



DATE: April 3, 2023

TO: City of La Junta City Council

FROM: Michael Yerman, Senior Planner

THROUGH: Rick Klein, City Manager

SUBJECT: La Junta Chapter 17 Zoning Ordinance

Background:

Over the past year, MY Rural Planner has met with City Council, the Planning Commission, and hosted public meetings on an update to the City's Zoning Ordinance. The goal of the update was to allow housing mobility within the community, foster economic growth, and to create a business-friendly code to promote the strategic goals of the Council.

The new code has created flexibility in its use tables and now allows for certain uses to go before the Planning Commission as conditional uses. This will allow the Planning Commission to review development applications on a case by case basis and set conditions if there are concerns about potential neighborhood impacts.

The new code has also created easy to read zone district dimensional standards to assist the building community with future construction projects. These improvements should foster a greater ecosystem for the development community to thrive.

The Planning Commission made a recommendation after several months of review and after holding a public hearing for the Council to adopt the new Zoning Ordinance.

Zoning Ordinance Summary:

Attached to this staff report is the entire Chapter 17 Zoning Ordinance. If passed by City Council the code will be sent to Municode, which is the City's code codification company to be put into the final format of the code. However, the Ordinance should be substantially in the same form and function once codified. Below are the highlights contained in each article.

Article 1 General Provisions

This article outlines the City's statutory zoning authority and jurisdiction. It sets forth rules of construction and severability. Finally, this chapter contains the zoning code definitions. Many of the definitions from the previous code have remained the same. New housing uses include accessory dwelling units, townhouses, and mixed use.

Article 2 Administration and Enforcement

This article establishes fees, penalties, code amendment procedures, and public notice requirements. The public notice will include first class mailing to properties located within 175' of the proposed development, newspaper legals, and noticing of the meeting in the City's official posting place at City Hall.

Article 3 Flood Plain

This article is not updated from the previous code. FEMA is reissuing floodplain maps across the state. When this occurs this article will need to be updated to reflect new flood plain zones and regulations as required by the federal government.

Article 4 Zoning

This article contains a majority of the code update. It establishes, permitted, conditional, and not permitted uses in every zone district in the City. Table 17-B creates a schedule of uses that is easy to review. Also uses have been generalized to allow for future innovation to be allowed in the City. For instance, retail has replaced a previously exhaustive list of all different types of uses such as shoe stores, seamstress, grocery, art supplies, etc. Zone district dimensional standard tables 17-C and 17-D have created easy to read standards for development.

This article also establishes review criteria for conditional uses, nonconforming uses, and variances.

Article 5 Signs, Parking and Loading

This article contains the City's sign, parking, and loading requirements. There were only a few minor modifications to align with the new zoning standards on Article 4. Many of these standards have remained the same to ensure that existing businesses would not be adversely influenced by this update.

Recommendation:

My Rural Planner is recommending the Council provide feedback on any potential changes. If changes are minor these should be revised in the proposed ordinance. A Council person may elect to make a motion to "set the Chapter 17 Zoning Ordinance to a Public Hearing on April 17, 2023 followed by a second."

- 17.10.010. Title and short title.**
- 17.10.020. Authority.**
- 17.10.030. Purposes.**
- 17.10.040. Jurisdiction.**
- 17.10.050. Presumption of validity.**
- 17.10.060. Rules of construction**
- 17.10.070. Severability.**
- 17.10.080. Definitions.**

I

General Provisions

17.10.010. Title and short title.

- A. “This Ordinance shall be known and may be cited as the “Zoning Ordinance for the City of La Junta, Colorado.”

17.10.020. Authority.

This Chapter is authorized by Section 31-23-101, *et. seq.*, C.R.S.; Section 29-20-101, *et. seq.*, C.R.S., Section 31-12-101, *et. seq.*, C.R.S., and Section 24-65-101, *et. seq.*, C.R.S., as amended.

- A. In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare.
- B. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance, contract, deed or resolution, the provisions of this Ordinance shall control.

17.10.030. Purposes.

- A. These zoning regulations adopted, pursuant to the provisions of Colorado State Statutes are enacted for the purpose and intent of:
 1. Promoting and serving the public health, safety, morals, comfort, and general welfare of the citizens of the City of La Junta.
 2. Preserving and protecting property values.
 3. Lessening congestion on the streets.
 4. Preventing overcrowding of land
 5. Providing adequate light and air.
 6. Avoiding undue concentration of population.

7. Regulating and restricting location and use of buildings and land.

- B. These regulations are intended to promote land use patterns consistent with the intent and direction established by the comprehensive plan for the La Junta community.

17.10.040. Jurisdiction.

The jurisdiction of these Zoning Regulations shall apply to all land located within the corporate limits of the City of La Junta, Colorado.

17.10.050. Presumption of validity.

All provisions of this Land Use Code are presumed to be valid and enforceable. In any challenge to the validity of any provision, the burden of proof shall rest with the person bringing the challenge.

17.10.060. Rules of construction.

Section 1.20.20 of this Code establishes rules that shall be observed and applied when interpreting the language of this Chapter, unless the context clearly requires otherwise.

17.10.070. Severability.

If any section, subsection, paragraph, clause, phrase or provision of these regulations shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of these regulations shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional.

17.10.080. Definitions.

- A. In the interpretation of these regulations, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise:
1. Words used in the present tense shall include the future.
 2. Words in the singular number include the plural number and also the plural includes the singular.
 3. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
 4. The word “shall” is mandatory.
 5. The word “may” is permissive.
 6. The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 7. The word “Board” means the La Junta Board of Adjustment”
 8. Unless otherwise specified, all distances shall be measured horizontally.
 9. The word “City” means City of La Junta, Colorado.
 10. The word “County” means Otero County, Colorado.
 11. The abbreviation “N/A” means not applicable.

- B. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have its meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

This Article defines words, terms and phrases contained within this Land Use Code. The following terms shall have the following meanings when used in this Land Use Code:

Accessory building or structure means a detached, subordinate building or structure located upon the same lot as the principal building or structure to which it is related, which is:

- a. Clearly incidental, subordinate, secondary and devoted to the principal building or structure.
- b. Customarily found in conjunction with the principal building or structure.

Accessory use means a use incidental, customary, and subordinate to the principal use of the lot, structure, or building and on the same lot and not prohibited in the zone district in which it is located.

Addition means any work which adds square footage, volume or exterior wall or roof area to an existing structure.

Agriculture means the use of a tract of land for the growing of crops, pasturage, nursery, dairying, animal and poultry husbandry and the sale of such products on the premises that are produced on the premises. Agriculture shall also include the structures necessary for carrying out the farming operation but shall not include feed lots.

Airport or Heliport means any landing area, runway or other facilities designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxies, aircraft storage, tie-down areas, hangars, or other necessary uses, and open spaces.

Alley means a public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is twenty feet or less in width.

Alteration means, as applied to a building or structure, a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height or the moving from one (1) location or position to another, shall be considered as an alternation.

Annexation means the process of incorporating an unincorporated portion of Otero County into the boundaries of the City pursuant to the Municipal Annexation Act of 1965, Section 31-12-101, *et seq.*, C.R.S.

Approved public sanitary sewer system means a sewage disposal plant, main sanitary sewer lines and other lines approved by the governing body of the city, and/or the board of county commissioners of the county, and by the State Department of Health.

Approved public water system means water treatment plant and service lines approved by the governing body of the city, and/or the board of county commissioners of the county, and by the State Department of Health.

Bed and breakfast inn means a residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons, provided that in all allowable residential districts, the number of such sleeping rooms shall not exceed a maximum of six (6) such units.

Block means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, or a combination of thereof.

Bedroom means a room in a dwelling unit that is marketed and designed for sleeping, or otherwise has the potential to function primarily for sleeping.

Board means a residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons, provided that in all allowable residential districts, the number of such sleeping rooms shall not exceed a maximum of six (6) such units.

Boarding or rooming house means a building, other than a hotel, bed and breakfast, cafe or restaurant, where, for direct or indirect compensation, lodging and/or meals are provided for three (3) or more boarders and/or roomers, exclusive of the occupant's family.

Brewery, distillery, winery means an industrial use that creates ales, beers, meads, wines, spirits, and/or similar beverages on site for wholesale production. Small tasting rooms may be an accessory use. This definition excludes small breweries (less than 5,000 barrels of beverages per year) operated in conjunction with a bar or restaurant defined herein as an accessory use.

Building means any structure used or intended for supporting or sheltering any use or occupancy and within the purview of the building codes as adopted by the City.

Building area means the maximum horizontal area within the outer perimeter of the building walls, dividers or columns at ground level or above, whichever is the greater area, including exterior stairways, and inner courts but excluding uncovered decks, uncovered porches, patios, terraces and steps of less than thirty (30) inches in height, and completely open, uncovered, cantilevered balconies that have a minimum of eight (8) feet vertical clearance below.

Building, enclosed means a building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

Building height means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

Building line means the average setback of the primary structures on a block.

Building, principal means a building in which the primary use for the lot on which the building is located is conducted.

Building Site means the land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these Regulations.

Bus station means any premises for the storage or parking of motor-driven buses and the loading and unloading of passengers. Stations may include ticket purchase facilities, toilets, restaurants and retail stores.

Building Site means the land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these Regulations.

Campground means a parcel of ground, which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground except on a temporary basis. The term campgrounds does not include sales lots of which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

Carwash means an establishment having facilities designed or used exclusively for washing or cleaning passenger motor vehicles.

Canopy or Marquee means a roof-like structure of a permanent nature, which projects from the wall of a building and overhangs the public right-of-way.

Cellar means a story having more than one-half of its height below grade.

Child Care means the process of caring for less than four (4) unrelated minor children as a service with or without financial arrangements. Child care shall include the term "baby-sitting" but shall not include preschools.

Child Care Center means a day nursery providing care for four (4) or more children for part of all of a day or night away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, head start centers giving emphasis to special programming for children, kindergartens not operated by the public schools, and other establishments offering care to groups of children. Such centers shall meet all licensing requirements of the State of Colorado.

City Council or The Council means the city council of the city of La Junta, Colorado.

Club or Lodge means a non-profit association or organization formed for either fraternal, social, educational, philanthropic or other similar purposes, including unions and professional organizations.

Church means any building that is architecturally designed and/or particularly adapted for the primary use of conducting formal religious services on a regular basis.

Clear sight triangle means the area at the intersection of any two (2) streets that is to be kept clear of any shrubs, groundcovers, berms, signs, structures or other materials greater than two (2) feet in height above the street centerline grade. A clear sight triangle is measured at the intersection of any two (2) streets. A triangle measuring fifteen (15) feet for alleys, twenty (20) feet for streets along each curb or edge of roadway/pavement from their point of intersection, the third side being a diagonal line connecting the first two (2).

Common Open Space means an area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as open space.

Commercial, large scale means a commercial use where the total area utilized by a single tenant or group of tenants in an attached structure, exclusive of parking, occupies twenty thousand (20,000) square feet or more.

Commercial lodging means hotels, motels, lodges or convention centers which have sleeping accommodations and similar commercial facilities that provide temporary lodging in guest rooms, which have common facilities for reservations, reception and maintenance, and in which meals, entertainment and various personal services for the public may or may not be provided for remuneration.

Commercial use means an activity involving the sale of goods or services carried out for profit.

Commission means the Planning Commission of the City.

Communication facility means, but is not limited to, unmanned facilities, equipment, parabolic-shaped devices or antennae for the reception, transmission or switching of satellite or electronic signals, including television, radio, telemetry, personal wireless communication, data communication or any other signals which use air space as a medium, whether for commercial or private use and that may or may not be licensed by the Federal Communications Commission.

Community building or use means a building which is owned by the City, the County, the State, United States Government or a nonprofit organization that is open to the general use, participation and enjoyment of the public for the purposes of group

assembly, a museum, and other civic functions, and which, notwithstanding anything to the contrary in this Code, includes use primarily for offices.

Comprehensive Plan means that plan and amendments thereto for the City which provides objectives, guiding principles and recommended actions to guide the current and long-range development of the City.

Conditional use means a use that is generally compatible with the other uses permitted in a zone district, but which requires site-specific review of its location, design, configuration, density, intensity and operating characteristics, and may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, to mitigate its potentially adverse impacts and to ensure that it complies with all of the standards of this Chapter.

Condominium unit means a physical portion of a common interest community which is designated for separate ownership or occupancy and the boundaries of which are described or determined in the declaration.

Day care, adult means a facility providing care for adults sixty (60) years of age or older and/or functionally impaired adults in a protective setting for part of a twenty-four-hour day.

Day care, large means a residence, facility or preschool which provides regular care and supervision for more than eight (8) children at anyone (1) time during the day for compensation.

Day care, small means a residence, facility or preschool which provides regular care and supervision for eight (8) or less children at anyone (1) time during the day for compensation.

Demolition means the total or partial destruction, disassembly, damage, razing or tearing down of a structure or any portion thereof. The term includes the removal of any material constituting part of the structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or which reduces the stability or longevity of the structure. The term excludes the sudden or cataclysmic destruction of or damage to a structure due to acts of nature, including fire, earthquake, wind, excessive snow load or flood.

Demolition by neglect means any total or partial destruction of or damage to a structure, or any portion thereof, due to the failure of the owner or lessee to adequately maintain or repair the structure.

Design standards means local, state or national criteria, specifications or requirements referenced within this Chapter and used for the design of public or private infrastructure.

Developer means the legal or beneficial owner or owners of all of the land proposed to be included in a proposed development or the duly authorized agent thereof. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these Regulations.

Duplex means a detached residential structure containing two (2) dwelling units separated by a building code-compliant common wall. A duplex dwelling unit may have a side-by-side or stacked configuration.

Drive-in facility means an establishment which provides such products and services as, but not limited to, food, beverages or financial services, to customers in vehicles.

Dump means a lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste of material of any kind.

Dwelling means a building or a portion of a building containing one (1) room, or several rooms connected together, including a separate bathroom and a single kitchen, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure.

Dwelling unit, Accessory (ADU) means a legally-permitted residential dwelling unit located on the same lot as a principal dwelling unit and subordinate to that principal unit in conditioned living space. ADUs may be internal to, attached to, or detached from the principal dwelling unit and generally include living, sleeping, kitchen and bathroom facilities, parking space, and a separate lockable entrance door.

Dwelling, Multiple-family means a building having accommodations for and occupied exclusively by more than two families.

Eating and drinking establishment means a permanent building containing a restaurant, bar or tavern which serves food and/or beverages, prepared or consumed on the premises, within a building or on an outdoor patio, served to the customer at tables or counters.

Family means one or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, associated domestic servants.

Floodplain means that land area subject to inundation from surplus stormwater as defined by the HUD flood insurance study and as depicted on the flood insurance rate map for the community.

Floor area, gross means total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor area, habitable means the total floor area contained within the inside walls of a structure with at least 7.0' of headroom. Habitable floor area does not include unfinished attics, areas used for access such as stairs and covered porches, garage space used for the parking of cars or storage, unfinished basements, and utility rooms less than 50 sq. ft. All other areas of an accessory dwelling unit shall count towards habitable floor area.

Frontage means all the property on one side of a street between the two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

Garage, private means an accessory building designed or used for the storage of not more than four motor driven vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public means a building designed, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.

Garage Storage means a building, or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.

Gasoline service station means a building or premises in which is conducted the retail sale of batteries, tires, oil, gasoline or other fuel for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, and where the only repair work is done is the exchange of parts and maintenance requiring no open flame or welding.

Governing Body means, unless otherwise specified, the City Council of the City of La Junta, Colorado.

Grade means adjacent ground elevation is the lowest point of elevation of the finished surface of the ground, pavement or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Group Home means a residence providing accommodation for not more than eight (8) developmentally disabled persons, nor more than eight (8) persons sixty years of age or older as defined by C.R.S. 31-23-303, and operated in accordance with the requirements and conditions of state statute.

Good repair means a condition which not only meets minimum standards of health and safety, but which also guarantees continued attractiveness, structural soundness and usefulness.

Government administrative facilities, services and buildings mean office buildings, maintenance facilities and operations centers owned and operated by a governmental agency.

Heliport means a paved area designated expressly for the landing and take-off of helicopters.

Home business means the conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support by residents of the dwelling and employees residing off-premises, which may serve patrons on the premises.

Home occupation means the conduct of a business, occupation or trade as an accessory use entirely within a residential building or accessory structure for gain or support, only by residents of the dwelling and employees residing off-premises which does not serve patrons on the premises, except in an incidental manner.

Hospice means a facility for the treatment and support of terminally ill patients which may occur in an institutional or residential setting, but not including when such treatment or support occurs in the patient's own residence.

Hospital means a building or portion thereof used for the overnight accommodation, medical care of and ancillary services for human patients.

Hotel, Lodge, Hostel means a building or structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel or other type of lodging unit. This definition does not include bed and breakfast establishments.

Industrial, heavy means the basic processing or manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial uses may involve extensive exterior operations such as material storage, aggregate processing and batch plants.

Industrial, light means a use engaged in the repair or manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industrial does not allow for large structures outside of principal buildings, such as refineries

Institution of higher learning means a college, university or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses and other student housing which are constructed on campus shall be considered accessory buildings.

Institution, Non-profit means a building occupied by a non-profit corporation or a non-profit establishment for public use.

Junk or Salvage Yard means a lot, parcel, or tract of land, including buildings, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or other discarded material; or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

Kennel means any place, area, building or structure where dogs and cats (including those under one year of age) are boarded, housed, cared for, fed, or trained by other than the owner, or where more than three dogs and cats more than one year of age are kept for purposes of breeding, raising, or as pets.

Landmark means City of La Junta, State of Colorado or National Park Service designation of a particular building, structure or site that represents historic significance because of its style of architecture, its association with historic events or persons or its archeological interest.

Landscape area means an area which has been improved through the planting and maintenance of living plants such as trees, shrubs, plants, vegetative groundcover and turf grasses. *Landscape area* may include natural nonliving elements such as rock, stone and bark, as well as structural features, including but not limited to walks, trail connections, fences, benches, works of art, reflective pools or fountains and outdoor recreation facilities, such as swimming pools, tennis courts and the like, but shall not include areas covered by buildings, parking or access areas. In subdivisions, PDs and mobile home and RV parks, *landscape area* may mean an unimproved natural area, including land under water, wetlands, floodplains and similarly sensitive lands when approved by the Commission.

Loading or Unloading Space means an off-street space or berth, on the same tract and contiguous with the principal building or group of buildings for the temporary parking of commercial vehicles for loading and unloading merchandise or materials.

Lot means a portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards, as are required under the provisions of this Land Use Code, having not less than the minimum area and off-street parking spaces required by this Land Use Code for a lot in the zone district in which it is situated, and having frontage on any improved public street or on an approved private street.

Lot area means the number of square feet included within the boundaries of the lot, measured on a horizontal plane upon which the boundaries have been vertically projected.

Lot coverage means that area or portion of a lot which is occupied or covered by all buildings on that lot. The area included as *coverage* shall be that area defined herein as *building area*.

Lot, double frontage means a lot which runs through a block from street to street and which abuts two (2) or more streets.

Lot frontage means lot width measured at the street frontage.

Lot length means the average distance from the street to the rear of a lot, measured perpendicularly from the street line upon which the lot faces.

Lot line adjustment means an adjustment of a lot line between two (2) contiguous lots that is necessary to correct a survey or engineering error in a recorded plat, to allow boundary change between adjacent lots or parcels to relieve hardship or practical necessity, or to allow a transfer of land from a larger conforming lot to a smaller nonconforming lot so as to make both lots conforming.

Lot line, front means the property line dividing a lot from a street right-of-way. On a corner lot, the front line shall be designated by the location of the primary entrance or front porch.

Lot line, rear means the property line opposite the front lot line. On a corner lot the owner shall choose which lot line is designated the rear lot line, typically this lot line is opposite the front lot line.

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

Major subdivision means a subdivision that results in the creation of more than five (5) parcels, lots, units, sites, tracts or interests out of the property as it existed prior to any subdivision.

Manufactured home Equivalent Performance means a single-family dwelling which:

1. Is partially or entirely manufactured in a factory.
2. Is not less than twenty-four feet in width and thirty-six feet in length.
3. Is installed on an engineered permanent foundation.
4. Has brick, wood or cosmetically equivalent exterior siding and a pitched roof.
5. Is certified pursuant to the “National Manufactured Housing Construction and Safety Standards Act of 1974”, 42 U.S.C. 5401 et seq., as amended.

Minor subdivision means the division of previously unsubdivided land into five (5) or fewer separate parcels, lots, units, sites, tracts or interests.

Mixed Use means a building containing both commercial and residential uses. In commercial zones, the store front is maintained as commercial.

Mobile home means a dwelling which is designed to be transported on its own permanent chassis after fabrication, and is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating and electrical facilities are connected. *Mobile homes* shall comply with the HUD Code. New or used mobile homes installed after April 17, 2023, shall comply with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (hereinafter referred to as the *HUD Code*).

Mobile home lot means that area of a mobile home park allotted and designed for the location of one (1) mobile home.

Mobile home park means a plot of ground upon which two (2) or more mobile homes, either occupied or intended to be occupied for dwelling or sleeping purposes, are located regardless of whether a charge is made for such accommodations.

Mortuary means an establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment.

Nonconforming lot means any lot which was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does

not conform to the standards of this Chapter for the zone district in which the lot is located regarding minimum lot size or minimum lot frontage.

Nonconforming structure means any structure which was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which does not comply with the standards of this Chapter for the zone district in which the structure is located regarding minimum setbacks, maximum height, maximum lot coverage, maximum density, minimum landscape area, minimum building width, minimum floor area or the applicable standards for off-street parking, landscaping or improvements.

Nonconforming use means any use of a structure or land which was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which use is not designated in this Chapter as a permitted or conditional use in the zone district in which the use is located.

Nursing home or Convalescent Homes means an institute or agency licensed by the State for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Open space means a parcel of land that is not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

Ordinary maintenance and/or repair means any work for which a building permit is not required by law and where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage, and which work does not substantially alter the appearance, composition or texture of the exterior surface of the structure.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision or be conveyed to an owners' association.

Outdoor amusement establishment means the provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range or miniature golf course and similar establishments. This use does not include a stadium.

Owner means a person, firm, association, syndicate, joint venture, partnership, governmental unit or corporation holding fee simple title to property.

Ownership parcel means *lot*, as defined herein.

Parcel means *lot*, as defined herein.

Park means an area open to the public and reserved for gathering spaces, community agriculture and recreational, educational, cultural or aesthetic purposes.

Parking area means an open area or an enclosed structure or building used for the temporary parking of automobiles or other vehicles.

Parking, off-street means a parking area located wholly within the limits of a parcel of land.

Parking space means that part of a parking area, exclusive of aisles, turning areas or loading space, devoted to parking for one (1) automobile or vehicle.

Parkway means the area, excluding the sidewalk, if any, between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

Paved Parking means a vehicular parking area which has been surfaced with an applied material, such as concrete or asphalt, which shall be of sufficient quality and consistency to provide a dust-free all-weather condition.

Permanent Foundation means a foundation formed of poured-in-place concrete or masonry units laid up with such reinforcing materials as may be required for quality construction.

Permitted use means a use which is allowed in a zone district, subject to all of the restrictions applicable to that zone district and all of the standards of this Chapter.

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

Personal service means an establishment primarily engaged in providing individual services generally related to personal needs. Typical uses may include but are not limited to bank, credit and loan service; beauty and barber shop; catering service; chiropractic clinic; funeral home and mortuary; laundry and dry cleaners; massage facilities; photographic studio; tailor and shoe repair service; and yoga or dance studio.

Personal wireless telecommunication service facility means an unmanned facility or equipment for the reception, transmission or switching of personal wireless telecommunications and/or telecommunication services utilizing frequencies that may or may not be licensed by the Federal Communications Commission.

Premises means a parcel together with all buildings and structures thereon.

Porch means a roofed, open area, which may be screened, attached to or part of a building and with direct access to or from it.

Principal use means the purpose or function for which a lot, structure, or building is intended, designed, or constructed, or the activity which is carried out within said lot, structure or building.

Professional office means a business which primarily provides professional services in an office environment. Typical uses may include but are not limited to services such as legal, accounting, investment, insurance and real estate; medical, dental and other health services; engineering, architecture, survey and design services; counseling, psychiatric and social services; editing/publishing; and administrative and

sales offices for business, industry and government, provided that only the administrative, bookkeeping and clerical activities of the sales office are conducted on-site.

Prohibited use means a use that is not permitted in a zone district.

Quasi-Public means essentially a public use, although under private ownership or control.

Recreation facilities means a place designed and equipped for the conduct of indoor or outdoor sports and leisure time activities.

Recreational vehicle (RV) means a vehicular unit, other than a mobile home or a manufactured home, whose gross floor area is less than 400 square feet, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, truck camper, motor home, fifth-wheeler trailer or van.

Recreational vehicle park means a plot of ground upon which two (2) or more recreational vehicles, either occupied or intended to be occupied on a short-term or seasonal basis for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodations.

Retail sales establishment means a store engaged in the sale of tangible personal property for any purpose other than for resale.

Right-of-way means all streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public as a matter of right, for the purpose of vehicular or pedestrian travel or for other public purposes.

Restaurant, means a public eating establishment except drive-ins in which the primary functions are the preparation and serving of food on the premises.

Restaurant, Drive-In means an establishment whose primary purpose is the sale, dispensing or serving of food, refreshment or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria.

Rooming house means any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals as opposed to hotels, motels and bed and breakfast establishments providing accommodations for transients.

Salvage Yard means a building or premise where junk, waste, inoperable motor vehicles or discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling.

Sanitary Landfill means a lot or parcel of land used primarily for the disposal, abandonment, dumping, burial or burning of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste, and which is in conformance with the requirements of the State of Colorado

School means a public elementary or secondary educational facility which is under direction and control of the State Board of Education and the State Superintendent of Public Instruction and/or a parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.

Service building means a structure housing toilet, laundry facilities, recreation equipment and such other facilities incidental to maintenance and management of a mobile home park or recreational vehicle park.

Service Station means an establishment consisting of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced.

Setback means the distance required by this Chapter between the face of a building or structure and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots, curved streets or similar features exist, the *setback* shall be taken as the closest distance.

Sign means any sign or other device which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business, but does not include any display of official notice or official flag.

1. Advertising Sign means a sign which directs the attention of the public to any goods, merchandise, property, business service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed.
2. Business Sign means a sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "FOR SALE" sign or a "FOR RENT" sign relating to the property on which it is displayed shall be deemed a business sign.
3. Flashing Sign means any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this title, any revolving illuminated sign shall be considered a flashing sign.
4. Illuminated Sign means a sign designed to give forth artificial light, or designed to reflect light derived from any source.
5. Sandwich Sign means an advertising or business ground sign which is constructed in such a manner to form an "A" or tent-like shape, hinged or not hinged at the top and each angular face held at an appropriate distance by a supporting member.

Sign area means that area within the marginal lines of the sign surface which bears the advertisement or message; or in the case of messages, figures or symbols attached directly to or painted on the surface of a building, that area which is included in the smallest geometric figure which encloses the message, symbol or figure displayed thereon.

Single-family dwelling means a detached principal building, designed for or used as a dwelling exclusively by one (1) family as an independent living unit.

Site plan means a plan, to scale, showing uses and structures proposed for a parcel of land. A site plan includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade, site drainage, and the proposed locations of utility lines

Solar access means access which protects reasonably placed solar energy systems from shadow-blocking exposure to the sun during hours of high insolation which are between 10:00 a.m. and 3:00 p.m. on December 21.

Storage yard means a site used for the keeping, in an outdoor area, of any goods, equipment, personal property, material, merchandise, or vehicles in the same place for more than 24 hours.

Special Use Permit means a permit which allows a use as an exception by authorization of the Board of Adjustment.

Storm Shelter means a weatherproof enclosure of appropriate structural quality to provide safety for occupants from tornadoes and other strong storms, sized according for the expected numbers of users and so located to assure immediate access from the surrounding service area. Storm shelters shall meet the location and construction requirements of the city.

Spot Zoning means the awarding of a use classification to an isolated parcel of land, which is detrimental or incompatible with the uses of the surrounding area.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half means a space under a sloping roof that has the line of intersection of the roof and wall face not more than 3 feet above the floor level and in which space the possible floor area with headroom of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

Street means a dedicated public right-of-way or private road which provides vehicular and pedestrian access to adjacent properties. *Street* shall include *road, lane, place, avenue, drive* and similar terms. The following are types of streets addressed in this Chapter:

Arterial street means the major street in the street hierarchy, which has a high traffic volume and is not intended to be a residential street. An *arterial street*

provides connections with or is a major state or interstate roadway and is often the location of significant community facilities as well as retail, commercial and industrial facilities.

Expressway means a street with divided roadways which provides fast and efficient movement of large volumes of traffic between areas and across the city and which does not provide a land service function. These streets are typically controlled by CDOT.

Collector street means a street whose function is to conduct traffic between major arterial streets and/or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume.

Cul-de-sac street means a local street with only one (1) outlet, which is terminated at the other end by a vehicular turnaround. The length of the cul-de-sac shall be measured from the center of the turnaround to the nearest point where the cul-de-sac intersects with the intersecting street.

Local street means a street whose primary purpose is to conduct traffic to and from dwelling units to other streets within the hierarchy.

Street frontage means that portion of the boundary of a parcel of land which is parallel with any single public street or way. Corner lots, by way of illustration, are deemed to have two (2) street frontages.

Street frontage, primary means the street frontage on which the residential or business address abuts.

Structural alteration Structural Alterations” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this title, the following shall not be considered structural alterations:

1. Attachment of a new front where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support walls are not materially changed
4. Minor repair or replacement of non-structural members.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences less than six feet in height. Porches, slabs, patios, decks, walks and steps which are uncovered and do not exceed thirty (30) inches above grade are excluded from the definition of structures.

Subdivision means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites, units, or other divisions of land for the purpose, whether immediate or future, of sale, transfer of ownership or building development; and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Tavern means an establishment in which the primary function is the public sale and serving of vinous, or spirituous liquors or fermented malt beverages.

Theater, moving picture means a building or part of a building devoted to the showing of moving pictures on a paid admission basis.

Theater, drama means a building or part of a building devoted to stage productions, plays, oratory or other events for paid or unpaid public attendance.

This Ordinance or Title means the document duly approved and adopted by the governing body of the City of La Junta, Colorado, which establishes zoning requirements, otherwise known as the zoning ordinance.

Townhouse means a multiple-family dwelling structure wherein separate dwelling units including the immediately adjacent yard area are individually owned, as opposed to a condominium which does not include ownership of the adjacent yard, or rental units in an apartment. If townhouses must have a shared code complaint fire wall between units.

Tract means a plot or parcel of land, other than a lot in a subdivision, which is recorded in the office of the County Clerk and Recorder of the county as a single plat or parcel of land under individual ownership.

Temporary commercial activity means general retail sales or other commercial uses such as food carts, trucks or trailers operated outside of a building. Temporary commercial activities do not include farm stands, farmers' market, holiday tree sales, yard sales, catering for events, outdoor accessory sales of an existing business established on the property and non-profit organizations for less than two (2) days in a calendar month.

Trail means a pathway designed for and used by the public for non-motorized recreation and transportation. A trail may include amenities such as parking areas, benches, restrooms and signage.

Truck terminal means a facility for the receipt, transfer, short-term storage and dispatch of goods transported by heavy truck.

Uncovered parking and access area means that portion of a parcel which is used for or intended to be used for vehicle parking or loading areas, circulation areas to and within vehicle parking and loading areas, and access driveways from a public or private right-of-way, whether such areas are kept in paved, gravel or other surface.

Vacation rental means the rental of any dwelling for overnight or vacation lodging for periods of less than thirty (30) days.

Variance means the authorization, by the Board of Adjustment, of a variance from the specific terms of the zoning ordinance. Variances are limited to those authorized in the powers and duties of the Planning Commission defined in this chapter.

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

Veterinary clinic means a building or area in which animals requiring special medical care are treated or temporarily housed. The term shall not be construed to include *kennel*.

Warehouse means an enclosed building designed and used primarily for the storage of goods and materials.

Wholesale business means the sale of goods and merchandise for resale instead of for direct consumption.

Yard means an open space not in any alley or street, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter.

Yard, front means a yard extending across the width of the lot and measured from the front line of the lot or street to the nearest line of the building on which it fronts.

Yard, rear means a yard extending across the width of the lot and measured between the rear line of the lot and the nearest line of the building.

Yard, side means a yard on each side of the building between the building and the side line of the lot and extending from the front yard to the rear yard.

Zone or District means a section of the city for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open spaces about buildings are established in this title.

Zoning Administrator means the person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.

Zoning Area means the area to be zoned as set out on the official Zoning Map filed on record.

Zoning Regulations “this or these regulations” means the requirements stipulated in the regulations herewith attached.

- 17.20.010. Fees and deposits.**
- 17.20.20. Public Notice.**
- 17.20.30. Amendments**
- 17.20.40. Review standards for text amendments.**
- 17.20.50. Appeals.**
- 17.20.60. Enforcement, Violations and Penalty.**

**II
Administration & Enforcement**

17.20.010. Fees and deposits.

A. Every land use and development application shall be submitted with the appropriate fees and charges for the type of application being submitted along with a cost reimbursement agreement in a form approved by the City Attorney. For purposes of this Section, “land use and development application” shall include any and all applications filed pursuant to the La Junta Land Use Code, requests for pre-annexation agreements and can and will serve letters from developments in unincorporated Otero County, and Title 32 special district service plan reviews pursuant to C.R.S. §32-1-201, *et seq.* The amount of such fees and charges shall be established by resolution of the City Council, as may be amended from time to time, and available for review by the public at City Hall during normal business hours.

B. In addition to the minimum application fees, the applicant will also be charged the actual review costs and fees if outside professional services for review are required of the application. The minimum application fees shall be due and payable upon submission of the application. In addition, at the time of submittal of the application, the applicant shall deposit funds equal to two (2) times the minimum application fee to be used as the initial payment to offset the costs of outside professional services for review of the application. After exhaustion of the initial deposit, statements for professional review services will be mailed to the applicant, and payment of such amounts is due within thirty (30) days of receipt of the statement. Interest shall be imposed at a rate of one and one-half percent (1.5%) per month on all balances not paid within thirty (30) days of the date of the statement. All costs of providing notice, including publication, mailing and posting, shall be borne by the applicant. Recording and filing fees imposed by the Otero County Clerk and Recorder, and others, as a result of the application, shall be advanced by the applicant prior to the documents being tendered for recording.

C. No land use approval document shall be deemed effective until the plat is recorded in the real property records of Otero County and all fees and charges owed to the City are paid in full by the applicant.

D. In the event the City is forced to pursue collection of any amounts due and unpaid under this provision, the City shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid. The City reserves the right to suspend review of an application, withhold approval, or postpone public hearings if an applicant fails to pay outstanding review fees as required hereunder. Delinquent charges may be certified to the County Treasurer and collected in the same manner as municipal taxes according to the procedure established in Chapter 3, of this Code.

17.20.020. Public Notice.

A. For all actions of the City described in this Chapter requiring public hearings, the City shall provide public notice and shall demonstrate that such public notice conforms to the following requirements.

B. Except as otherwise required by law, notice shall be sent by first class mail to all property owners within one hundred seventy-five feet (175') of the property in question at least fifteen (15) days in advance of the hearing.

C. Except as otherwise required by law, notice of the hearing shall be published in a newspaper of general circulation within the City and posted at the official posting place in City Hall at least fifteen (15) days in advance of the hearing.

D. All notices shall include:

- (1) A statement of the nature of the matter being considered;
- (2) The time, date and place of the public hearing;
- (3) The agency or office and phone number where further information may be obtained; and
- (4) A legal description, and address if one has been assigned, of the subject property.

17.20.030. Amendments.

The text of this Land Use Code may be amended, supplemented or repealed pursuant to the procedures and standards of this Article.

A. **Initiation of Text Amendment.** An amendment to the text of this Land Use Code may be initiated by the City Council, the Planning Commission, the Administrator, a resident of the City, an owner of a business within the City or any person who holds a recognized interest in real property within the City.

B. **Procedure for text amendments.** An applicant requesting an amendment shall follow the stages of the process outlined below:

1. **Preapplication Conference.** Attendance at a preapplication conference is optional, but recommended, for a private applicant intending to submit an application for an amendment to the text of this Land Use Code or the boundaries of zoning districts, as depicted on the Official Zoning Map.

2. **Submittal of Application.** The applicant shall submit a complete text amendment application to the Administrator which contains the precise amended wording. The Administrator shall be responsible for submitting the application materials for an amendment initiated by the City Council or Planning Commission.

3. **Staff Review.** The Administrator shall review the application to determine whether it is complete. The Administrator shall forward a report to the Planning Commission, which report summarizes the application's compliance with the applicable review standards contained in Section 17.20.40 below, and other applicable provisions of this Chapter. The technical comments

and professional recommendations of other agencies and organizations may be solicited in drafting the report.

4. **Public Notice and Action by Commission.** The Planning Commission shall hold a public hearing to review the conformance of the application with all applicable provisions of this Chapter. Public notice shall be provided as specified in Section 17.20.20 of this Chapter. The Commission shall make a recommendation that the City Council approve, approve with conditions or deny the application, or shall remand the application to the applicant with instructions for modification or additional information or action.

5. **Public Notice and Action by Council.** The City Council shall consider the recommendations of the Planning Commission at a public hearing. Public notice that the City Council will conduct a hearing to consider the recommendations of the Planning Commission shall be provided as specified in Section 17.2.30 of this Chapter. The City Council shall, by ordinance, approve or deny the proposed amendment or shall remand it to the applicant with instructions for modification or additional information or action.

6. **Actions Following Approval.** Upon approval of the amendment and the filing and, if applicable, recordation of any documents required by the approval, the Administrator shall cause the amended text of this Chapter to be officially codified.

17.20.040. Review standards for text amendments.

An application for an amendment to the text of this Chapter shall comply with the following standards:

A. **Consistency With Purposes.** The proposed amendment shall be consistent with the purposes of this Chapter.

- The proposed repeal and readoption including the proposed amendments are consistent with promoting the health, safety, quality of life, convenience, order, prosperity, and welfare of the present and future inhabitants of the City.

B. **No Conflict With Other Provisions.** The proposed amendment shall not conflict with any other applicable provisions of this Chapter, or shall repeal or amend provisions of this Chapter which are inconsistent, unreasonable or out-of-date.

- The code will be repealed and readopted in its entirety to avoid any future conflicts with provisions with the La Junta municipal code.

C. **Consistency With Comprehensive Plan.** The proposed amendment shall be consistent with the Comprehensive Plan, shall implement a new portion of the Comprehensive Plan or shall implement portions of the Comprehensive Plan which have proven difficult to achieve under the existing provisions of this Land Use Code.

- The updated code is consistent with the Comprehensive Plan. This repeal and readoption is being completed to satisfying the public noticing requirements.

D. **Public Health, Safety and Welfare.** The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

- This Chapter is being repealed and readopted for the purpose of promoting the health, safety, quality of life, convenience, order, prosperity, and welfare of the present and future inhabitants of the City by lessening of congestion in the streets or roads, securing safety from fires and other dangers, providing light and air, avoiding undue congestion of the population, facilitating the adequate provision of transportation, water, wastewater, schools, and other public requirements, securing protection of the tax base, and by other means in accordance with the City of La Junta Comprehensive Plan.

17.20.050. Appeals.

A. Appeal. An order, decision or interpretation rendered by the Administrator, any Commission or any Board may be appealed to the designated body outlined in Table 16-A. Decisions by the Board of Adjustment, and City Council shall be final and may not be appealed further except in court.

TABLE 17-A Appealing Body From Specific Orders, Decisions or Interpretations		
Decision Appealed From:	Type of Land Development Application	Decision Appealed To:
Administrator or his or her designee	Interpretation Verification of zoning compliance Reuse, change in use or further development Sign permits	Planning Commission
Building Official	Interpretation of codes enforced by the Building Official	Board of Adjustment*
City Council	Amendment to Official Zoning Map or text of Code Annexation	Court system
Fire Chief	Interpretation of codes enforced by the Fire Chief	Board of Adjustment*
Planning Commission	Conditional Use Review, Variance	City Council
* Refer to Chapter 15, for additional information		

B. Appeal Contents. The appeal shall be in the form of a written letter of appeal delivered or postmarked to the Administrator within fifteen (15) days of the date the interpretation or decision was first postmarked. Such notice shall identify the date and nature of the order, decision or interpretation at issue and set forth in plain and concise language the:

1. Facts and Reasons. The facts and reasons for the appeal, including any relevant citation to any rule, regulation or Code section relied upon
2. Copy. A copy of the order, decision or interpretation being appealed if the same was issued in writing.

C. Actions Following Receipt of Appeal. Upon receipt of the appeal, the Administrator shall schedule the appeal for a regular or special meeting of the appropriate body within thirty-one (31) days of the filing of the notice to appeal.

D. Notice. Written notice of the time, date and location of the hearing shall be sent by regular mail to the appellant not less than fifteen (15) days prior to the hearing. In cases where a decision rendered during a public hearing is being appealed, notice shall be provided as outlined in Section 17.2.30 of this Chapter.

E. Appeal Hearing.

1. Evidence. Formal Rules of Evidence shall not be followed during hearings. The chairman shall have the power to decide what evidence is material to the appeal. Written documents presented at the hearing shall be made part of the record, and public testimony shall be taken if the appeal required public notice. The burden of persuasion on appeal shall rest with the appellant.

2. Basis of a Decision. Review of the land use decision being appealed shall be limited to the record established before and relied upon by the designated decision making body. An appealing body shall not have the authority to override the provisions of this Land Use Code. Any decision shall include a basis for the decision and cite specific sections of this Code.

3. Recording. Audio recordings of the hearing shall be necessary. A written summary of the audio recording shall be made in a timely fashion following the hearing. Whenever a written verbatim transcript of such recording is requested by the appellant or when a transcript is furnished by the City pursuant to court order, the cost of preparing the transcript shall be borne in full by the appellant.

4. Notice of Decision. The appropriate appealing body shall hear all relevant evidence, and within a reasonable time and in no event more than fifteen (15) days thereafter, shall render its decision. The appealing body may reverse, modify or confirm the order, decision or interpretation. All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and shall be promptly mailed by regular mail to the appellant.

17.20.060. Enforcement, Violations and Penalty.

A. Administrative and Enforcement Authority. The City building official shall administer and enforce the zoning ordinance. Appeal from the decision of the building official may be made to the Board of Adjustment.

B. Certificate of Occupancy

1. Subsequent to the effective date of the zoning ordinance, no change in the use or occupancy of land nor any change in the use or occupancy of an existing building shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the building official. The certificate of occupancy shall state that the land and/or building complies with the provisions of the zoning ordinance.
2. A record of all certificates of occupancy shall be kept on file in the office of the building official and copies shall be furnished for two dollars on request by any person having an interest in the land or building affected.
3. Buildings used for single-family purposes shall be exempt from this requirement.

C. Plats to Accompany Application for Construction Permit

1. Each application for a construction permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this regulation.
2. A record of applications and plats shall be kept in the office of the building official. Plats shall be in conformance with requirements of the City.

D. Violation - Penalty

1. The owner or agent of a building or premises in or upon which a violation of any provision of this title has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation has been committed or shall exist, shall be punished by a fine not to exceed three hundred dollars.
2. Each and every day that such violation continues shall constitute a separate offense.

E. Additional Remedies

1. In case any building or structure is erected, constructed, re-constructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this regulation, the appropriate authorities of the area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, re-construction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of the building, structure or land.

- 17.30.010 Intent & Purpose
- 17.30.020 District Regulations
- 17.30.030 Special Use Regulations
- 17.30.040 Intensity of Use Regulations
- 17.30.050 Height Regulations
- 17.30.060 Yard Regulations
- 17.30.070 Sign Regulations
- 17.30.080 Parking Regulations

III

F-P Floodplain District

17.30.010. Intent & Purpose.

- A. The F-P floodplain district is established for application in those areas of the community which are subject to inundation from surplus stormwater as defined by the Flood Insurance Study and accompanying Floodway Map, and subsequent additions or amendments thereto, prepared for the City of La Junta by the Federal Insurance Administration.
- B. This zone is intended for application throughout the zoning jurisdiction in locations where official floodplain delineations have been established. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods within reasonable limits by regulating and restricting areas of development along or in natural water courses and drainageways.

17.30.020. District Regulations.

- A. In a F-P Floodplain district, no building or land shall be used, and no building or structure shall be erected, altered or enlarged which is arranged or designed for other than one of the permitted uses in the parent district to which this district is made a part, provided that such uses and structures meet the minimum requirements of Section 17.16.030.

17.30.030. Special Use Regulations.

- A. Notwithstanding the requirements of the parent district, the other requirements of this zoning ordinance, and the detailed regulations present in City Ordinance Number 855, Prevention of Flood Damage, the following regulations shall supplement the regulations of the parent district of which this district is made a part. These regulations shall supersede those of the parent district where there is a conflict among regulations.
 - 1. Where by reason of flooding potential, and where the special flood studies and map indicate the possibility of detrimental or limiting conditions for development, no person, firm or corporation shall initiate any development or substantial improvement, or cause the same to be done, without first obtaining a separate permit for development for each such building or structure in accordance with the detailed requirements of Ordinance Number 855. The application for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed

in the office of the City Engineer. The application shall be accompanied by explanatory background information as required by Ordinance 855 which shall include as a minimum:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
 - b. Elevation in relation to mean sea level to which any structure has been flood-proofed.
 - c. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria as required by Ordinance 855.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. In areas within the municipal zoning jurisdiction which are designated as "F-P" Floodplain, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by Ordinance 855.

17.30.040. Intensity of Use Regulations.

- A. The lot coverage and intensity of the use of the parent district of which this district is made a part shall be the maximum allowable.

17.30.050. Height Regulation.

- A. The height regulations of the parent district of which this district is made a part shall be the maximum height requirements subject to additional requirements as prescribed by this ordinance.

17.30.060. Yard Regulations.

- A. The yard requirements of the parent district of which this district is made a part shall be the minimum yard requirements subject to additional requirements as prescribed by this ordinance.

17.30.070. Sign Regulations.

- A. The sign regulations of the parent district of which this district is made a part shall be the minimum requirements for sign regulations.

17.30.080. Parking Regulations.

- A. The parking regulations of the parent district of which this district is made a part shall be the minimum requirements for parking subject to additional requirements as prescribed by this ordinance.

- 17.40.010. Purpose of article.**
- 17.40.020. Zone districts established.**
- 17.40.030. Official zoning map.**
- 17.40.040. Determination of zone district boundaries.**
- 17.40.050. Annexation Applications and Zoning of Annexed Territory**
- 17.40.060. Application of regulations**
- 17.40.070. Residential zone districts**
- 17.40.080. Commercial, business and industrial zone districts.**
- 17.40.090. Principal and accessory uses.**
- 17.40.100. Permitted uses.**
- 17.40.110. Conditional uses.**
- 17.40.120. Expiration of conditional use permit.**
- 17.40.130. Revocation of conditional use permit.**
- 17.40.140. Uses not itemized.**
- 17.40.150. Schedule of uses and review process.**
- 17.40.160. Nonconformities**
- 17.40.170. Nonconforming lots.**
- 17.40.180. Zoning Variances**
- 17.40.190. Review Standards Applicable to Particular Uses.**
- 17.40.200. Mobile Home Park District (M-P) Design and Dimensional standards.**
- 17.40.210. Zone district dimensional standards.**
- 17.40.220. Rezoning.**
- 17.40.230. PUD Modifications.**

IV

Zoning

- 17.40.010. Purpose of article.**

This Article specifies the purpose and intent of zone districts that regulate the type and intensity of land uses within the City. The zone districts have been organized into broad district classifications, these being residential, mixed-use, commercial, and industrial. The incorporated area of the City is divided into zone districts to achieve compatibility of uses and character within each zone district, guided by the vision of the La Junta Comprehensive Plan and to achieve the purposes of this Land Use Code.

- 17.40.020. Zone districts established.**

To carry out the purpose and provisions of this Article, the City is divided into the following zone districts:

F-P Floodplain district
R-1a Single-family dwelling district
R-1 Single-family dwelling district
R-2 Two-family dwelling district
R-3 Multiple-family dwelling district
C-S Highway service district
C-1 General Commercial district
C-2 Central Business district
I-1 Light industrial district
I-2 Heavy industrial district
M-P Mobile home park district
PUD Planned unit development district

17.40.030. Official zoning map.

A. Map Established. The boundaries of the zone districts established by this Land Use Code are shown on the map entitled "The City of La Junta Official Zoning Map" (hereinafter, "Official Zoning Map"). The Official Zoning Map, and all explanatory materials contained therein, is hereby established and adopted as part of this Land Use Code, incorporated into this Land Use Code by reference and made a part hereof.

B. Location. The Official Zoning Map is filed in the Office of the City Clerk. It is on display and available for inspection during normal business hours.

C. Amendment. If, pursuant to Section 17.20.030, an amendment is made to the Official Zoning Map, such amendment shall be entered on the map by the Administrator promptly following its adoption.

17.40.040. Determination of zone district boundaries.

Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, $\frac{1}{4}$ section lines, $\frac{1}{2}$ section lines, center lines of major rivers or tributaries, lot lines of platted blocks, center lines of City or County roads or highways or right-of-way lines or extensions thereof. For non-subdivided property or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the Zone District Map. Where a zone district boundary coincides with a right-of-way line and the right-of-way is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way. Land not part of a public, railroad, or utility right-of-way which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public, railroad, or utility right-of-way.

17.40.050. Annexation Applications and Zoning of Annexed Territory.

Annexation applications shall be proceed pursuant to Section 31-12-101, *et seq.*, C.R.S. All territory annexed to the City subsequent to September 1, 1999 shall be zoned according to district classifications of this Article. Such classification shall be determined by the City Council, upon recommendation of the Planning Commission. The proposed zoning shall be established in accordance with applicable state statutes.

17.40.060. Application of regulations.

A. Conformity to Use Regulations: Except as hereinafter provided, no building, structure or property shall hereafter be used, and no building or structure shall be erected and no existing building or

structure shall be moved, altered or extended nor shall any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner other than as provided for among the uses hereinafter listed in the zone district regulations for the district in which such land, building or structure is located. All buildings or structures must comply in all respects with the provisions of the building code adopted by the City of La Junta.

B. Conformity to Setback, Bulk, Site Area and Height Provisions: Except as hereinafter provided, no building or structure shall be erected nor shall any existing building or structure be moved, altered or extended nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site area, building bulk, building location and height provisions hereinafter provided in the zone district regulations for the district in which such buildings, structures or open space is located.

C. Lot Area, Yard, Frontage, Landscape Area, and Parking Restrictions: Except as hereinafter provided, no lot area, yard, frontage, landscape area or parking provided about any building for the purpose of complying with provisions of this Chapter shall be considered as providing lot area, yard, frontage, landscape area or parking for any other building, and no lot area, yard, frontage, landscape area or parking for a building on any other lot.

17.40.070. Residential zone districts.

A. Specific uses that are permitted, conditional or not allowed are outlined in this Article, Table 17-B, Schedule of Uses –as are references to the review process required for various uses. The general purposes of the residential zone districts established within this Chapter are as follows:

1. Single-Family Dwelling District (R-1a).
 - (a). The R-1a single-family dwelling district is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to de-value property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district.
 - (b). Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.
2. Single-Family Dwelling District (R-1).
 - (a). The R-1 single-family dwelling district is established for the purpose of low density single-family dwelling, duplexes, or ADUs control and to allow certain public facilities.
 - (b). It is intended that no uses be permitted in this district that will tend to de-value property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district.
 - (c). Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.
3. Two-Family Dwelling District (R-2).
 - (a). The R-2 two-family dwelling district is intended for the purpose of allowing a slightly higher density than in district R-1 yet retaining the residential qualities.

(b). This district allows duplex uses, single-family homes, certain community facilities and certain special uses.

4. Multiple-Family Dwelling District (R-3).

(a). The R-3 multiple-family dwelling district is intended for the purpose of allowing moderate to high residential density land use with the comingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities and certain special uses, yet retaining the basic residential qualities.

5. Mobile Home Park District (M-P).

(a). It is the intent of the M-P mobile home park district to permit low density mobile home uses in a park-like atmosphere.

(b.) The mobile home park district is intended for those areas where the owner proposes to develop and rent or lease individual sites in accordance with Section 17.40.200. below.

17.40.080. Commercial, business and industrial zone districts.

A. Specific uses that are permitted, conditional or not allowed are outlined in this Article, Table 17-B, Schedule of Uses. The general purposes of the commercial and industrial zone districts established within this Chapter are as follows:

1. General Commercial District (C-1).

(a). The C-1 general commercial district is intended for the purpose of allowing basic retail, service and office uses.

(b). This district is also intended to provide locations for commercial activity that does not require a central location downtown but does require a location easily accessible to the downtown shoppers.

(c). Business uses needing large floor areas, particularly those of a service nature and not compatible with central business districts, are included in this district.

2. Central Business District (C-2).

(a). The C-2 central business district is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area.

(b). Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping.

(c). The grouping is intended to strengthen the business level of the central business district.

3. Highway Service District (C-S).

(a). The C-S highway service district is intended for the purpose of providing limited highway services grouped on a single tract. Floor area is restricted, off-street parking is required and landscaping is required in order to reduce possible adverse effects on adjacent properties.

4. Light Industrial District (I-1).

(a). The I-1 light industrial district is intended for the purpose of allowing certain industrial uses which do not require intensive land coverage, generate large volumes of vehicular traffic, and create obnoxious sounds, glare, dust or odor.

(b). Height and land coverage are controlled to insure compatibility with adjoining uses.

5. Heavy Industrial District (I).

(a). The I-2 heavy industrial district is intended for the purpose of allowing basic or primary industries, which are generally not compatible with residential and/or commercial activity.

(b). Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

17.40.090. Principal and accessory uses.

A. The primary use of a lot is referred to as a “principal use” which may be a land use or a structure. Only one (1) principal use per lot is allowed in any zone district except for commercial and light industrial zone districts where residential and nonresidential uses and where different nonresidential uses may be allowed in the same building as specified in the zone district regulations. Only one (1) principal building and its customary accessory buildings may be erected on any single lot in a residential zone district unless approved through a Limited Impact Review.

B. A structure or land use that is customary, incidental, and accessory to the principal use is referred to as an accessory use. Accessory uses must be located on the same lot as the principal use. A building for a garage or storage, a home occupation, fences, hedges, and walls are permitted accessory uses in any zone district, subject to any limitations listed in this Chapter.

17.40.100. Permitted uses.

Those uses designated as permitted in Table 17-B, Schedule of Uses are allowed as a matter of right and without special authorization. The Administrator shall verify that development of a use allowed by right complies with all standards and requirements of this Chapter.

17.40.110. Conditional uses.

A. General. Conditional uses are those land uses which are generally compatible with the permitted uses in a zone district, but which require site-specific review of their location, design, intensity, density, configuration and operating characteristics, and which may require the imposition of appropriate conditions, in order to ensure compatibility of the use at a particular location and mitigate its potentially adverse impacts. It is the intent of these regulations to provide a review of conditional uses so that the community is assured that any proposed conditional uses are suitable for the proposed location and are compatible with the surrounding land uses. Conditional uses are generally appurtenant to the property supporting the use; however, conditional use permits may also be made specific to the permit holder if appropriate under the circumstances.

B. When Allowed. Conditional uses may be permitted in designated zone districts upon approval of the Administrator or Planning Commission as provided in these regulations.

C. Application and Review. All applications for conditional uses will be reviewed by the Planning Commission at a public hearing noticed in accordance with Section 17.20.020. according to the review standards set forth below. Applicants shall submit an application, fee, plans, a narrative explaining the proposed development, and any other information deemed necessary by the City to allow the Planning Commission to review the application.

D. Review Standards. An application for conditional use approval shall comply with the following standards. In addition, an application for a conditional use must demonstrate compliance with any review standards particular to that use specified in Table 17-B.

1. Consistency with Comprehensive Plan. The use shall be consistent with the City's Comprehensive Plan.

2. Conformance to Code. The use shall conform to all other applicable provisions of this Chapter, including, but not limited to:

(a). Zoning district standards. The purpose of the zone district in which it is located, the dimensional standards of that zone district and any standards applicable to the particular use, all as specified in Article V.

(b). Site development standards. The parking, landscaping, sign and improvements standards.

3. Use Appropriate and Compatible. The use shall be appropriate to its proposed location and be compatible with the character of neighboring uses or enhance the mixture of complementary uses and activities in the immediate vicinity.

4. Traffic. The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measures shall be proposed by the applicant.

5. Nuisance. The operating characteristics of the use shall not create a nuisance, and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare and similar conditions.

6. Facilities. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies which the use would cause.

7. Environment. The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.

17.40.120. Expiration of conditional use permit.

A. Conditional use permit approval shall be valid for one (1) year from the date of approval or within a longer period determined by the Administrator or Planning Commission, as applicable, for uses which involve phasing, but in no event longer than five (5) years from the date of approval. The conditional use approval may contain conditions as deemed appropriate by the Administrator or Planning Commission in approving the permit. Within the one-year period, or other approved period, the permit holder must either begin construction or establish the land use authorized by the conditional use permit, including any conditions attached to the conditional use approval. Failure to start construction or establish such use within the one-year or other applicable time period shall result in automatic expiration of the

conditional use permit. Once a conditional use is established, any discontinuance of the use for a period of one (1) year, for any reason, shall result in automatic expiration of the conditional use permit, unless otherwise provided in the permit. The approval of a conditional use may or may not identify an initial term for the conditional use. Upon expiration of the term, if the permit is so limited, the conditional use permit shall automatically expire.

B. Prior to expiration of the initial term or an extended term, the applicant may submit a request to the Administrator to extend the conditional use approval, which request shall specify the reasons why the use should be permitted to continue. The approval shall be deemed extended until the Administrator or Planning Commission, as applicable, has acted upon the request for extension. The City shall be authorized to deny an extension or extend the approval and to impose additional conditions, if necessary.

17.40.130. Revocation of conditional use permit.

A. Violations. All stipulations submitted as part of a conditional use permit and all conditions imposed by the Administrator or Planning Commission, as applicable, shall be maintained in perpetuity with the conditional use. If at any time the stipulations or conditions are not met or have been found to have been altered in scope, application or design, the use shall be in violation of the conditional use.

B. Abatement. If and when any conditional use is determined to be in violation of the terms and conditions of approval, the Administrator shall notify the permit holder in writing and shall provide the permit holder with a thirty (30) day period in which to abate the violation.

C. Revocation. If the violation of the conditional use continues after the thirty (30) day period specified in the written request for abatement of the violation, the Administrator shall schedule a hearing before the Planning Commission. Notice of the hearing shall be provided to the permit holder in accordance with Section 17.20.020. of this Chapter. Following a proper hearing, the Planning Commission shall issue a decision either revoking or sustaining the conditional use permit.

D. Appeals. Appeals of the Planning Commission decision regarding revocation of the conditional use permit may be brought by the permit holder according to the procedure established at Section 17.2.50. of this Chapter.

17.40.140. Uses not itemized.

Uses not specifically described in a particular zone district may be considered a conditional use in that zone district if the Administrator determines, in writing, that the proposed use is substantially similar to a use specifically described in that particular zone district.

17.40.150. Schedule of uses and review process.

A. Uses.

1. Permitted Uses. "P" indicates uses which are permitted.
2. Conditional Uses. "C" indicates uses which are allowed, subject to conditional use review. The Planning Commission shall conduct a public hearing to determine whether the conditional use complies with all standards and requirements of this chapter, pursuant to the limited impact review process.
3. Not Permitted. "N" indicated uses which are prohibited.

TABLE 17-B Schedule of Uses									
N = Not Permitted P = Permitted C = Conditional Use	R-1a	R-1	R-2	R-3	C-1	C-2	C-S	I-1	Standards ¹
Residential Uses									
Accessory buildings and structures.	P	P	P	P	P	P	P	P	
Multiple principal structures	N	N	N	C	C	C	N	C	Sec. 17-4-190(b)
Accessory dwelling units	C	P	P	P	C	C	N	C	Sec. 17-4-190(c)
Duplex dwelling units	C	P	P	P	N	N	N	N	
Townhome (2 - 4 units)	N	C	C	P	N	C	N	N	
Townhome (5 - 19 units)	N	N	N	P	C	P	N	N	
Townhome (20 or more units)	N	N	N	P	C	P	N	N	
Single-family dwelling units	P	P	P	P	C	C	N	N	
One or more dwelling units on the same site as a commercial or industrial use	N	N	N	N	C	C	C	C	
Recreational vehicles park	N	N	N	N	N	N	C	N	Sec. 17-4-190(e)
Rooming or boarding houses ²	N	N	N	C	C	C	N	N	
Multi-family/Apartment	N	N	C	P	C	C	N	N	
Residential Business Uses	R-1a	R-1	R-2	R-3	C-1	C-2	C-S	I-1	Standards¹
Short-term rentals	P	P	P	P	P	P	N	N	Sec. 17-4-190(d)
Day care, adult	N	N	C	C	C	C	C	N	Sec. 17-4-190(f)
Day care, small	N	C	C	C	C	C	C	C	Sec. 17-4-190(f)
Day care, large	N	C	C	C	C	C	C	N	Sec. 17-4-190(f)
Home occupations	P	P	P	P	P	P	P	P	Sec. 17-4-190(g)
Home businesses	C	C	C	C	C	C	C	C	Sec. 17-4-190(g)
Group homes	C	C	C	C	C	N	C	N	
Schools/Higher Learning	P	P	P	P	P	P	P	P	
Churches, nonprofits, and religious education buildings	C	P	P	P	C	N	C	C	Sec. 17-4-190 (i)
Parks/Recreation Facilities	P	P	P	P	P	P	C	P	
Nursing Homes	N	C	C	C	C	C	N	N	
Cemetery	N	P	N	N	N	N	N	N	
Public/Institutional Uses	R-1a	R-1	R-2	R-3	C-1	C-2	C-S	I-1	Standards¹
Bus Stations/Stops	P	P	P	P	P	P	P	P	
Churches, parish homes and religious education buildings	C	C	P	C	C	N	N	C	Sec. 17-4-190(i)
Clubs operated by and for their members	N	N	N	N	C	N	N	P	
Community buildings	C	C	C	C	C	N	N	P	
Government administrative facilities and emergency services	C	C	C	P	P	C	P	P	
Group homes	C	C	P	P	N	N	N	N	
Hospitals	N	N	N	P	N	N	N	N	
Nursing homes	N	C	P	P	N	N	N	N	
Parks	P	P	P	P	P	P	C	P	
Public parking facilities	P	P	P	P	P	P	P	P	
Recreation facilities	C	C	C	C	C	C	C	N	
Commercial, Personal Service and Office Uses	R-1a	R-1	R-2	R-3	C-1	C-2	C-S	I-1	Standards¹
Commercial lodging	N	N	N	C	P	P	P	P	
Commercial parking lots and garages	N	N	N	C	P	P	P	N	
Drive-in facilities	N	N	N	P	P	P	P	N	Sec. 17-4-190(d)
Outdoor amusement establishment	N	N	N	N	C	C	C	N	
Eating and drinking establishments	C	C	C	C	P	P	P	P	
Mixed-use	N	N	C	P	P	P	P	P	Sec. 17-4-190(k)
Personal Services	C	C	P	P	P	P	P	C	
Professional offices	C	C	P	P	P	P	P	P	
Campground	N	N	N	N	N	N	C	C	
Retail sales and rental establishments	N	N	P	P	P	P	P	P	
Temporary commercial activities (food trucks or other mobile retail)	N	N	N	C	P	P	P	P	Sec. 17-4-190(l)
Commercial General Services	R-1	R-2	R-3	C-1	C-2	C-S	I-1	I-2	Standards¹
Automobile sales, service and repairs	N	N	N	P	N	P	P	P	
Gasoline service stations and car washes	N	N	N	P	N	P	P	N	
Mobile home, Car sales, and recreational vehicle sales and services	N	N	N	P	N	P	N	N	
Veterinary clinics	C	C	C	P	P	P	P	C	
Breweries, Craft Beverage, Distilleries	N	N	N	P	P	P	P	P	
CO Creative Industries	N	C	C	P	P	P	P	P	
Industrial Uses	R-1	R-2	R-3	C-1	C-2	C-S	I-1	I-2	Standards¹
Light industrial	N	N	N	P	P	P	P	P	
Heavy industrial	N	N	N	C	C	C	P	P	
Communication facility	N	N	N	C	C	C	P	P	Sec. 17-4-190(m)
Storage yards	N	N	N	P	P	N	P	P	
Warehouses, enclosed storage and truck terminals	N	N	N	C	N	N	P	P	
Wholesale businesses	N	N	N	C	N	P	P	P	
Bulk fuel storage facilities and wholesale sales of fuels	N	N	N	N	N	N	P	P	
Junkyards, salvage yards or automobile wrecking yards	N	N	N	N	N	N	N	N	
Notes:									
¹ The standards referenced herein are in addition to all other applicable standards of this Land Use Code.									
² Provided that State Health Code space and sanitation requirements are met.									
³ An existing dwelling can be modified or rebuilt as a matter of right.									
Uses not listed are not permitted. No Commercial Uses allowed in R-1a that are not listed. No Residential uses allowed in I-2 that are not listed.									

17.40.160. Nonconformities.

A. Intent. Within the City there exist uses, structures and lots which were lawfully established pursuant to the zoning and building regulations in effect at the time of their development which do not now conform to the provisions of this Chapter. It is the intent of the City to permit these nonconformities to continue, but not to allow them to be enlarged or expanded, so as to preserve the integrity of the zone districts and the other provisions of this Chapter.

B. Continuation of nonconforming use. Uses of a nonconforming building or structure may be continued subject to the following conditions:

1. Use of a nonconforming building or structure shall not be expanded, altered, enlarged or relocated, except as permitted in Section 17.40.160(c) below.
2. Whenever a nonconforming building or structure has been damaged by fire or other cause to the extent of more than fifty percent (50%) of its market value, as determined by the Administrator, it shall only be reconstructed in compliance with the provisions of this Chapter.
3. Nonconforming buildings may be repaired and maintained.
4. A nonconforming structure shall not be moved to another location unless it shall thereafter conform to the provisions of the zone district into which it is moved.

C. Additions to nonconforming building or structure.

1. A nonconforming structure may be extended or altered in a manner that does not increase its nonconformity.
2. An extension to a nonconforming structure may be permitted by the Administrator to comply with the provisions of the Americans With Disabilities Act (ADA), provided that it is demonstrated that the only way to comply with the Act would be through an extension which increases the structure's nonconformity, and that the extension is the minimum necessary to comply with the Act.

D. Discontinuation, damage or destruction. A nonconforming building, premises, land, property or use shall be required to come into conformity with all applicable requirements of this Code if any of the following occur:

1. The nonconforming building, premises, land or property is vacated for a period of one (1) year or more, or the nonconforming use ceases for a period of one (1) year or more.
2. Except as otherwise specifically permitted by this Code, a nonconforming building, premises, land, property or use is enlarged, altered or expanded.
3. A nonconforming building, premises, land, property or use is changed to a conforming building, premises, land, property or use.
4. A nonconforming building, premises, land, or property is destroyed in any manner, or is damaged in any manner; except that, in the event of damage to the extent of sixty percent (60%) or less of its replacement value, the building, premises, land,

property or use may be restored to its original condition, provided that such restoration shall be started within six (6) months and shall be completed within twenty-four (24) months of the event of said damage. This Paragraph shall not apply to any nonconforming building, premises, land or property, which is occupied as a residence, or to any nonconforming use as a residence.

5. A nonconforming building, premises, land or property which is occupied as a residence, or any nonconforming use as a residence, is destroyed in any manner, or is damaged in any manner; except that, in the event of such damage or destruction, the building, premises, land, property or use may be restored to its original condition, provided that such restoration shall be started within six (6) months and shall be completed within eighteen (18) months of the event of said damage or destruction.

17.40.170. Nonconforming lots.

A. A primary structure and customary accessory buildings and structures may be developed on a lot which is nonconforming as to minimum lot size or minimum lot frontage, provided that it can be located on the lot so that all other dimensional standards are met, or a variance from said dimensional standards is obtained pursuant to 17.40.180 below, and provided that the development complies with all other standards of this Chapter.

B. No lot that is conforming as to minimum lot size or minimum lot frontage may be reduced in size or subdivided in such a way that it creates a nonconforming lot, causes any structure or use to become nonconforming, or causes the nonconformity of any use to increase.

17.40.180. Zoning Variances.

A. Purpose. Variances are authorization to deviate from the literal terms of this Land Use Code that would not be contrary to the public interest in cases where the literal enforcement of the provisions of this Land Use Code would result in undue or unnecessary hardship. A variance shall not be granted solely because of the presence of nonconformities in the zone district or adjoining districts.

B. Process. Variance requests shall be heard by at a public hearing noticed in accordance with section 17.20.020. of the Planning Commission. Applicants shall submit an application detailing the variance request, detail drawings, a narrative explaining how the variance meets the review criteria, and any other information deemed necessary by staff for the Planning Commission to render a decision.

C. Variances Authorized. Variances from the standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, maximum lot coverage, maximum lot size, minimum setbacks, and parking requirements.

D. Administrative Variances. Because the development of much of historic La Junta preceded zoning, subdivision and construction regulations, many buildings within the older neighborhoods of the City do not conform to contemporary zoning standards. In order to encourage restoration and rehabilitation activity that would contribute to the overall historic character of the community, variances from underlying zoning requirements for side and front setbacks may be granted by the Administrator under the following circumstances:

1. Existing Primary Structure. The Administrator may grant a variance from a setback requirement for an addition to a primary structure if it continues the existing building line. The Administrator shall only consider allowing the encroachment into the setback if it can be shown that maintenance of the building addition can be provided on the subject property and that it is not injurious to adjacent neighbors.

2. Traditional Neighborhood Setbacks. The Administrator may grant a variance from a front setback requirement for a primary structure if the neighboring properties encroach into the front setback. The variance shall not permit the structure to encroach further into the front setback than the neighboring primary structures. The Administrator shall only consider allowing the encroachment into the setback if it can be shown that such encroachments are the existing development pattern of the block on which the subject property is located and that the encroachment would not be injurious to adjacent neighbors.

E. Use Variances Not Authorized. Establishment or expansion of a use otherwise prohibited in a zone district shall not be allowed by variance. Uses may only be amended in accordance with the procedures for zoning amendments or text amendments in accordance with Sections 17.2.30 and 17.2.40.

F. Required Showing for Variances. The applicant shall demonstrate the following to the Board of Adjustment before a variance may be authorized:

1. Special Circumstances Exist. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;

2. Not Result of Applicant. The special circumstances and conditions have not resulted from any act of the applicant;

3. Strict Application Deprives Reasonable Use. The special circumstances and conditions are such that the strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land or building;

4. Variance Necessary to Provide Reasonable Use. The granting of the variance is necessary to provide the applicant a reasonable use of the land or building;

5. Minimum Variance. The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building;

6. No Injury to Neighborhood. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare or the environment; and

7. Consistency With Code. The granting of the variance is consistent with the general purposes and intent of this Land Use Code.

8. Authorization to Impose Conditions. The Administrator, in approving an administrative variance, or the Commission, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety and welfare of the City. All conditions imposed upon any variance shall be set forth in the granting of such variance.

17.40.190. Review Standards Applicable to Particular Uses.

A. Uses in Zone Districts. Certain uses are important to the character and functions of the City, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district. These uses also require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed.

Those uses which require such additional standards are identified in the "Standards" column of Table 17-B, Schedule of Uses. The standards for each of these uses follow below.

B. Multiple Principal Buildings.

1. Scale. The entire site, including all proposed structures, shall be of a scale that is compatible with the surrounding and nearby properties. *Scale* shall mean the proportional relationship of the principal buildings to each other and to the neighborhood, including but not limited to height, mass, setbacks and orientation.

2. Parking and Access. Required parking shall be provided on the site for all buildings and uses on the site. Access should be consolidated to reduce curb cuts and shall be provided through alleys where available.

3. Provision of Adequate Services. Each principal structure shall have its own municipal services, including water and sewer, in accordance with Chapter 13, Municipal Utilities, of this Code.

C. Accessory Dwelling Unit/Structure.

1. Location. An accessory dwelling unit may be located within or attached to the primary dwelling unit, or may be detached from the primary dwelling unit if located in or above a garage or lawful accessory building. Only one (1) accessory dwelling unit is allowed per lot.

2. Square Footage. An accessory dwelling unit shall not exceed nine hundred (900) square feet of habitable floor area. Habitable floor area means the total floor area contained within the inside walls of a structure with at least 7.0' of headroom. Habitable floor area does not include unfinished attics, areas used for access such as stairs and covered porches, garage space used for the parking of cars or storage, unfinished basements and utility rooms less than 50 sq. ft. All other areas of an accessory dwelling unit shall count towards habitable floor area.

3. Parking. There shall be one (1) additional off-street parking space provided for the accessory dwelling unit.

4. Occupancy. The accessory dwelling unit shall not be condominiumized or sold and shall not be rented to visitors for periods of less than thirty (30) days. A maximum of two (2) related or unrelated people may inhabit an accessory dwelling unit.

5. Alley Access. All ADUs must have access to an alley or public right-of-way.

6. Utilities. Utility connections and meters for water, electric, gas, and sewer shall be determined by the City or the provider at its sole discretion.

D. Vacation or Short-term rentals.

1. All Vacation short-term rentals must have a business license filed with the City and collect and remit all applicable local and state taxes.

2. Owner or property manager must be able to respond to any neighbor complaints within 1 hour.

3. No short-term rental shall create undo neighborhood nuisances such as excessive noise, outdoor lighting, trash, or parking.

E. Recreational Vehicle Park. A recreational vehicle park shall comply with the standards of the underlying zone district, except as otherwise specified herein.

1. Minimum Park Size. A recreational vehicle park shall be developed and operated on a site of at least three (3) acres.

2. Minimum Space Size. Each recreational vehicle unit space shall contain a surfaced area of not less than ten (10) feet by thirty (30) feet. Surfacing shall consist of asphalt, concrete or not less than four (4) inches of gravel, with edging required. A recreational vehicle shall be parked in its entirety on the surfaced area.

3. Minimum Setbacks for Recreational Vehicles. The minimum setback requirements for all permanent structures and recreation vehicles shall be as follows:

(a). Perimeter. A minimum of fifteen (15) feet from all boundaries of the park.

(b). Separation. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carports for purposes of this separation requirement shall be considered to be part of the recreational vehicle.

4. Recreation Area.

(a). Minimum standard. A usable area amounting to not less than ten percent (10%) of the gross area of the park shall be designated and improved by the developer for recreation use. The recreation area shall not include any area designated as a roadway, unit space, parking area or storage area, and shall be conveniently located and free from all natural hazards. The recreation area shall count toward the minimum landscape area standard of the underlying zone district.

(b). Assurances. As part of the application for the recreational vehicle park, the developer shall submit assurances acceptable to the City that the recreation area will be improved in a timely way so as to be suitable for active recreation use in accordance with the approved plan and adequately maintained for as long as the park is in existence.

5. Landscaping. Landscaping shall be required for an area amounting to not less than fifteen percent (15%) of the gross area of the park. The landscape area may include the recreation area and common landscape areas, and shall include a landscape area provided within the required perimeter setback to effectively screen or buffer the park from surrounding properties. The required landscape area shall comply with Article V of this Chapter.

6. Utilities Installation and Connection.

(a). Code compliance. Utility installations and connection taps shall be installed to comply with all state and local regulations and codes. Electrical installations shall comply with all state and local electrical codes.

(b). Underground. All utilities, except major power transmission lines, shall be placed underground.

(c). Lighting. Adequate lighting shall be provided in compliance with the requirements of the City's Public Works Department.

7. Fire Protection. Every recreational vehicle park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the Fire Marshal, with reference to the City's fire code. Fire hydrants shall be installed to comply with City standards and fire codes.

8. Roadways and Walkways.

(a). Private. Internal roadways and walkways within the recreational vehicle park shall be privately owned, built and maintained, and shall be designed for safe access to all spaces, parking areas, service buildings and recreation areas.

(b). Entrance. The entrance to the recreational vehicle park shall be from a public road. The entrance shall not be located closer than one hundred fifty (150) feet to any public street intersection, shall be a minimum of thirty (30) feet in width, and shall be designed to comply with minimum American Association of State Highway and Transportation Officials (AASHTO) standards.

9. Location of Unit.

(a). Obstruction prohibited. No recreational vehicle shall be parked so that any part of such unit will obstruct any roadway or walkway in a park.

(b). Locating on approved space. No unit shall be occupied in a park unless the unit is located on an approved unit space.

10. Dump Stations. Dump stations may be installed, in accordance with City specifications.

11. Refuse and Garbage. Every four (4) recreational vehicle spaces shall have provided one (1) container for trash and garbage and a rack or holder at a permanent location for the same. Trash and garbage containers shall be located within one hundred (100) feet of any unit space they serve.

12. Service Building. A service building shall be installed in all recreational vehicle parks. The number and type of facilities required to be contained in the building shall meet the plumbing code. The service building shall also meet the following standards:

(a). Private compartments. Each water closet, bath or shower shall be in a private compartment and shall meet the requirements of the City's plumbing code.

(b). Sound-retardant wall. A sound-retardant wall shall separate the toilet facilities for each sex when provided in a single building.

(c). Utility sink. A minimum of one (1) utility sink shall also be provided for disposal of liquid wastes and for clean-up and maintenance of the service building.

(d). Construction. The service building shall be of permanent construction and be provided with adequate light, heat and positive ventilation in shower and bathing areas. Interior construction of the service building shall use cleanable, moisture resistant materials on walls, ceilings and floors, and use slip-resistant materials on floors.

(e). Openings screened. All windows, doors or other openings shall be screened to keep out insects.

(f). Plumbing. All plumbing shall conform to the most recently adopted version of the building code and the local plumbing code. Hot and cold running water shall be provided in the service building.

(g). Telephones. At least two (2) public telephones shall be provided at the service building.

F. Day Care, Small, Large and Adult.

1. Parking. A day care facility, small, large or adult, shall provide one (1) off-street parking space per nonresident employee. This space shall be provided in addition to any parking required for other uses of the property.

2. Drop-off/Pickup Area. One (1) designated off-street drop-off/pick-up space shall be provided per each four (4) children at a large day care facility and for every four (4) clients at an adult day care. The space shall be available during operating hours for loading and unloading of children or clients.

3. Outside Area – Fence. The required play or recreation area shall not be located in the property's front yard.

4. State Codes. The day care facility shall comply with all applicable state codes.

5. Hours of Operation. The hours of operation for the day care may be restricted in residential neighborhoods to limit adverse impacts of noise and traffic on neighboring properties.

G. Home Occupation and Home Business.

1. Use Subordinate. The use of a dwelling for a home occupation or home business shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character. The use shall not exceed thirty percent (30%) of the total structure's square footage.

2. Activity Conducted Indoors. All on-site activities associated with a home occupation or home business shall be conducted indoors. Materials and equipment used in the home occupation or home business shall be stored in a building.

3. Employment.

(a). Home occupation. A home occupation shall be conducted only by persons residing on the premises and no more than one (1) employee residing off-premises.

(b). Home business. A home business shall be conducted by persons residing on the premises and no more than three (3) employees residing off-premises.

4. Patrons. A home occupation shall not serve patrons on the premises. A home business may serve patrons on the premises, provided that all other standards of this Section are met.

5. Parking. One (1) off-street parking space shall be required for each employee residing off-premises. These spaces shall be provided in addition to the parking required for the principal residential use of the property.

6. Sales. Incidental sale of supplies or products associated with the home occupation or home business shall be permitted on the premises. A home occupation or home business whose primary activity is retail sales shall be prohibited, except if the function of the home occupation or home business is catalogue sales. An appropriate sales tax license shall be obtained and maintained during the course of business.

7. Nuisance. A home occupation or home business shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic or parking demand, and shall not operate at such hours or in such a manner as to create a public nuisance, disturb neighbors or alter the residential character of the premises.

8. Codes. The building shall comply with all applicable City building, fire and safety codes for the particular business.

9. Advertising. No outdoor advertising of the home occupation or home business shall be permitted, except as provided in Article V of this Chapter.

H. Group Home.

1. Neighborhood Density. A group home shall not be located closer than seven hundred fifty (750) feet to another group home.

2. Health and Safety Codes. The group home shall comply with all applicable local, state or federal health, safety, fire and building codes.

I. Churches, parish homes, nonprofits and religious education buildings.

1. Existing churches, parish homes, nonprofits, and religious education buildings located in Commercial or industrial zone district as of May 1, 2023 shall be grandfathered and allowed to continue to operate. These uses maybe expanded provided they are contained within or are expanding on an immediately adject property.

2. No new churches, parish homes, nonprofits, and religious education buildings shall be established in commercially zoned districts that do not operate and are open during normal business hours a minimum of 5 days a week, that do not produce sales tax or add to the commercial vitality of the underlying commercial zone district.

J. Drive-in Facility.

1. Circulation. Drive-through lanes shall be separated from circulation lanes required to enter or exit the property. Drive-through lanes shall be marked by striping, pavement markings or barriers.

2. Minimize Impacts. Drive-through lanes shall be designed and located to minimize impacts on adjoining properties, including screening or buffers to minimize noise impacts. A fence, wall or other opaque screen of at least six (6) feet in height shall be provided on all sides of the site that are located adjacent to property that is zoned for or occupied by residential uses.

K. Mixed-use.

1. Mixed-use buildings containing residential units must maintain a minimum of 25% of commercial use on the street facing ground floor.

L. Temporary Commercial Uses and Activities (Food Trucks, mobile retail). Temporary commercial uses and activities may be allowed only when:

1. Use Allowed. The commercial use itself is allowed or is approved as a conditional use in the zone district.
2. Parking. Adequate parking is provided for the use, as determined by the Administrator.
3. Health and Safety Codes. The use complies with all applicable health and safety codes and a permit for the use is obtained from the Building Official.
4. Location. The use is situated such that it does not block any required access or egress from the site and is not located on any required parking.
5. Public Parks. The use may be allowed in public parks with permission from City Council. Council will be able to set parameters to the location, hours of operation, or other conditions deemed necessary to protect the City.

M. Communication Facilities.

1. FCC Compliant. The owner/operator of a proposed facility shall document in writing that it complies, and will continue to comply, with current Federal Communications Commission standards for cumulative field measurements of radio frequency power densities and electromagnetic fields, and Federal Communications Commission regulations prohibiting localized interference with the reception of television and radio broadcasts.
2. Maximum Height. A proposed facility, including antennae, shall not exceed the maximum structure height established for the zoning district in which the facility is to be located. Building- or structure-mounted antennas shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.
3. Siting. The siting of a proposed facility must utilize existing or new land forms, vegetation, landscaping and structures so as to screen the facility from surrounding properties and public rights-of-way to the maximum extent feasible, and/or blend the facility with its surrounding environment.
4. Compatibility. Facility design, materials, color and support structures, if any, shall be compatible with the surrounding environment, and monopole antennae and/or support structures shall be tapered from base to tip to blend in with the environment in which they are located.
5. Accessories. Any accessory equipment, shelters or components shall be grouped together as closely as possible and screened from view.
6. Mounted Facilities. The maximum protrusion of such facilities from the building or structure to which they are attached shall be two (2) feet unless it can be shown by the applicant that it is not feasible to meet this criterion.

7. Financial Security. All permits for communication facilities shall be subject to a bond or other adequate financial security posted by the permittee and deposited with the City to ensure the disassembly and removal of the facility upon the expiration of the facility. The bond or other security shall designate the City as beneficiary.

17.40.200. Mobile Home Park District (M-P) Design and Dimensional standards.

A. Mobile Home Park. New mobile home parks shall comply with the standards of the underlying zone district, except as otherwise specified herein. This Section applies to new parks. Mobile home parks existing as of September 1, 1999 may maintain the plan currently on file with the City Clerk. However, if any mobile home park existing at the time of adoption alters its plan in any way, the new plan must comply with the provision of this Chapter. Additionally, replacement mobile homes shall meet the National Manufactured Home Construction and Safety Standards Act of 1974 (hereinafter referred to as "the HUD Code.")

(i) Replacement of Mobile Homes. A mobile home within a nonconforming mobile home park may be replaced with another mobile home, even if the dimensions of the replacement mobile home result in an increase in the degree of nonconformity of the mobile home park with respect to the minimum setbacks set forth in Paragraph 17.40.220(D)(4) below.

1. Minimum Park Size. The placement of two (2) or more mobile homes on a single lot of record constitutes the creation of a mobile home park and shall meet the standards of this Section.

2. Maximum Density. The maximum density in a mobile home park shall be twelve (12) mobile home units per gross acre.

3. Minimum Space Size. The minimum space size of a mobile home is provided below. Larger mobile homes may require larger minimum lot sizes.

(a). Single-section unit. The minimum space size for a single-section or single-wide mobile home unit shall be three thousand three hundred twenty five (3,325) square feet.

(b). Multi-section unit. The minimum space size for a multi-section or double-wide mobile home unit shall be four thousand (4,000) square feet.

4. Minimum Setbacks of Each Unit Space.

(a). Perimeter. All permanent structures, mobile homes and accessory structures shall be set back a minimum of fifteen (15) feet from all boundaries of the mobile home park.

(b). Front yard. The unit shall be a minimum of ten (10) feet from the front lot line. Accessory structures are not permitted in the front yard.

(c). Side spacing. A minimum of fifteen (15) feet between units shall be provided. Accessory detached structures shall be set back a minimum of five (5) feet from any other structure.

(d). Rear. The unit shall be a minimum of ten (10) feet from the rear lot line. Accessory structures shall be set back a minimum of five (5) feet from any other structure.

5. Recreation Area.

(a). Minimum standard. A usable area amounting to not less than ten percent (10%) of the gross area of the park shall be designated and improved by the developer/owner for recreation use. The recreation area shall not include any area designated as a roadway, unit space or storage area and shall be conveniently located and free from all natural hazards. The recreation area shall count toward the minimum landscape area standard of the underlying zone district. The recreation area requirement may be waived by the Planning Commission in the conditional use process if it is determined that sufficient public recreation facilities are available in the immediate vicinity of the park.

(b). Assurances. As part of the application for the mobile home park, the developer shall submit assurances acceptable to the City that the recreation area will be improved in a timely manner so as to be suitable for active recreation use in accord with the approved plan and adequately maintained for as long as the park is in existence.

6. Utilities Installation and Connection.

(a). Connection required. No mobile home shall be occupied within any mobile home park unless it meets all minimum setbacks and space size requirements and is connected to all utility services, including the City water system, a public sewage disposal system and electrical lines. Utility connections shall be located on the space served.

(b). Code compliance. Utility installations and connection taps shall be installed to comply with all state and local codes. Fire hydrants shall be installed to comply with City standards and fire codes.

(c). Underground. All utilities, except major power transmission lines, shall be placed underground.

7. Site Conditions. All parks shall be drained, graded and surfaced as necessary to facilitate drainage and prevent erosion, and shall be free from depressions in which water collects and stagnates, other than approved on-site retention facilities.

8. Parking. There shall be a minimum of one (1) off-street parking space provided on each mobile home space. Guest parking shall also be provided in a common parking area, with one (1) guest space provided for every four (4) mobile home spaces in the park.

9. Roadways and Walkways.

(a). Private. Internal roadways and walkways within the mobile home park shall be privately owned, paved and maintained, and shall be designed for safe access to all mobile home spaces and parking areas.

(b). Walkways. Walkways of not less than three (3) feet in width shall be provided from unit spaces to all service buildings and recreation areas, and on at least one (1) side of all roadways within the mobile home park.

(c). Entrance. The entrance to the mobile home park shall be from a public road. The entrance shall not be located closer than one hundred fifty (150) feet to any public street intersection and shall be a minimum of thirty (30) feet in width.

10. Location of Unit.

(a). Obstruction prohibited. No mobile home shall be parked so that any part of such unit will obstruct any roadway or walkway in a park.

(b). Located on an approved space. No unit shall be occupied in a park unless the unit is located on an approved unit space.

11. Outdoor Storage.

(a). Individual buildings required. Individual outdoor storage buildings shall be provided on each unit space for the personal use of the occupants of said space. Such storage buildings shall have a minimum floor space of fifty (50) square feet and shall be not less than six (6) feet in height. Space beneath the mobile homes shall not fulfill this requirement.

(b). Outdoor storage prohibited. No outdoor storage, other than that accommodated in individual outdoor storage buildings or boats, trailers and vehicles where stored on separate and additional parking spaces, shall be allowed on mobile home spaces, except cut and stacked firewood.

12. Skirting. All mobile home units shall be skirted with a material which has been manufactured for skirting. Such skirting shall be in place within ninety (90) days after the mobile home is set on the mobile home space. Note: straw, hay, sawdust or other like material shall not be placed beneath or around the mobile home.

13. Unit Space Numbering. Each space in a mobile home park shall have its space number displayed uniformly with reflective numbers of a minimum height of three (3) inches.

17.40.210. Zone district dimensional standards.

A. Table 17-C, Schedule of Dimensional Standards, specifies the dimensional standards applicable to development in the City's residential and commercial, business and industrial zone districts. All residential and nonresidential development shall meet these standards, unless other standards are specified for a use or by a zone district in this Land Use Code.

1. Buildings Occupying More Than One (1) Lot. Where a duplex, condominium or multi-family residential project has been resubdivided into more than one (1) lot, it shall be considered to be occupying one (1) lot for purposes of complying with district regulations such as lot coverage, minimum lot size, lot frontage and setbacks. For purposes of this Section, the boundaries of the one (1) lot shall be the outermost lot lines of all lots occupied by the duplex, condominium or multi-family residential project.

2. Zero Lot Line Conditions. Where an individual owns two (2) or more adjoining lots, a zero lot line concept may be used as to the side yard setback for commercial or single-household dwelling unit developments. In residential districts, this may result in the creation of a two-household residential structure, only in districts permitting such a structure. In all such cases, the minimum side yard setback shall be maintained adjacent to the exterior side, or nonzero lot line side, of the structure.

3. Maximum Height for Public and Institutional Uses. The maximum height allowed for public and institutional uses in commercial zones as listed in Table 17-G shall be forty five (45') feet. For each foot of height above thirty-five (35) feet, the required side yard setback shall be increased by one (1) foot. Public and institutional structures which are constructed in accordance with the provisions of this Chapter may be converted to private use, after which transfer they shall

be considered legally nonconforming. The maximum height for public and institutional uses in residential zones as listed in Table 17-C shall remain thirty-five (35) feet.

TABLE 17 - C				
Schedule of Dimensional Standards - Residential				
Dimensional Standard	R-1a	R-1	R-2	R-3
Min. lot size (sq. ft.)	8,400	7,000	6,000	5,000
Density (Lot s.f./Min. lot area per dwelling unit)	1 Unit per lot	3,500	3,000	2,000
Min lot size (sq. ft.) - attached units	N/A	3,000	3,000	2,500
Min. lot frontage	50'	60'	60'	50'
Min. lot frontage – attached units	N/A	30'	30'	25'
Min. setback front any building	25'	25'	25'	25'
Min. setback from side lot line for a primary bldg.	5'	5'	5'	5'
Min. setback rear principal bldg.	20'	20'	20'	20'
Min. setback from side lot line for a detached accessory bldg.	5'	5'	5'	5'
Min. setback from rear lot line: accessory bldg.	5'	5'	5'	5'
Corner lot side setback*	15'	15'	15'	15'
Max. building height for a primary bldg.	35'	35'	35'	35'
Max. building height for a detached accessory bldg.	25'	25'	25'	25'
Notes:				
* Corner lots may reduce the side setback to 7' outside of clear sight triangle				
** A covered porch may encroach into the front yard setback by twenty-five percent (25%).				
*** Eaves may encroach an additional 18" into setbacks.				

Table 17 -D					
Schedule of Dimensional Standards - Commercial and Industrial					
Dimensional Standard	C-S	C-1	C-2	I-1	I-2
Min. lot size (sq. ft.)	8,000	5,000	N/A	5,000	8,000

Density (Lot s.f./Min. lot area per dwelling unit)	N/A	2,500	N/A	N/A	N/A
Max. Lot Coverage	40%	60%	90%*	60%	80%
Min. lot frontage	50'	60'	N/A	50'	60'
Min. Landscape Area	15%	20%	N/A	10%	5%
Min. setback front any building	25'	25'	N/A	25'	15'
Min. setback from side lot line for a primary bldg.	15'	5'	N/A	10'	15'
Min. setback rear principal bldg.	10'	10'	N/A	10'	15'
Min. setback from side lot line for a detached accessory bldg.	5'	5'	5'	5'	5'
Min. setback from rear lot line: accessory bldg.	5'	5'	5'	5'	10'
Corner lot side setback	15'	15'	15'	12'6"	40'
Max. building height for a primary bldg.	45'	45'	45'	45'	45'
Max. building height for a detached accessory bldg.	45'	45'	45'	45'	45'
Notes:					
* If a property does not utilize the zero setback allowance, the minimum landscape area shall be 10%.					
** If the property adjoins a residential zone district, setbacks on the side and rear lot line shall be the same as those in the residential zone.					
*** Existing structures are not required to meet off-street parking requirements. New structures and additions shall meet off-street parking requirements.					

17.40.220. Rezoning.

The City may, from time to time, amend the number shape or boundaries of any zone district. Such an amendment to a zone district is known as rezoning. Rezoning applications are reviewed pursuant to the provisions of Section 17.20.40. Zoning Amendment Review.

A. Initiation of Rezoning. An amendment to the Zoning Map may be initiated by the City Council, the Planning Commission, the Administrator, or the owner of that real property subject to the proposed rezoning.

B. Application Contents.

1. Zone districts. The present zone district designation of the property and the zoning of all adjacent properties.

2. Survey map. An accurate survey map of the property proposed for amendment, stating the area of the property proposed to be amended in square feet or acres.

3. Existing uses. A description of existing uses on the property and on all adjacent properties.

4. Statement of intended development. A written statement by the applicant identifying the intended use or development of the subject parcel and the timing of said development, describing

the community need for the change in zoning, and explaining the effect the change in zoning would have on surrounding uses.

B. Review standards for map amendments. An application for an amendment to the Zoning Map shall comply with the following standards:

1. Consistency With Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan.

2. Consistency With Purpose of Zone District. The proposed amendment shall be consistent with the purpose of the zone district to which the property is to be designated.

3. Compatibility With Surrounding Zone Districts and Uses. The development permitted by the proposed amendment shall be compatible with surrounding zone districts, land uses and neighborhood character.

4. Changed Conditions or Errors. The applicant shall demonstrate that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to incorrect assumptions or conclusions about the property, one (1) or more errors in the boundaries shown on the Zoning Map have occurred.

17.40.230. PUD Modifications.

A. No new Planned Unit Developments (PUD) shall be permitted within the City Limits. All new development shall conform and be zoned into one of the City's existing zone districts.

B. Existing PUDs provisions previously authorized to be enforced by the City may be modified, removed or released by the City subject to the following:

1. No modification, removal or release of the provisions of the PUD Development Plan by the City shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions in law or in equity; and

2. No substantial modification removal or release of the provisions of a PD Development Plan by the City shall be permitted except upon a finding by the City Council, following a public hearing upon notice as required by this Chapter, that the modification, removal or release is:

(a). Consistent with the efficient development and preservation of the entire PUD;

(b). Does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PUD or the public interest; and

(c). Is not granted solely to can for a special benefit upon any person.

C. Residents and owners of land in the PUD, may to the extent and in the manner expressly authorized by the provisions of the PUD Development Plan, modify, remove or release their rights to enforce the provisions of the plan; but no such action shall affect the right of the City to enforce the provisions of the plan.

D. An insubstantial modification to an approved PUD Development Plan may be authorized by the Administrator. However, insubstantial modifications may only be approved if they promote the terms, purposes and conditions of the original PUD Development Plan and approval. The applicant shall make a written request to the Administrator justifying the proposed modification and clearly showing on the PD Development Plan and accompanying written narrative that portion which is proposed for modification. A record of such approved insubstantial modification shall be filed and recorded in the same manner as the original. The following shall NOT be considered an insubstantial modification:

1. A change in land use or development concept.
2. An increase in residential density levels or building coverage of nonresidential uses.
3. An increase in the permitted height.
4. A realignment of major circulation patterns or a change in functional classification of the street network.
5. A reduction in approved open space or common amenities.
6. Other significant changes which involve policy questions or issues of overriding importance to the community.

E. During the review of any proposed substantial modification to the PUD, the City Council may require such new conditions of approval as are necessary to ensure that the development will be compatible with the current community standards and regulations. This shall include, but not be limited to, applying the portions of the PUD which have not obtained building permits, or are subject to the proposed amendment, any new community policies or regulations which have been implemented since the PUD was originally approved. An applicant may withdraw a proposed modification at any time during the review process. A request for a substantial modification shall be accompanied by the same type and quality of information as was necessary for the original PUD Development Plan approval and shall include a map of the entire PUD Development Plan area which clearly defines that portion which is proposed for modification and a written justification of the proposed modification, including a discussion of any changes in impact which would result from the modification.

V

SIGN, SPACE, PARKING, LOADING, AND SPECIAL REGULATIONS

SECTIONS

- 17.50.010 Erected, repaired or suspended in violation of chapter prohibited
- 17.50.020 Fastening or posting handbills or posters prohibited
- 17.50.030 Permits – Required – Application – Fees
- 17.50.040 District Regulations – Generally
- 17.50.050 District Regulations –R-1a, R-1, R-2, R-3, and M-P Regulations
- 17.50.060 District Regulations – C-S and C-1 Regulations
- 17.50.070 District Regulations – C-2 District – Signs
- 17.50.080 District Regulations – C-2 District – Billboards
- 17.50.090 District Regulations – I-1 and I-2 Districts – Signs
- 17.50.100 District Regulations – I-1 and I-2 Districts – Billboards
- 17.50.110 Non-conforming Signs
- 17.50.120 Removal of Signs from Vacant Buildings Required

SECTIONS

I. SPACE REQUIREMENTS

- 17.52.010 Generally
- 17.52.020 Single-family and Two-family Dwellings, Manufactured and Mobile Homes
- 17.52.030 Multiple-family Dwelling Units
- 17.52.040 Home Occupations
- 17.52.050 Schools
- 17.52.060 Churches and other Places of Public Assembly
- 17.52.070 Hospitals, Nursing Homes, Boardinghouses and Lodging Houses
- 17.52.080 Dormitory, Fraternity or Sorority House
- 17.52.090 Business and Professional Offices
- 17.52.100 Eating Establishments
- 17.52.110 Medical, Mental, Dental or Health Clinics
- 17.52.120 Motels
- 17.52.130 Personal Service Establishments
- 17.52.140 Retail Stores and Shops
- 17.52.150 Industrial Uses
- 17.52.160 Change in Building or Use – Mixed Uses

II. ADDITIONAL REGULATIONS

- 17.52.170 Location of Off-street Parking Lots
- 17.52.180 Plans and Approval Required
- 17.52.190 Construction Requirements
- 17.52.200 Performance
- 17.52.210 Traffic Regulations

LOADING AND UNLOADING REGULATIONS

SECTIONS

- 17.54.010 Space Requirements
- 17.54.020 Plans and Approval Required
- 17.54.030 Performance

SECTIONS

- 17.56.010 Qualifications and Supplementations to District Regulations
- 17.56.020 Additional Height for Certain Public Districts
- 17.56.030 Height Regulation for Chimneys, Towers and Steeples
- 17.56.040 Accessory Buildings – Proximity to Main Buildings
- 17.56.050 Accessory Buildings - Construction Prohibited Before Commencement of Construction of Main Building
- 17.56.060 Determination of Setback Line
- 17.56.070 Regulations for Fire Escapes, Outside Stairways and Chimney and Flue Projections
- 17.56.080 Side Yard Regulations for Two-family or Multiple-family Dwelling
- 17.56.090 Temporary Buildings and Temporary Signs During Construction
- 17.56.100 Conformance to Yard and Space Requirements with Multiple Principal Uses
- 17.56.110 Dwelling Units Erected above Commercial or Industrial Structures
- 17.56.120 Restriction of Number of Employees – Applicability
- 17.56.130 Radio and Television Towers
- 17.56.140 Fences
- 17.56.150 Building Setback Lines
- 17.56.160 Lots of Record
- 17.56.170 Canopy and Marquee
- 17.56.180 Number of Structures on a Lot

- 17.56.200 Temporary uses: Permitted; Applications; Conditions

- 17.56.220 Wind Energy Conversion Systems (WECS)
- 17.56.230 Inoperable Vehicle
- 17.56.240 Zero Lot Line
- 17.56.250 Attached Single Family Dwellings, Townhouses and Condominiums
- 17.56.260 Conversion of a Two-family or Multiple-family Structure to Individually Owned Units
- 17.56.270 Required Screening for Business-industrial Use
- 17.56.280 Landscaping Requirements
- 17.56.290 Gas Pump Canopies
- 17.56.300 Storm Shelters

SIGNS

- 17.50.010 Erected, Repaired or Suspended in Violation of Chapter Prohibited
 - A. It is unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended or attached any sign in violation of this chapter.

- 17.50.020 Fastening or Posting Handbills or Posters Prohibited
 - A. It is unlawful for any person or persons to fasten, paste, place, post, paint or attach in any way any sign, handbill, poster, advertisement or notice of any kind

or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamppost, telephone, or electric light pole, tree or bridge.

- B. It is unlawful to paste, place, paint or attach any sign on any building, street or property of the City without first obtaining approval of the Governing Body; provided, however, that any property owner or the occupant of any property abutting on any public street in the City may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon.

17.50.030 Permits – Required – Application – Fees

- A. A permit shall be required for the erection, construction or alteration of any sign in the zoning jurisdiction.
- B. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations provided in this chapter and no signboard shall be erected or painted on any area until the application is acted upon and granted.
- C. A fee in an amount determined by City Council shall be charged.
- D. If a sign, for which a permit is granted, is not erected within one hundred eighty (180) days from date of the permit, the permit shall, unless renewed, become void.
- E. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over six square feet in area.
- F. All signs shall be constructed, located and placed in accordance with local ordinances and resolutions and the laws of the state.
- G. Permits are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.

17.50.040 District Regulations – Generally.

- A. Signs shall be permitted in the various districts as set forth in Sections 17.50.050 through 17.50.100.

17.50.050 District Regulations –R-1a, R-1, R-2, R-3, and M-P districts.

- A. Sign regulations for R-1a, R-1, R-2, R-3, AND M-P districts shall be as follows.
 - 1. Un-illuminated nameplates are subject to the following restrictions
 - a. The nameplate shall be not exceed three square feet in area
 - b. The nameplate shall show only the name and/or address of the occupant
 - c. There shall be no more than one nameplate for each dwelling unit
 - d. The nameplate shall be affixed to the principal building, flat against the wall
 - 2. Un-illuminated “FOR SALE” and “FOR RENT” single-faced or double-faced business signs shall be subject to the following regulations
 - a. Only one sign shall be permitted per lot
 - b. No sign shall exceed four square feet in area
 - c. Signs shall be located no closer than five feet from any property line and shall not obstruct the view of traffic approaching a street intersection
 - d. When said sign is affixed to a building, it shall not project higher than ten feet above the ground level

- e. Ground signs shall not project higher than four feet above the ground level.
- 3. Bulletin boards and signs for churches and other public institutions are subject to the following regulations.
 - a. One sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
 - b. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses
 - c. No sign or bulletin board shall exceed thirty two square feet in area
 - d. No sign shall be located closer than eight feet from any side or rear property line
 - e. A sign or bulletin board located in the front yard shall be no closer to the street than one-half the required front yard
 - f. A sign or bulletin board, affixed to a building, shall not project higher than ten feet above the ground level.
 - g. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six feet above the normal grade.
 - h. Buildings constructed on the property line prior to the adoption of this title shall be allowed one identification sign providing the sign is a flat wall sign and permanently attached to the building.
 - i. On corner lots, no sign shall be constructed or placed in such a manner as materially to impede the clear sight triangle.

17.50.060 District Regulations – C-S and C-1 Districts.

- A. Sign regulations for C-S and C-1 districts shall be as follows. Business signs (single-faced or double-faced) shall be allowed in C-S and C-1 districts subject to sign regulations set forth in the building code.
 - 1. Flashing signs are not permitted in C-S and C-1 districts
 - 2. Non-flashing signs shall be permitted providing the sign is illuminated only during business hours or until eleven p.m., whichever is later, when the sign is located adjacent to a residential district; providing, that where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, or into any residential district or into any street. Clocks and/or thermometers installed for public convenience and information are exempt from the time limitations
 - 3. Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illuminations
 - 4. The gross surface area, in square feet, on one side of any business sign on a lot shall not exceed three times the lineal feet of frontage of the building; each side of a lot which abuts upon a street shall be considered as separate frontage, and the gross surface area of all signs located on each side of a structure shall not exceed three times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
 - 5. No sign shall project over any street or alley right-of-way line except in accordance with Section 403 of the Uniform Sign Code.

6. Any sign located within three feet of a driveway or parking area or within fifty feet of the intersection of two or more streets shall have its lowest elevation at least ten feet above curb level.
7. In a unified shopping area in a single ownership or control, one additional sign may be erected to the building wall. The sign may be free standing or attached to the shopping center. The sign shall not exceed thirty feet in height and fifteen feet in width and its bottom edge shall be at least ten feet above the ground level.
8. Signs within fifty feet of a residential district shall be affixed to or be a part of the building.
9. A maximum of two signs (only one on a facade) shall be allowed for a business or profession conducted on the premises.
10. No sign shall be permitted in or overhanging the road, street or alley right-of-way and no sign shall be located in a manner to constitute a traffic hazard.
11. Sandwich board signs may be allowed providing the sign is permanently affixed to the surface on which it rests.
12. Temporary business signs may be permitted subject to the following
 - a. Only one (1) such sign shall be permitted per location.
 - b. Temporary signs shall not exceed forty-five (45) square feet of surface area.
 - c. No temporary sign, except upon approval of the Governing Body, shall extend over into any street, alley, sidewalk or other public thoroughfare nor shall it obstruct any wall opening.
 - d. All temporary signs shall be secure to prevent movement or overturning in a manner approved by the Building Official.
 - e. All electrical cords to such signs shall be located so as not to expose them to physical damage. No such electrical cord shall be laid upon any sidewalk, driveway, or parking lot without protective conduit approved by the Building Official. All such wiring shall be subject to the electrical code of the City.
 - f. Temporary signs shall not exceed six (6) feet in height and shall be so located so as to avoid creating a line-of-sight or other traffic-related obstruction.

17.50.070 District Regulations – C-2 District - Signs

- A. Sign regulations for the C-2 district shall be as follows.
 1. Where buildings or structures are established or are hereafter established on the property line, in C-2 district, advertising and business signs shall conform with the following requirements, providing they are constructed and maintained in accordance with the building code of the City.
 - a. The advertising or business sign shall be affixed flat against the face of the building or the front edge of a marquee. The front edge of the marquee shall be considered that portion of the marquee which is parallel to the street. Extended signs may be permitted in the C-2 district when approved by the Building Inspector.
 - b. Where a sign is illuminated by light directed upon it, the direct rays of light shall not beam upon any part of any existing residential district.
 - c. Lighted signs in direct vision of traffic shall not be in red, green or amber illuminations.
 - d. Flashing signs shall be allowed only upon approval of the Building Official, providing it is first determined that the sign will in no way

create a traffic hazard or confusion with traffic lights or with lights on emergency vehicles.

- e. The gross surface area, in square feet, on one side of any sign of an advertising or business sign shall not exceed three times the lineal feet of separate frontage of the lot occupied by the building. Each side of the lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
- f. Any sign located within three feet of a driveway or parking area or within fifty feet of the intersection of two or more streets shall have the lowest elevations at least ten feet above the curb level.
- g. Where signs are affixed to canopies and marquees, the canopy or marquee shall be constructed and maintained in accordance with the building code of the City.
- h. Temporary business signs may be permitted subject to the requirements of 17.50.060, paragraph 12.

17.50.080 District Regulations – C-2 District – Billboards.

- A. Billboards are permitted in the C-2 central business district if they conform to the following conditions.
 - 1. The Owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning, in charge of or in control of the billboard.
 - 2. No billboard shall be erected, altered, constructed, reconstructed or moved until an application and plans have been filed with the Building Official and shall have been approved by the Building Official as to size, location and construction.
 - 3. Billboards shall not exceed thirty feet in height aboveground.
 - 4. The Owner, lessee and manager of such billboard and the Owner of the sign shall maintain and keep the ground area around the sign clean, sanitary, in-offensive and free and clean of weeds and noxious substances.
 - 5. Plans for billboards in the fire limits shall be referred to the fire chief for review and recommendation.
 - 6. No billboard shall exceed one thousand square feet in single face area; provided, that when said billboard is erected closer than one hundred fifty feet from another billboard, neither billboard shall exceed five hundred square feet.
 - 7. It is unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to:
 - a. Obstruct the view of street crossings or railroad crossings
 - b. Be unable to stand a pressure of at least thirty pounds per square foot of advertising surface.
 - c. Be dangerous to the public by falling or blowing down.
 - d. Increase the danger of loss by fire or to increase fire insurance rates.
 - e. Approach nearer than five feet to any building, unless attached to the building.

8. Billboards hereafter erected, constructed, re-constructed, altered or moved in the City shall be constructed in such a manner and of such material that they shall be safe and substantial.
9. Billboards supported by the ground shall have all posts set in concrete.

17.50.090 District Regulations – I-1 and I-2 Districts – Signs.

- A. Sign regulations for I-1 and I –2 districts shall be as follows.
 1. Advertising and business signs (single-faced or double-faced) shall be allowed in I-1 and I-2 industrial districts subject to the following regulations and subject to construction standards set forth in the building code or other regulations of the City.
 2. Flashing signs shall be permitted only upon approval of the Building Official providing it is first determined that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that the direct rays of the sign will not be directed into any residential building.
 3. Non-flashing signs shall be permitted, providing that where the sign is illuminated by a light or lights reflected upon it, direct rays of lights shall not beam upon any residential building, or into any residential district or into any street.
 4. Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illumination.
 5. The gross surface area, in square feet on one side of any business on a lot shall not exceed three times the lineal feet of frontage of the lots. Each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a lot shall not exceed three times the lineal feet in the separate frontage. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
 6. Any sign located within three feet of a driveway or parking area or with fifty feet of the intersection of two or more streets shall have its lowest elevation at least ten feet above curb level.
 7. Signs within fifty feet of a residential district shall be affixed to or be part of the building.
 8. A maximum of two signs (only one on a façade) shall be allowed for a business or profession conducted on the premises.
 9. No sign shall project over any alley, road, street or highway right-of-way except in accordance with Section 403 of the Uniform Sign Code.
 10. Sandwich signs may be allowed providing the sign is permanently affixed to the surface on which it rests.
 11. Temporary business signs may be permitted subject to the requirements of 17.50.060, paragraph 12.

17.50.100 District Regulations I-1 and I-2 Districts – Billboards.

- A. Billboards will be permitted in I-1 and I-2 industrial district if they conform to the following provisions,
 1. The Owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning, in charge of or in control of the billboard.

2. No billboard shall be erected, altered, constructed, re-constructed or moved until an application and plans shall have been filed with the Building Official and shall have been approved by the Building Official as to size, location and construction.
3. Billboards shall not exceed thirty feet in height aboveground.
4. The Owner, lessee and manager of such billboard and the Owner of the sign shall maintain and keep the ground area around the sign clean, sanitary, in-offensive and free and clean of weeds and noxious substances.
5. No billboard shall project beyond the front, side or rear building line established for the district as set forth in the zoning ordinance codified in this title.
6. No billboard shall exceed one thousand square feet in area on a single face; provided, that when said billboard is erected closer than one hundred fifty feet from another billboard, neither billboard shall exceed five hundred square feet.
7. It is unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to
 - a. Obstruct the view of street crossings or railroad crossings
 - b. Be unable to stand a pressure of at least thirty pounds per square foot of advertising surface.
 - c. Be dangerous to the public by falling or blowing down.
 - d. Approach nearer than five feet from any building, unless attached to the building.
8. Billboards hereafter erected, constructed, re-constructed, altered or moved in the City shall be constructed in such a manner and of such material that they shall be safe and substantial.
9. Billboards supported by the ground shall have all posts set in concrete.

17.50.110 Non-conforming Signs.

- A. The lawful use of land for advertising, business signs or bulletin boards which are not installed or maintained in accordance with this chapter or the district zoning regulations and the other City, County, State and Federal requirements pertaining to construction, location and size shall be removed or converted to conform with this chapter and other City, County, State and Federal regulations within five years after the passing of these regulations.
- B. If a sign is determined to be non-conforming, a property owner may apply for a variance to the sign regulations in accordance with 17.40.190 Zoning Variances.

17.50.120 Removal of Signs from Vacant Buildings Required.

- A. Signs located on vacant buildings shall be removed by the property owner or his authorized agent within fifteen days after the premises are vacated.

CHAPTER 17.52

PARKING REGULATIONS

SECTIONS

I. SPACE REQUIREMENTS

- 17.52.010 Generally
- 17.52.020 Single-family and Two-family Dwellings, Manufactured and Mobile Homes
- 17.52.030 Multiple-family Dwelling Units
- 17.52.040 Home Occupations
- 17.52.050 Schools
- 17.52.060 Churches and other Places of Public Assembly
- 17.52.070 Hospitals, Nursing Homes, Boardinghouses and Lodging Houses
- 17.52.080 Dormitory, Fraternity or Sorority House
- 17.52.090 Business and Professional Offices
- 17.52.100 Eating Establishments
- 17.52.110 Medical, Mental, Dental or Health Clinics
- 17.52.120 Motels
- 17.52.130 Personal Service Establishments
- 17.52.140 Retail Stores and Shops
- 17.52.150 Industrial Uses
- 17.52.160 Change in Building or Use – Mixed Uses

II. ADDITIONAL REGULATIONS

- 17.52.170 Location of Off-street Parking Lots
- 17.52.180 Plans and Approval Required
- 17.52.190 Construction Requirements
- 17.52.200 Performance
- 17.52.210 Traffic Regulations

I. SPACE REQUIREMENTS

- 17.52.010 Generally
 - A. Whenever a structure is erected, converted or structurally altered and where required by this title there shall be provided off-street parking space as set forth in Sections 17.52.020 through 17.52.160. Except for rehabilitation or change of use for structures located in the C-2 business district shall not be subject to these parking regulations.
- 17.52.020 Single-family and Two-family Dwellings, Manufactured Homes and Mobile Homes
 - A. For single-family and two-family dwellings, manufactured homes and mobile homes, one off-street parking space shall be provided for each dwelling unit.
- 17.52.030 Multiple-family Dwelling Units
 - A. For multiple-family dwelling units, one off-street parking space per unit shall be provided in the side or rear yard.

- 17.52.040 Home Occupations
- A. For home occupations, one off-street parking spaces shall be provided in the side, front, or rear yard for home occupations. These shall be in addition to those required for dwelling purposes.
- 17.52.050 Schools
- A. Schools shall provide off-street parking spaces as follows.
 1. Elementary School – 2 parking spaces for each classroom
 2. Junior High School – 2 parking spaces for each classroom
 3. High School – 1 parking spaces for each 4 seats
 4. College – 1 parking space for each 2 faculty members plus 1 parking space for each 6 students
- 17.52.060 Churches and Other Places of Public Assembly
- A. For churches and other places of public assembly, one off-street parking space shall be provided for each five seats, based on maximum seating capacity of the main assembly room or sanctuary.
 - B. If no fixed streets, one off-street parking space shall be provided for each 150 square feet.
- 17.52.070 Hospitals, Nursing Homes, Boardinghouses and Lodging Houses
- A. For boardinghouses and lodging houses, one off-street parking space shall be required for each 3 sleeping units.
 - B. For hospitals and nursing homes, one off-street parking space shall be provided for every 3 beds, plus 1 parking space for each 2 employees anticipated to be employed on the largest shift, plus 1 parking space for each staff physician on the largest shift.
- 17.52.080 Dormitory, Fraternity or Sorority House
- A. For dormitory, fraternity or sorority house or other similar use or establishment, one off-street parking space shall be provided for each three sleeping accommodations provided.
- 17.52.090 Business and Professional Offices
- A. For business and professional offices, one off-street parking space shall be provided for each 400 square feet of gross floor area.
- 17.52.100 Eating Establishments
- A. For eating establishments, one off-street parking space for each 200 square feet of gross floor area of the dining area.
- 17.52.110 Medical, Mental, Dental Health Clinics, Veterinary Clinics, Emergency Clinics and Health Related Offices
- A. One off-street parking space shall be provided for each 200 square feet of gross floor area.
- 17.52.120 Motels and Bed & Breakfast Inns
- A. For motels and Bed & Breakfast Inns, one off-street parking space for each living or sleeping unit, plus 2 additional spaces for the owners or managers.

- 17.52.130 Personal Service Establishments
A. For personal service establishments, one off-street parking space for each 50 square feet of gross floor area.
- 17.52.140 General Retail Stores and Shops
A. For retail stores and shops, one off-street parking space shall be required for each 300 hundred square feet of gross floor area.
- 17.52.150 Retail, Furniture, Appliance or Building Material Supply
A. For retail, furniture, appliance or building material supply, one off-street parking space shall be provided for each 600 hundred square feet of gross floor area.
- 17.52.160 Mobile Home Park and Recreational Vehicle Parks
A. For mobile home park and recreational vehicle parks, one off-street parking space shall be provided for each mobile home space or recreational vehicle space.
- 17.52.170 Automobile Service or Repair
A. For automobile service or repair, one off-street parking space shall be provided for each 200 hundred square feet of gross floor area.
- 17.52.180 Automobile Sales
A. For automobile sales, one off-street parking space shall be provided for each 400 hundred square feet of gross floor area.
- 17.52.190 Banks, Savings and Loans, and Credit Unions
A. For banks, savings and loans, and credit unions, one off-street parking space shall be provided for each 350 hundred square feet of gross floor area.
- 17.52.200 Bar, Tavern, and Nightclubs
A. For bar, tavern and nightclubs, one off-street parking space shall be provided for each 100 hundred square feet of gross floor area.
- 17.52.210 Car Wash
A. For car wash, one off-street parking space shall be provided for each bay or stall.
- 17.52.220 Lumberyard and Nursery
A. For lumberyards and nurseries, one off-street parking space shall be provided for each 600 hundred square feet of gross floor area, plus one off-street parking space for each 1,000 square feet of outdoor area devoted to display and storage.
- 17.52.230 Mortuary and Funeral Homes
A. For mortuary and funeral homes, one off-street parking space shall be provided for each 4 seats in the main assembly room.
- 17.52.240 Manufacturing
A. For manufacturing, one off-street parking space shall be provided for each 1,000 square feet of gross floor area.

- 17.52.250 Warehouse
A. For warehouses, one off-street parking space shall be provided for each 1,000 square feet of gross floor area.
- 17.52.260 Amusement Park
A. For amusement parks, 30 off-street parking spaces shall be provided for each acre.
- 17.52.270 Arcade, Game Room
A. For arcades and game rooms, one off-street parking space shall be provided for each 300 hundred square feet of gross floor area.
- 17.52.280 Bowling Alley
A. For bowling alleys, there shall be 4 off-street parking spaces provided for each lane.
- 17.52.290 Pool Hall
A. For pool halls, there shall be 2 off-street parking spaces provided for each table.
- 17.52.300 Golf Course
A. For golf courses, there shall be 4 off-street parking spaces provided for each hole.
- 17.52.310 Miniature Golf
A. For miniature golf, there shall be one off-street parking space provided for each hole.
- 17.52.320 Auditorium, Assembly Hall, and Other Places of Public Assembly
A. For auditorium, assembly halls, and other places of public assembly, one off-street parking space shall be provided for each 5 seats, or if no fixed seats, one off-street parking space shall be provided for each 150 square feet.
- 17.52.330 Theater
A. For theaters, there shall be one off-street parking space provided for each 4 seats.
- 17.52.340 Daycare Center, Pre-School
A. For daycare centers and pre-schools, one off-street parking space shall be provided for each 400 square feet of gross floor area.
- 17.52.350 Library
A. For libraries, there shall be one off-street parking spaces provided for each 1,000 square feet of gross floor area.
- 17.52.360 Golf Driving Ranges
A. For golf driving ranges, there shall be one off-street parking space provided for each tee.
- 17.52.370 Race Track
A. For race tracks, there shall be one off-street parking space provided for each 4 seats.

- 17.52.380 Shooting Ranges
A. For shooting ranges, there shall be one off-street parking space provided for each firing lane.
- 17.52.390 Skating Rink
A. For skating rinks, there shall be one off-street parking space provided for each 150 square feet of gross floor area.
- 17.52.400 Athletic Complexes
A. For athletic complexes, there shall be one off-street parking space for each 4 seats.
- 17.52.410 Tennis, Handball, or Racquetball Facilities
A. For tennis, handball, or racquetball facilities, there shall be 3 off-street parking spaces provided for each court.
- 17.52.420 Health Clubs
A. For health clubs, there shall be one off-street parking space for each 150 square feet of gross floor area.
- 17.52.430 Industrial Uses
A. For industrial uses permitted in I-1 and I-2 districts, one off-street parking space for each 1,000 square feet of gross floor area.
- 17.52.440 Change in Building or Use – Mixed Uses
A. Whenever a building or use constructed or established in any district after the effective date of the ordinance codified in this title is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of the ordinance codified in this title is enlarged to the extent of fifty percent or more in floor area or in the area used, the building or use shall then and thereafter comply with the parking requirements set forth in this chapter.
B. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

II. ADDITIONAL REGULATIONS

- 17.52.170 Location of Off-street Parking Lots
A. Off-street parking lots for single-family or multiple-family dwellings, home occupations, schools, churches and similar places of public assembly, hospitals, nursing homes, boardinghouses, lodging houses, dormitories, fraternity or sorority houses shall be located in the side or rear yard.
B. Off-street parking spaces for uses permitted in C-S, C-1, C-2, I-1 and I-2 districts shall be located back of the required front yard line and shall be within 300 feet of the building they serve.
- 17.52.180 Plans and Approval Required

- A. Plans for off-street parking lots, other than single-family dwellings, shall be prepared and submitted to the building official for review and approval prior to issuance of a building permit. Before approving any parking layout, the building official shall satisfy himself that the spaces provided are usable and meet standard design criteria.
- B. All required off-street parking spaces shall be clearly marked.

17.52.190 Construction Requirements

- A. Parking lots for other than single-family dwellings shall be surfaced with asphalt, concrete or similar dust-free surface.

17.52.200 Performance

- A. In lieu of construction of the required parking lot, the Governing Body of the City may accept a corporate surety bond, cashiers' check, escrow account or other like security in an amount to be fixed by the Governing Body and conditioned upon the actual completion of such work or improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means.

17.52.210 Traffic Regulations

- A. Plans for the erection or structural alteration of any business use dependent upon vehicles entering onto the business site or parking lot shall be approved by the Governing Body.
- B. The Governing Body may require such changes therein in relation to yards, location of curb cuts, width of drives, location of signs and accessory uses and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

CHAPTER 17.54

LOADING AND UNLOADING REGULATIONS

SECTIONS

- 17.54.010 Space Requirements
- 17.54.020 Plans and Approval Required
- 17.54.030 Performance

17.54.010 Space Requirements

- A. Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for industrial zones involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located as to avoid undue interference with public use of streets, alleys and walkways. Such space shall be scaled to delivery vehicles expected to be used and shall be accessible to such vehicles when required off-street parking spaces are filled.
- B. The number of spaces shall be provided as follows:

Number of Spaces	Gross Floor Area in Square Feet
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000

One additional space shall be provided for each fifty thousand square feet above one hundred fifty thousand square feet.

17.54.020 Plans and Approval Required

- A. Plans showing the layout and design of all required loading and unloading areas shall be submitted and approved by the Building Official prior to issuance of a building or zoning permit.
- B. Before approving the layout, the Building Official shall satisfy that all spaces provided are usable and meet standard design criteria and that the complete loading and unloading operation is performed off-street.

17.54.030 Performance

- A. In lieu of actual construction of the required off-street loading and unloading area, the Governing Body may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount fixed by the Governing Body and conditioned upon actual construction of such work or improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means.

CHAPTER 17.56

ADDITIONAL HEIGHT, AREA AND USE REGULATIONS

SECTIONS

- 17.56.010 Qualifications and Supplementations to District Regulations
- 17.56.020 Additional Height for Certain Public Districts
- 17.56.030 Height Regulation for Chimneys, Towers and Steeples
- 17.56.040 Accessory Buildings – Proximity to Main Buildings
- 17.56.050 Accessory Buildings - Construction Prohibited Before Commencement of Construction of Main Building
- 17.56.060 Determination of Setback Line
- 17.56.070 Regulations for Fire Escapes, Outside Stairways and Chimney and Flue Projections
- 17.56.080 Side Yard Regulations for Two-family or Multiple-family Dwelling
- 17.56.090 Temporary Buildings and Temporary Signs During Construction
- 17.56.100 Conformance to Yard and Space Requirements with Multiple Principal Uses
- 17.56.110 Dwelling Units Erected above Commercial or Industrial Structures
- 17.56.120 Restriction of Number of Employees – Applicability
- 17.56.130 Radio and Television Towers
- 17.56.140 Fences
- 17.56.150 Building Setback Lines
- 17.56.160 Lots of Record
- 17.56.170 Canopy and Marquee
- 17.56.180 Number of Structures on a Lot

- 17.56.200 Temporary uses: Permitted; Applications; Conditions
- 17.56.210 Home Occupations
- 17.56.220 Wind Energy Conversion Systems (WECS)
- 17.56.230 Inoperable Vehicle
- 17.56.240 Zero Lot Line
- 17.56.250 Attached Single Family Dwellings, Townhouses and Condominiums
- 17.56.260 Conversion of a Two-family or Multiple-family Structure to Individually Owned Units
- 17.56.270 Required Screening for Business-industrial Use
- 17.56.280 Landscaping Requirements
- 17.56.290 Gas Pump Canopies
- 17.56.300 Storm Shelters

- 17.56.010 Qualifications and Supplementations to District Regulations
 - A. The regulations set forth in these Sections qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title.
- 17.56.020 Additional Height for Certain Public Buildings
 - A. In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar

places of worship are permitted, one foot of additional height will be permitted for each one foot of additional building setback provided up to forty five feet.

- 17.56.030 Height Regulation for Chimneys, Towers and Steeples
- A. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed one hundred fifty feet.
- 17.56.040 Accessory Building – Proximity to Main Building
- A. Accessory buildings may be built in a rear yard, but such accessory building shall not be nearer than the main building to any side lot line, except that when a detached garage is entered from an alley it shall not be closer than 5 feet from the alley line.
- 17.56.050 Accessory Buildings – Construction Prohibited before Commencement of Construction of Main Building
- A. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.
- 17.56.060 Determination of Setback Line
- A. The setback line shall be determined by measuring the horizontal distance from the property line to nearest architectural projection of the building (porches and stoops included).
- 17.56.070 Regulations for Fire Escapes, Outside Stairways and Chimney and Flue Projections
- A. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Official are so placed so as not obstruct light and ventilation.
- 17.56.080 Side Yard Regulations for Two-family or Multiple-family Dwelling
- A. For the purpose of the side yard regulations, a two-family dwelling, or a multiple-family dwelling shall be considered as one building occupying one lot.
- 17.56.090 Temporary Buildings and Temporary Signs during Construction
- A. Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction.
- 17.56.100 Conformance to Yard and Space Requirements with Multiple Principal Uses
- A. Where a lot or tract is used for a non-residential purpose, more than one principal use may be located upon the lot or tract but only when the building or buildings conform to all yard and open space requirements for the district in which the lot or tract is located.
- 17.56.110 Dwelling Units Erected Above Commercial or Industrial Structures

- A. No side yards are required where dwelling units are erected above commercial and industrial structures.

17.56.120 Radio and Television Towers

- A. Radio and television towers shall be permitted in any commercial or industrial district providing the height of the radio or television tower does not conflict with any airport approach or landing zone or with any other ordinance.

17.56.130 Fences

- A. Except as otherwise specifically provided in other codes, ordinances or regulations, the following regulations shall apply to the construction of fences.
 1. No fence, wall, hedge or shrubbery intended as a fence or partition between properties shall exceed 4 feet in height from the front building line extending toward an avenue except that on a corner lot the 4-foot limitation shall be limited pursuant to Subsection (6) below. For the purposes of measuring the height of front yard fences, the measurement shall be the vertical height from the top of curb on the avenue abutting the property. All other fences may not exceed six feet in height.
 2. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
 3. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or any fence which shall adversely affect the public health, safety and welfare.
 4. No fence, except fences erected upon public or parochial school grounds or in public parks and public playgrounds, shall be constructed of a height greater than six feet; provided, however, that the Planning Commission may, by special permit, authorize the construction of a fence higher than six feet if the Commission finds the public welfare is preserved.
 5. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
 6. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision up to a height of 4 feet above the height of the curb head of the intersecting streets in the area bounded by the street lines of such corner lots within the clear sight triangle.

17.56.140 Building Setback Lines

- A. Building setback lines are established for all arterial and collector streets, as shown on the approved major street plan.

17.56.150 Lots of Record

- A. A lot or group of lots which were platted and recorded in the office of the County Clerk and Recorder prior to the effective date of the ordinance codified in this title may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure on a lot or group of lots that do not conform with the minimum yard and height requirements unless specifically authorized by the Planning Commission.

17.56.160 Canopy and Marquee

- A. A canopy or marquee may be permitted to overhang a public way in a commercial district providing that:
 - 1. The canopy or marquee is constructed and maintained in accordance with the City building code and other codes, ordinances and resolutions
 - 2. No portion of the canopy or marquee shall be less than seven feet above the level of the sidewalk or other public way
 - 3. The canopy or marquee shall not extend beyond a point two feet inside the curb line of a public street.

17.56.170 Number of Structures on a Lot

- A. Where a lot is used for other than a single family or manufactured home, more than one principal use or structure may be located on such lot, provided that such buildings conform to all requirements for the district in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as condominiums or townhouses.

17.56.180 Temporary Uses: Permitted; Applications; Conditions

- A. Only the following temporary uses may be permitted.
 - 1. Carnivals and circuses, located in a commercial or industrial zone or on public property, when located at least two hundred (200) feet from a residential zone and for a time period not exceeding two (2) weeks.
 - 2. Christmas tree and fireworks sales lots in a commercial or industrial zone.
 - 3. Contractors office and equipment sheds on the site of a construction project only during the construction period.
 - 4. Model homes or development sales offices located within the subdivision or development area to which they apply and to continue only until sale or lease of all units in the development.
 - 5. Outdoor temporary sales on private property and not incorporated or in partnership with the existing business located on this property in a commercial or industrial zone, including commercial sales, swap meets or similar activities providing they do not operate for more than ten (10) consecutive days and there are no more than four (4) such sales on any one property in any calendar year.
 - 6. Produce stands, seasonal sales of farm or garden produce on an individual's place of residence and raised by the same individual, provided no structure is constructed for such use.
 - 8. One manufactured home to be used as a temporary office for any allowable use in an Industrial Zoning District, provided that such manufactured home shall not be used for more than a two (2) year period starting the day the manufactured home is set upon the property.
- B. Persons seeking approval for a temporary use authorized by section A above shall make application to the Zoning Administrator at least ten (10) days in advance of the time desired for usage. Such application shall include a site plan showing existing and proposed usage. The Zoning Administrator may issue a Certificate of Temporary use upon finding:
 - 1. The temporary use will not impair the normal, safe and effective operation of any permanent use on the same or adjoining site.
 - 2. The temporary use will not affect the public health, safety, or convenience and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of use and activities in the vicinity.

1. That adequate off street parking is available for the temporary use and any permanent use on the site.
- C. The following conditions for a temporary use shall apply.
 1. Each site used by an authorized temporary use shall be left free of debris, litter and all evidence of such use.
 2. Such use when conducted upon a parking lot of another business shall not occupy more than twenty (20%) percent of the required parking spaces of such uses.
 3. No temporary use shall be located within the required setback of the site.
 4. Any sign used in conjunction with the temporary use shall comply with all requirements of the sign regulations for temporary signs.

17.56.200 Wind Energy Conversion Systems (WECS)

- A. Wind energy conversion systems (WECS) may be permitted subject to the following requirements:
 1. The minimum distance from any lot line to any tower, pole or other support structure of the wind energy conversion system shall be established by the following minimum standards:

<u>Rotor Diameter (Feet)</u>	<u>Setback Distance (Feet)</u>
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

Intermediate rotor size distances shall be interpolated from the above values.

2. The WECS shall not be located in any required yard.
3. The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed sixty (60) d.b.a. in a residential zone.
4. To limit climbing access to WECS tower, or other support structure, a six (6) foot high fence with locking portal shall be place around the WECS support or if a tower is utilized, the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the WECS support may be mounted on a rooftop.
5. All blades of a WECS shall be constructed of non-metallic substances. If the applicant can prove, in writing form, that no electromagnetic interference will result, a metal content of up to twenty-five (25) percent will be acceptable.
6. The WECS shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR stations.
7. Height of the WECS shall not exceed the maximum height restriction in the zone where it is located by more than twenty (20) feet. The height of the WECS shall be measured at the center of the blade diameter.

8. Data pertaining to the WECS safety and structural integrity shall be certified by a licensed engineer and filed with the building permit application. The tower or support and top adapter shall meet the restrictions specified in the City's building code.
9. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS.
10. A plot plan shall be submitted with the application for building permit showing the proposed location and height of the WECS, fencing and all existing buildings within two hundred (200) feet of the exterior lot lines.
11. The owner/operator shall provide covenants, easements or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.
12. The owner/operator shall certify that the WECS does not violate any covenants of record.
13. The applicant shall provide a certificate of liability insurance. Annually the owner/operator shall present evidence to the zoning administrator that the liability insurance is still in effect.

17.56.210 Attached Single Family Dwellings, Townhouses And Condominiums

A. Attached Single Family Dwellings, Townhouses and Condominiums may be built upon existing tracts by meeting the following stipulations:

1. Definitions:

- a. Attached Single Family Dwellings. A series of no more than four (4) single family dwelling structures which are joined at one (1) or more sides by a common fire wall and where the units are completely independent of each other, including the parcel of land upon which each unit is built.
- b. Townhouse. A series of four (4) or more single family residential dwelling structures joined together at one (1) or more side by a common fire wall and where the units are independent of each other, including the immediate parcel of land upon which each unit is built, and where portions of the land are held in common ownership with other units in the project.
- c. Condominium. Multi-unit structures with each unit under separate ownership and each owner owning only air space occupied by his unit. All owners jointly own all common areas and land.

B. Conditions:

1. Attached Single Family Dwellings, as defined, may be erected within the R-1. R-2, Two Family District (Limit 4 units each structure); R-3 Multiple Family Dwelling Districts; subject to district regulations and the following conditions:

- a. No individual unit shall have less than twenty (20) feet frontage upon a public street.
- b. No individual ownership shall contain less than two thousand two hundred (2,200) square feet of lot area.
- c. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
- d. Each unit shall be separated from other units at party walls which are fire resistive construction.

- e. Party wall agreements in the form of restrictive covenants which run with the land to define ownership, use and responsibility for maintenance and use of such party wall must be provided.
 - f. Parking shall be as required for single family residences in Chapter 17.52.
 - g. Utility services to each unit shall be separately metered unless approved on a case-by-case basis by City.
2. Townhouses, as defined, may be erected within the R-3, Multiple Family Dwelling District are subject to the District Regulations and the following conditions:
- a. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - b. Each unit shall be separated from other units at common party walls which are of two (2) hour fire resistive construction or have sprinkler systems and meet building code requirements.
 - c. Utility services to each unit shall be separately metered unless approved on a case by case by the City.
 - d. All common open space shall be jointly owned by the owners of the individual structures and agreements setting forth the responsibilities of external maintenance of common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Register of Deeds. Such agreements shall be in accordance with the laws of the State of Colorado.
 - e. Parking shall be as required for multiple family residences in Chapter 17.52.
3. Condominiums, as defined, may be erected within the R-3 Multiple Family Dwelling District subject to the district regulations and the following conditions:
- a. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - b. Each unit shall be separated from each other as required by the Multiple Family Unit provisions of the Building Code.
 - c. Utility services to each unit shall be separately metered unless approved on a case-by-case basis by City.
 - d. All common open space shall be jointly owned by the owners of the individual units and agreements setting forth the responsibilities of both external and internal common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Register of Deeds. Such agreements shall be in accordance with the laws of the State of Colorado.
 - e. Parking shall be as required for multiple family residences in Chapter 17.52.

17.56.220 Conversion of a Two-family or Multiple-family Structure to Individually Owned Units

- A. Conversion of a two-family or multiple-family structure to individually owned single-family dwelling units may be permitted subject to the following requirements:

1. An application for such unit conversion shall be filed for review and comment by City Staff. Such application shall be accompanied by the following information as a minimum:
 - a. A plot plan showing site and structure arrangements and proposed re-platting.
 - b. A full legal description of the subject property, including legal descriptions of proposed individual properties after re-platting.
 - c. A description of proposed structural and utility alterations to provide for individual services and maintenance.
 - d. A description of proposed public access patterns, both vehicular and pedestrian.
 - e. A copy of protective covenants which shall be written to run with the land in which shall be specified methods for providing for maintenance of shared property and/or easements, responsibilities for shared expenses, and continued use of the property for specified purposes. Such covenants shall be written to provide for the long-term maintenance and use of the premises for residential purposes only, within the overall context of neighborhood development.
 - f. Any other supplementary information as may be required to assess short- and long-term neighborhood impacts associated with the proposed conversion.
3. Where a two-family or multiple-family structure is converted to individually owned, single-family dwelling units, a separation of utility service lines is required from each individually owned, single-family dwelling unit to a public utility line or to a utility line, private well, septic system, or lagoon which is located in an area of a lot or building that is owned by or accessible to a party legally responsible for maintenance of utility lines or systems on behalf of the owners of each converted single-family dwelling unit.
4. City staff shall not approve an application for conversion from a two-family or multiple-family structure to individually-owned, single-family dwelling units where it is determined that an existing or proposed utility service line, private well, septic system, or lagoon exists or is proposed to exist in an area where the maintenance of said utility line would require entry into an individually-owned dwelling unit.
5. All conversions of two-family or multiple-family structures to individually-owned, single-family dwelling units are subject to all applicable City codes, including building permit application, complaint firewalls, and inspection procedures.
6. The above procedures and regulations are applicable even where the conversion does not require new construction.

17.56.230 Required Screening for Business-Industrial Use

- A. Commercial or Industrial Use Adjacent to a Residential Zone. Whenever a commercial or industrial zoned tract adjacent to a residential zoning district is used, screening to protect the residential land from the affect of the commercial use shall be required.
- B. Type of Screening Required. All required screening shall consist of a wall, fence or evergreen plantings from six (6) to eight (8) feet in height having a visual density of at least ninety (90%) percent. Screens adjacent to the front yard of a residential zone shall not exceed forty-eight (48) inches in height.

- C. Location of Screen. All required screening shall be located within three (3) feet of the property line adjacent to the residential zone.
- D. Evergreen Hedges or Shrubs. Evergreen plantings shall be planted at a height of at least thirty-six (36) inches and shall reach the required height and effective screening within eighteen (18) months.
- E. Maintenance of Screens. All required screens shall be permanently maintained in good and effective condition, and whenever necessary, repaired or replaced.
- F. Installation Prior to Occupancy. Whenever screening is required, it shall be installed before occupancy of the commercial or industrial use is allowed. Where plantings are being used to accomplish the required screening and the season is unsuitable for planting, the owner shall submit a written verification, satisfactory to the Zoning Administrator, of when the required screening shall be planted.

17.56.240 Landscaping Requirements

- A. All property within the zoning jurisdiction of the City of La Junta shall hereinafter be subject to the following minimum requirements.
 - 1. The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all stormwater and shall be free of hazards, nuisances or unsanitary conditions.
 - 2. Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the neighborhood.
 - 3. No vegetation shall overhang a public street or sidewalk below a height of ten (10) feet, or obstruct views of pedestrian and vehicular movements.
 - 4. Where districts “M-P”, “C-S”, “C-1”, “I-1”, or “I-2” adjoin “R-1”, “R-2”, or “R-3” Districts they shall be appropriately separated by a landscaped area of at least ten (10) feet wide or a decorative architectural screen at least six (6) feet high.
 - 5. Parking areas abutting public walkways or streets shall be appropriately separated by a landscaped area or a decorative architectural screen. The landscape materials or architectural screen shall not exceed four (4) feet in height.

17.56.250 Gas Pump Canopies

- A. Canopies covering gas or other fuel pumps must be located so that no part of the structure is less than ten (10) feet from the front property line. Such structures shall meet all other setback requirements.

17.56.260 Storm Shelters

- A. In zones R-3, and MP each new development of ten (10) or more dwelling units, or housing spaces shall be provided with properly ventilated and constructed storm shelters located at a central or other convenient location, unless determined otherwise by the Planning Commission and Governing Body. Where storm shelters are required, space shall be provided at the rate of eighteen (18) square feet for each new dwelling unit, manufactured home space, or travel trailer space. Storm shelters shall be built in accordance with the building codes of the City.