - Limitations.

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, Colorado Revised Statutes, as amended. In the event of the repeal of said Article, or a judicial determination that said Article is invalid or unconstitutional, no vested

property right shall be deemed created by the approval by the Town of any site specific development plan. (Ord. 454 §1, 2000)

17.14 - Nonconforming Situations

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17.14.010 - Definitions applicable to nonconforming situations.

For the purposes of this Chapter 17.13, the following terms shall have the following meanings:

“Expenditure” means a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

“Nonconforming Project” means any development that is incomplete at the effective date of this Zoning Code which lawfully commenced, and which does not, on the effective date of this Zoning Code, conform to one or more of the regulation set forth in this Zoning Code.

“Nonconforming Sign” means a sign which unlawfully existed at the time it was erected, and which does not, on the effective date of this Zoning Code, conform to one or more of the regulations set forth in this Zoning Code.

“Nonconforming Structure” means a structure lawfully existing at the time the structure was constructed, and which does not, on the effective date of this Zoning Code, conform to the dimensional requirements of the zone district in which it is located.

“Nonconforming Use” A use lawfully occupying a structure or land at the time the use was commenced, and which does not, on the effective date of this Zoning Code, conform to the use regulations of the zone district in which it is located.

(Ord. 454 §1, 2000)

17.14.020 - Nonconforming uses.

A. The nonconforming use of a structure or land may be continued, except as otherwise provided herein.

1. The nonconforming use shall not be changed to a different nonconforming use.
2. The nonconforming use shall not be extended or expanded. An “extension or expansion” shall include any increase in the floor area of the structure in which the nonconforming use is conducted or an increase in land area used for the nonconforming use, and any expansion or relocation of the nonconforming use, in whole or in part, to a different part of the structure or land.
3. When a nonconforming use is (i) discontinued for a consecutive period of one hundred and eighty (180) days, or (ii) discontinued for any period of time without a present intention to reinstate the nonconforming use, the structure or land involved may thereafter be used only for conforming purposes.

4. Structures containing nonconforming uses may be repaired and maintained.
5. Repairs, replacements, alterations or renovations to any structure containing nonconforming uses estimated to exceed twenty-five (25) percent of the appraised value of the structure are not permitted unless the structure, or a portion thereof, is declared unsafe by the Town Building Inspector, in which case the structure or portion thereof declared unsafe may be strengthened, altered or restored to a safe condition. This subsection does not apply to single family dwelling uses which may be repaired, replaced, altered or renovated without such limitation.

(Ord. 454 §1, 2000)

17.14.030 - Nonconforming structures.

A. A nonconforming structure may continue to be used, except as otherwise provided herein.

1. If a nonconforming structure becomes conforming, it shall not be changed back to a nonconforming structure.
2. A nonconforming structure may be repaired and maintained.
3. Repairs, replacements, alterations or renovations to any nonconforming structure estimated to exceed twenty-five (25) percent of the appraised value of the structure are not permitted unless the structure or a portion thereof, is declared unsafe by the Building Inspector, in which case the structure or portion thereof declared unsafe may be strengthened, altered or restored to a safe condition. This subsection does not apply to single family dwellings which may be repaired, replaced, altered or renovated without such limitation.

(Ord. 454 §1, 2000)

17.14.040 - Nonconforming signs.

A. Any nonconforming sign may be continued subject to the following provisions:

1. A nonconforming sign may be repaired and maintained.
2. No such sign may be enlarged or altered in such a manner as to increase its nonconformity; however, any sign or portion thereof may be altered to decrease its nonconformity.
3. If any such sign or nonconforming portion thereof is destroyed by any means to an extent of more than fifty (50) percent of its original cost, it shall not be reconstructed except in conformity with this Zoning Code.
4. If any such sign should for any reason be removed from its location for more than thirty (30) days, it shall not thereafter be replaced except in conformity with this Zoning Code.
5. All nonconforming signs in R-1 and R-2 districts shall be removed or made to conform with this Zoning Code within one year after the effective date of this Zoning Code. All nonconforming signs in CB and Industrial zones shall be removed or made to conform with this Zoning Code within two (2) years after the effective date of this Zoning Code. All

obsolete signs and sign posts shall be removed from all zoning districts within one (1) year after the effective date of this Code.

(Ord. 454 §1, 2000)

17.14.050 - Completion of Nonconforming Projects.

- A. All nonconforming projects on which construction began at least one hundred eighty (180) days before the effective date of this Zoning Code as well as all nonconforming projects that are at least ten (10%) percent completed in terms of the total expected cost of the project on the effective date of this Zoning Code may be completed, subject to subsection 17.13, in accordance with the terms of their approvals and permits, so long as such permits are validly issued and remain unrevoked and unexpired. If a development is designed to be completed in phases, this subsection shall apply only to the particular phase under construction.

- B. All work on any nonconforming project shall cease on the effective date of this Zoning Code, until such time as the Town Manager finds that the application has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed its position in some substantial way in reasonable reliance on the land-use law as it existed before the effective date of this chapter and thereby would be unreasonably burdened if not allowed to complete the development.

(Ord. 454 §1, 2000)

17.15 - Enforcement and Review

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17.15.010 - Complaints regarding violations.

Whenever the Town Manager receives a complaint alleging a violation of this Title 17, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

17.15.020 - Persons liable.

The owner, tenant, or occupant of any building or land or part thereof and any architect, building, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Zoning Code may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

17.15.030 - Penalties and remedies for violations.

- A. Fines and Imprisonment. Any person who violates any provision of any section of this Title, or fails to comply with any of its requirements, including, without limitation, violations of any conditions and safeguards established in connection with grants of variances or development approvals, commits an offense, and upon conviction thereof, shall be punished as provided in Kremmling Municipal Code Section 1.16.010. Each day that a violation continues shall be a separate offense. (Ord. 535 §55, 2008).
- B. Equitable Action. The Town may institute injunctive, abatement, or other appropriate action to prevent, enjoin, abate or remove a violation of this Zoning Code. The same right of action shall accrue to any person who may be damaged by a violation of this Zoning Code.
- C. Permit Revocation.
 1. Any development approval or other authorization pursuant to this Zoning Code, which is issued in reliance upon any materially false statement by the applicant, or in the application submittal, is void and shall be revoked.
 2. A site specific development approval or other authorization pursuant to this Zoning Code may be revoked by the Town, following notice and hearing, if the permittee fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Zoning Code, or any additional requirements lawfully imposed by the Town.
 3. Remedies Cumulative. All remedies provide under this section are cumulative and shall be in addition to any other remedies provided by law.

(Ord. 535 §55, 2008; Ord. 454 §1, 2000)

17.16 - Mobile Home Parks

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17.16.010 Purpose and intent.

- A. The purpose of this chapter is to protect the public health, safety and welfare of the residents of the Town by regulating the construction, alteration, extension, location, installation, use and maintenance of mobile home parks. Nothing in this chapter shall be construed to discriminate against mobile homes as housing.
- B. The requirements set forth in this chapter are intended to supplement other requirements pertaining to mobile home parks. If any provision of this chapter conflicts with any other code provisions regulating mobile home parks, the provisions of this chapter shall supersede any other provisions. (Ord. 439 §1(part), 1999)

17.16.020 Definitions.

The following definitions shall apply to this chapter:

“Accessory use” means any detached carports, garages, sheds or other miscellaneous structures. (Ord. 619 §1, 2012)

"Front setback" means the portion of the lot adjacent to the interior street.

"Mobile home park" means a tract of land designed, used or intended to provide a location or accommodation for two (2) or more mobile homes, whether or not the lot or tract or any part thereof is held for profit, but the term excludes automobile or mobile home sale lots on which mobile homes are parked only for inspection or sale.

"Nonconforming mobile home park" means the lawful use of land as a mobile home park, in compliance with all requirements of the Kremmling Municipal Code at the time the ordinance codified in this chapter came into effect, but which does not conform to the requirements of this chapter.

"Primary use" means the mobile home and any attached decks, porches, and additions. (Ord. 619 §2, 2012)

(Ord. 439 §1(part), 1999)

17.16.030 Mobile home park permit required.

It shall be unlawful to commence the construction of any mobile home park or the enlargement of an existing mobile home park until the Town Planning Commission and Board of Trustees has approved a mobile home park permit. (Ord. 439 §1(part), 1999)

17.16.040 Application submittal requirements.

Application submittal requirements for a mobile home park permit shall be the application submittal requirements and fees applicable to subdivisions as set forth in the Kremmling Subdivision Regulations. (Ord. 439 1(part), 1999)

17.16.050 Mobile home park permit review procedures.

The Planning Commission and Board of Trustees will review mobile home park permit applications in accordance with review procedures as set forth in the Kremmling Subdivision Regulations. (Ord. 439 §1(part), 1999)

17.16.060 Design standards.

No mobile home park permit may be issued unless the applicant demonstrates compliance with the following standards:

- A. Minimum area. The minimum area for a mobile home park shall be three (3) acres.
- B. Maximum density. The maximum density of any mobile home park shall not exceed seven (7) mobile homes per acre.
- C. Minimum space size. The minimum mobile home space size is four thousand (4,000) square feet, with no more than one (1) mobile home per space.
- D. Minimum setbacks. A mobile home shall not be located any closer than twenty (20) feet from any other mobile home, dwelling or any other structure for primary use and not closer than ten (10) feet from any other structure for accessory use. The stated distance shall be as measured from structures, including any overhangs, porches, decks or other attachments to the main structure. [Corrected miss-lettered “D” (Ord. 439 §1(part), 1999)]
 - 1. From exterior park boundary:
 - a. Twenty (20) feet from any public road or public right-of-way.
 - b. Twenty (20) feet from adjacent private or public property.
 - 2. For mobile homes on lots not adjacent to public roads, right-of-way, public or private property:
 - a. Front: twenty (20) feet from the lot line.
 - b. Side: ten (10) feet from the lot line.
 - c. Rear: ten (10) feet from the lot line.
- E. Access. A minimum of two means of access to the mobile home park from a dedicated street is required.
- F. Interior streets. Interior streets shall be a minimum of thirty-two (32) feet in paved width and shall be surfaced with asphalt or concrete, or equivalent material, and will include curb and gutter in accordance with Town standards.
- G. Off-street parking. Each mobile home space shall have a minimum of two (2) spaces (ten (10) feet by twenty (20) feet) for off-street parking. Access to off-street parking must be by interior

roads.

- H. The exterior boundary of mobile home parks shall be screened to reduce the visibility of the mobile home park from adjacent public and private property. Screening shall consist of vegetated berms, vegetated embankments, fencing and other landscaping or screening devices approved by the Town.
- I. Landscaping.
 - 1. The mobile home park and the yard area around mobile homes shall be landscaped and maintained in a neat, attractive condition at all times.
 - 2. The owner of the property, his successors, heirs and assigns shall be responsible for the proper maintenance of the landscaping within the mobile home park. Maintenance shall include necessary watering, weeding, mowing, pruning, pest control and replacement of dead or diseased plant material. (Ord. 619 §3, 2012)
- J. Utilities to be provided.
 - 1. Each mobile home shall be connected to its own water tap.
 - 2. The Kremmling Sanitation District shall provide sewer service to each mobile home.
- K. Park land dedication requirement. There shall be three thousand (3,000) square feet of land dedicated to the Town for public park purposes for every seven (7) lots, to be provided proportionately to the number of lots. This requirement, to be fulfilled with Town approval, may be met by providing a fee in lieu of park land dedication to be used by the Town to improve or expand an existing park, or to purchase additional land for a new park. (Ord. 619 §4, 2012)

(Ord. 619 §5, 2012; Ord. 439 §1(part), 1999)

17.16.070 Existing mobile home parks.

A mobile home park existing as of the effective date of this chapter shall be allowed to continue to do so as a nonconforming mobile home park subject to the provisions of this section.

- A. Mobile home park densities for the following zoning districts shall be as follows:
 - 1. C-B: Nine (9) mobile homes per gross acre.
 - 2. R-2: Nine (9) mobile homes per gross acre.
- B. A mobile home shall not be located closer than twenty (20) feet from any other mobile home, dwelling, or any other structure for primary use and not closer than ten (10) feet from any other structure or accessory use. The stated distance shall be as measured from structures, including any overhangs, porches, decks, or other attachments to the main structure.
- C. The minimum mobile home space size is three thousand five hundred (3,500) square feet, with no more than one mobile home allowed per space. One in-place mobile home may occupy a space less than three thousand five hundred (3,500) square feet while meeting setback requirements. Any movement of a mobile home into an existing mobile home park, or relocation of a mobile home from one space to another space within the mobile home park, shall meet the space

requirements of three thousand five hundred (3,500) square feet and the setback requirements.

D. Minimum setbacks for mobile homes:

1. Front street: twenty (20) feet;
2. Rear alley and side street: ten (10) feet;
3. Side yards within mobile home space within mobile home park: no minimum;
4. Side or rear property lines: a setback of five (5) feet if there are no dwellings on the adjacent developed property located within fifteen (15) feet of the property line; a variable setback of five (5) to fifteen (15) feet if there are dwellings located on the adjacent property that are closer to the property line than fifteen (15) feet, so that a twenty (20) foot minimum space between dwellings is maintained; a setback of fifteen (15) feet if the adjacent property is undeveloped.

Note: It is the intent of this code to require the relocation of a mobile home if a dwelling is later constructed on the adjacent property within fifteen (15) feet of the property line. It is not the intent of this code to prohibit an adjacent property owner from constructing a dwelling within the legally prescribed minimum setback for that property.

E. Utilities to be provided:

1. Each mobile home shall have its own water tap.
2. The Kremmling Sanitation District shall provide sewer service to each mobile home.

F. If the use of land as a nonconforming mobile home park is discontinued for a period of six (6) months or more, any future use of the land must conform to section 15.16.060 of these regulations. Use as a mobile home park is deemed discontinued if there are no habitable mobile homes, or if there are no residents living in the mobile homes, within the boundaries of the mobile home park.

G. Any nonconforming mobile home park in which the mobile homes or the improvements to the land for purposes of a mobile home park have been destroyed or damaged to the extent of sixty (60 %) percent or more of the assessed valuation assigned to such mobile homes or improvements to the land for purposes of a mobile home park shall thereafter conform to the provisions of this code.

H. A nonconforming mobile home park shall not be extended or expanded except to make it a conforming use. An extension or expansion shall include any increase in the area of land used for a mobile home park less than that required in section 15.16.060(A), any relocation of the mobile home park, in whole or in part, to an area of land different from the existing area, or the addition of any mobile homes beyond the maximum allowed under section 15.16.070(A) of these regulations. (Ord. 439 §1 (part), 1999).

I. Landscaping.

1. The mobile home park and the yard area around mobile homes shall be landscaped and

maintained in a neat, attractive condition at all times.

2. The owner of the property, his successors, heirs and assigns shall be responsible for the proper maintenance of the landscaping within the mobile home park. Maintenance shall include necessary watering, weeding, mowing, pruning, pest control and replacement of dead or diseased plant material. (Ord. 619 §6, 2012)

J. Public road screening. The portion of a mobile home park that has frontage along Highways 9 and 40, or County Road 22, shall be screened to reduce the visibility of the mobile home park. Screening shall consist of vegetated berms, vegetated embankments, fencing and other landscaping or screening devices approved by the Town. (Ord. 619 §7, 2012)

17.16.080 Violation - Penalty.

A. No person, firm, or corporation shall undertake the construction, alteration, extension, location, installation, use or maintenance of a new mobile home park, nor shall any person, firm or corporation undertake the alteration, reconstruction, extension, or expansion of any existing mobile home park without first complying with this chapter.

B. Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 § 51, 2008)

C. In addition to any penalties that are criminal or penal in nature, the Town may use any legal remedy or relief or civil penalty available, such as, but not limited to, nuisance, abatement, injunction and restraining orders to prevent, enjoin, abate or remove any violation of this code.

(Ord. 439 §1(part), 1999)

17.17 - Mobile Homes

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17.17.010 Mobile home regulations.

- A. No mobile home shall be located or occupied anywhere within the Town except in a permitted mobile home park.

- B. No mobile home may be moved into the Town or from one mobile home park location within the Town to another mobile home park location without the mobile home park owner first applying for and obtaining a mobile home relocation permit issued by the Town Manager. The relocation permit shall expire within ninety (90) days of issuance if a building permit and a certificate of occupancy have not been issued for the mobile home. Upon such expiration, the mobile home shall be deemed in violation of this chapter.

- C. The Town Manager may not approve any relocation permit for any mobile home that does not meet all applicable requirements of Title 17 of Kremmling Municipal Code.

- D. The mobile home relocation permit fee shall be set by the Board of Trustees per resolution.

- E. The minimum size mobile home that shall be issued a permit shall contain four hundred eighty (480) square feet.

- F. All mobile homes to be moved into a mobile home park or to be moved between mobile home parks located within the Town shall meet the following minimum design standards:
 1. Compliance with the National Manufactured Housing Construction and Safety Standards Program (NMHCSSP) adopted June 1976, or the NMHCSSP in effect when the mobile home was constructed;
 2. The roof must be capable of withstanding a snow load of at least thirty (30) pounds;
 3. Approved exterior coverings shall include the following:
 - a. Wood;
 - b. Masonry;
 - c. Stucco;
 - d. Vinyl;
 - e. Colored, non-reflective metal.
 4. The exterior must be maintained in good condition without cracked, missing, damaged, bent, or warped materials.
 5. Skirting must be provided on all sides of the mobile home.
 6. The coefficient of heat transmission (U/0 value) shall meet the NMHCSSP Zone 3 requirements of 0.079.

7. Pads or stands and tie-downs are required for all mobile homes. Mobile home blocking, anchorage, and the tie down requirements shall be regulated by the manufacturer's specifications or as determined by the building inspector.
 8. Mobile homes shall comply with the requirements for structures located in the Wind Zone I designation.
- G. No mobile home shall be relocated from one space or lot to another space or lot within the mobile home park until such time as the mobile home park owner submits to the Town a site plan showing the mobile home space or lot meets the requirements set forth in section 17.16.070.
- H. Nonconforming Mobile Homes. Mobile homes that do not conform to the requirements of this section shall be deemed nonconforming mobile homes, which cannot be moved, enlarged, altered or expanded except in conformance with these requirements.

17.17.020 Mobile homes located on private property.

- A. Existing mobile homes on private property may be replaced by another mobile home within six (6) months of removal of the previous mobile home.
- B. Existing mobile homes located on private property, when replaced, are exempt from Section 17.17.010(A) but must meet all other requirements of this Chapter 17.17 as well as any other applicable regulations of the Kremmling Municipal Code.
- C. Nonconforming Mobile Homes. Mobile homes that do not conform to the requirements of subsections B, C, D, E and F of section 17.17.010 shall be deemed nonconforming mobile homes, which cannot be moved, enlarged, altered or expanded except in conformance with these requirements.
- D. To the extent not addressed in this Section 17.17.020, the provisions set forth in Section 17.14.020 of this Code shall apply to nonconforming mobile homes.

17.17.030 Violation - Penalty.

- A. No person, firm or corporation shall move, install or occupy any existing mobile home without first complying with this chapter.
- B. Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code section 1.16.010.
- C. In addition to any penalties that are criminal or penal in nature, the Town may use any legal remedy or relief or civil penalty available, such as, but not limited to, nuisance, abatement, injunction, and restraining orders to prevent, enjoin, abate or remove any violation of this code.

Section 3.

If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4.

The repeal or modification of any portion of the Municipal Code of the Town of Kremmling by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still and prosecutions for any enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgement, decree or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5.

All other ordinance or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY TITLE AND POSTED ON THE TOWN'S WEBSITE THIS 6 DAY OF NOVEMBER, 2013.