

Title 17

ZONING

Chapters:

- 17.04 General Provisions and Zoning Map**
- 17.08 Definitions**
- 17.12 Districts and General Regulations**
- 17.14 Transitional Mixed-Use Overlay Zone**
- 17.16 Planned Unit Developments**
- 17.17 Planned Development District (PDD)**
- 17.20 Supplementary Provisions and Design Requirements**
- 17.24 Uses Permitted by Special Review**
- 17.28 Off-Street Parking and Loading**
- 17.30 Signs**
- 17.32 Nonconforming Uses, Structures and Lots**
- 17.36 Board of Adjustment**
- 17.40 Amendments to Zoning Provisions**
- 17.44 Administration and Enforcement**

Chapter 17.04

GENERAL PROVISIONS AND ZONING MAP

Sections:

- 17.04.010 Title for citation.**
- 17.04.020 Statutory authority-- Purpose of provisions.**
- 17.04.030 Interpretation and application.**
- 17.04.040 Jurisdictional area-- Annexed areas.**
- 17.04.050 Conformity with Title 17 regulations.**
- 17.04.060 Conformity with comprehensive plan.**
- 17.04.070 Vesting of property rights.**
- 17.04.080 Zoning map and district boundaries.**

17.04.010 Title for citation.

This Title 17 shall be cited as the "Zoning Ordinance" of the City of Cañon City, Colorado. (Ord. 25-1991 § 1 (part))

17.04.020 Statutory authority-- Purpose of provisions.

A. In pursuance of the authority conferred by Section 14 of Article XV of the Charter of the City of Cañon City and Article 23 of Title 31, Colorado Revised Statutes, 1973 as amended, the ordinance codified in this title is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the city by lessening of congestion in the streets and roads, securing safety from fire and other dangers, providing adequate light and air; the classification of

land uses, and the distribution of land development and utilization, avoiding undue congestion of population, facilitating the adequate provision of transportation, water, schools, parks, sewerage and other public requirements; and by other means in accordance with the Cañon City comprehensive plan (master plan) and the zoning map adopted herewith.

B. The city council and the planning commission of the city declare that this title is additionally adopted for the following specific purposes:

1. To promote coordinated and sound development;
2. To provide for higher quality site and land planning, to conserve open space, and to promote more efficient and attractive use of open space;
3. To establish, regulate, restrict and limit uses; provide for the gradual elimination of nonconforming uses, buildings and structures, and to eliminate uses to which such structures are devoted when the use is discontinued or the structure is destroyed or damaged in major part. To eliminate structures or uses on or along any storm or floodwater runoff channel or basin as by law provided. (Ord. 25-1991 § 1 (part))

17.04.030 Interpretation and application.

The provisions of this title may be regarded as minimum requirements for the promotion of public health, safety, comfort, convenience, prosperity and general welfare. This title is not intended to interfere with or abrogate or annul any easements, covenants or agreements between parties; provided, however, that wherever this title proposes a greater restriction upon use of buildings or land, upon

the location or height of buildings or structures, or requires larger open spaces about the structures than are imposed or required by other laws, ordinances, or easements, covenants or agreements between parties, the provisions of this title shall govern. (Ord. 25-1991 § 1 (part))

17.04.040 Jurisdictional area Annexed areas.

This title shall apply to all land and buildings within the corporate limits of the city, as presently exists, or as hereafter established by any annexation proceedings. Any area annexed shall be brought under the jurisdiction of this title and map within ninety days from the effective date of the annexation ordinance. (Ord. 25-1991 § 1 (part))

17.04.050 Conformity with Title 17 regulations.

A. No structure or premises shall hereafter be used or occupied, and no structure or portion thereof shall be moved, constructed, reconstructed, extended, enlarged or altered contrary to provisions of this title.

B. No building shall be erected, enlarged or moved, nor shall any open spaces surrounding any building be encroached upon or reduced except in conformity with the use, area, height and yard requirements established in this title for the district in which such building is located. No yard or other open space provided for the purpose of complying with this title shall be considered as providing a yard or other open space for more than one principal building or use. (Ord. 25-1991 § 1 (part))

17.04.060 Conformity with comprehensive plan.

This title shall be for the purpose of implementing the comprehensive plan (master plan) of the city. Specifically those policies relating to land use and minimum development quality are strengthened by implementation via this title. (Ord. 25-1991 § 1 (part))

17.04.070 Vesting of property rights.

No property rights, as defined in Section 24-68-101, Colorado Revised Statutes, et seq., shall occur in the zoning process until such time as the city council has given approval to the final Planned Unit Development plan and plat after notice and public hearing, unless the developer and the city have reached a written agreement providing for the vesting of real property rights at a different time. (Ord. 25-1991 § 1 (part))

17.04.080 Zoning map and district boundaries.

A. The location and boundaries of the districts designated in Chapter 17.12 are established as shown on the official Zoning District Map.

B. The zoning map and all the notations thereon are made a part of this title. The signed copy of the zoning map containing the zoning districts designated at the time of the adoption of this title shall be maintained without change on file in the offices of the city engineer, or in such office as the city administrator may designate, as well as the office of the city clerk

C. Changes made in district boundaries or other matter portrayed on the zoning map shall be made in accordance with the

provisions of this title, the Charter of the city and statutes of the state. Changes shall be entered on the zoning map by the zoning administrator promptly after the amendment involving matter portrayed on the zoning map has been approved by the city council, with an entry on both the official reproducible zoning map and a color-coded copy thereof posted in the municipal building. (Ord. 25-1991 § 1 (part))

Chapter 17.08	17.08.130	Condominium.
DEFINITIONS	17.08.135	Convenience store.
Sections:	17.08.140	Density.
	17.08.145	Disposition.
	17.08.150	District.
17.08.005	17.08.155	Drive-in establishment.
Interpretation of language.	17.08.160	Dwelling, multi-unit or multi-family.
17.08.010	17.08.165	Dwelling, single-family.
Words and terms.	17.08.170	Dwelling unit.
17.08.015	17.08.175	Easement.
Accessory structure or use.	17.08.178	Elementary school.
17.08.018	17.08.180	Employees.
Agriculture.	17.08.183	Factory-built home.
17.08.020	17.08.185	Family.
Alley.	17.08.190	Feedlots.
17.08.025	17.08.195	Fence.
Amusement and entertainment facility.	17.08.200	Field.
17.08.030	17.08.201	Final Planned Development Plan (FPDP).
Animal hospital.	17.08.205	Floor area.
17.08.035	17.08.210	Frontage.
Apartment.	17.08.215	Garage, private.
17.08.040	17.08.220	Garage, public.
Applicant.	17.08.225	Gasoline station.
17.08.045	17.08.230	Grade.
Bed and breakfast accommodations.	17.08.235	Grazing land.
17.08.050	17.08.237	Group home for the mentally ill.
Boardinghouse/ roominghouse.	17.08.240	Hedge.
17.08.055	17.08.245	Home occupation.
Building.	17.08.250	Hospital.
17.08.060	17.08.251	Hospital heliport.
Building coverage.	17.08.255	Household pets.
17.08.065	17.08.260	Hotel.
Building height.	17.08.265	Junkyard.
17.08.070	17.08.270	Kennel.
Building, principal.	17.08.275	Lot.
17.08.075	17.08.280	Lot area.
Bulk, nonconforming.	17.08.285	Lot, corner.
17.08.080	17.08.290	Lot coverage.
Bulk regulations.		
17.08.082		
Bus.		
17.08.085		
Bush.		
17.08.088		
Cemetery.		
17.08.090		
Child care, family.		
17.08.095		
Child care center.		
17.08.100		
Children's group home.		
17.08.105		
Children's home.		
17.08.110		
Church.		
17.08.111		
Church parking lot.		
17.08.113		
College or university.		
17.08.115		
Colorado Revised Statutes (CRS).		
17.08.120		
Commercial.		
17.08.122		
Commercial vehicle.		
17.08.125		
Comprehensive plan.		

17.08.295	Lot depth.	17.08.421	Rail services and facilities.
17.08.300	Lot, double-frontage.	17.08.422	Rafting takeout facility.
17.08.305	Lot, interior.	17.08.425	Recreational facility.
17.08.310	Lot line, front.	17.08.427	Recreational vehicle (RV).
17.08.315	Lot line, interior side.	17.08.428	Recreational vehicle (RV) park.
17.08.320	Lot line, rear.	17.08.430	Retail.
17.08.325	Lot line, street side.	17.08.435	Right-of-way (ROW).
17.08.330	Lot width.	17.08.440	Rooming unit.
17.08.333	Manufactured home.	17.08.443	School.
17.08.335	Mobile home.	17.08.445	Screening.
17.08.340	Mobile home park.	17.08.447	Secondary school.
17.08.341	Mobile home rental pad.	17.08.450	Setback line.
17.08.342	Mobile home rental space.	17.08.450.5	Sexually oriented business.
17.08.345	Mobile home subdivision.	17.08.455	Shelter.
17.08.347	Mobile machinery or self-propelled construction equipment.	17.08.460	Shrub.
17.08.349	Model Traffic Code.	17.08.463	Social facility.
17.08.350	Modular home.	17.08.465	Special event.
17.08.355	Motel.	17.08.466	Stand or standing.
17.08.360	Nonconforming structure.	17.08.467	Stored.
17.08.365	Nonconforming use.	17.08.470	Street.
17.08.367	Park or parking.	17.08.475	Structure.
17.08.370	Parking, off-street.	17.08.480	Structure, principal.
17.08.375	Parking space.	17.08.485	Structural alteration.
17.08.380	Person.	17.08.490	Townhouse.
17.08.385	Personal services.	17.08.495	Trade and repair shops.
17.08.386	Planning area.	17.08.496	Training facility.
17.08.387	Planned Development District Plan (PDDP).	17.08.498	Tree.
17.08.388	Planned Development District (PDD).	17.08.500	Use.
17.08.390	Planned Unit Development (PUD).	17.08.505	Use, accessory.
17.08.395	Principal structure.	17.08.510	Use, nonconforming.
17.08.400	Principal use.	17.08.515	Use, principal.
17.08.405	Private.	17.08.520	Utility services, public or essential government.
17.08.410	Professional offices.	17.08.525	Vision clearance area.
17.08.415	Property line.	17.08.527	Vocational or business school.
17.08.420	Public hearing.	17.08.530	Yard.
		17.08.535	Yard, front.

17.08.540 **Yard, rear.**
17.08.545 **Yard, side.**
17.08.547 **Yard sale.**
17.08.550 **Zero lot line.**

17.08.005 Interpretation of language.

The words and terms used, defined, interpreted or further described in this title may be construed as follows:

- A. The particular controls the general.
- B. The word "shall" is always mandatory and not directory. The word "may" is permissive.
- C. Words used in the present tense include the future unless the context clearly indicates the contrary.
- D. Words used in the singular include the plural, and words used in the plural include the singular unless the context clearly indicates the contrary. (Ord. 25-1991 § 1 (part))

17.08.010 Words and terms.

- A. The following list of specific words and terms are defined as set out in this chapter.
- B. Further clarification of words and terms can be obtained by referring to the topic in which they are explained within the context of this title. (Ord. 25-1991 § 1 (part))

17.08.015 Accessory structure or use.

"Accessory structure or use" means a structure or use incidental or subordinate to the main use of the property, including a home occupation which is located on the same lot or a contiguous lot in the same ownership with the main use. (Ord. 25-1991 § 1 (part))

17.08.018 Agriculture.

"Agriculture" means the business of cultivating the land or employing it for the purpose of raising all livestock and poultry, as well as the caring for and harvesting of crops. (Ord. 4-2000 § 1: Ord. 34-1992)

17.08.020 Alley.

"Alley" means a minor right of way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes. (Ord. 25-1991 § 1 (part))

17.08.025 Amusement and entertainment facility.

"Amusement and entertainment facility" means that which occupies the attention with a pleasurable pursuit or diversion including, but not limited to, theater, library, game room, dance hall, assembly room, museum, gallery, and studio. (Ord. 25-1991 § 1 (part))

17.08.030 Animal hospital.

"Animal hospital" means a veterinary hospital where animals are brought for medical treatment and may be housed during the time of such treatment. (Ord. 25-1991 § 1 (part))

17.08.035 Apartment.

"Apartment" means a part of a building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a single family and located in a multiple-family dwelling. (Ord. 25- 1991 § 1 (part))

17.08.040 Applicant.

"Applicant" means the owner or duly designated representative of land for which a special review, amendment, variance, PUD, building permit or certificate of occupancy has been requested. (Ord. 25-1991 § 1 (part))

17.08.045 Bed and breakfast accommodations.

“Bed and breakfast accommodations” means a residential building where, for compensation, lodging and meals are provided in a “family” atmosphere for other than the occupant and family, for a short period of time, usually less than a week. One extra parking space shall be provided on-site for each lodging room, and appropriate provision shall be made for safe ingress and egress. In residential zone districts, landscaping and screening shall be provided to maintain the residential character of the building, and preserve the right of neighboring residents to enjoy a peaceful occupancy of their home. (Ord. 25-1991 § 1 (part))

17.08.050 Boardinghouse/ roominghouse.

“Boardinghouse/roominghouse” means a building other than a hotel or restaurant where, for compensation, lodging and meals are provided for boarders and roomers, usually for an extended period of time. One on-site parking space shall be provided for each lodging room, plus one space for each employee. (Ord. 25-1991 § 1 (part))

17.08.055 Building.

“Building” means a structure built for the shelter of persons, animals, property or substances of any kind, excluding fences. (Ord. 25-1991 § 1 (part))

17.08.060 Building coverage.

See “Lot coverage.” (Ord. 25-1991 § 1 (part))

17.08.065 Building height.

“Building height” means the vertical distance measured from the lowest point of elevation of the finished surface of the ground within the area between the building and a point five feet from the exterior wall of the building to the uppermost point of the roof. (Ord. 25-1991 § 1 (part))

17.08.070 Building, principal.

“Principal building” means a building in which is conducted the main or principal use of the lot on which said building is situated. (Ord. 25-1991 § 1 (part))

17.08.075 Bulk, nonconforming.

“Nonconforming bulk” means that part of a building, structure or nonbuilding use which does not conform to one or more of the applicable bulk regulations in this title. (Ord. 25-1991 § 1 (part))

17.08.080 Bulk regulations.

“Bulk regulations” means regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

- A. Maximum height;
- B. Maximum lot coverage;
- C. Minimum size yard and setback. (Ord. 25-1991 § 1 (part))

17.08.082 Bus.

“Bus” means a motor vehicle with a long body that is equipped with seats or benches for passengers and which is used (or was manufactured to be used) to transport passengers from place to place over public highways. (Ord. 12-2001 § 1 (part))

17.08.085 Bush.

“Bush” means a shrub or low woody plant with branches near ground level. (Ord. 25-1991 § 1 (part))

17.08.088 Cemetery.

“Cemetery” means land which is used for the interment of the dead, including earth interments, a mausoleum for crypt interments, a columbarium for cinerary interments or a combination of more than one thereof. (Ord. 34-1992)

17.08.090 Child care, family.

“Family child care” means a facility for child care in a place of residence for the purpose of providing family care and training for children under the age of sixteen who are not related to the head of the home. Said facility shall be licensed by the Colorado Department of Social Services. (Ord. 25-1991 § 1 (part))

17.08.095 Child care center.

“Child care center” means a facility maintained for the care of children under the age of sixteen, including but not limited to, day camps, nursery schools, day care, preschools and playschools. Such facility shall be licensed by the Colorado Department of Social Services and shall be approved through the special review process by the city council. (Ord. 25-1991 § 1 (part))

17.08.100 Children’s group home.

“Children’s group home” means a structure used for housing of minor children under the age of eighteen in a family-type setting. The total number of all children cared for in a dwelling may not exceed eight. The home shall have been and continue to be licensed by the Colorado Department of Social Services. (Ord. 25-1991 § 1 (part))

17.08.105 Children’s home.

“Children’s home” means an institution for the care of large numbers of minor children under the age of eighteen in a non-family setting. The home shall have been and must continue to be licensed by the Colorado Department of Social Services. (Ord. 25-1991 § 1 (part))

17.08.110 Church.

“Church,” for purposes of this title, shall mean synagogue, temple, chapel, mosque, tabernacle and other such structures designed for religious instruction and worship and other accessory non-profit activities and uses. (Ord. 25-1991 § 1 (part))

17.08.111 Church parking lot.

“Church parking lot” means a parking lot used primarily for the parking or standing, but not the storage, of motor vehicles used by persons attending the functions of a church. Church parking lots may be located on, contiguous to or within three hundred feet of the nearest property line of a lot or parcel upon which one of the church’s principal buildings is located. Except as otherwise might be provided in this title, all church parking lots must be constructed, surfaced, configured and maintained in accordance with the requirements of Chapter 17.28 of this code. A church may own, control and use more than one church parking lot. (Ord. 34-2001 § 1)

17.08.113 College or university.

“College or university” means an educational institution authorized by the state of Colorado to award associate or higher degrees. (Ord. 7-1996 § 1 (part))

17.08.115 Colorado Revised Statutes (CRS).

“CRS” shall mean the Colorado Revised Statutes as amended. (Ord. 25-1991 § 1 (part))

17.08.120 Commercial.

“Commercial” means the activities and transactions of business, industry and trade; the purchase and sale of goods and merchandise as well as providing professional and personal services to the general public. (Ord. 25-1991 § 1 (part))

17.08.122 Commercial vehicle.

“Commercial vehicle” means any motor vehicle, bus, truck, laden or unladen truck tractor, trailer, or semi-trailer that is used (or was originally manufactured to be used) in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise. This definition includes but is not limited to any vehicle used by a “commercial carrier,” as that term is defined in the Model Traffic Code. This definition does not include any private passenger vehicle that is used primarily or exclusively for person, family or other non-business transportation and also does not include any bus, truck or other motor vehicle having a rated capacity of one and one-half tons or less, regardless of how such bus, truck or other motor vehicle is used. (Ord. 12-2001 § 1 (part))

17.08.125 Comprehensive plan.

“Comprehensive plan” means the master plan for the city which has been officially adopted to provide long-range development policies for the city and which includes, among other things, the plan for land use,

public facilities and transportation. (Ord. 25-1991 § 1 (part))

17.08.130 Condominium.

“Condominium” means a separate estate in an individual air-space unit of a multi-unit property together with an interest in the accessory common elements. (Ord. 25-1991 § 1 (part))

17.08.135 Convenience store.

“Convenience store” means a small retail store selling diversified goods most commonly used daily or while traveling; sometimes in combination with the sale of motor vehicle fuel. (Ord. 25-1991 § 1 (part))

17.08.140 Density.

“Density” means any number of dwelling units per acre of land devoted to housing in proportion to the usable open space. (Ord. 25-1991 § 1 (part))

17.08.145 Disposition.

“Disposition” means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; or a lease or an assignment of an interest in subdivided land which is not made pursuant to one of the foregoing. (Ord. 25-1991 § 1 (part))

17.08.150 District.

“District” means an area or areas within the limits of the city for which the regulations and requirements governing use, lot and bulk of building and premises are uniform. (Ord. 25-1991 § 1 (part))

17.08.155 Drive-in establishment.

“Drive-in establishment” means an establishment which is designed to provide, wholly or in part, service to customers while they remain in or on their vehicles parked upon the premises. (Ord. 25-1991 § 1 (part))

17.08.160 Dwelling, multi-unit or multi-family.

“Multi-unit or multi-family dwelling” means a building used by two or more families living independently of each other in separate dwelling units but not including hotels, motels or resorts. This includes townhouses, apartments and condominiums. (Ord. 25-1991 § 1 (part))

17.08.165 Dwelling, single-family.

“Single-family dwelling” means a detached principal building designed and used as a dwelling exclusively by one family as an independent living unit. (Ord. 25-1991 § 1 (part))

17.08.170 Dwelling unit.

“Dwelling unit” means one room or rooms connected together, 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. (Ord. 25-1991 § 1 (part))

17.08.175 Easement.

“Easement” means authorization by a property owner for use by the public, a corporation, or persons, of any designated part of his property for specific purposes. (Ord. 25-1991 § 1 (part))

17.08.178 Elementary school.

“Elementary school” means any school, whether public or private, which meets the state of Colorado requirements for formal education in grades kindergarten through eighth. (Ord. 7-1996 § 1 (part))

17.08.180 Employees.

“Employees” means all persons, including proprietors, working on the premises, the number of which shall be calculated upon the largest shift at peak season. (Ord. 25-1991 § 1 (part))

17.08.183 Factory-built home.

“Factory-built home” means any structure, or component thereof, designed primarily for residential occupancy, either permanent or temporary, including a mobile home which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Factory-built homes include mobile homes, manufactured homes and modular homes (see Section 17.20.130, Mobile homes--Storage and temporary uses). (Ord. 1-1998 § 5 (part))

17.08.185 Family.

A. “Family” means either:

1. An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit;
2. A group of not more than eight adult persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; plus in either case, domestic help or caregiver.

B. A “family” may include any number of gratuitous guests or minor children not related by blood, marriage or adoption. (Ord. 25-1991 § 1 (part))

17.08.190 Feedlots.

“Feedlots” means the confined feeding of food, for commercial purposes, of dairy, fur or

pleasure animals in buildings, lots, pens, pools or ponds which normally are not used for raising crops or for grazing animals. (Ord. 25-1991 § 1 (part))

17.08.195 Fence.

“Fence” means a freestanding structure of metal, masonry, composition or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, used for confinement, screening or partition purposes. (Ord. 25-1991 § 1 (part))

17.08.200 Field.

“Field” means open land where grass and herbage is grown which is periodically cut and gathered as feed for livestock. (Ord. 25-1991 § 1 (part))

17.08.201 Final Planned Development Plan (FPDP).

“Final planned development plan” (FPDP) means a revised approved planned development district plan, and any portions thereof, and shall include a revised development guide, a finalized set of graphic documents, and any additional information reasonably required by the zoning administrator as necessary for approval of the FPDP. (Ord. 39-1992 § 2 (part))

17.08.205 Floor area.

“Floor area” means the area included within the outside walls of a building or portion thereof, including habitable tenant houses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics. (Ord. 25-1991 § 1 (part))

17.08.210 Frontage.

“Frontage” means that portion of a lot, parcel, tract or block abutting upon a street. (Ord. 25-1991 § 1 (part))

17.08.215 Garage, private.

“Private garage” means an accessory building or accessory portion of the main building designed for the shelter or storage of motor vehicles or personal property owned or operated by occupants of the main building. (Ord. 25-1991 § 1 (part))

17.08.220 Garage, public.

“Public garage” means a garage other than a private garage, used for the housing or care of motor vehicles or where such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale. (Ord. 25-1991 § 1 (part))

17.08.225 Gasoline station.

“Gasoline station” means a building or premises on or in which the principal use is the dispensing of gasoline, oil or other fuel for motor vehicles by self serve or assisted service means which may include, as incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but may not include liquefied petroleum gas distribution facilities, facilities for major repairs of motor vehicles or rental operation. (Ord. 25-1991 § 1 (part))

17.08.230 Grade.

“Grade” means the point of elevation of a given finished surface. (Ord. 25-1991 § 1 (part))

17.08.235 Grazing land.

“Grazing land” means a fenced field where livestock are kept to feed on growing grass and plants. (Ord. 25-1991 § 1 (part))

17.08.237 Group home for the mentally ill.

“Group home for the mentally ill” means a state-licensed residential facility that provides care and treatment for up to eight mentally ill persons requiring a protective home environment, personal services, activities, social care and treatment commensurate to the individual’s psychiatric needs and which otherwise conforms to the definition and restrictions set forth or otherwise referred to in § 31-23-303(2)(b.5), C.R.S., as amended. (Ord. 32-2000 § 1)

17.08.240 Hedge.

“Hedge” means a boundary formed by a dense row of shrubs or low trees. (Ord. 25-1991 § 1 (part))

17.08.245 Home occupation.

“Home occupation” means an occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling, with no servant, employee or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes. See Chapter 17.20. (Ord. 25-1991 § 1 (part))

17.08.250 Hospital.

“Hospital” means any building or portion thereof used for diagnosis, treatment and care of human ailments but not including

medical clinics, rest homes, convalescent homes, nursing and retirement homes. (Ord. 25-1991 § 1 (part))

17.08.251 Hospital heliport.

“Hospital heliport” means an area located in close proximity to a hospital emergency room or a medical facility that is designed to be used for the landing and taking off of helicopters for the limited purpose of transporting patients in need of medical services and for such training as is permitted or required by law. (Ord. 13-2004 § 1)

17.08.255 Household pets.

“Household pets” means animals and fowl permitted in the house as a custom in the community and kept for company or pleasure, such as dogs, cats or birds, providing that such creatures are not kept to supplement food supplies, or for any other commercial purpose whatsoever other than offering for sale of one litter, brood or off-

spring of a household pet domiciled on the premises. (Ord. 25-1991 § 1 (part))

17.08.260 Hotel.

“Hotel” means an establishment that provides temporary lodging in guest rooms, and in which meals, entertainment and various personal services for the public may or may not be provided. (Ord. 25-1991 § 1 (part))

17.08.265 Junkyard.

“Junkyard” means an area of land, with or without buildings, used for or occupied for a period of time in excess of two weeks, by an accumulation, collection, deposit or storage, outside a completely enclosed building, of used, second hand or discarded goods and materials which are no longer in use or cannot be put to immediate use for the purpose originally intended, including but not limited to paper, rags, rubbish, household trash, bottles, tires, home furnishings, machinery, scrap metal, appliances, building materials, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. (Ord. 25-1991 § 1 (part); Ord. 11-1991 § 1)

17.08.270 Kennel.

“Kennel” means a lot or building in which five or more dogs or cats at least four months old are kept commercially for board, propagation or sale. (Ord. 25-1991 § 1 (part))

17.08.275 Lot.

“Lot” means a parcel of land shown as a lot on a recorded plat, a parcel of land described by metes and bounds on a recorded deed or a tract of land made up of two or more such parcels which are contiguous and under

common ownership and which alone do not meet the minimum designated lot area requirements of this title. (Ord. 25- 1991 § 1 (part))

17.08.280 Lot area.

“Lot area” means the area of a horizontal plane bounded by the front, side and rear lot lines. (Ord. 25-1991 § 1 (part))

17.08.285 Lot, corner.

“Corner lot” means a lot abutting upon two or more streets at their intersection or upon two parts of the same street and where in either case, the interior angle formed by the intersection does not exceed one hundred thirty-five degrees. (Ord. 25-1991 § 1 (part))

17.08.290 Lot coverage.

“Lot coverage” means that percentage of lot area which, when viewed from directly above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves. (Ord. 25-1991 § 1 (part))

17.08.295 Lot depth.

“Lot depth” means the distance between the midpoints of the front lot line and the midpoint of the rear lot line. (Ord. 25-1991 § 1 (part))

17.08.300 Lot, double-frontage.

“Double-frontage lot” means a lot which runs through a block between two streets and has two nonintersecting sides abutting two or more streets. (Ord. 25-1991 § 1 (part))

17.08.305 Lot, interior.

“Interior lot” means a lot other than a corner lot. (Ord. 25-1991 § 1 (part))

17.08.310 Lot line, front.

“Front lot line” means the property line abutting a point of public access, off of which access the principal structure occupying the lot is addressed. (Ord. 25-1991 § 1 (part))

17.08.315 Lot line, interior side.

“Interior side lot line” means a property line other than a front or rear property line which does not abut a public right of way, but is a common property line between adjoining lots. (Ord. 25-1991 § 1 (part))

17.08.320 Lot line, rear.

“Rear lot line” means, except on a double-frontage lot, the property line opposite the front lot line. (Ord. 25-1991 § 1 (part))

17.08.325 Lot line, street side.

“Street side lot line” means the secondary property line of a corner lot which is abutting public right of way but is not the right of way off which the principal structure occupying the lot is addressed. (Ord. 25-1991 § 1 (part))

17.08.330 Lot width.

“Lot width” means the distance on a horizontal plane between the side property lines of a lot, measured at right angles to the line establishing the lot depth at the building setback line. (Ord. 25-1991 § 1 (part))

17.08.333 Manufactured home.

“Manufactured home” means a single-family dwelling which is partially or entirely manufactured in a factory, is not less than

twenty-four feet in width and thirty-six feet in length, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 U.S.C. 5401, et seq. (Ord. 13-1998 § 1)

17.08.335 Mobile home.

“Mobile home” means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling or temporary office, without permanent foundation when connected to required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. (Ord. 1-1998 § 3)

17.08.340 Mobile home park.

“Mobile home park” means a residential development, licensed by the city of Cañon City, which is located on property under single parcel ownership, and which is designed and intended primarily for two or more mobile homes, each placed upon a mobile home rental pad within a mobile home rental space with utility hookups provided, and which is arranged for operation by on-site management as defined in CRS 38-12-201.5(1.5). (Ord. 1-1998 § 4: Ord. 25-1991 § 1 (part))

17.08.341 Mobile home rental pad.

“Mobile home rental pad” means that area within a mobile home rental space in a mobile home park or recreational vehicle park, surfaced with gravel, asphalt or concrete, upon which a single-wide or double-wide mobile home or recreational vehicle is or may be placed, but does not include off-street parking spaces or any other area occupied by accessory structures or extensions or additions to the mobile home or recreational vehicle, such as sheds, walkways, porches, decks, patios, awnings, carports and garages, or room additions. (Ord. 1-1998 § 5 (part))

17.08.342 Mobile home rental space.

“Mobile home rental space” means a parcel of land within a mobile home park for which rent is paid, and includes the area covered by the rental pad, additions or extensions to the mobile home, porches, decks, patios, awnings, carports and garages, accessory structures, off-street parking spaces and private yard. (Ord. 1-1998 § 5 (part))

17.08.345 Mobile home subdivision.

“Mobile home subdivision” means a residential development primarily for mobile homes wherein individual lots are under separate ownership and any common areas are placed under common, multiple ownership. (Ord. 25-1991 § 1 (part))

17.08.347 Mobile machinery or self-propelled construction equipment.

“Mobile machinery” or “self-propelled construction equipment” means those vehicles, self-propelled or otherwise, which

are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which originally may have been designed for the transportation of persons or cargo over public highways, but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be operated or moved only incidentally over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches. (Ord. 12-2001 § 1 (part))

17.08.349 Model Traffic Code.

“Model Traffic Code” means the version of the “Model Traffic Code for Colorado Municipalities” promulgated and published as such by the Colorado Department of Transportation, as adopted by reference and amended in Chapter 10.04 of this code. Unless the context clearly indicates otherwise, whenever a word or term that is used in this title is not specifically defined in this title, but is specifically defined in the Model Traffic Code definition of such word or term shall apply. (Ord. 12-2001 § 1 (part))

17.08.350 Modular home.

“Modular home” means a structure designed to be transported after fabrication, and located as a permanent addition to and becoming a part of the real property. Such a structure must meet the minimum construction requirements of the Uniform Building Code, the Plumbing and Electrical Code as enforced by the state of Colorado and shall be certified by the Colorado Division of Housing. Such

structure must be set on a permanent foundation and is subject to all local building, zoning and housing regulations. Any such modular home meeting the requirements herein defined is not considered a mobile home. (Ord. 25-1991 § 1 (part))

17.08.355 Motel.

“Motel” means a building or group of buildings on the same lot containing guest units consisting of individual sleeping quarters, detached or in connecting rows, with or without cooking facilities, for short-term rental. (Ord. 25-1991 § 1 (part))

17.08.360 Nonconforming structure.

“Nonconforming structure” means a structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located (Ord. 25-1991 § 1 (part))

17.08.365 Nonconforming use.

“Nonconforming use” means an existing use of a structure or land which does not comply in some respect with the regulations which apply to new uses in the zoning district in which it is located. (Ord. 25-1991 § 1 (part))

17.08.367 Park or parking.

“Park” or “parking” means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers. (Ord. 12-2001 § 1 (part))

17.08.370 Parking, off-street.

“Off-street parking” means parking of motor vehicles off the public right-of-way. (Ord. 25-1991 § 1 (part))

17.08.375 Parking space.

“Parking space” means the required area for parking of motorized vehicles off the public right-of-way in compliance with Chapter 17.28 of this title. (Ord. 25-1991 § 1 (part))

17.08.380 Person.

“Person” means every natural person, firm, partnership, association or corporation. (Ord. 25-1991 § 1 (part))

17.08.385 Personal services.

“Personal services” means services which supply some accommodation required by the public and does not produce or transfer a tangible commodity, including but not limited to: beauty shop, self-service laundry, dry cleaning outlet, travel agency, answering service and similar shops. (Ord. 25-1991 § 1 (part))

17.08.386 Planning area.

“Planning area” means an area within a planned development district, as shown on the approved general development plan, which has designated specific uses and which may be subject to restrictions and limitations in the approved planned development district plan applicable to such planned development district. (Ord. 39- 1992 § 2 (part))

17.08.387 Planned Development District Plan (PDDP).

“Planned development district plan” (PDDP) or (PDD plan) means the application which consists of the development guide, the general development plan, the graphic documents and any additional information required by the zoning administrator for a proposed PDD zone designation. (Ord. 39-1992 § 2 (part))

17.08.387 Planned Development District (PDD).

“Planned development district” (“PDD”) means a zoning district area which is defined by the general development plan, and has been designated various uses to be further specified in the planning area, and which is in conformance with the comprehensive plan. (Ord. 39-1992 § 2 (part))

17.08.390 Planned Unit Development (PUD).

“PUD” for purposes of this title shall mean nontraditional land development where, with proper approval, multiple structures in cluster patterns may occupy a single parcel of land. (Ord. 25-1991 § 1 (part))

17.08.395 Principal structure.

See “Structure, principal.” (Ord. 25-1991 § 1 (part))

17.08.400 Principal use.

See “Use, principal.” (Ord. 25-1991 § 1 (part))

17.08.405 Private.

“Private” means confined to or belonging only to the person(s) immediately concerned;

not of an official, public or commercial nature and not accessible to the general public. (Ord. 25-1991 § 1 (part))

17.08.410 Professional offices.

“Professional offices” means the office of an engineer, dentist, doctor, attorney, real estate or insurance broker, architect or other similar professional person, and any office used primarily for research, editing, accounting, correspondence, or administration. (Ord. 25-1991 § 1 (part))

17.08.415 Property line.

“Property line” means the boundary of any lot, parcel or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys which the lot, parcel or tract may abut. (Ord. 25-1991 § 1 (part))

17.08.420 Public hearing.

“Public hearing” means a meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions. (Ord. 25-1991 § 1 (part))

17.08.421 Rail services and facilities.

“Rail services and facilities” means services and facilities in areas which may include railroad rights-of-way and adjacent lands that provide railroad related service for persons, goods or materials, and may include, but shall not be limited to: a depot structure, housing a ticket sales counter, gift shop, restrooms and other concessions; offices; off-street parking areas; repair, maintenance and storage areas and structures for rail cars and

locomotives; and loading and unloading areas. (Ord. 19-1999 § 1 (part); Ord. 4-1999 § 1)

17.08.422 Rafting takeout facility.

“Rafting takeout facility” means and includes a facility, which may or may not involve structures, for embarkation and disembarkation into and from river rafts and other vessels operated for profit by river outfitters on real property owned or controlled by the river outfitter who operates and uses the facility; provided that any special review approval of any such facility shall be in accordance with the process, procedures, requirements and limitations set forth in Section 17.24.060. (Ord. 5-1999 § 1)

17.08.425 Recreational facility.

“Recreational facility” means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, and includes, but is not limited to: parks and playgrounds, tennis courts, golf courses, racquetball clubs, skating rinks, bowling alleys, fitness centers, health spas, swimming pools and miniature golf courses, and may include incidental retail sales and food and beverage service. (Ord. 12-2000 § 1: Ord. 25-1991 § 1 (part))

17.08.427 Recreational vehicle (RV).

“Recreational vehicle” means a motor home, trailer coach, camper coach, camper trailer, as those terms are defined in the Model Traffic Code, or any other similar vehicle, trailer, or combination of vehicle and trailer, which is used primarily or exclusively for pleasure, enjoyment, recreational purposes, or family transportation of the owner, lessee, or

occupant and which is not used to transport cargo or passengers for profit, hire, or otherwise in any business or commercial enterprise. (Ord. 12-2001 § 2)

17.08.428 Recreational vehicle (RV) park.

“Recreational vehicle (RV) park” means a developed area which contains rental sites for the temporary location and occupancy of assorted recreational vehicles, service buildings for restrooms, showers and laundry facilities, dumping stations for the removal and disposal of waste from holding tanks, and which may contain incidental retail sales and services for the convenience of park occupants. (Ord. 2-1994)

17.08.430 Retail.

“Retail” means sale to the ultimate consumer for direct consumption and use and not for resale. (Ord. 25-1991 § 1 (part))

17.08.435 Right-of-way (ROW).

“Public right-of-way” (ROW) 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 and public utility installations. (Ord. 25-1991 § 1 (part))

17.08.440 Rooming unit.

“Rooming unit” means a room providing minimal housing accommodations for a boarder, arranged primarily for sleeping and study, in which may be included a private bath but which shall not include any kitchen equipment such as refrigerator, sink or cooking device. (Ord. 25-1991 § 1 (part))

17.08.443 School.

“School” means a building(s) or part thereof which is designed, constructed or used primarily for education or instruction in any branch of knowledge. A residential dwelling or accessory building, or portion thereof, wherein training is provided, on an individual basis, such as piano or art lessons or home-schooling, is not considered a school for purposes of this code. (Ord. 71996 § 1 (part))

17.08.445 Screening.

“Screening” means decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind such screening. (Ord. 25-1991 § 1 (part))

17.08.447 Secondary school.

“Secondary school” means any school, whether public or private, which is authorized by the state of Colorado to award diplomas for secondary education. Secondary schools offer general, technical, vocational or college-preparatory curricula. (Ord. 7-1996 § 1 (part))

17.08.450 Setback line.

“Setback line” means a line or lines designating the area outside of which buildings may not be erected. (Ord. 25-1991 § 1 (part))

17.08.450.5 Sexually oriented business.

“Sexually oriented business” shall have the same meaning as is ascribed to in Section 5.42.020. (Ord. 30-2000 § 3)

17.08.455 Shelter.

“Shelter” means a residential facility used for temporary group housing and meals for individuals or families without a permanent place of residence, and may include incidental uses such as food, clothing and toy storage and distribution areas. (Ord. 361992)

17.08.460 Shrub.

“Shrub” means a bush or any type of hard-wooded plant of smaller and thicker growth than a tree or a dwarf tree. (Ord. 25-1991 § 1 (part))

17.08.463 Social facility.

“Social facility” means a place, structure or facility where members of an identifiable group, such as a fraternal or service organization or membership association and their guests meet on a regular basis for purposes of sharing of common interests, activities and fellowship, and may include incidental retail sales and food and beverage service. (Ord. 12-2000 § 2)

17.08.465 Special event.

“Special event” for purposes of this title means carnival, circus, rodeo, festival, street fair and other similar events for amusement and entertainment which are of short duration, usually held outdoors or within a temporary shelter. (Ord. 25-1991 § 1 (part))

17.08.466 Stand or standing.

“Stand” or “standing” means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers or unloading property. (Ord. 12-2001 § 1 (part))

17.08.467 Stored.

“Stored,” when used in reference to a vehicle or when used in conjunction with the word “parked,” such as in the phrase “parked or stored,” refers to a situation where a vehicle is parked and left unattended at a fixed location for a period that is in excess of eight continuous hours. The act of moving a parked vehicle from one location on a lot to a different location on the same lot shall not change the status of such vehicle from one which is “parked or stored” if the vehicle in question remains on the same lot for any period longer than eight hours during any twenty-four hour period. (Ord. 12-2001 § 1 (part))

17.08.470 Street.

“Street” means the entire width between the boundary lines of every way provided for public use, for the purpose of vehicular and pedestrian traffic and placement of utilities, including the term “highway,” “road,” “lane,” “avenue,” “drive,” “alley,” or other similar designation. For right-of-way and paving widths and major street plan, see the comprehensive plan. (Ord. 25-1991 § 1 (part))

17.08.475 Structure.

“Structure” means anything erected or constructed with a fixed location from the ground above grade but not including poles, lines, cables or other transmission or distribution facilities of public utilities. (Ord. 251991 § 1 (part))

17.08.480 Structure, principal.

Principal structure means the structure in which the principal use of the lot, upon which

the structure is located, is conducted. (Ord. 25-1991 § 1 (part))

17.08.485 Structural alteration.

“Structural alteration” means any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof. (Ord. 25-1991 § 1 (part))

17.08.490 Townhouse.

“Townhouse” means a housing design where the dwelling unit and some land are owned separately from interests in common property. (Ord. 25-1991 § 1 (part))

17.08.495 Trade and repair shops.

“Trade and repair shops” means a shop where a form of occupation, some line of skilled mechanical work or manual craft, is conducted, such as by a printer, electrician, jeweler, office machine or appliance

repairman and leather craftsman. (Ord. 25-1991 § 1 (part))

17.08.496 Training facility.

“Training facility” means a school for special instruction in artistic or practical/professional skills, including, but not limited to, art, dancing, gymnastics, archery or martial arts. (Ord. 7-1996 § 1 (part))

17.08.498 Tree.

“Tree” means a perennial plant having a trunk, or woody stem with branches, or any plant form resembling a tree. (Ord. 34-1992)

17.08.500 Use.

“Use” means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained. (Ord. 25-1991 § 1 (part))

17.08.505 Use, accessory.

“Accessory use” means a subordinate use which is customarily incidental to the principal building or to the principal use of the lot. (Ord. 25-1991 § 1 (part))

17.08.510 Use, nonconforming.

“Nonconforming use” means a use which lawfully occupies a building or land at the time this title or an amendment hereto becomes effective and which does not now conform with the use regulations applicable in the zone district in which it is located. (Ord. 25-1991 § 1 (part))

17.08.515 Use, principal.

“Principal use” means the main use of land or structure, as distinguished from a

subordinate or accessory use. (Ord. 25-1991 § 1 (part))

17.08.520 Utility services, public or essential government.

“Public or essential governmental utility services” means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam, or water transmission distribution systems, collection, communication, supplier-disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. No office, repair, storage or production facility may be located in residential districts; installations such as electric substations, sewer lift stations, etc. must be located more than one hundred feet from residential units. (Ord. 25-1991 § 1 (part))

17.08.525 Vision clearance area.

“Vision clearance area” means a triangular area on a lot at the intersection of two streets or a street and a railroad or alley, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The

vision clearance area shall contain no plantings, walls, structures or temporary or permanent obstructions exceeding two and one-half feet in height, measured from the top of the curb or existing street grade. Reference Section 17.20.200. (Ord. 25-1991 § 1 (part))

17.08.527 Vocational or business school.

“Vocational or business school” means a secondary or higher educational facility primarily teaching usable skills that prepare students for jobs in a trade or business. (Ord. 7-1996 § 1 (part))

17.08.530 Yard.

“Yard” means an open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this title. (Ord. 25-1991 § 1 (part))

17.08.535 Yard, front.

“Front yard” means the yard between side lot lines measured horizontally at right angles to the front lot line to the nearest point of the main building. (Ord. 25-1991 § 1 (part))

17.08.540 Yard, rear.

“Rear yard” means the yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the principal structure. (Ord. 25-1991 § 1 (part))

17.08.545 Yard, side.

“Side yard” means the yard between a building and the side lot line, measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building. (Ord. 25-1991 § 1 (part))

17.08.547 Yard sale.

“Yard sale” means and includes casual or informal sales conducted on or from a residential premises within the city where articles of tangible personal property are sold or offered for sale. Yard sale shall include all sales entitled “yard sale,” “garage sale,” “lawn sale,” “attic sale,” “flea market sale,” “patio sale,” “porch sale,” or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale. (Ord. 5-2002 § 1)

17.08.550 Zero lot line.

“Zero lot line” means a type of development in which side yards are not set back. A structure may be built directly upon the property line and in some instances, this may result in common walls between structures. (Ord. 25-1991 § 1 (part))

Chapter 17.12

DISTRICTS AND GENERAL REGULATIONS

Sections:

Article I. General Provisions

- 17.12.010 Zoning districts—Established.**
- 17.12.020 Zoning districts—Boundaries.**
- 17.12.030 Use, yard and bulk requirements.**
- 17.12.040 Accessory uses.**
- 17.12.050 Special area restrictions.**

Article II. Districts and Regulations

- 17.12.060 R-E district, residential estates.**
- 17.12.065 R-L district, rural living.**
- 17.12.070 R-1 district, low-density residential (single-family).**
- 17.12.080 R-2 district, low-medium density residential (duplexes).**
- 17.12.090 R-3 district, medium-high density residential (three to six units).**
- 17.12.100 R-4 district, high-density residential (more than six units per structure).**
- 17.12.110 R-5 district, mobile home parks.**
- 17.12.120 R-6 district, mobile home subdivisions.**
- 17.12.130 C district, general commercial.**
- 17.12.140 CB district, central business district commercial.**
- 17.12.150 I district, Class 1 industrial.**

Article I. General Provisions

17.12.010 Zoning districts—Established.

In order to implement the provisions of this title, the city establishes the following basic districts:

- A. Residential.
 - 1. R-E district, residential estates;
 - 2. R-L district, rural living;
 - 3. R-1 district, low-density residential (single-family);
 - 4. R-2 district, low-medium density residential (two units per structure);
 - 5. R-3 district, medium-high density residential (three to six units per structure);
 - 6. R-4 district, high-density residential (six or more units per structure);
 - 7. R-5 district, mobile parks;
 - 8. R-6 district, mobile home subdivisions.
- B. Commercial.
 - 1. C district, general commercial;
 - 2. CB district, central business district commercial.
- C. Industrial.
 - 1. I-1 district, Class I industrial.

(Ord. 34-1992; Ord. 25-1991 § 1 (part))

17.12.020 Zoning districts—Boundaries.

A. Unless otherwise specified, district boundaries are lot lines or the centerline of streets, alleys, railroad rights-of-way, centerline of streams of water, or such lines extended.

B. Where a district divides a parcel of land under single ownership into two districts, then the entire parcel shall be zoned for the less restrictive use by adjustment of the boundaries, provided the boundary adjustment is a distance of less than twenty feet. If the

adjustment involves more than twenty feet, the procedures for a district change shall be followed. Nothing in this subsection, however, shall be deemed to preclude the division of a parcel of land under single ownership into two zoning districts, when such division is made with the written consent of the owner of such parcel of land. (Ord. 25-1991 § 1 (part))

17.12.030 Use, yard and bulk requirements.

For each zoning district, the uses permitted, the uses permitted only through special review, the yard and bulk requirements, special provisions and exceptions are given. In each zoning district, any use category not expressly permitted shall be deemed excluded. The interpretation of the zoning administrator or building inspector concerning whether a specific use is within an express use group may be appealed to the board of adjustment pursuant to Chapter 17.36 of this code. (Ord. 25-1991 § 1 (part))

17.12.040 Accessory uses.

Accessory uses shall comply with all requirements for the principal uses except where specifically modified by this title. (Ord. 25-1991 § 1 (part))

17.12.050 Special area restrictions.

Certain areas of the city, designated on the official zone map of Cañon City by an asterisk, are subject to special restrictions on use in addition to the regulations which apply to the zone district in which such areas are classified. Special area restrictions have been set either at the adoption of this ordinance or subsequently through the special review

process and are identified in Section 17.24.050. (Ord. 25-1991 § 1 (part))

Article II. Districts and Regulations

17.12.060 R-E district, residential estates.

The R-E district is comprised of areas which are primarily for large-lot, single-family residential development, and other necessary and compatible uses. This is intended to provide a purely residential environment for estate-type development maintaining large lots.

- A. Uses Permitted, R-E District.
 - 1. Accessory buildings and uses;
 - 2. Animals (17.20.030);
 - 3. Child care, family;
 - 4. Children's group home;
 - 5. Church;
 - 6. Church parking lot (17.08.111);
 - 7. Eight-person home for the elderly (CRS 31-23-303);
 - 8. Eight-person home for the developmentally disabled (CRS 31-23-303);
 - 9. Flower and crop production on less than one acre;
 - 10. Forest land and orchard;
 - 11. Grazing land and fields;
 - 12. Greenhouse, private;
 - 13. Group home for the mentally ill (17.08.237);
 - 14. Home occupation (17.20.100);
 - 15. Mobile home, temporary use (17.20.130);
 - 16. One-unit dwelling;
 - 17. Special events (17.20.180);
 - 18. Utility distribution elements (17.08.520);
 - 19. Manufactured home (17.08.333);
 - 20. Modular home;

- 21. Yard sale (17.08.547).
- B. Uses Permitted Only Through Special Review, R-E District.
 - 1. Cemetery;
 - 2. Child care center;
 - 3. Children's home;
 - 4. City, county, state and federal facilities, uses, buildings;
 - 5. Greenhouse/nursery;
 - 6. Hospital;
 - 7. Recreational facility (17.08.425);
 - 8. Elementary and secondary schools, colleges and universities;
 - 9. Rafting takeout facility (see Sections 17.08.422 and 17.24.060);
 - 10. Social facility (17.08.463).
- C. Yard and Bulk Requirements, R-E District.

Minimum lot size	1 acre
Minimum lot width	100 feet
Maximum lot coverage	25 percent
Minimum front yard setback	50 feet
Minimum side yard setback accessory structure	20 feet 5 feet
Minimum rear yard setback	20 feet
Maximum height principal use	45 feet
Maximum height accessory use	30 feet

- D. Off-Street Parking Spaces Required, R-E District (See Chapter 17.28).

(Ord. 5-2002 § 2 (part); Ord. 34-2001 § 2 (part); Ord. 32-2000 § 2; Ord. 12-2000 §§ 3, 4; Ord. 5-1999 § 3(A); Ord. 13-1998 § 2; Ord. 7-1996 § 2; Ord. 25-1991 § 1 (part))

17.12.065 R-L district, rural living.

The R-L district is comprised of areas with limited agricultural uses with appropriate single-family residences and accessory uses and provides separation from business and industrial uses.

- A. Uses Permitted, R-L District.
 - 1. Accessory buildings and uses;
 - 2. Agriculture (see Section 17.20.025);
 - 3. Animals;
 - 4. Child care, family;
 - 5. Children's group home;
 - 6. Church;
 - 7. Church parking lot (17.08.111);
 - 8. Eight-person home for the elderly (CRS 31-23-303);
 - 9. Eight-person home for the developmentally disabled (CRS 31-23-303);
 - 10. Flower cultivation;
 - 11. Forest land and orchard;
 - 12. Greenhouse/nursery;
 - 13. Group home for the mentally ill (17.08.237);
 - 14. Home occupation;
 - 15. Mobile home, temporary use (see Section 17.20.130);
 - 16. Modular home (see Chapter 15.24);
 - 17. One-unit dwelling;
 - 18. Special events (see Section 17.20.180);
 - 19. Utility distribution elements (see Section 17.08.520);
 - 20. Manufactured home (17.08.333); and
 - 21. Yard sale (17.08.547).
- B. Uses Permitted Only Through Special Review, R-L District.
 - 1. Cemetery;
 - 2. Child care center;
 - 3. Children's home;
 - 4. City, county, state and federal facilities, uses, buildings;

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5. Hospital;
6. Recreational facility (17.08.425);
7. Elementary and secondary schools, colleges and universities;
8. Rafting takeout facility (see Sections 17.08.422 and 17.24.060);
9. Social facility (17.08.463).

C. Yard and Bulk Requirements, R-L District.

Minimum lot area	15,000 square feet
Minimum lot width	100 feet
Maximum lot coverage	35 percent
Minimum front setback	25 feet
Minimum street-side setback principal building	15 feet
accessory building	5 feet*
housing of permitted livestock	20 feet
Minimum interior-side setback principal building	10 feet
accessory building	5 feet*
housing of permitted livestock	20 feet
Minimum rear setback principal building	20 feet
accessory building	10 feet
except abutting an alley	0 feet*
housing of permitted livestock	20 feet
Maximum height	35 feet

*See Section 17.20.060

D. Off-Street Parking Spaces Required (see Chapter 17.28).

(Ord. 5-2002 § 2 (part); Ord. 34-2001 § 2 (part); Ord. 32-2000 § 3; Ord. 12-2000 §§ 5, 6; Ord. 5-1999 § 3(B); Ord. 13-1998 § 3; Ord. 7-1996 § 3; Ord. 3-1995; Ord. 1-1994 §§ 1 & 2; Ord. 34-1992)

17.12.070 R-1 district, low-density residential (single-family).

The R-1 district is comprised of areas primarily for quiet, single-family residential development and other necessary and compatible uses.

- A. Uses permitted, R-1 district.
 1. Accessory buildings and uses;
 2. Animals (see Section 17.20.030);
 3. Child care, family;
 4. Children's group home;
 5. Church;
 6. Church parking lot (17.08.111);
 7. Eight-person home for the elderly (CRS 31-23-303);
 8. Eight-person home for the developmentally disabled (CRS 31-23-303);
 9. Flower and crop cultivation on less than one acre;
 10. Forest land and orchard;
 11. Grazing land and fields;
 12. Greenhouse, private;
 13. Group home for the mentally ill (17.08.237);
 14. Home occupation (see Section 17.20.100);
 15. Mobile home, temporary use (see Section 17.20.130);
 16. Modular home (see Chapter 15.24);
 17. One-unit dwelling;
 18. Special events (see Section 17.20.180);
 19. Utility distribution elements (see Section 17.08.520);
 20. Manufactured home (17.08.333);
 21. Yard sale (17.08.547).
- B. Uses Permitted Only Through Special Review, R-1 District.
 1. Cemetery;
 2. Child care center;
 3. Children's home;

- 4. City, county, state and federal facilities, uses, buildings;
- 5. Crop and flower cultivation;
- 6. Greenhouse/nursery;
- 7. Hospital;
- 8. Recreational facility (17.08.425);
- 9. Elementary and secondary schools, colleges and universities;
- 10. Rafting takeout facility (see Sections 17.08.422 and 17.24.060);
- 11. Social facility (17.08.463).

C. Yard and Bulk Requirements, R-1 District.

Minimum lot area	6,000 square feet
Minimum lot width	60 feet
Maximum lot coverage	45 percent
Minimum front yard setback	25 feet
Minimum street side yard setback principal building accessory building	10 feet 1 foot*
Minimum interior side yard setback principal building accessory building	5 feet* 1 foot*
Minimum rear yard setback principal use accessory use except abutting an alley	25 feet 1 foot* 0 feet*
Maximum height principal use temporary use	40 feet 20 feet

*See Section 17.20.060

D. Off-Street Parking Spaces Required, R-1 District (see Chapter 17.28).
(Ord. 5-2002 § 2 (part); Ord. 34-2001 § 2 (part); Ord. 32-2000 § 4; Ord. 12-2000 §§ 7, 8; Ord. 5-1999 § 3(C); Ord. 13-1998 § 4; Ord. 7-1996 § 4; Ord. 1-1994 §§ 3 & 4; Ord. 25-1991 § 1 (part))

17.12.080 R-2 district, low-medium density residential (duplexes).

The R-2 district is comprised of areas for quiet, two-family residential development.

- A. Uses Permitted, R-2 district.
- 1. Accessory buildings and uses;
- 2. Animals (see Section 17.20.030);
- 3. Child care, family;
- 4. Children's group home;
- 5. Church;
- 6. Church parking lot (17.08.111);
- 7. Crop and flower cultivation on less than one acre;
- 8. Eight-person home for the elderly (CRS 31-23-303);
- 9. Eight-person home for the developmentally disabled (CRS 31-23-303);
- 10. Forest and orchard;
- 11. Grazing land and fields;
- 12. Greenhouse, private;
- 13. Group home for the mentally ill (17.08.237);
- 14. Home occupation (see Section 17.20.100);
- 15. Mobile home, temporary use (see Section 17.20.130);
- 16. Modular home (see Chapter 15.24);
- 17. One-unit dwelling;
- 18. Two-unit dwelling;
- 19. Special events (see Section 17.20.180);
- 20. Utility distribution elements (see Section 17.08.520);
- 21. Manufactured home (17.08.333);
- 22. Yard sale (17.08.547).

B. Uses Permitted Only Through Special Review, R-2 District.

- 1. Ambulance and taxi service;
- 2. Bed and breakfast facility;
- 3. Child care center;
- 4. Children's home;

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5. City, county, state and federal facilities, uses and buildings;
6. Crop and flower cultivation;
7. Greenhouse/nursery;
8. Hospital;
9. Recreational facility (17.08.425);
10. Elementary and secondary schools, colleges and universities;
11. Rafting takeout facility (see Sections 17.08.422 and 17.24.060);
12. Social facility (17.08.463).

C. Yard and Bulk Requirements, R-2 District.

Minimum lot area	
1-unit dwelling	6,000 square feet
2-unit dwelling	7,000 square feet
Minimum lot width	60 feet
Maximum lot coverage	45 percent
Minimum front yard setback	25 feet
Minimum street side yard setback	
principal building	10 feet
accessory building	1 foot*
Minimum interior side yard setback	
1-unit dwelling	5 feet
2-unit dwelling	7 feet
accessory buildings	1 foot*
Minimum rear yard setback	
principal structure	25 feet
accessory structure	1 foot*
except abutting alley	0 feet*
Maximum height	
principal structure	45 feet
accessory structure	20 feet

*See Section 17.20.060

D. Off-street Parking Spaces Required, R-2 District (see Chapter 17.28).

(Ord. 5-2002 § 2 (part); Ord. 34-2001 § 2 (part); Ord. 32-2000 § 5; Ord. 12-2000 §§ 9, 10; Ord. 5-1999 § 3(D); Ord. 13-1998 § 5; Ord. 7-1996 §§ 5 & 6; Ord. 1-1994 § 5; Ord. 25-1991 § 1 (part))

17.12.090 R-3 district, medium-high density residential (three to six units).

The R-3 district is comprised of residential areas primarily intended for multifamily developments between three and six units per structure, including townhomes, condominiums and apartments.

- A. Uses Permitted, R-3 District.
 1. Accessory uses and buildings;
 2. Animals (see Section 17.20.030);
 3. Bed and breakfast facility;
 4. Child care, family;
 5. Children's group home;
 6. Church;
 7. Church parking lot (17.08.111);
 8. Crop and flower cultivation less than one acre;
 9. Eight-person home for the elderly (CRS 31-23-303);
 10. Eight-person home for the developmentally disabled (CRS 31-23-303);
 11. Forest and orchard;
 12. Grazing and fields;
 13. Group home for the mentally ill (17.08.237);
 14. Home occupation (see Section 17.20.100);
 15. Mobile home, temporary use (see Section 17.20.130);
 16. Modular home (see Chapter 15.24);
 17. One-unit dwelling;
 18. Special events (see Section 17.20.180);
 19. Two-unit dwelling;
 20. Three to six-unit dwelling;

21. Utility distribution elements (see Section 17.08.520);

22. Vehicle parking lot and garage accessory to permitted use (see Chapter 17.28);

23. Manufactured home (17.08.333);

24. Yard sale (17.08.547).

B. Uses Permitted Only Through Special Review, R-3 District.

1. Ambulance and taxi service;
2. Boardinghouse/roominghouse;
3. Child care center;
4. Children's home;
5. Crop and flower cultivation;
6. City, county, state and federal facilities, uses and buildings;
7. Hospital;
8. Nursing and retirement home;
9. Personal services;
10. Professional offices;
11. Recreational facility (17.08.425);
12. Retail goods;
13. Elementary and secondary schools, colleges and universities;
14. Recreational vehicle (RV) park;
15. Rafting takeout facility (see Sections 17.08.422 and 17.24.060);
16. Social facility (17.08.463).

C. Yard and Bulk Requirements, R-3 District.

Minimum lot area	
1-unit structure	6,000 square feet
2 & 3-unit structure	7,000 square feet
4 to 6-unit structure	2,200 square feet per unit
Minimum lot width	70 feet
Maximum lot coverage	45 percent
Minimum front yard setback	25 feet

Minimum street side yard setback	
principal building	10 feet
accessory building	1 foot*
Minimum interior side yard setback	
1-unit dwelling	5 feet
2 to 6-unit dwelling	7 feet
accessory building	1 foot
Minimum rear yard setback	
principal structure	25 feet
accessory structure	5 feet
Maximum height	
principal use	55 feet
(not over three stories)	
accessory use	30 feet

*See Section 17.20.060

D. Off-Street Parking Spaces Required, R-3 District (see Sections 17.28.010—17.28.020).
 (Ord. 5-2002 § 2 (part); Ord. 34-2001 § 2 (part); Ord. 32-2000 § 6; Ord. 12-2000 §§ 11, 12; Ord. 5-1999 § 3(E); Ord. 13-1998 § 6; Ord. 7-1996 § 7; Ord. 2-1994; Ord. 1-1994 §§ 6 & 7; Ord. 25-1991 § 1 (part))

17.12.100 R-4 district, high-density residential (more than six units per structure).

The R-4 district is comprised of residential areas primarily intended for residential development containing six or more units per structure, including townhouses, condominiums and apartments.

A. Uses Permitted, R-4 District:

1. Accessory uses and buildings;
2. Boardinghouse/roominghouse and bed and breakfast facility;
3. Child care, family;
4. Children's group home;
5. Children's home;
6. Church;
7. Church parking lot (17.08.111);

- 8. Convenience store, no fuel;
- 9. Crop and flower cultivation on less than one acre;
- 10. Eight-person home for the elderly (CRS 31-23-303);
- 11. Eight-person home for the developmentally disabled (CRS 31-23-303);
- 12. Forest land and orchard;
- 13. Fields;
- 14. Group home for the mentally ill (17.08.237);
- 15. Home occupation (see Section 17.20.100);
- 16. Household pets (see Section 17.20.030);
- 17. Nursing and retirement home;
- 18. Multi-unit dwellings;
- 19. Mobile home, temporary use (see Section 17.20.130);
- 20. Personal services;
- 21. Special events (see Section 17.20.180);
- 22. Utility distribution elements (see Section 17.08.520);
- 23. Vehicle parking lot and garage accessory to permitted use;
- 24. Yard sale (17.08.547).

B. Uses Permitted Only Through Special Review, R-4 District.

- 1. Ambulance and taxi service;
- 2. Child care center;
- 3. City, county, state and federal facility, uses and buildings;
- 4. Convenience store;
- 5. Hospital;
- 6. Professional offices;
- 7. Recreational facility (17.08.425);
- 8. Elementary and secondary schools, colleges and universities;
- 9. Single-family and duplex dwelling;
- 10. Recreational vehicle (RV) park;
- 11. Manufactured home (17.08.333);

- 12. Modular home;
- 13. Rafting takeout facility (see Sections 17.08.422 and 17.24.060);
- 14. Social facility (17.08.463).

C. Yard and Bulk Requirements, R-4 District:

Minimum lot area 4 to 8-unit structure	7,500 square feet 2,200 square feet per unit
Over 8 unit structure	1,500 square feet per unit
Minimum lot width over 20 dwelling units	75 feet 100 feet
Maximum lot coverage	45 percent
Minimum front yard setback	25 feet + 2 feet per story over second story
Minimum street side yard setback	15 feet
Minimum interior side yard setback	10 feet + 2 feet per story over second story
Minimum rear yard setback principal structure	25 feet + 2 feet per story over second story
accessory structure	10 feet
Maximum height	100 feet

D. Off-Street Parking Spaces Required, R-4 District (see Chapter 17.28).

(Ord. 5-2002 § 2 (part); Ord. 34-2001 § 2 (part); Ord. 32-2000 § 7; Ord. 12-2000 §§ 13, 14; Ord. 5-1999 § 3(F); Ord. 13-1998 § 7; Ord. 7-1996 § 8; Ord. 2-1994; Ord. 1-1994 § 8; Ord. 25-1991 § 1 (part))

17.12.110 R-5 district, mobile home parks.

The R-5 district is comprised primarily of mobile home parks, but may include single-family dwellings located on individual lots.

A. Uses Permitted, R-5 District.

1. Accessory uses and buildings (vehicle parking lot, recreation facility, storage buildings, etc., for tenant and guest use only);
2. Child care, family;
3. Eight-person elderly home;
4. Eight-person home for the developmentally disabled;
5. Group home for the mentally ill (17.08.237);
6. Home occupation;
7. Household pets;
8. Manufactured home (see Section 17.08.333);
9. Mobile home (see Section 17.12.110E);
10. Mobile home park;
11. Modular home (see Chapter 15.24);
12. One-unit dwelling;
13. Special events;
14. Utility distribution elements;
15. Church (only when authorized under Section 17.32.110A);
16. Church parking lot (17.08.111) (only when the church it serves is authorized and legally established under Section 17.32.110A);
17. Convenience store (only when authorized under Section 17.32.110A);
18. Yard sale (17.08.547).

B. Uses Permitted Only Through Special Review, R-5 District.

1. Recreational vehicle (RV) park;
2. Mobile home sales office (see Section 17.20.128);
3. Church (see Section 17.32.110);
4. Church parking lot (17.08.111);

5. Convenience store (see Section 17.32.110);

6. Rafting takeout facility (see Sections 17.08.422 and 17.24.060).

C. Yard and Bulk Requirements, R-5 District.

1. The following yard and bulk requirements shall apply for all main structures or projections thereof, including porches, decks, attached garage or carport placed in any mobile home park in the R-5 district. Setback requirements are measured from the boundaries of the rental space unless otherwise indicated:

Minimum rental space area	
Single-wide mobile home	4,000 square feet
Double-wide mobile home	5,200 square feet

Minimum rental space width	
Single-wide mobile home	40 feet
Double-wide mobile home	55 feet

Maximum rental space coverage	45 percent
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Minimum setback, all parks established prior to 12/31/91

Abutting interior roadway	10 feet
Abutting public right-of-way	15 feet
Abutting property line other than public right-of-way	
Principal structure	10 feet
Accessory structure	5 feet
Separation between all structures on adjoining spaces, side and rear	10 feet

Minimum setback, all parks established after 12/31/91

Abutting interior roadway	15 feet
Abutting public right-of-way	25 feet
Abutting property line other than public right-of-way	
Principal structure	25 feet
Accessory structure	5 feet

All parks established after 12/31/91 but before 12/31/97

Separation between all structures on adjoining spaces, side and rear	10 feet
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All parks established after 12/31/97
Setbacks from interior side and rear
space lines not abutting roadway,
public right-of-way or property line 5 feet

2. The following yard and bulk requirements shall apply for any residential use not located in a mobile home park, including single-family homes, mobile homes, manufactured homes and modulars on individually owned lots in the R-5 district:

Minimum lot area	6,000 square feet
Minimum lot width	60 feet
Maximum lot coverage	45 percent
Minimum front yard setback	25 feet
Minimum street-side yard setback	
Principal structure	10 feet
Accessory structure	1 foot*
Minimum interior side yard setback	
Principal structure	5 feet*
Accessory structure	1 foot*
Minimum rear yard setback	
Principal structure	25 feet
Accessory structure	1 foot if not abutting an alley,* zero feet if abutting an alley*
Maximum height	
Principal structure	40 feet
Accessory structure	20 feet

*See Section 17.20.060, Building projections

D. Design Standards and Licensing, Management and Operation Requirements for Mobile Home Parks and Standards for the Installation of Mobile Homes. Design standards and licensing, management and operation requirements for mobile home parks

and standards for the installation of mobile homes shall be as described in Sections 17.20.135 B, C and D of this title.

E. Replacement Mobile Homes. No replacement mobile home shall be moved onto any space within a mobile home park unless such mobile home is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., except that a mobile home presently located within the city, and which is relocated within the city, is exempted from the requirements of this Section 17.12.110E. (Ord. 5-2002 § 2 (part); Ord. 34-2001 §§ 3, 4; Ord. 32-2000 § 8; Ord. 5-1999 § 3(G); Ord. 1-1998 § 6; Ord. 4-1997 § 1; Ord. 13-1994; Ord. 2-1994; Ord. 25-1991 § 1 (part))

17.12.120 R-6 district, mobile home subdivisions.

The R-6 district is comprised of residential subdivisions for mobile home use, wherein mobile homes are placed on individually owned lots, creating a low-density, quiet, single-family environment. Mobile home subdivisions shall require the same procedure and approval as is necessary for any residential subdivision pursuant to Title 16 of the Cañon City Municipal Code. The requirements herein shall apply to additions to and extensions of existing subdivisions as well as to new subdivisions.

- A. Uses Permitted, R-6 District.
 1. Accessory structures and uses;
 2. Animals (see Section 17.20.030);
 3. Church;
 4. Church parking lot (17.08.111);
 5. Crop and flower cultivation;
 6. Child care, family;

- 7. Eight-person elderly home (CRS 31-23-303);
- 8. Eight-person home for the developmentally disabled (CRS 31-23-303);
- 9. Factory-built home, including manufactured home, mobile home or modular home;
- 10. Fields and grazing;
- 11. Forest and orchard;
- 12. Group home for the mentally ill (17.08.237);
- 13. Home occupation;
- 14. One-unit dwelling;
- 15. Special events (see Section 17.20.180);
- 16. Utility distribution elements (see Section 17.08.520);
- 17. Yard sale (17.08.547).

B. Uses Permitted Only Through Special Review, R-6 District.

- 1. Child care center;
- 2. City, county, state and federal facilities, uses and buildings;
- 3. Convenience store;
- 4. Personal services;
- 5. Professional offices;
- 6. Recreational facility (17.08.425);
- 7. Elementary and secondary schools, colleges and universities;
- 8. Mobile home sales office (see Section 17.20.128);
- 9. Rafting takeout facility (see Sections 17.08.422 and 17.24.060);
- 10. Social facility (17.08.463).

C. Yard and Bulk Requirements, R-6 District.

Minimum lot area	6,000 square feet
Minimum lot width	60 feet
Maximum lot coverage	45 percent

Minimum front yard setback (all structures)	
Subdivisions established prior to 12/31/1991	10 feet
Subdivisions established after 12/31/1991	20 feet
Minimum interior side yard setback	
Principal structure	5 feet
Accessory structure	1 foot*
Minimum street side yard setback	
Principal structure	10 feet
Accessory structure	1 foot*
Minimum rear yard setback	
Principal structure	
Subdivisions established prior to 12/31/1991	10 feet
Subdivisions established prior to 12/31/1991	20 feet
Accessory structure	5 feet
Maximum height all structures	30 feet

*See Section 17.20.060, Building projections

D. Off-Street Parking Spaces Required, R-6 District (see Chapter 17.28).

E. Standards for Mobile Home Installation and Placement.

1. All mobile homes shall be installed and anchored in accordance with applicable state law. (See the State of Colorado Mobile Home Installation Program, Part 31 of Article 32, Title 24, Colorado Revised Statutes, as amended, and Resolution No. 37 of the Colorado State Housing Board.)

2. In the case of a mobile home installed on a permanent foundation, that foundation must be engineered, and a foundation permit must be obtained from the city building official, who will conduct an inspection of the foundation pursuant to the issuance of the permit.

3. A mobile home placement and skirting permit shall be required prior to the installation and placement of any mobile

home. The fee for the permit shall be as set forth in Section 17.44.040 of this title.

4. The placement of any mobile home shall conform to all applicable setback regulations.

5. Skirting shall be required in accordance with Section 17.20.135D, Standards for Mobile Home Installation and Placement.

F. Replacement Mobile Homes. No replacement mobile home shall be moved onto any lot within a mobile home subdivision unless such mobile home is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., except that a mobile home presently located within the city, and which is relocated within the city, is exempted from the requirements of this Section 17.12.120F. (Ord. 5-2002 § 2 (part); Ord. 4-2002 § 1; Ord. 34-2001 § 2 (part); Ord. 32-2000 § 9; Ord. 12-2000 §§ 15, 16; Ord. 9-1999 § 1; Ord. 5-1999 § 3(H); Ord. 1-1998 § 7; Ord. 4-1997 § 2; Ord. 7-1996 § 9; Ord. 13-1994; Ord. 2-1994; Ord. 1-1994 § 9; Ord. 25-1991 § 1 (part))

17.12.130 C district, general commercial.

The C district is intended to provide for a wide range of retail sales and service establishments, a full range of wholesale facilities and includes opportunities for a variety of comparative shoppers' goods. This district is meant to serve both long and short term needs of Cañon City as well as surrounding communities and the tourist trade.

- A. Uses Permitted, C District.
 - 1. Accessory buildings and uses;
 - 2. Ambulance and taxi service;
 - 3. Amusement and entertainment facility;

- 4. Answering and dispatch service;
- 5. Bakery;
- 6. Boardinghouse/roominghouse and bed and breakfast facility;
- 7. Car wash;
- 8. Child care center;
- 9. Church;
- 10. Church parking lot (17.08.111);
- 11. City, county, state and federal facilities, uses and buildings;
- 12. Cleaning and laundry plant;
- 13. Cold storage locker;
- 14. Construction material and hardware;
- 15. Eating and drinking establishment;
- 16. Financial institution;
- 17. Gasoline station;
- 18. Greenhouse, florist;
- 19. Hotels and motels;
- 20. Medical and dental clinic;
- 21. Multi-unit dwellings;
- 22. One and two family residential, existing only;
- 23. Personal services;
- 24. Professional offices;
- 25. Retail commercial use;
- 26. Special events (17.20.180);
- 27. Storage, sales, repair or rental, motor vehicles, mobile homes, recreational vehicles and equipment, farm and construction vehicles and equipment;
- 28. Trade and repair shop;
- 29. Utility services (17.08.520);
- 30. Vehicle parking garage/lot;
- 31. Vocational and business school;
- 32. Warehouse and storage;
- 33. Wholesale outlets and services;
- 34. Training facilities;
- 35. Social facility (17.08.463);
- 36. Sexually oriented businesses;
- 37. Yard sale (17.08.547).

B. Uses Permitted Only Through Special Review, C District.

1. Animal kennel, clinic or hospital (17.20.030(B));
2. Hospital;
3. Hospital heliport (17.08.251);
4. Light starter industry with less than one hundred employees;
5. Manufactured structure for mobile home sales office;
6. Mortuary and funeral home;
7. Nursing home;
8. Outdoor retail sales;
9. Retirement home;
10. Recreational facility (17.08.425);
11. Recreational vehicle (RV) park;
12. Shelter (17.08.455);
13. Elementary and secondary schools, colleges and universities;
14. Rafting takeout facility;
15. Rail services and facilities.

C. Yard and Bulk Requirements, C District.

Minimum lot size	5,280 sq. ft.
Minimum frontage	44 feet
Maximum lot coverage	
Residential use	45%
Commercial use	75%
Minimum front yard setback	
Residential	25 feet + 2 feet per story over second story
Commercial abutting residential zone	25 feet
Commercial abutting other commercial	0 feet*
Minimum street side yard setback	15 feet
Minimum interior side yard setback	
Commercial abutting residential zone	15 feet
Commercial abutting other commercial	0 feet*

Minimum rear yard setback 15 feet

Maximum height within 100 feet of residential zone 55 feet

Maximum height 100 feet

*See Section 17.20.060

D. Off-Street Parking Spaces Required, C District (17.28).

(Ord. 13-2004 § 2; Ord. 5-2002 § 2 (part); Ord. 34-2001 § 2 (part); Ord. 30-2000 § 4; Ord. 12-2000 §§ 17, 18; Ord. 19-1999 § 1 (part); Ord. 5-1999 § 3(I); Ord. 4-1999 § 2; Ord. 7-1996 § 12; Ord. 7-1995 §§ 1, 2 & 3; Ord. 2-1994; Ord. 1-1994 §§ 10 & 11; Ord. 36-1992; Ord. 8-1992 § 2; Ord. 25-1991 § 1 (part))

17.12.140 CB district, central business district commercial.

The CB district is intended to provide for a selective range of retail sales and services within the designated central business district, which includes opportunities for a variety of shoppers' goods and supportive services.

- A. Uses Permitted, CB District.
1. Accessory buildings and uses;
2. Amusement and entertainment facility;
3. Answering and dispatch service;
4. Apartments as secondary use;
5. Boardinghouse/roominghouse and bed and breakfast facility;
6. Child care center;
7. Church, existing only;
8. Church parking lot (17.08.111);
9. Eating and drinking establishment;
10. Financial institution;
11. Library;
12. Medical and dental clinic;
13. Motels and hotels;
14. Personal services;

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15. Professional offices;	Minimum side yard setback	
16. Retail goods;	Abutting residential zone	10 feet
17. Retirement home;	Abutting commercial zone	0 feet*
18. Single-family dwelling, existing only;		
19. Trade and repair shop;	Minimum rear yard setback	15 feet
20. Utility services (17.08.520);	Abutting residential zone	0 feet*
21. Vehicle parking lot/garage;	Abutting commercial zone	
22. Yard sale (17.08.547).	Maximum height	100 feet
B. Uses Permitted Only Through Special Review, CB District.	*See Section 17.20.060	
1. Ambulance and taxi service;		
2. Church;		
3. Mortuary;		
4. Multi-unit dwellings;		
5. Outdoor retail sales;		
6. Vocational and business school;		
7. Recreational facility (17.08.425);		
8. Elementary and secondary schools, colleges and universities;		
9. Training facilities;		
10. Rafting takeout facility (see Sections 17.08.422 and 17.24.060);		
11. Social facility (17.08.463);		
12. Sales of motorcycles, all terrain vehicles (ATVs), snowmobiles and personal watercraft.		
C. Yard and Bulk Requirements, CB District.		
Minimum lot area	5,280 sq. ft.	
Minimum lot area per unit, multi-unit dwelling	1,500 sq. ft.	
Minimum frontage	44 feet	
Maximum lot coverage		
Residential	45%	
Commercial	100%	
Minimum front yard setback		
Abutting residential zone	25 feet	
Commercial use	0 feet	

D. Off-Street Parking Spaces Required, CB District. See 17.28.010 for Exception. (Ord. 6-2002 § 1; Ord. 5-2002 § 2 (part); Ord. 34-2001 § 5; Ord. 12-2000 §§ 19, 20; Ord. 5-1999 §3(J); Ord. 7-1996 §§ 13 & 14; Ord. 3-1995; Ord. 1-1994 §§ 12 & 13; Ord. 25-1991 § 1 (part))

17.12.150 I district, Class 1 industrial.

The I district is comprised of development which is primarily nonoffensive types of industry, processing, assemblage and light manufacturing (a systematic labor for the creation of a new product of value) and attendant services. This district is established to include existing industry and the reasonable expansion thereof.

- A. Other Uses Permitted, I District.
 - 1. Ambulance and taxi service;
 - 2. Blacksmith, welding and machine shops, and structural steel fabrication;
 - 3. Gasoline stations;
 - 4. General research facilities, professional services, child care center, industrial, executive and administrative offices, eating establishments, vehicle parking lots, industrial and maintenance-oriented facilities;
 - 5. Painting, repairing, upholstering, reconditioning, body and fender works, overhauling, tire recapping and retreading;
 - 6. Storage, sales, repair and rental of motor vehicles, mobile homes, recreational

vehicles and equipment, farm and construction vehicles and equipment;

- 7. Structures and uses accessory and customarily incidental to uses listed herein;
- 8. Utility services (17.08.520);
- 9. Vehicle washing facility;
- 10. Warehouse and storage;
- 11. Wholesale outlet and service;
- 12. Sexually oriented businesses;
- 13. Yard sale (17.08.547).

B. Uses Permitted Only Through Special Review, I District:

- 1. Animal kennel, clinic or hospital (17.20.030(B));
- 2. Existing residential uses;
- 3. Manufactured structure for mobile home sales office;
- 4. Recreational vehicle (RV) park;
- 5. Recycling and waste management facility;
- 6. Salvage yards;
- 7. Shelter (17.08.455);
- 8. Training facilities;
- 9. Vocational and business schools;
- 10. Any use which is regulated by the State of Colorado requiring special features to ensure the public health, safety and general welfare shall require special review, and it is further understood that such facilities shall at all times comply with Colorado Revised Statutes Title 25, Articles 7 through 12 as well as all other applicable regulation or law;
- 11. Rafting takeout facility;
- 12. Rail services and facilities.

C. Yard and Bulk Requirements, I District.

Minimum lot size	10,000 sq. ft.
Minimum frontage	100 feet
Minimum front yard setback	25 feet

Minimum side yard setback Abutting residential zone	25 feet + 2 feet per story over one story
Abutting commercial	15 feet
Abutting streets	15 feet
Abutting industrial	10 feet
Minimum rear yard setback	25 feet
Maximum height within 100 feet of a residential use	100 feet

NOTE: These minimum yard and bulk standards may be increased on any use approved by special review.

D. Off-Street Parking Spaces Required, I District (see Chapter 17.28).

(Ord. 5-2002 § 2 (part); Ord. 30-2000 § 5; Ord. 19-1999 § 1 (part); Ord. 5-1999 § 3(K); Ord. 4-1999 § 3; Ord. 7-1996 §§ 15 & 16; Ord. 7-1995 § 4; Ord. 2-1994; Ord. 36-1992; Ord. 8-1992 § 2; Ord. 25-1991 § 1 (part))

Chapter 17.14

TRANSITIONAL MIXED-USE OVERLAY ZONE

Sections:

- 17.14.010 Purpose.**
- 17.14.020 Definitions.**
- 17.14.030 Relationship to underlying zone district.**
- 17.14.040 Additional land use regulations.**
- 17.14.050 Performance guidelines.**
- 17.14.060 Relationship to historic overlay zone district.**
- 17.14.070 Planning commission review.**

17.14.010 Purpose.

It is the purpose of this chapter to implement the comprehensive plan's vision of active, pedestrian-oriented districts that enhance the quality of life and vitality of the city. In addition to the general purposes listed in Section 17.04.020 of this title, specific purposes of the transitional mixed-use (hereinafter "TMU") overlay zone are as follows:

A. Encourage residential uses in conjunction with commercial and/or industrial activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic;

B. Allow for commercial, office, residential, and, in some cases, industrial developments to occur separately or combined as unified development projects in a zoning district (TMU) that encourages a concept of mixed land use across underlying designated commercial, industrial and/or residential zoning districts;

C. Encourage compatibility between residential and commercial or industrial uses in areas where residential zones directly abut commercial or industrial zones, by permitting greater design flexibility across the existing boundaries of the two zones;

D. Ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located. (Ord. 22-2003 § 1 (part); Ord. 12-2003 § 1 (part))

17.14.020 Definitions.

As used in this chapter:

A. "Industrial use," for purposes of this chapter only, means and includes, in addition to the list of uses enumerated at Section 17.12.150 of this title, any use permitted, or permitted through special review, in any commercial zone district, unless the use is among those uses prohibited in subsection 17.14.040(A).

B. "Interested party," as used in Section 17.14.070(H)(1), means the applicant or any property owner to whom notice must be mailed pursuant to Section 17.14.070(F)(2).

C. "Mixed land use development" involves a concept that allows commercial, office, employment center, residential development, and, in some cases, industrial uses to occur independently on separate parcels or to coexist jointly under a unified business development plan; all of which occur within a specifically designated zoning district (i.e., TMU overlay zone) with the desired outcome producing different types of land uses in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

D. “Overlay zone” means a zoning district that superimposes additional regulations or specific development criteria within specific mapped districts of the city.

E. “Underlying zone” or “underlying zone district” means that certain zone district identified in Article II of Chapter 17.12 within which the land within an overlay zone that is proposed for development as a TMU project site is located in whole or in part. When any such TMU project site is located on land that is within two or more underlying zone districts, the “predominant” underlying zone district will be that zone district within which the largest portion of the project site is situated (as determined by acreage). (Ord. 22-2003 § 1 (part); Ord. 12-2003 § 1 (part))

17.14.030 Relationship to underlying zone district.

A. Where the TMU overlay zone has been imposed, the land use regulations and development standards of the existing zone district (herein referred to as the “underlying” zone) shall remain in full force and effect, except as follows:

1. Maximum lot coverage for a commercial or industrial land use may not exceed sixty-five percent of the lot in the underlying residential zone. In a development including both residential and commercial underlying zones, the maximum lot coverage applicable to the underlying commercial zone may also be applied to the portion of the underlying residential zone that is developed with commercial uses.

2. Maximum lot coverage for a residential land use may not exceed sixty-five percent of the lot in the underlying commercial or industrial zone. Residential uses may also be located above first floor commercial uses

within any portion of the underlying commercial or industrial zone. The lot area per dwelling unit standards applicable to the underlying residential zone may also be applied to any portion of an underlying commercial or industrial zone, which is developed with residential uses.

3. Development standards contained in this title, other than for lot coverage, building height, lot area per dwelling unit, and parking, may be varied as desirable or essential to accomplish the objectives of this section, pursuant to planning commission review, further provided that such standards are consistent with all applicable requirements of this title.

4. Applicants should also be made aware of all applicable building, electrical, mechanical, plumbing and fire codes which may contribute to significant redevelopment and/or cost issues when inquiring with the city concerning the development review process within the TMU overlay zone.

B. Where imposed, the TMU overlay zone designation shall be added to the underlying zone designation to establish a new zone designation. The zone of the affected properties shall thereafter be designated on the zoning map by the symbol of the underlying zone, followed by the parenthetically enclosed letters “TMU” or (TMU).

C. Notwithstanding the foregoing, nothing in this chapter shall prohibit the owner of property located within a TMU overlay zone from using or developing such property in accordance with the regulations set forth in this title that are applicable to the underlying zone district of such property or require any such owner to seek planning commission approval under this chapter for or with respect to any use by right in the underlying zone

district or any use that has been permitted through the special review process applicable to the underlying zone district of such property. (Ord. 22-2003 § 1 (part); Ord. 12-2003 § 1 (part))

17.14.040 Additional land use regulations.

A. Commercial Uses Prohibited in TMU Projects. The following commercial uses are prohibited in a TMU overlay zone when located on a site where the underlying zone is residential (or predominantly residential):

1. Animal kennels, clinics and hospitals;
2. Taverns, as described at Section 12-47-103(38), C.R.S., including any establishment holding or required to hold a tavern license under Section 12-4-412, C.R.S.;
3. Drive-up facilities associated with any commercial use;
4. Hotels and motels;
5. Liquor stores;
6. Recycling collection facilities;
7. Gas stations;
8. Motor vehicle sales, service and repair businesses;
9. Thrift stores, secondhand stores and pawnshops;
10. Sexually oriented businesses.

B. Industrial Uses Prohibited in TMU Projects. The following industrial uses are prohibited in a TMU overlay zone when located on a site where the underlying zone is residential (or predominantly residential):

1. Blacksmith, welding and machine shops, and structural steel fabrication;
2. Gas stations;
3. Motor vehicle sales, service and repair businesses;
4. Sales of recreational, farm and construction vehicles and equipment;

5. Sales of manufactured and modular homes;
6. Car wash;
7. Sexually oriented businesses;
8. Any industrial use requiring special review approval. (Ord. 22-2003 § 1 (part); Ord. 12-2003 § 1 (part))

17.14.050 Performance guidelines.

A. Purpose. The purpose of this section is to establish minimum performance guidelines concerning factors that must be considered by planning commission prior to the approval or disapproval of any proposed project which includes commercial and/or industrial uses that could adversely impact, in a material and continuous fashion, residential uses in or adjacent to a TMU overlay zone. Impacts to be considered shall include those caused by pedestrian and vehicular traffic, lighting and noise. Consideration also must be given with respect to issues of security, safety and general welfare of residents who live or will live within the boundaries of the project or adjacent thereto. In order to protect residents and provide for reasonable harmony between residents and residential interests and businesses, commercial and industrial interests, no project shall be approved for a TMU overlay zone use unless the design of the project has taken into account and satisfactorily addressed, in addition to all other applicable regulations and criteria under this title, the performance guidelines enumerated in paragraphs 1 through 6 of this subsection. Project designs which ignore or otherwise fail to adequately address the performance guidelines identified in this subsection should be rejected or be approved subject to conditions imposed to mitigate the

forms of adverse impact on residents and residential interests that are addressed in this section.

1. Noise.

a. Residential units shall be constructed so that interior noise levels do not exceed city standards in any habitable room.

b. Commercial and industrial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents.

c. Common walls between residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration.

2. Security. To the extent reasonably possible, considering existing structures and the overall layout of the project site and adjacent property:

a. Residential units should be designed to ensure the personal security of residents, including, but not limited to, the provision of separate and secured entrances and exits that are directly accessible to secured parking areas.

b. Nonresidential and residential uses located on the same floor should avoid, where possible, the use of common entrance hallways or common balconies, which may compromise the residential living conditions.

c. Parking spaces for nonresidential and residential uses should, to the extent possible, be specifically designated by posting, pavement marking, and/or physical separation.

3. Lighting.

a. All outdoor lighting associated with commercial or industrial uses shall be

designed to prevent adverse impact to surrounding residential uses, and to provide a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high intensity of brightness.

b. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.

4. Odors, Dust, Vibration. No commercial or industrial use shall be permitted to expose residents to offensive odors, noxious fumes, dust, electrical interference, and/or vibration.

5. Refuse Storage and Location. The residential units should, where possible, be provided with a refuse storage container separate from that used by the commercial or industrial uses. It shall be clearly marked for residential use only and its use by nonresidential uses is prohibited.

6. Parking Spaces and Traffic Lanes. Adequate parking places and traffic lanes for both residential and nonresidential uses must be available either onsite or elsewhere in the vicinity of the project.

B. Applicability on Appeal to City Council. The performance guidelines identified in subsection A of this section shall be considered and applied by city council in any appeal of a planning commission decision permitted under Section 17.14.070(H). (Ord. 22-2003 § 1 (part); Ord. 12-2003 § 1 (part))

17.14.060 Relationship to historic overlay zone district.

Where the historic overlay zone has been imposed, the requirements of the existing land use zone (herein referred to as the underlying zone) shall remain in full force and effect, in addition to the requirements of the historic overlay zone. In any case where the

regulations governing the historic overlay zone and those governing the underlying zone differ, the regulations governing the historic overlay zone shall take precedence. Where imposed, both the historic overlay zone and the TMU overlay zone designation shall be added to the underlying zone designation to establish a new zone designation. The zone of the affected properties shall thereafter be designated on the zoning map by the symbol of the underlying zone, followed by the parenthetically enclosed letters "HTMU" or (HTMU). (Ord. 22-2003 § 1 (part); Ord. 12-2003 § 1 (part))

17.14.070 Planning commission review.

A. Purpose and Site Size Considerations. Applications for projects proposed for development in any TMU overlay zone that will involve uses or features that otherwise would not be permitted in the underlying zone (or in the predominant underlying zone), shall, upon proper application under this chapter, be reviewed and decided upon by the planning commission. The purpose of any such review will be to ensure compatibility, originality, variety, and innovation in the architecture, design, landscaping, and site planning of developments in the city. The provisions of this section are intended to protect property values, prevent the blight and deterioration of neighborhoods, promote sound land use, encourage design excellence, and protect the overall health, safety, and welfare of the city. Review under this chapter shall be restricted to proposed projects that fit into one of the categories respecting the size of the project site identified in paragraphs 1 through 5 of this subsection. Projects that are reviewed must satisfy a majority of the criteria

enumerated in subsection C of this section, but not all such criteria will be applicable with respect to every proposed project.

1. If new construction is proposed for a vacant site (including any site which will be prepared by removing all existing structures) and if the project consists of commercial, industrial, mixed use or public development on the vacant site, such site must contain not less than ten thousand square feet of land.

2. If new construction of multifamily residential units is proposed for a vacant site, the proposed development must be on a site that is capable of accommodating the proposed development with a minimum of adverse impact upon future residents of the development and the surrounding neighborhood.

3. If the project proposes the addition of greater than one thousand square feet of gross floor area (whether attached or detached) to an existing commercial, industrial, mixed use, or public development, the site must contain at least ten thousand square feet of land area.

4. If the project proposes the addition of multifamily residential units (whether attached or detached) to an existing multifamily residential development, the proposed development (consisting of pre-existing structures and the additional residential space) must be on a site that is capable of accommodating the proposed development with a minimum of adverse impact upon existing and future residents of the development and the surrounding neighborhood.

5. If the proposed project is limited to using, with or without renovation or remodeling, an existing structure whose height and footprint will not be materially expanded or altered, it will be presumed that

the site upon which such structure is located will be sufficient for the proposed new or expanded use of the structure, unless planning commission finds that proposed new uses will adversely impact in a material and continuing way the neighborhood in which the project is located. By way of illustration, if a dormant warehouse is proposed for conversion into multiple residential units or a school or a commercial center, issues such as the adequacy of parking for the proposed new use or uses should be addressed and, when necessary, resolved prior to planning commission's approval of the site and project.

6. If the proposed project is found by the planning commission to be unique, innovative and of clear benefit to the neighborhood in which it will be located, deviations from minimum site size requirements listed above may be permitted by planning commission, provided that planning commission finds that such deviations will not result in material and continuing adverse impacts on such neighborhood.

B. Criteria. The following criteria shall be used in determining a project's consistency with the intent and purpose of this section:

1. User Impact and Needs. The design of the project shall consider the impact and the needs of the user in respect to pedestrian circulation, parking, traffic, utilities, public services, noise and odor, privacy, private and common open spaces, trash collection, security and crime deterrence, energy consumption, physical barriers, and other design concerns.

2. Relationship to Physical Features. The location of buildings and structures shall respect the natural terrain of the site and shall be functionally integrated with any natural

features of the landscape to include the preservation of existing trees, where feasible.

3. Consistency of Architectural Style. The building or structure shall be harmonious and consistent within the proposed architectural style regarding roofing, materials, window, doors, openings, textures, colors, and exterior treatment.

4. Balance and Integration with the Neighborhood. The overall design shall be integrated and compatible with the neighborhood and shall strive to be in harmony with the scale and bulk of surrounding properties.

5. Building Design. The design of buildings and structures shall strive to provide innovation, variety, and creativity in the proposed design solution. All architectural elevations shall be designed to eliminate the appearance of flat facades or box-like construction:

a. The front façade shall have vertical and horizontal offsets to add architectural interest to the exterior of the building and, where possible, bay windows and similar architectural projections shall be used.

b. The roof planes of the building, as well as the building shape, shall be varied where feasible and a visible and significant roofline shall be used to soften the vertical mass.

c. Harmonious variations in the treatment or use of wall materials shall be integrated into the architectural design.

6. Signs. Signs and sign programs shall meet the criteria established in Chapter 17.30, Signs, of this title.

7. Conditions of Approval. The conditions stated in the resolution adopted by the planning commission, or design considerations integrated into the project shall be deemed necessary to protect the public

health, safety, and general welfare. Such conditions may include but shall not be limited to:

- a. Changes to the design of building and structures;
- b. Additional setbacks, open spaces, and buffers;
- c. Provision of fences and walls;
- d. Street dedications and improvements, including service roads and alleys;
- e. The control of vehicular ingress, egress, and circulation;
- f. Sign requirements or a sign program, consistent with Chapter 17.30, Signs, of this title;
- g. Provision of landscaping and the maintenance thereof;
- h. The regulation of noise, vibration, odor or other similar objectionable factors;
- i. Requirements for off-street loading facilities;
- j. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter and in the comprehensive plan.

C. Application.

1. The applicant shall file with the office of the city planner a completed application in a form provided by the planning office.
2. The owner of record of the lot or parcel of property that is to be affected by the application, if not the same as the applicant, shall file an affidavit authorizing the application.
3. Upon the filing of an application, the applicant shall pay a fee, according to the current schedule of fees adopted by the city council.

4. The application, and all accompanying documentation, shall be filed with the office of the city planner at least thirty days prior to the planning commission meeting at which it will be reviewed.

5. The applicant shall provide three full-size sets of all application materials. In addition, one set of all graphic documents larger than eleven inches by seventeen inches, reduced to no larger than eleven inches by seventeen inches and produced in black and white, shall also be provided, for purposes of ease and economy of reproducing. All details in such reductions shall be clearly readable.

6. The applicant shall include with his application a complete list of all properties located within three hundred feet of the exterior boundary of the subject property, along with the current mailing addresses of all such owners, as this information is available in the office of the Fremont County assessor. Any delays in the review process caused by an incomplete or inaccurate listing shall be the responsibility of the applicant.

D. Contents of Application. In addition to the application and fee, a site plan, floor plan, and elevations of the project, drawn to scale and dimensioned, shall be filed, which include the following information, as applicable:

1. Existing topography and proposed grading;
2. Existing trees with a trunk diameter of six inches or greater;
3. All buildings and structures, and the uses within each room;
4. Improvements in the public right-of-way, including location of sidewalk, parkway, curb, gutter, street width to centerline, and dedications;
5. Exterior lighting;
6. Easements;

7. Off-street parking areas, including the parking space striping, aisles, and driveways;
8. The lot dimensions;
9. Setbacks and spaces between buildings;
10. Walls, fences, and landscaping and their location, height, and material;
11. Landscaping areas;
12. Trash and recycling facilities;
13. The architectural elevations of all sides of all structures depicting design, color, materials, textures, ornaments, or other architectural features;
14. The location, dimensions, and design of all signs;
15. A section of the building as it relates to the existing topography and proposed grading where the slope of the site is greater than one foot of vertical for three feet of horizontal (1:3);
16. Such other data as may be required to demonstrate that the project meets the criteria set forth in subsection A.

E. Setting Hearings. All applications shall be set for a public hearing before the planning commission at the next regular meeting that is at least thirty days following the filing of the application with the city planner. The public hearing may be continued until the next regularly scheduled meeting, if necessary, for purposes of receiving additional information or to allow for further deliberation by the planning commission.

F. Notice of Public Hearing Before the Planning Commission. Notice of the public hearing before the planning commission to consider an application for planning commission review shall be given by the city planner as follows:

1. By publication at least once in a newspaper of general circulation in the city

not less than fifteen calendar days prior to the date of the public hearing; and

2. By mailing a written notice thereof, not less than fifteen days prior to the date of such hearing to the applicant, to the owner of the subject property and to all owners of property within three hundred feet of the exterior boundary of the subject property or properties, according to the list of owners provided by the applicant; such notices shall be sent by first-class mail, with postage prepaid; and

3. By providing a sign or signs to be posted by the applicant in at least one prominent place on the subject property, at least fifteen days prior to the public hearing. At the discretion of the planner, more than one sign may be required for parcels of land fronting on more than one street, or for parcels having in excess of two hundred feet of street frontage. All signs shall be prominently placed on the private property of the applicant, and not on any utility poles or elsewhere in the public right-of-way.

G. Decisions of the Planning Commission. The decision of the planning commission regarding a request for approval of any project in the TMU overlay zone shall be set forth in a resolution of the planning commission. Such resolution shall contain any conditions of approval enumerated under subsection (B)(7) of this section which, in the judgment of the commission, have been deemed necessary to protect the public health, safety and general welfare.

H. City Council Review of Planning Commission Decisions. Decisions by the planning commission regarding the approval, the conditions of approval, or the denial of an application filed pursuant to this chapter shall be final and conclusive unless, not later than

thirty days following the decision of the planning commission:

1. An interested party, using a form provided by the city planner, files in the office of the zoning administrator a written appeal of such decision to the city council, which states the grounds for appeal and the relief sought by such interested party, and pays any required fee; or

2. The mayor or a voting member of the city council requests a public hearing before the city council, stating the grounds for the request. The mayor or city council member requesting the public hearing shall disqualify himself or herself from participating in the public hearing unless he or she certifies in writing that the hearing was requested as a result of public interest in the decision of the planning commission, and that he or she has no predisposition against, or in favor of, the planning commission decision, or portion thereof, that is the subject matter of the review.

I. Setting of the Public Hearing Before the City Council. The above referenced public hearing before the city council shall be scheduled at the next available regular meeting of the council that is at least thirty days following the receipt of the appeal or the request for public hearing.

J. Notice Requirements for Public Hearing Before the City Council. Notice of the above referenced public hearing before the city council shall be given pursuant to subsection F of this section.

K. Decision of the City Council. The decision of the city council on all applications shall be final and conclusive.

L. Expiration. An approval granted pursuant to planning commission review, or as the result of the city council overturning any

denial, of a TMU overlay zone project, shall establish a vested property right for a period of three years, as set forth in Article 68 of Title 24 of the Colorado Revised Statutes. Such time limits may be extended by the city council following a public hearing, for which adequate public notice was given pursuant to subsection F of this section, upon the written request of the applicant and payment of a fee as set forth by resolution of the city council. The request shall be filed with the city planner prior to the expiration of the approval and shall include presentation of proof of an unusual hardship not of the applicant's own making. If the time limit for development set forth in the original application has expired, and no extension has been granted, the approval, and all rights and privileges established therein, shall be considered null and void following the three-year period of the vested property rights.

M. Revocation and/or Modification.

1. After a public hearing, preceded by public notice as set forth in subsection F of this section, the planning commission may, subject to appeal to the city council, revoke or modify any approval or conditional approval issued, on one or more of the following grounds:

a. That the approval was obtained by fraud or misrepresentation;

b. That the use for which such approval was granted has ceased for a period of at least eighteen consecutive calendar months;

c. That changed circumstances have rendered exercise of the approval as originally granted infeasible or inimical to the health, safety and welfare of the community;

d. That there has not been substantial compliance with the terms and conditions of the approval;

e. That exercise of the approval violates any state, federal or local statute or regulation;

f. That exercise of the rights under the approval is detrimental to the health, safety and welfare of the community;

g. That exercise of the rights under the approval constitutes a nuisance.

2. At any hearing on revocation or modification of any TMU overlay zone project, the applicant and any other person whose property rights may be affected by such revocation, modification, or continuance of the exercise of rights under the approval, shall have the right to produce any arguments and introduce any evidence in support of their position. (Ord. 22-2003 § 1 (part); Ord. 12-2003 § 1 (part))

Chapter 17.16 PLANNED UNIT DEVELOPMENTS

Sections:

- 17.16.010 Purpose of provisions--Statutory authority.
- 17.16.020 Application and general requirements.
- 17.16.030 Permitted uses and density of development.
- 17.16.040 Design standards and specifications.
- 17.16.050 Preapplication conference.
- 17.16.060 Coordination with subdivision regulations.
- 17.16.070 Preliminary application--Contents.
- 17.16.080 Preliminary application--Approval procedure.
- 17.16.090 Final plan and plat--Contents.
- 17.16.100 Final plan and plat--Approval conditions.
- 17.16.110 Construction procedures--and building permits.
- 17.16.120 Final plat and plan--Amendment conditions.

17.16.010 Purpose of provisions--Statutory authority.

Pursuant to the objectives, purposes and procedures set forth in Article 67 of Title 24, Colorado Revised Statutes (also known as the Planned Unit Development Act of 1972), this chapter relating to planned unit development is included in this title to provide for a greater variety and choice of design for urban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies in urban land development and

to gain flexibility over conventional land control regulations. (Prior code § 17.40.010)

17.16.020 Application and general requirements.

A. Application for a planned unit development (PUD) may be made for land located in any zoning district.

B. The setback, lot width and percentage lot coverage requirements stated in Article II of Chapter 17.12 may not apply to planned unit developments. In specific cases, the off-street parking requirements stated in Chapter 17.28 and minimum lot area as stated in Article II of Chapter 17.12 may be reduced. These requirements shall be controlled by the criteria and standards of this chapter and as shown on the approved planned unit development plan.

C. Where it is stated that a planned unit development is desired, it is not the intent of this chapter to prohibit development should the PUD application be denied; rather, the applicant still maintains the right to develop the property as permitted in the existing zoning district or districts. (Prior code § 17.40.020)

17.16.030 Permitted uses and density of development.

Within the PUD district, the following uses and densities will be permitted subject to the approval of the city council:

A. Uses as are permitted by right or permitted by special review, or any use considered as an accessory to the principal use, in the existing residential, commercial, central business district, or industrial district or districts. Under a PUD however, the city council may allow a greater number of units

per structure in PUD districts than would be otherwise permitted.

B. Commercial uses shall be permitted in the PUD developed primarily for residential purposes if such development contains one hundred or more dwelling units. Such commercial centers shall be subject to the following requirements:

1. Commercial uses in any development stage shall not be open to use prior to the completion of fifty percent of the dwelling units in that stage and the issuance of the certificates of occupancy for that fifty percent.

2. Except as stated in Section 17.16.020, all requirements applicable to the C district are applicable to the commercial center in the PUD district.

3. Such commercial centers shall be limited to local convenience goods and services categories reasonably necessary to efficiently serve residents of the planned unit development in which it is located. (Prior code § 17.40.030)

17.16.040 Design standards and specifications.

The following provisions apply to all planned unit developments:

A. The setback, lot width and lot coverage requirements as stated in Article II of Chapter 17.12 may not apply to planned unit developments.

B. The maximum allowed density shall be established based on the sketch plan in accordance with the following criteria:

1. The character of the surrounding neighborhood and land usage (actual or planned) and impact or proposed PUD on adjacent areas;

2. The ability of existing off-site transportation, utility, drainage, open space

and other amenities (together with proposed improvements) to accommodate proposed PUD density;

3. The extent to which the proposed PUD contains unique innovative features or utilizes and incorporates special site conditions and mitigates impact on adjacent areas;

4. Usable on-site open space.

C. The number of off-street parking spaces in each planned unit development must not be less than the requirements as stated in Chapter 17.28, except that the city council may increase or decrease the required number of off-street parking spaces in consideration of the following factors:

1. Probable number of cars owned by occupants of dwellings in the planned unit development;

2. Parking needs of any non-dwelling uses;

3. Varying time periods of use, and whatever joint use of common parking areas is proposed; and

4. Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city council shall attain assurance that the nature of the occupancy will not change.

D. Subject to the express approval of the city council, all signs within the PUD shall be controlled by written agreement between the owners and/or tenants of the PUD or otherwise, to avoid excessive advertising and insure a harmonious relationship to the PUD as a whole. Signs within a shopping center shall be limited to two types: Business identification signs and shopping center identification signs. All business identification signs within the PUD shall not project above the roofline nor project from the face of the building more than one foot. Business

identification signs shall be limited in size to one square foot of sign area for each one lineal foot of building frontage. Only one sign per business is permitted unless the business has double frontage, in which case two signs are permitted. One free-standing shopping center identification sign may be authorized on the shopping center site by the city council, and shall be shown on the final development plan for the PUD.

E. All other requirements applicable to the existing zoning district or districts shall apply.

F. The city council must be satisfied that the final development plan meets each of the following criteria, or that one or more of them is not applicable and that a practicable solution consistent with public interest has been achieved for each of these elements:

1. An appropriate relationship to the surrounding area;
2. Circulation of internal street system designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control; proper circulation in parking areas in terms of safety, convenience, separation and screening;
3. Functional open space for optimum preservation of natural features including trees and drainage areas, recreation, views, density relief, convenience of function;
4. Variety of housing types, densities, facilities and open spaces;
5. Privacy needs of individuals, families and neighbors;
6. Pedestrian and bicycle traffic safety, separation, convenience, access points of destination and attractiveness;
7. Building types appropriate to density, site relationship and bulk;

8. Building design orientation, spacing, materials, color and texture, storage, signs and lighting;

9. Landscaping, such as screening, ornamental types used and materials used, if any, maintenance, suitability and effect on the neighborhood.

G. The city council may reduce or waive municipal fee requirements if it finds the common open spaces proposed are functional and designed to relieve pressure on city parks (tennis courts, swimming pool, racquetball courts, etc.).

H. The city council must find that the plan is in general conformity with the comprehensive plan (master plan) of the city. (Prior code § 17.40.040)

17.16.050 Preapplication conference.

A preapplication conference shall be held with the planning department in order for the applicant:

- A. To become acquainted with the planned unit development procedures and related city requirements;
- B. To obtain a written list of what the application shall include; and
- C. To obtain copies of any guidelines or ordinance interpretations. (Prior code § 17.40.050)

17.16.060 Coordination with subdivision regulations.

A. It is the intent of this title that subdivision review under the subdivision regulations be carried out simultaneously with the review of a planned unit development under this chapter.

B. The requirements of both this title and those of the subdivision regulations shall

apply to all planned unit developments, and all actions of the city council pertaining to planned unit developments shall be based upon a recommendation by the planning commission. (Prior code § 17.40.060)

17.16.070 Preliminary application-- Contents.

A. An applicant shall make application for the approval of the planned unit development to the planning commission, at least thirty days prior to the planning commission meeting at which it will be considered. The applicant shall accompany his application with a preliminary development plan as specified in this section.

B. The preliminary development plan shall include both a preliminary development plan map and a written statement.

1. The preliminary development plan must, contain the following information:

- a. The existing topographic character of the land at a contour interval of five feet or less;
- b. The existing and proposed land uses;
- c. The type and character of proposed development and the proposed location and number of dwelling units per gross acre and per net residential acre;
- d. The proposed location of all streets;
- e. The proposed location and size of public uses, including schools, parks, playgrounds, swimming pools and other open spaces;
- f. A tentative layout of easements and a list of utilities and improvements proposed;
- g. Type of structure, size, number of stories and height;
- h. Show existing surrounding areas.

2. The written statement to accompany the preliminary development plan shall contain the following information:

a. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of these regulations;

b. A statement of the present ownership and legal description of all the land included within the planned unit development and a list of mortgages, leases and/or optionees;

c. A list of the owners of abutting properties located within three hundred feet of the property lines of the land included in the planned unit development, complete with their addresses from available county and city records; and

d. A general indication of the expected schedule of development.

C. The applicant may submit any other information or exhibits he deems pertinent in evaluation of the proposed planned unit development.

D. Accompanying the application shall be a preliminary plat application fee, as set forth in Subsection 6.1 of the Appendix to Title 16, Subdivision Regulations, of this code. (Ord. 4-1994; prior code § 17.40.070)

17.16.080 Preliminary application-- Approval procedure.

A. Whenever notice is required for a public hearing before the planning commission or the city council for the purpose of considering a planned unit development application, such notice must be published in a newspaper of general circulation within the city at least fifteen days prior to such hearing; and at least fifteen days prior to public hearing, notice shall be delivered or mailed first class postage prepaid to owners of

abutting properties and properties located within three hundred feet of the property lines of the land included in the planned unit development. Such notice shall indicate the time, date and place of the hearing, and give a brief summary or explanation of the proposed PUD and its location.

B. Within sixty days after filing the preliminary application, the planning commission shall give notice of and hold a public hearing and forward the application to the city council with or without modifications or conditions, and giving the reasons for any recommendations made.

C. The city council shall disapprove or approve the preliminary application with or without modifications or conditions.

D. Approval of the application shall constitute approval of the preliminary development plan and shall be valid for one year. A one-year extension of approval time may be applied for in writing to the planning commission. Such extension requests shall then be transmitted to the city council for a decision on the request for extension.

E. All or any portion of an approved preliminary development plan area may be submitted for final development plan purposes. In the case of partial submission, the approval of the remaining portion of the preliminary development plan shall automatically gain an extension of one year before another phase area of the plan must be submitted in final form.

F. No building permits may be issued on land within the planned unit development until the final development plan and plat have been approved by the city council under the procedures provided in the following sections of this chapter. (Prior code § 17.40.080)

17.16.090 Final plan and plat--Contents.

The final development plan and final PUD plat must be submitted within one year following approval of the preliminary development plan unless an extension of one year has been approved by the city council, upon recommendation of the planning commission. Such submittal shall be made at least thirty days prior to the planning commission meeting at which such plan and plat are to be considered.

A. The final development plan shall be prepared at a scale of not less than one inch equals one hundred feet, and shall be submitted in sufficient detail to evaluate the building design and other features of the PUD. The final development plan must contain, insofar as applicable, the following information:

1. The existing topographic character of the land at two-foot intervals;
2. Proposed land uses;
3. The location and size of all existing and proposed buildings, structures and improvements;
4. The maximum height of all buildings;
5. The density and type of dwellings;
6. The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights of way;
7. The location, height and size of proposed signs, lighting and advertising devices;
8. Areas which are to be conveyed, dedicated or reserved as common park areas or recreational areas, as sites for schools or other public buildings;
9. Areas subject to fifty and one-hundred-year flooding cycle;

10. A general landscape plan at the time of initial submission, to be followed by a detailed landscaping plan once the site plan has been approved, showing the spacing, sizes and specific types of landscaping material;
11. Copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the PUD, and any of its common park areas, must accompany the final plan.
12. Schedule of development not to exceed five years unless specifically approved by the city council.
- B. The final PUD plat shall comply, insofar as applicable, with the following:
 1. The sheet size shall be twenty-four by thirty-six inches, including a one-half inch border;
 2. A scale of one inch equals one hundred feet shall be used unless a larger scale is deemed necessary;
 3. Name of PUD (see sample plat statements);
 4. An accurate and clear legal description of the PUD with the acreage;
 5. Date of preparation, scale and North point;
 6. Vicinity map necessary to locate the tract;
 7. Location of land to be conveyed or reserved for public use or reserved in deeds for use of all property owners within PUD;
 8. Dedication to the city or other public entities of lands set aside for public uses and dedication of public streets, easements and alleys to the city;
 9. Acknowledgment of the execution of the plat before a notary public;
 10. Approval by the following or their duly appointed representatives:
 - a. Mayor-attested by city clerk;
 - b. County clerk and recorder,
 - c. Planning commission chairman.
 11. Statement of record of covenants, by-laws and/or declarations where applicable;
 12. Statement of ownership and acknowledgment;
 13. A certificate waiving access rights across the right of way lines of major highways, parkways, streets or freeways, where required as a provision of approval;
 14. All areas shown on the map which do not constitute a part of the subdivision shall be labeled "not a part of this subdivision. " All lines delineating such areas shall be dashed;
 15. Relative bearings and distances to the nearest quarter section established;
 16. All monuments shall be placed and set in accordance with the requirements of the State of Colorado;
 17. Certification by a registered land surveyor to the effect that the layout represents a survey made by him and that the monuments thereon actually exist as located and that all dimensions and other details are correct;
 18. The exact layout including:
 - a. Boundary lines with accurate distance and bearings; the exact location and width of all existing or recorded streets adjacent to the boundaries of the tract. All dimensions to be determined by accurate field survey which must balance and close within limits of one in five thousand;
 - b. The length of all arcs, internal angles, points of curvature, length and bearings of the tangents;
 - c. All easements as required by public and quasi-public agencies;
 - d. Location, size and height of all structures, which shall have accurate

dimensions in feet and hundredths with bearings or angles to streets, alley lines or PUD boundary; show distance between buildings;

e. All units in the PUD must be identified consecutively throughout the tract, with no omissions or duplication;

f. The right of way lines, widths, locations and street names of all existing and proposed streets within; street names shall not be the same or similar to any existing street names;

g. Label all areas dedicated or reserved as public or common areas.

C. In addition to the final development plan and final PUD plat, applicant shall submit, thirty days prior to the planning commission meeting at which the development will be considered:

1. Title insurance as proof of ownership;
2. Four copies of improvement plans;
3. Two copies of the drainage plans;
4. One copy of surveyor's closure sheet.

D. The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.

E. Accompanying the submittal of the final development plan and final PUD plat shall be a final plat application fee, as set forth in Subsection 6.1 of the Appendix to Title 16, Subdivision Regulations, of this code. (Ord. 4-1994; prior code § 17.40.090)

17.16.100 Final plan and plat--Approval conditions.

A. The planning commission shall approve the final development plan and plat if they are in substantial compliance with the preliminary development plan and applicable regulations of the city. The final development

plan and plat will then be transmitted to the city council, who will give notice of and hold a public hearing following which the city council will approve or disapprove, or approve with or without modifications or conditions, the final plan and plat.

B. Following approval by the city council and prior to recording of the PUD plat, the developer shall:

1. Submit an improvement guarantee, to be approved by the city engineer, which may include binding agreement to develop open space or common amenities;
2. Satisfy municipal land/fee requirements;
3. Satisfy school land/fee requirements; and
4. Submit recording fee (check payable to Fremont County Clerk and Recorder). (Prior code § 17.40.100)

17.16.110 Construction procedures and building permits.

Provided the time limit established by the development schedule has not passed, the building inspector shall issue building permits for buildings and structures in the area covered by an approved final development plan and plat, provided that the plat has been recorded, if they are in conformity with the approved final development plan and plat, and with all other applicable ordinances and regulations. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan and plat if the completed building or structure conforms to the requirements of the approved final development plan and plat and all other applicable ordinances and regulations. If the time limit established by the development

schedule has passed, no building permits or certificates of occupancy shall be issued until after the planning commission and city council have reviewed the development plan and plat and a new development schedule has been established. (Prior code § 17.40.110)

**17.16.120 Final plat and plan--
Amendment conditions.**

A. Minor changes in the final PUD plat may be approved by the city planner, not including the following:

1. Increase in density;
2. Relocation of access or buildings in excess of five feet;
3. Decrease of perimeter setbacks to less than allowed in approved PUD;
4. Change in use (apartment to office, etc.);
5. Change in open space, lot coverage, parking, etc., in excess of ten percent.

B. All changes in the arrangements of lots, blocks and buildings, and/or changes in the provision of common open spaces and/or changes in the approved final plat which were not previously listed or allowed must be approved by the city council under the procedures authorized for the final PUD approval.

C. Any changes which are approved for the final plat must be recorded as amendments to the recorded copy of the final plat.

D. Following the completion of the development, no changes may be made in the approved final development plat except upon application to the appropriate agency under the procedure provided below:

1. Any minor extension, alteration or modification of existing buildings or structures may be authorized by the planning commission if they are consistent with the

purposes and intent of the final plat or plan. No changes authorized by this section may increase the dimensions of any building or structure by more than ten percent.

2. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plat or plan unless an amendment to the final development plan is approved under subsection D.3 of this section.

3. All other changes in the final development plan or plat must be made by the city council under the procedures authorized by this title for the amendment of the zoning map. No changes may be made in the final development plan or plat unless they are required for the continued successful functioning of the planned unit development or unless they are required by changes in conditions that have occurred since the final plat was approved or by changes in the development policy of the community.

E. No changes in the final development plan or plat which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the planned unit development, and all rights to enforce these covenants against any changes permitted in this section are expressly reserved. (Prior code § 17.40.120)

**Chapter 17.17 PLANNED
DEVELOPMENT DISTRICT (PDD)**

Sections:

- 17.17.010 Purpose.
- 17.17.010.5 Definitions.
- 17.17.011 Applicability and interpretation.

17.17.012 Coordination with other regulations, plan, and general provisions and jurisdictions.

17.17.013 Uses permitted.

17.17.014 Processing fees.

17.17.015 Development plan review procedures.

17.17.016 Modifications and amendments to existing PDDs and FPDPs.

17.17.017 Design standards.

17.17.010 Purpose.

It is the intent of this Planned Development District zoning to allow a development technique which is in the best interest of the city and will promote good design, enhancement of environmental amenities and increased efficiency of public and private services. The Planned Development District (PDD) shall cover an area of land controlled by one or more owners under a unified control or a unified plan of development for residential, commercial, industrial, educational, recreational, or any combination of the foregoing or other uses. All uses and structures must conform to the approved Final Planned Development Plan (FPDP) and any change must be granted by amending such plan and not by variance. Furthermore, the standards and procedures provided in this ordinance for the PDD are intended to ensure integrated planning goals and objectives of the comprehensive plan for city, while allowing greater flexibility and innovations in development and site designs than is typically possible under the conventional zone district regulations. This ordinance is intended to provide the developer reasonable assurance of ultimate approval prior to the expenditure of complete structure design costs, while

providing the city with assurances that the project will retain the character envisioned at the time of concurrence.

In addition to the detailed standards and conditions for planned developments set forth in this ordinance, consideration shall also be given to the following general criteria which are intended to qualify for review and approval any planned development such that it:

A. Constitutes a unique and truly innovative project which is represented by the developer to be constructed within a reasonable period of time in relation to the projects size and scope and which will be of economic benefit to city thereby qualifying the project under this and other criteria for review under this PDD ordinance;

B. Ensures that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within other zoning districts will not be applied in a manner which would distort the objectives of the comprehensive plan;

C. Allows innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety and types, design and layout of buildings and the conservation and more efficient use of open space ancillary to said buildings;

D. Allows an efficient use of land and of public and private services to reflect changes in the technology of land development so that resulting economies may benefit the community as a whole;

E. Lessens the burden of traffic on streets and highways by encouraging land uses which decrease trip length and encourage the use of public transit, if available;

F. Conserves the value of the surrounding land and preserves environmental quality;

G. Provides a technique of development which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics; and,

H. Encourages integrated community planning and development in order to achieve the above purposes.

This ordinance shall not abrogate, annul, modify or amend any previous permit, special use permit, license or approval, or any modification thereof or amendment thereto previously issued or authorized by city. (Ord. 39-1992)

17.17.010.5 Definitions.

Definitions applicable to this chapter are included among those set forth at Chapter 17.08 of this code. (See in particular those definitions set forth in sections 201, 386, 387, and 388 of Chapter 17.08.) (Ord. 39-1992)

17.17.011 Applicability and interpretation.

A. PDD Limitations.

1. An approved and filed FPDP shall be binding upon the applicant, its heirs, successors, and assigns; it shall limit and control the issuance and validity of all building permits and occupancy permits, and shall restrict and limit the construction, location, use and operation of all land and structures included within the plan to all conditions and limitations set forth in such plan. Temporary uses and signs may be allowed by the city provided such uses or signs are within the intent of the PDD Plan

and the Cañon City Zoning Ordinance. In addition, unless specifically stated on the approved and filed FPDP, all exclusions, prohibitions, and standards as outlined in this ordinance shall apply.

2. If a zone change application is submitted to the city requesting other than a PDD and through the normal review process the city council finds that the proper zoning for the application should be a PDD, then the applicant shall submit all materials required for a PDD to the zoning administrator. It will, then be scheduled for public hearings with proper notice and referral before the planning commission and the city council. (Ord. 39-1992)

17.17.012 Coordination with other regulations, plans, and general provisions and jurisdictions.

A. Cañon City Zoning Ordinance.

Approval of a Planned Development District Plan by the city council in accordance with the requirements of this ordinance shall constitute a zone district subject to the contents of said plan as Planned Development District No. _____ (PDD # _____) and its geographical area outlined on the official zoning map of Cañon City. The PDD designation (PDD # _____) shall also be written on the official zoning map. This zone designation shall stand for as long as a zoning ordinance is effective in Cañon City unless a rezoning has been approved pursuant to the zoning ordinance.

Land use and development within any PDD approved pursuant to this ordinance shall be controlled by the provisions of the approved PDD Plan and Final Planned Development Plan(s) (FPDP). Specific maps and documents

detailing negotiated items and other matters related to these approved plans shall be recorded with the Fremont County clerk and recorder and duplicate files of said plans and documents kept on file for ready reference by the city clerk.

B. Cañon City Subdivision Regulations.

1. Except as specifically provided for below in subsection 2, the provisions of this ordinance concerning PDDs are not intended to eliminate or replace the requirements applicable to the subdivision of land or airspace, as defined in the subdivision regulations of the City of Cañon City. However, the uniqueness and purpose of the PDD may be such that modifications in these standards may be allowed by the city council for good cause and adequate justification. If the land included within a proposed Planned Development District is to be subdivided, the landowner must comply with the subdivision regulations before development may occur. It is the intent of this ordinance that any subdivision review under the subdivision regulations be carried out either (1) simultaneously with the FPDP or (2) subsequent to an approval of a FPDP. A final plat as described in the subdivision regulations must be submitted for approval within ninety (90) days of the FPDP approval unless the city council has approved otherwise by agreement or as stipulated in an approved development schedule. No final plat will be approved in a PDD without prior approval of a FPDP.

2. A developer may convey any planning area as depicted on the approved PDD Plan by waiver of the subdivision regulations. To receive a subdivision waiver, the developer shall deliver to the zoning administrator an executed application form, and a designation

of the planning area in graphic form on a mylar sheet 24" vertical and 36" horizontal entitled "TDD #____, PLANNING AREA _____, ADMNISTRATIVE SUBDIVISION WAIVER PLAT" which shows: (i) all dimensions and bearings; (ii) the exact location of all existing structures; (iii) identification and location of all existing rights of way, easements, and floodplain boundaries; (iv) identification and location of existing physical features (drainage channels, ditches, fences, etc.); (v) the metes and bounds legal description for the entire parcel; (vi) the names and addresses of the transferor, and the transferee; (vii) scale, north arrow, date; (viii) surveyor's statement, signature, and seal; and, (ix) statement for the signature of the zoning administrator as follows: CITY OF CAÑON CITY, COLORADO--Administrative Subdivision Waiver Plat, granted in accordance with Section 17.17.012.B.2 of the Zoning Regulations of the City of Cañon City, Colorado, adopted by the City Council of Cañon City, December 21, 1992, Ordinance No. 39, Series of 1992. The administrative subdivision waiver plat shall be recorded with the Fremont County clerk and recorder. The owner of the planning area must comply with the subdivision regulations and the process for FPDP approval prior to issuance of any building permit.

C. Conformity with Comprehensive Plan.

No Planned Development District shall be recommended for approval by the planning commission or approved by the city council unless the PDD Plan is found to be in substantial conformity with the comprehensive plan, as amended, for Cañon City.

D. Consent of Landowner and Lienholders.

No PDD or FPDP applications shall be approved by the city council without the written consent of each landowner whose properties are included within the planned development. The planned development application shall be made by a person or entity having an interest in the property to be included in the PDD and shall include, prior to planning commission consideration, unless deferred by the planning commission until city council consideration, the consent of all owners and mortgage lienholders of interests in such property subject to the PDD application. Ownership and mortgage lienholders shall be determined by review of the title commitment submitted with the PDD application. (Ord. 39-1992)

17.17.013 Uses permitted.

A. Uses-By-Right.

All uses-by-right shall be negotiated at the district plan stage and listed for the entire PDD or for any of its subparts. In addition, all negotiated industrial uses must be buffered by suitable open space from commercial, office and residential uses in those PDDs where industrial uses are approved.

B. Accessory Uses.

All accessory uses appurtenant to the defined uses-by-right shall be negotiated and stipulated in the PDD, and FPDP documents where necessary.

C. Additional Uses.

Additional uses may be permitted subject to site plan review by the planning commission and city council provided the city council and planning commission find such uses are designed and/or intended for the use of residents and/or property owners and/or the general public of the subject PDD and such

uses are compatible with the Cañon City comprehensive plan and uses on surrounding properties. No uses shall be permitted except in conformance with a specific and precise FPDP (which conforms to the uses outlined in the PDD Plan) pursuant to the procedural and regulatory provisions hereinafter set forth. (Ord. 39-1992)

17.17.014 Processing fees.

Processing fees will be established by resolution of city council, and shall be subject to change from time to time. The current fee schedule may be obtained from the zoning administrator. (Ord. 39-1992)

17.17.015 Development plan review procedures.

The application for a planned development shall be subject to a three-faceted review process composed of the following: (1) a general pre-application conference; (2) a Planned Development District Plan; and, (3) a Final Planned Development Plan. Applicants are encouraged to combine subdivision platting with the FPDP process where appropriate after conferring with city staff and/or the planning commission.

These submittal requirements may be abbreviated to require only a FPDP application for small projects that are pre-financed and ready for construction. Developers requesting this procedure are advised to be well organized and definite about their development plans.

A. General Pre-application Conference.

Prior to actual submission of the Planned Development District Plan application and in order to obtain and exchange information, each applicant shall confer, at the city

administrative staff's direction, with either the staff or, should it be deemed necessary, with the planning commission (at a regular meeting or study session) and other appropriate city departments and agencies in connection with the preparation of said application. Other appropriate governmental representatives may be notified and requested to attend the pre-application conference at the discretion of either the staff or the commission. The general outlines of the proposal evidenced schematically by sketch plans and appropriate design standards are to be considered at this conference. Thereafter, the staff may furnish the applicant with written comments regarding said conference, to inform and assist the applicant prior to the preparation of the Planned Development District Plan application. Any materials prepared by the applicant to be used in discussions with the staff or commission are to be submitted to the city fifteen (15) days in advance of the meeting date the discussion is to take place. A minimum of four (4) copies of all materials need to be submitted for this conference and appropriate fees paid before discussions can take place. Additional copies may be requested by staff. Should discussions take place only with staff, the staff shall notify the planning commission of the discussions upon their completion.

B. Planned Development District Plan Application.

The Planned Development District Plan application is intended to generate enough site plan information in the form of written statements and schematic plans in order to provide adequate information for review by decision making bodies and the general public in regard to the proposed PDD zoning. The completed application, as amended and

supplemented during the review process, shall be known as the Planned Development District Plan (PDDP or PDD Plan), and shall consist of the development guide required under subsection 2 below, the graphic documents required under subsection 3 below, and such additional documentation as may be required under subsection 4 below. If a PDD Plan is approved by the city council pursuant to the process and procedures set forth in this chapter, such plan shall then and thereafter be known and considered an approved PDD Plan.

1. Submission requirements. The PDD Plan shall encompass all properties which are to be included in the proposed development and shall be sufficiently detailed to allow for an effective review. At the conclusion of the PDD review process, pertinent written and graphic documents will need to be recorded with the Fremont County clerk and recorder. The city will determine during, or at the conclusion of, the review process which documents shall be so recorded and cause the developer to have appropriate signature blocks placed on the documents. Submission requirement omissions are cause to continue or table the review process. The city may reasonably require additional documents during the review process.

2. Written documents - Development guide. The applicant shall submit written documents and a development guide which shall include, where applicable, the following information:

a. A legal description of the total site, including any recorded easements, proposed for development, including a statement of present and proposed ownership. This statement shall include the addresses of the applicant(s), all the property owners, proposed

property owners, development signers, and any lienholders.

b. Evidence of the present ownership or agents thereof of all lands included within the planned development in the form of a current commitment for title insurance or title insurance policy, or an abstract opinion by an attorney at law.

c. Names and addresses of adjoining property owners within three hundred (300) feet of the property perimeter from Fremont County assessor records.

d. A description of the character of the proposed development, the goals and objectives of the project, an explanation of the rationale behind the assumptions and choices made by the applicant, and an explanation of the manner in which it has been planned to conform to city's comprehensive plan. A statement concerning who will be or how the master development functions will be performed to coordinate the buildup of the project over the period of time described in the proposed development schedule. The master development functions to be addressed are: extension of utility services to the PDD property; construction phasing of major arterials; and coordination of the development process for infrastructure development (i.e. road, sewer, water, and drainage).

e. A table or chart that lists the planning area(s) and the land use or building product types in the vertical axis position and the desired (negotiated) maximums/minimums on the horizontal axis for the following: estimated acreage of planning area; residential unit density (gross); number of units in residential areas; building coverage ratios and floor to area ratios or gross floor areas for all uses other than residential uses; open space in acres and percent of entire PDD; dedicated

public open space; estimated acreage and percent to dedicated road coverage for arterials and collectors; height limits for each land use type. Specific uses by right and accessory uses; and special review uses contemplated may be shown on the table or chart or with the written application. All negotiated numbers and uses in this chart are maximums only (or minimums as the case may be) and are not guaranteed. Final numbers will be determined at the FPDP stage when all site constraints are considered and all city ordinances are complied with. Final numbers may not exceed the negotiated maximums (or be less than the negotiated minimums) agreed to and approved at the PDD stage. When more than one planning area is used in a PDD, all numbers are to be totalled and, where appropriate, total percents of site area detailed underneath the quantitative totals. A condensed form of this chart may be placed on the PDD Plan sheet and must be referenced back to the development guide.

f. Any other special site details such as PDD boundary setbacks, setbacks from major state highways, county roads, proposed arterials, and parking setback details.

g. A general description of the circulation and road patterns projected road types and sizes (including rights of way widths), and a generalized trip generation study for the entire development and its subparts. For small projects, the trip generation study may be waived by planning staff. Also, a statement of the general intent of the applicant as regards the use of public versus private roads.

h. A letter from the appropriate utility districts, boards, or providers, stating their future ability to serve the development with water, sewer, electricity, natural gas, cable

TV, and telephone service. Also, a general description of the concept and method for dealing with drainage, and for providing utility services to the project, domestic water development and supply plan and description of water rights associated with the project. These plans are to be prepared by a professional engineer, and shall provide enough information so that the impact of the proposed development at various stages of buildup on the city's existing infrastructure can be estimated.

i. A general description of the conceptual use and intent of the proposed open space for the development and an explanation of how said open space shall be integrated with surrounding developments both existing and proposed in relation to the PDD.

j. Any general physiographic and environmental studies of the proposed site.

k. Estimated time table or development schedule for development and product phasing which establishes the initial baseline sequence of development among the various types of uses.

l. Any other pertinent factors concerning the development that have been identified at the pre-conference level.

m. Utilization and location of any outdoor storage.

3. Graphic documents. A site plan(s) and supporting maps and drawings shall be at an appropriate scale so that staff and officials may understand the basic concepts proposed by the applicant.

a. Each plan sheet shall have the following displayed:

i. Title of name of the P.D. above the terms: "Planned Development District Plan" at the top of the sheet;

ii. North arrow;

iii. Scale (written and graphic) 1" = 200' or larger;

iv. Sheet title;

v. Sheet number as sheet ____ of ____ (total) in upper right hand corner;

vi. Sheet sizes are 24" vertical by 36" horizontal with 1-1/2" border on left side and 1/2" border on the other sides.

b. Cover sheet:

i. The location and name of the proposed development shown on a vicinity locator map of the surrounding area within a two (2) mile radius at a legible scale;

ii. Complete legal description of the property;

iii. "Certificate of Ownership" as follows: Name of Owner(s) being the owner of Name of PDD located in the City of Cañon City, State of Colorado, hereby submit this Planned Development District Plan and agree to perform under the terms noted hereon.

(Owner's signature);

iv. The owner's signature(s) shall be acknowledged as follows:

State)

) ss.

County)

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public;

v. Approval by the planning commission; wording shall be as follows:

Planning Commission Approval

Approved by the City of Cañon City Planning Commission this _____ day of _____, 19____.

Chairman:

vi. Approval of the city council; wording shall be as follows:

City Council of Cañon City Approval

This approval does not guarantee that the size, soil conditions, subsurface geology, ground water conditions, or flooding conditions of any parcel shown hereon are such that a building permit, well permit, or sewage disposal permit will be issued. This approval is with the understanding that all expenses involving required improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures, and all other improvements that may be required shall be the responsibility of the applicant and not the City of Cañon City. If the City of Cañon City and the applicant have agreed to any cost recovery, the applicant is entitled to that recovery under the terms of that cost recovery agreement.

Mayor: (Signature)

Attest:

City Clerk: (Signature)

(SEAL);

vii. Certificate of the clerk and recorder; wording shall be as follows:

This Planned Development District Plan was filed for record in the office of Fremont County Clerk and Recorder in the State of Colorado at _____ m. on the _____ day of _____, 199____.

County Clerk and Recorder

By: _____

Deputy

viii. In the lower right hand corner of the cover sheet in a box 3" x 2-1/2" the following shall appear:

File No. _____

Map No. _____

Reception No. _____

ix. An additions and deletions block shall be as follows:

The following Additions and Deletions in the PDD Plan were made by the City Council at the time of approval. (To be followed by four (4) horizontal lines each below the other, three (3) inches in length.);

x. Staff review wording to be as follows:
Approved as to form by:

Zoning Administrator

City Attorney's Office.

c. Existing site conditions sheet:

i. The existing site conditions including topographic contours and water courses, floodplains (i.e., 100 year), existing easements and rights-of-way whether of record or apparent from a visual inspection of the property, unique natural features, vegetation cover, and any wetland areas of which applicant has knowledge;

ii. Proposed subdivision boundary lines in specific or prototypical form if available at this time;

iii. If requested at the pre-application conference, graphic information on land parcels adjacent to the proposed PDD to indicate known or proposed development including land uses, zoning classifications, road networks, public facilities and open space.

d. Site plan sheet:

i. The location of proposed boundary lines for planning area(s); location of all

existing buildings, structures, and other improvements; the table or chart information referenced in section 17.17.015.B.2.e above.

ii. The general location and size in acres or square feet (and % of total acreage) of areas to be conveyed, dedicated or reserved as common and/or private open spaces, public open spaces or parks, recreational areas, school sites and similar public and quasi-public uses.

iii. Any existing roads and the proposed circulation system of arterial and collector type roads and major points of access to public rights of way (including major points of ingress and egress to the development). Notations of proposed ownership - public or private - should be included where appropriate. The locations of local roads may also be required at the discretion of the planning staff and/or planning commission. Also, the existing and proposed generalized pedestrian and bicycle circulation system for the entire development should be shown.

e. Utilities plan sheet(s):

i. The proposed layout concept or plan prepared by a licensed engineer for on-site and general off-site connection methods for utility service including sanitary sewers, storm sewers, and water lines (electric, gas and telephone lines may be included if known);

ii. A generalized drainage plan indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties. The location of the 100 year floodplain shall be shown. Any wetlands of which applicant has knowledge shall be shown.

4. Additional documentation. The planning commission, planning staff, or city council may require additional information and documentation from the applicant to evaluate the character and impact of the

proposed PDD on the city. In particular, for large developments, the commission, or city council may need to assess, at the developer's expense, the fiscal impact of the proposed development on the city over the period of the generalized development schedule. Studies of this nature may require the levying of additional reasonable review fees to the applicant. If such fees are not paid, the review process may be continued or tabled until the fees have been paid.

5. Approval procedure.

a. Planning commission procedure.

i. The application for PDD review will be submitted to the city for staff review and referral at least forty five (45) days in advance of the hearing date scheduled in subsection 2 below. This review period will allow staff time to prepare written comments, send referrals to appropriate review agencies, and receive comments back, and conduct technical meetings, as appropriate, concerning the submittals. Staff will forward any written comments to the applicant and the planning commission or city council five (5) working days prior to the hearing date.

ii. The planning commission shall conduct a study and recommendation on the proposed PDD application. Before submitting a report and recommendation on any proposed PDD application, the planning commission shall hold a public hearing on the proposed PDD application with the following data:

iii. A written notice shall be sent by first class mail at least fifteen (15) days prior to the hearing date, to property owners within the area in question, and within three hundred (300) feet of the area in question, as such ownership is available in the office of the city finance officer, Fremont County assessor, or such other source as may be available.

iv. In addition, a notice declaring that PDD zoning is being applied for shall be posted on a sign provided by the city, the fee for use of which shall be included in the application fee, at least fifteen (15) days prior to the hearing on the property proposed for PIDD zoning along the part thereof fronting a street (Content of sign: "Notice of Public Hearing before the City Planning Commission, City of Cañon City, Colorado, for PDD zoning for this property (legal description*) _____ (street address) meeting at Council Chambers, Municipal Building, 612 Royal Gorge Blvd., Cañon City, Colorado on _____, 199___. (* Note: Such notice shall be deemed adequate if it makes reference to the legal description which is on file and available for inspection during normal business hours in the city clerk's office in the Cañon City Municipal Building).

v. The planning commission may recess a hearing in order to obtain additional information pertaining to the application.

vi. The planning commission, after study of the PDD application, may recommend that the city council approve or deny the PDD application. The planning commission may also state conditions to be met for its recommendation of approval.

b. City council procedure.

i. Completion of a public hearing before the city council after at least fifteen days notice of the time and place of such hearing has been given by at least one publication in a newspaper of general circulation within the city.

ii. A notice declaring that PDD zoning has been applied for shall be posted on a sign provided by the city, the fee for use of which shall be included in the application fee, at

least fifteen days prior to the hearing on the property proposed for PDD zoning along the part thereof fronting a street (Content of sign: "Notice of Public Hearing before the City Council, City of Cañon City, Colorado for PDD Zoning for this property (legal description *) _____ (street address) meeting at Council Chambers, Municipal Building, 612 Royal Gorge Blvd., Cañon City, Colorado _____, 199___. (* Note: Such notice shall be deemed adequate if it makes reference to the legal description which is on file and available for inspection during normal business hours in the city clerk's office in the Cañon City Municipal Building).

iii. Hearing procedures shall be conducted with reasonable formality so as to provide for fair and reasonable testimony and other input by and interchange between all applicants, interested citizens (or other representatives), city planning staff, and to accommodate full inquiry by members of city council, as the case may be. All public hearings shall be tape recorded and minutes of such hearings shall be prepared and made available to interested parties by city staff.

iv. The city council must be satisfied that the PDD Plan meets each of the following criteria, or that one or more of them is not applicable and that a practicable solution consistent with public interest has been achieved for each of these elements: (i) the application is complete; (ii) the PDD Plan meets the purpose of the ordinance; (iii) the PDD Plan conforms to the comprehensive plan; (iv) the PDD Plan has an appropriate relationship to the surrounding area; (v) there is a reasonable traffic pattern; (vi) there is functional open space for reasonable preservation of natural features including trees

and drainage areas, recreation, views, density relief, convenience of function; and, (vii) the overall impact of the PDD on the city's existing services and utility infrastructure will not be materially adverse.

C. Final Planned Development Plan.

The FPDP application is intended to specify design components of the PDD Plan or portions thereof and provide for the review of additional items not required by the PDD Plan. The completed application shall be known as the Final Planned Development Plan (FPDP).

1. Submission requirements. The FPDP shall include all of the information required in the PDD Plan in its finalized, detailed form plus any additional items included below. Submission requirement omissions are cause to continue or table the review process.

2. Written documents. The applicant shall submit a written statement(s) and a revised development guide, which shall include the following additional items:

a. A final development schedule for the FPDP area indicating the date(s) when construction of the planned development or phases of said development are estimated to begin and to be completed;

b. A description of the use of the proposed open space to be provided; an explanation of how said open space shall be coordinated with surrounding developments; total amount of open space (including separate figures for common open space); a statement explaining anticipated legal treatment of ownership and maintenance of common open space areas and the amounts and location of dedicated open spaces;

c. Copies of special covenants, architectural control mechanism, design standards, any special signage programs,

grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces, building and other structures within the development;

d. Physiographic and environmental studies of the proposed site(s) prepared and attested to by qualified professionals in the following fields: soils, slope and topography, water rights and availability if to be used for the development, and ground water conditions;

e. Any required dedication documentation and/or improvement agreements and bonds not already required through the subdivision process;

f. Required fees, as set by resolution of city council;

g. Quantitative data for the following: final number of dwelling units and final figures for previously agreed upon design standard negotiable items;

h. Summaries of any market studies done for the development containing information that can be shared with the general public;

i. A detailed study of the traffic impact of the FPDP on the city road system.

3. Graphic documents. The applicant shall submit finalized plan graphics, which shall include the following information. Sheet format will be same as previously required for the PDD Plan.

a. Graphic plan mylar format: Various maps will need to be recorded with the Fremont County clerk and recorder as part of the approval of the FPDP. These maps shall be drawn up using the following format unless determined otherwise by the planning staff or city council in coordination with the developer.

i. Said maps shall be in the form of a black india inked mylar or linen cloth that is

capable of reproducing clear and sharp reproductions of all details, signatures, and seals;

ii. No maps using sepia ink or pencil or containing stick-ons will be accepted;

iii. All signatures on the plan are to be in black permanent ink;

iv. The plan sheet shall have outer dimensions of twenty-four inches by thirty-six inches (24" x 36"). The plan drawing will be contained within a space defined by a 1-1/2 inch margin from the left sheet and a 1/2 inch margin from the other three sheet edges;

v. Applicants are encouraged to use more than one sheet in order to avoid crowding of information on the sheet. Sheets are to be designated as sheet x of y sheets.

b. Cover sheet:

i. The cover sheet shall contain the same information as required for the PDD Plan except the word "Final" shall be substituted for the word "District" as the first word in the title;

ii. If a PDD Plan has been approved, the recording file No., Map No., and Reception No. shall be noted on the FPDP above the 2-1/2" x 3" box in the lower right hand corner as follows: The PDD Plan for (Name of PDD) was recorded on (date). File No. _____, Map No. _____, Reception No. _____.

c. Detailed site plan.

i. Title FPDP; name of PDD above this title;

ii. Actual maximum building envelopes and/or setbacks of the envelopes. The square footage total of each commercial or industrial building and approved expansion area, or number of residential units shall be indicated, as the case may be;

iii. Parking plans showing the type of paving, exact area, location, and number of all parking spaces;

iv. Landscaping plans for perimeter and interior areas showing the approximate location of all plant material. A separate block chart on the same sheet shall show the type of species, number to be planted, and size of the plant material. The chart shall be keyed to the landscape plan. Representative details may be used for areas utilizing such features as railroad ties, decorative fencing, rock or stone, earthworks, and similar materials. Irrigation systems are required and shall be shown, described, and keyed to the landscape plan;

v. Scaled drawings of different types of signs to be used on the site indicating the kinds of materials to be used showing all faces, including directional and informational signs;

vi. Scaled building elevations for each commercial structure showing front and rear views;

vii. A list of the type of exterior construction materials shall be included on the elevation sheet;

viii. Location of any other above ground features such as fencing or utility service areas;

ix. Final engineering plans for public roads within the development, points of access and designs for modification of intersections with existing public rights of way and designs for any off-site road improvements to connect the PDD to the existing road system. Final plans for all private roads are to be included for any portions of the site undergoing final review;

x. The planned pedestrian and bicycle circulation system including their interrelationships with the vehicular system and treatments of points of conflict;

xi. Engineering plans that depict line sizes and proposed points of connection to existing utility systems, both on and off-site. Final engineered plans and specifications will be required by the respective utility districts at their discretion. Letters from these districts guaranteeing their ability to serve the project must be submitted at this time;

xii. An engineered drainage plan indicating on-site and required off-site facilities and proposed treatment and abatement of runoff drainage to adjoining properties;

xiii. Such additional information as may reasonably be required by the zoning administrator, planning commission or city council necessary to evaluate the character and impact of the proposed FPDP.

4. Approval procedure.

a. Planning commission procedure.

i. The application for FPDP review will be submitted to the city for staff review and referral at least thirty (30) days in advance of the hearing date scheduled in subsection 2 below. This review period will allow staff time to prepare written comments, send referrals to appropriate review agencies, and receive comments back, and conduct technical meetings, as appropriate, concerning the submittals. Staff will forward any written comments to the applicant and the planning commission or city council five (5) working days prior to the hearing date.

ii. The planning commission shall conduct a study and recommendation on the proposed FPDP. Before submitting a report and recommendation on any proposed FPDP, the planning commission shall hold a public hearing on the proposed FPDP with the following data:

iii. A written notice shall be sent by first class mail at least fifteen (15) days prior to the

hearing date, to property owners within the area in question, and within three hundred (300) feet of the area in question, as such ownership is available in the office of the city finance officer, Fremont County assessor, or such other source as may be available.

iv. In addition, a notice declaring that the FPDP is being applied for shall be posted on a sign provided by the city, the fee for use of which shall be included in the application fee, at least fifteen (15) days prior to the hearing on the property proposed for FPDP along the part thereof fronting a street (Content of sign: "Notice of Public Hearing before the City Planning Commission, City of Cañon City, Colorado, for a FPDP for this property (legal description *) _____

(street address) meeting at Council Chambers, Municipal Building, 612 Royal Gorge Blvd., Cañon City, Colorado on _____, 19_____. (*Note: Such notice shall be deemed adequate if it makes reference to the legal description which is on file and available for inspection during normal business hours in the city clerk's office in the Cañon City Municipal Building).

v. The planning commission may recess a hearing in order to obtain additional information pertaining to the application.

vi. The planning commission, after study of the FPDP, may recommend that the city council approve or deny the FPDP. The planning commission may also state conditions to be met for its recommendation of approval.

b. City council procedure.

i. Completion of a public hearing before the city council after at least fifteen (15) days notice of the time and place of such hearing has been given by at least one publication in a

newspaper of general circulation within the city.

ii. A notice declaring that an FPDP has been applied for shall be posted on a sign provided by the city, the fee for use of which shall be included in the application fee, at least fifteen (15) days prior to the hearing on the property proposed, for FPDP along the part thereof fronting a street (Content of sign: "Notice of Public Hearing before the City Council, City of Cañon City, Colorado for an FPDP for this property (legal description*)
_____(street address) meeting

at Council Chambers, Municipal Building, 612 Royal Gorge Blvd., Cañon City Colorado ,
_____, 199 _____.")

(* Note: Such notice shall be deemed adequate if it makes reference to the legal description which is on file and available for inspection during normal business hours in the city clerk's office in the Cañon City Municipal Building.)

iii. Hearing procedures shall be conducted with reasonable formality so as to provide for fair and reasonable testimony and other input by and interchange between all applicants, interested citizens (or other representatives), city planning staff, and to accommodate full inquiry by members of city council, as the case may be. All public hearings shall be tape recorded and minutes of such hearings shall be prepared and made available to interested parties by city staff.

iv. The city council must be satisfied that the FPDP meets each of the following criteria, or that one or more of them is not applicable and that a practicable solution consistent with public interest has been achieved for each of these elements: (i) the application is complete; (ii) the FPDP meets the purpose of the ordinance; (iii) the FPDP conforms to the PDD Plan; (iv) there is a reasonable traffic

pattern; (v) there is functional open space for reasonable preservation of natural features including trees and drainage areas, recreation areas, views, density relief, convenience of function; and, (vi) there is adequate provision for the design and construction of on-site and off-site infrastructure improvements (roads, water, sewer, and drainage) as contemplated by the approved PDD Plan.

c. Within thirty (30) days following the public hearing of the council, the council shall approve, conditionally approve, or deny the FPDP.

d. If the FPDP is approved subject to conditions, the formal acceptance by resolution and recording of such approval shall not be made until the applicant has obtained the signature of the mayor of the city on the plan face. All conditions must be satisfied before any official city signature(s) are affixed thereto.

e. The council shall direct the city planning staff to record the pertinent written and graphic documents of the FPDP with the Fremont County clerk and recorder. All recording costs are to be paid by the applicant. Copies of all records are to be kept in the files of the planning administrative staff for the city. After approval of any accompanying or subsequent subdivision plat, and after the FPDP and subdivision plat are filed and recorded, building permits may be applied for subject to all requirements or conditions of the Cañon City Building Code.

f. If disapproved, the applicant shall be notified within twenty (20) days and in writing, detailing the grounds on which the FPDP application was denied. The applicant may either submit a revised FPDP application which is in conformance with the approved PDD Plan (correcting those reasons for

denial) or apply for an amendment to the PDD Plan.

5. Upon approval or conditional approval of a FPDP the property and the landowner shall be vested with such property rights as are provided for at Article 68 of Title 24, Colorado Revised Statutes, as amended, and Chapter 18.04 of the Municipal Code. All recording and publication costs associated with the vesting of property rights shall be paid by the developer. The city shall timely publish such notice as is required by Colorado statute. (Ord. 39-1992)

17.17.016 Modifications and amendments to existing PDDs and FPDPs.

This chapter shall serve as the mechanism for reviewing and approving changes to entire or portions of a PDD and a substitute for the variance procedures provided in section 17.36 of the Municipal Code.

A. Modifications.

Minor changes or modifications (equal to or below the thresholds listed at subsection 17.17.016.B below) in the location, siting, and height of buildings and structures, may be authorized by the zoning administrator or planning commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the PDDP or FPDP was approved. An administrator approved change must be reported by memorandum to the planning commission and the city council. No change authorized by this subsection may exceed the following thresholds unless formal public hearings are conducted on each change or a group of changes submitted as a package.

B. Threshold Limits Separating Modifications from Amendments to PDDPs or FPDPs.

1. Violation of a specific standard, condition, or requirement of the city council approval of the PDDP or FPDP;
2. Violation of any provision of this ordinance;
3. Change the character of the PDD or increase the intensity of use by increasing the density;
4. A reduction of more than fifteen (15) percent of the original areas reserved for the open space and recreation areas;
5. Increasing the original floor areas proposed for non-residential use by more than fifteen (15) percent;
6. Increasing the original total ground area covered by buildings by more than fifteen (15) percent;
7. Reducing the originally approved separation between buildings, setbacks from property lines, off-street parking and loading areas, driveway and walkway areas, or fencing by greater than twenty-five (25) percent;
8. Varying the original lot area requirements by more than twenty-five (25) percent;
9. Change, by more than twenty-five (25) percent, the subject, size, lighting or orientation of originally approved signs;
10. Reduction in required pavement widths by ten (10) percent;
11. Substantially increase external effects on adjacent property or increase internal problems of circulation, safety and utilities;
12. Any other items where changes amount to greater than twenty-five (25) percent of originally negotiated amounts.

C. Disagreements Between Developers and the Zoning Administrator.

1. If the developer disagrees with the zoning administrator over the nature of a PDD change and whether it should be considered as an amendment or a modification, the zoning administrator shall schedule a meeting with the city council, who shall make the final determination on the type of change.

D. Amendments.

1. Requested changes to approved PDDs or FPDPs which are not minor and which are not equal to or below the thresholds listed at subsection 17.17.016.B are subject to consideration by the planning commission and city council as “proposed amendments.” Requested changes, proposed as modifications, which are denied by the zoning administrator or planning commission for any reason may also be considered by planning commission and city council as proposed amendments. Proposed amendments shall be processed, reviewed and considered in accordance with the following paragraphs of Subsection 17.17.016.D.

2. The applicant shall submit graphic documents similar in format for PDD Plans with specific approval signature blocks for ownership, planning commission approval, city council approval, clerk and recorder’s certificate plus the legal description and the dates when the PDDPs or FPDPs were recorded and the particular file, map, and recording page numbers. The word “amendment” shall appear under the PDD title at the top of the page.

3. The proposed amendment shall be clearly indicated in a site plan and/or a written narrative explaining the change in the foregoing format.

4. If the proposed amendments are of such magnitude as to drastically change the overall character of the PDD, the applicant shall be requested to re-apply for PDD approval under this chapter. The applicant shall consult with the planning staff prior to reapplying.

5. PDD Plan or FPDP amendments will be processed in accordance with the procedures outlined in subsection 17.17.015 of this chapter.

E. Periodic Reviews of All PDDs.

Due to a change in circumstance or upon notice by either party, the planning commission may conduct a review of each project on or about the anniversary date of the PDDP or FPDP approval. No fees will be charged to the developer for these reviews. Developers of PDD projects may be asked by the commissioner or staff to appear at this review and make a progress report. The planning commission will make a determination and so note in the minutes as to whether adequate or no progress has been made by the developer.

F. Improvements Agreements.

1. The planning commission and city council will require adequate improvements agreements for public improvements both on-site and off-site to be signed and secured by an acceptable financial guarantee(s) as a supplement to any FPDP if these agreements have not already been developed through the subdivision process. Liabilities and responsibilities between multiple owners need to be clearly spelled out in these agreements. Once these agreements are consummated, default by any party will trigger the use of the financial guarantees assigned to the defaulting party in order to complete the improvements.

2. Furthermore, mistakes in PDD Plan or FPDP, or subdivision plat or survey drawings by the developer which, when discovered, reveal that additional costs will be incurred by the city in order to construct or cause the construction of public improvements of the development as planned and which were not covered by an improvements agreement will become the financial responsibility of the PDD developer or owner. Depending upon the severity of the mistake, building permits or certificates of occupancy may be withheld for buildings either being contemplated or in progress at the time of discovery of the mistake until the problems are resolved to the satisfaction of the city council.

3. No building permits will be issued on total PDD site or portions thereof unless a FPDP has been approved in accordance with subsection 17.17.015.C, and any associated improvements agreement has been negotiated, signed and required securities have been delivered. On large PDDs it behooves developers to sequence FPDP approvals and construction phasing in order to keep improvement agreement collateral amounts reasonable. (Ord. 39-1992)

17.17.017 Design standards.

Basic design standards which are largely quantitative in nature are outlined in this section and are either negotiable or are specified. Except where otherwise noted, these standards are to be defined at the Planned Development District review stage.

A. Density.

Density is a negotiable item and is to be expressed in terms of residential or commercial residential units per acre (gross) on an entire site and/or on individual planning

areas or as floor to area ratios for commercial, office and industrial uses. Densities shall be calculated for land areas comprising the property boundaries for entire sites and/or to the midpoint of adjacent streets for planning areas making up an entire site. Each site or parcel shall have the negotiated density numbers with the words "up to and including" on the plan to be recorded with a notation of any density transfer rights. All density figures represent maximum numbers and are not guaranteed; only final numbers are determined after detailed planning and site analysis and review at the FPDP stage.

B. PDD Size.

A Planned Development District shall consist of a minimum of one hundred (100) acres. The applicant shall be allowed to add adjacent acreage to any Planned Development District regardless of size through the amendment process contained in section 17.17.016 of this chapter.

C. Open Space.

1. General. The amount of open space in a PDD is a negotiable item and is to be expressed in terms of acres and percentages on the entire PDD site and any of its subparts or development parcels. Open space shall be land areas not occupied by buildings or structures and attachments thereto, parking areas, driveways, streets or alleys. Said open space shall be devoted to landscaping, planting patios, walkways, recreational areas and facilities, and preservation of natural features.

2. Landscape plan. All industrial, commercial, residential, or mixed use PDDs shall submit a landscape plan for open space at the FPDP review stage.

3. Recreation improvements. Recreation facilities or structures and their accessory uses

located in common recreation areas shall be considered open space so long as total impervious surfaces, including courts and roofs, constitute no more than ten percent (10%) of the total open space negotiated for the development.

4. Natural physical characteristics.

a. Streams, lakes, other bodies of water, steep slopes and floodplains may be included as open space. Land areas containing identified geologic hazards may not be included in the negotiated open space amounts, unless waived by the planning commission and city council.

b. Any amount of common or public open space may be left in its natural state except where landscaping plans are required as long as the recreational needs of the residents of the PDD district and the general public are being met in the opinion of the planning commission.

5. Administration and maintenance. The following provisions shall govern the administration of the common improvements and open space in all PDDs approved pursuant to these regulations:

a. The FPDP shall be approved subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of all common improvements, open space, and other facilities provided by the FPDP. No such instrument shall be accepted until approved by the city attorney as to legal form and effect, and the commission as to suitability for the proposed use of the common facilities, open space and subject recreation facilities. Such documentation shall conform to section 24-67-105(6)(a)(b)(c)(d), C.R.S., as amended.

b. The common open space and other facilities provided may be conveyed to a

public agency or private association. If the common improvements, open space or recreational facilities are conveyed to a private association, the developer shall file as a part of the aforementioned instruments a declaration of covenants and restrictions that will govern the association. Developers unfamiliar with these legal instruments should consult an attorney familiar with them. Nothing in this ordinance shall be deemed or construed to require the city to accept dedication of parks or open space.

D. Circulation.

1. Streets and ways.

a. Development of streets and ways in a planned development area shall be designed pursuant to the requirements of the subdivision regulations and the road development policies of the city unless modified at the PDDP approval or the FPD approval. A general street plan showing, at a minimum, the public arterial and collector roads will be required at the PDD review stage. A detailed and engineered public and private street plan is required for any FPD approval. Compliance with any access control plan on state highways or county roads where such a plan exists will be required unless alternatives are approved by appropriate governing bodies.

b. There shall be a minimum of two (2) accesses to any planning area over two (2) acres in size. These access points shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and bicycle traffic.

c. Where appropriate the internal circulation system shall provide pedestrian and bicycle paths that are separated from vehicular traffic to serve residential,

nonresidential and recreational facilities provided in or adjacent to the planned development, safe convenient access shall be provided. The planning commission may require, when necessary, traffic signalization in the vicinity of parks, shopping areas, or other uses that may generate considerable pedestrian and/or bicycle traffic and vehicular traffic conflicts.

d. The location of streets and roads and the sequence and timing of completion of paving such roads shall be a negotiable item. Private streets shall be dedicated to the utility districts or city as utility easements where said easements are necessary. All streets are to be completed as agreed in the FPDP before a certificate of occupancy (C.O.) is issued on a structure(s). Any paving requirements may be suspended should weather conditions necessitate it. All improvement bonds, escrow funds, or other performance collateral required by the city shall be held by the city until streets are completed and paved as agreed in the FPDP.

e. All private streets shall be conveyed to a private homeowners or property owners association and the names and locations clearly stated in the association's covenants and declarations of common ownership. If the private association or person(s) owning the private streets in the planned development should in the future request that any private streets be changed to public streets, the private association or owner(s) will bear the full costs of reconstruction or any other action necessary to make the street conform to the applicable city standards for public streets and roads. The private association or owner(s) shall also agree that these streets shall be made to conform and be dedicated to public

use without any form of public compensation to the private association or owner(s).

2. Parking and loading.

a. Parking is a negotiable item in terms of space size and amounts but, in general, shall be provided pursuant to the off-street parking requirements found elsewhere in the city zoning ordinance unless modified at the PDDP approval or FPDP approval. A detailed parking plan is to accompany all FPDP applications.

b. Parking areas in multi-family residential, commercial, industrial and mixed use developments shall be a minimum of ten (10) feet from public or private road rights of way.

c. Parking areas shall be designated using architectural and engineering standards.

d. Landscaping is required in multi-family residential, commercial, industrial and mixed use developments on the perimeters of parking areas to screen them from public view and large parking areas are to be broken up with landscaped islands that provide a measure of aesthetics to the parking areas.

e. Parking is to be allocated and located in proportion and in relation to the activity generated.

f. All parking areas are to be adequately lighted for security reasons in commercial, industrial and mixed use developments.

g. All parking lots are to be provided with an adequate number of double lane access driveways.

h. Parking and loading areas are to be completed and paved before a certificate of occupancy (C.O.) is issued on any structure(s). The paving requirements may be waived in some residential areas at the discretion of the planning commission or should weather conditions necessitate it or a

separate paving schedule is agreed to as part of the FPDP. All improvements bonds, escrow funds, or performance collateral shall be held by city until paving is complete and accepted by the city engineer.

3. Bridges. If any bridges are to be constructed within the planned development on public or private ways (roads, streets, paths, or trails), these are to be built at the developers expense, unless otherwise agreed, to the city standards and in full compliance with the dredge and fill laws of local, state and federal jurisdictions.

E. Buildings.

1. Height. Height measurements shall be defined pursuant to the City of Cañon City building regulations. Proposed height limits shall be negotiated at the Planned Development District stage. Final height of buildings may be negotiated by the planning staff at the FPDP stage. The negotiated heights may not exceed the maximum district designated heights.

2. Spacing.

a. Each planned development shall provide reasonable visual and acoustical privacy for buildings. Setbacks, fences, walks, barriers, landscaping and sound-reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, the reduction of noise and the safety of the general public.

F. Signs.

1. All signs are to conform to Chapter 17.30 of the Zoning Ordinance of the City of Cañon City with the following exceptions:

a. No signs are allowed on roofs of buildings;

b. PDDs intending to have internal sign covenants for the entire development may negotiate these covenants as part of the PDD review process should there be differences with the sign requirements of this zoning ordinance;

c. Temporary development signs as provided for in the PDD Plan and FPDP.

G. PDD Perimeters and Major Road Rights of Way.

1. Definition of the perimeters of a PDD utilizing opaque barriers or fences is a negotiable item should they be desired by the applicant.

2. Where a planned development is adjacent to a railroad, state or federal highway right of way, a permanent open space at least thirty-five (35) feet in width shall be required as a setback from these rights of way line(s). This area shall be kept free of buildings, structures and parking and contain permanently maintained landscaping, unless screened or protected by natural features or fences or other types of barriers. Fences or barriers on the highway rights of way shall have a maximum height of three (3) feet.

H. Drainage and Utilities.

General drainage and utility system layouts and off-site connection concepts are to be agreed to at the PDD Plan stage. Utility details are to be worked out at the FPDP stage.

1. The FPDP is to include a drainage plan with contours drawn at a minimum of two (2) foot intervals.

2. The drainage plan is to avoid point source drains from the development into Streams.

3. The drainage system shall be designed for the planned development by a registered professional engineer and shall be constructed in accordance with such design.

4. The drainage plan shall include techniques and measures to prevent erosion into any rivers, or any tributaries, or any streams adjacent or internal to the planned development.

5. The storm drainage and run-off system is to be designed for sufficient capacity to accommodate historical flows from a 100 year design storm onto and from the PDD in its developed state. All drainage construction areas are to be re-landscaped. The planned development may not divert historical incoming flows to adjacent properties during and after construction.

6. Final locations of connection points to existing utility (sewer, water, telephone, electricity, gas, cable TV) systems, both on or off the site and line layouts and sizes on the site are to be provided at the FPDP stage in coordination with responsible utility districts. All final designs for necessary treatment plant expansions are to be presented and approved at this stage.

I. Other Provisions and Standards.

The FPDP may include other provisions deemed necessary or desirable by the applicant for the efficient development and preservation of the planned development subject to the approval of the planning commission and the city council. In addition, the planning commission and city council may, in review of each Planned Development District application, require that additional provisions, unless previously accepted, be incorporated into the PDD or FPDP where new circumstances, changed conditions, or the introduction of new information warrant them. New conditions may be imposed in the public interest to ensure that the PDD will be developed in accordance with good design standards and practices and can exist

compatibly with the neighboring land uses and the community as a whole. Such requirements and conditions may include, but shall not necessarily be limited to, any of the land use requirements or controls not mentioned in the previous sections which would otherwise be applicable by reason of the Cañon City Zoning Ordinance or modifications thereof, subdivision regulations or modifications thereof, including without limitation requirements relating to widths, building spacing and floor areas, and requirements regarding the availability and provision of streets, roads, utilities and other public or quasi-public facilities. Any such requirements and conditions imposed by the commission or city council shall be specifically set forth in the FPDP, as finally approved. (Ord. 39-1992)

Chapter 17.20

SUPPLEMENTARY PROVISIONS AND DESIGN REQUIREMENTS

Sections:

- 17.20.010 Maintenance of minimum requirements.**
- 17.20.020 Access to street.**
- 17.20.025 Agriculture.**
- 17.20.030 Animals.**
- 17.20.040 Building height limitation exceptions.**
- 17.20.050 Buildings on the same lot.**
- 17.20.060 Building projections.**
- 17.20.070 Building setback lines.**
- 17.20.080 Fences, walls and hedges.**
- 17.20.090 Garages, detached.**
- 17.20.100 Home occupations.**
- 17.20.110 Junkyards.**
- 17.20.120 Lot size exceptions.**
- 17.20.128 Mobile home models and sales office in new mobile home parks or mobile home subdivisions.**
- 17.20.130 Mobile homes—Storage and temporary uses.**
- 17.20.135 Mobile home parks.**
- 17.20.140 Outdoor retail sales.**
- 17.20.145 Recreational vehicle (RV) parks.**
- 17.20.150 Renting of rooms.**
- 17.20.160 Residences for elderly or developmentally disabled.**
- 17.20.165 Shelter.**
- 17.20.170 Screening.**
- 17.20.180 Special events.**
- 17.20.190 Swimming pools.**
- 17.20.200 Vision clearance.**
- 17.20.210 Yard exceptions.**
- 17.20.220 Rules and restrictions regarding yard sales.**

17.20.010 Maintenance of minimum requirements.

No lot area, yard or other open space, or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this title, shall be reduced in area, dimension or size below the minimum required by this title, nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this title for one use be used as the lot area, yard or other open space or off-street parking or loading area requirement for any other use, except that a valid lease determined to be of adequate length by city council be filed at the office of the city clerk, planning administrator and city engineer's office. (Prior code § 17.16.030)

17.20.020 Access to street.

All lots shall abut a street other than alley for a width of at least forty feet. (See Section 17.20.120 for exception.) (Prior code § 17.16.170)

17.20.025 Agriculture.

Agriculture shall be a permitted use in a R-L zone district provided:

- A. No offensive odors or excessive dust be created; and
- B. No agricultural products be sold on the property which are not produced on said property. (Ord. 34-1992)

17.20.030 Animals.

A. "Animal" means any living thing that is not a plant; generally capable of voluntary motion and sensation; a living organism. Animals include but are not limited to: snakes, fish, birds, fowl, small mammals, hooved

animals, etc. The premises upon or within which any animal is kept within the city limits shall at all times be maintained with regular and frequent cleaning to minimize the possibility of unhealthy or unsafe conditions.

1. "Household pets" means animals, birds, reptiles or fish which are permitted in the house as a custom of the community and kept for companionship or pleasure, providing that such creatures are not kept to supplement food supplies, or for any commercial purpose whatsoever other than offering for sale of one litter, brood or offspring of a household pet domiciled on the premises. Household pets which are customarily let outdoors for exercise or elimination or are kept outdoors or in an accessory structure, may number no more than four per household.

2. Prohibited within the city limits: animals which are poisonous, inherently disposed toward life-threatening behavior or trained, or known to attack.

3. "Exotic" means animals including but not limited to: animals which are not indigenous to North America, endangered species and animals which are customarily classified as wild animals.

a. In the instance of an unusual or exotic animal which cannot be clearly identified as a commonly kept household pet and where the area of the lot whereon that animal is proposed to be kept is not in excess of one acre; the owner of the animal may obtain a special permit for keeping said animal through the zoning office upon presenting the written approval of all property owners within two hundred feet of the lot where the animal will be kept and payment of a twenty-five-dollar fee.

b. The special permit for keeping of exotic nonhousehold pets shall be valid for a

two-year period. Such permit may be renewed upon the resubmittal of updated approval documentation providing there has been no violation of subsection C of this section.

c. The permit issued pursuant to this subsection may be revoked by the city administrator upon a finding that the permit holder has been convicted of a violation of subsection C of this section or upon a determination by the city administrator that conditions exist which constitute a nuisance upon the property in question.

d. When property within two hundred feet of the parcel upon which the exotic animal is to be kept is owned by more than one person, partnership or corporation, the consent of a co-owner of the property shall be binding on all other co-owners.

e. Nothing in this section shall be construed to permit the keeping of animals that are regulated by the department of health or division of wildlife of the state or animals protected by federal regulations. Further, this section shall not authorize the keeping of wild or dangerous animals and permits only the keeping of nonindigenous animals, inherently innocuous exotic animals and birds.

f. No use of the property nor structure thereon resulting from the issuing of this temporary permit shall convey any right to future permits.

4. "Livestock" means horses, cattle, goats, sheep, donkeys, chickens, ducks, rabbits and any similar animal commonly kept on a farm or ranch.

a. Livestock may be kept in RE, R-1, R-2 and R-3 zone districts only on a contiguous tract of land which is in excess of one acre in area. Livestock may be kept in a R-L zone district only on a contiguous tract of land which is in excess of fifteen thousand square feet. Such area shall be controlled by the owner of such livestock through ownership or by lease or similar agreement.

b. No more than one hooved animal shall be kept per half acre of land provided in RE, R-1, R-2 and R-3 zone districts. No more than one hooved animal shall be kept per every fifteen thousand square feet of land provided in R-L zone districts, and, thereafter, every portion of land which calculates into more than one-half animal unit allowed on the property will be considered as one for determining total number of animals in the R-L zone district only. Where livestock are now kept and the number kept exceeds that limit, they may be allowed to remain as long as there are no nuisance or health and safety violations of subsection C of this section. However, once an existing animal above the allowed number is removed for any period of ten days or more or dies, it may not be replaced.

c. All manure, bedding, spillage and leftovers from feedings shall be removed and disposed of to prevent fly and rodent propagation or odor at least weekly.

d. Fencing of the lot where livestock are kept must be constructed and maintained so that the animals are kept twenty-five feet from a residence on an adjoining lot. Where animals and livestock are restricted to a smaller portion of the total lot area by corral, pen, sty or any type enclosure, said enclosure shall be located the furthest reasonable distance possible from any residence on any

adjoining lot taking into account the surrounding adjacent uses and the size and shape of the lot on which the enclosure is situated. All fencing must be so constructed and maintained as to prevent the animals from damaging crop, structure or object on any adjoining lot.

e. The effective date for discontinuance of nonconforming uses within subsection (A)(4) of this section shall be as follows:

i. Compliance with the requirement for land area needed for the keeping of livestock shall be necessary six months from the effective date of the ordinance codified in this section;

ii. Compliance with the requirement regarding fencing of livestock shall be necessary six months from the effective date of the ordinance codified in this section;

iii. Compliance with the requirement for the removal of odorous debris and refuse shall be immediately obligatory upon the effective date of the ordinance codified in this section;

iv. Compliance with the restriction stated herein regarding the number of hooved animals allowed shall be necessary one year from the effective date of the ordinance codified in this section, or when any individual nonconforming animal is removed from the property for more than ten days for any reason (or dies), whichever first occurs.

f. Where livestock have been kept continuously for at least five years prior to the effective date of the ordinance codified in subsection A(4)(f) of this section and the requirements of subsection A4 of this section (excluding subsections A(4)(c) and A(4)(d) of this section) cannot be met, the livestock shall only be allowed to remain providing written approval is submitted of all property owners within two hundred feet of the parcel where

the animal is kept. Should a complaint be received subsequent to approval by the above method, resubmittal of updated written approval by one hundred percent of the surrounding property owners within two hundred feet shall be immediately necessary, providing at least twelve months has expired since the most recent previous approval. Nothing in this section shall be construed to permit the keeping of any animal in a manner which constitutes a nuisance or a health hazard. No use of the property nor structure thereon resulting from the issuing of this temporary exception shall convey any future right to such use.

B. The keeping or sheltering of any animal or livestock, including household pets, in a commercial or industrial zone district at animal kennels, clinics and/or hospitals is permitted only through special review. The use of a guard dog at a business within a commercial or industrial zone district shall be permitted subject to the special review provisions of this title.

C. The keeping or sheltering of animals shall be in a manner as to not constitute a nuisance or health hazard under any ordinance of the city, or under any statute or case law of the state. (Ord. 4-2000 § 2; Ord. 7-1995 § 5; Ord. 34-1992; Ord. 25-1991 § 3; Ord. 1-1990; Ord. 1-1989)

17.20.040 Building height limitation exceptions.

The following type of structures or structural parts are not subject to the building height limitations of this title: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling

towers, elevator shafts, ranch and farm accessory uses, and other similar vertical projections. (Prior code § 17.16.060)

17.20.050 Buildings on the same lot.

Only one principal building shall be permitted on any lot unless approved as part of a planned unit development under Chapter 17.16 of this title. (Prior code § 17.16.150)

17.20.060 Building projections.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, beltcourses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than three feet into a required yard or into required open space, as established by coverage standards and in no case shall any feature of any structure project beyond the property line. Carports are not allowed to infringe upon the setback requirement building lines, whether attached or freestanding. (Ord. 25-1991 § 4)

17.20.070 Building setback lines.

All building setback requirements for property lines abutting a public right of way are based upon the assumption that said right of way meets the standards set forth in the comprehensive plan. If the ROW does not meet the width standard called for, the building setback requirement shall be increased by the distance necessary to accommodate the required right of way. Said distance shall be found by measuring from the center line of the right of way, half the width required by the comprehensive plan to find the point from which the setback shall be measured. (Ord. 25-1991 § 6)

17.20.080 Fences, walls and hedges.

A. Fences, walls and hedges may be permitted in any required setback area or along the property line in residential districts, provided they do not exceed thirty inches in height and excepting that fences which are at least fifty percent open may be erected to a maximum height of forty-eight inches within or along any required front yard setback area. Fences and walls erected in other than the required front yard setback area in residential districts may not exceed seventy-two inches in height.

B. Fences and walls erected in the industrial, general commercial and central business districts shall be reviewed and may be approved by the city engineer only if the engineer has determined that the structure will not create a visual clearance or traffic hazard. In making such determination, the city engineer shall give due consideration to applicable sections of this title, including but not limited to Sections 17.20.170 and 17.20.200.

C. Fences and walls erected in any zone district for purposes of public safety, health and welfare shall be reviewed and approved or disapproved by the city engineer and the city administrator. (Ord. 22-1996 § 1; Ord. 9-1990; Ord. 13-1989)

17.20.090 Garages, detached.

The front yard setback requirement for detached garages in Zone Districts R-1, R-2 and R-3 shall be twenty-five feet from the front property line. For the limited purpose of determining the front yard setback requirement, detached garages in the above named districts are not included within the

classification of accessory buildings. (Ord. 25-1991 §7)

17.20.100 Home occupations.

Within residentially zoned districts, home occupations shall be allowed as permitted accessory use governed by the following regulations and limitations.

A. "Home occupation" means an occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling, with no servant, employee or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

B. Home occupations must be clearly secondary to the use of the building, and shall not occupy more than twenty percent of the total floor area of the main building or, if located in an accessory building, shall not occupy more than ten percent of the total lot area.

C. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of materials, equipment or products.

D. The only evidence of a home occupation shall be an unlighted sign (maximum two square foot area) installed flat against the wall of the principal or the accessory building, but not on both buildings.

E. The operation shall not generate objectionable traffic in the area, and off-street

parking must be provided to accommodate all needs created by the home occupation.

F. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. (Prior code § 17.16.010)

17.20.110 Junkyards.

A. It is unlawful to keep, store, maintain or provide for a collection of junk within any residential zone district and the keeping of junk is declared to be prohibited, a nuisance and detrimental to the health, safety, convenience and general welfare of the citizens of the city.

B. It is the intent and purpose of this section to discourage, prohibit and abate certain conditions affecting the health, safety and general welfare of the citizens of the city, particularly the children, which pose a danger because of broken glass, sharp protrusions, insecure objects, or further create habitat for rodents, insects and other pests or further constitute a blighting influence upon the area in which they are located which causes a loss of value to surrounding property. (Ord. 25-1991 § 8; Ord. 11-1991 § 3)

17.20.120 Lot size exceptions.

If, at the time of passage of the ordinance codified in this title, a lot, or the aggregate of contiguous lots or land parcels, has an area or dimension which does not meet the lot size requirements of the district in which the property is located, but is:

A. Not less than five thousand square feet in area for a single-family dwelling;

B. Nor less than five thousand two hundred eighty square feet in area for a two-family dwelling; or

C. Not five thousand two hundred eighty square feet per dwelling for multi-dwelling structure; the lot or aggregate holdings may be occupied by any use permitted outright in the district, subject to the other requirements of the district. (Ord. 25-1991 § 9)

17.20.128 Mobile home models and sales office in new mobile home parks or mobile home subdivisions.

A. In order to provide the owner of a new mobile home park or a new mobile home subdivision a temporary means of displaying and offering mobile home models for sale and location only within the park or subdivision and provide for the owner's establishment of a temporary office to facilitate sales of such models, and to assure reasonable standards for the operation of mobile home sales offices which will accommodate the needs of the shopping public, while protecting the quiet and peaceable enjoyment of the residents of the mobile home park or mobile home subdivision, the owner of a new mobile home park or a new mobile home subdivision may apply for and receive authorization to establish a temporary mobile home sales office as a special review use according to the process and approval criteria set forth in Chapter 17.24. Any mobile home sales office permitted through the special review process, in addition to being subject to conditions imposed by city council pursuant to Section 17.24.030 B, shall be subject to the following additional restrictions and limitations:

1. Time Limits.

a. No mobile home sales office shall be operated for a period that is longer than two years, beginning on the date the mobile home

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sales office is approved as a special review
use.

b. Notwithstanding the foregoing, any mobile home sales office use authorized hereunder will terminate earlier than the expiration date of the two year period provided for in subsection A1a of this section if the mobile home park or mobile home subdivision in which such use was authorized is at least ninety percent occupied on a date that is earlier than the expiration date. In the case of a mobile home park, ninety percent occupancy will be achieved when at least ninety percent of the available spaces in that park are occupied by mobile homes which are occupied by residents. In the case of a mobile home subdivision, ninety percent occupancy will be achieved when at least ninety percent of the lots platted in the subdivision are occupied by mobile homes which are occupied by residents.

2. Number of Model Homes. The owner of a mobile home park or subdivision may establish, maintain, offer for sale or permit others to establish, maintain and offer for sale model mobile homes within such owner's park or subdivision. The number of model homes within a mobile home park or mobile home subdivision, including any mobile home used as a sales office, shall not exceed ten percent of the total number of spaces or lots in the park or subdivision. Model homes are mobile homes set up in the park or subdivision which are offered for sale and located only in the park or subdivision.

3. Location of Sales Office. A mobile home sales office may be established either in a model mobile home or in a permitted accessory building located within the park or subdivision.

4. Compliance With All Applicable Codes and Regulations. Any mobile home used as either a mobile home sales office or a

model home must be installed in complete accordance with the requirements of Section 17.20.135(D), Standards for Mobile Home Installation and Placement, and shall be connected to all utilities before it may be used for such purpose. Any applicable setbacks or separation standards established for the park or subdivision shall be met when placing any mobile home. The owner shall also be responsible for compliance with all other applicable city, county and state laws, codes and regulations. No model home shall be established in any mobile home park or mobile home subdivision, and no mobile home sales office shall be open for business of any sort, until all infrastructure improvements required to be established within such mobile home park or mobile home subdivision have first been constructed and approved by the city engineer and, where appropriate, dedicated to and accepted by the city.

5. Handicap Accessibility. Any structure used as a mobile home sales office, whether it is an accessory building or a model mobile home, shall meet the standards for handicap accessibility, as set forth in the most current version of the Uniform Building Code adopted by the city.

6. Hours of Operation. In order to protect the peaceable enjoyment of the residents of the park or subdivision, the hours of operation of any mobile home sales office within any park or subdivision shall be limited to from eight a.m. to eight p.m.

7. Limitation on Location of Mobile Homes After Sale. Any approval of a mobile home sales office within a mobile home park or mobile home subdivision shall be for the limited purpose of permitting a means for the owner to fill available spaces or lots within a new park or new subdivision where the sales

office is located. It is unlawful for any person, who occupies, uses or conducts business in a mobile home sales office, or who is authorized to occupy, use or conduct business in a mobile home sales office, to sell, offer for sale, or to take or receive orders for the sale or purchase of any mobile home, including but not limited to model mobile homes, that will be delivered or placed anywhere other than in the mobile home park or mobile home subdivision where the mobile home sales office is located. For purposes of this section, "person" means and includes, but is not limited to, owners of mobile home parks and mobile home subdivisions and their employees, agents, licensees and invitees.

8. The zoning administrator is authorized to issue orders for the immediate closure of any mobile home sales office that is or was used or otherwise operated in violation of subsection A7 of this section or that is being used by any person who has violated subsection A7 of this section. It is unlawful for any person to continue operating or to allow the continued operation of a mobile home sales office following the zoning administrator's issuance of an order pursuant to this subsection A8, but the owner of any mobile home park or mobile home subdivision who is affected by any such order shall have the right to a hearing before the board of adjustment, if such hearing is requested in writing within ten days following the date the zoning administrator's order was served upon such owner. Service shall be in any manner permitted by the Colorado Rules of Civil Procedure. Any hearing requested pursuant to this section shall be conducted at a regular or special meeting of the board of adjustment. The sole issue at any hearing conducted pursuant to this subsection shall be

whether the restrictions of Section 17.20.128A7 were violated. It shall not be a defense that the owner of the mobile home park or mobile home subdivision did not know or was otherwise unaware that subsection A7 of this section had been or was being violated. Following any such hearing, the board of adjustment may direct the zoning administrator to rescind the closure order only if the applicant has proven by a preponderance of the evidence presented at the hearing that a violation of Section 17.20.128A7 did not occur or is satisfied that a subsequent violation is not likely to occur.

9. Signs. The following signs shall be permitted in conjunction with the lawful operation of a mobile homes sales office within a mobile home park or subdivision:

a. Mobile Home Sales Office. One sign, not exceeding ten square feet in area and five feet in height, and mounted on the wall of the structure or within ten feet of the structure and at least five feet from any interior roadway;

b. Model Mobile Homes. One sign per model unit, not exceeding five square feet in area and five feet in height, and mounted on the wall of the structure or within ten feet of the structure and at least five feet from any interior roadway;

c. No sign shall be permitted in any mobile home park or mobile home subdivision which is found to create a vision clearance obstruction in violation of subsection A of Section 17.20.200, Vision clearance.

B. No owner of a new mobile home park or mobile home subdivision shall have a right to open, use, authorize the use of or otherwise operate a mobile home sales office within that

owner's park or subdivision unless and until such owner has been permitted to do so pursuant to this section.

C. Nothing in this section shall be construed to authorize any owner of any mobile home park to establish a mobile home sales office or place mobile homes within a new mobile home park until such mobile home park is authorized to open by the zoning administrator in accordance with all other applicable requirements of Title 17 of the Cañon City Municipal Code. (Ord. 4-2002 § 2; Ord. 1-1998 § 11; Ord. 4-1997 § 3)

17.20.130 Mobile homes—Storage and temporary uses.

A. Except as provided for in subsections B and C of this section below, no mobile home shall be parked or stored on any lot within any residential zone district within the city, except in a mobile home park or mobile home subdivision in compliance with applicable setback requirements. No mobile home shall be used as an accessory building in any residential zone district. Mobile homes may be parked or stored in the C, general commercial or I, Class 1 industrial zone districts, but may not be used for sleeping or housekeeping purposes, or for the conducting of any business, profession, occupation or trade therein or therefrom other than as a sales office for a mobile home dealer which has been approved through special review.

B. Mobile homes may be used in any residential district within the city on a temporary basis for occupancy, for a period of time not to exceed six months, during the construction of a permanent home on the lot upon which the mobile home is to be placed or for educational purposes, for a period of time not to exceed two years, in conjunction

with an existing educational facility, upon approval of the building inspector, the city engineer and subject to the following terms and conditions:

1. Hookup to permanent utility services is required;
2. All setbacks otherwise required for the zoning district in question shall be met;
3. Installation and skirting shall be required as provided for in subsection D of Section 17.20.135;
4. The placement of the mobile home shall not violate the provisions of the floodplain regulations of the city;
5. The use proposed shall be for a temporary specified period of time not to exceed the limits as stated above.

C. In commercial and industrial zone districts a mobile home may be used as a temporary on-site construction trailer/office only through approval of the building inspector and only for such reasonable period of time as determined by the inspector. The mobile office shall be removed immediately upon the completion of the project. (Ord. 4-2002 § 3; Ord. 1-1998 § 8; Ord. 25-1991 §§ 10, 14)

17.20.135 Mobile home parks.

It is intended that the requirements for a mobile home park shall be such that the quality of an adjoining neighborhood is not detrimentally affected by the adjacent location of a mobile home park. A complete and comprehensive site and development plan shall be submitted detailing all aspects of the proposed mobile home park, including, but not limited to, improvement plans for streets, vehicle parking, sidewalks, utilities and drainage of the site, location of each rental

pad, with maximum size mobile it will accommodate noted, and location of all permanent structures and common facilities. These plans must be approved by the appropriate city staff. No mobile home shall be placed in any new park under development or extension of existing park under development until all required improvements are in place. All additions to and extensions of existing as well as new parks within the city shall be governed by the following regulations.

A. Application Requirements and Procedures. Any person wishing to establish a mobile home park, or expand an existing park, shall make application to do so, on forms provided in the office of planning and zoning, and shall pay a fee as set forth in Section 17.44.040, Schedule of fees. Such application shall include a plat of the proposed mobile home park, along with all required supporting documentation. It is unlawful for any property owner or developer to place, or allow to be placed, any mobile home on any parcel of land to be developed as a mobile home park unless and until the application, plat, and other accompanying documents have been approved, and the plat has been recorded in the office of the clerk and recorder of Fremont County and the required infrastructure has been installed and approved.

1. The plat of a mobile home park shall contain the following items:

a. Detailed layout, drawn to a scale of one inch equals one hundred feet, unless larger scale is necessary, illustrating the location of all rental spaces, public and private roadways and driveways, sidewalks, parking areas, permanent structures, accessory buildings, open space and other features;

b. A typical mobile home rental space layout, illustrating the placement location of the mobile home, mobile home rental pad, building setbacks, location and size of off-street parking pad, accessory buildings and utility placement;

c. Name of mobile home park in letters one inch or more in height;

d. Subheading, showing the location of the property (lot, block and subdivision or quarter section, section, township and range), in Cañon City, Fremont County, Colorado;

e. Legal description, including acreage;

f. A separate statement of setback requirements;

g. Signature blocks for city engineer, city planner and owner;

h. Notary blocks for acknowledgment of signature of owner;

i. Statement of recordation of plat by the Fremont County clerk and recorder;

j. Vicinity map drawn to a scale of one inch equals one thousand feet or one inch equals five thousand feet;

k. Scale and north arrow;

l. Location and principal dimensions of all existing or proposed easements, water course boundaries, public utilities, monuments, pins, benchmarks, one-hundred-year floodplain and other significant features; and

m. Surveyor's statement, signature and seal.

2. Supporting documentation shall consist of the following:

a. A current policy of title insurance, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the property described on the plat;

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- b. Existing topography of site, at two foot contours;
- c. An overlot grading and drainage plan;

- d. A utility plan, showing the existing and proposed location of water, sewer, natural gas, electricity, telephone and cable television;
- e. A plan and profile drawing of all interior private and/or abutting public street and sidewalk layout and design, showing typical street cross sections;
- f. The design and proposed surface treatment of all mobile home rental pads;
- g. Stormwater runoff computations and detention basin design;
- h. Compliance with all floodplain development regulations, if applicable;
- i. Landscaping, screening and fencing plans;
- j. Fire protection plan.

B. Design Standards for Mobile Home Parks.

1. Mobile Home Rental Spaces. Rental spaces within a mobile home park shall be clearly delineated, and shall include a rental pad for the placement of a single-wide or double-wide mobile home, and areas for required parking spaces, walkways, patios and open yard area. Rental spaces shall be designed as single-wide or double-wide spaces. All mobile home rental spaces shall be equipped with hookups for utilities to include domestic water, sanitary sewer, electricity, natural gas, telephone and cable television (optional). At least one outside water spigot shall be provided on each rental space.

2. Mobile Home Rental Pads. A rental pad shall be provided on each mobile home rental space. Rental pads shall be of sufficient size to accommodate the maximum length and width of the mobile home to be placed upon it, and shall be so located within the rental space to allow compliance with all setback requirements, especially in relation to the placement of porches, decks, carports, garages

or other additions. Surfacing of the rental pad shall be a minimum of: (a) twelve inches of gravel compacted to ninety-five percent standard proctor density; (b) eight inches of compacted gravel under two inches of asphalt mat; or (c) five inches of concrete on compacted native material. The use of asphalt or concrete as the surfacing material shall require the approval of the city engineer. The cost of providing compaction tests shall be payable by the developer. The rental pad shall be constructed in conformance with the approved grading plan. The hookups for utilities (domestic water, sanitary sewer, electricity, natural gas, telephone and cable television) shall be permanently installed within the rental pad area to facilitate an orderly connect/disconnect of the utilities to/from the mobile home unit.

3. Yard and Bulk Requirements. Yard and bulk requirements for mobile homes, extensions and additions thereto, porches, decks, patios, carports and garages, and accessory structures shall be as outlined in Section 17.12.110 C1 of this title.

4. Streets, Roadways and Parking Areas. Improvements to abutting public rights-of-way and neighboring off-site rights-of-way shall be as required during the review process for the mobile home park. These improvements may include, but not be limited to, street surfacing, sidewalks, curb and gutter, water mains, sewer mains and drainage structures. Interior streets within the mobile home park shall be considered private streets, and shall have at least one direct access to an abutting public right-of-way. Parks with more than fifty rental spaces shall have one or more additional access points to an abutting public right-of-way. The following street widths and associated off-street parking space

requirements shall be provided for any interior street:

- a. Parking both sides: thirty-six feet (one off-street parking space per rental space);
- b. Parking one side: thirty feet (two off-street parking spaces per rental space);
- c. No on-street parking: twenty-four feet (two off-street parking spaces per rental space, plus one space per two rental spaces for visitors).

Parking spaces within a mobile home park shall meet the standards as set forth in Chapter 17.28, Off-street Parking and Loading, at Figure 17.28,050 A., Parking and Maneuvering Dimensions. The surface of interior streets and parking spaces shall be either asphalt or concrete, the design of which shall be based on soil tests.

5. Recreational Vehicle and Equipment Storage. Recreational vehicle and equipment storage space shall be provided at the rate of one hundred square feet per mobile home rental space and in such a manner as to not distract from the orderly appearance of the residential atmosphere.

6. Sidewalks. Sidewalks, a minimum width of three feet, shall be provided adjacent to all interior streets. The sidewalk may be so constructed as to provide a curb alongside the street surfacing or may be placed adjacent to a standard curb and gutter. Sidewalks shall be constructed of concrete, four-inches minimum thickness, over a four-inch thick compacted granular material base.

7. Water System. Water main improvements in abutting public rights-of-way shall be as required during the review process for the mobile home park and shall be installed in compliance with applicable city specifications. A master meter generally located in the public right-of-way at the

property line shall serve the water system inside the mobile home park. In situations where a six-inch water main is installed to serve fire hydrants located within the park, a smaller private water main may be connected to the six-inch fire main to provide the domestic water to the mobile home rental spaces. A master meter shall be installed where the smaller main is connected to the larger main. Private meters for the individual services are optional, but may be used only after obtaining city council approval.

8. Sanitary Sewer System. Sanitary sewer service must be connected to a Fremont sanitation district public sewer main. The interior sewer system to serve each mobile home rental space shall be approved by the Fremont sanitation district.

9. Stormwater Management. A stormwater management plan shall be prepared by a registered professional engineer to address the stormwater runoff from the mobile home park. In most cases, an on-site stormwater detention facility will be required. An overlot grading plan must be submitted to show that each rental pad will be adequately drained.

10. Area Lighting. Lighting shall be provided with a minimum of 0.3 footcandles on all driveways and walks. Street lights shall be provided as required during the review process.

11. Addressing. Each mobile home park shall have a designated street address, which shall appear on the sign identifying the park (See Section 17.30.070, Signs in residential districts). Within the park, each mobile home rental space shall be clearly identified with space numbers placed on the manufactured home. Such numbers shall be not less

than two and one-half inches in height and shall be so marked as to be distinctly and easily read from the abutting street.

12. Refuse Disposal. The storage, collection and disposal of refuse in a mobile home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazard, air pollution or other nuisance conditions.

a. Durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids shall be provided at each mobile home rental space or at a central storage area conveniently located not more than two hundred feet from any mobile home rental space. Refuse containers shall be provided at a rate of at least one thirty gallon (four cubic feet) container for each mobile home rental space or an equivalent storage capacity in centralized storage facilities. Any such centralized facility shall be screened from the public view.

b. The number of containers used and the frequency of collection shall be sufficient to prevent overfilled containers. Refuse shall be routinely collected and removed from the premises not less than once weekly. Refuse shall be disposed of at a lawful disposal site in accordance with the requirements of the Colorado Solid Waste Disposal Sites and Facilities Act.

C. Licensing, Management and Operation.

1. Licensing Requirements. No person shall operate or maintain within the city any mobile home park without first securing from the city clerk a license for the same according to the provisions set forth in Chapter 5.34, Mobile Home Parks, of the municipal code.

2. Management and Operation.

a. Each mobile home park shall be under the direct management of the owner or lessee, or his agent or representative. Such person

shall operate the park from an office located on the grounds, in which office shall be maintained all registration records and in which there shall be displayed the license for such mobile home park.

b. It shall be the duty of the manager of each mobile home park:

i. To prohibit the placing or storage of unsightly materials or vehicles of any kind on the premises;

ii. To provide a registration book and keep a complete daily record of the names and addresses of the occupants of each mobile home admitted to the park and the mobile home serial number, and shall furnish copies thereof to the chief of police upon demand, and the same shall be subject to inspection by any state, county, city police or code enforcement officer;

iii. To take such other measures as may be deemed necessary by the administrator to preserve the health, comfort and safety of all persons in the park and of the general public.

3. Inspection Authority—License Revocation. All proper officers of the city shall have access to each mobile home park at all reasonable times to inspect the same and ascertain whether this chapter is being complied with. If any person operating a mobile home park shall fail to maintain the same in a safe and sanitary condition, or maintains and operates it contrary to the requirements and regulations set forth in the ordinances of the city, or contrary to the requirements and regulations herein set forth, it shall be the duty of the city administrator, with approval of the city council, to revoke such mobile home park license.

D. Standards for Mobile Home Installation and Placement.

1. A mobile home placement and skirting permit shall be obtained prior to, or upon delivery of, any mobile home. The fee for such permit shall be as set forth in Section 17.44.040 of this title.

2. All mobile homes shall be installed and anchored in accordance with applicable state law. (See the state of Colorado Mobile Home Installation Program, Part 31 of Article 32, Title 24, Colorado Revised Statutes, as amended, and Resolution No. 37 of the Colorado State Housing Board.)

3. The frame, axles, wheels, crawl space, storage area and utility connections of all mobile homes shall be concealed from view by skirting. Skirting shall be of durable all-weather construction as manufactured specifically for the purpose of covering the under-carriage area of the mobile home; or as required by the FHA-VA agencies when that type of financing is in place; or as approved by the code enforcement officer as equal to or better than above. All skirting shall have adequate ventilation provided.

4. Mobile home park owners and managers shall notify the city prior to any mobile home placement within their facility.

5. The owner of a mobile home shall request a placement inspection at the time of the installation of the mobile home, and a skirting inspection within sixty days of the placement of the unit, and shall be responsible for compliance with all other applicable city, state and county laws, codes and regulations. (Ord. 4-2002 § 4; Ord. 1-1998 § 9)

17.20.140 Outdoor retail sales.

A. "Outdoor retail sales" means the outdoor sales of articles such as books, craftwork, food, produce, flowers, clothing,

newspaper, Christmas trees, toys, tools, and similar items.

B. Outdoor retail sales may be sales from nonpermanent structures, including motor vehicles, trailer coaches, carts and other temporary sales structures, as well as sidewalk sales in the one-hundred-foot right of way of Main Street conducted by established businesses.

C. The use of outdoor retail sales shall be specifically limited by the zoning action of the city council to identify the maximum number of temporary sales structures or vehicles or total square footage of the subject property which may properly be used for outdoor retail sales.

D. There shall be no more than one temporary sales structure or vehicle per two thousand five hundred square feet of vacant lot area.

E. The council shall consider the nature of the property and proposed use which is the subject of the request for outdoor retail sales, which consideration shall include, but not be limited to, the following:

1. The nature of surrounding uses;
2. Provisions regarding safe and adequate vehicular and pedestrian traffic flow and parking;
3. Any appropriate limitation as to hours of operation or days of operation;
4. Any regulations regarding signage;
5. Any necessary actions required of the applicant to minimize the effects of dust or noise on adjacent properties.

F. Existing retail establishments may conduct outdoor sales no more than one hundred fifty days per year in conjunction with the current use of the properties without receiving special review, providing the

existing conditions (lot area, parking and access, etc.) comply with the special criteria outlined in this section and a permit is obtained through the office of the city administrator, excluding the provisions of subsections G1 and G2 of this section.

G. The city administrator is authorized to issue permits for the right to conduct outdoor retail sales on property which has been zoned to permit such activity so long as the application complies with each of the following criteria, which are established as the minimum criteria for outdoor retail sales:

1. Each permit shall be valid for thirty days;
2. The maximum time limit for outdoor retail sales for any individual applicant during the permit period shall not exceed fifteen days;
3. The special use permit granted pursuant to this section shall only be issued three times in a calendar year to the same applicant;
4. A plan to address reasonably anticipated debris or litter problems;
5. The permit issued pursuant to this subsection shall be prominently displayed by the applicant on the sales structure or vehicle;
6. The applicant shall present proof of his acquisition of requisite sales tax licenses;
7. The permit issued by the city administrator pursuant to this section shall be subject to revocation or nuisance abatement should the applicant fail to fully comply with the terms and conditions established as a basis of the approval of the temporary use, and shall be set forth in the application and ordinance authorizing the use.

H. Sidewalk sales in the central business district shall be authorized by the city administrator based on the same criteria as

other outdoor retail sales, insofar as the same are applicable. (Ord. 25-1991 §§ 11, 22)

17.20.145 Recreational vehicle (RV) parks.

This use is intended to provide commercial rental parking spaces and sites for recreational vehicles (RVs), including motor homes, travel trailers, pick-up campers and tent trailers; to provide goods and services customarily needed by occupants of the park; and to assure reasonable standards for the development of facilities for the occupancy of recreational vehicles on a temporary basis, ranging from short overnight stops to longer destination-type stays of several days to weeks. All recreational vehicle (RV) parks within the City of Cañon City shall be governed by the following regulations:

A. Design Standards for Recreational Vehicle (RV) Parks.

1. Minimum Park Area. The minimum size of an RV park shall be 3 acres.

2. Rental Space Size. Minimum rental space size for those spaces having utility hookups shall be fifteen hundred square feet. Minimum rental space size for those spaces not having hookups shall be nine hundred square feet. Minimum rental space size shall not include any area required for access roads, off-street parking, service buildings, recreation areas, office and similar RV park needs.

3. Rental Pads. A minimum of eighty percent of all spaces shall be equipped with a surfaced area of not less than ten feet by forty feet, containing hookups for water, sewer and electricity. Surfacing shall consist of gravel, asphalt or concrete. Where gravel surfacing is used, the design of the gravel pad shall be approved by the city engineer to maintain

proper drainage and minimize dust. Where provided, each RV unit shall be parked entirely on the surfaced area so that no part thereof obstructs any roadway or walkway within the RV park. Those spaces not equipped with such a surfaced area, intended for occupancy by recreational vehicles not having self-contained toilet, lavatory or bathing facilities, shall be equipped with a gravel pad, the design of which shall be approved by the city engineer, of not less than ten feet by twenty-five feet for RV unit parking and a hookup for water. Spaces equipped with such a gravel pad shall not exceed twenty percent of the total number of spaces in the RV park.

4. Setback Requirements. Each rental space shall meet the following setback requirements:

- a. Fifty feet when abutting a state or federal highway or designated major arterial;
- b. Twenty-five (25) feet when abutting a public right of way other than a above;
- c. Fifteen (15) feet when abutting any property line other than a or b above;
- d. There shall be a minimum distance of ten (10) feet provided between RV units parked side by side;
- e. There shall be a minimum distance of ten (10) feet between RV units parked end to end;
- f. There shall be a minimum distance of twenty (20) feet between any RV space and any building.

5. Streets. Streets or roadways and parking areas within the RV park shall be designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles

at all times, and shall be graded to drain and surfaced with gravel, asphalt or concrete, the design of which shall be approved by the city engineer, to maintain proper drainage and minimize dust. All interior roadways shall be at least thirty-two (32) feet in width for two-way traffic, and at least eighteen (18) feet in width for one-way traffic. A forty-five (45) foot turning radius shall be required on all curves, to allow access by emergency vehicles. Any bridges within the development shall have a capacity of at least sixteen (16) tons, to allow access by emergency vehicles. Road grades shall not exceed six (6) percent. Access into the park from a public street shall meet the same design standards as those of the public street, for a distance of forty (40) feet from the property line into the development. All roadways and walkways within the park shall be adequately lighted at night, to provide safe access.

6. Frontage. All spaces shall have a minimum frontage of twenty (20) feet along an interior roadway.

7. Sanitary facilities. Every RV park shall be provided with one or more service buildings equipped with flush toilets, lavatories, showers and laundry facilities meeting minimum state health department standards. Such facilities shall be conveniently located at a distance of not more than three hundred (300) feet from any RV served. Such facilities shall be kept in a clean and sanitary condition, and plumbing fixtures shall be maintained in good working order. All such facilities shall be adequately lighted at all times of the day and night and shall be well ventilated. Portable fire extinguishers of a type approved by the Cañon City Fire Protection District shall be kept in the service buildings and at all locations designed by the

fire district and shall be maintained in operating condition.

8. Sanitary disposal stations. Every RV park shall contain at least one sanitary disposal station for the sole purpose of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner.

a. Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.

b. The disposal hatch of sanitary station units shall be connected to the sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the RV park water supply system.

c. Each sanitary station shall have a sign posted stating "Danger--Not to be used for drinking or domestic purposes."

d. Sanitary stations shall be approved by the state department of health.

9. Utilities. All utilities shall be placed underground.

a. Water supply. An accessible, adequate, safe and potable supply of water under pressure shall be provided in every RV park. The water supply system shall be designed, constructed and maintained in compliance with the state health department standards and applicable city, standards. All plans and specifications shall be submitted with the zoning or rezoning request. Each rental space equipped with sewer and electrical hookups shall also be equipped with two water outlets, to provide connection for the RV and a garden hose. All other rental spaces shall be equipped with one water outlet.

b. Sanitary sewer. A minimum of eighty percent (80%) of all rental spaces shall be

equipped with a hookup to a public sewage system by way of a branch line and riser pipe at least four (4) inches inside diameter. The riser pipe shall be capped with a watertight cap or plug when not in use. Sanitary sewage systems shall be installed in compliance with the state health department standards and the rules and regulations of the Fremont Sanitation District or other such governing authority. All plumbing in the RV park shall comply with state and local plumbing laws and regulations.

c. Electricity. A minimum of eighty percent (80%) of all rental spaces shall be equipped with an electrical outlet supplying at least 110 volts, or 110/220 volts, installed in accordance with applicable state electrical codes.

10. Refuse disposal. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. All refuse shall be stored in durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids. Such containers shall be provided at the rate of at least one thirty (30) gallon container, secured in a rack or holder, for each rental space, or an equivalent storage capacity in centralized storage facilities. Adequate refuse collection and removal shall be the responsibility of the park owner.

11. Landscaping. A landscape plan, to be approved by the superintendent of parks and forestry of the City of Cañon City, shall be required for all RV parks. Landscaping shall be designed to perform the following functions:

a. Screen the RV park visually and audibly from adjacent properties as completely as possible;

- b. Provide an attractive entrance and street frontage;
- c. Provide dust and erosion control;
- d. Provide a neat, attractive and aesthetically pleasing appearance.

Grass and ornamental landscaping shall be required in all RV parks, together with adequate water outlets to maintain all landscaping. The RV park shall be screened from adjacent properties by means of fences or walls, six (6) feet in height, or by means of hedges or other landscaping.

12. Open space. Open space for common areas, playgrounds and other recreational uses shall be provided at the rate of at least ten percent (10%) of the gross area of the RV park, and shall be of sufficient size and distribution as to be a functional part of the entire development plan. Open space shall not include any area designated as a roadway, RV rental space, storage area, swimming pool, yard area surrounding the caretakers or manager's residence, or any area required for setbacks as set forth in section A.4 of these regulations.

13. Fire protection. Fire hydrants shall be installed throughout all RV parks in accordance with the specifications of the Cañon City Fire Protection District. There shall be one (1) hydrant at the entrance to the development, and additional hydrants at a distance not to exceed three hundred (300) feet between hydrants. All buildings within the RV park shall be equipped with fire extinguishing equipment in good working order of such type, size and number as prescribed by the fire district.

14. Structural additions. Temporary structures such as canvas awnings, screened enclosures, or platforms, which are normal camping equipment, may be erected but must

be removed when the rental space is vacated. No other structural additions shall be built onto or become a part of any RV.

15. Storage sheds. No storage sheds shall be allowed within an RV rental space.

16. Fires. Fires shall be made only in stoves and other equipment intended for such purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires are allowed.

17. Tents. Tents shall be permitted, and their number shall be limited to one tent per rental space. Areas for group tent camping may be established, with the following provisions:

- a. The area set aside for such group use is not a part of any designated open space;
- b. An adequate number of parking spaces is provided;
- c. The area is served by one or more water outlets; and
- d. The area is located no further than three hundred (300) feet from a service building.

18. Registration of occupants. It shall be the responsibility of the owner or manager of the RV park to keep a current record of the names and addresses of the owners and/or occupants of each RV space, the make, model, year and license number of each RV and motor vehicle by which it is towed, the state, territory or country issuing such licenses, and the arrival and departure dates of each occupant. This record must be made available for inspection to all appropriate agencies whose duties necessitate acquisition.

19. Swimming pools. Swimming pools and natural swimming areas shall be operated, maintained and used in compliance with recommendations and requirements of the Colorado Department of Health's Regulations

and Standards Governing Swimming Pools and Swimming Areas.

B. Where Established. A recreational vehicle (RV) park may be established on any tract of land held in single ownership or unified control provided that the applicant shall show, and the planning commission and the city council shall find:

1. That the site is in conformance with sound planning principles and the land use plan for that area, as set forth in the comprehensive plan;

2. That the site has an acceptable relationship to the major thoroughfare plan of the city, and is accessible to recreational vehicles without causing disruption to residential areas; and

3. That the proposed recreational vehicle park will not overload utility and drainage facilities.

C. Application Requirements and Procedures. The proponent of a recreational vehicle park, or an expansion thereof, shall make written application for special review for a recreational vehicle (RV) park, pursuant to the provisions of Chapter 17.24, Uses Permitted by Special Review, and the following shall also be submitted with such application to the planning commission and city council:

1. A complete and comprehensive development plan, including the following:

a. Detailed land use plan, drawn to a scale of 1"=100', unless larger scale is necessary, including the dimensions and location of each RV rental space, service buildings, common and recreation areas, surrounding land uses and zoning districts;

b. Typical street cross sections;

c. Location and widths of roadways, sidewalks and pedestrian ways;

d. Topography of site, at two (2) foot contours;

e. Grading and drainage plans;

f. Utility plans;

g. Legal description of property, including acreage;

h. Copy of title commitment;

i. Landscaping, screening and fencing plans;

j. Fire protection plan;

k. Location and description of all permanent structures and common facilities;

l. Acreage and percentage of land to be set aside as open space;

m. Density of RV rental spaces per acre;

n. Vicinity map drawn to a scale of 1"=1000' or 1"=5000';

o. Location of all areas subject to inundation or storm water overflow and the location, area and direction of flow of all water courses, including the 100 year floodplain boundaries;

p. Location and principal dimensions of all existing or proposed easements, water course boundaries, public utilities, monuments, pins, benchmarks and other significant features;

q. Proposed surface treatment and design of all interior roadways and rental pads.

2. A listing of all names and addresses of all owners of property located, in whole or in part, within three hundred (300) feet of the property line;

3. A time schedule for development;

4. Information regarding abutting properties and land uses;

5. An application fee for special review, as set forth in section 17.44.040 of this title;

6. A fee for establishing or expanding a recreational vehicle park, which shall be the same as that for expanding or establishing a

mobile home park, as set forth in section 17.44.040 of this title. (Ord. 2-1994)

17.20.150 Renting of rooms.

The renting of rooms to one person not a member of the family residing in the same dwelling unit may be permitted as an accessory use, provided the following conditions are met:

- A. Quarters used by the roomers must not be more than one-third the total floor area of the dwelling units; and
- B. The dwelling unit must have only one meter for each utility. (Ord. 25-1991 § 12)

17.20.160 Residences for elderly or developmentally disabled.

Up to eight-person elderly homes and up to eight-person developmentally disabled homes shall be considered in terms of the stipulations in Colorado Revised Statutes 1973, Section 31-23-303(a) and (b). (Ord. 25-1991 § 13)

17.20.165 Shelter.

Within general commercial and industrial zone districts, shelters shall be permitted only through special review. In addition to the approval criteria for special review set forth in section 17.24.030, the applicant shall have the burden of proof to demonstrate that a probable need exists for the shelter in that portion of the city where the location is proposed. (Ord. 36-1992)

17.20.170 Screening.

A. All commercial exterior activity areas, including but not limited to service areas and outdoor storage yards, adjacent to existing or proposed residential property, shall be screened by means of plant materials, earth

mounding, architectural screens or location of structure to take advantage of natural and existing screening, so as to provide visual and aural separation between these uses and the adjacent residential property.

B. Junkyards in commercial and industrial zone districts shall be screened with an opaque solid fence or earth berm to a height determined by the city engineer as necessary to provide visual and aural separation between such use and adjacent areas.

C. All extractive industries, adjacent to existing or proposed residential property, shall be screened by means of plant materials, earth mounding, or solid fencing at least eight (8) feet high to provide visual and aural separation between such use and adjacent areas.

D. Display lots which are used exclusively for storage of commercial goods intended for immediate retail sale or rent, including but not limited to, the display lot of automobile, mobile home and farm implement dealers, landscaping stock and rental centers which display vehicles, equipment and product immediately able to perform the function or purpose for which it was originally intended, shall be exempt from screening requirements. (Ord. 25-1991 § 14; Ord. 11-1991 § 2)

17.20.180 Special events.

A. Special events to be conducted in whole or in part within the boundaries of the city, such as carnivals, street fairs, circuses, festivals, parades or similar events which shall be open for participation to the inhabitants of the city may be authorized and allowed in any zone district by the city administrator.

B. The city administrator shall authorize such special events by issuing a special events

permit which shall contain at least the following:

1. A general description of the special event;
2. A description of the portions of the city where the special event is authorized to take place;
3. A designation of the group or organization to which the permit is issued;
4. A designation of the dates, times and hours during or upon which the special event is authorized;
5. A description of the street closures, if any, authorized by the city administrator in connection with the special event and other provisions deemed appropriate with respect to the provision for safe and adequate vehicular and pedestrian traffic flow and parking associated with the conduct of the special event;
6. Such restrictions on signage as may be deemed appropriate by the city administrator;
7. The city's requirements as to the cleanup within the city of litter and debris generated by the event;
8. Such other restrictions as are deemed necessary by the city administrator in order to minimize any impact the event might have upon the inhabitants of the city and the neighborhoods within the city situated in proximity to the special event;
9. Such requirements as the city administrator may deem appropriate regarding sales tax licenses for vendors who may be associated with the special event;
10. Proof of general liability insurance in amounts deemed appropriate by the city administrator;
11. Requirements as to such cash, surety or other bond deemed necessary and appropriate by the city administrator to ensure that

property of the city affected by the special event will be cleaned to the reasonable satisfaction of the city and that damage associated with the conduct of the special event may be repaired and remedied without cost to the city;

12. Such other requirements and restrictions as are deemed appropriate by the city administrator which are intended to provide for the health, safety, comfort and convenience of the city and its inhabitants.

C. Applications for the special events permits described in the foregoing section shall be made on forms prescribed by the city administrator which shall be made available at the city administrator's office.

D. The city administrator shall have the discretion to refuse any application for a special event permit which is not made on the form prescribed by the city or which is made later than thirty (30) days prior to the date upon which the special event is to take place, and no application shall be considered complete unless all information required in the application is on such application at the time it is filed.

E. The city administrator shall have the discretion in processing any application for a special event permit to request and consider the review and comments of the city engineer, the supervisor of parks, the chief of police, the director of finance and the city attorney. (Ord. 25-1991 § 15)

17.20.190 Swimming pools.

A swimming pool may be permitted in any district as an accessory use, subject to the requirements of the Colorado Department of Health and the following requirements:

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- A. No public or private swimming pool may be located in any required front yard or side yard (setback zones) abutting a street.
- B. Every swimming pool must be com

pletely surrounded by a fence or wall not less than five feet in height with no openings large enough to permit children to pass through other than gates or doors that can be fastened to protect against entry. A dwelling house or accessory building may be used as part of such required enclosure.

C. All gates or doors opening through such enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. (Ord. 25-1991 § 16)

17.20.200 Vision clearance.

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

A. In a residential district, the minimum distance shall be twenty-five feet, or at the intersection of a street and an alley, ten feet;

B. In all other districts, the minimum distance shall be fifteen feet; or, at the intersection of a street and an alley, ten feet; except, when the angle of intersection between streets is less than sixty degrees, the distance shall be twenty-five feet.

C. The planting, trimming, spraying, removal or destruction of street trees shall be handled in accordance with Chapter 5.52 of the municipal code. The need for and the extent of trimming or removal of bushes, trees or other plant growth within vision clearance zones is to be determined by the police department on the basis of the obstruction creating a traffic hazard. (Ord. 25-1991 § 17)

17.20.210 Yard exceptions.

The following exception to the front yard requirements for dwellings abutting local streets, not including collector or arterial

streets, is authorized for a lot in any district. If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. (Ord. 25-1991 § 18)

17.20.220 Rules and restrictions regarding yard sales.

A. Definitions.

1. "Yard sale" shall have the meaning given to such term in Chapter 17.08.

2. "Residential premises," for purposes of this section, means a lot or parcel, or contiguous group of lots or parcels containing, as the principal use thereon, one-unit, two-unit or multiple unit dwellings, and includes all yards and structures on such lot, parcel or contiguous group of lots or parcels.

3. "Person" means and includes individuals, partnerships, voluntary associations, and corporations.

B. Limitations Applicable to Yard Sales. It is unlawful:

1. For any natural person to conduct a yard sale from any residential premises other than a residential premises owned or occupied by such natural person as his or her primary place of residence;

2. For any person that is not a natural person to conduct a yard sale from or on a residential premises unless such person shall have the prior written permission of the owner of the residential premises to conduct such yard sale;

3. For any residential premises to be used for more than three yard sales in any calendar year;

4. For any yard sale to end later than forty-eight consecutive hours after it began;

5. For any yard sale to be conducted at a time earlier than seven a.m. or later than six p.m.;

6. For any person conducting a yard sale to place or store any goods offered for sale or any item used to display any goods offered for sale on or within a public right-of-way or upon the real property of any person who is not conducting the yard sale without such person's prior written consent;

7. For any sign advertising a yard sale to be placed at any location other than within the boundaries of the residential premises of the sale, or upon the real property of any person who is not conducting the yard sale without such person's consent;

8. For any sign advertising or otherwise associated with a yard sale to be larger than six square feet in area;

9. For signs advertising or otherwise associated with a yard sale to number more than two, whether they are posted on the residential premises of the sale or upon the real property of another person, or both;

10. For any sign associated with any yard sale to be displayed earlier than twenty-four hours in advance of the beginning of the yard sale, or later than six p.m. on the final day of the yard sale.

C. Persons and Sales Excepted. The provisions of this section shall not apply to or affect the following persons or sales:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction;

2. Persons acting in accordance with their powers and duties as public officials;

3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

D. Other Lawful Sales Not Prohibited. Nothing in this section shall be construed to prohibit any person who has obtained and maintains a valid sales tax license from the city from conducting sales and other business operations from any location in the city, provided that such sales and other business operations are conducted in conformity with all requirements of Title 17 of this code and all other requirements of applicable law.

E. Violations—Penalties.

1. Any person who violates any provision of this section shall, upon conviction, be fined not less than fifty nor more than one thousand dollars or be imprisoned for not more than ten days, or both, for each violation.

2. Whenever a violation occurs, it shall be appropriate to charge any violation of this section against the owner or owners of the residential premises upon and from which a yard sale is being conducted and to charge a person conducting a yard sale who is not an owner of the residential premises for the same violation when circumstances warrant. (Ord. 5-2002 § 3)

Chapter 17.24 USES PERMITTED BY SPECIAL REVIEW

Sections:

- 17.24.010 Purpose.
- 17.24.020 Application--Contents and processing.
- 17.24.030 Approval criteria.
- 17.24.040 Combining uses.
- 17.24.050 Property subject to special restrictions.
- 17.24.060 Approval criteria for rafting takeouts.

17.24.010 Purpose.

Although each zoning district is primarily intended for a predominant type of use (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this chapter to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purposes of this title. (Prior code § 17.12.010)

17.24.020 Application--Contents and processing.

A. An application for approval of a special review use may be filed by a person having an interest in the property for which the special review use is requested. The application must include:

1. A complete site plan showing the major details of the proposed development, consisting of the following: Location of buildings and structures, off-street parking areas, off-street loading areas, service and refuse areas, means of ingress and egress, major landscaping or screening proposals, and pedestrian areas;

2. A time schedule for development;

3. Such other information as the planning commission shall by written rule require;

4. Pertinent information about abutting property and uses needed in evaluating the proposed use;

5. Any other information the applicant believes will support his request; and

6. An application fee, as set forth in the schedule of fees in section 17.44.040 of this code.

B. The applicant shall include with his application a list of abutting properties located within three hundred feet of his property line, along with the current addresses of all such owners. The planning commission will notify such owners by regular mail that a special review use application has been filed and that they may review the application at the office of the city planner during regular office hours. Such written notice shall also advise such owners of the fact that a public hearing will be held before the city council at a later date, for which hearing only published notice is required.

C. The planning commission shall review the application and submit an advisory report to the city council within thirty days of the filing of a complete application. The applicant will be furnished a copy of such report. The date of filing shall be deemed to mean the date on which the application is first brought before the planning commission in open

meeting following receipt of same by the planning staff.

D. The advisory report provided for in this chapter shall contain the recommendation of the planning commission that the application be granted in whole or in part, with or without modifications or conditions, or denied. The report shall set forth conclusions and findings of fact related to the specific proposal and shall set forth with specificity in what respects the special review use is or is not consistent with the standards and criteria of section 17.24.030.

E. On all special review uses referred to the city council, the council, after giving notice, shall hold a public hearing. The council shall, within forty-five days of the public hearing, or within such time as is mutually agreed by the city council and the applicant, either grant the application, in whole or in part, with or without modifications and conditions, or deny the application. The decision of the city council shall consist of a written report setting forth conclusions and findings of fact related to the specific proposal and shall set forth with specificity in what respects the special review use is or is not consistent with the standards and criteria of section 17.24.030. A copy of such report shall be furnished to the applicant without delay and additional copies shall be made available at the city clerk's office for other interested persons.

F. Whenever notice is required for a public hearing before the city council for the purpose of considering a special review use, such notice must be published in a newspaper of general circulation within the city, at least fifteen days prior to such hearing. Such notice shall indicate the time, date and place of the hearing and give a brief summary or

explanation of the proposed special review use and its location.

G. Any person applying to the courts for a review of any decision made under the terms of this section shall apply for review within thirty days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings and the application for review shall be in the nature of certiorari under Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Prior code § 17.12.030)

17.24.030 Approval criteria.

A. No special review use application shall be approved unless the city council finds that the application:

1. Complies with all requirements imposed by this chapter and with all applicable written rules and by the planning commission;
2. Is consistent with the purposes of this title as declared in section 17.04.020; and
3. Is designed to be compatible with surrounding land uses and the area of its location.

B. In considering an application for a special review use, the city council shall consider and may impose modifications or conditions concerning, by way of illustration, the following development features to the extent such modifications or conditions are deemed necessary:

1. Size and location of site;
2. Internal traffic circulation and access to adjoining public streets;
3. Location and amount of off-street parking;
4. Fencing, screening and landscaped separations, including open space;

5. Building bulk and location; and
6. Noise, vibration, air pollution and other environmental influences.

C. In addition to the findings required in subsection A of this section, and the considerations specified in subsection B of this section, no recreational vehicle (RV) park shall be permitted pursuant to this chapter unless the requirements of Section 17.20.145 have also been complied with. (Ord. 4-1994; Ord. 2-1994; Ord. 25-1991 § 1 (part))

17.24.040 Combining uses.

Permitted uses and uses permitted by special review may be located in the same building or on the same lot. (Ord. 25-1991 § 21)

17.24.050 Property subject to special restrictions.

Certain areas of the city, designated on the official zone map of Cañon City by an asterisk (*), are subject to special restrictions on use in addition to the regulations which apply to the zone district in which such areas are classified. Special area restrictions have been set either at the adoption of this ordinance or subsequently through the special review process and are identified as follows in Table 17.24.050. (Ord. 14-2004 §§ 1, 2; Ord. 2-2004 § 1; Ord. 26-2003; Ord. 4-2003 §§ 1, 2; Ord. 23-2002 §§ 1, 2; Ord. 19-2002 §§ 1, 2; Ord. 11-2002 §§ 1, 2; Ord. 33-2001 §§ 1, 2; Ord. 6-2001 §§ 1, 2; Ord. 20-2000 § 1; Ord. 16-2000 § 1; Ord. 11-2000 § 1; Ord. 31-1999 §§ 1, 2; Ord. 22-1999 § 1; Ord. 19-1999 § 2; Ord. 13-1999 § 1; Ord. 27-1997 § 2; Ord. 24-1997; Ord. 19-1997; Ord. 25-1991 § 22)

17.24.060 Approval criteria for rafting takeouts.

A. In addition to the approval criteria specified at Section 17.24.030, no application for a rafting takeout facility shall be approved unless such approval is granted through a written rafting takeout facility permit issued for a period that is not less than one year nor more than five years. Each such permit shall clearly state:

1. The full name, address and telephone number of the person to whom the rafting takeout facility permit is issued;
2. If the permit is issued to any person other than a natural person, such permit shall also identify, by name, address and telephone number, all principals having a ten percent or greater ownership interest in the partnership, corporation or other entity to which the permit is issued and also shall identify, by name, address and telephone number, a natural person as that entity's "facility manager." The facility manager must reside in Colorado at all times when the facility is capable of being used and operated under the terms of the permit. Any change in the identity of a facility manager must be reported in writing to the city clerk no later than ten days following such change;
3. The dates during the calendar year and hours of the day when the facility may be used and operated as a rafting takeout;
4. Limitations as to the number and types of vehicles, including buses and trailers, that may be parked or otherwise situated at the facility during permitted days and hours of operation. Depending upon the size and site plan of the facility, client/customer parking may be prohibited or limited;
5. The particulars as to temporary or permanent restroom facilities, if any, required

at the facility during days and hours of operation;

6. Permitted access routes to and from the facility for vehicles, including buses and trailers, owned, operated or used by the river outfitter;

7. Limitations on the number of clients and other individuals, including the agents and employees of the river outfitter, who may put in or take out at the facility during any given day;

8. Notwithstanding any other provision of this title to the contrary, paving or other surface treatment requirements;

9. Any state or local licensing requirements that may apply to the river outfitter's operation in the city, use of vessels, buses, trailers and other vehicles within the city;

10. Any state or local insurance requirements that may apply to the river outfitter's operation in the city, use of vessels, buses, trailers and other vehicles within the city;

11. Any other conditions or requirements deemed necessary by city council to eliminate or mitigate traffic hazards and congestion in the neighborhood where the rafting takeout facility is located and on streets and highways in the vicinity of such facility;

12. Any other conditions or requirements deemed necessary by city council to eliminate or mitigate detrimental impacts to the health, safety, convenience or welfare of the inhabitants of the neighborhood in which the rafting takeout facility is located;

13. The termination date of the permit.

B. Any rafting takeout facility use authorized through the special review process shall be subject to an annual compliance review by city council. Any rafting takeout

facility permit issued pursuant to subsection A of this section may be revoked by city council during or following a public meeting, preceded by not less than seven days' prior written notice to the holder of the permit, upon proof of the holder's material violation of one or more of the conditions stated in the permit.

C. No modification of any condition stated in any rafting takeout facility permit shall occur without prior written approval from city council following a public hearing that is preceded by at least fifteen days' prior notice published in a newspaper of general circulation in the city. Any modifications granted through such written approval shall be incorporated into and become a part of the original permit. Applications for such modifications shall be determined in light of the standards set forth at subsection A of this section.

D. Rafting takeout facility permits issued pursuant to subsection A of this section shall be nontransferable. City council may deny a rafting takeout permit to any person who operates or uses a rafting takeout facility without first having obtained a valid rafting takeout permit covering such facility. City council also may deny a rafting takeout facility permit with respect to any property that was used as a rafting takeout facility by any person not holding a valid rafting takeout facility permit covering such facility at the time of such use.

E. In determining the duration of any rafting takeout permit issued pursuant to subsection A of this section, city council shall consider the following:

1. The recommendation of planning commission;

2. Planning staff recommendations, if any;
3. Recommendations from the office of city clerk relative to matters of licensing and insurance;
4. The wishes of neighbors and the reasonable needs of the neighborhood within which the facility will be located and operated;

5. The length of time the applicant has operated as a river outfitter having significant activities within the city related to commercial river rafting;

6. The length of time the applicant has operated as a river outfitter having significant activities within the geographical area known as the Arkansas Headwaters Recreation Area;

7. The degree to which impacts (adverse or otherwise) upon the neighborhood in which the facility would be used and operated are known or capable of reasonable prediction;

8. The degree to which impacts (adverse or otherwise) upon the street system in the vicinity of the facility or proposed facility are known or capable of reasonable prediction.

F. Permits of shorter or intermediate duration shall be favored whenever:

1. The applicant is a person without an operational history as a river outfitter in and around the city;

2. The applicant is a person who has an operational history in and around the city which includes documented adverse impacts upon the neighborhood within which the applicant operates or has operated a rafting takeout facility or with respect to traffic in the immediate vicinity of the facility, when such adverse impacts are not considered serious enough to warrant a denial of the permit;

3. The involved real property has not previously been legally used as a rafting takeout facility;

4. The involved real property has been legally used as a rafting takeout facility and such prior use--whether by the applicant or by a prior permittee--has resulted in documented adverse impacts to the neighborhood in which the facility is located or with respect to traffic in the immediate vicinity of the facility, when such adverse impacts are not considered

serious enough to warrant a denial of the permit. (Ord. 5-1999 § 2)

Table 17.24.050

Special Area Restrictions

Legal Description of Property
Zoning District Designation
Restrictions

A. The north 411.40 ft. of Block 7, Plat of South Cañon and S. 137 ft. of Block 7, Plat of South Cañon.

C, general commercial

All provisions of the general commercial district shall apply except that uses are restricted as follows:

Uses prohibited:

Retail businesses or personal services, including manufacturing as incidental to the preparation of articles to be sold on the premises (only where more than five persons are to be employed).

Tourist or cottage camp, public garage or motor vehicle repair shop, filling station.

B. Lots 11, 12 & 13, Block 8, Fairpark Subdivision, Sec. 5.

R-3, medium-high density residential (3 to 6 units per structure)

All other requirements apply except that permitted use is restricted to townhouse development.

C. A tract of land described as follows: Beginning at the intersection of the S. ROW (right-of-way) line of Bauer Lane with the W. ROW line of N. 15th St.; thence S. 120' thence W. 430'; thence N 120'; thence E. 430' to the point of beginning.

C, general commercial

All restrictions of the general commercial district apply except that permitted uses are restricted to medical-related commercial uses.

D. A tract of land described as follows: Beginning at a point 120' S. of the intersection of the S. ROW line of Bauer Lane with the W. ROW line of N. 15th. St.; thence S. 77'; thence W. 430'; thence N. 77'; thence E. 430' to the point of beginning.

C, general commercial

All restriction of the general commercial district apply except that permitted uses are restricted to medical-related commercial uses.

E. Lots 24 through 30, Block 1 and all of Block 9, Odd Fellows Subdivision; and the following tracts described by metes and bounds as follows:

C, general commercial

All other requirement of the general commercial district apply except that permitted uses are restricted to

A tract of land in the NW1/4 of Section 28, Township 18 South, Range 70 West of the 6th. PM; Beginning at a point 230 feet west and 650 feet south of the NE corner of the SE1/4 NW1/4 of said Section 28; thence N 0(47'00" W, a distance of 203 feet; thence S 89(24'00" W, a distance of 640.7 feet; thence S 0(47'00(E, a distance of the 203 feet; thence N 89(24'00" E, a distance of 640.7 feet to the point of beginning. And a tract of land in the NW1/4 of Section 28, Township 18 South, Range 70 West of the 6th. PM; Beginning at a point which is the intersection of the north ROW line of Phay Ave. and the west ROW line of 15th. St., said point being 650 feet south and 30 feet west of the NE corner of the SE1/4 NW1/4 of said Section 28; thence Westerly, along the north ROW line of Phay Ave., a distance of 200 feet; thence Northerly, parallel to the west ROW line of

Table 17.24.050
Special Area Restrictions

Legal Description of Property	Zoning District Designation	Restrictions
15th. St., a distance of 203 feet; thence Easterly, parallel to the north ROW line of Phay Ave., a distance of 200 feet, to the west ROW line of 15th. St., thence southerly, along said west ROW line of 15th. St., a distance of 203 feet, more or less, to the point of beginning.		
F. A tract of land in the NW $\frac{1}{4}$ of Section 28, Township 18 South, Range 70 West of the 6th. PM; Beginning at the SE corner of Lot 28, Block 1, Oddfellows Subdivision; thence N 0°40'45" W a distance of 251.75 feet to the NE corner of Lot 27, Block 1, Oddfellows Subdivision; thence along the south right-of-way line of Buckingham Circle, N 89°20'00"E, a distance of 150.0 feet; thence S 0°40'45"E, a distance of 251.75 feet to the north right-of-way line of Phay Ave.; thence S 89°24'00" W a distance of 150.0 feet to the point of beginning.	C, general commercial	All other requirements apply except that permitted use is restricted to townhouse development
G. Lots 22 and 23, Block 1, Chapman's Addition to Cañon City.	C, general commercial	All requirements of the general commercial district apply except that permitted uses are restricted to personal services or professional offices.
H. All of that portion of Lot 7, Block 42, Fruitland Subdivision lying Westerly of Drake Drive and Southerly of Elizabeth Street	C, general commercial	All provisions of the general commercial district shall apply, except that the users are to allow only mini storage and convenience stores, provided that there shall be no fuel sales.
I. The south 20 feet of Lot 6, all Lots 7 and 8, Block 5 and Lots 1 through 7, Block 8, Fairpark Subdivision, Section No. 3	C, general commercial	Allowed uses shall be restricted to medically related professional offices. Construction of additions or alterations to any existing structure thereon shall be restricted as follows: Minimum lot per principal structure - 7000 square feet; Maximum lot coverage - 40 percent; Maximum building height - 40 feet; Minimum front setback - 25 feet; Minimum side & rear setback - 15 feet. Parking & screening requirements shall be met as provided for in Chapter 17.28 of the Code of Cañon City.
J. See Schedule A set out below	C, general commercial	All restrictions of the general commercial district apply except that permitted uses are restricted to medical-related commercial uses.

Table 17.24.050

Special Area Restrictions

Legal Description of Property	Zoning District Designation	Restrictions
Schedule A		
<p>Beginning at a point on the West line of 15th. Street, said point being 650 feet South of, and 30 feet West of the Northeast corner of the SE$\frac{1}{4}$ of the NW$\frac{1}{4}$ of Section 28, Township 18 South of Range 70 West of the 6th. P.M.; thence South 00°47' East along the said West line of 15th. Street a distance of 113.70 feet; thence South 16°43' West along the said West line of 15th. Street a distance of 130.95 feet to a point on the Northerly right-of-way line of the Cañon City Hydraulic and Irrigation Ditch Company's Ditch; thence along the said Northerly right-of-way line along the following six courses:</p> <ol style="list-style-type: none">1. thence South 84°34' West a distance of 72.20 feet;2. thence South 74°17' West a distance of 429.85 feet;3. thence North 82°14' West a distance of 166.43 feet;4. thence South 78°44' West a distance of 123.65 feet;5. thence South 52°24' West a distance of 516.60 feet;6. thence South 74°44' West a distance of 138.20 feet; <p>thence North 01°01' West a distance of 29.00 feet; thence North 85°31' East a distance of 59.00 feet to the Southwest corner of the said SE$\frac{1}{4}$ of the NW$\frac{1}{4}$; thence North 00°44'30" West along the West line of the said SE$\frac{1}{4}$ NW$\frac{1}{4}$ a distance of 670.08 feet; thence North 89°24' East a distance of 1298.75 feet to the point of beginning. Reserving, however, a uniform strip of ground 60 feet in width off, along and parallel to the North line of the aforesaid described premises for a roadway. Further reserving a uniform strip of ground 3 feet in width off, along and parallel to the North line of the aforesaid described roadway reservation for an irrigation ditch.</p>		
K. A tract of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T18S, R70W of the 6th. P.M., described as follows: Beginning at a point 330 feet West of the NE corner, thence South 200 feet, thence West 100 feet, thence North 200 feet, thence East 100 feet to the point of beginning.	C, general commercial	All restrictions of the general commercial district apply except that permitted uses are restricted to medical-related commercial uses.
L. A tract of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T18S, R70W of the 6th. P.M., described as follows: Beginning at a point 230 feet West of the NE corner, thence South 200 feet, thence West 100 feet, thence North 200 feet, thence East 100 feet to the point of beginning.	C, general commercial	All restrictions of the general commercial district apply except that permitted uses are restricted to medical-related commercial uses.
M. Lot 22, Block 30, Fruitmere Subdivision	C, general commercial	Uses are limited to a vehicle parking lot or vehicle parking garage and all uses permitted in the R-2 zone district.

Table 17.24.050

Properties with Uses Permitted by Special Review

Legal Description of Property

Zoning District Designation

Uses Permitted by Special Review

1. All of Lots 7 and 9, Block 2, T. Macon's Addition to the City of Cañon City.

R-3

Paved parking lot

2. Lots 10, 11, 12 and 13 in Catlin's Addition to South Cañon.

R-2

School district bus maintenance garage

3. Beginning at the intersection of the West right-of-way line of 9th. Street and the North right-of-way line of Floral Avenue, thence North 120 feet, thence West 76 feet, thence South 120 feet, thence East 76 feet to the point of beginning.

R-2

Child care facility for applicant only

4. Lot 14, Harrison's Subdivision of Cañon Gardens.

Commercial

Community bed facility

5. Beginning at a point 205.82 feet South and 3.00 feet East of the NW corner of Lot 1, Colorado Coal and Iron Company's Cañon Gardens; thence South along the East line of 15th. Street, 100 feet to a point; thence East and parallel to the North line of said Lot 1, 134.94 feet to the Southerly extension of the centerline of a Common Wall between the existing garage and shed; thence North along the Southerly extension of the center of said Common Wall, the center of the Common Wall, and the Northerly extension of the centerline of the Common Wall, 100 feet to a point; thence West 134.16 feet, more or less, to the point of beginning.

Commercial

Up to eight-person elderly home

6. Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13), in Block numbered fifty-one (51), in H. and A. Rudd's Addition to Cañon City, as shown on a plat of said addition on file and of record in the office of the County Clerk and Recorder of Fremont County, State of Colorado, except that portion of said lots numbered Eight (8) and Nine (9) conveyed to the City of Cañon City for the extension of 6th. Street by Deed recorded in Book 125 at page 274 of the Fremont County record, and all of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-nine (29) in Township Eighteen (18) South, Range Seventy (70) West of the Sixth (6th.) P.M., excepting:

R-2

Junior and senior high schools, including the boarding of students

(i) a strip of land Two Hundred (200) feet wide throughout taken off of the east side thereof, (ii) a strip of land Forty (40) feet wide throughout taken off of the north side thereof; and (iii) a strip of land Forty (40) feet wide throughout taken off of the west side thereof.

7. Lot 5, Block 34, plat of the Town of Cañon City.

R-2

Paved parking lot

8. Lots I and 2, Sheridan's Addition No. 5 to the City of Cañon City

R-2

Preschool, not to exceed ten students

9. Lots 13, 14, and the West 19 feet of Lot 15, Block 7, Virginia Park Addition to the City of Cañon City (1010 North 10th. Street, Cañon City, Colorado)

R-2

An infant/toddler day care nursery

10. Lots 13, 15 and 17, Block 28, Fruitmere Subdivision

Commercial

Addition of hallway, bedroom and family room onto private residence

11. Lots 7 and 8, Block 20, Cañon City Central business district
Two-story, four-unit apartment building, on 10,560 square feet

12. Lot 7, Block A, Replat No. 2, Odd Fellows Subdivision, Cañon City

R-4

Fire station

13. Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13), in Block numbered fifty-one (51), in H. and A. Rudd's Addition to Cañon City, as shown on a plat of said addition on file and of record in the office of the County Clerk and Recorder of Fremont County, State of Colorado, except that portion of said lots numbered Eight (8) and Nine (9) conveyed to the City of Cañon City for the extension of 6th. Street by Deed recorded in Book 125 at page 274 of the Fremont County record, and all of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-nine (29) in Township Eighteen (18) South, Range Seventy (70) West of the Sixth (6th.) P.M., excepting:

R-2

A preschool

(i) a strip of land Two Hundred (200) feet wide throughout taken off of the east side thereof, (ii) a strip of land Forty (40) feet wide throughout taken off of the north side thereof, and (iii) a strip of land Forty (40) feet

wide throughout taken off of the west side thereof.

14. Lots 9, 10 and 11, Block 7, Thomas Macon's Addition to Cañon City, Fremont County, Colorado

R-2

A preschool

15. Lots 24, 25 and 26, Block 5, Harding's 1st. Addition to Cañon City, Fremont County, Colorado

R-1

A preschool

16. All of Blocks 3 and 4 of the Virginia Park Addition

R-2

A preschool

17. Lots 22, 23 and 24, Block 8, Kellenberger and Gray's Addition to Cañon City, and Lots R-1

A daycare center, subject to the following conditions:

16, 17 and 18, Block 8, Platt's Addition to Cañon City

1. The installation of a six (6) foot wooden fence between the existing garage and the residential structure;

2. Outside play activity shall be confined to the East of the wooden fence;

3. Playground equipment shall be removed from the West side of the wooden fence;

4. Outside play shall be scheduled after 9:00 a.m.;

5. A policy shall be adopted and enforced restricting the loading and unloading of children and complying with traffic ordinances of the City.

18. See Schedule A set out below
Commercial

The residential structure located on the same lot as the commercial structure may remain as a nonconforming use

Schedule A

A portion of the NWI/. NWI/4 of Section 4, Township 19 South, Range 70 West of the 6th P.M., Fremont County, Colorado, more particularly described as follows:

Commencing at the North one quarter corner of Section 4, Township 19 South, Range 70 West of the 6th P.M.; thence Westerly along the North line of said Section 4 a distance of

1359.36 feet to a point, said point being 33.00 feet Westerly of the Northeast corner of the NW1/4 NW1/4 of said Section 4; thence angle left 90°09'08" Southerly parallel to the East line of said NW1/4 NW1/4, a distance of 247.00 feet to the point of beginning of the tract to be described, said point of beginning being on the South line of the South Cañon Ditch as now constructed; thence continue Southerly parallel to the East line of said NW1/4 NW1/4 a distance of 124.00 feet to the Southeast corner of a tract of land recorded in Book 337, Page 153 of the records of Fremont County, Colorado; thence angle right 90°09'08" Westerly along the South line of said tract recorded in Book 337 at Page 153 of said Fremont County records, a distance of 370.00 feet to a point on the Easterly right-of-way line of the P. & AV Railroad Co. (now A.T. & S.F. Railroad); thence angle right 89°50'52" Northerly along the West line of said tract recorded in Book 337 at Page 153, which is also the Easterly right-of-way of said railroad, a distance of 43.95 feet to a point; thence angle right 76°40'20" Northeasterly a distance of 193.40 feet to a point; thence angle right 02°26'39" Northeasterly a distance of 185.11 feet, more or less, to the point of beginning. EXCEPT the most Easterly 30 feet deeded to the City of Cañon City for water and sewer lines recorded June 8, 1970, in Book 524, Page 240 (Reception No. 382180). Beginning 403 feet West of the Northeast corner of the NW1/4 NW1/4 of Section 4, Township 19 South, Range 70 West of the 6th P.M.; running thence east along the North line of said Quarter Quarter Section, 20 feet; thence South and parallel to the East line of said Quarter Quarter Section 371 feet; thence West and parallel to the North line of said Quarter Quarter Section, 20 feet; thence North

and parallel to the East line of said Quarter Quarter Section, 371 feet to the place of beginning.

19. All of Block 3, Skyline Meadows Addition

R-1

Use of a mobile classroom

20. See Schedule A set out below

R-3

Medical offices

Schedule A

Beginning at the Southeast corner of Lot Sixteen (16) in Block Twenty-two (22), in the town (now City) of Cañon City, Colorado, according to the plat thereof by Howard Schuyler on file and of record in the office of the County Clerk and Recorder of Fremont County, Colorado;

thence Westerly along the Southerly line of Lot 16, 15 and 14, in said Block 22, to a point which is 10 feet Westerly of the Southeasterly corner of said Lot 14;

thence Northerly and parallel with the Easterly line of said Lot 14 a distance of 40 feet;

thence Easterly and parallel with the Southerly line of said Lots 14 and 15 a distance of 48.55 feet;

thence North 36 degrees East 17.3 feet;

thence Easterly to a point on the Easterly line of said Lot 16 which is 46.7 feet Northerly from the point of beginning;
 thence Southerly along the Easterly line of said Lot 16 to the point of beginning, the above described tract being that portion of said Lots 14, 15 and 16 owned by Raynor E. Holmes, Sr. and Perline S. Holmes after the conveyance of a portion thereof by that certain warranty deed recorded in Book 275 at Page 361 in the office of the County Clerk and Recorder of Fremont County, Colorado.

21. Lot 9 plus West 4 feet of Lot 10, Block 13, Cañon City; Lot 10 less West 4 feet, Block 13, Cañon City

CBD

Up to sixteen multi-family residences

22. Outlot 7, Cañon City Plat and vacated alley together with a tract 38 feet by 256 feet East of Outlot 7, Block 1, Thomas Macon's Addition

CBD

To allow the addition of a chapel 44 by 24 feet to the southeast corner of the church presently located on the property

23. Beginning at the intersection of the Southerly line of the right-of-way of the Cañon City and Oil Creek Ditch and the Easterly line of Lot 3, Helms Subdivision; thence Westerly along the Southerly line of said Oil Creek Ditch 248.41 feet to a point; thence South 684.00 feet to a point on the

South line of said Lot 3; thence East along the South line of said Lot 3, 245.31 feet to the East line of Lot 3; thence North along the East line of Lot 3 to the centerline of the former right-of-way of the Cañon City and Cripple Creek Railroad; thence North $88^{\circ} 57'$ East along said centerline 314.55 feet more or less to a point on the East line of Lot 2, Helms Subdivision; thence North along the East line of said Lot 2 a distance of 160.00 feet; thence West and parallel with the South line of said Lot 2 to a point on the East line of Lot 3, Helms Subdivision; thence North along the East line of Lot 3 to the point of beginning R-1

A recreational and social facility

24. West 200 feet of Lots 11, 13, 15 and 17 and the W 200 feet of the N 2 feet of Lot 9; W 160 feet of Lot 7; W 160 feet of the S 48 feet of Lot 9; W 160 feet of the N 25 feet of Lot 5, Block 30, Fruitmere Subdivision

Commercial

Outdoor retail sales

25. Lots 4, 5, 6, 7 & 8, except a strip of Lot 4, Block 1, Augustus Macon Addition

Commercial

Outdoor retail sales

26. Lot 8, Block 16, Plat of Cañon City

CBD

Light starter industry cabinet shop, provided that there is no outside storage of raw materials, dust and sawdust must be

contained, and in the event the building is removed or destroyed the site shall be used for a use allowed by right in the CBD zone

27. Lot 5, 6, 7b and 8, Block 8, Cañon City Addition lying south of North line of ditch
Commercial
Outdoor retail sales

28. Commencing at a point located 356'N of the SW corner of the E1/2 of the SE1/4 of Section 28, T18S, R70W of the 6th P.M.; thence N 433.44 feet; thence E 450 feet; thence S 433.44 feet; thence W 450 feet to the POB; Excepting therefrom lands conveyed to the Colorado State Highway Department by deed recorded in Book 316 at Page 109 of the Teal estate records of Fremont County, Colorado
Commercial
Outdoor retail sales

29. All of Block 3 and 4 of the Virginia Park Addition

R-2
A recreational and social facility

30. A parcel of land in the SWY4 SE1/4 of Section 28, T 18S, R70W of the 6th P.M., in Cañon City, Colorado, more particularly described as follows-. Beg. at the intersection of the E line of 16th. St. with the S line of 50.0' wide Depot St. (extended E and not yet opened); thence S 0°25' W along the E line of 16th. St. a distance of 256.5' thence S 30° 52' E a distance of 78.0' to a point on the NWly

line of access road along U.S. Hwy No. 50; thence N 59° 10' E along said NWly line a distance of 103.6' to a point of curve; thence NEly along said NWly line on a curve with radius of 2965.0', the long chord of which bears N 60°31' E a distance of 141.05' thence N 0°25' E a distance of 199.41' to a point on said S line of Depot St.; thence N 89° 39' W along said S line of Depot St. a distance of 251.1' to the point of beginning, County of Fremont, State of Colorado.

C, general commercial
Outdoor retail sales

31. Lots 25, 26, 27 and 28, Block 43, Harding's Second Addition, Cañon City, Colorado.

R-1
A child care center for up to 30 children under 15 years of age

32. Lots 30, 31 and 32, Block 3, Griffin Add., Cañon City, Colorado.

Commercial
Outdoor retail sales of Christmas trees from Thanksgiving to Christmas

33. Lot 14, Block 12, Cañon City Plat
CBD

Up to five apartment units

34. A tract of land in Lot 7, Raynolds Subdivision, described as follows: Beginning

at a point which lies South 89°45'11" West, 256.24 feet from the southeast corner of Lot 7; thence N 0°09'14" E, 170 feet; thence S 89°54'11" W, 207.19 feet; thence S 0°05'12" W, 170 feet; thence N 89°54'11" E, 206.99 feet to the point of beginning.

R-2

Recreational facility with a sign not to exceed 3 ft. x 6 ft. on the Field Avenue side of the property

35. Block 47, Harding's 2nd. Addition

R-3

Nursing Home Facility

and

Lots 25, 26, 27, 28 of Block 47, Harding's 2nd. Addition.

R-3

Nursing Home Facility and Retirement Home, which shall include Assisted Living Facilities, subject to the requirements and restrictions set forth in Ordinance No. 17, Series of 1992

36. Schedule A, set out below
C, general commercial
Light starter industry

Schedule A

Parcels A and B as follows:

Parcel A:

A parcel of land being a part of Block 30, as platted in Fruitmere Subdivision recorded in Book of Plats at page 131, of the records of the Fremont County Clerk and Recorder being more particularly described as follow:

Beginning at the Northwest corner of Lot 17, Block 30, Fruitmere Subdivision; thence North 89°51' East, a distance of 200.00 feet; thence South 00°07' West, a distance of 100.00 feet; thence South 89°51' West, a distance of 200.00 feet; thence North 00°07' East, a distance of 100.00 feet, more or less, to the point of beginning.

Parcel B:

A parcel of land being a part of Block 30, as platted in Fruitmere Subdivision recorded in Book of Plats at page 131, of the records of the Fremont County Clerk and Recorder being more particularly described as follows:

Commencing at the Northwest corner of Lot 17, Block 30, Fruitmere Subdivision; thence South 00°07' West, along the West line of said Block 30, a distance of 100.00 feet to the point of beginning; thence North 89°51' East, a distance of 200.00 feet, thence South 0°07' West, a distance of 103.50 feet; thence South 00°07' West, a distance of 34.64 feet; thence South 0°07' West, a distance of 121.50 feet; thence South 89°51' West, a distance of 165.36 feet to a point on said West line of Block 30; thence North 00°07' East, along said

West line of Block 30, a distance of 225.00 feet, more or less, to the point of beginning.

37. Cañon City Town Center, Lot 1.
C, general commercial
Outdoor retail sales

38. Cañon City Area Metropolitan Park and Recreation District Icabone Pool - 12th. Street & College: Beginning at the SW corner of Block one (1), Royce Park Subdivision to Cañon City, Colorado, according to the plat thereof on file and of record in the office of the County Clerk and Recorder of Fremont County, Colorado; thence N 58°50' E, 236 feet-, thence N 31°10' W, 25 feet; thence along a curve to the right having a radius of 320.38 feet, a central angle of 31°18'23", and an arc of 175.06 feet; thence N 0° 08'23" E, 113.94 feet; thence S 58°56'57" W, 166 feet; thence S 0°08'23" W, 338.43 feet to the point of beginning.

R-2
Recreational and social facility

39. A tract of land in NWV4 SW1/4 Section 33, T18S, R70W, 6th P.M., Commencing at a pt. 190 feet W and 183.5 feet N of the NW corner of Lot 6, Block 4, Griffin Addition to South Cañon; thence N 100 feet; thence E 340 feet; thence S 102 feet; thence W 150 feet; thence N 2 feet, thence W 190 feet to the point of beginning.

C, general commercial
Outdoor retail sales

40. All Block 3, in Skyline Meadows Subdivision.

R-2
Child Care Facility - Preschool

41. See Schedule A set out below
Commercial
Use of a Manufactured Structure as a Mobile Home Sales Office

Schedule A

A tract or parcel of land in Cañon City, Colorado in the E1/2 SE1/4, Section 28, T18S, R70W, 6th. P.M. being a part of a parcel of land lying southeasterly of a line 50 feet southeasterly perpendicularly distant and parallel to the centerline of the main track of The Denver and Rio Grande Western Railroad, and being a part of a parcel of land conveyed by warranty deed dated September 13, 1878 from William S. Jackson, Trustee, to the Denver and Rio Grande Railway Company, predecessor to the Grantor, recorded in Book 13, page 319, in Fremont County Records, said tract or parcel being bounded as follows:

Commencing at the southwest corner of the E1/2 SE1/4 of said Section 28; thence easterly 660 feet along the south line of said Section 28; thence North 30 feet, more or less, to the north Right of Way line of Main Street being

the Point of Beginning; thence westerly and along said north Right of Way line of Main Street 600 feet, more or less, to a point being 100 feet south of the centerline of the main track of The Denver and Rio Grande Western Railroad as measured northerly perpendicularly from the said north Right of Way line of Main Street; thence North 45 feet, more or less, to a point being 50 feet southeasterly perpendicularly distant from said centerline of main track; thence northeasterly along the arc of a curve to the right being 50 feet perpendicularly distant and parallel to said main track centerline to a point being 660 feet easterly of the west line of said E1/2 SE1/4 of Section 28; thence South 258 feet, more or less, to the Point of Beginning.

42. Lots 5 & 6, Replat No. 2, Odd Fellows Subdivision.

R-4

Professional Offices

43. South 50 feet of Lots 15 & 16, Block 25, City of Cañon City.

R-3

Professional Offices*

* The right to engage in such use shall at all times be specifically contingent upon the property owner's provision of adequate off-street parking, either on or off premises, as may be required under the Cañon City Municipal Code, as amended, and as may be amended in the future.

44. (See Exhibit A below)

I-1

Waste Management Facility*
(Exhibit A)

A parcel of land in the NW1/4 NE1/4 of Section 8, Township 19 South, Range 70 West of the 6th P.M., more particularly described as follows: Beginning at a point on the South right-of-way line of Forge Road and the Northwest corner of Tract A, Oro Verde Subdivision (an unrecorded plat) from which the Northeast corner of said Section 8 bears N 74° 45' 14" E, a distance of 1984.09 feet; thence along said right-of-way, S 53° 46' 12" W, a distance of 844.44 feet to a curve to the left having a delta of 29° 23' 15", a radius of 60.01 feet; thence along said curve, an arc distance of 30.90 feet along said South right-of-way; thence on a tangent to the last mentioned curve S 24° 22' 57" W, a distance of 240.00 feet along the South right-of-way of Forge Road; thence leaving said right-of-way, N 90° 00' 00" E, a distance of 20.00 feet to intersect with the North right-of-way line of the Atchison, Topeka & Santa Fe Railroad; thence along said North right-of-way, N 90° 00' 00" E, a distance 105.00 feet to a curve to the left having a delta of 33° 30' 00", a radius of 670.00 feet; thence along said curve an arc distance of 3 86.3 3 feet along said North right-of-way; thence on a tangent to the last mentioned curve on the North line of said railroad right-of-way, N 56° 30' 00" E, a distance of 618.79 feet to intersect with the West line of Tract A, Oro Verde Subdivision (an unrecorded plat); thence along said West line N 36° 13' 39" W, a distance of 357.63 feet to the Northwest corner of said Tract A,

also being the point of beginning. Containing 7.29 acres, more or less.

* Special Review Use is subject to the following restrictions:

1. An approved plan to accommodate overflow traffic on-site to prevent congestion on Forge Road shall be submitted to and approved by Council;
2. The site shall be enclosed by fencing at a height of at least 6 feet, and bermed and/or landscaped to provide reasonable visual separation from Forge Road;
3. All solid waste handling, with the exception of bins for the collection of recyclable materials, shall be conducted inside an enclosed building, said building not to exceed 6,600 square feet in area; and
4. Diligent efforts shall be made to keep the site free of debris and prevent its spread to surrounding areas; and
5. Any vehicle which is either partially or fully loaded with trash shall not be permitted to remain on-site for any period of time exceeding 48 hours.

45. Lots 1, 2, 3 & 4, Fairpark Subdivision
Filing No. 2.

R-3

Nursing Home

46. The west 10 feet of Lots 2 & 15, all of Lots 3, 4, 5, 12, 13 & 14, and the east 22 feet of Lots 6 & 11, Block 3, in the Town (now City) of Cañon City, according to the plat

thereof made by Howard Schuyler on file and of record in the office of the County Clerk and Recorder of Fremont County, together with the 16 foot alley adjacent to said lots, as shown on said plat.

C, general commercial

* Shelter

* Special Review Use is subject to the condition that the front of the new building shall be of full masonry or stucco construction.

47. Lots 1, 2 & 3, Block 14, Palmer, Greenwood and Mellen's Addition to Cañon City.

R-2

Bed and Breakfast

48. Lot 11, Block 12, Original Town (now city) of Cañon City.

CB, central business

Training facility

49. Lot 9-B, Justice Center Administrative Subdivision Waiver Plat.

C, general commercial

Shelter

50. Certain portions of certain tracts of land identified as parcels 1 and 2 described in C, general commercial Exhibit "A" to that certain the quitclaim deed from the Atchison, Topeka & Santa Fe Railway Company to the City of Cañon City, dated December 5, 1994 and recorded December 15, 1994 at Book

1205, Page 262, Reception No. 626915, Fremont County, Colorado records, and certain portions of that tract of land described in Exhibit "A" to that certain quitclaim deed between the same parties, date October 18, 1995, and recorded November 9, 1995, at Book 1231 Page 464, Reception No. 639847, Fremont County, Colorado records; said portions being those portions of such tracts that are leased by the City of Cañon City to the Cañon City and Royal Gorge Railroad, L.L.C. (or its lawful assigns and other successors in interest) by written lease. Said written lease shall include the former Santa Fe depot and surrounding land and facilities. All of said property hereinafter sometimes shall be collectively called the "site."

C, general commercial

"Rail services and facilities," as described at Section 17.08-421 of the Cañon City Municipal Code, to include at least following specific uses and activities: parking, ticket sales, gift shop, food service and loading and unloading of excursion trains to run from the site through the Royal Gorge to Parkdale, Colorado and back, subject to those certain limitations, restrictions, requirements and conditions set forth at Section 2 of the ordinance codified in this section.

51. Lot 1, River Runners Subdivision

R-2

The use permitted by special review is a "rafting takeout facility" use of the property by the holder of a valid rafting takeout facility permit issued pursuant to Section 17.24.060, as amended, in strict accordance with all the limitations, restrictions, requirements and conditions set forth in such rafting takeout

facility permit and in Section 17.24.060, as amended.

52. A strip of land of the uniform width of 102.43 feet off and along the East end of Lot 27, and a strip of land of the uniform width of 120 feet off and along the West end of C, General commercial.

"Animal hospital," as described in Section 17.08.030, subject to those certain limitations, restrictions, requirements and conditions set forth as follows:

the North 100 feet of Lot 28, Block 28, Fruitmere Subdivision.

A. An easement shall be executed which irrevocably provides for the shared use of the existing and proposed driveways serving the animal hospital with the owners of adjoining properties to the east and south;

B. The building shall be construed using soundproofing materials; and

C. Front yard setback requirements for the animal hospital shall be those allowed under any variance granted by the board of adjustment that is valid at the time a building permit for the animal hospital is issued or, in the absence of a valid variance, those provided for under applicable provisions of Section 17.12.130(C).

53. The ground floor of the west half of the building situated on Lot 3, Block 1, Harrison, Rockafellow and Macon's Addition to Cañon City, known and numbered as 710 Main Street.

CB, central business

“Training facility,” as described in Section 17.08.496, subject to those certain limitations, restrictions, requirements and conditions set forth at Section 2 of the ordinance codified in this subsection.

54. All of Lots 2 and 3, the South 1/2 of Lot 7, the South 3/5 of Lot 6 and the northern 60 feet of Lot 4, Block 12, Park Center Subdivision; Except that portion of Lot 3 conveyed by Deed in Book 247 at Page 439 in the records of the Clerk and Recorder of Fremont County, Colorado, described as follows: That part of said Lot 3 lying South of the Fruitland Ditch and East of Orchard Avenue and North of South Street in said subdivision.

R-2, low-medium density residential

“Recreational facility,” as described in Section 17.08.425, subject to those certain limitations, restrictions, requirements and conditions set forth at Section 2 of the ordinance codified in this subsection.

55. A portion of the NW 1/4 of Section 8, and a portion of the NE 1/4 of Section 7, Township 19 South, Range 70 West of the 6th P.M., being more particularly described as follows:

C, general commercial

“Recreational facility,” as described at Section 17.08.425, subject to those certain limitations, restrictions, requirements and conditions set forth at Section 2 of the ordinance codified in this subsection.

Commencing at the NW corner of said Section 8; thence North 87(36'54" East, 200 feet to the Point of Beginning;

thence North 87(36'54" East along said North line of Section 8, 1168.983 feet;

thence North 87(36'51" East along said North section line, 535.449 feet;

thence South 00(28'51" East, 149.397 feet to the PC of a curve to the right having a central angle of 77(50'40" and a radius of 496.153 feet;

thence along said curve an arc distance of 674.094 feet;

thence South 77(21'49" West, 1084.988 feet to the PC of a curve to the right, having a central angle of 09(22'03", and a radius of 2441.125 feet;

thence along said curve an arc distance of 399.109 feet;

thence South 86(43'51" West, 135.0 feet;

thence North 00(16'09" West, 335.0 feet;

thence North 16(46'09" West, 335.0 feet;

thence North 60(13'56" East, 426.046 feet to
the point of beginning.

Except: any portion of the following described
parcels that lie within the above described
property.

1. Right-of-way for public road purposes
conveyed by document recorded February 20,
1987 in Book 808, at Page 47 more
particularly described as follows:

A uniform strip of land 40 feet in width lying
adjacent to and Westerly and Northerly of the
following described line:

A parcel of land located in the NW 1/4 of
Section 8, Township 19 South, Range 70 West
of the 6th p.m.; Commencing on the North
line of said Section 8 at a point located
1904.057 feet East of the Northwest corner of
said section 8;

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
thence South 00°28'51" East, 149.245 feet; thence on a curve to the right, having a delta of 77°50'40", a radius of 496.153 feet, and an arc length of 674.094 feet; thence South 77°21'49" West, 1084.988 feet; thence on a curve to the right with a delta of 9°22'03", a radius of 2441.125, and an arc length of 399.109 feet now known as Mariposa Road.		
2. Right-of-way conveyed to the City of Cañon City by quit claim deed recorded April 30, 1999 in Book 1367, at Page 608, under Reception No. 696911 more particularly described as follows:		
A uniform strip of land 20 feet in width lying adjacent to and Easterly and Southerly of the following described line: A parcel of land located in the NW 1/4 of Section 8, Township 19 South, Range 70 West of the 6th P.M.; Commencing on the North line said Section 8 at a point located 1844.03 feet East of the Northwest corner of said Section 8; thence S 00°28'51" E a distance of 147.26 feet; thence around a curve to the right through a central angle of 77°50'40" an arc distance of 592.57 feet, a radius of 436.15 feet a chord bearing of S 38°26'29" W a distance of 548.04 feet; thence S 77°21'49" W a distance of 1084.99 feet; thence around a curve to the right through a central angle of 09°22'03" an arc distance of 389.30 a radius of 2381.13 feet a chord bearing of S 82°02'51" W a distance of 388.87 feet.		
56. Lot 1, Wal-Mart Towne Center Subdivision.	C, general commercial	A. "Outdoor retail sales," as described at Section 17.20.140 of this code, subject to those certain limitations, restrictions, requirements and conditions set forth at subsection B.

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
57. Two parcels of land situated in the City of Cañon City, County of Fremont, State of Colorado lying in the Southwest Quarter (SW1/4) of Section 33, Township 18 South, Range 70 West of the Sixth Principal Meridian, described as follows:	C, general commercial	<p>B. The special review use permitted under this subsection is specifically subject to the following limitations, restrictions, requirements and conditions:</p> <ol style="list-style-type: none"> 1. The area to be devoted to outdoor retail sales shall not exceed 5,000 square feet; 2. The conducting of outdoor retail sales shall not disrupt the flow of traffic, impede ingress or egress, or block any vision clearance areas at the intersections of parking aisles. <p>A. "Outdoor Retail Sales," as described at Section 17.20.140 of this code, subject to those certain limitations, restrictions, requirements and conditions set forth at subsection B.</p> <p>B. The special review use permitted under this subsection is specifically subject to the following limitations, restrictions, requirements and conditions:</p> <ol style="list-style-type: none"> 1. The area to be devoted to outdoor retail sales shall be limited to the parking lot located west of the building only; 2. Outdoor retail sales shall be allowed only when they do not coincide with another major event taking place at the VFW facility; 3. No more than two vendors shall be permitted to conduct outdoor retail sales at the same time, except in the case of a coordinated sales event involving several dealers, such as with automobiles; and 4. No vendor shall be allowed to stay on the premises overnight.
Parcel 1 All of Block Six (6) in the Sell's Addition to the Town of South Cañon as shown on the Plat of said Town of South Cañon and described first in deed dated July 30, 1887 from Ernst Sell to the Pueblo and Arkansas Valley Railroad Company (predecessor in interest to the Atchison, Topeka and Santa Fe Railway Company) recorded October 15, 1887 in Book 30 at Page 382.		
Also, that certain parcel of land described second in said deed dated July 30, 1887 described for reference as follows:		

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
“Also, all of that certain tract of parcel of land triangular in shape, bounded on the East by Block One (1) in Sell’s Addition to South Cañon, on the North by the North line of the Southwest Quarter of Section (33), Township 18 South of Range 70 West, said Northern boundary line being in the Arkansas River and bounded on the Southwest by a straight line drawn along the East side of South Ninth Street, from the intersection of said East side of South Ninth Street with said Northern boundary line, to the Southwest corner of Block One (1) in said Sell’s Addition to South Cañon.”		
Parcel II		
All Block Number One (1) of Sell’s Addition to the Town of South Cañon as shown on the Plat of said Town of South Cañon and described in deed dated July 7, 1887 from William H. McClure to the Pueblo and Arkansas Valley Railroad Company (predecessor in interest to the Atchison, Topeka and Santa Fe Railway Company) recorded October 15, 1887 in Book 30 at Page 379.		
Together with the following public rights-of-way vacated by the City of Cañon City by Ordinance No. 1, Series of 2000, described as follows:		
That portion of South 10th Street (formerly known as Maple Avenue) lying between Block 1 and Block 6; the alley lying between Lots 4 and 5, Block 1; and the alley lying East of Lot 4, Block 6, all as shown on the plat of Sell’s Addition to the Town of South Cañon, in the City of Cañon City, Colorado.		

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
Excepting therefrom a parcel deeded to the City of Cañon City for the right-of-way of Sell Avenue, said deed recorded on January 31, 2000 at Reception No. 709810, described as follows:		
Beginning at the Southeast corner of Block Six (6) of Sell's Addition to South Cañon, as recorded in the records of the Fremont County Clerk and Recorder; thence S 90°00'00" W along the South line of said Block Six (6) for 395.61 feet; thence N 77°10'37" E, 20 feet Northerly of and parallel to the centerline of an existing gravel roadway for 405.73 feet to a point on the East line of said Sell's Addition; thence S 00°00'00" E along said East line for 90.05 feet; thence S 90°00'00" W for 20.00 feet to the point of beginning, containing 0.41 acres, more or less.	CB, central business	<p>A. Sale of motorcycles, subject to those certain limitations, restrictions, requirements and conditions set forth at subsection B.</p> <p>B. The special review use permitted under this ordinance is specifically subject to the following limitations, restrictions, requirements and conditions:</p> <ol style="list-style-type: none"> 1. No more than two motorcycles may be displayed outside at any one time. 2. No motorcycle may be started on the premises, except in the case where it is to be moved to another location.

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
59. Lots 1 through 13, inclusive, Block 2, and Lots 1 through 13, inclusive, Block 3, together with the vacated portions of Commerce Street and Enterprise Street adjacent to said lots and blocks, Ritzman's Addition.	C, general commercial	<p>3. The zoning administrator shall have the right to require a review by city council of the special review use permitted under this ordinance when he determines that the special review use is or may be having adverse impacts upon the neighborhood where the special review use is occurring that were not evident or anticipated when this ordinance was adopted. Any such review shall be preceded by not fewer than fifteen days prior written notice mailed to the premises where the special review use is permitted and published in a newspaper of general circulation in the city. When the zoning administrator requests a review pursuant to this paragraph, city council shall conduct a public hearing and thereafter, by ordinance, may revoke its permission for the special review use to continue beyond a date certain specified in the ordinance, or modify the limitations, restrictions, requirements and conditions applicable to the special review use. The standards applicable to such review shall be those set forth in Section 17.24.030. The zoning administrator shall not request a review more frequently than once annually.</p> <p>A. Recreational facility.</p> <p>B. The special review use permitted under this subsection is specifically subject to the following limitations, restrictions, requirements and conditions:</p> <p>1. A minimum of eighty-nine off-street parking spaces shall be provided, and all parking spaces, driveways and maneuvering areas shall be paved with asphalt or concrete and properly striped, according to Chapter 17.28 of this code.</p>

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
		<p>2. A grading and drainage plan shall be submitted to, and approved by, the city engineer, to identify how stormwater runoff will be directed to two existing stormwater sewer inlet grates located along the property frontage on the north side of Industrial Street.</p> <p>3. The owner of the subject property shall execute an agreement for the performance of certain improvements to ensure her participation in a public improvement district, if and when such a district is created, for the purpose of installing pavement, curb and gutter, and sidewalk along the property frontages of either South Tenth Street or Industrial Street, or both such frontages. Such an agreement shall be binding upon and enforceable against the owner, her heirs, devisees, personal representatives, assigns, transferees and other successors in interest.</p> <p>4. The exterior of the building shall contain a private lighting system, properly designed to ensure that the light does not extend beyond the property boundaries, either vertically or horizontally.</p> <p>5. Landscaping shall be installed and maintained substantially as presented in the site plan submitted with the application for special review.</p>

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
60. Lot 2, Family Crisis Subdivision	C, general commercial	<p>6. The zoning administrator shall have the right to require a review by city council of the special review use permitted under this subsection when he determines that the special review use is or may be having adverse impacts upon the neighborhood where the special review use is occurring that were not evident or anticipated when this ordinance was adopted. Any such review shall be preceded by not fewer than fifteen days prior written notice mailed to the premises where the special review use is permitted and published in a newspaper of general circulation in the city. When the zoning administrator requests a review pursuant to this paragraph, city council shall conduct a public hearing and thereafter, by ordinance, may revoke its permission for the special review use to continue beyond a date certain specified in the ordinance, or modify the limitations, restrictions, requirements and conditions applicable to the special review use. The standards applicable to such review shall be those set forth in Section 17.24.030. The zoning administrator shall not request a review more frequently than once annually.</p> <p>A. Shelter.</p> <p>B. The special review use permitted under this ordinance is specifically subject to the following limitations, restrictions, requirements and conditions: a minimum of twelve paved off-street parking spaces shall be provided.</p>

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
61. A portion of Lot 11, Harrison Subdivision of Section 27, more particularly described as follows: Beginning at the Southeast corner of Lot 12, Harrison Subdivision of Section 27; thence North, a distance of 173.43 feet to the true point of beginning; thence West, a distance of 156.90 feet; then South, a distances of 25.00 feet; then West, a distance of 45.67 feet; thence North, a distance of 180.00 feet; then East, a distance of 202.57 feet; thence South, a distance of 155.00 feet to the point of beginning; together with an 8 foot strip of alley on the Westerly side vacated as recorded in Book 1058, Page 159, Fremont County, Colorado.	R-4, high-density residential	<p>A. Child care center, subject to those certain limitations, restrictions, requirements and conditions set forth at subsection B.</p> <p>B. The special review use permitted under this subsection is specifically subject to the following limitations, restrictions and conditions:</p> <ol style="list-style-type: none"> 1. The hours of operation shall be limited to from six-thirty a.m. to midnight. 2. Any exterior lighting shall be shielded so that the light only shines downward.
62. Lot 14, Block 15, Cañon City, according to the recorded plat thereof in the Office of the Fremont County Clerk and Recorder.	CB, central business	Training facility
63. Beginning at the NE corner of Lot 4, Block 6, Park Center Subdivision; then South along the East line of Lot 4, 127 feet; thence West and parallel with the North line of Lot 4, 127 feet; thence North parallel with the East line of Lot 4, 127 feet; thence East along the North line of Lot 4, 127 feet to the point of beginning, in Cañon City, Colorado.	R-4, high-density residential	Professional office

Table 17.24.050 (cont.)
Properties with Uses Permitted by Special Review

Legal Description of Property	Zoning District Designation	Uses Permitted by Special Review
<p>64. A tract of land consisting of Parcels A and B, as hereinafter described:</p> <p>Parcel A: A tract of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T18S, R70W of the 6th PM, described as follows: Beginning at a point 330 feet West of the NE corner; thence South 200 feet; thence West 100 feet; thence North 200 feet; thence East 100 feet to the Point of Beginning.</p> <p>Parcel B: A tract of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T18S, R70W of the 6th PM, described as follows: Beginning at a point 230 feet West of the NE corner; thence South 200 feet; thence West 100 feet, thence North 200 feet; thence East 100 feet to the Point of Beginning.</p>	C, general commercial, with medically-related use restrictions, and with transitional mixed-use overlay [C(TMU)]	<p>A. Hospital heliport.</p> <p>B. 1. The hospital heliport permitted under this subsection shall be designed, built, and at all times operated in compliance with all applicable Federal Aviation Administration standards, rules and regulations governing hospital heliports and/or similar facilities.</p> <p>2. Unless required by applicable federal or state law, rule, or regulation, the hospital heliport shall not be used for training or instructional purposes more often than once every one hundred eighty days.</p>

Chapter 17.28

OFF-STREET PARKING AND LOADING

Sections:

- 17.28.010 Parking spaces--General requirements and exceptions.**
- 17.28.020 Number of spaces for specific uses.**
- 17.28.030 Off-street loading spaces and operations.**
- 17.28.040 Supplementary requirements.**
- 17.28.050 Parking lot specifications.**
- 17.28.060 Drive-through facilities.**
- 17.28.070 Parking and storage of recreational vehicles and equipment.**
- 17.28.080 Parking and storage of commercial vehicles and mobile machinery in residential zone districts.**
- 17.28.010 Parking spaces--General requirements and exceptions.**

A. Except as provided in subsection B of this section, at the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking space shall be provided according to the standards in this chapter for new as well as existing structures and uses.

B. The requirements of subsection A of this section shall not apply with respect to:

- 1. Uses and structures within the CB central business district (commercial);

2. Uses and structures on lots or parcels fronting the south side of Main Street that are within the 200 block of Main Street. The 200 block of Main Street is bounded on the west by 2nd Street and on the east by 3rd Street and is in the general commercial district (C district).

C. The city council may establish greater requirements if it is determined the off-street parking needs of a particular use due to its unique character will exceed the provisions of this section.

D. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this title.

E. Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of property, and shall exclude, by way of example and not limitation, stairwells, restrooms, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment, and space devoted to off-street parking or loading. If more than one type of use (example: retail with warehousing office) is involved, computations shall reflect a combined condition based on the proportional area devoted to each separate use.

F. The number of employees of a new or expanding business shall be estimated in a manner reflecting realistic needs in terms of shifts, parking space turnover rates, etc., as approved by the planning commission, and the number of employees of an established business shall be determined from an examination of employment information presented by applicants. (Ord. 18-1995 § 1)

17.28.020 Number of spaces for specific uses.

The parking requirements for the following facilities shall be as follows:

Facility	Parking Spaces Required	
A. All Residential Districts		
2 spaces per dwelling unit		
Group home for the mentally ill		Nursing home, rest home, home for the aged* 1 space per 2 beds
2 spaces per dwelling unit, or 1 per facility plus 1 per staff member, whichever is greater		Hospital* 1 space per each bed, plus loading and emergency access
Exception: 1 bedroom unit in multi-unit unit residential		
1.5 spaces per dwelling		D. Assembly
0 bedroom-efficiency apartment		
1 space per unit required		Day care, preschool nursery* 2 spaces per employee
B. Commercial Residential		
Hotels and motels (roominghouse, boardinghouse)		Elementary school, kindergarten* 3 spaces per classroom, plus 1 space per administrative employee or 1 space per 3 seats in auditorium or gymnasium, whichever is greater
1 space per unit, plus 1 space per employee		Junior high school, senior high school* 3 spaces per classroom, plus 1 space per administrative employee or 1 space per 3 seats in auditorium or gymnasium, whichever is greater
Dormitories, student		Vocational or commercial school
1 space per first 10 beds, 1 space per 2 beds thereafter		1 space per 3 seats in seats in classroom, plus 1 space per staff or 1 space per 50 square feet whichever is greater
C. Institutions		Auditoriums, conference centers, meeting rooms* 1 space per 3 fixed seats or 1 space per 50 square feet if seats are not fixed

Churches, mortuaries*

1 space per 3 seats

Golf driving range

1 space per tee

Library

1 space per 500 square feet

Miniature golf

1 space per hole

Museum

1 space per 1,000 square feet

Tennis/handball/racquetball

3 spaces per court

E. Commercial Amusements

Stadium, arena, theater* (not drive-in)

1 space per 4 seats, plus 1 space per employee

Amusement park, zoo, swimming pool

30 spaces per developed acre

Bowling alley, billiard and pinball arcades,
membership clubs and lodges, skating rinks,
etc.

1 space per 150 square feet, plus 1 space per
employee

F. Commercial

Drinking and dancing establishments

1 space per 75 square feet

Retail, general
1 space per 250 square feet
Retail, low-density (sale of boats, vehicles,
equipment, furniture, appliances, etc., often
with showroom sales)
1 space per 500 square feet

Restaurant, standard

1 space per 125 square feet

Personal services (laundry and dry cleaners,
beauty shop, travel agency, shoe repair, etc.)
1 space per 200 square feet

Restaurant, fast-food

1 space per 75 square feet

Office, professional, administrative,
insurance, banks, savings and loan
1 space per 250 square feet

Golf course

4 spaces per hole

Vehicle service and repair
1 space per 200 square feet or 3 spaces per service bay

Ambulance and taxi service**
1 space per vehicle, plus 1 space per employee principal shift

Convenience store
1 space per 200 square feet of store area

G. Medical

Medical and dental office/clinic
1 space per 200 square feet

Veterinary clinic
1 space per 200 square feet

Hospital
(See Institutions, subsection C above)

H. Manufacturing

Manufacturing and industrial plant (one 8-hour shift)
1 space per employee, plus 1 visitor space per 10 employees

Where there is a minimum of 10 minutes' time separation between two 8-hour shifts

1 space per employee, plus 1 visitor space per 10 employees

Two or three 8-hour shifts
2 spaces per 3 employees, including supervisory and administrative personnel
I. Wholesale and Industrial

Warehouses, storage buildings, yards, public utility building, contractor's equipment yards and lumberyards, research labs, business service establishments such as blueprinting, printing, engraving, binding, publishing, issuing newspapers or other reading matter, soft-drink bottling establishments, laundry and dry cleaning plants, fabricating plants and all other structures devoted to similar mercantile or industrial pursuits

1 space per each employee or 1 space per 500 square feet, whichever is greater

* See Section 17.28.060, Drive-through facilities.

** Traffic pattern, ingress and egress shall be subject to the review and approval of the city traffic engineer. Within the CB district only dispatch and office use shall be exempt from this section.

(Ord. 32-2000 § 10; Ord. 25-1991 § 24; Ord. 10-1989 (part); Ord. 38-1988 §§ 1-3)

17.28.030 Off-street loading spaces and operations.

A. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by track shall provide and maintain off-street loading

berths in sufficient numbers and size for merchandise, materials or supplies.

B. Loading berth capacity shall not be reduced nor eliminated during alteration or adding to an existing use when such facilities are needed.

C. Discontinuance of loading berths by a previous use shall not prevent the building inspector from requiring a new occupant to provide them if the new use requires such facilities.

D. Off-street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods when not required to take care of parking needs.

E. Loading operations shall be arranged to avoid blockage of streets and alleys. (Prior code § 17.20.020)

17.28.040 Supplementary requirements.

A. 1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner, his heirs and assigns. No building permit or occupancy permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title.

2. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it is unlawful and a violation of this title to begin or maintain such altered use until such times as

the increased off-street parking or loading requirements are complied with.

B. Requirements for types of buildings and uses not specifically listed in this chapter shall be determined by the planning commission, after a report and recommendation from the city staff, based upon the requirements of comparable uses listed.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

D. If approved by the city council, owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the city attorney in the form of deeds, leases or contracts to establish the joint use.

E. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. For uses other than dwelling units, required parking spaces shall be located not farther than three hundred feet from the building or use they are required to serve, measured in a straight line from the building.

F. Required parking spaces shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. A plan, drawn to scale, indicating how the off-street parking and loading requirements (excluding single-unit and two-unit dwelling areas R-E, R-1, R-2), are to be fulfilled, shall accompany an application for a building permit. The plan shall show all elements necessary, including but not limited to the following:

1. Delineation of individual parking and loading spaces;
2. Access to streets and property to be served;
3. Designation of handicapped spaces.

(Prior code § 17.20 030 (A)-(G))

17.28.050 Parking lot specifications.

- A. Design Requirements.
 1. Parking space dimensions and layout shall comply with Figure 17.28.050.A.
 2. The surface of all parking lots, parking spaces, drives, aisles and maneuvering areas shall be asphalt or concrete. Striping is required and must be maintained to define spaces and assure safe traffic flows. In the instance where no public access to the lot is paved, the lot may remain gravel (providing bumper guards or wheel stops are in place to define each space) and the lot is paved within six months of the time that any point of public access is paved.
 3. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential districts or uses should be designated to minimize disturbance of residents by the erection of sight-obscuring fence of not less than five feet nor more than six feet in height, except where vision clearance is required.
 4. Parking spaces along the outer boundaries of a parking lot should be contained by a curb or wheel stops at least four inches high and set back a minimum of four feet from any sidewalk line, or be contained by a bumper rail set back a minimum of one foot from any sidewalk.
 5. Artificial lighting shall be provided in commercial and industrial zones and residential complexes with more than six
- units, and should be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.
6. Interior access lanes should be of sufficient width for all vehicle turning and maneuvering.
7. Except for dwellings, parking spaces should be located and served by a driveway so that their use will require no backing movements or other maneuvering within a street right of way other than an alley.
8. Service drive to off-street parking areas should be designed and constructed to facilitate the flow of traffic, and provide maximum safety for pedestrians and vehicular traffic on the site.
9. The overhang dimension may be exempt from the paved area if bumper guards are provided.
10. Self-storage or mini-warehouse: These and similar facilities shall provide a paved access and maneuvering aisle between buildings a minimum of twenty-four feet in width. Where access to units is only on one side of the aisle, the aisle may be twenty feet in width. No off-street parking is required unless as required for an accessory use (i.e. office).
11. Handicap parking spaces shall be thirteen feet wide. Two 10-foot-wide spaces, side by side, may utilize a common three-foot access aisle between them. Handicap parking shall be provided for all commercial and industrial uses and residential uses which are handicap occupied at the following rate:

Total Parking Handicap Spaces	Required	Required
2 through 10	1 handicap space	
11 through 50	2 handicap spaces	

One additional handicap space per 50 additional required spaces (or in-action thereof)

12. All parking lots in residential districts shall be appropriately landscaped to blend the parking use unobtrusively into the residential neighborhood.

B. Completion Time for Parking Lots. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the city engineer. (Ord. 25-1991 § 26; Ord. 38-1988 §§ 4,5; prior code § 17.20.030(H)M)

17.28.060 Drive-through facilities.

A. Any use permitted in a zoning district which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles, or which allows products to be consumed on the premises outside the principal building, and which is not subject to the special review provisions of Chapter 17.24 or is not a part of a planned unit development under Chapter 17.16, must submit a site plan, including screening, to be reviewed and approved by the planning commission.

B. In reviewing and approving the site plan for such a use, the planning commission must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

1. Arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized; and

2. Arranged so as to avoid hazardous or adverse effects on adjacent sites and streets.

C. Automobile stacking lanes for drive-through uses shall be reviewed and approved by the planning commission. A site plan must

be submitted with a request for approval conforming to criteria as follows:

1. Restaurants shall provide ninety feet behind each order and pick-up window, or, if the functions are separated, thirty feet behind an order board and sixty feet behind the pick-up window.

2. Financial institutions and financial transactions facilities (i.e. bill payment windows) shall provide seventy feet behind each window or transfer facility. Where more than one window or transfer facility is provided, the stacking lanes may be distributed in twenty-foot increments among the various lanes as long as no lane is less than thirty feet in length.

3. A car wash shall provide forty feet behind each bay or stall.

4. A liquor shop, video rental, cleaners, etc., shall provide forty feet behind each transaction point.

5. The minimum width of a drive-through lane shall be nine feet.

6. Required drive-through lanes shall not intersect with pedestrian building access.

D. A driveway (not within public right of way) designed for continuous forward flow of vehicles for the purpose of loading and unloading passengers at a convenient access to facilities such as schools, theaters, hospitals, and children's day care centers, shall be provided in all residential districts. Such facilities located in general commercial central business or industrial districts shall be reviewed by the planning commission for safe pedestrian and vehicle traffic flow. (Ord. 25-1991 §§ 5,27)

17.28.070 **Parking and storage of recreational vehicles and equipment.**

A. 1. Recreational vehicles shall not be parked or stored in any public right-of-way, or on private property, in a manner or place which obstructs vision clearance zones as determined by the police department on the basis of the obstruction creating a traffic hazard as specified in Section 17.20.200. Parked or stored recreational vehicles shall be secured in a manner to prevent any movement while unattended.

2. Recreational vehicles, parked or stored outside a commercial RV park or trailer park, may not be used for sleeping or housekeeping except for short periods of time such as during the visit of friends and relatives providing the visit does not extend beyond two weeks and proper health and safety precautions are taken.

B. "Recreational equipment" means apparatus which does not travel independently on public rights-of-way but must be hauled or transported, including but not limited to boats, horse trailers, utility trailers, snowmobiles and similar equipment. Such equipment and apparatus must be parked or stored on private property no closer than fifteen feet from any public street and secured in a manner to prevent any movement while unattended.

C. Compliance with this section shall be required six months following the effective date of the ordinance codified in this section. (Ord. 12-2001 § 3; Ord. 25-1991 § 28)

17.28.080 **Parking and storage of commercial vehicles and mobile machinery in residential zone districts.**

A. Except as provided in subsections B,C,D and E of this section, no commercial

vehicle, and no item of mobile machinery weighing more than one and one-half tons gross weight, shall be parked or stored on any lot in any residential district.

B. Commercial vehicles and mobile machinery used in or in support of construction or maintenance projects occurring on one or more adjacent or contiguous residential lots may be parked or stored on the site of such project during the course of the project; provided that all required permits for such project have first been obtained and are in full force and effect and that the project is being diligently pursued toward its conclusion.

C. Commercial vehicles and mobile machinery may be parked or stored inside of garages or inside of other similar, fully-enclosed and covered accessory structures on lots within residential districts. This subsection shall not be construed to authorize any person to repair or to perform mechanical, maintenance or body work on any such commercial vehicle or mobile machinery, or to allow others to perform such work, if the performance of such work at such location would violate any other provision of this title.

D. All types of commercial vehicles may be parked on the paved portions of parking lots serving legally-established convenience stores located in any R-5 zone district for purposes related to the business of the convenience store and for periods not to exceed eight (8) hours in any twenty-four (24) hour period. In addition, one or more buses used or capable of being used to transport passengers may be parked or stored on the paved portions of parking lots serving legally-established convenience stores located in any R-5 zone district; provided that such buses must be operational, licensed and insured; and

further provided that such buses must be owned by or leased to the owner or operator of the convenience store. If buses are stored on a convenience store parking lot, they must be stored in such a manner that the minimum number of off-street parking spaces required for the convenience store under chapter 17.28 of this code will be available to serve the convenience store when it is open for business.

E. School buses used to transport students to and from schools and for other educational purposes may be parked or stored on property owned or controlled by a school or school district, including school sites and maintenance facilities that are used for or in support of educational purposes; and church-owned buses regularly used to transport church members to and from church services and functions may be parked or stored on church parking lots.

F. No vehicle used to haul, transport or carry flammable liquid, explosives or hazardous materials shall be parked or stored anywhere on any lot within any residential district. (Ord. 12-2001 § 4)

- 17.30.080 General requirements.
- 17.30.090 Nonconforming signs.
- 17.30.100 Outdoor advertising--License and insurance required.
- 17.30.110 Permits and licenses--Revocation conditions.
- 17.30.120 Awnings, barberpoles and mailboxes.
- 17.30.130 Abandoned signs.
- 17.30.140 Unsafe signs.
- 17.30.150 Nuisance maintenance prohibited.
- 17.30.160 Liability for damages.
- 17.30.170 Administration.
- 17.30.180 Appeal.
- 17.30.190 Violation--Penalty.
- 17.30.200 Billboard free zones.

17.30.010 Purpose.

A. It is declared to be the purpose of the city council in passage of this Chapter 17.30 to control and regulate the existing and future use of signs situated anywhere within the city in order to protect and promote the health, safety, welfare and aesthetic interests of the people of the City. The city council finds and declares that the enactment of this chapter is necessary to further the following municipal interests:

- 1. Promotion of safety upon all highways, streets and roads within the city;
- 2. Promotion of public pride and spirit within the city;
- 3. Preservation and enhancement of the natural and scenic beauty of the city;
- 4. Broadening the economic well-being and general welfare by attracting to the city tourists and other travelers;

Chapter 17.30 SIGNS

Sections:

- 17.30.010 Purpose.
- 17.30.020 Definitions.
- 17.30.030 Permit required--Application fees.
- 17.30.040 Signs for which no permit is required.
- 17.30.050 Prohibited signs.
- 17.30.060 Sign classifications.
- 17.30.070 Signs in residential districts.

5. Providing the traveling public with information as to necessary goods and services in the city and its surrounding areas;

6. To provide for eventual replacement or removal of nonconforming signs, but in a manner intended to minimize financial impact upon and inconvenience to those whose signs will become nonconforming as a result of the enactment of this ordinance;

7. The establishment of limitations or controls on signs within the city which are as stringent or more stringent than those imposed by the state of Colorado to the extent that such limitations or controls do not jeopardize receipt by the state of Colorado of its full share of federal highway funds, and to that end, it is the purpose and intent of the city council that no provision of this chapter shall be enforced to the extent that the enforcement of such provisions would jeopardize receipt by the state of Colorado of its full share of federal highway funds.

B. The city council further finds and declares that this chapter, taken as a whole, represents a balancing of the above-stated substantial municipal interests. (Ord. 12-1991 § 3 (part))

17.30.020 Definitions.

The definitions in Chapter 17.08 of this code shall apply to this section. The meaning of certain additional words and phrases as used in this section shall be as follows:

“Abandoned sign” means any sign promoting any business, interest or activity which has been inactive or discontinued for a period of time in excess of ninety days.

“Alteration” means any change, modification or addition to the structure of any sign, with the exception of a nonmaterial

alteration such as simple maintenance and refurbishing of an existing message.

“Animated sign” means any sign or part of a sign which changes physical position by any movement, rotation, or change in lighting.

“Area” means the greatest number of square feet of sign exposed to public view on either face thereof; provided, that when the faces exposed to view of any sign are more than thirty inches apart at any place, all faces shall be included in calculating the area thereof.

“Banner” means a flexible material (e.g. cloth, paper, vinyl, etc.) on which a sign is painted or printed.

“Billboard sign” means an “off-site,” freestanding sign at least one hundred square feet in area which advertises a business, product, service or event or contains a message not appurtenant to a business or activity which is located or conducted within Fremont County.

“Electrical sign” means a sign or marquee illuminated by the use of electrical current.

“Flagging, streamers and pennants” means a continuous length of cord or other similar material to which long, narrow flags or pennants are attached, for the purpose of attracting attention to a business or location.

“Flashing sign” means any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color by any means.

“Freestanding sign” means a detached sign which is supported by one or more columns, uprights, poles, or braces extended from the ground, or a detached sign which is erected on the ground, provided that no part of the sign is attached to any part of the building, structure or other sign.

“Height,” where applied to signs, means the distance from grade to the top of the sign structure, as erected, in a vertical line.

“Marquee/canopy sign” means a permanent roofed (covered) structure which may be attached to and supported by a building, and which may project over public property, including any object or decoration attached to, or a part of, such structure.

“Owner, business” means the person actively conducting the business for which the signs or marquee is in use.

“Owner, property” means the owner of the land upon which any sign structure is located.

“Owner, sign” means the person owning the structure upon which any message is displayed and intended to capture the public attention.

“Off-site sign” means any sign which is not directly related to the business operation or other commercial activity being conducted on the site upon which the sign is located.

“Parcel” means, for purposes of this chapter, one or more adjacent lot(s) or tract(s) of land under common ownership and occupied by a single principal structure or use.

“Permanent sign” means any sign which is permanently affixed or attached to the ground or to a structure.

“Portable sign” means any sign which is not permanently affixed to a building, structure, pole or the ground, including, but not limited to banners, A-frame or sandwich board signs.

“Projecting sign” means a sign or marquee affixed to and projecting from any building or structure.

“Roof sign” means any sign which is erected or constructed wholly upon and/or over the roof of any building and supported on the roof of the structure. Freestanding signs

which pass through an overhang roof or canopy shall be considered roof signs.

“Sign” means any display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended, or used to advertise, promote the interest of any person, or to give information in the nature of advertising and being in public view.

“Sign enforcement officer” means the city employee(s) appointed by the city administrator to administer and enforce the provisions of this section.

“Structure” means that which is erected or constructed with a fixed location from the ground above grade, any piece of work artificially built up or composed of parts joined together in some definite manner, excluding poles, cables or other transmission or distribution facilities of public utilities.

“Thickness” means the greatest distance between outer surfaces of any two faces of a sign exposed to public view.

“Trailblazing sign” means a sign used in conjunction with a “tourist oriented directional sign” which is necessary to ensure that motorists do not immediately become lost after exiting the highway.

“Wall” means, for purposes of this chapter, an exterior surface of a building which has a slope of greater than sixty degrees from the horizontal plane.

“Wall sign” means a sign which is painted on or fastened to the wall or parapet of a building or structure in such a manner that the wall becomes the supporting structure or forms the background surface of the sign.

“Width” means the distance overall, side to side, in a horizontal line of a sign or marquee, as erected.

“Electronic message sign” means an automated sign, which may be programmed by computer, using moving illuminated words or graphics. (Ord. 11-1997 § 1; Ord. 2-1997 §§ 1, 2; Ord. 20-1993; Ord. 12-1991 § 3 (part))

17.30.030 Permit required-- Application fees.

A. Except as otherwise provided in this chapter, no sign shall be erected, replaced or altered unless a permit shall have first been issued therefore. Permits shall be issued by the engineering department with the approval of the sign enforcement officer.

B. Permit fees shall be as set forth in the schedule of fees in Section 17.44.040 of this code, with the same force and effect as if set forth herein in every particular, with the following exceptions:

1. The fee for portable signs, flagging, streamers and pennants shall be ten dollars at the time of the initial permit, and an annual renewal fee of five dollars. No fee shall be charged in the case of the replacement of a permitted portable sign, for which the applicable fee has been paid, with another portable sign of the same design and dimension.

2. There shall be no fee for a permit for any portable sign which is to be displayed for a period of thirty days or less annually.

Council may from time to time amend the fee schedule for permits by resolution.

C. Applications for permits to erect, replace or alter signs shall be made in writing on forms provided by the engineering department and shall contain at least the following information:

1. Sign owner's name, address and phone;

2. Property owner's name, address and phone;

3. Address and legal description of the land on which the sign is built, proposed to be built, or attached;

4. Name and address of the person responsible for erection and maintenance of the sign;

5. The structural features and, where appropriate, the lighting layout of the sign including detailed plans and specifications;

6. A plot plan drawn to scale with accurate dimensions showing the location of the proposed sign relative to property lines and to other significant features on the site, including but not limited to, existing and proposed structures, existing signs, landscaping, utility poles and pedestrian and vehicle traffic patterns on the site;

7. Manufacturer's installation literature showing how the sign is to be anchored and attached to the building, post, ground or other support, showing that wind loads and the structural integrity of the sign supports have been addressed. In the absence of manufacturer's literature the sign enforcement officer may require that the sign and its supports be designed by a registered professional engineer licensed to do work within the state of Colorado;

8. A description of the use(s) occupying the site and the message proposed to be displayed on the face of the sign;

9. Any other information which may be determined by the sign enforcement officer as necessary to show full compliance with this chapter and all the other laws and ordinances of the city.

D. The sign enforcement officer shall reject any application which is not prepared and submitted in compliance with the

provisions of this chapter or that describes a sign which, when erected, would not be in compliance with the provisions of this chapter.

E. No permit will be issued for any sign located within the jurisdiction of the Colorado Department of Highways until documented approval has been received that such sign meets state requirements.

F. If the work for which a sign permit is granted is not completed within sixty days from the date said permit was issued, the permit, unless renewed, shall become void. A permit may be renewed one time upon submission of a written application for renewal made not later than seventy days after the issuance of the original permit and payment of a five dollar renewal fee. (Ord. 3-1995; Ord. 20-1993; Ord. 12-1991 § 3 (part))

17.30.040 Signs for which no permit is required.

No permit shall be required to erect or maintain the following signs:

A. Professional signs and name plates, not more than two square feet in area as long as the sign is not in violation of any other requirement of this chapter;

B. Signs painted on walls of buildings or other structures in a craftsmanlike manner for information or direction, which advertise only the business or other activities conducted on the premises on which the sign is placed, provided that the area of any such painted signs shall not exceed thirty percent of the total square foot area of the wall upon which the sign is painted;

C. Signs advertising a property for sale or rent, including real estate company signs, provided that such signs conform to the general requirements, as set forth in Section 17.30.080. Such sign shall be limited to ten square feet in area. The supporting structure shall be limited to six feet in height. Such signs shall be removed within ten days after completion of the transaction;

D. Signs placed inside of a building provided that all such signs meet the requirements of the Uniform Building Code and Uniform Fire Code;

E. Signs, excepting illuminated signs, which are imbedded or set into the exterior wall of a building or are flush with the building wall;

F. Official signs, traffic signals and signs, municipal signs, curb markings, danger signs, emergency signs and legal notices may be placed by responsible persons upon approval of the city administrator;

G. Yard sale signs (see Section 17.20.220);

H. Political campaign signs which do not exceed six feet in height and sixteen square feet in area.

These signs shall not be erected earlier than six weeks prior to the election and shall be removed within five days after the election;

I. Informational and directional signs such as "Entrance," "Exit," "No Trespassing"

signs not exceeding five square feet in area and which do not project into the public right-of-way;

J. Signs which are painted on, or attached to, a vehicle relating to the business, activity, use, service or product of the owner or to the sale of the vehicle, and which are clearly incidental to the primary use of the vehicle;

K. Signs at construction sites which do not exceed thirty-two square feet in area and six feet in height. Such signs may be displayed only for an announcement period of sixty days prior to, and for the duration of, construction;

L. Signs, banners, flags, balloons and similar visual attractions in conjunction with carnivals, street fairs or other special events, conducted in compliance with the city code and approved by the city administrator. Any sign so approved shall be subject to such requirements and limitations as the city administrator may impose. (Ord. 5-2002 § 4; Ord. 2-1997 § 4; Ord. 20-1993; Ord. 12-1991 § 3 (part))

17.30.050 Prohibited signs.

All signs listed and described below are expressly prohibited within the city:

A. Flashing or intermittently lighted signs and signs which are animated with lights or illuminations which flash, move, rotate, blink, flicker, or vary in intensity or color or which may be confused with traffic control devices or emergency vehicles. Signs which provide time, temperature and date information, and electronic message signs in conjunction with stacking lanes in drive-through facilities, may be allowed by resolution of city council, provided that such signs conform to all other requirements of this chapter;

B. Any sign which due to size, color, shape, location or message is likely to be confused with any official protective or warning signs, such as stop signs and yield signs;

C. Any sign which causes any direct glare into or upon any residential building or premises located within a residential zone district, other than the building or premises to which the sign is attached;

D. Any sign which obstructs a window, door, fire escape, stairway, ladder, or openings intended to provide light, air, ingress or egress to or from any building as required by law;

E. Any sign of such size or located in such a manner as to cause a physical or visibility hazard to the movement of vehicles or pedestrians, or obstruct or interfere with the view of traffic signs, signals or other safety devices located along or upon a public right of way;

F. Roof signs which project above the highest point of a building, excepting where the height of the sign from grade level is less than twenty-five feet;

G. Signs along highways as defined in Section 43-2-101(1) C.R.S., 1973, as amended, and signs along the interstate system of highways as defined in Section 43-2-101(2) C.R.S., 1973, as amended, which fail to conform with all of the requirements of the Outdoor Advertising Act, Part 4 of Article 1 of Title 43, C.R.S., 1973, as amended, and all rules and regulations promulgated by the state of Colorado Department of Highways pursuant thereto; provided however, that if any of the provisions of this chapter are more restrictive, the provisions of this chapter shall control;

H. Any off-site sign, the face of which is greater than thirty-two square feet in area;

I. Any sign which is not anchored or attached to a structure, the ground, a pole, or other device in a manner which will insure that the sign will be stable under wind effects determined in accordance with the requirements of Section 2311 of the Uniform Building Code and amendments thereof;

J. Any sign which is designed to emit a noise or sound intended to draw attention or to capture the interest of the public, or which inadvertently emits sound and noise which can be detected more than one hundred fifty feet distant from the sign location;

K. Any sign, number, name or disfiguring mark of paper or other fabric pasted or otherwise fastened, painted, stenciled, or written on any sidewalk, curb, gutter or street, or on any post, pole or elsewhere beyond the building line, or to any other sign, porch, building, fence or other structure, with the exception of address numbers on curbs, unless sanctioned by the provisions of this title; nor shall any of the said objects be defaced in any other manner. The placement of address numbers on curbs shall not relieve the owner or occupant of any building from the requirement to place address numbers in a conspicuous place on or above the front door of the building, as set forth in Section 12.24.090 of the municipal code;

L. Any sign not specifically prohibited elsewhere under this Section 17.30.050 which fails to satisfy the requirements of, or exceeds the limitations or restrictions set forth at Section 17.30.060 regarding sign classifications, Section 17.30.070 regarding

signs in residential districts and/or Section 17.30.080 regarding general requirements;

M. Any sign erected prior to September 11, 1991 which, when erected, failed to conform to the requirements of the Cañon City Municipal Code in effect at the time such sign was erected. (Ord. 11-1997 § 2; Ord. 9-1994; Ord. 12-1991 § 3 (part))

17.30.060 Sign classifications.

A. Freestanding Signs.

Area. The allowable area of a free-standing sign shall be a maximum of one hundred square feet of sign area for signs located in the general commercial and industrial districts and up to a maximum sign area of thirty-two square feet in the central business district.

Height. The maximum height of a freestanding sign shall not exceed twenty-five feet for signs located within the general commercial and industrial districts and to a maximum height of twelve feet in the central business district. The height of a freestanding sign may be increased to thirty-five feet on a commercial or industrial lot where the property line of the parcel nearest to an arterial street is in excess of two hundred feet from such arterial street.

Number. Only one freestanding sign shall be allowed on a parcel of land having less than twenty-five thousand square feet of area. Two freestanding signs will be allowed on parcels of land having twenty-five thousand or more square feet of area. In the instance of a second business located on a single parcel, a secondary freestanding sign may be allowed with a maximum height of twenty feet and a maximum face area of fifty square feet.

B. Marquee/Canopy Signs.

Area. The allowable sign area shall not exceed thirty-two square feet per business.

Height. Signs upon a marquee or canopy shall not extend above the highest point of the marquee or canopy.

C. Projecting Signs.

Area. The allowable area of a projecting sign shall not exceed thirty-two square feet.

Height. Projecting signs shall be erected so that no part of the sign is less than ten feet above a sidewalk or grade directly beneath the sign. No projecting sign shall extend above the roof of the building at the point where it is attached.

Projection. The maximum projection of the sign, its supports and appurtenances, shall not exceed twelve feet from the face of the building to which it is attached except in the central business district, where the buildings are constructed upon the property line abutting public right of way, where the projection of the sign, its supports and appurtenances, shall not exceed six feet from the face of the building to which it is attached.

Number. Only one projecting sign shall be allowed per business. Several businesses may advertise on one common projecting sign provided the maximum area allowed for a single projecting sign is not exceeded.

Construction. All projecting signs, including frames, braces, supports and ornaments, shall be made of noncombustible materials.

D. Roof Signs.

Area. The allowable area of a roof sign shall not exceed thirty-two square feet. In the absence of any freestanding sign on the parcel, a roof sign may be allowed up to one hundred square feet in area.

Height. Roof signs shall not project above the highest point of a building, except where

the maximum height of the sign from grade level is less than twenty-five feet.

Number. Only one roof sign shall be allowed per structure.

Construction. All roof signs, including frames, braces, supports and ornaments, shall be made of noncombustible materials.

Note. Freestanding pole signs that pass through an overhang roof or canopy are considered roof signs.

E. Portable Signs.

Area. The allowable sign area shall not exceed thirty-two square feet.

Height. The maximum height of a portable sign shall not exceed eight feet, except in the case of a banner attached to the wall of a building, in which case the maximum height shall not extend above the eave line of the building, or twenty-five feet above grade level, whichever is less.

Number. Only one portable sign shall be allowed on a parcel of land having less than twenty-five thousand square feet in area. In the case of a parcel of land having more than twenty-five thousand square feet in area, two portable signs shall be allowed, or one sign shall be allowed for each street on which the parcel fronts, whichever is greater.

Location. No portable sign shall be placed in such a manner as to obstruct the flow of traffic on the property, or otherwise constitute a safety hazard.

Additional Limitations. Any portable sign placed upon any property shall be securely anchored to the ground, a building or other structure, or a pole or poles, to prevent accidental movement of the sign by wind, or deliberate movement of the sign by anyone other than the sign owner, in a manner to be approved by the sign enforcement officer. Any portable sign for which a permit has been

issued may be replaced by a similar portable sign during the year for which the permit was issued, providing that all requirements set forth herein are met by the replacement sign. Permits for portable signs, with the exception of those displayed for thirty days or less per calendar year, must be renewed annually.

F. Wall Signs.

1. Area. The allowable area of wall signs attached to structures shall be a maximum of one hundred square feet per wall. The maximum sign area allowed per wall may be increased by an additional fifty square feet in the absence of any freestanding sign on the parcel. As an alternative to the foregoing, in the instance of a multi-use structure with individual signs, the wall sign area per use shall not exceed thirty-two square feet.

2. Height. No wall sign attached to a structure shall project above the highest point of the building, excluding roof top mechanical structures, chimneys, elevator shafts, ventilators or other such facilities. Electrical signs on raceways shall be at least seven feet, six inches above any sidewalk or pedestrian walkway.

3. Number.

a. Each wall shall be allowed an attached wall sign and a painted wall sign but the area of the attached wall sign shall never exceed one hundred square feet and the two together shall not exceed one hundred fifty square feet.

b. See Section 17.30.040 B, painted wall signs for which no permit is required.

4. Projection from Wall. Wall signs may project no more than twelve inches from the building or structure, except that electrical signs on raceways which are at

least seven feet, six inches above any sidewalk or pedestrian walkway may project no more than eighteen inches from the building or structure.

G. Flagging, Streamers and Pennants.

Length. The total length of any flagging, streamers and/or pennants shall not exceed the length of the perimeter of the parcel of land upon which it is to be displayed.

Height. No flagging, streamers and/or pennants shall be attached to any poles or buildings at a height greater than twenty-five feet.

Additional Limitations. Any flagging, streamers or pennants which become worn or tattered with age, or by the wind, shall be promptly removed or replaced by the property owner, upon notification by the sign enforcement officer. (Ord. 2-1997 § 3; Ord. 20-1993; Ord. 12-1991 § 3 (part))

17.30.070 Signs in residential districts.

A. Except as provided in this section, no signs are permitted in residentially zoned districts.

B. Within residentially zoned districts, permanent signs shall be permitted for churches, nursing homes and medically related uses or for schools, multifamily dwellings, townhouses, bed and breakfast facilities, planned unit developments or subdivisions only. Such signs shall not be a means of advertisement but shall be for purposes of identifying a location, as an address identifies a specific property, and shall be subject to the following limitations and restrictions:

1. One sign shall be permitted to be placed in the front yard or in the side yard of a corner lot. No such sign shall be placed within

five feet of any lot line or right-of-way line. Placement of such signs shall be subject to other provisions of this title pertaining to vision clearance areas.

2. Such signs may be illuminated, providing the lamp is so deflected or subdued as to not shine or create glare beyond the boundary of the property on which the sign is located.

3. Such signs shall not exceed forty-eight inches in height and ninety-six inches in length, exclusive of supporting structure, which supporting structures shall be only so large as is reasonably necessary for the purposes of safely supporting the sign permitted hereby, but in no case to exceed eight feet in height.

4. Such signs may be affixed to, or designed as a part of, the exterior of a building or extension thereof, providing they are an unobtrusive, attractive and craftsmanlike fixture suitable in a residential neighborhood.

C. No portable sign shall be placed in any residential zone with the exception of signs advertising the property for sale or rent, either by an individual or a real estate company, yard sale signs, political campaign signs, informational and directional signs, construction signs and signs in conjunction with special events. All such signs must be in compliance with all other applicable provisions of this chapter.

D. Signs in conjunction with home occupations which meet the regulations in Chapter 17.20 shall be permitted in residential districts. (Ord. 13-2003 § 1; Ord. 5-2002 § 5; Ord. 20-1993; Ord. 12-1991 § 3 (part))

17.30.080 General requirements.

The following requirements shall apply to all signs which are located within the city:

A. No sign shall be erected, constructed, maintained or altered within the city in violation of the code of Cañon City, including but not limited to this chapter.

B. Proper vision clearance shall be provided at all times. No sign or its support structure shall be located closer than five feet from the property line. When a sign is located at or near the intersection of streets, alleys or other points of vehicular ingress/egress, in addition to the five foot setback described above, no sign or sign support structure shall be located within the area created by measuring fifteen feet from the property corner parallel along the public way each direction and striking a diagonal line.

C. No sign shall project past the property line except in the central business district and no sign in the central business district shall project into that portion of any right of way designated for vehicular traffic.

D. No sign of any type shall be erected or placed so as to obstruct any necessary egress in case of fire.

E. No sign shall be erected or maintained which has less vertical or horizontal clearance from communication or electrical power lines than that required by the state electrical code or the supplying utility. It shall be the responsibility of those erecting any sign to ensure that the applicable requirements are met.

F. All exterior signs shall be designed and constructed to resist the wind effects determined in accordance with the requirements of Section 2311 of the Uniform

Building Code and amendments thereto as adopted by the city council.

G. The owner of any sign or structure regulated by this chapter shall keep the same in good repair and properly painted whenever the sign or structure has painted parts, and shall keep all metal parts and supports thereof that are not galvanized or made of rust-resistant metals properly covered with paint. (Ord. 12-1991 § 3 (part))

17.30.090 Nonconforming signs.

A. Definition. A nonconforming sign shall be any sign which on the effective date of this chapter was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior ordinance pertaining to or regulating signs, but which sign does not conform to the limitations established by this chapter.

B. Continuance. Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and be maintained after the effective date of this chapter; provided, however, that no such sign shall be changed in any manner that increases the nonconformity of such sign with the provisions of this chapter.

C. Termination of a nonconforming sign shall take place upon:

1. Structural change to any nonconforming sign, however the message and/or pictorial content may be changed.

2. Structural alteration to prolong the life of the sign, except to meet safety require-

ments.

3. Alteration or expansion in any manner which increases the degree of nonconformity
4. Damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the value of the sign structure prior to being damaged.
5. Abandonment of the structure housing the occupancy for which the sign is in use for longer than ninety (90) continuous days.
6. Abandonment of a nonconforming sign shall terminate immediately the right to maintain such a sign.
7. Any violation of this chapter shall terminate immediately the right to maintain such sign. (Ord. 12-1991 § 3 (part))

17.30.100 Outdoor advertising-- License and insurance required.

A. No person, firm or corporation shall engage in the business of erecting, constructing, repairing or altering outdoor signs within the city without a license from the city authorizing such person to carry on such business within the city. Such license shall be issued for annual periods by the city clerk upon application therefor and payment of a license fee of twenty-five dollars per year. Such license shall expire on December 31 of the year of issuance.

B. Persons holding a valid general contractor's license with the city shall not be required to obtain a separate license under this chapter to construct, erect, or repair a sign.

C. Any person desiring to engage in the business of erecting, constructing, repairing or altering outdoor signs within the city shall post with the city, prior to doing any work, certification of either types of general liability

insurance with minimum coverage and description as outlined below:

1. Split limit liability. A limit of liability of not less than one hundred thousand dollars for each occurrence and three hundred thousand dollars aggregate of bodily injury liability, and one hundred thousand dollars for property damage liability; or
2. Combined single liability. A limit of liability of not less than three hundred thousand dollars aggregate for all bodily injury or property damage combined.
3. Said types 1 and 2, as described above are to be at the option of the contractor.
4. All binders, certificates or other tendered proof of liability insurance coverage shall be approved by the city attorney. All insurance policies required in this section shall include complete coverage for the license period. Such proof of insurance shall contain a clause that the city shall be notified by the insurer not less than thirty days prior to any material change in the policy or of the cancellation of the policy.

D. Any wiring, except that built into the sign, must be performed by an electrician licensed by the state of Colorado and in compliance with the requirements of applicable codes. (Ord. 12-1991 § 3 (part))

17.30.110 Permits and licenses-- Revocation conditions.

A. Permits issued pursuant to this chapter may be revoked by order of the sign enforcement officer after determination that any sign for which a sign permit had been issued was not constructed, or is not being constructed, according to the requirements of this chapter.

B. Any license issued pursuant to this chapter may be revoked by council after a

hearing by request of the city administrator and pursuant to reasonable notice to the licensee, if it can be shown that the licensee refuses, fails, or neglects to correct or remove, within ten days from notice of rejection by the sign enforcement officer, any faulty or defective sign erected by such licensee which does not comply with the provisions of this chapter. (Ord. 12-1991 § 3 (part))

17.30.120 Awnings, barberpoles and mailboxes.

A. Awnings supported by metal frames securely fastened to a building may extend over a sidewalk a distance not to exceed two-thirds of the width thereof to a maximum distance of five feet from the building. No part of any awning frame shall be less than seven feet six inches above the sidewalk, and no curtain or fringe suspended from the frame shall be less than seven feet above the sidewalk. Awnings installed shall meet all requirements as set forth in the current edition of the Uniform Building Code as adopted by the City of Cañon City. Signs on awnings shall be treated as wall signs.

B. Barberpoles and mailboxes attached to a building may be placed over the sidewalk not more than one foot from the property line. (Ord. 12-1991 § 3 (part))

17.30.130 Abandoned signs.

Abandoned signs for which a permit is required but which are not deemed unsafe and abandoned signs painted upon buildings shall be altered by concealing from view, or removal of, any and all messages. At such time as the sign may again be put to use, a permit shall be obtained and said sign shall be brought into full compliance with the

requirements of this chapter. Signs which are abandoned by virtue of the seasonal nature of the business it advertises may remain in place with a "closed for the season" statement across the face of the sign. (Ord. 12-1991 § 3 (part))

17.30.140 Unsafe signs.

A. Any sign existing on the effective date of the ordinance codified at this chapter which shall be dangerous to life or property or create a fire hazard, shall be and be deemed an unsafe sign and upon written notice from the building inspector and within five days thereafter, a sign owner shall cause any unsafe or insecure sign to be removed. Upon failure of the owner of the sign to remove such sign, the city may do so.

B. In any case where an inspection reveals that any sign is imminently dangerous to the public, the building inspector, with the concurrence of the city administrator, may order its immediate removal by verbal communication to the owner. Failure to remove a sign determined to be imminently dangerous within twenty-four hours, may result in removal of same by the city.

C. In any instance where the city is forced to remove a sign to insure public safety and welfare, the cost of such removal shall be borne by the owner of the sign or the owner of the property upon which the sign is constructed or both. (Ord. 12-1991 § 3 (part))

17.30.150 Nuisance maintenance prohibited.

A. Any sign erected after September 11, 1991, with respect to which a required permit has not been issued or which is otherwise in violation of the provisions of this chapter,

shall be and be deemed a nuisance, and upon notice by the city to the owner, such nuisance shall, within five days of receipt of such notice, be abated by the owner by removal of the sign or changing, altering, or repairing the same to conform to the provisions of this chapter.

B. The code enforcement officer may extend the time allowed for abatement of the nuisance up to an additional ninety (90) days upon receipt of a written certification by the sign owner that the nuisance will be abated. Forms for such certification will be provided by the city. (Ord. 12-1991 § 3 (part))

17.30.160 Liability for damages.

Nothing herein contained shall be construed to relieve any person from his liability to any other person for damages sustained by such other person by reason of negligence in constructing, erecting or maintaining any sign. (Ord. 12-1991 § 3 (part))

17.30.170 Administration.

A. The city council of the City of Cañon City may from time to time by resolution adopt rules and regulations pertaining to the interpretation, administration and enforcement of the provisions of this chapter and all such rules and regulations so adopted shall become binding and enforceable upon the effective date of any such resolution.

B. All rules and regulations promulgated with respect to this chapter shall be made available for inspection and copying by members of the general public upon request during normal business hours of the city. (Ord. 12-1991 § 3 (part))

17.30.180 Appeal.

Appeals of interpretations of this chapter or decisions of the sign enforcement officer may be made to the board of adjustment in the manner and in accordance with the procedures set forth in Chapter 17.36 of this title. (Ord. 12-1991 § 3 (part))

17.30.190 Violation--Penalty.

It is unlawful for any person, firm or corporation to erect, maintain, replace or alter any sign in the city, or permit the same in violation of any of the provisions of this chapter. Any violation of the provisions of this chapter shall be punishable in accordance with the provisions of Section 17.44.050 of this title. (Ord. 12-1991 § 3 (part))

17.30.200 Billboard free zones.

All land within the city limits; of the City of Cañon City is designated a billboard free zone. Billboard signs are prohibited throughout the City of Cañon City. (Ord. 12-1991 § 3 (part))

Chapter 17.32 NONCONFORMING USES, STRUCTURES AND LOTS

Sections:

17.32.010 Continuance of use or structure-Conditions.

17.32.020 Completion of earlier construction.

17.32.030 Alteration or extension permitted when.

17.32.040 Discontinuance of nonconforming uses.

- 17.32.050 Termination of nonconforming uses.
- 17.32.060 Changes of nonconforming uses.
- 17.32.070 Destruction of a nonconforming use.
- 17.32.080 Nonconformity following district changes.
- 17.32.090 Nonconforming lots of record.
- 17.32.095 Nonconforming mobile home parks.
- 17.32.100 Uses prohibited under prior zoning ordinance.
- 17.32.110 Limited preservation of certain uses as permitted uses and related structures within R-5 zoning districts.

17.32.010 Continuation of use or structure--Conditions.

Subject to the provisions of Sections 17.32.010 through 17.32.080, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of adoption of the ordinance codified in this title is not an extension of a nonconforming use. (Prior code § 17.28.010)

17.32.020 Completion of earlier construction.

Nothing contained in this title shall require any change in the plans, construction, alteration or designated use of a building for which a building permit has been issued and construction work has commenced prior to the adoption of the ordinance codified in this title, except that if the designated use will be nonconforming it shall, for the purpose of

Section 17.32.040, be a discontinued use if not in operation within two years of the date of issuance of the building permit. (Prior code § 17.28.070)

17.32.030 Alteration or extension permitted when.

A structure conforming as to use but nonconforming as to height, setback or coverage may be altered or extended, providing the alteration or extension does not result in a violation of this title. (Prior code § 17.28.020)

17.32.040 Discontinuance of nonconforming uses.

A. If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use.

B. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.

C. Discontinuance of a residential use in I-1 and I-2 zoning districts for a period of more than one year may be voided and use allowed only upon review as provided under Chapter 17.24 of this title. (Prior code § 17.28.030)

17.32.050 Termination of nonconforming uses.

A. A nonconforming use not involving a structure or one involving a structure having an assessed value of less than five hundred dollars shall be discontinued within two years from the date of passage of the ordinance codified in this title.

B. A use which is nonconforming with respect to provisions for screening shall provide screening within a period of five years

from the passage date of the ordinance codified in this title. (Prior code § 17.28.040)

17.32.060 Changes of nonconforming uses.

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the district and, after change, it shall not be changed back again to the original nonconforming use. (Prior code § 17.28.050)

17.32.070 Destruction of a nonconforming use.

Except that in I-1 and I-2 zoning districts where residential uses may be reestablished upon review as provided under Chapter 17.24 to the same extent as existed prior to destruction, if a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, flood, wind, explosion or act of God to an extent exceeding fifty percent of the cost of replacement of the building, using new materials, a future structure or use on the property shall conform to the provisions of this title. If destruction is determined to be less than fifty percent, restoration must be started within twelve months of such calamity and completed within twenty-four months of initiating restoration. (Prior code § 17.28.060)

17.32.080 Nonconformity following district changes.

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district or a different classification, Sections 17.32.010 through 17.32.080 shall also apply to any nonconforming uses existing therein. (Prior code § 17.28.080)

17.32.090 Nonconforming lots of record.

In any district, permitted structures and customary accessory buildings may be erected on any single lot or parcel of land which exists as a single lot or parcel of land, of record at the time of the adoption of the ordinance codified in this title, notwithstanding limitations imposed by other provisions of this title, if the requirements of this section are satisfied. The provisions of this section shall apply even though such lot or parcel of land fails to meet the requirements for area or width (also see Section 17.20.120), or both, that are applicable in the district in which it is located; provided, that yard dimensions and requirements other than those applying to area or widths, or both, of the lot or parcel of land shall conform to the requirements of this title for the district where located. Variance of yard requirements shall be granted only through action of the board of adjustment. (Prior code § 17.28.090)

17.32.095 Nonconforming mobile home parks.

A. Mobile Home Parks in the R-5 Zone District. Any mobile home located within a mobile home park in the R-5 zone district which is nonconforming as to setbacks may be replaced with another mobile home, subject to the provisions of Section 17.12.110E of this title, provided that applicable setbacks as shown in subsection C1 of Section 17.12.110 of this title are met.

B. Mobile Home Parks in Other Than the R-5 Zone District. Any mobile home located within a mobile home park in any zone district other than R-5 may be replaced with another mobile home, subject to the provisions of Section 17.12.110 E of this title, provided that

the replacement mobile home does not exceed the length or width of the mobile home being replaced. (Ord. 1-1998 § 10 (part))

17.32.100 Uses prohibited under prior zoning ordinance.

Any prohibited use under the provisions of the zoning ordinance of the city which was repealed by the ordinance from which this title derives, shall not, by reason of such repeal and the adoption of the new ordinance from which this title derives, be considered a permitted nonconforming use under the provisions of this chapter. (Prior code § 17.28.100)

17.32.110 Limited preservation of certain uses as permitted uses and related structures within R-5 zoning districts.

A. Subject to all other applicable requirements of this municipal code, any lot located within an R-5 zone district on July 1, 1998 and continuously thereafter, in addition to all other permitted uses identified in Section 17.12.110 A of this title, shall be entitled to a church or convenience store use as a permitted use, provided that the record owner of each such lot was the record owner thereof on July 1, 1998. Such ownership must be proven to the reasonable satisfaction of the zoning administrator through certified copies of public records or other evidence deemed suitable by the zoning administrator.

B. Lots which do not meet all of the requirements of subsection A of this section shall not have as permitted uses church or convenience store uses, but such uses may be permitted through special review, if enumerated at Section 17.12.110B of this title.

C. A church or convenience store use of a lot within an R-5 zoning district, which is legally established as a permitted use pursuant to subsection A of this section or which is established pursuant to and in accordance with city council's authorization through the special review process provided for at Chapter 17.24, shall in all respects be a conforming use and shall not be subject to the other provisions of this chapter. In addition, all church or convenience store structures legally erected on any such lot in accordance with the requirements of all applicable ordinances, regulations and codes shall not be subject to the other provisions of this chapter. (Ord. 1-1998 § 10 (part))

Chapter 17.36

BOARD OF ADJUSTMENT

Sections:

- 17.36.010 Establishment and organization.**
- 17.36.020 Powers and duties.**
- 17.36.030 Meetings—Rules and proceedings.**
- 17.36.040 Applications for variance.**
- 17.36.050 Appeals.**
- 17.36.060 Hearing procedures.**

17.36.010 Establishment and organization.

A. The board of adjustment is established according to the statutes of Colorado pertaining thereto.

B. The word "board," when used in this chapter, means "board of adjustment."

C. The board of adjustment shall consist of five members who shall be appointed by the city council. The city council may also appoint two alternate members, to serve only in the absence of regular members. Not more than two members (regular and alternate) may be current members of the city planning commission.

D. Appointments to the board of adjustment shall be for a period of three years, except when vacancies occur prior to the expiration of a regular term, they shall be filled in the same manner as regular appointments but shall serve only until the expiration of the term in which the vacancy occurred. To provide some experienced board membership, the terms shall be staggered as follows at the first appointment date following the passage of the ordinance codified in this title (1983): One member shall be appointed

for one year; two for two years; two for three years; thereafter appointments shall be for a period of three years.

E. Members of the board shall elect at the first meeting held each new year from among their members a chairman and vice chairman to serve for a term of one year.

F. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrator charged with the enforcement of this title, or to decide in favor of the applicant any matter upon which it is required to pass under this title or to grant any application for variance permitted under this chapter.

G. The city council shall have the power to remove any member of the board for inefficiency, neglect of duty or malfeasance in office after official public hearing. (Ord. 30-2002 § 1; Ord. 8-1990 (part))

17.36.020 Powers and duties.

A. The board of adjustment shall have the power and duty to:

1. Hear and decide appeals from, and review any order, requirement, decision or determination made by the administrative official charged with the enforcement of this title;

2. Hear and decide, grant or deny applications for variances from the provisions of this title;

3. Hear and decide such other matters as the city council may by ordinance prescribe; and

4. Hear and decide whether a specific use is expressly permitted in a use group.

B. Notwithstanding the foregoing, the board shall not have the power to:

1. Permit uses of land not otherwise allowed in any zoning district by this title; or
2. Review any action or determination of the city council, including but not limited to actions or determinations provided for in Chapter 17.24 (Uses Permitted by Special Review). (Ord. 8-1990 (part))

17.36.030 Meetings—Rules and proceedings.

A. The board shall hold regular monthly meetings on the first Tuesday of each month, providing there is business to conduct. In addition, board meetings may be held at the call of the chairman and at such other times as the board may determine. All meetings shall be open to the public. The chairman, or, if absent, the vice chairman may administer oaths and compel the attendance of witnesses.

B. The board shall adopt written rules and regulations necessary to the conduct of its affairs and in keeping with the provisions of this title.

C. The board shall keep minutes of its proceedings, showing the vote of each member upon each decision, or, if absent or failing to vote, indicating that. When board members have made physical inspection of the applicant's property, or taken other official action, it shall be so noted in the minutes of the appropriate meeting and shall become public record to be immediately filed in the office of the board.

D. Every decision of the board shall be based upon findings of fact and every finding of fact shall be supported in the record of the hearing. All testimony shall be presented publicly. (Ord. 30-2002 §§ 2, 3; Ord. 8-1990 (part))

17.36.040 Applications for variance.

A. Applications for variance shall be on forms furnished by the board and made available to the public at the office of the zoning administrator. Such forms shall be in conformity with the requirements of subsection A of Section 17.44.030. No application shall be accepted which does not contain all of the information required on such forms.

B. All applications must be accompanied by an application fee, as set forth in the schedule of fees in Section 17.44.040 of this code. No application will be accepted for filing until the application fee has been paid.

C. Applications shall be filed with the office of the zoning administrator, and the date such application is filed shall be clearly marked on the application.

D. Hearings on applications for variances shall be conducted in accordance with Section 17.36.060.

E. In determining whether a variance should be granted, the board must consider whether the practical difficulty or unnecessary hardship claimed by the applicant was created by the applicant and take into account the nature of the hardship. No variance shall be granted unless the board makes all of the following findings:

1. That the strict application of this title would result in practical difficulty or unnecessary hardship, unique to the applicant's property, inconsistent with the objectives of this title;

2. That:

a. There are unique or unusual circumstances or conditions applicable to the site of the variance, such as unusual lot size or shape, topography, or other physical

conditions peculiar to the affected property, that do not exist throughout the neighborhood or zone district in which the property is located, or

b. There is a physical handicap affecting an owner of the property or any member of the family of an owner who resides on the property, which impairs the ability of the disabled person to utilize or access the property;

3. That the unique or unusual circumstances or conditions of the property will not allow a reasonable use of the property, comparable with other property in the general neighborhood of the site, in the absence of relief;

4. That the variance to be granted is the minimum variance needed to allow for a reasonable use of the land, building, buildings and/or other structure or structures involved.

5. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property; and

6. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same district.

F. In granting a variance, the board may impose such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this title. The applicant shall be bound by any such conditions and safeguards imposed by the board.

G. Approval by the board on any application for variance shall be effective for six months from the date notice of approval is transmitted to the applicant. If a building

permit is not obtained within that period, the variance shall become null and void.

H. Application for variance from the requirements of the sign code may be considered providing the determination for granting such variance is based upon certain specific criteria. No variance from the requirements or limitations set forth in Chapter 17.30 shall be granted unless the board makes the following findings:

1. That there exists practical difficulties and unnecessary hardships which were not self-created by the applicant. Mere financial hardship claimed by the applicant will not be sufficient grounds to support the granting of a variance.

2. That the strict application of the provisions of Chapter 17.30 would result in undue hardship or practical difficulty inconsistent with the objectives of this title.

3. That there are unusual circumstances or conditions applicable to the site of the variance that do not exist throughout the zone district in which the property is located.

4. That the variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property.

5. That no variance may be granted which will authorize the construction or maintenance of a sign which would endanger the safety of the public in contravention of applicable construction standards or vision clearance setbacks established in this title.

6. That in any instance where a variance may be granted, such variance shall in all cases be granted only to the extent necessary to afford reasonable relief of hardship and any increase to the height of a sign shall be granted only where no other relief can be found. Notwithstanding the foregoing, no

variance shall be granted which results in a deviation of more than ten percent from any standard set forth in Chapter 17.30. (Ord. 30-2002 §§ 4-6; Ord. 4-1994; Ord. 25-1991 § 30; Ord. 17-1991; Ord. 8-1990 (part))

17.36.050 Appeals.

A. Appeals to the board of adjustment concerning any order, requirement, determination or decision made by the administrator charged with enforcement of this title may be submitted by any persons aggrieved or by any official of the city affected by any decision of said administrator.

B. No appeal shall be accepted after thirty days from the date of the order, requirement, decision or determination being appealed. Appeal shall be made by filing with the zoning administrator and with the board a notice of appeal, specifying the grounds thereof and the relief sought by the appellant. The zoning administrator shall then forthwith notify the board of the appeal and transmit to the board all papers constituting the record upon which the action appealed from was taken, together with the original notice of appeal.

C. In order to meet the filing requirements set forth in subsection B, the applicant shall file an original and one copy of the notice of appeal with the office of the zoning administrator. The date such original and copy are accepted for filing shall be clearly marked on each.

D. All notices of appeal shall be accompanied by an application fee, as set forth in the schedule of fees in Section 17.44.040 of this code. No such notice or application shall be accepted for filing until the application fee is paid.

E. Notices of appeal shall be on forms furnished by the board and made available to the public at the office of the zoning administrator. Such forms shall be in conformity with the requirements of subsection A of Section 17.44.030. No notice of appeal shall be accepted which does not contain all of the information required on such forms.

F. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrator from whom the appeal is taken certifies to the board after the notice of appeal has been filed with him that, by reason of facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of record on application, on notice to the zoning administrator, and on due cause shown.

G. Hearing on the notice of appeal shall be conducted in accordance with Section 17.36.060. (Ord. 3-1995; Ord. 8-1990 (part))

17.36.060 Hearing procedures.

A. Hearing on any properly filed notice of appeal or application for variance shall be held at the next regularly scheduled meeting of the board, provided that such notice or application was filed not later than fifteen days prior to such next regularly scheduled meeting of the board. Hearings on notices or applications filed less than fifteen days prior to such next regularly scheduled meeting shall be held at the regular meeting which next follows such next regularly scheduled regular meeting.

B. As to all hearings set by the board, public notice thereof shall be given, no less than ten days prior to the hearing date set by the board, in a newspaper of general circulation within the city. In addition to such public notice, the board shall cause notice of any such hearing to be sent by regular mail to all parties in interest not later than ten days prior to the date set for hearing. Parties in interest shall include at least the appellant or applicant, the zoning administrator and owners of property abutting the land with respect to which the appeal or application for variance applies.

C. The appellant or applicant, his appointed agent or attorney shall be present at the hearing. Failure to appear shall result in the appeal or application being tabled to the next regularly scheduled meeting. Failure to appear a second time shall result:

1. In the case of an appeal, in a dismissal of the appeal, with prejudice; and

2. In the case of an application for a variance, in a dismissal without prejudice. In the event of a dismissal without prejudice, the applicant may resubmit his application for variance along with applicable processing fees.

D. The board may affirm, reverse (wholly or partly) or modify the order, requirement, decision or determination appealed and may make such order, made in the premises, and to that end shall have all powers of the administrator from whom the appeal is taken.

E. As to all hearings conducted by the board, the board's decision or determination shall be made not later than forty days following the conclusion of the hearing. All such decisions or determinations shall be transcribed and be transmitted by the board to

all parties within five working days following such decision or determination.

F. Every decision or determination of the board shall be subject to review by certiorari by the Fremont County district court. Any such appeal shall be filed not later than thirty days from the final action taken by the board. Such appeal may be taken by any person aggrieved or by an official of the city. (Ord. 8-1990 (part))

Chapter 17.40

AMENDMENTS TO ZONING PROVISIONS

Sections:

- 17.40.010** **Initiation of amendments.**
- 17.40.020** **General procedure—Statutory authority.**
- 17.40.030** **Exceptions for general revisions.**
- 17.40.040** **Rezoning—Policy and conditions.**
- 17.40.050** **Rezoning—Minimum parcel size.**
- 17.40.060** **Zoning map amendment conditions.**
- 17.40.070** **Annexed territory.**
- 17.40.080** **Records of amendments.**

17.40.010 Initiation of amendments.

An amendment to the text or the zoning map of this title may be initiated by the city council, by the planning commission, or by application of a property owner or his authorized agent only at required scheduled meetings. (Prior code § 17.32.010)

17.40.020 General procedure—Statutory authority.

Amendments to this title shall be in accordance with the laws of the state of Colorado which require the following action before adoption of any such amendment:

A. Planning Commission Procedure: Study and recommendation on the proposed amendment shall be made by the planning commission. Before submitting a report and recommendation on any proposed amendment to this title, the planning commission shall

hold a public hearing on the proposed amendment with the following data:

1. For proposed amendments to the zoning district map, a written notice of such hearing shall be sent by first class mail at least fifteen days prior to the hearing date, to property owners within the area in question, and within three hundred feet of the area in question, as such ownership is available in the office of the city finance officer, Fremont County assessor, and such other source that may be available.

2. In addition, a notice declaring that rezoning is being applied for shall be posted on a sign provided by the city, the fee for use of which shall be included in the application fee, at least fifteen days prior to the hearing on the property proposed for rezoning along the part thereof fronting a street (Content of sign: "Notice of Public Hearing before the City Planning Commission, City of Cañon City, Colorado for ZONING CHANGE from _____ (existing designation) to _____ (requested zoning) this property (legal description) _____ (street address) meeting at Council Chambers, Municipal Building, 612 Royal Gorge Boulevard, Cañon City, Colorado (time and date))".

3. The planning commission may recess a hearing in order to obtain additional information pertaining to the amendment.

B. City Council Procedure:

1. Completion of a public hearing before the city council after at least fifteen days' notice of the time and place of such hearing has been given by at least one publication in a newspaper of general circulation within the city;

2. A notice declaring that rezoning has been applied for shall be posted on a sign

provided by the city, the fee for use of which shall be included in the application fee, at least fifteen days prior to the hearing on the property proposed for rezoning along the part thereof fronting a street (Content of sign: "Notice of Public Hearing before the City Council, City of Cañon City, Colorado for ZONING CHANGE from _____ existing designation) to _____ (requested zoning) this property (legal description) _____ (street address) meeting at Council Chambers, Municipal Building, 612 Royal Gorge Blvd., Cañon City, Colorado _____ (time and date))";

3. For proposed amendments to this title, the city council shall impose a fee as described in Section 17.44.040 to cover the cost of advertising and processing the application. (Ord. 12-2003 § 3; prior code § 17.32.020)

17.40.030 Exceptions for general revisions.

When the zoning district map is in any way to be changed or amended incidental to or as a part of a general revision of this title, whether such revision is made by repeal of this title and enactment of a new zoning ordinance, or otherwise, a notice of posting shall not be required. (Prior code § 17.32.030)

17.40.040 Rezoning—Policy and conditions.

A. For the purpose of establishing and maintaining sound, stable and desirable development within the city, the rezoning of land is to be discouraged. Rezonings should only be considered if:

1. The land to be rezoned was zoned in error and as presently zoned is inconsistent

with the policies and goals of the city's comprehensive plan (master plan); or

2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area; or

3. The proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the city's comprehensive plan (master plan), and that such rezoning will be consistent with the policies and goals of the comprehensive plan (master plan).

B. This declaration of policy for rezoning shall not control a rezoning which occurs incidental to a comprehensive revision of the city's zoning map, or a rezoning granted for a planned unit development in accordance with Chapter 17.16 of this title. (Prior code § 17.32.040)

17.40.050 Rezoning—Minimum parcel size.

No amendment changing the zoning classification of any lot parcel or tract of land shall be adopted unless such lot, parcel or tract can meet the minimum frontage and lot area requirements for the requested zoning district, or unless it abuts on a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the property which is subject to the proposed amendment. (Prior code § 17.32.050)

17.40.060 Zoning map amendment conditions.

In granting an amendment to the zoning map, upon application by a property owner or his authorized agent, the city council may require the dedication of additional street right of way where an officially adopted street plan

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indicates a need for increased width or where the nature of the proposed development warrants increased street width, and the council may require permanent screen strips or other devices to minimize conflict with residential land use. (Prior code § 17.32.060)

text and map of this title in a form convenient for the use of the public. (Prior code § 17.32.080)

17.40.070 Annexed territory.

Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this chapter.

A. The proposed zoning ordinance shall not be passed on final reading prior to the date when the annexation ordinance is passed on final reading. If the zoning process is commenced prior to the effective date of the annexation ordinance, the legal protest area for zoning shall be determined solely on geographic location, irrespective of whether land in such legal protest area is within or without or partly within and partly without the boundaries of the city, in accordance with Colorado State Statutes 31-12-115(l).

B. Any area annexed shall be brought under this zoning ordinance and map within ninety days after the effective date of the annexation ordinance, irrespective of any legal review which may be instituted challenging the annexation in accordance with Colorado State Statutes 31-12-115 and 31-12-116.

C. During such ninety-day period or such portion thereof as is required to zone the territory, the city shall refuse to issue any building permit for any portion or all of the newly annexed areas. (Prior code § 17.32.070)

17.40.080 Records of amendments.

The city clerk and city zoning administrator shall maintain a record of amendments to the

Chapter 17.44

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.44.010 Interpretation of Title 17 provisions.**
- 17.44.020 Enforcement authority—Appeals.**
- 17.44.030 Form of petitions, applications and appeals.**
- 17.44.040 Schedule of fees.**
- 17.44.050 Unlawful acts designated—Penalty.**

17.44.010 Interpretation of Title 17 provisions.

The provisions of this title shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any section of the code of the city, or any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. (Prior code § 17.36.040)

17.44.020 Enforcement authority—Appeals.

The zoning administrator designated by the city administrator, or the city administrator if no such designation is made, shall have the power and duty to enforce the provisions of this title. An appeal from a ruling of the administrator shall be made to the board of adjustment. (Prior code § 17.36.010)

17.44.030 Form of petitions, applications and appeals.

A. All permits, petitions, applications and appeals provided for in this title shall be made on forms provided for the purpose or as otherwise prescribed by the planning commission, board of adjustment or city council, in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record.

B. All applications for building and occupancy permits shall be accompanied by plans and specifications, drawn to scale, showing:

1. The actual shape and dimensions of the lot to be used and/or built upon;
2. The exact sizes and locations on the lot of the buildings and other structures, existing and proposed;
3. The existing and intended use of each building, structure, or part thereof;
4. The number of families to be accommodated, if any; and
5. Such other information as is needed to determine conformance with the provisions of this title and of the current building code. (Prior code § 17.36.020)

17.44.040 Schedule of fees.

A. The following schedule of fees is established for the zoning title to cover costs of administration:

Requirement	Fee
Application for appeal or variance to board of adjustment (17.36)	\$100.00
Application for zone amendment (17.40)	\$150.00 + publication fee
Application for planned unit development preliminary and final plats (17.16)	As set forth in subsection 6.1 of the Appendix to Title 16, Subdivision Regulations

Application for special review (17.24)	\$200.00 + publication fee
Application for sign permit (17.30)	As set forth in Table 3-A, Uniform Building Code
Application to expand or establish mobile home park (17.12)	\$300.00 + \$5.00 per space
Application for permit to keep an exotic animal (17.20)	\$25.00
Application for mobile home placement and skirting permit (17.12)	\$50.00
Application for approval of a TMU project pursuant to Chapter 17.14	\$150.00 + publication fee
Appeal of decision of the planning commission regarding a TMU project, pursuant to Section 17.14.070(H)(1)	\$100.00 (refundable if the appellant is the prevailing party in the appeal) + publication fee (nonrefundable)

B. The Uniform Building Code shall mean the version of the Uniform Building Code adopted and in force in the city on the date the application becomes due and payable.

C. City council may from time to time amend the schedule of fees for the zoning title by resolution. (Ord. 12-2003 § 2; Ord. 4-2002 § 5; Ord. 4-1994)

17.44.050 Unlawful acts designated— Penalty.

A. The owner or owners of any building or buildings or premises, or part thereof, where anything in violation of this title exists or is placed or maintained; and any architect, builder or contractor who assists in the commission of any such violation; and all persons or corporations who violate or maintain any violation of any of the provisions of this title or who fail to comply therewith or with any requirements thereof, or

who build in violation of any statement or plan submitted and approved thereunder are, for each and every violation or noncompliance, guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days for each such violation, or both such fine and imprisonment.

B. Every person violating or contributing in any way to the violation of any provision of this title shall be deemed guilty of a separate offense for each day during which such violation continues.

C. Before any penalty for the violation of this title can be enforced, the zoning administrator shall inform the concerned party (parties) by a written letter, stating the nature of the violation. (Ord. 15-1993 § 1; prior code § 17.36.060)