

**CHAPTER 16 – TIMNATH LAND USE CODE**

**ARTICLE 3 – ZONING**

**16.3.1 General Provisions .....2**  
**16.3.2 Purpose .....3**  
**16.3.3 Zoning Districts and Boundaries .....3**  
**16.3.4 Principal and Conditional Uses Permitted by Zoning District .....5**  
**16.3.5 Table of Permitted and Conditional Uses by Zoning District .....29**  
**16.3.6 Density and Dimensional Standards.....35**  
**16.3.7 Conditional Uses .....38**  
**16.3.8 Nonconforming Uses/Buildings.....42**  
**16.3.9 Appeals and Variances.....43**  
**16.3.10 Amendments/Rezoning .....47**  
**16.3.11 Zoning and Use of Wireless Telecommunication Services, Facilities and Equip ..51**  
**16.3.12 Home Occupations .....56**  
**16.3.13 Accessory Uses and Structures.....58**

### 16.3.1 General Provisions

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

**A. Uniformity of Regulations.** The regulations established by this Article within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Article, the following interpretations shall apply:

1. No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, demolished or structurally altered unless in conformance with all of the regulations herein specified for the zone in which it is located.
2. No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this Code.
3. No yard or lot existing or approved at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.
4. Any use not specifically permitted in a zone by this Code is hereby specifically prohibited from that zone unless otherwise determined by the Board of Trustees as provided herein in writing.
5. In zoning districts permitting single-family residential dwellings, only one such dwelling shall be permitted on each lot unless otherwise specified.

**B. Conflict with Private Covenants or Deeds.** In case of a conflict between this Code and any private restrictions, the provisions of this Code shall control for purposes of enforcement by the Town. The private restrictions may be enforced by those other than the Town as provided by law. The Town shall have no responsibility to enforce private covenants or Deed provisions.

**C. Zoning of Annexed Territory.**

1. Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this Article. The proposed zoning ordinance shall not be effective before the date when the annexation ordinance is effective.
2. Any area annexed shall be zoned and the zoning map amended as provided in this Article within ninety (90) days from the effective date of the annexation ordinance. Until the zoning ordinance is effective, the Town shall not issue a building permit for any portion,

or all of, the newly annexed area.

3. Unless zoned otherwise by action of the Board in compliance with this Code or provided otherwise on the Timnath Zoning Map in effect on October 2, 2002, all annexed property shall be considered zoned A-Agricultural. (Ord. 10-2002; Ord. 7-2004)

### 16.3.2 Purpose

The purpose of this Zoning Code is to create a vital, cohesive, well-designed community in order to enhance the Town's small-town character and further the citizens' goals as identified in the Comprehensive Plan. These zoning regulations are designed to:

- A. Encourage the most appropriate use of land through the Town and ensure a logical growth of the various physical elements of the Town.
- B. Regulate and restrict the location and use of buildings, structures and land for residence, business, trade, industry or other purposes.
- C. Regulate and determine the size of building lots, yards and other open spaces.
- D. Promote good design and arrangement of buildings or clusters of buildings and land uses in residential, business and industrial development.
- E. Encourage innovative, quality site planning, architecture and landscaping.
- F. Prevent the overcrowding of land, poor quality development, waste and inefficiency in land use, danger and congestion in travel and transportation and any other use or development that might be detrimental to the stability and livability of the Town.
- G. Ensure that new land development is designed to be integrated into the community.
- H. Promote the health, safety, morals and general welfare of Town residents. (Ord. 10-2002)

### 16.3.3 Zoning Districts and Boundaries

- A. **Zoning Districts.** In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

A	Agricultural District
R-E	Estate Residential District
R-1	Old Town Residential District
R-2	Single-Family Residential District
R-3	Two Family/Multi-Family Residential District

R-4	Multi-Family Residential District
MU	Mixed Use District
B	Downtown Business District
C-1	Neighborhood Commercial District
C-2	Community Commercial District
I-1	Business/Light Industrial District
I-2	Industrial District
PD	Planned Development Overlay District

**B. Official Zoning Map.** The boundaries and classifications of zoning districts are as depicted on a map entitled Town of Timnath Official Zoning Map as may from time to time be revised, updated or redrafted. The official zoning map adopted and to be used for reference shall be that map bearing the most recent date of publication which has been signed by the Chair of the Planning Commission and the Mayor.

**1. Interpretation of Boundary Lines.**

In the event uncertainty exists on the zoning map, district boundaries shall be on section lines, lot lines, the right-of-way lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines such as streams; or other lines to be determined by the use of scales shown on the map.

**2. Amendment upon Zoning or Modification.** Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Official Zoning Map shall be considered amended to include the annexed area with the proper zoning classification or show the amended classification. The Town shall have prepared a revised Official Zoning Map to include such amendments as often as the Board deems appropriate. Such updated official map shall contain, in table form, the date and number of the ordinance amending it, the title of the change, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

**3. Cost For Amending Zoning.** Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall pay all fees and costs as provided in Section 1 of this Article and bear the entire cost of amending the Official Zoning Map, including all notification costs.

**4. Public Inspection; Storage of Original.** A copy of the Official Zoning Map shall be available and on display at the Town Hall during normal business hours. In addition, one (1) original duplicate mylar copy of the current Official Zoning Map, and all prior Official Zoning Maps having been adopted, shall be held in a secure place by the Town Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk. (Ord. 10-2002; Ord. 7-2004)

### 16.3.4 Principal and Conditional Uses Permitted by Zoning District

**A. General Application of Uses.** Uses designated as “permitted uses” are allowed in a zone district as a matter of right. Uses classified as “conditional uses” are permitted upon the Board’s approval of a conditional use permit. Unless a use is designated by this Code as a “permitted use” or “conditional use” or is classified as a legal “non-conforming” structure or use, it is not permitted. Land uses not otherwise identified in this Code may be proposed for development. However such uses are not permitted unless the Board of Trustees determines the use can be reasonably interpreted to fit into a similar use category described in this Code or to amend this Code.

**B. A Agricultural District.**

**1. Intent.** The Agriculture District provides for the annexation of those properties that are presently used for agriculture or other non-urban uses and for which there are no specific and immediate plans for development. These areas are designated on the Comprehensive Plan as potentially suitable for urban development, but not in the immediate future because of lack of utilities, other services, or other uses. This is an ultra low-density district intended for the pursuit of farm activities or for a transitional status. This zone is characterized by the growing of crops and related functions.

**2. Principal Uses.** Principal uses permitted in the A District shall be as follows:

- a.** Accessory buildings and accessory uses.
- b.** Accessory dwelling when associated with a permitted use.
- c.** Common equestrian stabling and grazing provided the number of horses does not exceed the limitations on livestock contained in this Code.
- d.** Cultivation, storage and sale of crops, vegetables, plants, flowers, and nursery stock produced on the premises.
- e.** Farming, including but not limited to, hay and grain, gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plants, turf and sod.
- f.** Golf courses.
- g.** Home occupations.
- h.** Livestock, limited to the following provisions:
  - i.** Large livestock is limited to a maximum of two (2) per two and one-half (2.5) acres; and
  - ii.** A minimum of two and one-half (2.5) acres is required to have large livestock within the Town; and
  - iii.** There must be the equivalent of at least one (1) acre of fenced pasture for each large livestock animal; and
  - iv.** Any fenced land area containing large livestock must be at least twenty-five (25) feet from any lot line that is also a boundary of a different zone

district other than A or R-E. The maximum number of small livestock is as provided in this Code.

- i. Open air farmers' markets
  - j. Parks and open space.
  - k. Plant nurseries and greenhouses.
  - l. Single-family detached dwelling.
  - m. Structures for storage of agricultural products produced on the premises.
  - n. Veterinary facilities, small animal clinics.
  - o. Veterinary facilities, large animal clinics.
  - p. Safehouses for battered or abused adults or children of up to eight (8) families.
3. Conditional Uses. Conditional uses permitted in the A District shall be as follows:
- a. Cemeteries.
  - b. Child care center.
  - c. Gas, oil and other hydrocarbon well drilling and production (to the extent permitted by the state and this Code).
  - d. Limited outdoor recreation facilities.
  - e. Public and private schools.
  - f. Public facilities provided that business offices and repair and storage facilities are not included.
  - g. Resource extraction, processes and sales establishments.
  - h. Small animal boarding (kennels).
  - i.

**C. R-E Estate Residential District**

1. Intent. The R-E District is a very low-density residential district intended for no more than one single-family dwelling per acre and one or more accessory buildings. This district has been developed to provide for large lot single-family development in areas more characteristically rural and on the outskirts of the planning area.
2. Principal Uses. Principal uses permitted in the R-E District shall be as follows:
- a. Accessory buildings and accessory uses.
  - b. Accessory dwelling when associated with a permitted use.
  - c. Common equestrian stabling and grazing provided the number of horses does not exceed the limitations on livestock contained in this Article.
  - d. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery

stock produced on the premises.

- e. Home occupations.
- f. Group homes.
- g. Livestock, limited to the following provisions:
  - i. Large livestock is limited to a maximum of two (2) per two and one-half (2.5) acre; and
  - ii. A minimum of two and one-half (2.5) acres is required to have large livestock within the Town; and
  - iii. Any fenced land area containing large livestock must be at least twenty-five (25) feet from any lot line that is also a boundary of a different zone district than A or R-E. The maximum number of small livestock is as provided in this Code.
- h. Parks and open space.
- i. Safe house for battered or abused adults or children of up to eight (8) families.
- j. Single-family detached dwellings.

**3. Conditional Uses.** Conditional uses permitted in the R-E District shall be as follows:

- a. Public facilities provided that business offices and repair and storage facilities are not included.
- b. Cemeteries.
- c. Family child care homes.
- d. Church or place of worship and assembly.
- e. Community facilities.
- f. Gas, oil and other hydrocarbon well drilling and production (to the extent permitted by the state and this Code).
- g. Golf courses.
- h. Limited outdoor recreation facilities.
- i. Public and private schools grades K-12.

**D. R-1 Old Town Residential District.**

- 1. Intent. The R-1 District is intended to define and preserve the small town atmosphere and quaintness of Timnath. It includes the residential land within the Town limits at the time of the initial adoption of this Code. This is a housing district intended primarily for single-family uses on individual lots. This zone is characterized by tree-lined local streets constructed in an existing street grid and a mixture of lot sizes. All residential development, both new and through renovation, must be in a scale that includes design characteristics that complement the existing residential pattern and architecture in this zone.

Characteristics to be considered when building or renovating in this district include:

- a. Maintaining a variety of yard sizes, open space between homes and an open green area in front of homes.
- b. Orienting the main entry to the street.
- c. Maintaining the established relationship between public and private spaces.
- d. Providing access to parking from the alley when feasible.
- e. Orienting garages to side or rear.

It is anticipated that this zoning district will be extended east from the existing residential areas of the Town, east within the area encompassed by the proposed County Rd. 5 bypass.

2. Principal Uses. Principal uses permitted in the R-1 District shall be as follows:

- a. Accessory buildings and accessory uses.
- b. Accessory dwelling when associated with a permitted use.
- c. Home occupations.
- d. Parks and open space.
- e. Single-family detached dwellings.
- f. Safe house for battered or abused adults or children of up to eight (8) families.

3. Conditional Uses. Conditional uses permitted in the R-1 District shall be as follows:

- a. Family child care homes.
- b. Group homes for up to eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.
- c. Community facilities.
- d. Church or place of worship and assembly.
- e. Limited outdoor recreation facilities.
- f. Public and private schools grades K-12.
- g. Public facilities, excluding business offices. Repair and storage facilities are not included.

**E. R-2 Single-Family Residential District.**

1. Intent. The R-2 District is a single-family residential district intended to provide for the development of lots with more flexibility than the R-1 zone district.
2. Principal Uses. Principal uses permitted in the R-2 District shall be all principal uses permitted in R-1 District.



3. Conditional Uses. Conditional uses permitted in the R-2 District shall be as follows:

All permitted conditional uses in the R-1 District.

4. Development Standards.

- a. *Detached Dwelling Unit.*

Minimum open space on each lot: At least one-third of each lot shall be devoted to outdoor living areas, including, but not limited to, landscaped areas, patios, walkways, fences, gardens and similar features, but excluding driveways and parking spaces.

- b. *Attached Cluster Home.*

- i. Minimum lot area: none.

- ii. Minimum lot width and depth: none.

- iii. Minimum common areas and elements: a minimum of twenty-five (25) percent of the total project area shall be devoted to common areas and elements, including but not limited to, landscaped areas, walkways, swimming pools, tennis courts, play areas, fountains, and patio areas, but excluding driveways, and all off-street parking facilities.

**F. R-3 Two Family/Multi-Family Residential District.**

1. Intent. The R-3 District is intended to preserve the traditional building pattern of mixed residential development, which historically has been integrated to form a vibrant, active and cohesive neighborhood unit. This district provides for attached residential dwelling units in addition to single-family detached dwelling units.

2. Principal Uses. Principal uses permitted in the R-3 District shall be as follows:

- a. All principal uses permitted in the R-2 District.

- b. Two-family and multiple-family dwellings (no more than eight [8] units per building), provided that the density and dimensional standards for the R-3 District are met.

3. Conditional Uses. Conditional uses permitted in the R-3 District shall be as follows:

- a. All conditional uses permitted in the R-2 District.

- b. Bed and breakfasts.

**G. R-4 Multi-Family Residential District.**

1. Intent. The R-4 District is a high-density residential zone intended primarily for multi-family dwellings on individual lots. In order to facilitate appropriate higher densities near viable business centers, multi-family buildings are generally encouraged near a neighborhood commercial center. Street and open space designs in these areas shall be used to create compatibility among frontages, which encourage pedestrian interaction and discourage high automobile speeds. Multi-family residential developments shall be designed around or adjacent to open space.
2. Principal Uses. Principal uses permitted in the R-4 District shall be as follows:
  - a. All principal uses permitted in the R-3 zone, except accessory dwellings.
  - b. Multiple-family dwellings with no more than twenty-four (24) units per building, provided that the density and dimensional standards for the R-4 Residential District are met and the lot upon which any such dwelling is located is of sufficient size so that twenty (20) percent thereof shall be devoted to functional open space.
  - c. Senior housing provided that the density and dimensional standards for the R-4 Residential District are met and the lot upon which any such dwelling is located is of sufficient size so that twenty (20) percent thereof shall be devoted to functional open space. Senior housing is exempted from the maximum number of twenty-four (24) units per building requirement for multi-family dwellings.
3. Conditional Uses. Conditional uses permitted in the R-4 District shall be as follows:
  - a. All conditional uses permitted in the R-3 District.
  - b. Boarding and rooming houses.
  - c. Child care centers.
  - d. Long term care facilities.

**H. MU Mixed Use District.**

1. Intent. The MU District is intended to facilitate the development of a mixed use neighborhood which may include the following: a variety of housing types, a neighborhood commercial center, civic uses, recreational uses, parks, trails, pedestrian access, a defined edge as well as an integrated network of streets which connect to adjoining neighborhoods. Portions of the district may be predominately residential, commercial, or civic.

The organization of these areas should appropriately integrate different uses, while protecting adjacent low intensity residential neighborhoods and allowing easy access from these neighborhoods. These land uses and residential/commercial densities should generally transition in intensity from a high density activity center to surrounding lower

density uses. Large scale multi-family projects are discouraged in this District. The goal of the Mixed Use District is to integrate a variety of land uses in a manner that encourages and facilitates diversity, interaction, safety and a high standard of design excellence.

**2. Principal Uses.** Principal uses permitted in the MU District include the following:

- a.** Any principal use permitted in the R-4, B, and/or C-1 Districts.
- b.** *Institutional/civic/public uses:*
  - i.** Church or place of worship and assembly.
  - ii.** Parks and open space.
  - iii.** Public facilities, excluding business offices or repair and storage facilities.
- c.** *Commercial/retail uses:*
  - i.** Artisan and photography studios and galleries.
  - ii.** Bed and breakfasts.
  - iii.** Boarding and rooming houses.
  - iv.** Licensed tavern or bar.
  - v.** Child care centers.
  - vi.** Convenience shopping and retail establishments without fuel sales.
  - vii.** Health and membership clubs.
  - viii.** Limited indoor recreation facilities.
  - ix.** Medical and dental offices and clinics.
  - x.** Mixed use dwelling units.
  - xi.** Open air farmers' market.
  - xii.** Personal and business service shops.
  - xiii.** Professional offices, financial services and clinics.
  - xiv.** Restaurants - standard and fast food without without drive-through facilities.
  - xv.** Small grocery store.
  - xvi.** Tourist facilities.

**3. Conditional Uses.** Conditional uses permitted in the MU District include the following:

- a.** All permitted conditional uses in the R-4, B and/or C-1 Districts.
- b.** Boarding and rooming houses.

- c. Plant nurseries and greenhouses.
  - d. Convenience shopping and retail establishments with greater than five thousand (5,000) square feet of gross floor area. Offices and dwellings are encouraged to locate above ground floor retail.
  - e. Restaurant drive-through facilities.
  - f. Neighborhood Centers including:
    - i. Church or place of worship and assembly.
    - ii. Gasoline stations.
    - iii. Health and membership clubs.
    - iv. Indoor recreation establishments.
    - v. Outdoor recreation facilities.
    - vi. Light industrial (production, assembly, packaging).
    - vii. Lodging establishments.
    - viii. Long-term care facilities.
    - ix. Public and private schools, including colleges, vocational training, and technical training.
    - x. Workshops and custom small industry provided they are located within a multi-neighborhood center.
4. MU Review Procedure. All MU District applications shall be submitted and processed simultaneously with the processing of subdivision applications for the property. This includes all pre-application conferences, Planning Commission visioning meetings, sketch plan, preliminary plat and final plat applications, and all required public hearings. Scheduling requirements for MU applications shall match those specified for sketch plans and preliminary and final plats. Development within a MU District cannot occur unless and until a final plat and final development plan for the portion of the property to be developed has been approved and recorded as provided in this Chapter.
5. MU Application Submittal Requirements.
- a. *Preliminary MU Development Plan.*
    - i. MU application fee.
    - ii. As part of the general development information, provide written and visual materials which describe the MU and specifically address the following items:
      - a) Describe the mixture of primary and secondary uses within the MU development and how they will relate to one another and strengthen the diversity within the overall neighborhood. Include at least two of the following categories: civic, commercial, residential, parks or open space and recreation.
      - b) Describe the proposed activity center within the project that will serve to bring people together.
      - c) Describe how the development will help to knit the community

together through the street and pedestrian network.

- d)** Describe the mixture of housing types and architectural styles and how they will contribute to the Town's small-town character and diversity and reflect the Design Vocabulary of this Code.
  - e)** Describe how the site design of commercial or civic areas serves to enhance the view from the streets by placing buildings closer to the street and locating parking to the side and rear of buildings. Further, describe how pedestrian movement will be given a priority within the development and how landscaping will be used to provide adequate shade. Provide any additional relevant information which the Town may deem necessary.
- iii.** Preliminary MU Development Plan - Prepare the preliminary MU development plan using the preliminary plat map as the base. Include on the base a clear graphic and/or written representation of:
- a)** All principal, conditional and accessory uses within each land use category within the MU, i.e., multi-family, commercial, etc., either listed specifically or by reference to the zoning districts within the Town.
  - b)** Standards for principal and accessory uses within the District will include:
    - (1)** Minimum lot area.
    - (2)** Minimum front, side and rear yard setbacks. (Include a graphic representation of a typical footprint of all structures in the development).
    - (3)** Maximum lot coverage.
    - (4)** Maximum floor area ratio (total floor area to total lot area).
    - (5)** Maximum building height.
  - c)** Proposed phasing for the development.

**b.** *Final MU Development Plan.*

- i.** MU application fee.
- ii.** Written and graphic MU description based on the materials submitted for the preliminary MU development plan and on comments received from the Town at the time of preliminary plan review. Include all of the items listed above for the preliminary MU development plan, in finalized form. Also include an explanation of how the final MU development plan is consistent with the preliminary MU development plan, or if there are differences, the rationale for the changes.
- iii.** Final MU Development Plan - Prepare the final MU development plan using the final plat map as the base. Include on the base a clear graphic and written representation of: all of the information/items required for a preliminary MU development plan as listed above, in finalized form.
- iv.** Provide any additional relevant information which the Town may deem necessary.

**6.** MU Review Criteria.

- a. *Preliminary MU Development Plan Review Criteria.* The following review criteria will be used by the Staff, the Planning and Zoning Commission and the Board to evaluate all MU applications at the time of preliminary MU plan/preliminary plat review:
  - i. The MU development plan proposes creative and innovative design and high quality development and is therefore effectively consistent with the Community Design Principles and Development Standards established in this Code.
  - ii. The uses and densities in the proposed MU are compatible, and will be effectively integrated with adjacent neighborhoods and developments which exist or are proposed in the future.
  - iii. The proposed MU is in general conformance with the comprehensive plan for the Town.
  - iv. The proposed MU is within a Mixed Use are identified on the Town of Timnath Comprehensive Plan Land Use Map.
  
- b. *Final MU Development Plan Review Criteria.* In addition to all of the review criteria for a preliminary MU development plan, the following *Final MU Development Plan Review Criteria* will be used by the Staff and Board to evaluate all MU applications at the time of final MU plan/final plat:
  - i. The final MU development plan is substantially consistent with the preliminary MU development plan as approved by the Board.
  - ii. All preliminary MU development plan conditions of approval have been adequately addressed on the final MU development plan.

**I. B Business District.**

- 1. Intent. The B District is a downtown business district intended to:
  - a. Encourage the redevelopment and expansion of the existing Town business area;
  - b. Provide a concentration and mixture of civic, office, retail, restaurant, housing and cultural land uses;
  - c. Maintain and enhance the historic character of the original downtown;

- d. Facilitate pedestrian movement;
- e. Develop and promote small scale business; and
- f. Promote shared or cooperative parking.

The architectural design principles of this Code permit the construction of attached apartment, civic and storefront building types in close proximity to each other. Individual buildings are encouraged to be mixed vertically with street level commercial and upper level offices and/or residential dwellings.

**2. Principal Uses.** Principal uses permitted in the B District shall be uses utilizing under 15,000 sq. ft. as follows:

- a. All principal uses permitted in the R-4 residential district and accessory dwellings. (Ord. 22-2008)
- b. Artisan and photography studios and galleries.
- c. Bed and breakfasts.
- d. Boarding and rooming houses.
- e. Child care centers.
- f. Community facilities.
- g. Convenience shopping and retail establishments.
- h. Health and membership clubs.
- i. Limited indoor recreation establishments.
- j. Lodging establishments.
- k. Medical and dental offices and clinics.
- l. Mixed use dwelling units.
- m. Open air farmers' market.
- n. Personal and business service shops.
- o. Professional offices, financial services.
- p. Public and private schools.
- q. Public facilities with business offices, no repair or storage facilities.
- r. Restaurants – standard and fast food without drive-through facilities.
- s. Small grocery stores.
- t. Tourist facilities.

**3. Conditional Uses.** Conditional uses permitted in the B District shall be as follows:

- a. Car wash.
- b. Church or place of worship and assembly.
- c. Clubs and lodges.
- d. Entertainment facilities and theaters.
- e. Gas, oil and other hydrocarbon well drilling and production (to the extent permitted by the state and this Code).
- f. Gasoline stations.
- g. Golf courses.
- h. Long-term care facilities.
- i. Limited outdoor recreation facilities.
- j. Motor vehicle service and repair, minor repairs.
- k. Parking lots and parking garages as a principal use.
- l. Public facilities with business offices and repair and storage facilities.
- m. Tavern or bar.
- n. Workshops and custom small industry uses.
- o. Any use allowed as a principal use utilizing 15,000 or more sq. ft.

**J. C-1 Neighborhood Commercial District.**

1. Intent. The C-1 District is intended to provide for the development of a mixed use commercial center to serve the convenience shopping and service needs of the neighborhood, as well as provide a location for community facilities. This district is intended to serve as a focal point for pedestrian activities within a neighborhood and should be scaled in size to the surrounding neighborhood. Individual buildings are encouraged to be mixed vertically with street level commercial and upper level office and/or residential.
2. Principal Uses. Principal uses permitted in the C-1 District are as follows:
  - a. All principal uses permitted in the B District, except bed and breakfasts and lodging establishments.
  - b. Church or place of worship and assembly.
  - c. Equipment rental without outdoor storage.
  - d. Veterinary facilities, small animal clinics.
3. Conditional Uses. Conditional uses permitted in the C-1 District are as follows:
  - a. All conditional uses permitted in the B zone except for:



- i. Long-term care facilities.
- ii. Parking lots and parking garages as a principal use.
- iii. Workshops and custom small industry uses.
- b. Bed and breakfasts.
- c. Limited outdoor recreational facilities.
- d. Lodging establishments.

**K. C-2 Community Commercial District.**

1. Intent. The C-2 District is a commercial district intended to provide for the location of uses which provide a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of enclosed structures.

This District is intended to be a setting for development of a wide range of community and regional retail uses, offices and personal and business services. Secondly, it can accommodate a wide range of other uses including multi-family housing and mixed use dwellings. The District is intended to integrate various commercial and multi-family uses while transitioning from arterials or highways to adjacent lower density neighborhoods.

The intent of these provisions is to facilitate convenient auto and pedestrian access, minimize traffic congestion and give consideration to site and architectural aesthetics. Locations for this zone require good access to major arterial streets and adequate water, sewer and power.

2. Principal Uses. Principal uses permitted in the C-2 District are as follows:

- a. All permitted principal uses in the C-1 Zone except for Boarding and rooming houses.
- b. Bed and breakfast.
- c. Car wash.
- d. Clubs and lodges.
- e. Entertainment facilities and theaters.
- f. Funeral homes.
- g. Gasoline stations.
- h. Large retail establishments.
- i. Lodging establishments.
- j. Long-term care facilities.
- k. Restaurants, including those with drive-through facilities.
- l. Supermarkets.

m. Tavern or bar.

3. Conditional Uses. Conditional uses permitted in the C-2 District are as follows:

- a. All conditional uses permitted in the C-1 District.
- b. Auto, recreational vehicle, boat and truck sales.
- c. Enclosed mini-storage facilities.
- d. Gas, oil and other hydrocarbon well drilling and production (to the extent permitted by the state and this Code).
- e. Hospitals.
- f. Night clubs.
- g. Parking lots and parking garages (as a principal use).
- h. Public and private schools.
- i. Retail and supply yard establishments with outdoor storage.
- j. Small animal boarding (kennels).
- k. Workshops and custom small industry uses.

**L. I-1 Business/Light Industrial District.**

1. Intent. The I-1 District is intended to provide locations for a variety of workplaces including light industrial uses, research and development offices and institutions. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, and child care.

Additionally, this district is intended to encourage the development of planned office and business parks; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes.

2. Principal Uses. Principal uses permitted in the I-1 District shall be as follows:

- a. Accessory buildings and accessory uses.
- b. Car wash.
- c. Clubs and lodges.
- d. Community facilities.
- e. Convenience shopping and retail establishments.
- f. Equipment rental establishments without outdoor storage.
- g. Gasoline stations.
- h. Health and membership clubs.

- i.** Mixed use dwelling units.
  - j.** Parking lots and parking garages (as principal use).
  - k.** Parks and open space.
  - l.** Plant nurseries and greenhouses.
  - m.** Professional offices, financial services.
  - n.** Public and private schools.
  - o.** Restaurants without drive-through facilities.
  - p.** Tavern or bar.
  - q.** Tourist facilities.
  - r.** Veterinary facilities, small animal clinics.
  - s.** Warehouse, distribution and wholesale uses.
  - t.** Wireless telecommunications facilities.
  - u.** Workshops and custom small industry uses.
- 3.** Limitations. Any use in the I-1 District shall conform to the following requirements:
- a.** All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.
  - b.** Dust, fumes, odors, smoke, vapor and noise shall be confined to the site.
  - c.** All emissions from the manufacturing or similar uses shall comply with the federal and state air pollution laws.
  - d.** Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.
  - e.** Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent, maintainable surfacing with erosion control.
  - f.** In addition to other lighting requirements of this Code, light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner as not to shine into residential areas.
  - g.** Any emissions limitations established by the entity providing sanitary sewer service to the property or the Town.
- 4.** Conditional Uses. Conditional uses permitted in the I-1 District shall be as follows:
- a.** Accessory dwelling when associated with a permitted use.
  - b.** Artisan and photography studios and galleries.

- c. Auto, recreational vehicle, boat and truck sales.
- d. Bed and breakfasts.
- e. Boarding and rooming houses.
- f. Child care centers.
- g. Enclosed mini-storage facilities.
- h. Entertainment facilities and theaters.
- i. Funeral homes.
- j. Gas, oil and other hydrocarbon well drilling and production (to the extent permitted by the state and this Code).
- k. Golf courses.
- l. Group homes.
- m. Hospitals.
- n. Limited indoor recreation facilities.
- o. Limited outdoor recreation facility.
- p. Lodging establishments.
- q. Long term care facilities.
- r. Manufacturing, assembly or packaging of products from previously prepared materials.
- s. Manufacturing of electric or electronic instruments and devices.
- t. Medical and dental offices and clinics.
- u. Motor vehicle service and repair (minor repairs).
- v. Open-air farmers' markets.
- w. Personal and business service shops.
- x. Public facilities with business offices and repair and storage facilities.
- y. Research, experimental or testing laboratories.
- z. Restaurants with drive-throughs.
- aa. Retail and supply yard establishments with outdoor storage.
- bb. Small animal boarding (kennels).
- cc. Small grocery stores.
- dd. Veterinary hospitals.

**M. I-2 Industrial District.**

1. Intent. The I-2 District is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations. The Industrial District also accommodates complementary and supporting uses such as convenience shopping

and child care centers. Locations for this zone require good access to major arterial streets and adequate water, sewer and power.

**2. Principal Uses.** Principal uses permitted in the I-2 District shall be as follows:

- a.** Accessory buildings and accessory uses.
- b.** Auto, RV, boat and truck storage.
- c.** Car wash.
- d.** Clubs and lodges.
- e.** Community facilities.
- f.** Enclosed mini-storage facilities.
- g.** Equipment rental without outdoor storage.
- h.** Gasoline stations.
- i.** Health and membership clubs.
- j.** Motor vehicle service and repair establishments (minor and major repairs).
- k.** Parking lots and parking garages (as principal use).
- l.** Parks and open space.
- m.** Plant nurseries and greenhouses.
- n.** Plumbing, electrical and carpenter shops.
- o.** Public facilities with or without business offices and repair and storage facilities.
- p.** Restaurants/standard and fast food with drive-through facilities.
- q.** Retail and supply yard establishments with outdoor storage.
- r.** Veterinary facilities, with large & small animal clinics.
- s.** Warehouse, distribution and wholesale uses.
- t.** Wireless telecommunications facilities (as permitted in Section 3.12 in this Code).
- u.** Workshops and custom small industry uses.

**3. Limitations.** Any use in the I-2 District shall conform to the following requirements:

- a.** All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.
- b.** Dust, fumes, odors, smoke, vapor and noise and other emissions shall be confined to the site.
- c.** All emissions from the manufacturing or similar uses shall comply with the federal and state air pollution laws.

- d. In addition to other applicable lighting requirements of this Code, light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner as not to shine into residential areas.
  - e. Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.
  - f. Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent, maintainable surfaces with appropriate erosion control.
  - g. All emissions limitations established by the entity providing sanitary sewer service to the property or the Town.
4. Conditional Uses. Conditional uses permitted in the I-2 District shall be as follows:
- a. Accessory dwelling when associated with a permitted use.
  - b. Adult uses including product sales and entertainment.
  - c. Artisan and photography studios and galleries.
  - d. Automobile, recreational vehicle, boat and truck sales.
  - e. Child care centers.
  - f. Convenience shopping and retail establishments.
  - g. Dry cleaning plants.
  - h. Entertainment facilities and theaters.
  - i. Equipment, truck, trailer rental establishments with outdoor storage.
  - j. Gas, oil and other hydrocarbon well drilling and production (to the extent permitted by the state and this Code).
  - k. Golf courses.
  - l. Limited outdoor recreational facilities.
  - m. Manufacturing and preparing food products.
  - n. Manufacturing, assembly or packaging of products from previously prepared materials.
  - o. Manufacturing of electric or electronic instruments and devices.
  - p. Night clubs.
  - q. Open-air farmers' markets.
  - r. Public and private schools.
  - s. Recycling facilities.
  - t. Research, experimental or testing laboratories.

- u. Resource extraction, processes and sales establishment
- v. Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes, and heavy excavation equipment.
- w. Small animal boarding (kennels).
- x. Tavern or bar.
- y. Veterinary hospitals.

**N. Planned Development (PD) Overlay District.**

1. Intent. The (PD) Overlay District is intended to be used as an overlay zone district that supplements the underlying standard zone district. The intent and purpose of this district is to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. This district is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood. The PD Overlay District is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PD's are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.
2. Permitted Uses. Uses permitted in the PD Overlay District shall be those uses permitted in the underlying standard zone district for the property. An applicant for a PD Overlay District may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PD development. Conditional uses may be permitted if it can be demonstrated that such uses meet the conditional use review criteria for the underlying zone district(s).
3. PD Restrictions and General Requirements. Properties utilizing the PD Overlay District shall be subject to the following:
  - a. All PD applications shall include a gross land area of not less than eighty (80) acres.
  - b. The area of land for the PD may be controlled by one or more landowners and must be developed under unified control or a unified plan of development.
  - c. The area of the land for the PD must include all of the property to be developed by the applicant unless the property is separated by major arterials. As provided in this Article, the PD may be planned and developed after the Sketch PD Plan in phases of a minimum of five (5) acres. After approval of the Sketch PD Plan, the applicant, with the approval of the Board, may follow the procedure for a particular zone district without a PD overlay for any phase so long as the

application is consistent with the Sketch PD Plan.

- d. All requirements set forth in this Code otherwise applicable to the area of land proposed for a PD shall govern, except to the extent that the unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space, or other standards within the existing land use regulations, except those development standards that are not open to modification.
  - e. No PD may be approved by the Town without the written consent of the landowner whose property is included within the PD.
  - f. Unless specifically extended by the Town, a preliminary PD shall expire unless a Final PD Development Plan is approved for all or a portion of the area subject to the preliminary PD within one (1) year of the preliminary PD approval.
4. PD Approval Procedure. All PD Overlay District Applications shall be submitted and processed simultaneously with the processing of subdivision applications for the property. The processes set forth in this Code for Major Subdivisions shall be followed, including all pre-application conferences, Planning Commission visioning meetings, sketch plan, preliminary plat, and final plat applications, and all required public hearings. Scheduling requirements for PD applications shall match those specified for sketch plans and preliminary and final plats. In addition, an application for a PD Overlay District amendment to the official zoning map shall be processed and subject to public hearings in the same manner as for other amendments to the official zoning map.

Rezoning to a PD Overlay District shall occur concurrently with a preliminary plat/preliminary PD development plan. Development within a PD Overlay District cannot occur unless and until a final plat for the portion of the property to be developed has been approved and recorded as provided in this Chapter.

In addition to all of the information required in this Chapter as part of the sketch plan, preliminary plat and final plat application packages, applications for a PD development plan and PD Overlay District shall include additional information as outlined in this Section.

5. Sketch PD Development Plan Application Submittal Requirements.
- a. PD application fee;
  - b. Written PD description as part of the general development information which includes:
    - i. List all subdivision regulation exceptions proposed for the PD.



- ii. Identify the underlying zoning district(s) for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the district(s). If any conditional uses are requested, explain how the conditional use review criteria will be addressed.
- iii. Identify and explain the benefits which will be provided by the PD to offset the impact of the modifications requested (i.e., if the minimum lot size is decreased, additional functional, centrally located common open space will be provided; or if the width of the local street right-of-way is decreased by eliminating on-street parking, then there will be designated parking areas within 500 feet of all residences, etc.). All proposed benefits must offset the proposed modifications.
- iv. Explain how the proposed PD will be compatible with adjacent neighborhoods which now exist or are proposed in the future. Describe any proposed buffering techniques which serve to achieve such compatibility.
- v. Provide any additional relevant information which the Town may deem necessary.

**6. Preliminary PD Development Plan Application Submittal Requirements.**

- a. Written PD description as part of the general development information which includes:
  - i. List all subdivision regulation exceptions being proposed for the PD and explain why such exceptions are justified.
  - ii. Identify the underlying zoning district(s) for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the district(s). Provide a comparison between the proposed preliminary PD plan to the elements and standards of the underlying zone district(s) as contained in this Code. If any conditional uses are requested, explain how the conditional use review criteria will be addressed.
  - iii. Describe how the proposed PD overlay rezoning satisfies one or more of the criteria for amendments to the official zoning map.
  - iv. Identify and explain the benefits which will be provided by the PD to offset the impact of the modifications requested. The proposed benefits must offset the proposed modifications.
  - v. Explain how the proposed PD will be compatible with adjacent

neighborhoods which now exist or are proposed in the future. Describe buffering techniques which serve to achieve such compatibility.

- vi.** An explanation of how the preliminary PD development plan is consistent with the sketch PD development plan, or if there are differences, the rationale for the changes.
  - vii.** Draft copies of owners' association documents (covenants, conditions, restrictions and any architectural design guidelines) that provide an acceptable program for the continuing maintenance of open space, recreational areas, walkways, and private streets within the PD; that detail the type of organizational structure responsible for such ongoing maintenance; and that provide for architectural review based on the design guidelines.
  - viii.** Provide any additional relevant information which the Town may deem necessary.
- b.** Preliminary PD development plan map using the plat map as the base and in accordance with the standards and format of this Code. Include on the base a clear graphic and/or written representation of:
- i.** All principal, conditional, and accessory uses within each land use category within the PD, i.e., single-family, multi-family, commercial, etc., either listed specifically or by reference to the zoning districts within the Town. In particular, note any modifications to the principal, conditional, and accessory uses of the underlying zone district(s).
  - ii.** Standards for principal and accessory uses within each land use category, to include:
    - a)** Minimum lot area.
    - b)** Maximum lot coverage.
    - c)** Maximum floor area ratio (total floor area to total lot area).
    - d)** Maximum building height.
    - e)** Parking requirements for principal, accessory, and conditional uses.
    - f)** Provide any additional relevant information which the Town may deem necessary.
- c.** Proposed phasing for the development.

**7.** Final PD Development Plan Application Submittal Requirements.

- a.** Written PD description as part of the general development information, based on





**16.3.5 Table of Permitted and Conditional Uses by Zoning District**

Table 3A is included as a convenience and intended to reflect the provisions of this Code. In the event there is a conflict between this Table and the text provisions of this Code, the text shall control.

The following codes are used in the tables below:

- P=Permitted Principal Use
- C=Permitted Conditional Use
- \*=Prohibited

<sup>1</sup>Accessory dwelling shall be limited to eight hundred fifty (850) square feet in total floor area, with no more than one (1) per lot in addition to the single-family dwelling.

<sup>2</sup>No more than eight (8) units per building.

<sup>3</sup>No more than twenty-four (24) units per building.

<sup>4</sup>Provided that the use is part of a neighborhood center.

<sup>5</sup>High school not allowed in R-1 zone.

<sup>6</sup>No repair or storage facilities.

<sup>7</sup>Permitted principal use provided that it is part of a neighborhood center.

<sup>8</sup>Permitted conditional use provided that it is part of a neighborhood center.

<sup>9</sup>Permitted principal use of 5,000 sq. ft. or less. Conditional use required for more than 5,000 sq. ft.

<sup>10</sup>Permitted principal use with size restrictions.

TABLE 3-A																		
PERMITTED USES	A		R-E		R-1	R-2	R-3	R-4	MU			MH		B	C-1	C-2	I-1	I-2
<b>Residential Uses</b>																		
Accessory buildings and accessory uses	P		P		P	P	P	P	P			P		P	P	P	P	P
Accessory dwelling <sup>1</sup>	P		P		P	P	P	*	P			*		P	*	*	P	C
Group homes	*		P		C	C	C	C	C			*		*	*	*	C	*
Multiple-family dwellings	*		*		*	*	P <sup>2</sup>	P <sup>3</sup>	P			*		P	P	P	*	*
Senior housing	*		*		*	*	*	P	P			*		*	*	*	*	*
Single-family detached dwellings	P		P		P	P	P	*	P			*		P	*	*	*	*

**TABLE 3-A**

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-4	MU	MH	B	C-1	C-2	I-1	I-2
Single-family detached dwellings located on small lots	*	*	*	P	P	*	P	*	P	*	*	*	*
Two-family dwellings	*	*	*	*	P	P	P	*	*	*	*	*	*
Mobile Homes	*	*	*	*	*	*	*	P	*	*	*	*	*
<b>Institutional/Civic/Public Uses</b>													
Cemeteries	C	C	*	*	*	*	*	*	*	*	*	*	*
Churches or place of worship and assembly	*	C	C	C	C	C	C <sup>4</sup>	*	C	P	P	*	*
Community facilities	*	C	C	C	C	C	P	*	P	P	P	P	P
Golf courses	P	C	*	*	*	*	C	*	C	C	C	C	C
Parks and open space	P	P	P	P	P	P	P	*	P	P	P	P	P
Public and private schools for elementary, intermediate and high school education	C	C	C <sup>5</sup>	C	C	C	C	*	*	*	C	*	*
Public and private schools, including colleges, vocational training and technical training	*	*	*	*	*	*	C <sup>4</sup>	*	P	P	P	P	C
Public facilities provided that business offices and repair and storage facilities are not included	C	C	C	C	C	C	P	P	*	*	*	*	C
Public facilities with business offices and repair and storage facilities	*	*	*	*	*	*	C	*	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	C	C
Transit facilities without repair or storage	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>Business/Commercial/Retail Uses</b>													
Adult uses including product sales and entertainment	*	*	*	*	*	*	*	*	*	*	*	*	C
Artisan and photography studios and galleries	*	*	*	*	*	*	P	*	P	P	P	C	C
Auto, recreational vehicle, boat and truck sales	*	*	*	*	*	*	*	*	*	*	C	C	C
Auto, RV, boat and truck storage	*	*	*	*	*	*	P	*	*	*	*	*	P
Bars and taverns	*	*	*	*	*	*	*	*	C	C	P	*	C

**TABLE 3-A**

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-4	MU	MH	B	C-1	C-2	I-1	I-2
Bed and breakfasts	*	*	*	*	C	C	P	*	P	C	P	C	*
Boarding and rooming houses	*	*	*	*	*	C	C	*	P	P	*	C	*
Car wash	*	*	*	*	*	*	*	*	C	P	P	P	P
Family child care homes	*	C	C	C	C	C	C	*	C	C	C	*	*
Child care center	*	*	*	*	*	C	C	*	*	*	*	P	C
Clubs and lodges	*	*	*	*	*	*	*	*	C	C	P	P	P
Convenience shopping and retail establishments	*	*	*	*	*	*	P	*	P	P	P	P	C
Entertainment facilities and theaters	*	*	*	*	*	*	C	*	C	C	P	C	C
Equipment, rental establishments without outdoor storage	*	*	*	*	*	*	P	*	*	P	P	P	P
Equipment, truck and trailer rental establishments with outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	C
Food catering	*	*	*	*	*	*	*	*	*	*	*	*	*
Funeral homes	*	*	*	*	*	*	*	*	*	*	P	C	*
Gasoline stations	*	*	*	*	*	*	C	*	C	C	P	P	P
Health and membership clubs	*	*	*	*	*	*	P	*	P	P	P	P	P
Home occupations – with restrictions	P	P	P	P	P	C	P	P	*	*	*	*	*
Hospitals	*	*	*	*	*	*	*	*	*	*	C	C	*
Large retail establishments	*	*	*	*	*	*	*	*	*	*	P	*	*
Large animal boarding (riding stables)	P	*	*	*	*	*	*	*	*	*	*	*	*
Limited indoor recreation facility	*	*	*	*	*	*	C	*	P	P	P	C	*

**TABLE 3-A**

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-4	MU	MH	B	C-1	C-2	I-1	I-2
Limited outdoor recreation facility	C	C	C	C	C	C	C	*	C	C	C	C	*
Lodging establishments	*	*	*	*	*	*	C	*	P	C	P	C	*
Long term care facilities	*	*	*	*	*	C	C	*	C	*	P	C	*
Medical and dental offices and clinics	*	*	*	*	*	*	P	*	P	P	P	C	*
Mixed-use dwelling units	*	*	*	*	*	*	P	*	P	P	P	P	*
Motor vehicle service and repair (minor repairs)	*	*	*	*	*	*	C	*	C	C	C	C	P
Motor vehicle service and repair establishments (major repairs)	*	*	*	*	*	*	*	*	*	*	*	*	P
Night clubs	*	*	*	*	*	*	*	*	*	*	C	*	C
Open-air farmers' markets	P	*	*	*	*	*	P	*	P	P	P	C	C
Parking lots and parking garages (as a principal use)	*	*	*	*	*	*	C	*	C	*	C	P	P
Personal and business service shops	*	*	*	*	*	*	P	*	P	P	P	C	*
Plant nurseries & greenhouses	*	*	*	*	*	*	*	*	*	*	*	*	*
Print shops	*	*	*	*	*	*	*	*	*	*	*	*	*
Professional offices, financial services	*	*	*	*	*	*	P	*	P	P	P	P	*
Restaurants/standard & fast food without drive-throughs	*	*	*	*	*	*	P	*	P	P	P	P	P
Restaurants with drive-throughs	*	*	*	*	*	*	C	*	*	*	P	C	P
Retail and supply yard establishments with outdoor storage	*	*	*	*	*	*	*	*	*	*	C	C	P
Safe house for battered or abused adults or children of up to eight (8) families	*	P	P	P	P	P	P	*	*	*	*	*	*
Sales and leasing of farm implements, heavy equipment sales, and heavy excavation equipment	*	*	*	*	*	*	*	*	*	*	*	*	C



**TABLE 3-A**

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-4	MU	MH	B	C-1	C-2	I-1	I-2
Small animal boarding (kennels)	C	*	*	*	*	*	*	*	*	*	C	C	C
Small grocery stores	*	*	*	*	*	*	P	*	P	P	P	C	*
Supermarkets	*	*	*	*	*	*	*	*	*	*	P	*	*
Tourist facilities	*	*	*	*	*	*	P	*	P	P	P	P	*
Veterinary facilities, small animal clinics	P	*	*	*	*	*	P	*	*	P	P	P	P
Veterinary facilities, large animal clinics	P	*	*	*	*	*	*	*	*	*	*	*	P
Veterinary hospitals	*	*	*	*	*	*	*	*	*	*	*	C	C
<b>Industrial Uses</b>													
Dry cleaning plants	*	*	*	*	*	*	*	*	*	*	*	*	C
Enclosed mini-storage facilities	*	*	*	*	*	*	*	*	*	*	C	C	P
Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations)	C	C	*	*	*	*	*	*	*	C	C	C	C
Manufacturing and preparation of food products	*	*	*	*	*	*	*	*	*	*	*	*	P
Manufacturing, assembly or packaging of products from previously prepared materials	*	*	*	*	*	*	*	*	*	*	*	C	P
Manufacturing of electric or electronic instruments and devices	*	*	*	*	*	*	*	*	*	*	*	C	P
Plumbing, electrical and carpenter shops	*	*	*	*	*	*	*	*	*	*	*	*	P
Recycling facilities	*	*	*	*	*	*	*	*	*	*	*	*	C
Research, experimental or testing laboratories	*	*	*	*	*	*	*	*	*	*	*	C	C
Resource extraction, processes and sales establishment	C	*	*	*	*	*	*	*	*	*	*	C	C

TABLE 3-A																		
PERMITTED USES	A		R-E		R-1	R-2	R-3	R-4	MU			MH		B	C-1	C-2	I-1	I-2
Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes, and heavy excavation equipment	*		*		*	*	*	*	*			*		*	*	*	*	C
Warehouse, distribution and wholesale uses	*		*		*	*	*	*	*			*		*	*	*	P	P
Wireless telecommunications facilities	*		*		*	*	*	*	*			*		*	*	*	P	P
Workshops and custom small industry uses	*		*		*	*	*	*	C			*		C	*	C	P	P
Common equestrian stabling and grazing with restrictions	P		P		*	*	*	*	*			*		*	*	*	*	*
Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises	P		P		*	*	*	*	*			*		*	*	*	*	*
Farming, including but not limited to, gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plans, turf and sod	P		*		*	*	*	*	*			*		*	*	*	*	*
Livestock (with limitations)	P		*		*	*	*	*	*			*		*	*	*	*	*
Plant nurseries and greenhouses	P		*		*	*	*	*	C			*		*	*	*	P	P
Structures for storage of agricultural products produced on the premises	P		*		*	*	*	*	*			*		*	*	*	*	*

(Ord. 10-2002; Ord. 7-2004; Ord. 22-2008)

## 16.3.6 Density and Dimensional Standards

The following specifications shall be required in the zones identified:

### A. Residential - Density and Dimensional Standards

The following codes are used in Tables 3B and 3C below:

SFD=Single Family Detached

SFA=Single Family Attached

MF=Multi-Family

MH=Mobile Home District

<sup>1</sup>The average lot size in each platted block shall not be less than 10,000 sq. ft.

<sup>2</sup>No minimum lot area, lot width, or lot depth for cluster homes in R-2 District

<sup>3</sup>As specified by R-1, R-2, R-3 and R-4 zoning districts.

<sup>4</sup>Swimming Pools, Spas and Hot Tubs; Rear Yard Requirements. All swimming pools, spas and hot tubs, including aboveground and in-ground pools, having a depth greater than eighteen inches (18") shall not be placed or constructed in the front yard or side yard of any residential lot.

<sup>5</sup>On corner lots, one (generally the shortest) side of the lot with street frontage shall meet the applicable front yard setback.

<sup>6</sup>Front-loaded garage setback is a minimum of 10; further than the front of the principal building.

<sup>7</sup>Rear spacing shall be 20 feet when units are side to end and 10 feet when units are end to end.

<sup>8</sup>50' landscape setback required from I-25.

<sup>9</sup>If alley-loaded parking is provided, minimum rear yard setback shall be 25'.

<sup>10</sup>The building height limitations shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, water tanks, silos, nor to public building or structures located more than one foot (1') horizontally from the property line for each foot of building height.

<sup>11</sup>Subject to conditional review process and increased setback consideration.

<b>TABLE 3-B</b>								
<b>Zones</b> <b>Standards</b>	R-E/ SFD	R-1/ SFD	R-2/ SFD	R-3/ SFA	R-4/ MF	MH		MU
Minimum lot area per dwelling (square feet, unless otherwise noted)	1 acre	8,000 <sup>1</sup>	6,000 <sup>2</sup>	1,800	1,800 for town-homes 6,250 per building for apartments and condos	4,000		4,500 (SFD)  1,800 (SFA,MF)
Minimum lot width (total in feet, unless otherwise noted)	140	50	54	20	20 for town-homes 60 for apartments and condos	50		Subject to each residential type <sup>3</sup>
Minimum lot frontage (feet)	50	45	35	18 for townhomes 35 for apartments and condos	35	40		Subject to each residential type <sup>8</sup>
Maximum lot coverage of principal and accessory buildings (percent)	20	35	50	N/A	N/A	N/A	N/A	N/A

Residential Density and Dimensional Standards									
Zones Standards	R-E/ SFD <sup>1</sup>		R-1/ SFD <sup>1</sup>	R-2/ SFD <sup>1</sup>	R-3/ SFA <sup>2</sup>	R-4/ MF <sup>3</sup>	MH <sup>4</sup>		MU
Minimum front yard setback <sup>4</sup> (feet)									
Principal building	30		25	15	15	15	15 from back of curb		15
Accessory building	60		55	55	45	45	40		45
Minimum side yard setback (feet) <sup>5</sup>	20		5 access	7	8 (at end of each row)	8 (at end of each row)	10		Per each residential type <sup>6</sup>
Minimum distance between buildings (feet)	40		10	10	Subject to building codes	Subject to building codes	20		Subject to building codes
Minimum rear yard setback (feet)									
Principal building	20		30	20	20	20	10 or 20 <sup>7</sup>		20
Garage with its entrance facing an alley	10		5	5	5	5	5		5
Accessory building or structures	5		10	5	5	5	5		5
Minimum floor area per dwelling unit	1500		850	750	600	400	864		As specified in an MU Plan
Maximum building height (feet)	35		35	35	35	35	35		35
Maximum stories			2.5 at least 1 above ground						

**B. Commercial, Industrial and Agricultural Density and Dimensional Standards**

The following codes are used in the table below:

— = No specific requirement

Ag = Agricultural structure

SFR = Single family residence

<b>TABLE 3-C</b>							
<b>Zones</b>	B	C-1	C-2	MU	I-2	I-1	A
<b>Standards</b>							
Minimum front yard setback (feet)	0	10	15	0	25 <sup>8</sup>	25 <sup>1</sup>	30
Maximum front yard setback (feet)	10	—	—	10	—	—	—
Minimum rear yard setback (feet)	0 <sup>9</sup>	10 <sup>2</sup>	15 <sup>2</sup>	0 <sup>2</sup>	20	20	20
Maximum floor area ratio (ratio of total floor area to total lot area)	2:1	1:1	1:1	2:1	1:1	1:1	—
Maximum net density	—	—	—	—	—	—	3
Maximum building height (feet) <sup>10</sup>	40	35	40	40	50 <sup>11</sup>	50 <sup>4</sup>	50 <sup>4</sup> Ag. 30 SFR
Maximum ground level footprint (square feet)	5000	—	—	5000	—	—	—
Minimum lot areas							
Minimum lot width	25						
Minimum landscaped open space							
Sideyard	0						

**C. Setback requirements (all districts).**

1. On double frontage lots, both streets shall be considered street frontages for purposes of calculating front yard setbacks.
2. On corner lots, one (generally the shortest) side of the lot with street frontage shall meet the applicable front yard setback.
3. For purposes of setback calculations, a two-family dwelling shall be construed as one building occupying one lot.
4. On a vacant lot bordered on two sides by previously constructed legal nonconforming buildings which do not meet the required front yard setback for the zoning district, the

required front yard setback for the vacant lot shall be calculated as the average front yard setback of the two adjacent buildings. Where a vacant lot is bordered on only one side by such a legal nonconforming building, the required front yard setback shall be calculated as the average of the front yard setback of the adjacent building and the minimum front yard setback for the zoning district.

5. Permanent features allowed within setbacks shall include:
  - a. Cornices, canopies, eaves or other similar architectural features if they extend no more than two feet into a required setback and if they do not encroach into or overhang an easement;
  - b. Steps or ramps to the principal entrance and necessary landings, provided they do not extend more than six feet into the required setback;
  - c. Landscaping;
  - d. Fences and walls, subject to height and other restrictions of this Chapter;
  - e. Utility service lines to a structure and utility lines, wires and associated structures within a utility easement;
  - f. Fire escapes, provided they do not extend more than six feet into the required setback;
  - g. Uncovered patios, porches and decks not more than thirty inches above grade, provided they do not extend more than thirty percent of the required setback distance into the required setback area; and
  - h. Open or covered patios, porches, and decks attached to residential dwellings and greater than thirty inches in height may extend no more than five feet into a required front or rear setback or five feet into a required side yard setback adjacent to a street, provided they do not encroach into or overhang an easement or property line and do not obstruct any sight distance triangle. (Ord. 10-2002; Ord. 7-2004)

### 16.3.7 Conditional Uses

- A. **Purpose.** In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Specific conditional uses for each zone district are listed in the section of this Article describing each use.

Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria and the intent of this Code and each zoning district. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

**B. Conditional Use Review Process.**

1. Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the Town. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.
2. Step 2: Conditional Use Application Submittal. The applicant shall submit one copy of the complete conditional use application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board. Conditional use requests shall include:
  - a. Land Use Application Form and Application Fee.
  - b. Conditional Use – Technical Criteria Form (from Workbook).
  - c. Title Commitment or Proof of Ownership.
  - d. Written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
  - e. A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.
  - f. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
  - g. Such additional material as the Town may prescribe or the applicant may submit pertinent to the application.

- h. Surrounding and Interested Property Ownership Report.
  - i. Public Hearing Notification Envelopes.
- 3. Step 3: Conditional Use Application Certification of Completion and Report to Planning Commission. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, Staff shall prepare a report to the Planning Commission explaining how the application is or is not consistent with the conditional use application review criteria.
- 4. Step 4: Planning Commission Review of the Conditional Use Application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The Planning Commission will then recommend to the Board approval, approval with conditions or denial.
- 5. Step 5: Set Conditional Use Public Hearing Date and Notify Public of Hearing Before the Board of Trustees. The Town Clerk shall send notice of public hearing to the applicant and the parties for whom the applicant has provided Public Hearing Notification Envelopes, and to the appropriate referral agencies a reasonable length of time before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. A public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held a reasonable length of time after the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the Board, one public hearing may be held on both applications.
- 6. Step 6: Board Public Hearing and Action on the Conditional Use. The Board shall hold a public hearing on the conditional use application. Following the public hearing, the Board may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria and the intent of this Code. A conditional use permit may be revocable, may be granted for a limited time period, or may granted subject to conditions as the Board may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules.



**C. Conditional Use Review Criteria.** The Town shall use the following criteria to evaluate the applicant's request:

1. The conditional use will satisfy all applicable provisions of this Code unless a variance is being requested.
2. The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Timnath Comprehensive Plan.
3. The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
4. The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.
5. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:
  - a. Traffic;
  - b. Activity levels;
  - c. Light;
  - d. Noise;
  - e. Odor;
  - f. Building type, style and scale;
  - g. Hours of operation;
  - h. Dust; and
  - i. Erosion control.

7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained. (Ord. 10-2002; Ord. 7-2004; Ord. 10-2004)

### **16.3.8 Nonconforming Uses/Buildings Requirements for Nonconforming Uses/Buildings.**

Except as provided in this Section, the lawful use of any building or land existing at the time of enactment of this Article, or of any amendments to this Code, may be continued even though such use does not conform to the requirements of this Code. The following provisions apply to all nonconforming uses or buildings:

1. Abandonment. Whenever a nonconforming use or building has been discontinued for a period of one hundred eighty days, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this Article.
2. Completion. Any building or structure for which a building permit has been issued prior to the date of enactment of this Article may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within sixty days after the issuance of said permit and diligently pursued to completion.
3. Displacement. No nonconforming use or building shall be altered, extended or restored so as to displace any conforming use. A mobile home or trailer used as a dwelling in any district may not be altered in any way. When it is removed it may be replaced only with a conforming use.
4. Extensions. A nonconforming use shall not be expanded in land area, amount of activity from or to the use, or amount of materials for the use. The extension of a conforming building shall not be deemed, by itself, the extension of such nonconforming use located in the building; however, nonconforming businesses in R-1 and R-2 zones shall not be extended under any circumstances.
5. Repairs and Maintenance. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.
6. Restoration. A nonconforming building which has been damaged by fire or other causes and which may be restored to its original condition, provided that (a) such work is commenced within one hundred eighty (180) days of such calamity; and (b) less than fifty percent (50%) of the fair market value of the building is destroyed; and (c) less than fifty percent (50%) of the building is destroyed.
7. Unsafe Buildings. Any nonconforming building or portion thereof declared unsafe by the Building Inspector, which may be replaced, strengthened or restored to a safe condition. (Ord. 10-2002; Ord. 7-2004)

### 16.3.9 Appeals and Variances

- A. Purpose.** The Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Code. In addition, the Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Code. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the Town of Timnath Comprehensive Plan or impair the intent and purpose of this Code.
- B. Appeal Application.**
1. Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this Code.
    - a. An appeal to the Board of Adjustment shall be made within ten days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the Town. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustment.
    - b. The applicant shall file with the Town Clerk a written notice of appeal on a form approved by the Board and pay the fee set by the current fee schedule.
    - c. The Town Clerk shall forward a copy of the notice of appeal to the Planning Staff or other appropriate administrative officer, who shall prepare a record of the Town action being appealed for consideration by the Board of Adjustment.
- C. Variance Application.** Any person of interest, or an officer or department of the Town may apply to the Board of Adjustment for a variance from the literal interpretation of the provisions of this Code.
1. For a variance request, the applicant shall submit the following to the Town Clerk:
    - a. *Land Use Application Form and Application Fee.*
    - b. *Variance – Technical Criteria Form.*
    - c. *Title Commitment or Proof of Ownership.*

- d. *Explanation Letter* – identifying the variance being requested, a citation of the portion of the Town Land Use Code from which relief is requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the Town Comprehensive Plan or impair the intent and purpose of this Code.
- e. *Map* – Staff will specify map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including, but not limited to, required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the Board of Adjustment in understanding the request.
- f. *Surrounding and Interested Property Ownership Report.*
- g. *Public Hearing Notification Envelopes.*

**D. Set Public Hearing and Complete Public and Referral Agency Notification.** The Town shall schedule a public hearing. A public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held a reasonable length of time after the date of posting of the property and newspaper publication.

**E. Board of Adjustment Public Hearing and Action on the Appeal or Variance Request.** The Board of Adjustment (BOA) shall make the decision on appeals and variances at a regular meeting of the BOA.

1. The appellant, or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the BOA.
2. The BOA shall have all the powers of the applicable Town administrative official on the action appealed. The BOA may in whole or in part affirm, reverse or amend the decisions of the applicable Town administrative official.
3. The BOA may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of the Town Land Use Code.
4. The BOA may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested. A variance may be granted for indefinite duration or a specified period of time.
5. No single decision of the BOA sets a precedent. The decision of the BOA shall be made on the particular facts of each case.
6. Decisions of the BOA shall be in writing.

**F. Appeal Criteria for Administrative Interpretation.** The Board of Adjustment, in hearing an appeal from an interpretation of the Town Land Use Code, shall consider:

1. The technical meaning of the provision being appealed;
2. Evidence of the manner in which the provision has been interpreted in the past;
3. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and
4. The intent of the provision in implementing the Town Comprehensive Plan.

In approving a requested interpretation, the Board of Adjustment shall provide a written record of its findings and the staff shall use it to propose amendments that address future interpretation problems.

**G. Variance Criteria for Approval.**

1. The Board of Adjustment shall not grant a variance to this Chapter, which:
  - a. Permits a land use not allowed in the zoning district in which the property is located; or
  - b. Is in the public right-of-way or on public property; or
  - c. Alters any definition of this Chapter; or
  - d. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the Code; or
  - e. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to of the Code; or
  - f. Is based exclusively on findings of personal or financial hardship. Convenience, profit or caprice shall not constitute undue hardship; or
  - g. The variance will neither result in the extension of a nonconforming situation, use, building or lot, nor authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the Comprehensive Plan.
2. In order to grant a variance to this Chapter, the Board of Adjustment shall find that all the following have been satisfied:

- a. That there are unique physical circumstances or conditions of the land such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition of the land particular to the affected property;
- b. That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Chapter;
- c. That such unique physical circumstances or conditions are unique and unusual or nearly so, rather than one shared by many surrounding properties;
- d. That due to such unique physical circumstances or conditions of the land, the strict application of this Chapter would create a demonstrated hardship;
- e. That the demonstrable hardship is not self-imposed;
- f. That the hardship or poor land use of which the applicant complains is one suffered by the applicant alone and not by neighbors or the general public;
- g. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;
- h. That the variance, if granted, will not change the character of the zoning district in which the property is located;
- i. That the variance, if granted, is in keeping with the intent of this Chapter;
- j. That the variance, if granted in a floodplain or floodway, meets the requirements of floodplains and floodways of this Chapter and any other applicable law; and
- k. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town.

The condition of any variance authorized shall be stated in writing in the minutes of the Board of Adjustment with the justifications set forth.

**H. Appeal of Decisions of the Board of Adjustment.** Any appeal of the decision of the Board of Adjustment subject to appeal may be made to the District Court as provided by law; provided however, that such appeal must be made within thirty days following the date of the final action taken by the Board of Adjustment, as provided by Rule 106, Colorado Rules of Civil Procedure. (Ord. 10-2002; Ord. 7-2004; Ord. 10-2004)

### 16.3.10 Amendments/Rezoning

- A. Initiation of Amendments to Text or Official Zoning Map.** The Board may from time to time, amend, supplement, change or repeal the regulations and provisions of this Article. Amendments to the text of this Chapter may be initiated by the Board, Town Staff, the Planning Commission, or by written application of any property owner or resident of the Town. Rezoning/Amendments to the zoning district map may be initiated by the Board, Town Staff, the Planning Commission, or by a real property owner in the area to be included in the proposed amendment.
- B. General Rezoning of the Town.** Whenever the official zoning map is in any way to be changed or amended incidental to or as part of a general revision of this Article, whether such revision be made by repeal of this Article and enactment of a new article or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for fifteen days prior to the public hearing on such amendments.
- C. Rezoning Application Process.** The following process shall apply when a person(s) applies for different zoning for property(ies) it owns.
1. Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the Town. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.
  2. Step 2: Zoning Amendment Application Submittal. The applicant shall submit one copy of the complete zoning amendment application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board. Note: In the case of text amendments, only Items a and b are required. The zoning amendment application shall include:
    - a. Completed Land Use Application Form, Zoning Amendment – Technical Criteria Form (see Workbook), application fee and fee agreement;
    - b. If the proposed change is a text amendment only, written description of the proposed change to the text of this Article, including the citation of the portion of the Article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rationale of the proposed change. Particular attention should be given to addressing the criteria listed in Subsection E.
    - c. A legal description for all property to be considered for rezoning;

- d.** Title Commitment or Current Proof of Ownership.
  
- e.** If the land proposed for rezoning is not subdivided or if a zoning district boundary is proposed to bisect a platted parcel, a zoning amendment map of the area included in the proposed change, twenty-four inches high by thirty-six inches wide, with the following information:
  - i.** North arrow, scale (1" = 100' or 1" = 200'), and date of preparation.
  - ii.** The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
  - iii.** Legal description of area to be zoned (entire area and individual zoning districts). On property that is not subdivided, zone boundaries shall be determined by a metes and bounds description.
  - iv.** Location and boundaries, including dimensions, of the property(s) proposed for rezoning.
  - v.** The acreage or square footage contained within the property proposed for rezoning.
  - vi.** All existing land uses in the proposed rezoning area.
  - vii.** Zoning and existing land uses on all lands adjacent to the proposed rezoning.
  - viii.** The location and dimensions for all existing public rights-of-way including streets, and centerlines of water-courses within and adjacent to the rezoning.
  - ix.** The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
  - x.** Certificate blocks for Surveyor, Planning Commission, Board, and Larimer County Clerk and Recorder.
  - xi.** An AutoCAD™ drawing file (release 12 or higher) of the zoning amendment map on 3 ½" IBM formatted disk, compact disc, or by other acceptable electronic transfer shall also be provided.
  
- f.** A written statement describing the proposal and addressing the following points:
  - i.** Need for the proposed rezoning;



- ii. Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area;
  - iii. Impact of the proposed zone on area accesses and traffic patterns;
  - iv. Availability of utilities for any potential development;
  - v. Present and future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit;
  - vi. The relationship between the proposal and the Town Comprehensive Plan; and
  - vii. Public benefits arising from the proposal.
- g. Surrounding and Interested Property Ownership Report.
  - h. Public Hearing Notification Envelopes.
3. Step 3: Rezoning/Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
  4. Step 4: Final Staff Review and Report to Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map or Criteria for Amendments to the Text of the Zoning Code.
  5. Step 5: Set Rezoning/Amendment Public Hearing Before Planning Commission and Complete Public Notification Process. The Town Clerk shall send notice of public hearing to the applicant, the parties for whom the applicant provided Public Hearing Notification Envelopes, and to the appropriate referral agencies a reasonable length of time before the initial Planning Commission public hearing. Such notice shall not be required for text amendments. For zoning map amendments, a public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The Town Clerk shall publish notice in a newspaper of general circulation. The public hearing may be held a reasonable length of time after the date of posting of the property and newspaper publication. If the zoning amendment request is accompanying another application

which is scheduled for public hearings before the Planning Commission and Board, one public hearing may be held on both applications.

6. Step 6: Planning Commission Public Hearing and Action on the Zoning Amendment. The Planning Commission shall hold a public hearing to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map or the Criteria for Text Amendments to the Zoning Code. The Commission shall then make a recommendation to the Board to approve, conditionally approve, or deny the zoning amendment application.
7. Step 7: Finalize Rezoning/Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on Planning Commission's comments and submit it to the Town.
8. Step 8: Set Board Public Hearing and Complete Public Notification Process. The Board shall schedule a public hearing for the purpose of taking action on the zoning amendment. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than ten (10) days from the date of advertising.
9. Step 9: Notify parties of interest. Not less than ten (10) days before the date scheduled for the initial Council public hearing, Staff shall notify the applicant, the parties for whom the applicant provided Public Hearing Notification Envelopes, and the appropriate referral agencies. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. Such notice shall not be required for text amendments.
10. Step 10: Board Public Hearing and Action on the Zoning Amendment. The Board shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Board shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part. The Board can require that an area being rezoned have an approved planned development overlay zone prior to development, in which case the district designation on the official zoning map shall be followed by "(PD)". Decisions by the Council with all conditions shall be done by Ordinance. (Ord. 22-2008)

**D. Criteria for Amendments to the Official Zoning Map.** For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property;
2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; or
3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town Comprehensive Plan; or

4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or
5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
6. A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

**E. Criteria for Text Amendments to the Zoning Code.** For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Article shall not be amended except:

1. To correct a manifest error in the text of this Article; or
2. To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff; or
3. To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article; or
4. To further the implementation of the goals and objectives of the Town Comprehensive Plan.

**F. Map – Amendment upon Zoning Establishment or Modification.** Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map. (Ord. 10-2002; Ord. 7-2004; Ord. 10-2004)

<b>16.3.11 Zoning and Use of Wireless Telecommunication Services, Facilities and Equipment</b>
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- A. Permitted Zoning District.** Wireless telecommunication services facilities shall be permitted only in the industrial zoning districts (I-1 or I-2).
- B. Use Permitted by Conditional Review.** It is unlawful for any person to install or operate such a wireless telecommunication services facility unless a use by conditional review has first been approved by the Board as provided in this Article. The approval of such use by conditional review does not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town, state and federal governments.

## C. Application Requirements.

1. Site Plans. The site plans for a wireless telecommunication service facility shall be submitted on one or more plats or maps, at a scale not less than 1" = 50', showing the following information:
  - a. The proposed size, location and boundaries of the wireless telecommunication service facility site, including existing and proposed topography at two foot intervals, referenced to USGS data, state plane coordinates and a legal description of the proposed site;
  - b. Elevations of all towers and equipment, indicating materials, overall exterior dimensions and colors;
  - c. True north arrow;
  - d. Locations and size of existing improvements, existing vegetation, if any; location and size of proposed improvements, including any landscaping;
  - e. Existing utility easements and other rights-of-way of record, if any;
  - f. Location of access roads;
  - g. The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred feet of the site; zoning and uses of adjacent parcels; and
  - h. Title Commitment or Proof of Ownership.
  - i. The location of the GPS in both latitude/longitude and UTM meters.
2. Vicinity Maps. The vicinity maps submitted with an application under this Article shall include one or more maps showing the location of existing and planned commercial mobile radio service facilities belonging to the applicant, within five miles of the proposed facility. Planned facilities may be identified in general terms and need not be address specific.
3. Written Narrative. The application shall include the following in narrative form:
  - a. The applicant's and surface owner's names, addresses, signatures and designation of agent, if applicable;
  - b. An explanation of the need for such a facility, operating plan and proposed coverage area;

- c. If a freestanding facility is proposed, an analysis of alternatives to a freestanding facility within a one-mile radius of the facility;
- d. A list of all permits or approvals obtained or anticipated to be obtained from local, state or federal agencies other than the Federal Communications Commission (FCC);
- e. Affirmation that the proposed facility, alone or in combination with other like facilities, will comply with current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields;
- f. Affirmation that the facility will comply at all times with current FCC regulations prohibiting localized interference with reception of television and radio broadcasts;
- g. Affirmation that the facility will not interfere with any public safety frequencies servicing the Town and its residents;
- h. Affirmation that, if approved, the applicant and surface owner will make the facility available, on a reasonable basis, to other service providers; and
- i. An explanation of compatibility with the Town Comprehensive Plan.

**D. Review Criteria.** The recommendation of the Planning Commission and the decision of the Board shall be based on whether the applicant has demonstrated that the proposed wireless telecommunications services facility meets the following standards:

- 1. The site plan complies with the foregoing requirements;
- 2. The vicinity map complies with the foregoing requirements;
- 3. The narrative for the application complies with the foregoing requirements;
- 4. When applicable, compliance with the setback and height requirements;
- 5. When applicable, compliance with the accessory building requirements; and
- 6. When applicable, compliance with conditional mitigation co-location requirements as set forth.

The review criteria shall be included in the ordinance granting approval of the conditional use.

**E. Height and Setback Requirements.** In all performance districts where wireless telecommunications service facilities are allowed as uses by conditional review, the following apply:

1. Roof- or building-mounted commercial mobile radio service facilities may protrude no more than five feet above the parapet line of the building or structure, nor more than two and one-half feet outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval;
2. Roof- or building-mounted whip antenna(s) of no more than three inches in diameter, in groupings of five or less, may extend up to twelve feet above the parapet wall; and
3. Applicable zoning setback requirements of this Article must be met. At a minimum, all freestanding facilities shall be set back at least three hundred feet from all residentially zoned properties or residential structures on properties otherwise zoned.

**F. Accessory Buildings Requirements**

1. Accessory buildings located on the ground shall be no larger than four hundred square feet and must be constructed of durable, low maintenance materials, architecturally compatible and integrated with existing buildings and structures. Sites with greater than one hundred cubic feet of cabinet area, visible from a public right-of-way or residentially zoned or used area, must enclose the equipment in accessory buildings.
2. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient.

**G. Building- or Roof-Mounted Facilities Requirements.** Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other techniques deemed sufficient.

**H. Freestanding Wireless Telecommunications Facilities Requirements.** All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:

1. Capable of serving, through original construction, expansion or replacement, a minimum of two users;
2. Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved;
3. Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings;
4. Hold only lighting required by the Federal Aviation Administration; and no signage;

5. No higher than fifty feet from the ground, with an additional twenty feet per co-locating user permitted, up to a maximum height of seventy feet. Exceptions may be granted by the Board of Trustees upon request by the applicant where it is shown that a higher pole is necessary to promote service within Timnath and no alternative is available; and
6. Constructed in accordance with a registered engineer's specifications and in compliance with all applicable U.B.C. provisions.

**I. Conditional Mitigation Measures Co-location**

1. The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.
2. No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan.

**J. Application Fees.** Each applicant shall pay a non-refundable processing fee of five hundred dollars (\$500.00) to reimburse the Town for the legal, engineering and land planning costs of reviewing the application. Legal publication costs are in addition to the five hundred dollars and will be billed separately by the Town. No permit will be issued until all fees are paid.

**K. Abandonment.** At the request of the Town, the operator must furnish a statement to the Town indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six months shall be disassembled within twelve months of the last use.

**L. Penalty.** Any person who constructs, installs or uses, or who causes to be constructed, installed or used, any wireless telecommunications facility in violation of any provision of this Article or of the conditions and requirement of the conditional use permit, may be punished as provided in any applicable franchise agreement as well as this Code. Each day of unlawful operation constitutes a separate violation.

**M. Civil Action.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is proposed to be used in violation of any provision of this Code or the conditions and requirements of the commercial mobile radio service facility special use permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to the prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use. (Ord. 10-2002; Ord. 7-2004)

### 16.3.12 Home Occupations

- A.** Intent. It is the intent of the Town to allow in-home commercial activities in selected residential areas when the nature and operation of the in-home business is not evident or detrimental to the peace, enjoyment and quality of life in the neighborhood.
- B.** Home occupations must meet the following standards:
1. Medical, dental and real estate offices are not permitted as home occupations.
  2. In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one outside employee working at the site of the home occupation.
  3. The employee and clients may park in on-street curbside parking spaces.
  4. The home occupation shall not exceed one thousand square feet or thirty percent of the total floor area of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred square feet. The home occupation shall be conducted entirely within the dwelling or designated accessory buildings.
  5. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
  6. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address.
  7. There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
  8. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling or in an accessory building to a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.
  9. Proprietors of home occupations shall register annually with the Town Clerk, which registration shall include a review of compliance with the home occupation standards contained in this Code and an application for a business license or license renewal if required by this Code.
  10. The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area, shall not be permitted as home occupations: motor vehicle repair or motorized implement repair; dance, music or other types of instruction (if more than four [4] students being instructed at one [1] time); dental offices; medical offices; medical marijuana centers, medical marijuana optional premises cultivation operations, or medical marijuana-infused products manufacturers; the painting of vehicles, trailers or boats; private schools with organized classes; radio and television repair; barber and/or beauty shop; machine or welding shops; nursing homes; sexually oriented businesses; and, irrespective of whether



the use may be categorized as a sexually oriented business, any retail or wholesale sales to consumers upon the premises of any types of materials 16-3-57 specified in this Chapter which describe or depict specified sexual activities or specified anatomical areas.

- 11.** All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.
- 12.** The maximum number of vehicle trips per day for clients which may visit the home occupation per day is ten. (Ord. 10-2002; Ord. 7-2004)
- 13.** A primary caregiver cultivating, storing, manufacturing and/or providing medical marijuana in any form for his or her patients or a patient cultivating, storing, manufacturing and/or providing medical marijuana in any form for himself or herself in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106, as amended, whether at cost or for profit, may be allowed as a home occupation provided the primary caregiver or patient is not required to have a license under the Colorado Medical Marijuana Code, and shall meet the following:
  - a.** There shall not be more than one (1) primary caregiver per dwelling unit cultivating, storing, manufacturing or providing medical marijuana in any form to his or her patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106, as amended.
  - b.** All such cultivation shall be conducted entirely within a building or other fully enclosed structure which is classified as a dwelling, as defined in Section 16.1.16 of the Timnath Land Use Code.
  - c.** At any given time, not more than twelve (12) marijuana plants may be cultivated or stored at any dwelling unit, of which no more than six (6) plants may be mature. In addition to the penalties and remedies set forth in Section 16.6.1 of the Timnath Municipal Code, failure to comply with the terms of this Section 16.3.12.B.13.c shall constitute a criminal violation and is subject to penalty under Chapter 10 of the Timnath Municipal Code.
  - d.** Notwithstanding any other provisions of this Section 16.3.12 to the contrary, a primary caregiver providing medical marijuana in any form to his or her patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106, as amended, shall not provide such medical marijuana to his or her patients in or on the premises of the primary caregiver's home, except for those patients whose residence is also the primary caregiver's home, but a primary caregiver shall only deliver medical marijuana to his or her patients off of the premises from which the primary caregiver conducts his or her home occupation.
  - e.** Any primary caregiver providing medical marijuana in any form to his or her patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106, as amended, as a home occupation must obtain a Business and Sales Tax license from the Town prior to commencing such business.

- f. In no event shall a primary caregiver or patient cultivate, store, manufacture and/or provide medical marijuana in any form in excess of the amount a person is entitled to under Amendment 20.

<b>16.3.13      Accessory Uses and Structures</b>
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- A. Accessory Uses. Accessory uses are naturally and normally incidental to a principal use and comply with all the following conditions:
1. Is customary to an commonly associated with the operation of the principal use;
  2. Is clearly subordinate and incidental to the principal use;
  3. Is operated and maintained under the same ownership as the principal use on the same lot;
  4. Includes only those structures or structural features consistent with the principal use;
  5. Is not detrimental to the character of the area in which the lot is located;
  6. Is related to the principal use and actively maintained at the same time as the principal use;
  7. The gross floor area utilized by all accessory uses, except a private garage, shall not exceed ten percent (10%) of the total floor area of the principal use which is active and operational. The maximum square footage of the portion of a lot used for an accessory use shall be determined based on the above criteria; however, in no event shall the square footage of the portion of the lot used for the accessory use exceed twenty-five percent (25%) of the square footage of the principal use which is active and operated at the same time as the accessory use;
  8. There shall be no more than one (1) accessory building, unless a detached garage is an accessory use on the property, then one (1) other accessory building on the lot shall be allowed; and
  9. May include home occupations, as defined by this Code and/or by zone district.
  10. May not include medical marijuana centers, medical marijuana optional premises cultivation operations, or medical marijuana-infused products manufacturers.
- B. Uses accessory to residential uses. Without limiting the generality of Subsection A.1 above, the following activities, so long as they satisfy the general criteria set forth above, are specially regarding as accessory to residential principal uses:
1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation which are regulated separately in this Code, and provided that such use does not generate additional traffic to the location.

2. Hobbies or recreational activities of a noncommercial nature, limited to the premises.
3. The renting out of one (1) or two (2) rooms within a single-family residence (provided that these rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling. This accessory use must meet the following conditions:
  - a. The total number of unrelated persons, including roomers, in any one (1) dwelling unit does not exceed three (3).
  - b. Sleeping areas used by the roomers are not more than twenty-five percent (25%) of the total square footage of the principal residence.
  - c. The dwelling unit has only one (1) electric meter.
  - d. Where the renting of rooms is to two (2) roomers, at least one (1) off-street parking space must be provided, in addition to the number of such spaces required by this Code.
  - e. All roomers shall use the main kitchen facilities of the dwelling unit. No separate kitchen facilities are allowed.
  - f. The rented rooms are in the principal building on a lot only.
4. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety-day period.

C. Without limiting the generality of Subsection A.1 above, the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

1. Storage, outside of a substantially enclosed structure, of any motor vehicle that is not licensed or not operational.
2. Parking, living in, or storing a motor home or travel trailer exceeding thirty (30) feet in length for more than thirty (30) days within a calendar year.
3. Parking, outside a substantially enclosed structure, of more than four (4) motor vehicles between the front building line of the principal building and the street on any lot.

D. Accessory Buildings and Structures.

1. Accessory Buildings are detached from, and more than fifty percent (50%) smaller than the footprint of the principal building or a two (2) car garage of not more than 500 sq. ft. on a lot. Accessory Buildings and Structures are:
  - a. Integrally related to the principal use on the lot;
  - b. Subordinate and clearly incidental to the principal building or use of the lot;
  - c. Customarily incidental to the principal building or use of the lot;

- d. Located on the same lot as the principal building;
  - e. Used only at the same time as the principal building is active and operational;
  - f. Not detrimental or an alteration of the character of the area in which the building is located; and
  - g. Not used for living or sleeping quarters.
2. An accessory building or structure shall include, but not be limited to, storage sheds and detached garages in residential zoning districts. Microwave dishes, antennas and similar devices which have a surface area of six (6) square feet or larger shall also be considered accessory structures and shall comply with requirements for accessory buildings and structures, including height requirement.
  3. Accessory buildings that have a total roof area not exceeding one hundred twenty (120) square feet and not to exceed eight feet (8') in height do not require a building permit.
  4. Accessory buildings and structures must meet setback and other design standard requirements in each zone district. (Ord. 10-2002; Ord. 7-2004)

**3.14 – XX Reserved.**