

TEXT AMENDMENT TA-14-06

TO: City of Pueblo Planning and Zoning Commission

FROM: Kelly Grisham, Senior Planner

THROUGH: Steven Meier, Director of Planning and Community Development

DATE: October 14, 2015

SUBJECT: An Ordinance amending Sections 17-2-1, 17-4-2, 17-4-3, 17-4-4, 17-4-5, 17-4-9, 17-4-10, 17-4-11, 17-4-24, 17-4-43, 17-4-44, 17-4-51 and 17-4-65 of Chapter 4, 17-5-32 of Chapter 5, 17-10-4 of Chapter 10, 17-11-4 and 17-11-5 of Chapter 11, 17-13-2 of Chapter 13 and 17-15-6 of Chapter 15 of Title XVII and adding Sections 17-2-2 of Chapter 2 of Title XVII of the Pueblo Municipal Code relating to permitted uses, definitions and performance standards and providing penalties for violation thereof

Background:

The current Zoning Ordinance was adopted in 1968 as a major upgrade to the 1931 Zoning Ordinance. Throughout the years many incremental changes have been made resulting in it being very difficult to use and interpret. This has caused many issue for the Planning and Community Development Department as well as the general public. The proposed amendments seeks to alleviate some of the issues this Department and our customers encounter on a daily basis. Some of these issues include the following:

1. The current code is very difficult to use and creates many inconsistent interpretations.
2. There is no consistency between Zone Districts
 - a. *Residence, over 4 family* in one zone district and *Apartment building* in another zone district.
3. Not all uses are defined and some are defined but are not used anywhere in the code.
 - a. For example, *Boarding house and Christian science practioner* are listed uses, but neither are defined.
 - b. Also, *Pet shop, Mini-warehouse and Home, nursing* are defined, but are not used anywhere in the code.
4. The uses are very confusing, for example:
 - a. Is *Auto storage* different than *Auto parking*?
 - b. *Home, nursing* is defined, but under permitted uses, *Nurses home, dormitory* is listed. Are these two the same?
5. Many of the uses included are outdates, for example:
 - a. *Asbestos products, buggy manufacturer, and Phonograph records, manufacture* are all uses listed in the code.

6. Since the code has been cobbled over the years, uses don't always make sense where they are allowed and not allowed, for example:
 - a. In the R-5 Zone District, a *Hospital* is allowed by right, but a *restaurant* requires a Special Use Permit.
 - b. Also in the R-5 Zone District, an *office* is allowed, yet a *Home occupation* requires a Special Use Permit.
 - c. *Church and religious institutions* are allowed in the R-2 Zone District, yet they are not allowed at all in the B-1 Zone District.
7. Many of the Zone Districts handle uses differently, being very specific in some, yet very general in others. This leaves a lot of interpretation up to the Land Use staff.

Analysis:**Section 1:**

In order to fix the numbering system in the definitions, and to create separate sections for general definitions and use definitions, all of the current definitions contained in Section 17-2-1 of the Pueblo Municipal Code (PMC) are deleted. Then, a new section is created for use definitions (Section 17-2-2 of the PMC) and the general definitions are put back in Section 17-2-1 of the PMC. Attachment C. provides a list of all of the definitions, and provides a summary of which definitions were deleted, added, modified, or moved. In addition, all uses that are in the table of uses will be defined.

Section 2:

Section 2 amends Section 17-4-2 from *Duplex* to *two-family* to be consistent with the definitions. This Section also amends the reference to the R2-U Performance Standards.

Section 3:

Section 3 amends the Schedule of District Regulations to reference *Non-Residential* since it is referencing non-residential standards. This Section also amends the reference to the height regulations for the S-2 Zone District.

Section 4:

Section 4 amends the Schedule of District Regulations to include Special Residential and this Section removed the reference to "mobile" homes in the R-8 District. The R-8 Zone District allows single family homes, manufactured homes as well as mobile homes. In addition, *Section 4* updates the regulations for homes located in the R-8 Zone District.

Section 4 also deletes the Recreational Vehicle Park Performance Standards. It is then moved to Section 17-4-51(d)(8) in *Section 12* of the Ordinance.

Section 4 adds the Residential Charter Neighborhood (RCN) and the R2-U performance standards to where all of the residential Zone District Performance Standards are located. These performance standards do not change, they are just being relocated.

Section 5:

Section 5 amends Section 17-4-5 by adding the Commercial Charter Neighborhood (CCN), BP, HB, HARP-1, HARP-2, and HARP-3 Performance Standards to where all of the non-residential Zone District Performance Standards are located. These performance standards do not change, they are just being relocated.

Section 6:

Section 6 amends Section 17-4-9 to reference the table of uses for where homeless shelters are allowed.

Section 7:

Section 7 amends Section 17-4-10 to change the reference of *Home occupations* to *Home based businesses*.

Section 8:

Section 8 amends Section 17-4-11 to reference the new location of *Manufactured home*.

Section 9:

Section 9 amends Section 17-4-24 to specify when you can construct more than one principal structure on a lot.

Section 10:

Section 10 amends Section 17-4-43 to remove the reference to *church*.

Section 11:

Section 11 amends Section 17-4-44 to amend the reference of *duplex* to *two-family*.

Section 12:

Section 12 amends Section 17-4-51 to separate the (a) Zone Districts, (b) Permitted uses table legend, (c) Permitted uses table, (d) use performance standards and (e) conditional uses. Each of these sections are outlined in more detail below:

(a) Zone Districts:

All Zone Districts are contained in this Section, along with the purpose statements. Generally all of the purpose statements remain unchanged, except minor amendments in the I-1, I-2, and S-2 Zone Districts. Also, purpose statements have been added to the S-3, PUD and MPCD Zone Districts (PUD and MPCD Districts have been added to this Section).

This section is where the uses were previously located, so with this amendment, the uses from each Zone District are deleted. In addition, throughout this Section, some of the Zone Districts are re-numbered and some Districts are relocated within this Section (RCN). Also, all of the Zone District Performance Standards that were previously located in 17-4-51 have been deleted, and moved to other sections of the code.

The existing Conditional uses contained in Section 17-4-51 have been deleted and moved to the new Conditional uses section.

(b) Permitted uses table legend:

This Section has been created to provide specific information for each type of use allowed in the table of permitted uses. It also provides standards for uses and terms that are not specifically defined, specifies that all uses must comply with the use performance standards and when accessory uses are allowed. In this Section, the legend for the letter references used in the use table are defined.

(c) Permitted uses table:

This Section creates the table of permitted uses. Most uses were not amended by going to the table of permitted uses. Those that were modified, are listed in Attachment D.

(d) Use performance standards:

This Section is the location of all use performance standards. The performance standards that were contained in other areas of the code, are now moved to this Section, making them easier to find and administer. The performance standards contained in this Section are not new, they are moved from other sections of the existing code.

(e) Conditional uses:

This Section outlines the uses that are required if a use is listed as a *condition use* in the table of permitted uses.

Section 13:

Section 13 amends Section 17-4-65 of the Cell Tower section to amend the reference of *duplex* to *two-family*.

Section 14:

Section 14 amends Section 17-5-32 to amend limited use permits to be designated by the table of permitted uses. This section also deletes the standards for pigeon and dove keeping to move it to the use performance standards.

Section 15:

Section 15 amends Section 17-10-4 to change the reference of *Home occupations* to *Home based businesses*.

Section 16:

Section 16 amends Section 17-11-4 to change the reference of *church* to *religious institution*.

Section 17:

Section 17 amends Section 17-11-5 to reference the table of uses for where adult entertainment uses are allowed.

Section 18:

Section 18 amends Section 17-13-03 to reference the table of uses for where emergency generators are allowed.

Section 19:

Section 19 amends Section 17-15-6 to change the reference of *Home occupations* to *Home based businesses*.

Recommendation:

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval of the proposed text amendment to City Council.

Attachments:

- A. Draft Ordinance
- B. Definition Changes
- C. Use Changes

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 17-2-1, 17-4-2, 17-4-3, 17-4-4, 17-4-5, 17-4-9, 17-4-10, 17-4-11, 17-4-24, 17-4-43, 17-4-44, 17-4-51 AND 17-4-65 OF CHAPTER 4, 17-5-32 OF CHAPTER 5, 17-10-4 OF CHAPTER 10, 17-11-4, AND 17-11-5 OF CHAPTER 11, 17-13-2 OF CHAPTER 13 AND 17-15-6 OF CHAPTER 15 OF TITLE XVII AND ADDING SECTIONS 17-2-2 OF CHAPTER 4 TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO PERMITTED USES, DEFINITIONS AND PERFORMANCE STANDARDS AND PROVIDING PENALTIES FOR VIOLATION THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Chapter 2, Title XVII of the Pueblo Municipal Code, as amended, is hereby deleted in its entirety and replaced with the following:

Sec. 17-2-1. Definitions.

For the purpose of this Title, certain terms or words used herein shall be interpreted as follows:

[(1) The word *person* includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) The word *shall* is mandatory; the word *may* is permissive.

(4) The word *used* or *occupied* includes the word *intended, designed or arranged to be used or occupied.*

(5) The word *lot* includes the word *plot* or *parcel.*

(6) *Accessory use* means a use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use. Unless otherwise provided in this Title, an accessory use shall not exceed thirty percent (30%) of the gross floor area of the principal structure, and must be located in the same principal structure.

(6.01) *Administrative Official* shall mean the Director of the Department of Land Use Administration or the person designated by the City Manager to administer and enforce this Title.

(6.1) *Alley* means a narrow public way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

(6.1.1) *Alternative tower structure* means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(6.1.2) *Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

(6.2) *Apartment house* means a residential structure containing three (3) or more dwelling units for permanent residency on a rental or lease basis.

(6.3) *Artist, commercial* means establishments primarily engaged in performing graphics, commercial art or commercial photography services for advertising agencies, publishers, individuals and other business and industrial users. *Commercial artist* shall include aerial photography services, illustration, photography, silk screen design, film producers and similar professions.

(6.3.05) *Backhaul network* means the lines that connect a telecommunications provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(6.3.051) *Bakery, retail* means an establishment primarily engaged in the retail sale of baked goods for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service but shall not include the sale or preparation of goods infused with medical or retail marijuana.

(6.3.06) *Bank* means a facility designed to offer complete financial services, such as loans, new accounts and commercial financial transactions. A drive-up facility may be attached or be in close proximity to the financial institution and will be considered an accessory use to the primary function of the bank.

(6.3.1) *Bed and breakfast home* means an owner-occupied and -operated, detached, single-family residence where no more than three (3) guest bedrooms are rented to the general public on a nightly basis and where a breakfast meal is provided only to registered guests.

(6.3.2) *Bed and breakfast inn* means a commercial enterprise which rents more than three (3) guest bedrooms to the general public. Such facility may offer meeting facilities and meals to the general public, but would be subject to all laws and regulations governing the operation of a restaurant.

(6.4) *Boarding house* means a residential structure providing individual sleeping accommodations but not individual kitchen facilities. Meals are prepared and served to only members in residence in a common eating area. No supervision, medical treatment or rehabilitation is provided as an accessory use.

(6.5) *Brewpub* means an establishment that is primarily an eating place which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops and yeast into beer or ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage. The area used for brewing, including bottling and kegging, shall not exceed thirty percent (30%) of the total floor area of the commercial space. The brewery shall not produce more than four thousand (4,000) barrels or one hundred twenty-four thousand (124,000) gallons of beer or ale per year. There must not be any brewing equipment or storage visible from the outside unless architecturally significant and integrated into the style and design of the building as determined by the Administrative Official.

(7) *Buildable area* means the portion of a lot remaining after required yards have been provided.

(7.5) *Building, accessory* means a subordinate structure located on the same lot as a principal building. The use of an accessory structure must be incidental and subordinate to the use of the principal building. Accessory structures include garages, carports, storage sheds, decks and similar structures.

(8) *Building, principal and/or main* means a building in which is conducted the main or principal use of the lot or parcel on which said building is situated.

(8.1) *Bulk plant* means a facility where chemicals are received and stored or blended in bulk for the purpose of distribution.

(9) *Camping area, commercial* means an area for the pitching of tents or similar accommodations, providing sanitary facilities, laundry facilities and disposition of waste, rubbish and debris created or deposited by its patrons. No person shall be permitted to camp on any commercial camping area for a period longer than fifteen (15) days.

(9.1) *Carport* means a permanent accessory structure providing shelter for automotive vehicles. *Carports* shall include freestanding roofed structures, and supported roofed structures projecting from a principal or accessory structure, provided that not more than two (2) sides are enclosed.

(10) *Charitable institution* means an organization which performs benevolent actions for the needy with no expectation of material reward. It shall include the lands and buildings used for offices and public facilities of such a charitable institution, but specifically excludes such facilities as homeless shelters, shelters for animals and other related facilities.

(11) *Child care center* means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of nine (9) or more children under

the age of sixteen (16) years who are not related to the owner, operator or manager. Such facility may be operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as *day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps* and *centers for developmentally disabled children*, and those facilities which give twenty-four-hour care for dependent and neglected children. The term includes those facilities for children under the age of six (6) years, with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school. The term *child care center* shall not apply to any kindergarten maintained with a public, private or parochial elementary school system of at least six (6) grades or to any preschool established pursuant to the provisions of Article 28 of Title 22, C.R.S., which is maintained with a public school system of at least six (6) grades, so long as the school system is not also providing extended day care services. As a condition of approval for a special use permit for a child care center, a facility shall be properly licensed by the State and supervised by the appropriate State or County agency.

(11.001) *Child care home* means a type of family care home, licensed by the State, which provides less than twenty-four-hour care for no more than eight (8) children on a regular basis in the care provider's place of residence. Children in care are from different family households and are not related by blood, adoption or marriage to the caregiver. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity of eight (8) children. The definition of child care home includes a family child care home, an infant/toddler home, and a large (older) child care home as defined by the State Department of Human Services, Division of Child Care.

(11.01) *Church* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. It may also include as an accessory use one (1) dwelling unit for occupancy by the church's priest, minister, maintenance person, security guard or person of similar capacity to the church.

(11.02) *Club* means an association of individuals joining together for social interaction or some other common objective. It is an association with limited membership controlled by its members into which admission cannot be obtained by any person at his or her pleasure, and in which property is actually owned or secured in common, or held for the benefit of the members.

(11.021) *Community correctional facility or program* means a community-based or community-oriented facility or program; which is operated either by a unit of local government, the Colorado Department of Corrections, a private nonprofit agency or organization, or any corporation, association or labor organization; which may provide residential accommodations for offenders; and which provides programs and services to aid offenders in obtaining and holding regular employment, enrolling in and maintaining academic courses, participating in vocational training programs and utilizing the

resources of the community in meeting their personal and family needs and providing treatment, and in participating in whatever specialized programs exist within the community.

(11.022) *Community garden* means a parcel of land that is managed by a nonprofit organization, public entity or a group of individuals for the purposes of growing and harvesting legal plants for donation, personal use or off-site incidental sales. Community gardens that operate as a primary use of a parcel must obtain a Community Garden permit from the Department of Planning and Community Development and abide by performance standards set forth in Section 17-4-13. Community gardens that operate as accessory uses are encouraged to abide by the performance standards described in Section 17-4-13 but are not required to obtain a Community Garden permit.

(11.023) *Conditional use* is a use permitted only upon issuing a conditional use permit by the Administrative Official and subject to the limitations and conditions specified in the applicable ordinances.

(11.03) *Condominium* means a residential structure of more than two (2) dwelling units in which the dwelling units are individually owned; each owner receiving a recordable deed enabling him or her to sell, mortgage, exchange, etc., his or her dwelling unit independent of the owners of the other dwelling units in the structure. The maintenance of the structure and common improvements is provided through a homeowners' association or similar contractual group.

(11.04) *Corral* means an accessory structure to a residence for the keeping of no more than one (1) riding animal per person residing on the premises, for use by the residents and their guests and not for the purpose of profit.

(11.041) *Crematory* means a facility to incinerate dead human or animal bodies. This facility may or may not be associated with a funeral home. A crematory is neither an accessory use nor a use by right for a funeral home or mortuary.

(11.05) *Custom manufacturing* means the making of a product specifically for individual customers who are the final consumer of said product.

(11.1) *Dairy operation* means the producing, processing and/or distribution of milk and milk by-products. Production shall include the keeping of milk-producing animals.

(11.2) *Day service center, adult* means a facility providing health and social services, individual therapeutic and psychological activities for the elderly and/or persons with disabilities for a portion of a twenty-four-hour day. Such facility may be operated with or without compensation for such services. A facility shall be properly licensed and/or certified as required by the State.

(11.3) *Dog care facility* means a facility providing such services as canine care for all or part of a day, obedience classes, training, grooming or behavioral counseling, provided overnight boarding is not permitted.

(12) *Drinking place* means an establishment which is primarily engaged in the sale of fermented malt beverages, vinous and spirituous liquors for consumption on the premises. Accessory uses may include the sale of meals, entertainment and the sale for consumption off the premises of 3.2% beer. *Drinking place* shall include bars, beer gardens, brewpubs, cocktail lounges, cabarets, discotheques, saloons, tap rooms and taverns.

(12.1) *Drug store* means an establishment primarily engaged in the retail dispensing of prescription drugs and may offer nonprescription drugs, medical aids and convenience goods, but shall not permit the sale or distribution of medical or retail marijuana. The definition of drug store includes a pharmacy.

(12.2) *Duplex* means a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

(13) *Dwelling, multiple family* means a residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(14) *Dwelling, single-family* means a detached residential dwelling unit designed for and occupied by one (1) family only.

(15) *Dwelling, two-family* means a detached residential building, containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

(15.1) *Dwelling, three-family* means a detached residential building containing three (3) dwelling units and designed for occupancy by not more than three (3) families.

(16) *Dwelling unit* means one (1) room, or rooms, adjacent to each other within a permanent shelter that constitutes a separate independent housekeeping unit designed for occupancy by one (1) family for living purposes. An *independent housekeeping unit* includes kitchen, sanitary and sleeping facilities.

(16.01) *Engineer, professional* means one having a valid engineering license issued by the Colorado Board of Registration for Professional Engineers.

(16.1) *Expressway*, as found in the B-3 Zone District, means those streets designated as "expressway" on the adopted Pueblo Roadway Development Plan.

(16.3) *FAA* means the Federal Aviation Administration.

(16.5) *FCC* means the Federal Communications Commission.

(17) *Family* means one (1) or more persons living together as a separate, independent housekeeping unit, all related by blood, adoption or marriage, or in the alternative, a group of not more than three (3) unrelated persons living together as a separate, independent housekeeping unit. Domestic servants employed on the premises may be housed on the premises without being counted as part of a family.

(18) *Farm or ranch* means an area at least five (5) acres in size and used for farming or agriculture.

(19) *Farming or ranching* means the act or business of cultivating land, producing crops and/or keeping livestock, but specifically excludes the cultivation or production of medical or retail marijuana.

(19.1) *Fence* means an enclosing structure other than part of a building of sufficient strength and dimension to prevent straying from within or intrusion from without.

(19.2) *Financial drive-up facility* means a separate and detached facility designed to permit minor financial transactions, such as deposits and withdrawals, by the customers while remaining in their vehicles. Drive-up facilities normally do not offer the complete financial services, such as loans, new accounts and direct contact with the officers, as provided by the parent financial institution. The financial drive-up facility is the principal building on the site. This definition shall not include such drive-up facilities as are attached to or contained within a financial institution, said drive-up facility then being an accessory use or structure.

(19.3) *Financial institution* means a facility designed to offer complete banking services, such as loans, new accounts and commercial financial transactions. A drive-up facility may be attached or be within close proximity to the financial institution and will be considered an accessory use to the primary function of the financial institution.

(20) *Floor area, gross* means the sum of gross horizontal areas measured between the exterior faces of exterior walls of the several floors of a building and accessory buildings, including interior walls, balconies, mezzanines, hallways, wells, basements and cellars, and including the area of roofed porches, patios and carports having more than one (1) wall.

(21) *Floor area, net* means the sum of the gross horizontal areas measured between the interior faces of the exterior walls of the several floors of a building and accessory buildings, including interior balconies, mezzanines, retail or wholesale floor areas, basements, cellars and surrounding open spaces used in conjunction with the building and accessory buildings, but excluding interior walls, enclosed hallways, wells, shafts, lavatories, furnace rooms, janitor supply rooms or closets, accessory storerooms and roofed porches, patios and carports enclosed by less than three (3) walls.

(22) *Floor area ratio (F.A.R.)* means the quotient of the gross floor area of all buildings on a parcel divided by the area of said parcel, for example:

$$\frac{\text{Floor area} = 100 \text{ sq. ft.}}{\text{Land area} = 50 \text{ sq. ft.}} = \text{F.A.R. } 2$$

(22.01) *Funeral home* means an establishment engaged in undertaking or funeral services, such as preparing dead human bodies for burial and arranging and managing funerals. A crematory is neither an accessory use nor a use by right for a funeral home.

(22.1) *Garage, private* means an enclosed attached or detached accessory structure designed and used primarily for parking the automotive vehicles of the residents of the principal structure.

(22.2) *Garage, public* means a structure designed and used for parking automotive vehicles and available to the general public on a fee or other consideration basis.

(22.3) *Garage, repair* means a structure where automotive vehicles are repaired. It shall include body shops, painting shops, shops doing minor and major mechanical work and glass replacement. It does not include salvage operations or the exterior storage of vehicles as accessory uses.

(22.4) *Golf course* means the grounds or course over which golf is played, including accessory uses and structures such as a club house, swimming pool, tennis courts and maintenance buildings. It does not include the amusement commonly known as miniature golf which is played with a single club and ball, in which each very short grassless hole constitutes an obstacle course.

(23) *Grade (ground level)* means the average of the natural ground level at the center of all walls of the building.

(23.01) *Greenhouse* means a retail or wholesale business whose principal activity is the selling of plants, flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products that are grown on the site, but specifically excludes the cultivation or production of medical or retail marijuana.

(23.1) *Hardware store* means an establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builder's hardware, paint, glass, housewares, household appliances and cutlery.

(24) *Height, building* means the vertical distance from the grade plane to the average height of the highest roof surface. *Height* means, when referring to a tower or other antenna structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base and any antenna. (See Section 17-4, Article IV, Tower and Antenna Requirements.)

a. *Flat roof*: Building height shall be measured as the vertical distance from the mean level of the finished grade of the front of the building to the highest point on the finished roof.

b. *Pitched roof*: Building height shall be measured as the vertical distance from the mean level of the finished grade of the front of the building to the average height of the rise of the pitched roof.

c. *Curved roof*: Building height shall be measured as the vertical distance from the mean level of the finished grade of the front of the building to a point two-thirds (2/3) the vertical height of the curve.

d. *Other forms*: Building height shall be measured and determined by the Administrative Officer in a manner that most closely reflects the intent of subsections (24)a through (24)c and attains a height which is similar to adjacent complying structures.

e. *Corner lots*: Building height for corner lots shall be measured as the vertical distance from the mean level of the front of the building along the street having the lower record grade.

f. *Lots fronting on two streets*: Where a parcel, other than a corner lot, fronts on two streets, the maximum height shall then be measured separately for each of the two (2) frontages of the building from the mean level of the finished grade. The maximum height so measured shall apply on each street.

g. *Lots fronting on more than two streets*: Where a lot fronts on three (3) or more streets, building height shall be measured from the mean level of the front of the building along the street having the lowest record grade.

h. *Antenna or tower structure*: Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, which shall include the base and any antenna. (See Section 17-4, Article IV, Tower and Antenna Requirements.)

(24.1) *Home, blind* means a place of residence which provides lodging, board and personal services other than medical or nursing care, except that it may include rehabilitation programs, for the health, safety and comfort of more than four (4) persons having a corrected acuity of not better than 20/70 by Snellen chart measurement, and only such other persons who are employed in an official capacity for the operation and maintenance of the home.

(24.2) *Home, children* means a place of residence which provides lodging, board and personal services other than medical or nursing care, for the health, safety and comfort of more than four (4) persons less than eighteen (18) years of age, and only such other persons who are employed in an official capacity for the operation and maintenance of the home.

(24.3) *Home, disabled*, means a place of residence which provides lodging, board and personal services other than medical or nursing care, but may include programs of rehabilitation, for the health, safety and comfort of more than four (4) persons having physical disabilities or mental disabilities, and only such other persons who are employed in an official capacity for the operation and maintenance of the home.

(24.4) *Home, elderly* means a place of residence which provides lodging, board and personal services other than medical or nursing care, for the health, safety and comfort of more than four (4) persons fifty-five (55) years of age or older and the co-habitation spouses of persons fifty-five (55) or older, and only such other persons who are employed in an official capacity for the operation and maintenance of the home.

(24.4.1) *Home, elderly foster* means an owner-occupied residence which provides room and board to not more than four (4) persons who are fifty-five (55) years of age or older, are unrelated to the owner, and who by reason of age and impaired capacity are unable to live independently of personal services provided by the owner-occupant. The term *home, elderly foster* does not include a home or facility which provides medical or nursing care or services. The term *personal services*, for purposes of this definition, means those services provided by the owner-occupant for each resident, including: housekeeping and laundry services; an environment which is sanitary and safe from physical harm; individualized social supervision; assistance with transportation; and assistance with activities of daily living, including but not limited to bathing, dressing and eating.

(24.4.2) *Home, foster* means a place of residence which provides on a regular twenty-four-hour basis room, board, ordinary care and supervision for at least three (3) but not more than four (4) minors who are unrelated to the caretaker. Before commencing operation, and as a continuing requirement, every foster home shall be certified or licensed by the State, shall be periodically inspected, approved and supervised by the County Department of Social Services, and shall obtain a special use permit if such home is to be located on property zoned R-1, R-2 or R-3 as defined in this Chapter. Such special use permit shall be personal and shall not run with the land.

(24.5) *Home, maternity* means a place of residence which provides lodging, board and personal services other than medical or nursing care for the health, safety and comfort of more than four (4) women who are pregnant or who are recovering from a pregnancy having terminated within the previous sixty (60) days, and only such other persons who are employed in an official capacity for the operation and maintenance of the home.

(24.6) *Home, nursing* means a place of permanent residency which provides lodging, board and personal services to more than four (4) persons who are sick, infirmed or convalescent who are attended by nurses caring for their physical and mental requirements. It may also include only such other persons who are employed in an official capacity for the operation and maintenance of the home. A hospital is not a nursing home.

(24.7) *Home, religious* means a place of residence which provides lodging, board and personal services other than medical or nursing care for the health, safety and comfort of more than four (4) persons of the same religious body, said body being organized to sustain public worship, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. The home shall be controlled and maintained by the religious body.

(24.8) *Homeless shelter* means a facility providing temporary lodging, with or without charge or meals, for indigent adults with no residence within the City.

(25) *Home occupation* means an occupation conducted in a dwelling unit, provided that:

a. No person other than members of the family residing on the premises shall be engaged in such occupation.

b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the net floor area of the dwelling unit shall be used in the conduct of the home occupation.

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupations, except that the Board may permit a home occupation sign.

d. No home occupation shall be conducted in any accessory building.

e. The home occupation will be primarily a service, and sale of any commodity will be strictly incidental to the performance of the service.

f. No activity shall be carried on and no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interferences, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(25.1) *Hospital* means an establishment primarily engaged in providing diagnostic services, extensive medical treatment, including surgical services, and other hospital services, as well as continuous nursing services. Hospitals have an organized medical staff, inpatient beds and equipment and facilities to provide complete health care.

(25.2) *Hotel* means a commercial establishment offering lodging to transients on a day-to-day basis, and often having as accessory uses eating and drinking areas, public rooms, retail and service businesses that are also available to the general public. By definition, *hotel* shall also include motel, motor hotel, motor inn, motor lodge and tourist court.

(26) *Houses, grouped* means a group of two (2) or more attached or semi-attached dwelling units or apartment structures usually separated by a court or courts used in common by the inhabitants thereof.

(26.1) *Junk yard* means a parcel of land and structures used for the collecting, dismantling or storage of vehicles, machinery or cast-off materials of any sort which can be put to some use, whether said junk is sold or given away.

(26.2) *Kennel* means an establishment where dogs are bred, raised, trained, groomed and boarded. The keeping of more than four (4) dogs over the age of six (6) months shall constitute a kennel.

(26.3) *Laundromat* means an establishment providing washing, drying, ironing or dry-cleaning machines for hire to be used by the customers on the premises.

(26.4) *Liquor store* means an establishment primarily engaged in the retail sale of packaged alcoholic beverages for consumption off the premises.

(27) *Loading space, off-street* means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

(28) *Lot* means, for purposes of this Title, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record.
- b. A portion of a lot of record.
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel of land described by metes and bounds. Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements in this Code.

(29) *Lot frontage* shall be construed to be the portion nearest the street. For purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under yards in this Chapter.

(30) *Lot measurements.*

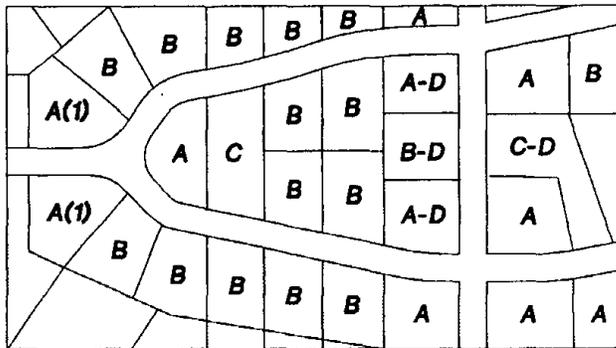
a. *Depth* of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

b. *Width* of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty-percent requirement shall not apply.

(31) *Lot of record* means a lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(32) *Lot types*. The diagram (Figure 1) which follows illustrates terminology used in this Title with reference to corner lots, interior lots, reversed frontage lots and through lots:

Figure 1



In the diagram:

A = *corner* lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees (135°). See lots marked A(1) in the diagram.

B = *interior* lot, defined as a lot other than a corner lot with only one (1) frontage on a street.

C = *through* lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D = *reversed frontage* lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five degrees [135°]) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

(32A) *Manufactured home* means a single-family dwelling which:

- a. Is partially or entirely manufactured in a factory;
- b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;

c. Is designed for and placed upon an engineered permanent foundation;

d. Has brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of wall section) downward to the exposed perimeter wall, foundation or to grade, whichever is applicable, and has a pitched roof; and

e. Is manufactured after 1976 and certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., as amended (commonly referred to as the "HUD" Code; effective in 1976) and all regulations enacted pursuant thereto, including any local modifications that are expressly allowed by federal law, or which have been certified by the State as being in compliance with the requirements of the Uniform Building Code as adopted by the State and enforced and administered by the Colorado Division of Housing.

(32B) *Manufactured home subdivision* means a tract of land ten (10) acres or more, which has been designed and improved in its entirety in accordance with the City Subdivision Regulations and this Title where single-family manufactured homes can be located on individually platted and owned lots for dwelling purposes.

(32.001) *Marijuana* means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

(32.002) *Marijuana accessories* means any equipment, products, or materials of any kind, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

(32.003) *Marijuana products* means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(32.01) *Medical marijuana* means any form of marijuana that is grown and sold pursuant to the provisions of the Colorado Medical Marijuana Code and for a purpose authorized by Section 14 of Article 18 of the State Constitution. See Chapter 15 for additional definitions and regulations.

(32.02) *Microbrewery* means an establishment that is primarily used for producing beer and may include retail or food service as an accessory use. The brewing operation processes water, malt, hops and yeast into beer or ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage. The brewery shall not produce more than eight thousand (8,000)

barrels or two hundred forty-eight thousand (248,000) gallons of beer or ale per year. There must not be any brewing equipment or storage visible from the outside unless architecturally significant and integrated into the style and design of the building as determined by the Administrative Official.

(32.1) *Mini-warehouse* means a building or portion thereof dividable into separate compartments which are individually rented or leased for the purpose of storing the renter's or leaseholder's property. Goods stored within the warehouse shall not be offered or displayed for sale at the warehouse. Accessory uses may include the exterior storage of camping trailers, motorized homes, boats, etc., in areas designated for such storage.

(33) *Mobile home* means a dwelling unit with all the following characteristics:

a. Designed as a detached single-family dwelling unit for long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath, kitchen facilities, plumbing, sewer and electrical connections provided for attachment to outside systems;

b. Designed to be transported after fabrication on its own wheels, on flatbed, other trailers or detachable wheels;

c. Arrives at the site where it is to be occupied as a complete dwelling and is ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation supports or jacks, underpinned, connections to utilities and the like;

d. Is not less than eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers;

e. Is without motive power;

f. Is manufactured after 1976 and certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401, et seq., as amended, and all regulations enacted pursuant thereto; and

g. Complies with City ordinance modifications as authorized by state or federal law.

(34) *Mobile home park* means an area under single ownership of at least five (5) acres of land which has been so designated and improved that it contains two (2) or more mobile home spaces available to the general public for the placement thereon of mobile homes for occupancy.

(34.1) *Mortuary* means an establishment engaged in undertaking or funeral services, such as preparing dead human bodies for burial and arranging and managing funerals. A crematory is neither an accessory use nor a use by right for a mortuary.

(35) *Museum* means an establishment displaying objects of historical, educational or cultural interest, with items not generally being offered for sale. Receipts of funding of a museum are not primarily from admission charges.

(35.01) *Nursery*. See definition of *Greenhouse* in Section 23.1 above.

(35.1) *Office* means an establishment where business is transacted, such business being primarily a service with the sale of merchandise being secondary and incidental to the performance of the service.

(36) *Outdoor advertising business* means provision of outdoor displays or display space on a lease or rental basis only.

(36.01) *Overhead electrical feeder line* means a three-phase electrical distribution line with a conductor ampacity of two hundred fifty (250) amperes or more that serves as the distribution system backbone and is the main supply of electrical energy to smaller sub-circuits at a voltage of fewer than thirty thousand (30,000) volts.

(36.1) *Parking space* means a designated area upon which motor vehicles are transiently placed.

(37) *Parking space, off-street*, for the purposes of this Title, shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all regulations of the City.

(38) *Person aggrieved* means any unsuccessful applicant for a particular interpretation or administration of this Title or for a variance or special use permit or zoning or rezoning, or any officer or Administrative Official of the City affected by any final action. In the case of an application for a variance, special use permit, zoning or rezoning, all persons to whom notice of such application is required to be given under the terms of this Title may also be deemed aggrieved persons for the purpose of prosecuting an appeal from the final action, Zoning Board of Appeals or City Council as the case may be.

(38.1) *Pet shop* means a retail establishment which sells domesticated or tamed animals, birds and fish as household pets, and related supplies. *Pet shop* may also include as an accessory use the grooming of pets. *Pet shop* does not include the sale of large agricultural animals such as horses, cattle, pigs, sheep or goats, nor the boarding of animals, birds or fish.

(38.2) *Pharmacy* means an establishment primarily engaged in the retail dispensing of prescription drugs and may offer nonprescription drugs, medical aids and convenience goods, but shall not permit the sale or distribution of medical or retail marijuana. The definition of pharmacy includes a drug store.

(38.3) *Physical scientist* means a person who applies the physical laws of science which relate to the Earth's atmosphere, surface and subsurface to the practical surroundings. *Physical scientist* shall include astronomer, biologist, botanist, climatologist, geologist, hydrologist, physical planner, soil scientist and related scientific fields.

(38.4) *Physician* means a practitioner having an M.D. degree and engaged in the practice of general or specialized medicine and surgery.

(38.41) *Pigeon and dove keeping* means the keeping, breeding, maintaining and flying of more than forty (40) but not more than one hundred (100) adult birds of a species of the family *Columbidae*, more commonly known as pigeons and doves. An adult pigeon or dove is defined as over the age of three (3) months.

(38.5) *Preexisting towers* and *preexisting antennas* means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance adopting Article VI of Chapter 4 of this Title, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(39.1) *Professional* means a person who practices an occupation or vocation in which a knowledge of some department of science or learning is used by practical application to the affairs of others, either advising, guiding or teaching them and in serving their interests or welfare in the practice of an art founded on it. The word implies attainment of professional knowledge as distinguished from mere skill and the application of such knowledge to users as a vocation.

(40) *Professional offices* means the office of a surgeon, physician, dentist, clergyman, architect, engineer, attorney, musician, artist or similar professional person. Clinics and laboratories operated in conjunction with an office of physicians and surgeons may be considered a part of the professional offices.

(41) *Recreation facilities, private* means land, buildings, facilities and equipment reserved for the exclusive use of owners, occupants, tenants, customers or members of nonprofit clubs, associations, etc., for either active or passive recreation purposes. This definition shall include but is not limited to golf clubs, tennis clubs and similar organizations and activities.

(41.1) *Recreational vehicle* means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Vehicles included are: travel trailer, camping trailer, truck camper and motor home.

(41.2) *Recreational vehicle park* means a parcel of property upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

(41.3) *Recreational vehicle site* means a property lot within a recreational vehicle park designed for either a recreational vehicle, tent or other individual camping unit on a temporary basis.

(42) *Refreshment stand*. See the definition for restaurant, drive-in.

(42.1) *Residence-commercial* means the combination of both commercial and residential uses on the same lot or in the same structure. The commercial uses are restricted to those permitted in the district. The number of residential units is restricted to not more than the number permitted in the district.

(42.1A) *Residence, one-family* means a single-family dwelling, including a manufactured home but excluding a mobile home.

(42.1B) *Residence, two-family* means a detached residential building containing two (2) dwelling units and designed for occupancy by not more than two (2) families.

(42.1C) *Residence, multi-family* means a detached residential building designed as a single structure, containing four (4) or more dwelling units. Each unit is designed for occupancy by not more than one (1) family.

(42.1D) *Residence, three-family* means a detached residential building containing three (3) dwelling units and designed for occupancy by not more than three (3) families.

(42.2) *Restaurant* means a commercial establishment whose primary function is providing prepared meals to customers for consumption within the structure.

(42.3) *Restaurant, drive-in* means a commercial establishment whose primary function is providing prepared meals, refreshments or beverages to customers and makes available any facility for, or which permits, the consumption of food or beverages in automobiles.

(42.3A) *Retail-manufacturing* means a use which allows for the manufacture or fabrication of a household product which is sold at retail from the same location. (The product may also be distributed to other sales outlets.)

(42.31) *Retail marijuana consumer* means a person twenty-one (21) years of age or older who purchases marijuana or marijuana products for personal use by persons age twenty-one (21) years of age or older, but not for resale to others.

(42.32) *Retail marijuana cultivation* means the planting, growing, or harvesting of marijuana, including but not limited to hydroponic cultivation and cloning.

(42.33) *Retail marijuana store* means an entity licensed to purchase marijuana from marijuana cultivation facilities, and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to retail marijuana consumers.

(42.34) *Retail marijuana testing facility* means an entity which may analyze and certify the safety and potency of marijuana.

(42.35) *Retail marijuana cultivation facility* means an entity which cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not to consumers.

(42.36) *Retail marijuana product manufacturing facility* means an entity which may purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

(42.4) *Riding academy* means a facility commercially available to the general public for the purpose of renting, boarding or leasing riding animals and giving instruction in horsemanship.

(42.5) *Riding arena* means a facility commercially available to the general public which provides facilities for animal riding and handling exhibitions, competitive and promotional animal riding and handling events and associated activities for the purpose of group participation and spectator viewing.

(42.6) *Row house* means a residential structure containing a single-family dwelling unit, located on an individually owned and platted lot, which is joined in a continuous group or row of three (3) or more dwellings having a uniform structure, appearance and setback, and are generally joined by a common side wall.

(42.7) *Salvage yard or salvage shop* shall mean any place at which salvage is collected, received, stored, accumulated, sold or otherwise handled. *Salvage* shall mean any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for any of the aforesaid purposes. Used household furniture, used wearing apparel, used lumber, used brick, used tile, used plumbing fixtures, used electrical fixtures, used articles made of precious metal or metals, used jewelry, used tools and other used articles of personal property, which are bought and sold as secondhand property and which are not handled as what is ordinarily called *salvage* shall not be included in the term *salvage* as used herein. Without limiting the aforesaid definition of *salvage*, the term shall include used or salvaged iron, brass, lead, copper and other base metals, and their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber and similar articles and used motor vehicles or machinery used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

(42.8) *School* means an education facility and includes parochial, private, professional, college, university and public schools.

(42.81) *School, parochial* means an educational facility and related educational accessory uses, operated by a religious body organized to sustain public worship, which provides instruction designed to qualify attendance thereat as compliance with the State's compulsory educational requirements. Religious training may also be an accessory use. This definition shall apply to primary and secondary education facilities only.

(42.82) *School, private* means a business operation which provides education in return for payment of fees or other consideration. *Private schools* shall include, but not be limited to, private elementary schools, private secondary schools, trade and vocational schools, beauty and barber schools, dance schools, music schools, self-defense schools and business schools.

(42.83) *School, professional; college; or university* means an educational facility and related educational accessory uses which provides instruction designed to secure a degree in a general field or a specialized professional field.

(42.84) *School, public* means an educational facility and related educational accessory uses, operated by a public school district having general taxing power, which provides instruction designed to comply with the State's compulsory education requirements. This definition shall apply to primary and secondary education facilities only.

(43) *Service station* means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- a. Sale and servicing of spark plugs, batteries and distributors and distributor parts.
- b. Tire servicing and repair, but not recapping or regrooving.
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
- d. Radiator cleaning and flushing.
- e. Washing and polishing, and sale of automotive washing and polishing materials.
- f. Greasing and lubrication.
- g. Providing and repairing fuel pumps and lines.

- h. Minor servicing and repair of carburetors.
- i. Emergency wiring repairs.
- j. Adjusting and repairing brakes.
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
- l. Sale of cold drinks, packaged foods, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operation.
- m. Provision of road maps and other informational material to customers; provision of rest room facilities.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage nor a body shop.

(43.A) *Shop (artist and craft)* means a use devoted primarily to the sale of an arts or craft service or products and the service performed or the product sold is conducted or prepared in finished form on the premises. (Packaging shall not be considered to be preparation.)

(43.1) *Sight-distance triangle* means a pentahedron-shaped area at the intersection of two (2) or more streets in which the unregulated placement of structures and improvements could reduce the visibility of motor vehicle operators and create a hazardous condition. The base of the pentahedron is a triangle, having angle points "a," "b" and "c" determined as follows: point "a" is the intersection of the existing curb lines (extended), points "b" and "c" are points along the existing curb lines measured back from point "a" a distance determined by the Department of Transportation. The three (3) sides of the pentahedron are perpendicular to the base and begin a distance of two (2) feet above the centerline grades of the intersecting streets, and extend to a height of eight (8) feet above the centerline grade.

(44) *Sign* means any device designed to inform or attract the attention of persons not on the premises on which the sign is located and including any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, business, service or commodity or product, or any type of publicity, whether placed on natural objects or on a building, fence or other man-made structure, which are visible from any public street or public road right-of-way; provided, however, that the following shall not be included in the application of the regulations herein:

a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.

b. Flags and insignia of any government except when displayed in connection with commercial promotion.

c. Legal notices; identification, informational or directional signs erected or required by governmental bodies.

d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

e. Signs directing and guiding traffic, and parking on private property, but bearing no advertising matter.

(45) *Sign, advertising* means a sign which directs attention to a business, product, activity or service which is not conducted, sold or offered upon the premises where such sign is located.

(46) *Sign, animated* means any sign having a conspicuous and intermittent variation in the physical position of any part of the sign.

(47) *Sign area* means the total area enclosed by the shortest line that can be drawn around the entire sign or sign structure, including all parts and appurtenances thereof. Frames and structural matter, not exceeding one (1) square foot in cross section and not bearing lights or advertising matter, shall be excluded in computation of sign area. Each display face of a sign or sign structure shall be measured separately in computing total sign area.

(48) *Sign, business* means a sign which directs attention to a business, profession, service, product or activity, sold or offered upon the premises where such sign is located.

(49) *Sign, combination* means any sign incorporating any combination of the features of freestanding, projecting and/or roof signs.

(50) *Sign, construction* means a sign advertising the development or improvement of a property by a builder, contractor or other person furnishing services, materials or labor to said premises, which sign is intended for a limited period of display and erected on the same lot with the work being done.

(51) *Sign, flashing* means any sign having a conspicuous and intermittent variation in the illumination of the sign.

(52) *Sign, freestanding* means a sign which is supported by one (1) or more uprights, poles or braces in or upon the ground.

(53) *Signs, home occupation* shall be mounted flat against the wall of the principal building. Illuminated signs or signs printed upon a windowpane or upon a glass pane mounted in a door in such a manner that light from within the dwelling shall cause such sign or lettering to be illuminated from within shall not be permitted. In measuring the area of the sign, which area shall not exceed one (1) square foot, the entire panel or plate upon which the sign is painted or otherwise inscribed shall be included, and not merely the area occupied by the lettering alone.

(54) *Sign, off-site* means a sign other than an on-site sign.

(55) *Sign, on-site* means a sign:

a. Relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises on which it is located, or

b. Identifying businesses conducted on the premises on which it is located. For purposes of this Subsection, for shopping centers, the term *premises* shall mean all the parcels of real property which comprise the shopping center as evidenced by either:

i. A private declaration, covenant, restriction or other document identifying the parcels of real property which comprise such shopping center, or

ii. City-approved site plan identifying the parcels of real property which comprise such shopping center, irrespective of the fact that various portions of such premises may be owned by different owners or leased by different tenants. If applicable pursuant to Subsection 17-4-46(b), signs for shopping centers shall conform with the Large Scale Development Performance Standards set forth in Subsection 17-4-46(i).

On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

(56) *Sign, projecting* means a sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

(57) *Sign, real estate* means a sign indicating the availability for sale, rent or lease of a parcel or building upon which the sign is placed or displayed.

(58) *Sign, roof* means a sign erected upon or above a roof or parapet wall of a building or structure.

(59) *Sign, subdivision* means a sign advertising the sale or development of subdivision lots, parcels or tracts and erected upon the property being subdivided and advertised for sale.

(60) *Sign, wall* means any sign painted on, attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than fifteen (15) inches from the face of the wall.

(60.1) *Solid wastes* means garbage, refuse, sludge of sewage disposal plants and other discarded solid materials, including solid waste materials resulting from industrial, commercial and community activities but does not include agricultural wastes, animal parts or remains, or hazardous waste as defined by Section 25-15-101(6), C.R.S.

(60.2) *Solid wastes disposal* means the collection, storage, treatment, utilization, processing or final disposal of solid wastes.

(60.3) *Solid wastes transfer station* means a facility at which solid wastes awaiting transportation to a disposal site is transferred from one (1) type of collection vehicle and placed into another.

(60.4) *Stable* means a facility commercially available to the general public for the purpose of boarding riding animals on a rent, lease or fee basis.

(61) *Street line* means the right-of-way line of a street.

(61.1) *Structurally altered* means changes which increase, extend or enlarge the building, extend the life of the building, convert the building into a different structure or affect the form or character of an existing building or structural quality.

(61.2) *Student housing* means a residence for occupancy by groups of people not defined as a family, where such building is specifically designed for students of a college, university, trade school or nonprofit organization for the purpose of providing rooms for sleeping and living purposes. Common gathering spaces, kitchen, cafeteria and sanitary facilities may also be provided. Typical uses include, but are not limited to, fraternity or sorority houses, dormitories, residence halls and boarding/lodging houses.

(62) *Structure* means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards, poster panels, signs, towers (antennas), wind turbines and satellite dishes.

(62.1) *Structure, accessory* means a subordinate structure located on the same lot as a principal building. The use of an accessory structure must be incidental and subordinate to the use of the principal building. Accessory structures include garages, carports, storage sheds, decks and similar structures, but do not include wind turbines.

(63) *Structure, principal*. See the definition for principal building at Subsection (8) above.

(63.01) *Tower (antenna)* means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio

and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

(63.02) *Wind turbine* means a structure or device fitted with a set of revolving blades designed to move with or harness the power of the wind to generate electricity or mechanical energy and can include pole- or building-mounted turbines. The term *wind turbine* includes the tower on which it is built.

(63.1) *Townhouse* means a residential structure containing a single-family dwelling unit, located on an individually owned and platted lot, which is joined in a continuous group or row of three (3) or more dwellings which may vary in uniformity of structure, appearance or setback and may be joined by a common side wall.

(64) *Travel trailers* are those temporary portable housing units on wheels that are eight (8) feet or less in width and thirty-two (32) feet or less in length, excluding towing gear and bumpers; which are designed for short-term occupancy while being used for travel, recreation and vacation.

(64.1) *Triplex* means a detached residential building containing three (3) dwelling units and designed for occupancy by not more than three (3) families.

(65) *Use by review* is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as uses by review if specific provisions for such uses by review are made in this Title.

(65.1) *Use, temporary* means any activity, occupation, business or operation carried on, or intended to be carried on, in or from a tent, movable stand, portable equipment or any temporary building or structure, or in or from a truck, trailer or other vehicle, for a period not to exceed thirty (30) days in any calendar year. (See temporary uses at Section 17-4-32.)

(66) *Variance* is a relaxation of the terms of this Title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Title would result in unnecessary and undue hardship. As used in this Title, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

(66.1) *Veterinarian hospital* means an establishment of a licensed practitioner primarily engaged in the practice of veterinary medicine, dentistry or surgery for

animals. Accessory uses may include the confinement of animals for medical reasons, grooming and destruction.

(66.2) *Warehouse* means a building, or portion thereof, used and appropriated by the occupant for the deposit and safekeeping or selling of his or her own goods at wholesale or by mail order, or for the purpose of storing the goods of others placed there in the regular course of commercial dealings and trade to be again removed or reshipped.

(67) *Yard* means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, except where projections and encroachments are permitted by this Code; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

(68) *Yard, front* means a yard extending between side lot lines across the front of a lot adjoining a public or approved private street.

a. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Administrative Official may waive the requirements for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

b. In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

c. In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

d. In the case of corner lots with more than two (2) frontages, the Administrative Official shall determine the front yard requirements subject to the following limitations: (1) at least one (1) front yard shall be provided having the full depth required generally in the district; and (2) no other front yard on such lot shall have less than half the full depth required generally.

(69) *Depth* of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

(70) *Yard, side* means a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards.

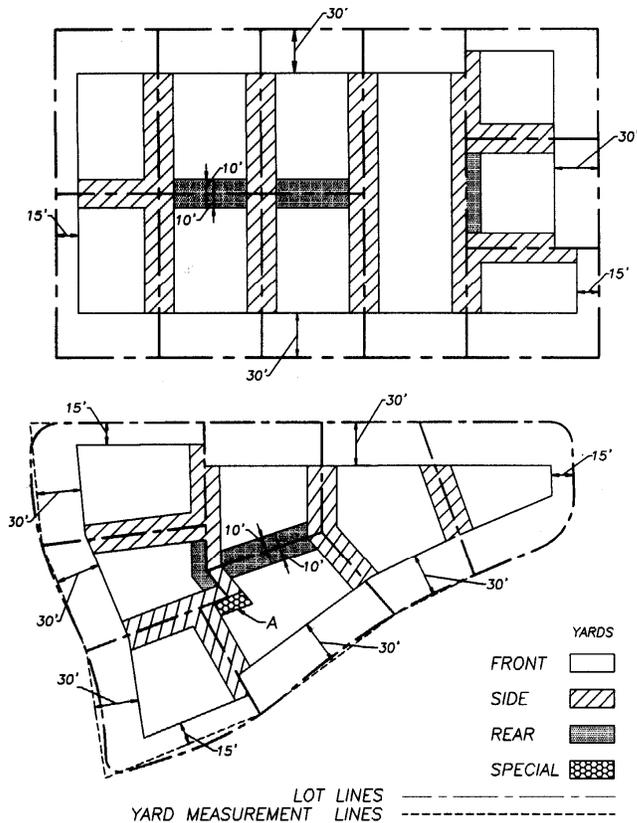
(71) *Width* of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

(72) *Yard, rear* means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

(73) *Yard, special* means a yard behind any required yard adjacent to a public or approved private street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term *side yard* nor the term *rear yard* clearly applies. In such cases, the Administrative Official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

The diagram Figure 2 below illustrates the location and methods of measuring yards on rectangular and nonrectangular lots.

Figure 2 Location and Measurement of Yards on Lots



The illustration here assumes front yard depths required at thirty (30) feet (half-depth front yards fifteen [15] feet), side yard widths ten (10) feet, and rear yard depth ten (10) feet. Note that at A, a special yard is shown, indicating treatment where usual side or rear yard terminology would be difficult to apply but purpose of the yard is clear.]

(1) The word *person* includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) The word *shall* is mandatory; the word *may* is permissive.

(4) The word *used* or *occupied* includes the word *intended, designed or arranged to be used or occupied.*

(5) The word *lot* includes the word *plot* or *parcel*.

(6) *Addition* means any construction or change to a building or structure or a part of a building or structure that increases the size of a building in terms of site coverage, height, length, width, or gross floor area.

(7) *Administrative Official* shall mean the person designated by the City Manager to administer and enforce this Title.

(8) *Alley* means a narrow public way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

(9) *Alternative tower structure* means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(10) *Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

(11) *Attached* means a building or structure which has at least one wall in common with another building or structure.

(12) *Buildable area* means the portion of a lot remaining after required yards (setbacks) have been provided.

(13) *Building, accessory* means a subordinate structure located on the same lot as a principal building. The use of an accessory structure must be incidental and subordinate to the use of the principal building. Accessory structures include garages, carports, storage sheds, decks and similar structures

(14) *Building, principal* means a building in which the principal use is conducted.

(15) *Carport* means a permanent accessory structure providing shelter for automotive vehicles. *Carports* shall include freestanding roofed structures, and supported roofed structures projecting from a principal or accessory structure, provided that not more than two (2) sides are enclosed.

(16) *Dwelling unit* means a room, or rooms, adjacent to each other within a permanent shelter that constitutes a separate independent housekeeping unit designed for occupancy by one (1) family for living purposes. An *independent housekeeping unit* includes kitchen, sanitary and sleeping facilities.

(17) *Electrical feeder line* means a three-phase electrical distribution line with a conductor ampacity of two hundred fifty (250) amperes or more that serves as the distribution system backbone and is the main supply of electrical energy to smaller sub-circuits at a voltage of fewer than thirty thousand (30,000) volts.

(18) *Engineer, professional* means one having a valid engineering license issued by the Colorado Board of Registration for Professional Engineers.

(19) *FAA* means the Federal Aviation Administration.

(20) *FCC* means the Federal Communications Commission.

(21) *Family* means one (1) or more persons living together as a separate, independent housekeeping unit, all related by blood, adoption or marriage, or in the alternative, a group of not more than three (3) unrelated persons living together as a separate, independent housekeeping unit. Domestic servants employed on the premises may be housed on the premises without being counted as part of a family.

(22) *Farm or ranch* means land on which produce, crops or flowers are grown primarily for off-premise consumption, use or sale, or on which horses or livestock are housed or raised for personal use.

(23) *Fence* means an enclosing structure other than part of a building of sufficient strength and dimension to prevent straying from within or intrusion from without.

(24) *Floor area.*

a. *Floor area, gross* means the sum of gross horizontal areas measured between the exterior faces of exterior walls of the several floors of a building and accessory buildings, including interior walls, balconies, mezzanines, hallways, wells, basements and cellars, and including the area of roofed porches, patios and carports having more than one (1) wall.

b. *Floor area, net* means the sum of the gross horizontal areas measured between the interior faces of the exterior walls of the several floors of a building and accessory buildings, including interior balconies, mezzanines, retail or wholesale floor areas, basements, cellars and surrounding open spaces used in conjunction with the building and accessory buildings, but excluding interior walls, enclosed hallways, wells, shafts, lavatories, furnace rooms, janitor supply rooms or closets, accessory storerooms and roofed porches, patios and carports enclosed by less than three (3) walls.

(25) *Floor area ratio (F.A.R.)* means the quotient of the gross floor area of all buildings on a parcel divided by the area of said parcel, for example:

$$\frac{\text{Floor area} = 100 \text{ sq. ft.}}{\text{Land area} = 50 \text{ sq. ft.}} = \text{F.A.R. } 2$$

(26) *Front facade* means the façade of the building which has the primary or public entrance to the uses therein and abuts the required front yard as stipulated in this title.

(27) *Garage, private* means an enclosed attached or detached accessory structure designed and used primarily for parking the automotive vehicles of the residents of the principal structure.

(28) *Grade (ground level)* means the average of the finished surface of the ground adjacent to the exterior walls of the building.

(29) *Height, building* means the vertical distance from the grade plane to the average height of the highest roof surface. *Height* means, when referring to a tower or other antenna structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base and any antenna. (See Section 17-4, Article IV, Tower and Antenna Requirements.)

a. *Flat roof*: Building height shall be measured as the vertical distance from the mean level of the finished grade of the front of the building to the highest point on the finished roof.

b. *Pitched roof*: Building height shall be measured as the vertical distance from the mean level of the finished grade of the front of the building to the average height of the rise of the pitched roof.

c. *Curved roof*: Building height shall be measured as the vertical distance from the mean level of the finished grade of the front of the building to a point two-thirds ($\frac{2}{3}$) the vertical height of the curve.

d. *Other forms*: Building height shall be measured and determined by the Administrative Officer in a manner that most closely reflects the intent of subsections (24)a through (24)c and attains a height which is similar to adjacent complying structures.

e. *Corner lots*: Building height for corner lots shall be measured as the vertical distance from the mean level of the front of the building along the street having the lower record grade.

f. *Lots fronting on two streets*: Where a parcel, other than a corner lot, fronts on two streets, the maximum height shall then be measured separately for each of the two (2) frontages of the building from the mean level of the finished grade. The maximum height so measured shall apply on each street.

g. Lots fronting on more than two streets: Where a lot fronts on three (3) or more streets, building height shall be measured from the mean level of the front of the building along the street having the lowest record grade.

h. Antenna or tower structure: Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure, which shall include the base and any antenna. (See Section 17-4, Article IV, Tower and Antenna Requirements.)

(30) Loading space, off-street means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

(31) Lot means, for purposes of this Title, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

a. A single lot of record.

b. A portion of a lot of record.

c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

d. A parcel of land described by metes and bounds. Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements in this Code.

(32) Lot frontage shall be construed to be the portion nearest the street. For purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under yards in this Chapter.

(33) Lot measurements.

a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however,

that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty-percent requirement shall not apply.

(34) Lot of record means a lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(35) Lot types. The diagram (Figure 1) which follows illustrates terminology used in this Title with reference to corner lots, interior lots, reversed frontage lots and through lots:

Figure 1



In the diagram:

A = corner lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees (135°). See lots marked A(1) in the diagram.

B = interior lot, defined as a lot other than a corner lot with only one (1) frontage on a street.

C = through lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D = reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five degrees [135°]) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

(36) Manufactured home subdivision means a tract of land, which has been designed and improved in its entirety in accordance with the City Subdivision

Regulations and this Title where single-family manufactured homes can be located on individually platted and owned lots for dwelling purposes.

(37) *Marijuana* means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin.

a. *Marijuana accessories* means any equipment, products, or materials of any kind, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

b. *Marijuana products* means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

c. *Medical marijuana* means any form of marijuana that is grown and sold pursuant to the provisions of the Colorado Medical Marijuana Code and for a purpose authorized by Section 14 of Article 18 of the State Constitution. See Chapter 15 for additional definitions and regulations.

d. *Retail marijuana* means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed Retail Marijuana Establishment. *Retail Marijuana* does not include industrial hemp, nor does it include fiber produced from stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(38) *Parking space* means a designated area upon which motor vehicles are transiently placed.

(39) *Parking space, off-street*, for the purposes of this Title, shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed,

maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all regulations of the City.

(40) *Person aggrieved* means any unsuccessful applicant for a particular interpretation or administration of this Title or for a variance or special use permit or zoning or rezoning, or any officer or Administrative Official of the City affected by any final action. In the case of an application for a variance, special use permit, zoning or rezoning, all persons to whom notice of such application is required to be given under the terms of this Title may also be deemed aggrieved persons for the purpose of prosecuting an appeal from the final action, Zoning Board of Appeals or City Council as the case may be.

(41) *Preexisting towers and preexisting antennas* means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance adopting Article VI of Chapter 4 of this Title, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

(42) *Primarily engaged* means the principal use of a building or structure, with not more than 30% of the gross floor area of the building or structure devoted to an accessory use, which is not otherwise permitted in the zone district.

(43) *Processing* means the series of continuous actions that changes one or more materials into a finished or semi-finished product. Examples of industrial processing include but are not limited to: chemical processing as in the processing of photographic materials; a special processing method such as processing butter or cheese; or mechanical processing such as packaging a base product.

(44) *Professional* means a person who practices an occupation or vocation in which a knowledge of some department of science or learning is used by practical application to the affairs of others, either advising, guiding or teaching them and in serving their interests or welfare in the practice of an art founded on it. The word implies attainment of professional knowledge as distinguished from mere skill and the application of such knowledge to users as a vocation.

(45) *Recreational vehicle* means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has

its own motive power or is mounted on or drawn by another vehicle. Vehicles included are: travel trailer, camping trailer, truck camper and motor home.

(46) *Recreational vehicle site* means a property lot within a recreational park designed for either a recreational vehicle, tent or other individual camping unit on a temporary basis.

(47) *Recyclable material* means newspaper, magazines, cardboard, telephone books, loose paper, glass containers, plastic containers, steel cans, aluminum cans and scraps, leaves and organic materials, and reusable clothing and household items.

(48) *Retail marijuana consumer* means a person twenty-one years of age or older who purchases marijuana or marijuana products for personal use by persons age twenty-one years of age or older, but not for resale to others.

(49) *Retail marijuana cultivation* means the planting, growing, or harvesting of marijuana, including but not limited to hydroponic cultivation and cloning.

(50) *Roadside memorial* means a single item or collection of items, including but not limited to real or plastic flowers, crosses or other mementos, made of any material placed on City owned property, City maintained trails or in a public right-of-way to mark the site where a person has suddenly and unexpectedly died and/or to commemorate a person.

(51) *Sight-distance triangle* means a pentahedron-shaped area at the intersection of two (2) or more streets in which the unregulated placement of structures and improvements could reduce the visibility of motor vehicle operators and create a hazardous condition. two (2) feet above the centerline grades of the intersecting streets, and extend to a height of eight (8) feet above the centerline grade. The Department of Transportation shall determine the area of the sight-distance triangle.

(52) *Sign* means any device designed to inform or attract the attention of persons not on the premises on which the sign is located and including any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, business, service or commodity or product, or any type of publicity, whether placed on natural objects or on a building, fence or other man-made structure, which are visible from any public street or public road right-of-way. See Chapter 10 of Title XVII for additional sign regulations and definitions.

(53) *Solid wastes* means garbage, refuse, sludge of sewage disposal plants and other discarded solid materials, including solid waste materials resulting from residential, industrial, commercial and community activities but does not

include agricultural wastes, animal parts or remains, or hazardous waste as defined by Section 25-15-101(6), C.R.S.

(54) Solid wastes disposal means the collection, storage, treatment, utilization, processing or final disposal of solid wastes.

(55) Street line means the right-of-way line of a street.

(56) Structurally altered means changes which increase, extend or enlarge the building, extend the life of the building, convert the building into a different structure or affect the form or character of an existing building or structural quality.

(57) Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards, poster panels, signs, towers (antennas), wind turbines and satellite dishes. Below are definitions of the specific types of structures:

a. Structure, accessory means a subordinate structure located on the same lot as a principal building. The use of an accessory structure must be incidental and subordinate to the use of the principal building. Accessory structures include garages, carports, storage sheds, decks and similar structures, but do not include wind turbines.

b. Structure, attached means sharing at least one (1) common wall or at least fifty percent (50%) of the larger of the two walls and sharing a common and integrated roof. A breezeway connecting two structures, even with a common roof, does not constitute an attached structure.

c. Structure, detached means a structure with no common wall with another structure. For the purposes of this Title, two structures connected by a breezeway or other partial attachment, is considered a detached structure.

d. Structure, greenhouse means a structure, primarily of glass or glasslike, in which temperature and humidity can be controlled for the cultivation or protection of plants. Greenhouses with plastic tarp, material or cloth for walls or roof are not considered greenhouse structures.

e. Structure, principal means a structure in which the principal use is conducted.

(58) Use types:

a. *Accessory use* means a use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use. Unless otherwise provided in this Title, an accessory use shall not exceed thirty percent (30%) of the gross floor area of the principal structure, and must be located in the same principal structure.

b. *Conditional use* means a use that, due to special characteristics associated with the specific type of use, requires the review and approval of the Administrative Official to ensure that any adverse impacts that may be generated by the use be mitigated by demonstrating compliance with certain stated conditions.

f. *Permitted use* means a use of any lot, building or structure which is specifically enumerated as a permitted use by the regulations of the zoning district in which the lot, building or structure is located.

g. *Principal use* means the primary or predominant use of any lot, building or structure.

h. *Temporary use* means any activity, occupation, business or operation carried on, or intended to be carried on, in or from a tent, movable stand, portable equipment or any temporary building or structure, or in or from a truck, trailer or other vehicle, for a period not to exceed thirty (30) days in any calendar year. (See temporary uses at Section 17-4-32.)

i. *Use by review* is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as uses by review if specific provisions for such uses by review are made in this Title.

(59) *Variance* is a relaxation of the terms of this Title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Title would result in unnecessary and undue hardship. See section 17-5-34 for full requirements for a variance.

(60) *Vehicle conditions types:*

a. *Inoperable* means any motorized vehicle incapable of immediately being driven and moved under its own power. A vehicle that is not currently licensed or registered to operate legally on a public right-of-way,

including a recreational vehicle or trailer that is designed for travel on the public roads is also considered an inoperable vehicle.

b. *Junk* means any motor vehicle, trailer or semi trailer that is inoperable and which, by virtue of its condition, cannot be economically restored to operable condition; provided, that such vehicle, trailer, or semi trailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than 60 days.

(61) *Yard* means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, except where projections and encroachments are permitted by this Code; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

a. *Yard, front* means a yard extending between side lot lines across the front of a lot adjoining a public or approved private street. The depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

1. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Administrative Official may waive the requirements for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

2. In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

3. In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

4. In the case of corner lots with more than two (2) frontages, the Administrative Official shall determine the front yard requirements subject to the following limitations: (1) at least one (1) front yard shall be provided having the full depth required generally in the district; and (2) no other front yard on such lot shall have less than half the full depth required generally.

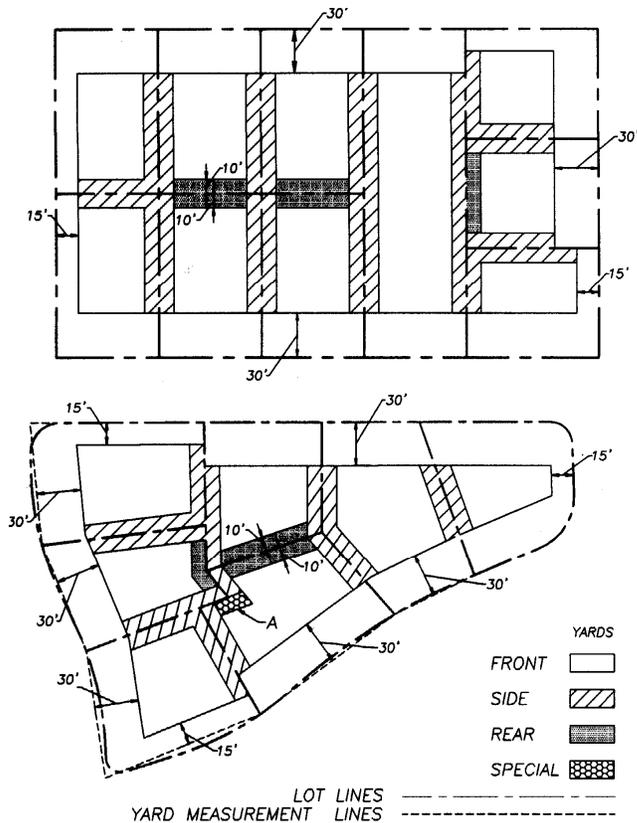
b. *Yard, side* means a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

c. *Yard, rear* means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

d. *Yard, special* means a yard behind any required yard adjacent to a public or approved private street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term side yard nor the term rear yard clearly applies. In such cases, the Administrative Official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

The diagram below illustrates the location and methods of measuring yards on rectangular and nonrectangular lots.

Figure 2 Location and Measurement of Yards on Lots



The illustration here assumes front yard depths required at thirty (30) feet (half-depth front yards fifteen [15] feet), side yard widths ten (10) feet, and rear yard depth ten (10) feet. Note that at A, a special yard is shown, indicating treatment where usual side or rear yard terminology would be difficult to apply but purpose of the yard is clear.

Sec. 17-2-2. Use Definitions.

For the purpose of this Title, certain terms or words used herein shall be interpreted as follows:

(1) *Adult day service center* means a facility providing health and social services, individual therapeutic and psychological activities for the elderly and/or persons with disabilities for a portion of a twenty-four-hour day. Such facility may be operated with or without compensation for such services. A facility shall be properly licensed and/or certified as required by the State.

(2) *Adult entertainment* is entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, customarily not open to the public at large generally, but only to one (1) or more classes of the public excluding any minor by reason of age as a prevailing practice. See Section 17-11-3 for specific *adult entertainment* definitions.

(3) Airport:

a. Commercial or public means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, and helicopter pads. When part of the larger airport facility, also includes, air traffic control facilities, informational facilities and devices, terminal buildings, aircraft maintenance facilities, aviation instruction facilities, and airport auxiliary facilities such as car rentals companies.

b. Private means private facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, and helicopter pads. When part of the larger airport facility, also includes, air traffic control facilities, informational facilities and devices, terminal buildings, aircraft maintenance facilities, aviation instruction facilities, and airport auxiliary facilities such as car rentals companies.

(4) Ambulance service means a privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

(5) Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

(6) Art gallery means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

(7) Artist studio means the workspace for the creation of works of art, such as but not limited to drawing, painting, sculpture, writing and crafts.

(8) Assisted living facility means a place of permanent residency, designed to provide housing, supportive services, personalized assistance and limited health care for more than eight (8) persons who need help with activities of daily living, but who do not require hospitalization, or skilled or intermediate nursing care, or the services of a long-term care facility.

(9) Auction house means structure or enclosure used for the public sale of goods, wares, merchandise or equipment to the highest bidder. This specifically excludes the sale of livestock or motor vehicles.

(10) Auditorium means an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

(11) Automobile auction means a place where vehicles, operable or inoperable, are offered for sale to persons who bid on the vehicle in competition with each other.

(12) Automobile dealership means a retail establishment that sells, rents, or leases new or used automobiles. An automobile dealership does not include the sale or service of recreational equipment but accessory uses may include vehicle maintenance, repair and service areas, parts storage areas, and financial service areas.

(13) Automobile rental means an establishment engaged in the rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent. Typical uses include auto rental agencies and taxicab dispatch areas.

(14) Automobile repair:

a. Body shop means a facility which provides collision repair services for vehicles with a gross vehicle weight of 10,000 pounds or less, including body frame straightening, replacement of damaged parts and painting. The use specifically excludes mechanical or power train repair.

b. Lube shop means a facility that provides lubrication and or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is intended that these services will be provided while customers wait.

c. Repair shop means a facility for the general repair, rebuilding or reconditioning of engines, transmissions, differentials, drivetrains, or any parts thereof. This use includes muffler shops, auto repair garages, tire repair and installation, wheel and brake shops, and similar repair and service activities but excludes body shops, dismantling or salvage.

(15) Bakery, retail means an establishment primarily engaged in the retail sale of baked goods for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service but shall not include the sale of baked goods containing medical or retail marijuana.

(16) Bar means an establishment, which is primarily engaged in the sale of fermented malt beverages, vinous and spirituous liquors for consumption on the premises. Accessory uses may include the sale of meals and entertainment. Bar shall include beer gardens, drinking places, cocktail lounges, cabarets, discotheques, nightclub, saloons, taprooms and taverns, but does not include a brewpub or microbrewery.

(17) Banquet hall means an establishment, which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

(18) Batch plant means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

(19) Beauty salon, barbershop means a facility which offers personal service and hygienic treatment including massage, manicure, hair styling, facials and other associated treatments.

(20) Bed and breakfast:

a. Home means an owner-occupied and -operated, detached, single-family residence where no more than three (3) guest bedrooms are rented to the general public on a nightly basis and where a breakfast meal is provided only to registered guests.

b. Inn means a commercial enterprise which rents more than three (3) guest bedrooms to the general public. Such facility may offer meeting facilities and meals to the general public, but would be subject to all laws and regulations governing the operation of a restaurant.

(21) Blood bank or donor station means an establishment primarily engaged in the collection of human blood form donors. The term does not include a health care facility.

(22) Boarding house means a residential structure providing individual sleeping accommodations but not individual kitchen facilities. Meals are prepared and served to only members in residence in a common eating area. No supervision, medical treatment or rehabilitation is provided as an accessory use.

(23) Body art studio means an establishment which is primarily engaged in physical body adornment by artists using, but not limited to the techniques of body piercing and tattooing. This definition does not include ear piercing.

(24) Bowling Alley means an indoor establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area, with

customary accessory uses such as bars, snack bars, and retail sales of incidental merchandise.

(25) *Brewpub* means an establishment that is primarily an eating place which manufactures malt liquors or fermented malt beverages as an accessory use. In addition, the use may permit the sale of sealed containers of malt liquors or fermented malt beverages which are manufactured and packed on site. The brewing operation processes water, malt, hops and yeast into beer or ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage. The area used for brewing, including bottling and kegging, shall not exceed thirty percent (30%) of the total floor area of the commercial space.

(26) *Broadcasting studio* means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower, which may be allowed as an accessory use.

(27) *Butcher shop* means a retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from pre-processed carcasses.

(28) *Car wash* means a business primarily engaged in washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment self-service, automated or using personnel.

(29) *Carnival* means a temporary outdoor amusement center where there may or may not be an admission charge, and which may include such activities as a circus, rides, entertainment, games, booths, food services and sales, exhibitions, and animal displays. Carnivals shall not include activities conducted at the fairgrounds or temporary outdoor events conducted as a public or semi-public use.

(30) *Catering service* means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

(31) *Cemetery* means a place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

(32) *Charitable institution* means an organization which performs benevolent actions for the needy with no expectation of material reward. It shall include the

lands and buildings used for offices and public facilities of such a charitable institution, but specifically excludes such facilities as homeless shelters, shelters for animals and other related facilities.

(33) *Child care facilities:*

a. *Child care center* means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of eighteen (18) years who are not related to the owner, operator or manager. Such facility may be operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as *day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps and centers for developmentally disabled children*, and those facilities which give twenty-four-hour care for dependent and neglected children. The term includes those facilities for children under the age of six (6) years, with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school. The term *child care center* shall not apply to any kindergarten maintained in conjunction with a public, private or parochial elementary school system of at least six (6) grades or to any preschool established pursuant to the provisions of Article 28 of Title 22, C.R.S. The term shall not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection (10) of this section, but that is providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

b. *Child care home* means a type of family child care home, licensed by the State, which provides less than twenty-four-hour care for no more than eight (8) children on a regular basis in the care provider's place of residence. Children in care are from different family households and are not related by blood, adoption or marriage to the caregiver. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity of eight (8) children. The definition of child care home includes a family child care home, an infant/toddler home, and a large (older) child care home as defined by the State Department of Human Services, Division of Child Care.

(34) *Civic Club* means an association of individuals joining together for social interaction or some other common objective. It is an association with limited membership controlled by its members into which admission cannot be obtained by any person at his or her pleasure, and in which property is actually owned or secured in common, or held for the benefit of the members. Civic clubs include

associations and lodges, but does not include smoking clubs. Examples include Masonic Lodge, Elks Club, etc.

(35) *Commercial, established* means a commercial establishment that was operational in a commercial structure any time prior to February 1, 1968; therefore, allowing the same use may be reinstated if authorized by the Zoning Board of Appeals.

(36) *Commercial patio* means an outdoor patio for the associated and contiguous restaurant or bar. The patio may used as a seating area with tables and chairs and the seating may be in addition to the indoor seating or it may be the only seating available for the establishment.

(37) *Commissary* means a commercial establishment where food, containers, or supplies are kept, handled, prepared, packaged or stored for use by a mobile food vendor.

(38) *Community center* means a facility used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages nor meals are normally dispensed or consumed.

(39) *Community correctional facility or program* means a community-based or community-oriented facility or program; which is operated either by a unit of local government, the Colorado Department of Corrections, a private nonprofit agency or organization, or any corporation, association or labor organization; which may provide residential accommodations for offenders; and which provides programs and services to aid offenders in obtaining and holding regular employment, enrolling in and maintaining academic courses, participating in vocational training programs and utilizing the resources of the community in meeting their personal and family needs and providing treatment, and in participating in whatever specialized programs exist within the community.

(40) *Community garden* means a parcel of land that is managed by a nonprofit organization, public entity or a group of individuals for the purposes of growing and harvesting legal plants for donation, personal use or off-site incidental sales. Community gardens that operate as a primary use of a parcel must obtain a Community Garden permit from the Department of Planning and Community Development and abide by performance standards set forth in Section 17-4-13. Community gardens that operate as accessory uses are encouraged to abide by the performance standards described in Section 17-4-13 but are not required to obtain a Community Garden permit.

(41) *Composting facility* means a facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include

management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

(42) Construction yard means an area on or immediately adjacent to a construction or demolition site used on a temporary basis for the parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project. Such yard may include construction offices and such shops as are necessary for work on the immediate project.

(43) Contractor's facilities:

a. Contractor's shop means an establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office, but excludes an outdoor yard, unless otherwise permitted.

b. Contractor's yard means land or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

(44) Convent means a building or group of buildings designed to provide group housing for persons under religious vows or orders. By definition a convent is the same as a monastery.

(45) Crematory means a facility to incinerate dead human or animal bodies. This facility may or may not be associated with a funeral home. A crematory is neither an accessory use nor a use by right for a funeral home or mortuary or cemetery.

(46) Dairy operation means the producing, processing and/or distribution of milk and milk by-products. Production shall include the keeping of milk-producing animals.

(47) Dog care facility means a facility providing such services as canine care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

(48) Drive-thru means a building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service and is generally an accessory use to restaurants, banks, etc.

(49) *Emergency generator* means an electrical generator powered by an emergency standby engine. See Chapter 13 of this Title for additional definitions and requirements.

(50) *Equestrian event facilities* means a facility for the exhibition or competition involving horses whose purpose is to test or advance the skills of a horse or its rider, such as but not limited to horse shows, schooling events, horse training seminars or clinics, open houses, cutting competitions, rodeos, or jackpot roping contests. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

(51) *Exterminator* means a business primarily engaged in exterminating and fumigating of troublesome insects and rodents.

(52) *Farmers market* means a facility used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants on a periodic basis by farmers. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. The term does not include commercially packaged handicrafts, commercially processed or packaged foodstuffs, or a roadside stand.

(53) *Farming or ranching* means the act or business of cultivating land, producing crops and/or keeping livestock, but specifically excludes the cultivation or production of medical or retail marijuana.

(54) *Feedlot* means an establishment engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry/egg farms, and cattle feed lots. The term does not include slaughterhouses.

(55) *Financial drive-up facility* means a separate and detached facility designed to permit minor financial transactions, such as deposits and withdrawals, by the customers while remaining in their vehicles. Drive-up facilities normally do not offer the complete financial services, such as loans, new accounts and direct contact with the officers, as provided by the parent financial institution. The financial drive-up facility is the principal building on the site. This definition shall not include such drive-up facilities as are attached to or contained within a financial institution, said drive-up facility then being an accessory use or structure.

(56) *Financial institution* means a facility designed to offer complete banking services, such as loans, new accounts and commercial financial transactions. A drive-up facility must be attached and will be considered an accessory use to the primary function of the financial institution. Financial institution includes banks, savings and loans, payday loans or credit unions.

(57) Flea market means a commercial activity (not including shopping centers, individual retail operations, or sales conducted by a nonprofit or charitable organization) that is open to the general public and composed of two (2) or more semi-enclosed stalls, rooms, stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

(58) Food and drink processing facility:

a. Major means an establishment producing or processing foods for human consumption and certain related products. Includes: (1) dairy products processing; (2) fats and oil products (not including rendering plants); (3) grain mill products and by-products; (4) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); (5) processing and packaging of alcoholic and non-alcoholic beverages; and (6) other similar food preparation from raw products where the impacts are major, as determined by the Administrative Official. Use permits wholesaling of food produced on site.

b. Minor means an establishments producing or processing foods for human consumption and certain related products with relatively minor impacts to the surrounding neighborhood. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) fruit and vegetable canning, preserving, and related processing; (3) non-potentially hazardous foods and foods that do not require refrigeration, such as spices, teas, dehydrated produce, nuts, seeds, jams, jellies, preserves, fruit butter, and baked goods, including candies; and (3) other similar food preparation from raw products where the impacts are minor, as determined by the Administrative Official. Use allows retail sale of food produced on site.

(59) Food warehousing means an establishment or place of business primarily engaged in selling and/or distributing food products to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying food for, or selling food products to, such individuals or companies. This is not considered a general commercial use.

(60) Funeral home means a facility used primarily for human funeral services, provided that such facility shall not contain facilities for (a) embalming; (b) performance of autopsies or other similar surgical procedures; (c) cremation; or (d) storage of funeral caskets and funeral urns, except those on display on the premises; and that funeral vehicles shall not be stored on the premises except in a garage or other accessory building with no direct public street frontage.

(61) *Gas station* means a facility limited to retail sales of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor accessories for passenger type vehicles. In addition, such facility may provide for sale prepackaged food items and tangible consumer goods, primarily for self-service by the customer. Does not include *Automobile repair, minor, major or body shop*. Car wash and fast food permitted as accessory use by right.

(62) *General service* means a use that provides results of useful labor, which does not in itself produce a tangible commodity.

(63) *Golf course* means the grounds or course over which golf is played, including accessory uses and structures such as a club house, swimming pool, tennis courts and maintenance buildings. It does not include the amusement commonly known as miniature golf which is played with a single club and ball, in which each very short grassless hole constitutes an obstacle course.

(64) *Governmental use* means any use or activity which is reasonably necessary in the discharge of a public or governmental function or purpose, including any department or branch of government, federal, state, county, municipal, school or special district, whether it is performed by governmental entity or another person for or on behalf of a governmental entity.

(65) *Group care facility* means a facility providing custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement including, without limitation, correctional and post-correctional facilities, drug or alcohol abuse centers, juvenile detention facilities, and temporary custody facilities.

(66) *Guest ranch* means an establishment incorporating lodging, and including outdoor recreational facilities, such as but not limited to horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended primarily for use by the guests of the quest ranch. Bars and restaurants for patrons other than guests of the quest ranch are not permitted.

(67) *Halfway house* means a facility whose primary purpose is the rehabilitation of persons and where housing, food, treatment or supportive services are provided to not more than 8 individuals. Such services include but are not limited to drug and alcohol rehabilitation and halfway houses for prison parolees and juveniles.

(68) *Health club* means a facility designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, as well as locker rooms, showers, massage rooms, saunas and related accessory uses, which is operated for profit or not-for-profit and open only to members and guests of the organization or open to the public for a fee.

(69) Heliport:

a. Commercial or private means a heliport, helipad, or helistop that is restricted in use to the owner or operator of the facility or to persons authorized by the owner or operator per licensing requirements of the state or FAA.

b. Emergency medical means a private use heliport, helipad, or helistop which provides helicopter landing area for the transport of persons in need of emergency medical care; the transport of patients needing specialized treatment; or the emergency transport of organs, blood, medicine, or medical equipment.

(70) Home:

a. Children means a place of residence which provides lodging, board and personal services other than medical or nursing care, for the health, safety and comfort of more than four (4) persons less than eighteen (18) years of age, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. Examples include orphanages and residential child care facilities.

b. Disabled, means a place of residence which provides lodging, board and personal services other than medical or nursing care, but may include programs of rehabilitation, for the health, safety and comfort of not more than eight (8) persons having physical disabilities or mental disabilities, and only such other persons who are employed in an official capacity for the operation and maintenance of the home. According to Section 31-23-303 of the C.R.S. home, disabled are a matter of statewide concern and is considered a residential use of property.

c. Elderly means a place of residence which provides lodging, board and personal services other than medical or nursing care, for the health, safety and comfort of not more than eight (8) persons sixty (60) years of age or older and the co-habitation spouses of persons sixty (60) years of age or older, and only such other persons who are employed in an official capacity for the operation and maintenance of the home.

d. Elderly foster means an owner-occupied residence which provides room and board to not more than eight (8) persons who are sixty (60) years of age or older, are unrelated to the owner, and who by reason of age and impaired capacity are unable to live independently of personal services provided by the owner-occupant. The term *home, elderly foster* does not include a home or facility which provides medical or nursing care or services. The term *personal services*, for purposes of this definition, means

those services provided by the owner-occupant for each resident, including: housekeeping and laundry services; an environment which is sanitary and safe from physical harm; individualized social supervision; assistance with transportation; and assistance with activities of daily living, including but not limited to bathing, dressing and eating.

e. Foster means a place of residence which provides on a regular twenty-four hour basis room, board, ordinary care and supervision for at least three (3) but not more than four (4) minors who are unrelated to the caretaker. Before commencing operation, and as a continuing requirement, every foster home shall be certified or licensed by the State, shall be periodically inspected, approved and supervised by the County Department of Social Services, and shall obtain a special use permit if such home is to be located on property zoned R-1, R-2 or R-3 as defined in this Chapter. Such special use permit shall be personal and shall not run with the land.

(71) Homeless shelter means a facility providing temporary lodging, with or without charge or meals, for indigent adults with no residence within the City.

(72) Home based business means an accessory use carried on in a single or two-family residential structure only by the residents thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit, does not change the character thereof, or affects the residential character of the neighborhood.

(73) Hospice care facility means a coordinated program of home care with provision for inpatient care for terminally ill patients and their families. A medically directed interdisciplinary team provides this care, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

(74) Hospital means an establishment primarily engaged in providing diagnostic services, extensive medical treatment, including surgical services, and other hospital services, as well as continuous nursing services. Hospitals have an organized medical staff, inpatient beds and equipment and facilities to provide complete health care. Includes accessory residential uses for nurses and physicians.

(75) Hotel means a commercial establishment offering lodging to transients on a day-to-day basis, and often having as accessory uses eating and drinking areas, public rooms, retail and service businesses that are also available to the general public. By definition, hotel shall also include motel, motor hotel, motor inn, motor lodge and tourist court.

(76) *Instructional studio* means a facility established to provide classes for the teaching of the various arts (e.g. dance, painting, sculpting, singing, karate).

(77) *Kennel* means an establishment where domestic pets are bred, raised, trained, groomed and boarded. The keeping of more than four (4) dogs and/or cats over the age of six (6) months shall constitute a kennel. Includes catteries.

(78) *Laboratory* means a facility for scientific laboratory research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as accessory and incidental to the main purpose of the laboratory. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

(79) *Laundromat* means an establishment providing washing, drying, ironing or dry-cleaning machines for hire to be used by the customers on the premises.

(80) *Laundry service* means a service establishment or business that provides washing, drying, dry cleaning, tailoring, mending, or other clothing alteration for customers.

(81) *Library* means a public or nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

(82) *Livestock market* means an establishment wherein livestock are collected and held for the purposes sale or transfer by auction, consignment, or other means.

(83) *Live-work unit* means a single-family detached dwelling for both residential purpose and any nonresidential use permitted in the Zone District in which the unit is located, provided that not more than one (1) person who does not reside in the unit are employed on the premises.

(84) *Manufactured home, one-family* means a single-family dwelling which:

a. Is partially or entirely manufactured in a factory;

b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;

c. Is designed for and placed upon an engineered permanent foundation;

d. Has brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of wall section) downward to the exposed perimeter wall, foundation or to grade, whichever is applicable, and has a pitched roof; and

e. Is manufactured after 1976 and certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended (commonly referred to as the "HUD" Code; effective in 1976) and all regulations enacted pursuant thereto, including any local modifications that are expressly allowed by federal law, or which have been certified by the State as being in compliance with the requirements of the Uniform Building Code as adopted by the State and enforced and administered by the Colorado Division of Housing.

(85) *Manufacturing and production* means the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Includes the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. Determination of use is based upon gross floor area.

(86) *Massage establishment* means an establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. Includes massage establishments accessory to hospitality uses.

(87) *Medical marijuana uses:*

a. *Center* means the use of any property or structure to distribute, transmit, give, dispense or otherwise provide marijuana in any manner to patients or primary caregivers in accordance with Amendment 20, and the implementing state statutes and administrative regulations. The medical marijuana center may include an optional cultivation premises as an accessory use by right.

b. *Home cultivation* means the use of any residential property for the cultivation and growing of medical marijuana for personal use only. The operation of a home cultivation shall require compliance with Section 17-15-20 of this Title.

c. *Infused product manufacturing* means a manufacturing or processing facility in which a product is infused with medical marijuana that is intended for use or consumption other than by smoking, including

but not limited to edible products, ointments, and tinctures. The medical marijuana infused product manufacturing use may include an optional cultivation premises as an accessory use by right.

d. *Optional cultivation* means the use of any property or structure for the cultivation and growing of medical marijuana. All medical marijuana optional cultivation premises shall be contiguous to the associated medical marijuana center or infused product manufacturing facility. Dis-contiguous optional cultivation premises are prohibited uses.

(88) *Microbrewery* means an establishment that is primarily used for producing beer and may include retail or food service as an accessory use. The brewing operation processes water, malt, hops and yeast into beer or ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

(89) *Mineral springs* means a facility where naturally occurring springs that produce water containing minerals, or other dissolved substances, that alter its taste or give it a purported therapeutic value are used or bottled for retail sales.

(90) *Mixed-use* means a development that includes non-residential and residential principal uses within the same structure. The commercial uses are restricted to those permitted in the district. The number of residential units is restricted to not more than the number otherwise permitted in the district.

(91) *Mobile auto repair* means an establishment which provides temporary automobile repair service from a tent, truck, vending cart, or other area outside of a permanent structure.

(92) *Mobile food vendor* means a vehicle or mobile cart food service establishment designed to be readily movable and where there is no on-site food consumption.

(93) *Mobile home, one-family* means a dwelling unit with all the following characteristics:

a. Designed as a detached single-family dwelling unit for long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath, kitchen facilities, plumbing, sewer and electrical connections provided for attachment to outside systems;

b. Designed to be transported after fabrication on its own wheels, on flatbed, other trailers or detachable wheels;

c. Arrives at the site where it is to be occupied as a complete dwelling and is ready for occupancy except for minor and incidental

unpacking and assembly operation, location on foundation supports or jacks, underpinned, connections to utilities and the like;

d. Is not less than eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers;

e. Is without motive power;

f. Is manufactured after 1976 and certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. §5401, et seq., as amended, and all regulations enacted pursuant thereto; and

g. Complies with City ordinance modifications as authorized by state or federal law.

(94) *Mobile home park* means an area under single ownership which has been so designated and improved that it contains two (2) or more mobile home spaces available to the general public for the placement thereon of mobile homes for occupancy.

(95) *Mobile home sales* means the retail sales of mobile and manufactured homes.

(96) *Model home* means a dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development approved by the City. Model homes may also incorporate sales or rental offices for dwellings within the development.

(97) *Mortuary* means an establishment engaged in undertaking or funeral services, such as preparing dead human bodies for burial and arranging and managing funerals. A funeral home is considered a mortuary, however a crematory is neither an accessory use nor a use by right for a mortuary.

(98) *Museum* means an establishment displaying objects of historical, educational or cultural interest, with items not generally being offered for sale. Receipts of funding of a museum are not primarily from admission charges.

(99) *Natural deposits:*

a. *Extraction* means the exploration for or extraction of surface or subterranean compounds and materials; this includes oil and gas exploration and production, and the mining of metallic and nonmetallic minerals, sand, gravel, and rock.

b. *Processing* means the processing of surface or subterranean compounds and materials.

(100) *Non-governmental use* means a use not classified as a governmental use defined in Section (65) above.

(101) *Nursery* means a establishment whose principal activity is the selling of plants, flowers, shrubbery, trees, and other horticultural and floricultural products that are propagated and grown on the site, typically within a greenhouse structure or building, but specifically does not permit the cultivation or production of medical marijuana.

(102) *Nursing home* means a place of permanent residency which provides lodging, board and personal services to more than eight (8) persons who are sick, infirmed or convalescent who are attended by nurses caring for their physical and mental requirements. It may also include only such other persons who are employed in an official capacity for the operation and maintenance of the home. Nursing home includes long-term health care, but does not include hospitals.

(103) *Office:*

a. *General* means an establishment where business is transacted, such business being primarily a service with the sale of merchandise being secondary and incidental to the performance of the service.

b. *Medical* means an establishment used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises. Includes but is not limited to doctor and dentist office, outpatient surgery centers and medical laboratories.

c. *Professional* means an office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, or any similar type of profession.

(104) *Outdoor sales, seasonal* means a business or use (primary or accessory) that is conducted primarily out of doors, on a limited seasonal basis which may include but not be limited to: the sale of fruits and vegetables, plants, flowers, Christmas trees, pumpkins and other similar businesses or uses.

(105) *Parking lot* means an open, hard-surfaced area, other than a parking structure, street or public way, to be used for the transient parking of operable passenger automobiles, whether for compensation or free.

(106) *Parking structure* means a semi-enclosed structure or portion thereof composed of one (1) level or floor, with an occupiable building above or below the parking structure, or more than one (1) level or floor, with or without a building above or below, used exclusively for the parking of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed. This definition does not include single-level parking lots that are covered, unless covered by an occupiable building.

(107) *Parks, trails, and open space* means an area of open space provided for recreational purposes, including both active and passive recreation. This definition includes parks, trails and open space owned and maintained by the City or by a home owners association, for the propose of the residences in the vicinity.

(108) *Pawnshop* means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or consignment sales of personal property. Includes general pawnshops and jewelry pawnshops, but excludes automobile pawnshops.

(109) *Pawnshop, automobile* means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of automobiles, or consignment sales of automobiles.

(110) *Payday loan agency* means a business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Payday load agency does not include a state or federally chartered bank, savings association, credit union, or industrial loan company, but includes check cashing facilities.

(111) *Pet shop* means a retail establishment which sells domesticated or tamed animals, birds and fish as household pets, and related supplies. *Pet shop* may also include as an accessory use the grooming of pets. *Pet shop* does not include the sale of large agricultural animals such as horses, cattle, pigs, sheep or goats, nor the boarding of animals, birds or fish.

(112) *Pharmacy* means an establishment primarily engaged in the retail dispensing of prescription drugs and may offer nonprescription drugs, medical aids and convenience goods, but shall not permit the sale or distribution of medical or retail marijuana. The definition of pharmacy includes a drug store.

(113) *Pigeon and dove keeping* means the keeping, breeding, maintaining and flying of more than 40 but not more than 100 adult birds of a species of the family Columbidae, more commonly known as pigeons and doves. An adult pigeon or dove is defined as over the age of three (3) months.

(114) *Power plant* means a facility that converts one or more energy sources, including but not limited to waterpower, fossil fuels, nuclear, solar or wind power, into electrical energy or steam for the use off-site. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

(115) *Precious metal purchaser* means a person or business engaged in the purchasing of any item containing, in whole or in part, gold or silver or any alloy of gold or silver.

(116) *Print shop* means an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

(117) *Public utilities* means a water, irrigation, sewer, gas, electric, telephone, bus, taxi, ambulance or railroad system or installation which serves five (5) or more customers, whether or not it is franchised or organized as a corporation or district. Public utility installation shall comply with Section 17-4-30.

(118) *Racetrack* means a measured course where animals, vehicles or machines are entered in competition against one another or against time, including tracks used only for training or practice. A racetrack may include accessory offices, seating, concession areas, suites, and related retail sales of memorabilia and merchandise. This definition shall also include any facility used for simulated racing or driving conditions (test tracks, "shakedown" tracks, or other similar facilities).

(119) *Recreation facilities:*

a. *General* means a facility, with or without seating for spectators, and providing accommodations for a variety of recreation uses including but not limited to golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, skateboard parks, sports fields and courts, batting cages, swimming pools, laser tag, paint ball and motorized cart tracks where recreation facilities may be provided indoor or outdoor.

b. *Indoor* means a fully indoor facility, with or without seating for spectators, and providing accommodations for a variety of active or passive recreation, including but not limited to basketball, ice hockey, wrestling, skating rinks, soccer, tennis, volleyball, racquetball or handball. Such facility may also provide other accessory uses including health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

(120) *Recreational park* means a property upon which two (2) or more recreational vehicle sites, cabins or tent sites are located, established or maintained for occupancy as temporary living quarters for recreation or vacation purposes. Also includes sanitary facilities, laundry facilities and disposition of waste, rubbish and debris created or deposited by its patrons. No person shall be permitted to camp for a period longer than fifteen (15) days.

(121) *Recreational vehicle, sales and service* means a retail establishment that sells, rents, leases, repairs and services new or used recreational vehicles. A recreational vehicle sales establishment does not permit the sale or service of automobiles unless otherwise permitted in the Zone District.

(122) *Recycling:*

a. *Center* means an enclosed building used for storing recyclable material and unenclosed premises on which recyclable material is stored for one week or less.

b. *Collection center* means a center for the acceptance by donation, redemption, or purchase of recyclable materials for transshipment to a recycling center or an industrial processing facility. Collection centers include: reverse vending machines or groups of reverse vending machines occupying more than 75 square feet, a mobile recycling unit, kiosk-type units that may include permanent structures, unattended containers placed for the donation of recyclable materials.

c. *Processing facility* means an indoor or outdoor facility that is not a salvage yard and in which recyclable materials are collected, processed, recycled, and treated to return such products to a condition for efficient shipment or to an end-user's specifications by baling, compacting, composting, flattening, grinding, crushing, mechanical sorting, cleaning or remanufacturing. Does not include processing of tires.

d. *Tire processing facility* means a site actively used to produce or manufacture usable materials, including fuel, from scrap tires.

(123) *Refinery* means a facility where the unwanted substances in something (such as sugar or oil) are removed.

(124) *Refuse collection company* means an establishment primarily engaged in the pick up of trash and refuse. Includes curbside pickup, port-o-let rental and roll off dumpster service.

(125) *Religious institution* means a establishment where people regularly assemble for religious worship and which is maintained and controlled by a

religious body organized to sustain public worship, together with all accessory uses customarily associated with such primary use. Includes church, synagogue, temple, mosque, or other such place of worship or religious activities.

(126) Rental shop:

a. Equipment means an establishment providing the rental of goods and equipment including but not limited to tools, trucks, tractors, construction equipment, agricultural implements, and similar commercial and industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

b. General means an establishment providing the rental of general merchandise to the general public. General merchandise includes clothing and other apparel, electronics, videos, small tools and garden equipment, furniture and other household appliances, special occasion or seasonal items, and similar consumer goods.

(127) Repair shop:

a. Consumer items means an establishment primarily providing repair services to consumer items, but excluding automotive, household appliance, small engine and equipment repair. Typical uses include shoe, watch or jewelry, or musical instruments repair.

b. Durable goods means an establishment primarily providing repair services to non-consumer items including household appliances, small engines and equipment, but excluding automobiles.

(128) Residence:

a. Condominium means a residential structure of two (2) or more dwelling units in which the dwelling units are individually owned; each owner receiving a recordable deed enabling him or her to sell, mortgage, exchange, etc., his or her dwelling unit independent of the owners of the other dwelling units in the structure. The maintenance of the structure and common improvements is provided through a homeowners' association or similar contractual group.

b. Established means a residence, one-, two-, or multi-family that was occupied any time prior to February 1, 1968; therefore, allowing the same use to be reinstated. The discontinuance of the residence does not preclude the residence from returning; the number of dwelling units shall not be increased above the number of dwelling units that existed when the use was legally established.

c. *Multi-family*, means a detached residential building designed as a single structure, containing more than four (4) dwelling units. Each unit is designed for occupancy by not more than one (1) family.

d. *One-family* means a detached single-family residential dwelling unit designed for and occupied by not more than one (1) family, including a manufactured home but excluding a mobile home.

e. *Three-and four-family* means a residential building designed as a single structure, containing three (3) or four (4) dwelling units and designed for occupancy by not more than one family per dwelling unit.

f. *Townhouse* means a residential structure containing a single-family dwelling unit, located on an individually owned and platted lot, which is joined in a continuous group or row of three (3) or more dwellings which may vary in uniformity of structure, appearance or setback and may be joined by a common side wall.

g. *Two-family* means a residential building designed as a single structure, containing two (2) dwelling units and designed for occupancy by not more than two (2) families.

h. *Watchman or caretaker* means a residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises, and his or her family.

(129) *Restaurant* means a commercial establishment whose primary function is providing prepared meals to customers for consumption within the structure. Accessory uses may include drive up service or outdoor commercial patio, if separately permitted in the zone district.

(130) *Restaurant, carry-out* means a commercial establishment where food is prepared on the premises for consumption off the premises, with no seating or other area provided on the premises for consumption. The establishment may deliver food to the customer, or the customer may pick food up.

(131) *Retail marijuana:*

a. *Cultivation facility* means an entity which cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not to consumers.

b. *Product manufacturing facility* means an entity which may purchase marijuana; manufacture, prepare, and package marijuana

products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

c. Store means an entity licensed to purchase marijuana from marijuana cultivation facilities, and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to retail marijuana consumers.

d. Testing facility means an entity which may analyze and certify the safety and potency of marijuana.

(132) Retail sales:

a. Antiques means an establishment primarily engaged in selling antiques. An antique shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 50 years old. Antique shop does not include "secondhand store."

b. Auto parts means an establishment primarily engaged in selling new automobile parts and accessories to the general public. Excludes salvage operations.

c. Big box means retail or wholesale, single tenant or multiple tenants in a single development, who occupy no less than 40,000 square feet of single-plate ground floor area, typically having a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, department stores, and pad sites with structures of fewer than 40,000 square feet, which are associated with the primary big box retail development and which are included in the original subdivision and/or master plan of the overall development. Zone districts that have a regulatory design review process, such as HB, HARP districts and designated Urban Renewal project areas, are exempt from the big box retail standards.

d. Building materials means an establishment engaged in selling lumber, or lumber and a general line of building materials, to the general public and construction contractors. Includes products such as rough and dressed lumber, flooring, molding, doors, sashes, frames, fencing, roofing, siding, shingles, wallboard, paint, brick, tile, cement, hardware, and other building materials and supplies. Shall also include bagged sand, gravel, and other bagged landscape material, but shall specifically exclude landscape materials sold in bulk.

e. *Garden center* means a retail business whose principal activity is the selling of plants, flowers, shrubbery, trees, and other horticultural and floricultural products that are maintained, but not propagated, on the site, but specifically does not permit the sale of medical marijuana. The sale of other nursery accessories, including but not limited to potting soil, hardware, hoes, rakes, shovels, and other garden tools is permitted.

f. *General* means a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser but excludes those classified more specifically by definition.

g. *Liquor store* means an establishment primarily engaged in the retail sale of packaged alcoholic beverages and related non-alcoholic goods for consumption off the premises.

h. *Intermittent* means a temporary retail establishment which only occurs at irregular intervals.

i. *Secondhand* means an establishment primarily engaged in the retail sales or consignment of antiques or previously used merchandise, such as clothing, household furnishings or appliances and/or sports/recreational equipment but does not include the resale of donated goods. This classification does not include secondhand motor vehicles, parts, or accessories.

j. *Thrift* means an establishment primarily engaged in the resale of donated goods, typically by non-profit charity organizations.

k. *Tires* means commercial establishment where the principal use is the sale or installation of new, used, or retread tires and tubes.

(133) *Salvage yard or salvage shop* means any place at which salvage is collected, received, stored, accumulated, sold or otherwise handled. Salvage shall mean any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for any of the aforesaid purposes. Used household furniture, used wearing apparel, used lumber, used brick, used tile, used plumbing fixtures, used electrical fixtures, used articles made of precious metal or metals, used jewelry, used tools and other used articles of personal property, which are bought and sold as secondhand property and which are not handled as what is ordinarily called salvage shall not be included in the term salvage as used herein. Without limiting the aforesaid definition of salvage, the term shall include used or salvaged iron, brass, lead, copper and other base metals, and their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber and similar articles and used motor vehicles or

machinery used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

(134) *School* means an education facility and includes parochial, private, professional, college, university and public schools. Specific types of schools are defined below:

a. *College or university* means an educational facility and related educational accessory uses other than a trade school which provides full-time or part-time instruction designed to secure a degree in a general field or a specialized professional field.

b. *General* means a public, parochial, or private institution and related educational accessory uses that provides educational instruction to students. This definition does not include trade or business schools, colleges, or universities.

c. *Preschool* means a facility and related educational accessory uses for the organized instruction of children who have not reached the age for enrollment in kindergarten, excluding child care, homes.

d. *Trade* means a specialized instructional facility and related educational accessory uses established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school). This use excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.

(135) *Shooting range* means an area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any similar firearm for the purpose of sport shooting or military/ law enforcement training.

(136) *Sign, billboard (off-premises sign)* means a sign structure advertising an establishment, merchandise, event, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located; and any other outdoor advertising prohibited by the provisions of Section 43-1-415, C.R.S. and Section 24-4-103, C.R.S.

(137) *Smoking lounge* means an establishment where patrons share shisha from a communal hookah or nargile. Smoking lounges do not permit the consumption of marijuana or related products. Smoking lounges are also

regulated by Chapter 6 of Title VII of the Pueblo Municipal Code and the Colorado Clean Indoor Air Act.

(138) *Solar array* means a freestanding or building mounted device or combination of devices or elements that use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity.

(139) *Solid wastes transfer station* means a facility where non-hazardous solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility.

(140) *Stable, commercial* means a facility commercially available to the general public for the purpose of boarding riding animals on a rent, lease or fee basis.

(141) *Storage facility*:

a. *Outdoor* means a facility for the exterior stockpiling or safekeeping of materials, products, vehicles, recreational vehicles, cargo containers, trailers, and the like.

b. *Self-storage* means a building or group of buildings, pods or shipping containers divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.

(142) *Student housing* means a residence for occupancy by groups of people not defined as a family, where such building is specifically designed for students of a college, university, trade school or nonprofit organization for the purpose of providing rooms for sleeping and living purposes. Common gathering spaces, kitchen, cafeteria and sanitary facilities may also be provided. Typical uses include, but are not limited to, fraternity or sorority houses, dormitories, residence halls and boarding/lodging houses.

(143) *Taxidermist* means a business primarily engaged in preparing, stuffing, and mounting the skins of animals.

(144) *Theater*:

a. *Drive-in* means an outdoor movie theater where patrons view movies or any other form of entertainment on a screen from their vehicles. This definition does not include an adult theater.

b. General means a structure for presentation of films, plays or other dramatic performances on two or fewer stages or screens. A theater does not include an adult theater.

c. Multiplex means structure with three or more movie theaters in which each theater is capable of showing moves independent of the others in the complex. Theaters in a multiplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby area, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities.

(145) Tow service means an establishment that provides for the removal of vehicles but does not include storage, overnight storage, disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

(146) Tow yard means an outdoor storage facility for the temporary storage of towed vehicles.

(147) Tower (antenna) means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

(148) Transit station means a facility that is primarily used, as part of the transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

(149) Tree service means an establishment primarily providing some of all of the following services related to the establishment, maintaining or removal of trees: cabling and bracing, drought services, fertilization and soil management, insect and disease management, lightning protection, plant analysis and diagnostics, pruning, storm damage, tree inspections, tree inventory, tree removal, and tree structure evaluation.

(150) Truck parking means an open, hard-surfaced area, other than a parking structure, street or public way, to be used for the transient parking of operable tractor trucks or similar heavy commercial vehicles, whether for compensation or free.

(151) Truck sales and service means a retail establishment that sells, rents, leases or provides repair service for new or used tractor trucks or similar heavy

commercial vehicles, including the sale of accessories and equipment for such vehicles.

(152) *Truck stop* means an establishment primarily engaged in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews as permitted by the Zone District.

(153) *Trucking terminal* means a facility for the receipt, transfer, short term storage, dispatching of goods transported by truck, and storage and distribution facility for heavy trucks, tractor trailers or similar heavy commercial vehicles. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office and trucking companies, but excludes trucking accessory to another industrial site.

(154) *Urgent care facility* means a facility providing medical service for sick or injured persons exclusively on an urgent out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. Medical Marijuana associated uses are not permitted at a health care facility.

(155) *Veterinary clinic* means a facility for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are generally limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal. The definition of *Veterinary clinic* includes veterinary hospitals.

(156) *Wedding facility* means an establishment that primarily provides the facilities and services for weddings on a commercial basis. This definition does not include churches and similar congregations where weddings are an ancillary use.

(157) *Warehousing use* means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

(158) *Wholesaling uses* means an establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies for resale.

(159) Wind turbine means a structure or device fitted with a set of revolving blades designed to move with or harness the power of the wind to generate electricity or mechanical energy and can include pole- or building-mounted turbines. The term wind turbine includes the tower on which it is built.

(160) Woodworking means a business primarily engaged in manufacturing of wood products, including but not limited to furniture and cabinetry.

SECTION 2.

Section 17-4-2, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-4-2 to read as follows:

Sec. 17-4-2. – Schedule of District Regulations (Part I, Residential).

SCHEDULE OF DISTRICT REGULATIONS (Part I, Residential)

(a)	Min Lot Area Single Family
(b)	Min Lot Area <u>two-family</u> [Duplex]
(c)	Min Lot Width
(d)	Max Coverage of Lot
(e)	Max Floor Area Ratio
(f)	Max Building Height

. . .

(D) See Section **[17-4-51 (5)]17-4-4(g).**

. . .

SECTION 3.

Section 17-4-3, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-4-3 and subsection (C) to read as follows:

Sec. 17-4-3. Schedule of District Regulations (Part II, Non-Residential).

. . .

(C) See Section 17-4-51 [(17)c.](28)c.

. . .

SECTION 4.

Section 17-4-4, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-4-4 and the addition of new subsections (f)(5), (f)(6), and (g), to read as follows:

Sec. 17-4-4. Schedule of District Regulations (Part III, Multiple Residential, Special Residential and Mobile Homes).

. . .

(e) R-8 District:

(1) No more than one (1) [mobile] home shall be permitted on each platted lot.

(2) Each [mobile] home **shall comply with the requirements as defined in Section 17-2-1 of this Title.** [in a mobile home subdivision shall have a minimum box width of twelve (12) feet and a minimum box size of six hundred fifty (650) square feet. Box size is the exterior width and length of the unit exclusive of bumpers, towing apparatus and other exterior attachments not functioning as part of the residential unit.]

(3) [Each mobile home in a mobile home subdivision shall comply with the Colorado State Housing Board's State Factory Built Housing Construction Code, more commonly known as the ANSE Standard A119.1 and C.S.H.B. revisions and amendments thereto.

(4) Accessory buildings and structures to a mobile home in a mobile home subdivision are limited to garages, awnings, cabanas, ramadas, storage structures, carports, fences, windbreaks and porches. All accessory buildings and structures shall conform to the Building Codes of the City and Section 17-4-23 of this Code. Accessory buildings or structures not adequately covered by either the Building Code or Section 17-4-23 shall be subject to the provisions of NFPA No. 501A 1972, Standard For Mobile Home Parks, Appendix B "Mobile Home Accessory Buildings and Structures." The height of any accessory building

or structure may not exceed twelve (12) feet. The roof slope and exterior materials of all accessory buildings and structures shall be compatible with the mobile home.

(5) Storage is not permitted beneath the [mobile] home, except when located upon a basement. [All basements shall be approved by the Inspection Division. Storage shall be permitted only in accessory buildings, common areas so designated or approved basements.]

(6) (4) All [mobile] homes [in a mobile home subdivision] shall have their wheels, axles and removable towing apparatus removed and be secured to a permanent foundation. [Methods of securing and foundation designs shall be approved by the Department of Public Works, Inspection Division.]

(7) (5) All [mobile] homes, including towing apparatus, [in a mobile home subdivision] shall be skirted with an impervious material which is compatible with the [mobile] home exterior and impedes the passage of wind beneath the [mobile] home. A removable partition or section at least eighteen (18) inches by thirty-six (36) inches shall be so located in the skirting as to provide convenient access beneath the [mobile] home for the inspection and repair of utilities. [Air vents shall be provided in the skirting of such type, number and location as approved by the Department of Public Works, Inspection Division.]

(f) [Recreational Vehicle Park Performance Standards.

- (1) The purpose of these performance standards is to establish design, operational and development standards necessary to protect the public health, safety and general welfare.
- (2) All recreational vehicle parks must be located on subdivided property. The following standards will apply to recreational vehicle parks, based on classification:

<i>Overnight</i>		<i>Destination</i>
Max. Camper Stay	1 day	21 days
Min. Park Size	5 acres	5 acres
Min. Recreational Vehicle Site Area	1,000 sq. ft.	1,400 sq. ft.

<i>Overnight</i>		<i>Destination</i>
Min. Recreational Vehicle Site Width	20 ft.	20 ft.
Max. Density	25 sites/acre	22 sites/acre

- (3) The following standards will apply to all recreational vehicle parks unless stated otherwise:
- a. Condition of soil, groundwater level, drainage and topography will not create hazards to the property, health or safety of the occupants. The site will not be exposed to objectionable smoke, noise, odors or other adverse influences. No portion of the site will be subject to unpredictable or sudden flooding, subsidence or erosion or will be used for any purpose which would expose persons or property to hazards.
 - b. Exposed ground surfaces, including recreational vehicle sites, in all parts of the recreational park will be paved, covered with gravel or other solid materials, or protected with a vegetative growth that prevents soil erosion and eliminates objectionable dust. All roadways shall be paved with asphalt concrete, Portland cement concrete or pavers, shall be properly drained and shall be designed to handle all anticipated loadings.
 - c. Recreational vehicles will be separated from each other and from other structures by at least ten (10) feet. Awnings, fold out and expandable sides or other extensions to the vehicle will be considered part of the vehicle for measuring purposes.
 - d. Entrances and exits to recreational vehicle parks will be designed for safe and convenient movement of traffic access to and from the park and to minimize interference with traffic movement on adjacent streets. All traffic into and out of the park will be through designated entrances and exits. Radii of curves and pavements at intersections must provide for easy turning movements for vehicles with attached trailers. A sight distance triangle will be provided at all entrances and exits to insure that no material impediment to visibility will be created or maintained which obscures the view of an approaching driver. The City Traffic Engineer will review and approve all intersection angles and radii of curves and will establish the sight distance triangle requirements for each proposed recreational vehicle park, based on anticipated vehicle speeds

and the site's slope and relief. The following minimum curve alignment and access standards will apply:

Recreational Vehicle Park
Curve Alignment and Access Standards

Minimum curve radius for design speeds on local collector and access roads for recreational vehicle parks (without superelevation).

<i>Design speed (mph)</i>	<i>Radius (ft.)</i>
15	80
20	150
25	250
30	375
35	530

Minimum tangent length between curves will be as follows:

<i>Design Speed (mph)</i>	<i>Tangent (ft.)</i>
15	50
20	75
25	100
30	150
35	200
40 and above	250

For major access roads serving recreational vehicle parks, the following minimum radius and tangents and maximum rate of superelevation apply.

<i>Design Speed (mph)</i>	<i>Radius (ft.)</i>	<i>Tangent (ft.)</i>	<i>Superelevation rate (ft./ft.)</i>
40	561	400	.04
50	926	400	.04

The minimum curve length will be 200 feet for design speeds of 30 mph or less, 300 feet for design speeds between 30 mph and 40 mph, and 400 feet for design speeds of 40 mph and above. Angle points less than one degree (delta angle) require no curve radius. Coordination will be required between horizontal and vertical alignment. Particular care must be used to maintain proper sight distance at all times. Sharp horizontal curves introduced at or near the top of defined crests or bottoms of sag vertical curves should be avoided. Maximum (preferred) widths of access control at curb cuts in curb and gutter will be 35 feet.

e. The following minimum roadway widths are required:
Minimum Roadway Widths

<i>Type</i>	<i>Width</i>
Entrance/Exit Road (No Parking)	
One-Way	20'
Two-Way	34'
Interior Roads	
One-Way, No Parking	12'
One-Way, Parking 1 Side	20'
One-Way, Parking Both Sides	28'
Two-Way, No Parking	24'
Two-Way, Parking 1 Side	32'
Two-Way, Parking Both Sides	40'

- (4) Accessory uses permitted in a recreational vehicle park may include management headquarters, picnic areas, recreational facilities, toilets, dumping stations, showers and coin-operated laundry facilities. Destination recreational vehicle parks may also include a convenience store as an accessory use, provided that such store presents no visible evidence from any road outside the park of its commercial character to attract customers other than occupants of the park.
- (5) Solid waste (garbage) collection receptacles will be required to be provided within the recreational vehicle park. Destination recreational vehicle parks will also provide a sanitary waste dump station to accept discharge from the recreational vehicle holding tanks.
- (6) The recreational vehicle park must comply with the "Standards and Regulations for Campground and Recreational Areas" of the Colorado Department of Health; however, overnight parks will be considered as semi-developed for these standards.

- (7) A development plan must be submitted with every application for a special use permit. The plan will be drawn to a scale of 1" = 100' and must provide for not less than the following:
- a. The area and dimensions of the entire tract of land proposed for use as the recreational vehicle park;
 - b. Land use and activity areas proposed within the park;
 - c. The number, size, location and surfacing materials of the proposed vehicle sites and other parking areas;
 - d. The location, roadway and right-of-way widths, and surfacing materials of public roadways providing access to the park;
 - e. The proposed interior vehicular circulation pattern, including widths, surfacing materials and proposed design speeds; and the pedestrian circulation pattern;
 - f. The location of existing or proposed structures, and identification of their proposed use;
 - g. The location of solid waste collection receptacles;
 - h. The location and capacity of sanitary waste dump stations, if proposed;
 - i. Location of potable water distribution system, including proof of the water's source, quality and quantity, if proposed;
 - j. Location of sanitary sewer collection and treatment system, including capacity, if proposed;
 - k. Location of lighting, gas and electric systems, if proposed;
 - l. Location of fences, buffering and landscaped areas;
 - m. Roadway data, including widths, radii, tangents and superelevation; and
 - n. Location of other features or facilities existing or proposed within the park to assist in reviewing the special use permit.

The recreational vehicle park must be developed and maintained in accordance with its development plan. Minor changes to the zoning development plan may be approved by the Director of the Department of Zoning Administration provided that such changes are in writing. Major changes to the development plan must be approved by the Zoning Board of Appeals after a public hearing.]

[(g)] Residential Charter Neighborhood (RCN) District.

. . .

(5) Performance standards.

a. Not more than fifty percent (50%) of the front yard setback shall be covered with an impervious surface.

b. Parking is allowed in the front yard of a residence only on a driveway that leads directly to the garage door. The driveway shall be no wider than ten (10) feet to provide access to the garage. If the property can be accessed from an alley and no garage exists, or if garage access is from other than the front, no parking is allowed in the front yard of the residence.

c. Except as restricted by Section 15-3-2 of this Code, the height of fences, walls and hedges for parcels containing one-family, two-family, and three- and four-family residences, and townhouses shall not exceed four (4) feet in the front yard area and six (6) feet in other yard areas.

d. Fencing materials shall not include or incorporate razor or concertina wire; barbed wire; electrically charged wire; plywood surface; or fabric, sheet or corrugated metal, or plastic sheeting.

e. Parking.

1. Detached carports shall not be located closer than two feet six inches (2.5 feet) from the side yard lot line without a variance.

2. Any remodeling, rehabilitation or addition smaller than fifty percent (50%) of an existing residence on a parcel smaller than ten thousand (10,000) square feet, and not resulting in additional dwelling units, shall not require an increase in the number of existing off-street parking spaces.

3. Off-street parking for residences that are more than four-family in size, and for all nonresidential uses installed after the effective date of this Section shall be located in the rear half of the lot unless the parking is completely enclosed within the main structure.

f. Alleys.

1. Backing into an alley from parking lots and off-street parking spaces will be allowed, provided that the parking lots or spaces serve single-family or two-family residences.

2. Any new construction, expansion of a use or building or improvement, to either one (1) single-family or one (1) two-family residence, shall not require the applicant to pave any or all of any alley, but may require the applicant to surface the alley with an all-weather, dust-proof material to the point where the alley meets the nearest street.

3. Existing alleys may be vacated only for purposes consistent with an adopted neighborhood plan and subject to requirements of applicable law.

(6) Guidelines. The City Council may adopt development design guidelines for the RCN District by resolution for different types of uses, structures or other matters to preserve the character of the neighborhood while allowing flexibility in the design and building process. If guidelines are so adopted, the Administrative Official shall review all development for consistency with the intent of the guidelines. If the Administrative Official determines the intent of the guidelines is met, the Administrative Official may approve a building permit or business license application provided that all other applicable requirements of this Title have been met or complied with. A person aggrieved by the decision of the Administrative Official may appeal such decision to the Zoning Board of Appeals pursuant to the provisions of Section 17-5-22 of this Title. A building permit shall not be issued until the Administrative Official has approved the development for compliance with the requirements of this district (RCN) and the guidelines.

(g) R-2U District:

(1) Performance standards.

a. The minimum front yard setback shall be eighteen (18) feet. The garage and the required off-street parking space for the lot shall be at least twenty (20) feet from the back of the public sidewalk.

b. Unless located beneath a habitable room or story, unenclosed porches, even if the porch is covered by a roof, may encroach up to eight (8) feet into the front yard setback.

c. A minimum lot area of four thousand five hundred (4,500) square feet is permissible when utilized within a block of mixed lot widths. The average lot area of the block, however, shall be at least five thousand (5,000) square feet. Alternative lot width configurations may be as narrow as forty-five (45) feet, but the average lot width of the block shall be no less than fifty (50) feet. Lot depth shall not exceed three-(3) times the average lot width unless the lot abuts an alley.

d. Driveways shall be located to provide at least one (1) on-street parking space per lot within the block except lots on the turning circle of cul-de-sacs. The City Traffic Engineer shall approve all driveway curb cut locations on corner lots as provided in Section 17-4-44(h) of this Code before a building permit is issued for such lot.

e. Notwithstanding anything to the contrary in the Roadway Classification Design Standards and Policies for the City of Pueblo, adopted by Resolution 10264, or as the same may be subsequently amended, local public streets shall neither be wider than thirty-two (32) feet nor narrower than thirty (30) feet, as measured from flow-line to flow-line.

f. Homeowners' associations or individual property owners shall be responsible to install and maintain all landscaping in public rights-of-way adjoining their respective lots.

SECTION 5.

Section 17-4-5, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of subsection (1)g. and the addition of new subsections g., (4) and (5), to read as follows:

Sec. 17-4-5. Schedule of District Regulations (Part IV, Nonresidential).

The applicant shall submit proof that he or she can or will meet the applicable performance standards listed below.

- (1) O-1, B-1, B-2, B-3, B-4 and CCN Districts; performance standards.

. . .

f. In a CCN, setback dimensions for residential structures and uses shall be determined as described below. However, the Zoning Administrator may review and approve setback reductions when the precedent pattern of development on the subject and immediately adjacent blocks is less than the current requirement. It will be the responsibility of the party requesting the reduction to provide a survey, or other suitable documentation, which verifies the existing setbacks on the adjacent properties. The following yard setback requirements shall apply within the Commercial Charter Neighborhood District:

. . .

[g.] **5.** Side yard setbacks for lots greater than thirty-six (36) feet in width: five (5) feet.

g. CCN Performance standards.

1. Outdoor storage. The following provisions apply to all outdoor storage except designated off-street parking areas and lots used to display vehicles that are immediately available for sale or rent.

(a) In addition to meeting the provisions of the CCN District above, the wall or fence surrounding the storage area shall be kept in a clean, neat and painted condition, and free of graffiti. Fencing made of chain links with slats, salvage materials such as plywood, metal or fiberglass roofing materials or attached fabric materials to existing fences are prohibited.

(b) Outdoor storage shall be confined to the rear of the main structure or the rear two-thirds ($\frac{2}{3}$) of the site, whichever is more restrictive.

(c) All gates to access the storage area shall swing inwardly or slide sideways. The gates shall be kept closed when not in use except that the gate may remain open during business hours if the interior or contents of the storage yard cannot be seen from residential areas and public streets.

(d) If the storage area is adjacent to any residential zone district, no items shall be stored closer than five (5) feet from the property line.

(e) The provisions of Section 17-4-28, relating to the parking and storage of certain vehicles, shall apply to all parcels and lots in the CCN district.

(f) Outdoor storage on any vacant parcel or lot is prohibited.

(g) Building materials for construction on the same lot may be stored outdoors on the lot provided that a valid building permit is in effect.

(2) Alleys.

(a) Backing into an alley from parking lots and off-street parking spaces is allowed.

(b) Any new construction, expansion of a use or building or home improvements shall not require the applicant to pave any or all of any alley. The applicant, however, shall be required to surface the alley with an all-weather, dustproof material to the point where the alley meets the nearest street.

(c) Existing alleys may be vacated only for purposes consistent with an adopted neighborhood plan and subject to the requirements of applicable law.

(3) Curb cuts. The width of new curb cuts shall not exceed twenty (20) feet. New curb cuts should be no closer than twenty-two (22) feet from the nearest existing curb cut to aid traffic circulation and increase the safety of pedestrians.

(4) Parking.

(a) To promote flexibility in design, preserve existing commercial areas and encourage pedestrian uses, the off-street parking requirements set forth in this Chapter may be reduced or waived by the Zoning Board of Appeals based on existing remote parking access, shared spaces and the magnitude of the parking demand from the proposed project. A parking study may be required from the project proponent.

(b) Parking areas shall be located in the rear half of the parcel unless the parking is completely enclosed within the main structure.

(c) Surface parking lots shall comply with landscaping and screening requirements of Section 17-4-7 of this Chapter except that any fence, berm or landscaping feature at maturity shall comply with Section 15-3-2 of this Code.

(5) The following provisions apply to areas adjacent to minor arterials, collectors and local streets.

(a) New drive-through or drive-in uses shall not be allowed.

(b) The main entrance to a building shall be from the abutting street.

(c) The building façade abutting the street shall have at least thirty percent (30%) of the street-level façade area, as measured from the street level upward a maximum of twelve (12) feet, devoted to display windows or windows affording views into the interior area.

(d) Awnings or canopies over display windows, doors and entryways may extend over the sidewalk to not more than two (2) feet inward from the edge of the curb or to the point where they interfere with street trees and shall have a minimum clearance of eight (8) feet above the sidewalk.

(e) All mechanical equipment on the roof of buildings shall be architecturally screened or enclosed to blend with the roof surface as seen from public rights-of-way. Solar energy collection panels, wireless communications antennas and satellite dish antennas should be blended into architectural features or incorporated into building designs.

(f) Outdoor dining is allowed subject to the requirements of Section 9-10-84 of this Code, and provided that a clear distance (unobstructed width) of four (4) feet is maintained for all sidewalks along public streets.

(6) Mixed-use and residential projects. The following provisions are applicable to mixed use projects (projects that combine residential and commercial uses within the same building) and residential-only buildings with three (3) or more dwelling units.

(a) Three- to five-family dwelling unit structures shall have a minimum of four thousand five hundred (4,500) square feet of land area or one thousand five hundred (1,500) square feet per dwelling unit, whichever is greater.

(b) Six- or more family dwelling unit structures shall have a minimum of eight thousand (8,000) square feet of land area

or one thousand (1,000) square feet per dwelling unit, whichever is greater.

(c) In calculating the floor area ratio, only fifty percent (50%) of the area devoted to residential uses shall be included.

(d) Balconies for residential units may extend for a distance of six (6) feet into a required yard facing a street, provided that the balconies are a minimum of ten (10) feet above the ground level and do not extend into the public right-of-way.

(e) Open space shall be provided as follows:

1. Private outside open area for residential units shall provide no fewer than one hundred (100) square feet per dwelling unit.

2. Common outside open area for residential units shall provide no fewer than one hundred (100) square feet per dwelling unit.

3. Residents shall have access to useable outside open area, whether public or private, for recreation and social activities. The design and orientation of these areas shall take advantage of available sunlight and shall be sheltered from the noise and traffic of adjacent streets or other incompatible uses.

4. The common outside open area shall be located conveniently for the majority of dwelling units.

5. Private outside open areas shall be contiguous to the dwelling units they serve, be screened from public view and have a minimum dimension of six (6) feet in any direction.

(f) A separate area having a minimum of three hundred (300) cubic feet of private and secure storage space shall be provided for each residential unit.

1. The storage area may be located within a garage, provided that it does not interfere with garage use for automobile parking.

2. Normal closet and cupboard space within the living spaces of the dwelling unit shall not count toward meeting this requirement.

(g) All primary ground-floor common entries and individual dwelling unit entries for mixed-use projects fronting on streets shall be oriented to the street, not to the interior or to a parking lot.

(h) The residential units in mixed-use projects shall be designed to ensure the security of residents through the provision of secured entrances and exits that are separate from the nonresidential uses. Nonresidential and residential uses shall not have common entrance hallways or common balconies except when one (1) residential unit is located above or behind one (1) commercial space.

(i) On-site pedestrian circulation for mixed-use projects shall be continuous and connect various uses on site, as well as connect to off-site transit stops and parking.

(j) Security lighting that meets the current City lighting standards shall be used in all parking areas and pedestrian walkways within the residential portions of projects.

(k) All mechanical equipment shall be screened from view of the on-site residential units, with the exception of solar energy collection panels, wireless communications antennas and satellite dish antennas. Such screening should be made to appear to be an integrated part of the overall architectural design.

(l) The following provisions are required to enhance the compatibility of uses within mixed-use projects:

1. Residential portions of a mixed-use project shall be designed to limit the interior noise caused by the commercial and parking portions of the project to a maximum of forty-five (45) db(A) in any habitable room with windows closed. Proper design may include, but shall not be limited to, building orientation, double or extra-strength windows, wall and ceiling insulation and orientation and insulation of vents. Where it is necessary that windows be closed to achieve the required level, means shall be

provided for ventilation or cooling to provide a habitable environment.

2. No use, activity or process within a mixed-use project shall produce continual vibrations or noxious odors that are perceptible without instruments by a reasonable person within the interior of on-site residential units.

3. All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to on-site residential units.

(7) Guidelines. The City Council may adopt development design guidelines for the CCN district by resolution for different types of uses, structures or other matters to preserve the character of the neighborhood while allowing flexibility in the design and building process. If guidelines are so adopted, the Administrative Official shall review all development for consistency with the intent of the guidelines. If the Administrative Official determines the intent of the guidelines is met, the Administrative Official may approve a building permit or business license application, provided that all other applicable requirements of this Title have been met and complied with. The decision of the Administrative Official may be appealed to the Zoning Board of Appeals pursuant to the provisions of Section 17-5-22 of this Title. A building permit shall not be issued until the Administrative Official has approved the development for compliance with the requirements of the CCN District and the guidelines.

. . .

(4) BP District; performance standards.

a. Performance standards:

1. Noise from industrial, commercial or business activity shall comply with Section 11-1-607 of this Code applicable to light industrial zone districts, provided that if located within three hundred (300) feet of a residential zone district the industrial or business activity shall comply with Section 11-1-607 of this Code applicable to commercial zones.

2. No vibrations resulting from any industrial, commercial or business activity shall be measurable at the outer boundaries of the lot.

3. No odors resulting from any industrial, commercial or business activity shall be discernible at the outer boundaries of the lot.

4. No observable smoke shall be emitted from the parcel.

5. No dust or dirt resulting from any industrial, commercial or business activity shall be discernible beyond the outer boundaries of the lot.

6. No noxious gases resulting from any industrial, commercial or business activity shall be discernible beyond the outer boundaries of the lot.

7. No glare or heat generated from any industrial, commercial or business activity shall be discernible beyond the outer boundaries of the lot.

8. No use that would cause interference with or disrupt utility service including, without limitation, electrical, cable, television or telecommunications services to surrounding properties shall be allowed.

9. Outside storage of debris, rubbish, materials, supplies and equipment shall be enclosed on all sides by a screening wall or solid fence at least six (6) feet, but no more than ten (10) feet, in height. Neither debris, rubbish, materials, supplies nor equipment shall be stacked or stored to a height exceeding the height of the screening wall or fence.

b. Dimension standards:

1. Minimum lot site: twenty thousand (20,000) square feet.

2. Minimum setback dimensions:

(a) Front yard: twenty-five (25) feet.

(b) Side yard: ten (10) feet.*

(c) Rear yard: twenty-five (25) feet.*

(d) Minimum lot width: one hundred (100) feet.

***There shall be no setback limitations for that portion of any lot that abuts property located in business or industrial zone districts.**

3. Minimum distance of structures from an existing residential zone: one hundred (100) feet.

4. Maximum percentage of the lot to be covered by buildings or structures: fifty percent (50%).

5. Maximum height of buildings: thirty-five (35) feet for buildings that are within one hundred fifty (150) feet of a residential zone district. The maximum building height may then increase at a rate of twenty-five (25) vertical feet for every additional one hundred (100) horizontal feet (25'/100') that the building is away from a residential zone district.

(Example: If a building is 300' away from any residential zone district, the maximum building height shall be (150' distance = 35' height) + (150' additional distance = 37.5' height) = 72.5' height).

(5) H-B, HARP-1, HARP-2 and HARP-3 Districts; performance standards.

a. Historic Business Zone District (H.B.):

1. Performance standards.

(a) No building permit shall be issued nor shall any work be undertaken or commenced to construct, reconstruct, remodel, repair, paint, rehabilitate or in any way alter or modify the exterior of any building in any historic business zone district until the Historic Preservation Commission as established and described in Section 4-14-04 of this Code has reviewed, approved and issued a written certificate of compliance for such work.

(b) All exterior additions, alterations and renovations shall be approved by the Historic Preservation Commission prior to commencement of work or before the issuance of a building permit where one is required.

(c) All trash shall be stored in a tightly enclosed fenced area of sufficient height to totally obscure the storage area from a height of five (5) feet along any adjacent public right-of-way. All trash storage areas shall be kept and maintained in a neat and orderly appearance at all times.

(d) Fencing or screening of vacant lots shall obtain prior approval of the committee and such fencing material shall be constructed of material compatible in color, texture and design with adjacent structures and screening.

(e) Rehabilitation reconstruction. All buildings, structures and sites shall be considered products of their own time. Changes which have taken place in the course of time may be reflected in the development of a building; however, all rehabilitation shall preserve the character and distinguishing original qualities of the building, structure, site and surrounding environment. Applicants for a certificate of compliance to perform exterior work shall demonstrate:

(1) That no historic material or distinctive architectural feature will be altered or removed.

(2) That distinctive stylistic features and skilled craftsmanship that characterize the building, structure or site will be preserved.

(3) That deteriorated architectural features shall, wherever possible, be repaired rather than replaced. When replaced, such material shall match the material being replaced as closely as possible in composition, design, color, texture and other qualities.

(4) That surface cleaning of the structure will be undertaken with a method that is most likely to preserve the integrity and appearance of the structure. Sandblasting and other cleaning methods that will damage the historic building materials are prohibited.

(5) That reinforcement required for structural stability or the installation of life, safety or updated building code requirements shall be concealed wherever possible to avoid concealment of aesthetic or historical qualities.

(6) That reconstruction of a portion of a structure will be undertaken only when such work is necessary to reproduce a significant missing feature of a building or structure.

(f) Alteration and new construction. Alterations shall not destroy the significant historical, architectural or cultural materials of the building or structure, and shall be constructed in such a manner to preserve the essential form and integrity of the structure. All alterations and new construction shall be compatible with the size, scale, architectural detail and character of the existing building. The following requirements shall apply to all remodeling, renovation, construction and reconstruction of any existing or proposed building or structure:

(1) Height: The height of the proposed alteration or addition shall not be twenty-five percent (25%) higher than the average height of buildings or structures within a one hundred-foot radius of the property.

(2) Front setback: Additions or alterations shall not project beyond the uniform existing setback line established by adjoining structures.

(3) Side setbacks: Additions and alterations shall maintain the general pattern of spaces between buildings as found within the district.

(4) Scale: The addition or alteration shall not be inconsistent with the size of the existing building and its relationship with adjoining structures within the district.

(5) Proportion: The proportion and relationship between doors and windows proposed in the addition or alteration shall be compatible with the architectural style and character of the existing structure. New windows and doors shall be of similar size and shape and shall incorporate other facade elements and patterns established in the existing structure.

(6) Direction alignment: Window frames, transom windows, first floor display windows, sign boards, moldings and cornices shall align and be compatible with the dominant horizontal and vertical expression of the existing structure.

(7) Roof shapes: The design of the roof of the addition or alteration shall be compatible with the architectural style of the existing structure.

(8) Architectural detail: Architectural details, including but not limited to material, color and texture shall be compatible with the architectural style of the existing structure.

(g) Demolition and removal. It is the intent of this Chapter to discourage, wherever possible, the partial or total demolition of any historically significant building or structure. The committee shall consider the following factors in determining whether to approve the demolition of any building or structure:

(1) Whether or not the demolition or removal of such structure would negatively impact an historic business zone district.

(2) Whether any beneficial use can be conducted on the property in its present or rehabilitated condition.

(3) Whether the property presently or in the future will yield a reasonable economic return to its owner.

(4) Whether a licensed engineer or architect, experienced in rehabilitation of structures, has found that the building or structure is unsound and unsuitable for rehabilitation.

(h) The City Council may by resolution adopt guidelines to implement the performance standard set forth in Subparagraph e. above, provided, however, that if any provision of the guidelines conflicts with the provisions of Section 17-4-5 (a), the provisions of Section 17-4-5(a) shall control.

b. Historic Arkansas Riverwalk of Pueblo Zone District – One (HARP - 1):

1. No building permit shall be issued nor shall any work be undertaken or commenced to construct, reconstruct, remodel, repair, paint, rehabilitate or in any way alter or modify the exterior of any building in a Historic Arkansas Riverwalk of Pueblo Zone District until the Planning and Zoning Commission has reviewed, approved and issued a written certificate of compliance for such work.

2. Performance standards – Building facades that abut a street right-of-way or parking facility.

(a) Area. The provisions of these performance standards apply to those facades of buildings which abut a street right-of-way or parking facility. Other facades of the same buildings may fall under a different set of performance standards.

(b) Purpose. The purpose of these performance standards is to ensure a commercial streetscape that reflects and respects the downtown architecture that is found in the Union Avenue Historic District. The architecture of the buildings borrows from the same scale, rhythm and materials of the older buildings without imitating them. This zone district plays the role of both back door and front door to the Historic Arkansas Riverwalk of Pueblo which makes it necessary for the building designs to be succinct, easy to read, inviting and a smooth architectural transition between the Victorian architecture at street level and the more free-flowing architecture facing the Riverwalk.

(c) Design objectives. Design objectives for the building facades abutting a street right-of-way or parking lot are to:

(1) Complement the traditional architecture design of the Union Avenue Historic District.

(2) Provide a smooth visual transition from the street level to the river level.

(3) Provide an inviting physical entryway into the HARP.

(4) Take on the appearance and function of a specialty retail cluster.

(5) Provide a continuity of storefronts located along the sidewalk's edge that creates a pedestrian-oriented shopping environment.

(d) Structure mass and orientation. Building orientation shall meet the following conditions:

(1) Maximum gross floor area is five (5) times the building footprint.

(2) Maximum height is five (5) stories from the river level or seventy (70) feet, whichever is less.

(3) There are no setback requirements. The outside building walls are encouraged to be located on the outermost parcel boundaries.

(4) Each business located at street grade is required to have at least one (1) direct access to a public walkway at street grade.

(5) The building facade abutting the street right-of-way or parking facility shall have at least fifty percent (50%) of the street level floor facade area (measured from the street level upward a maximum of twelve [12] feet) devoted to display window and/or windows affording views into the interior area.

(e) Exterior architectural design. Exterior architectural design shall meet the following conditions:

(1) Each business adjoining a street right-of-way or parking facility shall have an articulated or marked facade.

(2) Each facade shall incorporate traditional facade components such as those seen on Union Avenue, including kickplates, display windows, transom windows, recessed entries, sign panels, parapet caps or cornices.

(3) The distinction between upper and lower floors shall be maintained.

(4) The first floor is primarily transparent while upper floors are more solid with smaller openings.

(5) With the exception of the row of windows directly below the parapet, windows on upper stories shall have double-hung windows that are taller than they are wide.

(6) The row of windows directly below the parapet may show a different design or shape than the other exterior windows.

(7) Awnings are encouraged to provide depth to the facade and to shade the storefront glass.

(8) Naturally ventilated parking on the ground level must be recessed below finish grade by at least fifty percent (50%) of the overall height of that story.

(f) Exterior building materials and exterior color. Exterior building materials and exterior color shall meet the following conditions:

(1) Brick shall be the predominant building component. Brick color shall be in red tones (within 1997 Summit 500 series or suitable replacement).

(2) Where used as the predominant building material, brick shall not be painted.

(3) Mortar shall be of a natural, color.

(4) Building trim shall be of brick and stone masonry, finished lumber, finished painted metal, ceramic tiles or concrete used as lintels and columns.

(5) Colors used for mullions and trim shall be from an accepted commercial historic color palette.

(g) Building roofs. Building roofs shall be flat, and mechanical equipment on the roof should not be visible from the highest roadway point of any bridge crossing the HARP.

(h) Illumination. All lighting or illumination on the exterior of the building shall conform with Section 17-4-52 of this Chapter concerning outdoor lighting performance standards.

(i) Signs. In addition to complying with Section 17-2-1 of this Title and the Uniform Building Code, signs shall meet the following conditions: signs shall comply with the Historic Business Zone District standards for signs or approved by Planning and Zoning Commission.

(j) Parking. Due to the desire for downtown development, dual-use opportunities and mass transit, the following off-street parking spaces will be required of each use for properties not owned or controlled by the City:

(1) Residential units: one (1) parking space per unit.

(2) Retail: one (1) parking space per five hundred (500) gross square feet.

(3) Office: one (1) parking space per five hundred (500) gross square feet.

(4) Restaurants: one (1) parking space for each five (5) persons of rated occupancy load as established by the edition of the Uniform International or Building Code adopted by City Council.

(5) Parking requirements for other uses are listed in Section 17-4-43.

(6) Variances: If these parking requirements do not appear reasonable to a specific use or combination of uses, or because of available parking in a public parking facility, the City Council may grant by resolution a variance. The variance may reduce some or all of the required number of parking spaces. In determining a variance to the required number of spaces, the City Council, in addition to other relevant factors, shall consider the following:

a) The general planning of the City with respect to land use, density, parking, traffic and parking facilities;

b) The availability of adequate parking, both in number of spaces and distance from the intended use;

c) The public welfare and interest in the City and surrounding area. The City Council shall determine the number of parking spaces required for the development of each lot.

2. Performance standards - Building facades that abut the Riverwalk grade or a part of the Riverwalk public area.

(a) Area. The provisions of these design guidelines apply to the building facades abutting the Riverwalk grade or public area associated with the HARP other than a street right-of-way or parking facility. Other facades on the buildings may fall under a different set of performance standards.

(b) Purpose. The purpose of the performance standards for building facades abutting the Riverwalk is to ensure that building facades integrate the HARP's pedestrian areas and event plazas. The facades adjoining the Riverwalk show creativity and uniqueness of design while using elements that will age well and remain interesting over time.

(c) Design objectives. Design objectives for the building facades that abut the Riverwalk grade are to:

(1) Relate to the river and the pedestrian environment surrounding the river.

(2) Relate to events held within the HARP.

(3) Open itself to outdoors.

(4) Create an environment of celebration.

(d) Structure mass and orientation. Building orientation shall meet the following conditions:

(1) Maximum gross floor area is five (5) times the building footprint.

(2) Maximum height is five (5) stories from the river level or seventy (70) feet, whichever is less.

(3) There are no setback requirements. The outside building walls are encouraged to be located on the outermost parcel boundaries.

(4) Each business shall have at least one (1) direct access to the public Riverwalk area.

(e) Exterior architectural design. Exterior architectural design shall meet the following conditions:

(1) Building facades that abut the Riverwalk may use a range of architectural styles as long as the results are visually compatible with the general character of the Riverwalk.

(2) Each facade shall incorporate facade components that connect to the outdoors, such as balconies, porches, sunroofs and similar exposures.

(3) The second through fifth floor facades shall have a minimum of fifty percent (50%) and maximum of sixty percent (60%) glass. Each floor containing balconies may go up to one hundred percent (100%) glass on that floor's facade.

(4) Awnings shall reflect the storefront and/or upper window shapes and dimensions.

(5) Translucent lighted awnings are not allowed.

(f) Exterior building materials and exterior colors. Exterior building materials and exterior colors shall meet the following conditions:

(1) Acceptable primary building materials include brick and stone masonry, lumber and ceramic tiles.

(2) Acceptable trim materials include brick and stone masonry, stucco, finished lumber, finished painted metal, ceramic tiles or concrete.

(3) If brick is used as the predominant building component, the brick color shall be in red tones (within 1997 Summit Brick and Tile 500 series or equal or comparable alternative).

(4) The colors used in building facades are flexible as long as a color scheme for the entire building facade conveys a unified image.

(5) Bright colors are reserved for special accents such as to emphasize entryways or to highlight special ornamentation.

c. Historic Arkansas Riverwalk of Pueblo Zone District – Two (HARP - 2):

1. No building permit shall be issued nor shall any work be undertaken or commenced to construct, reconstruct, remodel, repair, paint, rehabilitate or in any way alter or modify the exterior of any building in a Historic Arkansas Riverwalk of Pueblo Zone District until the Planning and Zoning Commission has reviewed, approved and issued a written certificate of compliance for such work.

2. Performance standards.

(a) Design objectives. Design objectives for the building facades abutting the Riverwalk are to:

(1) Complement the architectural design of the Pueblo Convention Center, City Hall and other nearby buildings.

(2) Provide a smooth visual transition from the street level to the Riverwalk level.

(3) Provide an inviting physical presence and entryway into the HARP.

(4) Establish an appropriate architectural presence along the waterfront.

(b) Structure mass and orientation. Building orientation shall meet the following conditions:

(1) Roof towers shall not exceed ten percent (10%) of the overall roof area of the structure.

(2) Minimum height from the Riverwalk level shall be no less than twenty-five (25) feet or two (2) times the gross floor area of the building footprint, whichever is more.

(3) Each building shall provide full access to the Riverwalk and to the closest street right-of-way.

(c) Exterior architectural design. Exterior architectural design shall meet the following conditions:

(1) Building facades that abut the Riverwalk may use a range of architectural styles as long as the results are visually compatible

with the general character of the surrounding buildings. In order to achieve this, masonry designs are encouraged, and flat facades are strongly discouraged as described below.

(2) Each facade shall incorporate facade components that connect to the outdoors such as balconies, porches, sunroofs and similar exposures.

(3) Windows shall be punched with repetitive shapes with nonreflective glass.

(4) Balconies are encouraged for hotel rooms that overlook the Riverwalk and are above the first floor.

(5) Naturally ventilated parking on the ground level must be recessed below finish grade by at least fifty percent (50%) of the overall height of that story.

(d) Exterior building materials. Exterior building materials and exterior color shall meet the following conditions:

(1) The predominant building component shall consist of brick or other natural, durable and attractive building material.

(2) If brick is the predominant building material, the color shall be within 1997 Summit Brick and Tile 500 series or equal comparable alternative.

(3) Building trim shall be of brick and stone masonry, finished lumber, finished painted metal, ceramic tiles or concrete.

(4) Tinted brick mortar is encouraged.

(5) Ornamental detailing of wrought iron, tile, stone, brick and terra-cotta is encouraged.

(6) The colors used in building facades are flexible as long as a color scheme for the entire building facade conveys a unified image.

(e) Roofs shall meet the following conditions:

(1) Roofs shall be hip or gabled.

(2) Roof color shall be warm earth tone reds.

(3) Rooftop mechanical equipment shall be incorporated into the design of the building in order not to be visible from the highest roadway point of a bridge crossing the HARP.

(f) Illumination. All lighting or illumination on the exterior of the building shall conform with Section 17-4-52 of this Chapter concerning outdoor lighting performance standards.

(g) Signs. In addition to complying with Section 17-2-1 of this Title and the Uniform Building Code, signs shall meet the following conditions: signs shall comply with the Historic Business Zone District standards for signs or approved by Planning and Zoning Commission.

(h) Parking. Due to the desire for downtown development, dual-use opportunities and mass transit, the following off-street parking spaces will be required of each use for properties not owned or controlled by the City:

(1) Residential units: one (1) parking space per unit.

(2) Retail: one (1) parking space per five hundred (500) gross square feet.

(3) Office: one (1) parking space per five hundred (500) gross square feet.

(4) Restaurants: one (1) parking space for each five (5) persons of rated occupancy load as established by the edition of the Uniform Building Code adopted by City Council.

(5) Transient lodging: one (1) per hotel room.

(i) Amenities. Mailboxes, TV antennae, satellite dishes, window-mounted air-conditioning units, etc., shall be incorporated into the design of the structure and shall be minimally visible to passersby.

d. Historic Arkansas Riverwalk of Pueblo Zone District – Three (HARP 3):

1. No building permit shall be issued nor shall any work be undertaken or commenced to construct, reconstruct, remodel, repair, paint, rehabilitate or in any way alter or modify the exterior of any building in a Historic Arkansas Riverwalk of Pueblo Zone District until the Planning and Zoning Commission has reviewed, approved and issued a written certificate of compliance for such work.

2. Performance standards.

(a) Design objectives. Design objectives for the building facades abutting the Riverwalk are to.

(1) Complement the architectural design of the Pueblo Convention Center, City Hall and other nearby buildings.

(2) Provide a smooth visual transition from the street level to the river level.

(3) Provide an inviting physical entryway into the HARP.

(4) Establish an appropriate architectural presence along the waterfront.

(b) Structure mass and orientation. Building orientation shall meet the following conditions:

(1) Roof towers shall not exceed ten percent (10%) of the overall roof area of the structure.

(2) Minimum height from the Riverwalk level shall be no less than fifty-five (55) feet or five (5) times the gross floor area of the building footprint, whichever is more.

(3) Each building shall provide full access to the Riverwalk and to the closest street right-of-way.

(c) Exterior architectural design. Exterior architectural design shall meet the following conditions:

(1) Building facades that abut the Riverwalk may use a range of architectural styles as long as the results are visually compatible with the general character of the surrounding buildings.

(2) Each facade shall incorporate facade components that connect to the outdoors, such as balconies, porches, sunroofs and similar exposures.

(3) Windows shall be punched with repetitive shapes with nonreflective glass.

(4) Balconies are encouraged for hotel rooms that overlook the Riverwalk and are above the first floor.

(5) Naturally ventilated parking on the ground level must be recessed below finish grade by at least fifty percent (50%) of the overall height of that story.

(d) Exterior building materials. Exterior building materials and exterior color shall meet the following conditions:

(1) The predominant building component shall consist of brick, stucco or other natural, durable and attractive building material.

(2) If brick is the predominant building material, the color shall be within 1997 Summit Brick and Tile 500 series or equal comparable alternative.

(3) Building trim shall be of brick and stone masonry, finished lumber, finished painted metal, ceramic tiles or concrete.

(4) Tinted brick mortar is encouraged.

(5) Ornamental detailing of wrought iron, tile, stone, brick and terra-cotta is encouraged.

(6) The colors used in building facades are flexible as long as a color scheme for the entire building facade conveys a unified image.

(e) Roofs. Roofs shall meet the following conditions:

(1) Roofs shall be hip or gabled.

(2) Roof color shall be warm earth-tone reds.

(3) Rooftop mechanical equipment shall be incorporated into the design of the building in order not to be visible from the highest roadway point of a bridge crossing the HARP.

(f) Illumination. All lighting or illumination on the exterior of the building shall conform with Section 17-4-52 of this Chapter concerning outdoor lighting performance standards.

(g) Signs. In addition to complying with Section 17-2-1 of this Title and the Uniform Building Code, signs shall meet the following conditions: signs shall comply with the Historic Business Zone District standards for signs or approved by Planning and Zoning Commission.

(h) Parking. Due to the desire for downtown development, dual-use opportunities and mass transit, the following off-street parking spaces will be required of each use for properties not owned or controlled by the City:

(1) Residential units: one (1) parking space per unit.

(2) Retail: one (1) parking space per five hundred (500) gross square feet.

(3) Office: one (1) parking space per five hundred (500) gross square feet.

(4) Restaurants: one (1) parking space for each five (5) persons of rated occupancy load as established by the edition of the Uniform Building Code adopted by City Council.

(5) Transient lodging: one (1) per hotel room.

(6) Variances: If these parking requirements do not appear reasonable to a specific use or combination of uses, the Traffic Engineer, the Director of Transportation or the applicant may apply to the Planning and Zoning Commission for a variance. The Planning and Zoning Commission shall hold a public hearing and then make its recommendation to the City Council, which shall make the final decision. The variance may reduce some or all of the required number of parking spaces. In determining a variance to the required number of spaces, the Planning and Zoning Commission and the City Council, in addition to other relevant factors, shall consider the following:

a) The general planning of the City with respect to land use, density, parking, traffic and parking facilities;

b) The availability of adequate parking, both in number of spaces and distance from the intended use;

c) The public welfare and interest in the City and surrounding area. The City Council shall determine the number of parking spaces required for each lot and the City Council may, in its discretion, as a condition to the granting of any variance, impose a parking investment fee for each lot not to exceed the amounts set forth in Subparagraphs g) 1) and 2) below.

(7) Parking investment fees:

a) To meet parking requirements, the owner of each lot may provide the required parking on site or within three hundred (300) feet, less right-of-way, or may pay to the City a parking investment fee of eight thousand dollars (\$8,000.00) for each required parking space.

b) Parking investment fees: All parking investment fees shall be deposited in an interest-bearing account which shall clearly identify that such account is to be used to provide parking areas, facilities or structures within one thousand three hundred twenty (1,320) feet of the lot, less right-of-way, for nonexclusive use by the owner, occupants or users of the lot for which the parking investment fee has been paid. The payment of a parking investment fee shall not preclude the City from charging a fee to park in the parking spaces so provided.

(i) Amenities. Mailboxes, TV antennae, satellite dishes, window-mounted air conditioning units and similar items shall be incorporated into the design of the structure and shall be minimally visible to passersby.

SECTION 6.

Section 17-4-9, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of subsection (a), to read as follows:

Sec. 17-4-9. Homeless shelter performance standards.

. . .

(a) All homeless shelters shall be restricted to [B-3, B-4 and R-6 zone districts and only upon obtaining a special use permit] the zone district in which they are permitted according to Section 17-4-51. No shelter shall be permitted within one thousand (1,000) feet of any existing homeless shelter.

SECTION 7.

Section 17-4-10, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of subsection (a)(5), to read as follows:

Sec. 17-4-10. Bed and breakfast home performance standards.

. . .

(a) Restrictions. All bed and breakfast homes shall:

. . .

(5) Have no other commercial functions allowed such as meetings, receptions and similar functions. Home **based businesses** [occupations] shall not be permitted.

. . .

SECTION 8.

Section 17-4-11, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of subsection c. to read as follows:

Sec. 17-4-11. Single-family home placement standards.

. . .

c. Proof of compliance with Section **17-2-2 (84)** [17-2-1 (32A) – Manufactured home placement permit.] (where applicable)

SECTION 9.

Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of section 17-4-24, to read as follows:

Sec. 17-4-24. Erection of more than one principal structure on a lot.

(a) In any **non-residential** district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Title shall be met for each structure as though it were on an individual lot.

(b) **In all residential zone districts, the number of structures erected on a single lot, provided that yard and other requirements of this Title shall be met for each structure as though it were on an individual lot, shall not be more than the number of dwelling units allowed in the Zone District.**

SECTION 10.

Section 17-4-43, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of section 17-4-43, to read as follows:

Sec. 17-4-43. Off-street parking nonresidential.

. . .

(b) Required number of parking spaces.

. . .

- (11) Institutional uses such as [churches,] private schools and religious institutions shall be provided with at least one (1) parking space for every four (4) adults expected to be present in the building at the time of maximum occupancy. Off-street space shall be required, if necessary, for the safe and convenient loading and unloading of students.

SECTION 11.

Section 17-4-44, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of section 17-4-44, to read as follows:

Sec. 17-4-44. Off-street parking general requirements.

. . .

(f) Location. Off-street parking, whether open or closed, shall be provided upon the same parcel of land containing the use for which it is required, or on separate parcels as follows:

- (1) Within a radius of one hundred (100) feet, excluding public ways in residential zone districts, except for single-family and **two-family** [duplex] residential structures.

. . .

SECTION 12.

Section 17-4-51, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of section 17-4-51, to read as follows:

Sec. 17-4-51. Permitted use of land and buildings.

[(a)] Any use of land or structure not authorized herein as a use by right, conditional use, or use by review upon issuance of a special use permit in a designated zone district is unlawful. Except as otherwise provided, no building permit or certificate of

zoning compliance shall be issued for a use not specifically mentioned or described in this Section [and not specifically provided with the required off-street loading and parking spaces and access driveway. When a proposal for a necessary use is not specifically listed, the Administrative Official shall request the Planning and Zoning Commission initiate proceedings to cause the amendment of this Section to make provision for such use].

(a) Zone Districts.

(1) Agricultural One (A-1) and Two (A-2) Districts:

[a.] Purpose. The standards of these districts (A-1 and A-2) are designed to retain and promote the appropriate use of dry range, irrigated and forest lands and encourage other open use of land in keeping with its natural characteristics and agricultural functions.

[b.] Uses by right.

1. Agricultural implements, retail, wholesale, rental and service.
2. Athletic field, golf range, golf course.
3. Camping area.
4. Christmas tree sales (temporary).
5. Church and religious buildings.
6. Cold storage lockers.
7. Contractor's yard.
8. Drilling company equipment yard.
9. Farming or ranching.
10. Farm products, processing, storage and wholesale, including dairy operation.
11. Fruit and vegetable processing, wholesale and retail.
12. Game preserves.
13. Greenhouse and nursery.
14. Guest house.

15. Housing, tenant.
16. Mineral springs.
17. Ranch, guest.
18. Residence, one-family.
19. Residence, two-family.
20. Riding academy, stables.
21. Riding equipment, retail and wholesale.
22. Roadside sale stand (agricultural products).
23. Sign, advertising.
24. Sign, business.
25. Veterinarian, animal hospital and kennels.
26. Water distillation and bottling.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Agricultural custom contractors.
2. Airport, private.
3. Bed and breakfast inn.
4. Cemetery, crematory, mausoleum.
5. Charitable institution.
6. Child care center.
7. Explosives, manufacture and wholesale.
8. Feed and fertilizer — manufacturing and processing.
9. Feed lot.
10. Garbage and refuse dumps.
11. Hay, grain, feed, seed and fertilizer, retail, storage and/or wholesale.

12. Hide and tallow processing.
13. Home for children, blind, elderly, maternity, memorial, religious.
14. Livestock sales and auction.
15. Monastery.
16. Natural deposits, extraction and processing.
- 16.1. Pigeon and dove keeping (Limited use permit).
17. Preschool facilities.
- 17.1. Tower (antenna).
18. Utilities as outlined in Section 17-4-30
19. Wind turbine.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1. Child care home.]

(2) Agricultural Three (A-3) and Four (A-4) Districts:

[a.] Purpose. The standards of these districts (A-3) and (A-4) are designed to provide and retain certain lands for orderly low density residential development in a rural atmosphere, with rights retained for limited agricultural activity for the exclusive use of the occupants.

[b. Uses by right.

1. Farming or ranching for the exclusive use of the occupants only, excluding feed lots, kennels and other commercial activities, and provided that at least one-fourth (1/4) acre of land is provided for each horse or other large animal, and provided that stables and corrals are set back at least fifteen (15) feet from the property lines.
2. Residence, one-family.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Bed and breakfast home.

2. Cemetery, crematory, mausoleum.
3. Child care center.
4. Reserved.
5. Church and religious buildings.
6. Home occupation.
7. Pigeon and dove keeping (Limited use permit).
8. Recreation facilities, private.
9. Utilities as outlined in Section 17-4-30
10. Wind turbine.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1. Child care home]

(3) Single-Family Residential District (R-1):

[a.] Purpose. The standards of this district (R-1) are designed to retain and provide areas of low-medium density development characteristically and exclusively for single-family dwelling units.

[b.] Uses by right. Residence, one-family.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Bed and breakfast home.
2. Church and religious buildings.
3. Child care center.
4. Recreation facilities, private.
5. Utilities as outlined in Section 17-4-30
6. Home occupations.

- 7. Foster home.
- 8. Elderly foster home.
- 9. Pigeon and dove keeping (Limited use permit).

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

- 1. Child care home.]

(4) Single-Family Residential District (R-2):

[a.] Purpose. The standards of this district (R-2) are designed to retain and provide areas primarily for single-family development of medium density.

[b. Uses by right. Residence, one-family.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

- 1. Bed and breakfast home.
 - 1.1. Bed and breakfast inn.
- 2. Church and religious buildings.
- 3. Child care center.
- 4. Recreation facilities, private.
- 5. Utilities as outlined in Section 17-4-30
- 6. Home occupations.
- 7. Foster home.
- 8. Elderly foster home.
 - 8.1. Pigeon and dove keeping (Limited use permit).
- 9. Any use which is permitted as a use by right in a R-3 zone district.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

- 1. Child care home.]

[(4.1)] (5) Single-Family Residential District (R-2U):

[a.] Purpose. The standards of this district (R-2U) are designed to retain and provide areas primarily for single-family development of medium density, while providing opportunities for a variety of blocks, lots and setbacks. It is the intention of this district to allow mixed-lot sizes and housing sizes along the same street and the same block, while not increasing the gross density of the development. A homeowners' association shall be created to provide for the maintenance of common areas, private open spaces and other neighborhood assets.

[b. Uses by right. Residence, one-family.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Bed and breakfast home.
2. Church and religious building.
3. Child care center.
4. Recreation facilities, private.
5. Utilities as outlined in Section 17-4-30
6. Home occupation.
7. Foster home.
8. Elderly foster home.
- 8.1. Pigeon and dove keeping (Limited use permit).
9. Any use which is permitted as a use by right in a R-3 zone district.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1. Child care home.

d. Performance standards.

1. The minimum front yard setback shall be eighteen (18) feet. The garage and the required off-street parking space for the lot shall be at least twenty (20) feet from the back of the public sidewalk.

2. Unless located beneath a habitable room or story, unenclosed porches, even if the porch is covered by a roof, may encroach up to eight (8) feet into the front yard setback.
3. A minimum lot area of four thousand five hundred (4,500) square feet is permissible when utilized within a block of mixed lot widths. The average lot area of the block, however, shall be at least five thousand (5,000) square feet. Alternative lot width configurations may be as narrow as forty-five (45) feet, but the average lot width of the block shall be no less than fifty (50) feet. Lot depth shall not exceed three-(3) times the average lot width unless the lot abuts an alley.
4. Driveways shall be located to provide at least one (1) on-street parking space per lot within the block except lots on the turning circle of cul-de-sacs. The City Traffic Engineer shall approve all driveway curb cut locations on corner lots as provided in Section 17-4-44(h) of this Code before a building permit is issued for such lot.
5. Notwithstanding anything to the contrary in the Roadway Classification Design Standards and Policies for the City of Pueblo, adopted by Resolution 10264, or as the same may be subsequently amended, local public streets shall neither be wider than thirty-two (32) feet nor narrower than thirty (30) feet, as measured from flow-line to flow-line.
6. Homeowners' associations or individual property owners shall be responsible to install and maintain all landscaping in public rights-of-way adjoining their respective lots.

(4.2) Residential Charter Neighborhood (RCN) District:

a. Purpose. The standards of this district (RCN) are designed to maintain the character of the City's original neighborhoods, sometimes referred to as Charter Neighborhoods, while meeting modern needs and standards. These developed neighborhoods have a traditional neighborhood pattern with a diversity of affordable housing types on a variety of lot sizes with small lots predominating. There are tree-lined streets with sidewalks, alleys, neighborhood parks and a mixture of uses within the residential fabric. The neighborhoods historically functioned at a pedestrian scale, with most residences, public amenities, and neighborhood goods and services accessible with little dependence on an automobile. There are some nonresidential uses that present actual or potential compatibility problems. The standards of this district are intended to maintain and enhance these and other such desirable neighborhood characteristics and resolve questions of the compatibility of adjacent uses.

b. Uses by right.

1. Automobile parking.
2. Grouped houses.
3. Home: children, blind, disabled, elderly, maternity, religious.
4. Residence, one-family.
5. Residence, two-family, attached.
6. Residence, three- and four-family, attached.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Artist studios, provided that items sold on site are limited to those produced on site.
2. Bakeries, provided that goods are not baked for sale off the premises.
3. Beauty shop or barbershop having no more than two (2) workstations.
4. Bed and breakfast home.
5. Charitable institution.
6. Child care center.
7. Child care home.
8. Church.
9. Health center.
10. Home occupations.
11. Live-work units combining one (1) residential unit with any allowable nonresidential uses.
12. Neighborhood retail stores selling consumable products such as groceries and similar items excepting gasoline, provided that the building area of the use shall not exceed two thousand (2,000) square feet in size.
13. Professional offices, provided that no more than four (4) businesses are located in any building, and the total building area devoted to office use does not exceed three thousand two hundred (3,200) square feet in size.

14. Restaurants not to exceed three thousand two hundred (3,200) square feet in building area, but excluding all drive-in restaurants.
15. Taverns not to exceed a total of three thousand two hundred (3,200) square feet in building area.
16. Recreation facilities, private.
17. Residence, multi-family.
18. Utilities as outlined in Section 17-4-30 of this Chapter.

d. Conditions for nonresidential uses by review. This Subsection applies to nonresidential uses in the RCN district.

1. The intent of the nonresidential uses allowed by Paragraph 17-4-51(4.2)c is to (i) provide ongoing services to the neighborhood residents; (ii) provide small-scale employment opportunities for neighborhood residents; and (iii) encourage the continuation of existing commercial uses that contribute to the character of the neighborhood. To qualify for a special use permit, a proposed nonresidential use must meet two (2) of the above three (3) intent criteria.

2. Nonresidential uses shall be limited to two (2) per block face and to two (2) per intersection. Existing commercial uses, including those in mid-block locations, shall be considered uses by right, and may be exempted from all off-street parking regulations by the Zoning Board of Appeals. For purposes of this Subparagraph, home occupations shall not be considered a nonresidential use.

3. Nonresidential uses involving on-site sale of food or beverages shall be located at the corner of two (2) public rights-of-way (alleys or streets).

4. Residential uses in the same structure may be located above or behind a nonresidential use.

5. To ensure compatibility of uses, the Zoning Board of Appeals may set limits on the hours of operation and the amount of noise generated.

6. If the floor area of an existing nonresidential use is expanded, the Zoning Board of Appeals may waive compliance with one hundred percent (100%) of the off-street parking requirements of this Title. Factors considered by the Zoning Board of Appeals in waiving compliance with off-street parking requirements shall include the amount of increase in the occupancy load of the building, parking demand for the use, new infrastructure required, increased impact on

existing infrastructure and demonstrated demand for surrounding neighborhood parking.

e. Performance standards.

1. Not more than fifty percent (50%) of the front yard setback shall be covered with an impervious surface.
2. Parking is allowed in the front yard of a residence only on a driveway that leads directly to the garage door. The driveway shall be no wider than ten (10) feet to provide access to the garage. If the property can be accessed from an alley and no garage exists, or if garage access is from other than the front, no parking is allowed in the front yard of the residence.
3. Except as restricted by Section 15-3-2 of this Code, the height of fences, walls and hedges for parcels containing one-family, two-family, and three- and four-family residences, and townhouses shall not exceed four (4) feet in the front yard area and six (6) feet in other yard areas.
4. Fencing materials shall not include or incorporate razor or concertina wire; barbed wire; electrically charged wire; plywood surface; or fabric, sheet or corrugated metal, or plastic sheeting.

5. Parking.

- a) Detached carports shall not be located closer than two feet six inches (2.5 feet) from the side yard lot line without a variance.
- b) Any remodeling, rehabilitation or addition smaller than fifty percent (50%) of an existing residence on a parcel smaller than ten thousand (10,000) square feet, and not resulting in additional dwelling units, shall not require an increase in the number of existing off-street parking spaces.
- c) Off-street parking for residences that are more than four-family in size, and for all nonresidential uses installed after the effective date of this Section shall be located in the rear half of the lot unless the parking is completely enclosed within the main structure.

6. Alleys.

- a) Backing into an alley from parking lots and off-street parking spaces will be allowed, provided that the parking lots or spaces serve single-family or two-family residences.
- b) Any new construction, expansion of a use or building or improvement, to either one (1) single-family or one (1) two-family

residence, shall not require the applicant to pave any or all of any alley, but may require the applicant to surface the alley with an all-weather, dust-proof material to the point where the alley meets the nearest street.

c) Existing alleys may be vacated only for purposes consistent with an adopted neighborhood plan and subject to requirements of applicable law.

7. Guidelines. The City Council may adopt development design guidelines for the RCN District by resolution for different types of uses, structures or other matters to preserve the character of the neighborhood while allowing flexibility in the design and building process. If guidelines are so adopted, the Administrative Official shall review all development for consistency with the intent of the guidelines. If the Administrative Official determines the intent of the guidelines is met, the Administrative Official may approve a building permit or business license application provided that all other applicable requirements of this Title have been met or complied with. A person aggrieved by the decision of the Administrative Official may appeal such decision to the Zoning Board of Appeals pursuant to the provisions of Section 17-5-22 of this Title. A building permit shall not be issued until the Administrative Official has approved the development for compliance with the requirements of this district (RCN) and the guidelines.]

[(5)] (6) One and Two-Family Residential District (R-3):

[a.] Purpose. The standards of this district (R-3) are designed to retain and provide areas of higher density development characterized by single-family and two-family dwelling unit structures.

[b. Uses by right.

1. Residence, one-family.
2. Residence, two-family.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Bed and breakfast home.
 - 1.1. Bed and breakfast inn.
2. Charitable institution.

- 2.1. Child care center.
- 3. Church and religious buildings.
- 4. Recreation facilities, private.
- 5. Utilities as outlined in Section 17-4-30
- 6. Home occupations.
- 7. Foster home.
- 8. Elderly foster home.
- 8.1. Pigeon and dove keeping (Limited use permit).
- 9. Any use which is permitted as a use by right in a R-4 zone district.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

- 1. Child care home.]

[(6)] (Z) Mixed Residential District (R-4):

[a.] Purpose. The standards of this district (R-4) are designed to retain and provide areas with commingling or single-family dwelling units and limited multifamily dwelling unit structures.

[b. Uses by right.

- 1. Auto parking.
- 2. Grouped houses.
- 3. Home: children, blind, disabled, elderly, maternity, religious.
- 4. Residence, one-family.
- 5. Residence, two-family.
- 6. Residence, three- and four-family.
- 7. Residence, over four-family.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Bed and breakfast home.
 - 1.1. Bed and breakfast inn.
2. Charitable institution.
3. Child care center.
4. Church and religious buildings.
 - 4.1. Day service center, adult.
5. Home occupations.
6. Recreation facilities, private.
7. Utilities as outlined in Section 17-4-30
8. Pigeon and dove keeping (Limited use permit).

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1. Child care home.]

[(7)] (8) Mixed-residential and Office District (R-5):

[a.] Purpose. The standards of this district (R-5) are designed to retain and provide areas of high-density multifamily dwelling unit structures with limited commingling of professional offices and studios.

[b. Uses by right.

1. Agency offices (real estate, insurance, property management, etc.).
2. Apartment building and apartment hotel.
3. Art gallery, commercial.
4. Associations, clubs, lodges.
5. Auto parking.
6. Beauty shop, barbershop.
7. Bed and breakfast home.
8. Bed and breakfast inn.

9. Boardinghouse.
10. Child care center.
11. Church and religious buildings.
12. Fraternity house or sorority house.
13. Grouped houses.
14. Health center.
15. Home: children, blind, disabled, elderly, maternity, religious.
16. Hospitals (for humans).
17. Museums.
18. Professional offices.
19. Residence, one-family.
20. Residence, two-family.
21. Residence, three- and four-family.
22. Residence, over four-family.
23. Sign, business.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Aircraft beacon, marker or tower.
2. Charitable institution.
 - 2.1. Day service center, adult.
3. Mortuary.
 - 3.1. Pigeon and dove keeping (Limited use permit).
4. Recreation facilities, private.
5. Utilities as outlined in Section 17-4-30
6. Restaurant.

7. Hobby shops with retail sales limited to articles used in said hobby with or without group instruction.
8. Home occupations.
9. Crematory.
10. Financial institution/bank (any drive-up facility as an accessory use must be attached to the financial institution or bank)
11. Student housing.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1. Child care home.]

[(8)] (9) Multiple-Residential and Commercial District (R-6):

[a.] Purpose. The standards of this district (R-6) are highway-oriented and designed to retain and provide areas of mixed residence, commercial use and accommodations for transients.

[b. Uses by right.

1. Agency offices (real estate, insurance, property management, etc.).
2. Apartment building and apartment hotel.
3. Associations, clubs, lodges.
4. Auto parking.
5. Beauty shop, barbershop.
6. Bed and breakfast home.
7. Bed and breakfast inn.
8. Boardinghouse.
- 8.1. Brewpub.
9. Car wash, self-service only.
10. Charitable institution.

11. Child care center.
12. Church and religious buildings.
13. Club: private, social, fraternal.
14. Club: supper and amusement.
15. Cocktail lounge.
16. Convent.
17. Floral shop (retail only).
18. Fraternity or sorority house.
19. Grouped houses.
20. Home: children, blind, disabled, elderly, maternity, religious.
21. Hospital (for humans).
22. Hotel.
23. Laundry and dry cleaning, self-service.
24. Library.
25. Mortuary.
26. Motel.
27. Nurses home, dormitory.
28. Professional offices.
29. Recreation equipment, sales and services (boats, camping equipment, snowmobiles, etc.).
30. Residences.
31. Restaurant.
32. Service station.
33. Sign, advertising.
34. Sign, business.
35. Tavern.

36. Tourist home.
37. Trailer sales.
38. Transient lodging.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Aircraft beacon, marker or tower.
2. Amusement part of facility.
3. Camping area, commercial (transient).
4. Christmas tree sales (temporary).
- 4.1. Community correctional facility or program.
- 4.2. Financial institution/bank (any drive-up facility as an accessory use must be attached to the financial institution or bank).
5. Fireworks, retail.
6. Golf course.
- 6.1. Homeless shelter.
- 6.2. Home occupations.
7. Hospital, veterinarian.
8. Natural deposits, extraction.
9. Nursery (vegetation).
10. Recreational facilities, commercial.
11. Recreational facilities, private.
12. Restaurant, drive-in.
13. Utilities as outlined in Section 17-4-30

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1. Child care home. **]**

[(9)] (10) Mobile Home Residential District (R-7):

[a.] Purpose. The standards of this district (R-7) are designed to retain and provide areas of high density residence for mobile home parks.

[b.] Uses by right.

1. Accessory buildings and structures.
2. Mobile home, one-family.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Church and religious buildings.
2. Recreational facilities, private.
3. Recreational vehicle park.
4. Utilities as outlined in Section 17-4-30

[(9.1)] (11) Manufactured Home Residential District (R-8):

[a.] Purpose. The standards of this district (R-8) are designed to retain and provide areas of medium density for single-family manufactured homes located on individually owned lots.

[b.] Uses by right.

1. Manufactured home, one-family.
2. Accessory buildings and structures as permitted in the district.

c. Uses by review.

1. Church and religious buildings.
2. Home occupations.
 - 2.1. Mobile home, one-family (if replacing existing mobile home, one-family).
3. Recreation facilities, private.

4. Utilities as outlined in Section 17-4-30]

(12) Residential Charter Neighborhood (RCN):

a. Purpose. The standards of this district (RCN) are designed to maintain the character of the City's original neighborhoods, sometimes referred to as Charter Neighborhoods, while meeting modern needs and standards. These developed neighborhoods have a traditional neighborhood pattern with a diversity of affordable housing types on a variety of lot sizes with small lots predominating. There are tree-lined streets with sidewalks, alleys, neighborhood parks and a mixture of uses within the residential fabric. The neighborhoods historically functioned at a pedestrian scale, with most residences, public amenities, and neighborhood goods and services accessible with little dependence on an automobile. There are some nonresidential uses that present actual or potential compatibility problems. The standards of this district are intended to maintain and enhance these and other such desirable neighborhood characteristics and resolve questions of the compatibility of adjacent uses.

b. Conditions for nonresidential uses by review. This Subsection applies to nonresidential uses in the RCN district.

1. The intent of the nonresidential uses allowed is to (i) provide ongoing services to the neighborhood residents; (ii) provide small-scale employment opportunities for neighborhood residents; and (iii) encourage the continuation of existing commercial uses that contribute to the character of the neighborhood. To qualify for a special use permit, a proposed nonresidential use must meet two (2) of the above three (3) intent criteria.

2. Nonresidential uses shall be limited to two (2) per block face and to two (2) per intersection. Existing commercial uses, including those in mid-block locations, shall be considered uses by right, and may be exempted from all off-street parking regulations by the Zoning Board of Appeals. For purposes of this Subparagraph, home occupations shall not be considered a nonresidential use.

3. Nonresidential uses involving on-site sale of food or beverages shall be located at the corner of two (2) public rights-of-way (alleys or streets).

4. Residential uses in the same structure may be located above or behind a nonresidential use.

5. To ensure compatibility of uses, the Zoning Board of Appeals may set limits on the hours of operation and the amount of noise generated.

6. If the floor area of an existing nonresidential use is expanded, the Zoning Board of Appeals may waive compliance with one hundred percent (100%) of the off-street parking requirements of this Title. Factors considered by the Zoning Board of Appeals in waiving compliance with off-street parking requirements shall include the amount of increase in the occupancy load of the building, parking demand for the use, new infrastructure required, increased impact on existing infrastructure and demonstrated demand for surrounding neighborhood parking.

[(9.2)] (13) Neighborhood Office District (O-1):

[a.] Purpose. The standards of this district (O-1) are designed to provide areas for limited office and adjunct uses which may be introduced into residential areas without reduction of the character of the area.

[b. Uses by right.

1. Accounting services.
2. Advertising agency.
3. Architect.
4. Architect, landscape.
5. Bed and breakfast home.
6. Chemist.
7. Chiropodist.
8. Chiropractor.
9. Christian Science practitioner.
10. Counseling service.
11. Consulting service.
12. Dentist.

13. Detective and protective service.
14. Dietician.
15. Drafting and cartographic services.
16. Engineer, professional.
17. Financial office.
18. Insurance agency.
19. Interior decorator.
20. Lawyer.
21. Management and public relations.
22. Midwife.
23. Naturopath.
24. Nurse, registered or practical.
25. Nutritionist.
26. Occupational therapist.
27. Optometrist.
28. Osteopath.
29. Patent solicitor.
30. Personnel supply service.
31. Physical scientist.
32. Physician.
33. Physiotherapist.
34. Psychologist.
35. Psychotherapist.
36. Podiatrist.
37. Real estate office.

38. Referee in bankruptcy.
39. Security and commodity service.
40. Surveyor.
41. Typing service.
42. Utilities, as outlined in Section 17-4-30

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Agency office.
2. Answering and paging service.
3. Artificial limbs, fitting and custom manufacturing.
4. Bacteriological laboratory, nonmanufacturing.
5. Beauty and barber shop.
6. Bed and breakfast inn.
7. Biological chemist, nonmanufacturing.
8. Biological laboratory, nonmanufacturing.
9. Blood bank or donor station.
10. Charitable institution (office only).
11. Commercial artist.
12. Commercial testing laboratory.
13. Computer and data processing service.
14. Dental laboratory.
15. Government office.
16. Medical laboratory, nonmanufacturing.
17. Optometric laboratory, repair and custom manufacturing.
18. Pathological laboratory.
19. Pharmacy.

20. Residence - commercial.

21. School, private.

22. X-ray laboratory, nonmanufacturing.]

[(9.3)] (14) Commercial Charter Neighborhood (CCN):

[a.] Purpose. The standards of the CCN District are designed to retain and conserve suitable areas for commercial, office and mixed-use development that primarily serve the residents of the surrounding charter neighborhood. This type of development should enhance rather than detract from the primarily residential character of the area and function as a continuous element of the pedestrian-oriented CCN District. The table of permitted uses in Section 17-4-51 depends on the type of street along the front of the building containing the use. In the case of corner lots the uses allowed shall be based on the front of the building where the entrance to the building is located.

[b. Uses. Uses depend upon the type of street along the front of the building containing the use, as shown in the following table:

Legend: Allowed use by right = A Use by review = R Not allowed = —	<i>Major Arterial</i>	<i>Minor Arterials, Collectors, Local Streets</i>
Adult entertainment	—	—
Agency offices (real estate, insurance, property management, etc.)	A	A
Aircraft beacon	—	—
Apartments (3 or more units)	R	R
Art galleries	A	A
Artist (commercial)	A	R
Associations, clubs, lodges	R	R
Auto parts	A	—
Auto repair, limited	R	—
Auto, retail (used)	R	—
Auto service station	R	—
Bakery	A	A
Beauty and barbershop (2 or fewer work stations)	A	A
Bed and breakfast home	A	R
Bed and breakfast inn	R	R
Boardinghouse	R	R
Bulk storage, warehousing or wholesaling	R	—

Legend: Allowed use by right = A Use by review = R Not allowed = —	<i>Major Arterial</i>	<i>Minor Arterials, Collectors, Local Streets</i>
Camping area	—	—
Car wash	R	R
Car wash (self-service only)	A	R
Charitable institution	R	R
Childcare center	R	R
Childcare home and play school	R	R
Christmas tree sales	A	A
Churches and religious institutions	R	R
Club, supper, entertainment (<3,250 s.f.)	A	R
Cocktail lounges and taverns (<3,250 s.f.)	R	R
Community correctional facility or program	—	—
Convent	R	R
Dance and fitness studios	A	R
Drugstore	A	R
Elderly foster home	R	R
Floral shop	A	R
Fireworks, retail	—	—
Foster home	R	R
Fraternity or sorority house	R	R
Golf course	—	—
Grocery store	A	R
Grouped houses	R	R
Health center	R	R
Hobby shop with retail sales limited to articles used in said hobby with or without group instruction	A	A
Home: children, blind, disabled, elderly, maternity, religious	R	R
Home occupations	A	R
Homeless shelter	R	R
Hospital (for humans)	R	R
Hospital, veterinarian	R	—
Hotels and motels	R	—
Laundry and dry cleaning	R	R
Laundry and dry cleaning, self-service	A	R
Library	R	—
Meat market	A	R
Mortuary	R	R

Legend: Allowed use by right = A Use by review = R Not allowed = —	<i>Major Arterial</i>	<i>Minor Arterials, Collectors, Local Streets</i>
Museums	R	R
Natural deposits, extraction	—	—
Nursery (vegetation)	A	R
Office (professional)	A	A
Off-premises signs	—	—
Parking lot	R	R
Parking structure	R	—
Preschool facilities	R	R
Private recreation and amusement facilities	R	R
Recreation, indoor	A	R
Recreational equipment sales	R	—
Recreational equipment services	R	R
Repair services, consumer items	A	A
Repair shop, household appliance	A	A
Residence, single-family	A	A
Residences, two-family	A	A
Residences, three- and four-family	A	A
Residences, over four-family	A	R
Restaurant (<3,000 s.f.)	A	A
Restaurant, drive-in	R	—
Retail (sales and services)	A	R
Retail store (6,000 s.f. max., FAR 1.0)	A	R
Service station	R	R
Shoe repair shop	A	A
Tower (antenna)	—	—
Utilities as outlined in Section 17-4-30	A	A
Nurses home, dormitory	R	R

c. Performance standards.

1. Outdoor storage. The following provisions apply to all outdoor storage except designated off-street parking areas and lots used to display vehicles that are immediately available for sale or rent.

a) In addition to meeting the provisions of Section 17-4-5 of this Chapter, the wall or fence surrounding the storage area shall be kept in a clean, neat and painted condition, and free of graffiti. Fencing made of chain links with slats, salvage materials such as

plywood, metal or fiberglass roofing materials or attached fabric materials to existing fences are prohibited.

b) Outdoor storage shall be confined to the rear of the main structure or the rear two-thirds (2/3) of the site, whichever is more restrictive.

c) All gates to access the storage area shall swing inwardly or slide sideways. The gates shall be kept closed when not in use except that the gate may remain open during business hours if the interior or contents of the storage yard cannot be seen from residential areas and public streets.

d) If the storage area is adjacent to any residential zone district, no items shall be stored closer than five (5) feet from the property line.

e) The provisions of Section 17-4-28, relating to the parking and storage of certain vehicles, shall apply to all parcels and lots in the CCN district.

f) Outdoor storage on any vacant parcel or lot is prohibited.

g) Building materials for construction on the same lot may be stored outdoors on the lot provided that a valid building permit is in effect.

2. Alleys.

a) Backing into an alley from parking lots and off-street parking spaces is allowed.

b) Any new construction, expansion of a use or building or home improvements shall not require the applicant to pave any or all of any alley. The applicant, however, shall be required to surface the alley with an all-weather, dustproof material to the point where the alley meets the nearest street.

c) Existing alleys may be vacated only for purposes consistent with an adopted neighborhood plan and subject to the requirements of applicable law.

3. Curb cuts. The width of new curb cuts shall not exceed twenty (20) feet. New curb cuts should be no closer than twenty-two (22) feet from the nearest existing curb cut to aid traffic circulation and increase the safety of pedestrians.

4. Parking.

a) To promote flexibility in design, preserve existing commercial areas and encourage pedestrian uses, the off-street parking requirements set forth in this Chapter may be reduced or waived by the Zoning Board of Appeals based on existing remote parking access, shared spaces and the magnitude of the parking demand from the proposed project. A parking study may be required from the project proponent.

b) Parking areas shall be located in the rear half of the parcel unless the parking is completely enclosed within the main structure.

c) Surface parking lots shall comply with landscaping and screening requirements of Section 17-4-7 of this Chapter except that any fence, berm or landscaping feature at maturity shall comply with Section 15-3-2 of this Code.

5. The following provisions apply to areas adjacent to minor arterials, collectors and local streets.

a) New drive-through or drive-in uses shall not be allowed.

b) The main entrance to a building shall be from the abutting street.

c) The building façade abutting the street shall have at least thirty percent (30%) of the street-level façade area, as measured from the street level upward a maximum of twelve (12) feet, devoted to display windows or windows affording views into the interior area.

d) Awnings or canopies over display windows, doors and entryways may extend over the sidewalk to not more than two (2) feet inward from the edge of the curb or to the point where they interfere with street trees and shall have a minimum clearance of eight (8) feet above the sidewalk.

e) All mechanical equipment on the roof of buildings shall be architecturally screened or enclosed to blend with the roof surface as seen from public rights-of-way. Solar energy collection panels, wireless communications antennas and satellite dish antennas should be blended into architectural features or incorporated into building designs.

f) Outdoor dining is allowed subject to the requirements of Section 9-10-84 of this Code, and provided that a clear distance (unobstructed width) of four (4) feet is maintained for all sidewalks along public streets.

d. Mixed-use and residential projects. The following provisions are applicable to mixed-use projects (projects that combine residential and

commercial uses within the same building) and residential-only buildings with three (3) or more dwelling units.

1. Three- to five-family dwelling unit structures shall have a minimum of four thousand five hundred (4,500) square feet of land area or one thousand five hundred (1,500) square feet per dwelling unit, whichever is greater.
2. Six- or more family dwelling unit structures shall have a minimum of eight thousand (8,000) square feet of land area or one thousand (1,000) square feet per dwelling unit, whichever is greater.
3. In calculating the floor area ratio, only fifty percent (50%) of the area devoted to residential uses shall be included.
4. Balconies for residential units may extend for a distance of six (6) feet into a required yard facing a street, provided that the balconies are a minimum of ten (10) feet above the ground level and do not extend into the public right-of-way.
5. Open space shall be provided as follows:
 - a) Private outside open area for residential units shall provide no fewer than one hundred (100) square feet per dwelling unit.
 - b) Common outside open area for residential units shall provide no fewer than one hundred (100) square feet per dwelling unit.
 - c) Residents shall have access to useable outside open area, whether public or private, for recreation and social activities. The design and orientation of these areas shall take advantage of available sunlight and shall be sheltered from the noise and traffic of adjacent streets or other incompatible uses.
 - d) The common outside open area shall be located conveniently for the majority of dwelling units.
 - e) Private outside open areas shall be contiguous to the dwelling units they serve, be screened from public view and have a minimum dimension of six (6) feet in any direction.
6. A separate area having a minimum of three hundred (300) cubic feet of private and secure storage space shall be provided for each residential unit.
 - a) The storage area may be located within a garage, provided that it does not interfere with garage use for automobile parking.

b) Normal closet and cupboard space within the living spaces of the dwelling unit shall not count toward meeting this requirement.

7. All primary ground-floor common entries and individual dwelling unit entries for mixed-use projects fronting on streets shall be oriented to the street, not to the interior or to a parking lot.

8. The residential units in mixed-use projects shall be designed to ensure the security of residents through the provision of secured entrances and exits that are separate from the nonresidential uses. Nonresidential and residential uses shall not have common entrance hallways or common balconies except when one (1) residential unit is located above or behind one (1) commercial space.

9. On-site pedestrian circulation for mixed-use projects shall be continuous and connect various uses on site, as well as connect to off-site transit stops and parking.

10. Security lighting that meets the current City lighting standards shall be used in all parking areas and pedestrian walkways within the residential portions of projects.

11. All mechanical equipment shall be screened from view of the on-site residential units, with the exception of solar energy collection panels, wireless communications antennas and satellite dish antennas. Such screening should be made to appear to be an integrated part of the overall architectural design.

12. The following provisions are required to enhance the compatibility of uses within mixed-use projects:

a) Residential portions of a mixed-use project shall be designed to limit the interior noise caused by the commercial and parking portions of the project to a maximum of forty-five (45) db(A) in any habitable room with windows closed. Proper design may include, but shall not be limited to, building orientation, double or extra-strength windows, wall and ceiling insulation and orientation and insulation of vents. Where it is necessary that windows be closed to achieve the required level, means shall be provided for ventilation or cooling to provide a habitable environment.

b) No use, activity or process within a mixed-use project shall produce continual vibrations or noxious odors that are perceptible without instruments by a reasonable person within the interior of on-site residential units.

c) All exterior lighting shall be adequately controlled and shielded to prevent glare and undesirable illumination to on-site residential units.

e. Guidelines. The City Council may adopt development design guidelines for the CCN district by resolution for different types of uses, structures or other matters to preserve the character of the neighborhood while allowing flexibility in the design and building process. If guidelines are so adopted, the Administrative Official shall review all development for consistency with the intent of the guidelines. If the Administrative Official determines the intent of the guidelines is met, the Administrative Official may approve a building permit or business license application, provided that all other applicable requirements of this Title have been met and complied with. The decision of the Administrative Official may be appealed to the Zoning Board of Appeals pursuant to the provisions of Section 17-5-22 of this Title. A building permit shall not be issued until the Administrative Official has approved the development for compliance with the requirements of the CCN District and the guidelines.]

[(10)] (15) Neighborhood Business District (B-1):

[a.] Purpose. The standards of this district (B-1) are designed to retain and provide areas for the sale at retail of those convenience type goods and services required by the residents of the immediate neighborhood and for those outlets which by their nature create no nuisances and serve a trade territory of only one (1) neighborhood.

[b. Uses by right.

1. Bakery (retail only).
2. Beauty and barbershop.
3. Drugstore.
4. Floral shop (retail only).
5. Grocery store.
6. Laundry and dry cleaning, self-service.
7. Meat market.
8. Office.
9. Service station.

10. Shoe repair shop.
11. Sign, business.
12. Utilities as outlined in Section 17-4-30
13. Car wash (self-service only).
14. Residential uses that existed before February 1, 1968.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Bed and breakfast home.
 - 1.1. Child care center.
2. Residence, single-family.
 - 2a. Residence, two-family (duplex).
3. Restaurant.
4. Bed and breakfast inn.
5. Any use which is permitted as a use by right in a B-2 Zone District.]

[(11)] (16) Subregional Business District (B-2):

[a.] Purpose. The standards of this district (B-2) are intended to provide areas for the sale at retail of convenience type goods and services required by residents of a subregion provided that the outlets create no nuisance.

[b. Uses by right.

1. Artist (commercial).
2. Bakery (retail only).
3. Beauty and barbershop.
4. Car wash (self-service only).
5. Drugstore.
6. Floral shop (retail only).

7. Grocery store.
8. Laundry and dry cleaning, self-service.
9. Meat market.
10. Office.
11. Repair shop, household appliance.
12. Repair shop, shoe.
13. Restaurant.
14. Retail store.
15. Service station.
16. Sign, business.
17. Utilities as outlined in Section 17-4-30
18. Residential uses that existed before February 1, 1968.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Bed and breakfast home.
 - 1.1. Child care center.
2. Residence, single-family.
 - 2a. Residence, two-family (duplex).
3. Restaurant, drive-in.
4. Any use which is permitted as a use by right in a B-3 Zone District.
5. Bed and breakfast inn. **]**

[(11.1)] (17) Highway and Arterial Business District (B-3):

[a.] Purpose. The standards of this district are intended to provide areas along highways and arterial streets for location of business and services.

[b. Uses by right. A use by right is any use which is primarily retail, office, commercial, finance, transient residence, including bed and breakfast homes, bed and breakfast inns, government, service, social or cultural in nature (including parking lot and parking structure), which serves the public good and which does not involve the manufacture or production, fabrication or rebuilding or the bulk storage, warehousing or wholesaling of merchandise, or mobile home sales. (Utilities as outlined in Section 17-4-30.)

1. Residential uses that existed before February 1, 1968.

2. Brewpub.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Bulk storage, warehousing or wholesaling.

1.1. Community correctional facility or program.

1.2. Homeless shelter.

2. Private recreation and amusement facilities.

2.1. Medical marijuana center (limited use permit).

2.2. Microbrewery.

3. Mobile home sales.

4. Tower (antenna).

5. Crematory.

6. Residence, multi-family.

7. Veterinary hospital.

8. Wind turbine.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1.1. Retail marijuana testing facility. **]**

[(12) Regional Business District] (18) Central Business District (B-4):

[a.] Purpose. The standards for this district (B-4) are intended to provide areas for the location of business and other central services required by the region at large.

[b.] Uses by right. A use by right is any use which is primarily retail, office, commercial, finance, transient residence, including bed and breakfast homes, bed and breakfast inns, adult entertainment, government, service, social or cultural in nature (including parking lot and parking structure), which serves the public good and which does not involve the manufacture or production, fabrication or rebuilding or the bulk storage, warehousing or wholesaling of merchandise. (Utilities as outlined in Section 17-4-30.)

1. Residential uses that existed before February 1, 1968.

2. Brewpub.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Bulk storage, warehousing or wholesaling.

2. Community correctional facility or program.

3. Homeless shelter.

3.1. Medical marijuana center (limited use permit).

3.2. Microbrewery.

4. Private recreation and amusement facilities.

5. Tower (antenna).

6. Crematory.

7. Residence, commercial, apartments or condominiums.

8. Veterinary hospital.

9. Wind turbine.

10. Dog care facility.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1.1. Retail marijuana testing facility. **]**

[(12.1)] (19) Historic Business Zone District (H.B.):

[a.] Purpose. The standards of this district are intended to preserve existing historic structures and to control and regulate the architectural styles and aesthetic quality of building, constructing, altering, painting, renovating, modifying, repairing, moving or demolishing any building or structure within this zone district.

[b. Uses by right.

1. Artist (commercial).
2. Bakery (retail only).
3. Beauty and barber shop.
 - 3.1. Brewpub.
4. Floral shop (retail only).
5. Hotel.
6. Office.
7. Restaurant.
8. Residential-commercial, apartments or condominiums.
9. Retail store.
10. Shop (arts and crafts).

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Any use which is permitted as a use by right in a B-4 zone district.
2. Bulk storage, warehousing or wholesaling.
3. Garage, repair.
 - 3.1. Microbrewery.
4. Retail manufacturing.
5. Drinking place.

d. No building permit shall be issued nor shall any work be undertaken or commenced to construct, reconstruct, remodel, repair, paint, rehabilitate or in any way alter or modify the exterior of any building in any historic business zone district until the Historic Preservation Commission as established and described in Section 4-14-04 of this Code has reviewed, approved and issued a written certificate of compliance for such work.

e. Performance standards.

1. All exterior additions, alterations and renovations shall be approved by the Historic Preservation Commission prior to commencement of work or before the issuance of a building permit where one is required.

2. All trash shall be stored in a tightly enclosed fenced area of sufficient height to totally obscure the storage area from a height of five (5) feet along any adjacent public right-of-way. All trash storage areas shall be kept and maintained in a neat and orderly appearance at all times.

3. Fencing or screening of vacant lots shall obtain prior approval of the committee and such fencing material shall be constructed of material compatible in color, texture and design with adjacent structures and screening.

4. Rehabilitation reconstruction. All buildings, structures and sites shall be considered products of their own time. Changes which have taken place in the course of time may be reflected in the development of a building; however, all rehabilitation shall preserve the character and distinguishing original qualities of the building, structure, site and surrounding environment. Applicants for a certificate of compliance to perform exterior work shall demonstrate:

a) That no historic material or distinctive architectural feature will be altered or removed.

b) That distinctive stylistic features and skilled craftsmanship that characterize the building, structure or site will be preserved.

c) That deteriorated architectural features shall, wherever possible, be repaired rather than replaced. When replaced, such material shall match the material being replaced as closely as possible in composition, design, color, texture and other qualities.

d) That surface cleaning of the structure will be undertaken with a method that is most likely to preserve the integrity and appearance of the structure. Sandblasting and other cleaning methods that will damage the historic building materials are prohibited.

e) That reinforcement required for structural stability or the installation of life, safety or updated building code requirements shall be concealed wherever possible to avoid concealment of aesthetic or historical qualities.

f) That reconstruction of a portion of a structure will be undertaken only when such work is necessary to reproduce a significant missing feature of a building or structure.

5. Alteration and new construction. Alterations shall not destroy the significant historical, architectural or cultural materials of the building or structure, and shall be constructed in such a manner to preserve the essential form and integrity of the structure. All alterations and new construction shall be compatible with the size, scale, architectural detail and character of the existing building. The following requirements shall apply to all remodeling, renovation, construction and reconstruction of any existing or proposed building or structure:

a) Height: The height of the proposed alteration or addition shall not be twenty-five percent (25%) higher than the average height of buildings or structures within a one-hundred-foot radius of the property.

b) Front setback: Additions or alterations shall not project beyond the uniform existing setback line established by adjoining structures.

c) Side setbacks: Additions and alterations shall maintain the general pattern of spaces between buildings as found within the district.

d) Scale: The addition or alteration shall not be inconsistent with the size of the existing building and its relationship with adjoining structures within the district.

e) Proportion: The proportion and relationship between doors and windows proposed in the addition or alteration shall be compatible with the architectural style and character of the existing structure. New windows and doors shall be of similar size and shape and shall incorporate other facade elements and patterns established in the existing structure.

f) Direction alignment: Window frames, transom windows, first floor display windows, sign boards, moldings and cornices shall align and be compatible with the dominant horizontal and vertical expression of the existing structure.

g) Roof shapes: The design of the roof of the addition or alteration shall be compatible with the architectural style of the existing structure.

h) Architectural detail: Architectural details, including but not limited to material, color and texture shall be compatible with the architectural style of the existing structure.

6. Demolition and removal. It is the intent of this Chapter to discourage, wherever possible, the partial or total demolition of any historically significant building or structure. The committee shall consider the following factors in determining whether to approve the demolition of any building or structure:

a) Whether or not the demolition or removal of such structure would negatively impact an historic business zone district.

b) Whether any beneficial use can be conducted on the property in its present or rehabilitated condition.

c) Whether the property presently or in the future will yield a reasonable economic return to its owner.

d) Whether a licensed engineer or architect, experienced in rehabilitation of structures, has found that the building or structure is unsound and unsuitable for rehabilitation.

f. The City Council may by resolution adopt guidelines to implement the performance standard set forth in Subparagraph e. above, provided, however, that if any provision of the guidelines conflicts with the provisions of Section 17-4-51(12.1), the provisions of Section 17-4-51(12.1) shall control.]

[(12.2)] (20) Historic Arkansas Riverwalk of Pueblo Zone District - One (HARP-1):

[a.] Purpose. The purpose of the Historic Arkansas Riverwalk of Pueblo Zone District One (HARP-1) is to promote retail development that is pedestrian in character, scale and ambiance and that encourages interesting and attractive architectural design solutions for new development while promoting pedestrian and commercial activities, particularly at the river and street levels. As used in this Subsection, Riverwalk shall mean the public areas adjacent to the river channel, and Union Avenue Historic District shall mean the portion of Union Avenue designated as a historic district on the National Register of Historic Places.

[b. Uses by right.

0.1 Brewpub.

1. Office.

2. Residence - commercial, apartments or condominiums.

3. Retail store.

4. Restaurant.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Any use which is permitted as a use by right in a B-4 zone district (except adult entertainment), provided that such permitted use does not conflict with surrounding uses in the HARP 1, 2 and 3 and Historic Business zone districts.

d. Review process.

1. No building permit shall be issued nor shall any work be undertaken or commenced to construct, reconstruct, remodel, repair, paint, rehabilitate or in any way alter or modify the exterior of any building in a Historic Arkansas Riverwalk of Pueblo Zone District until the Planning and Zoning Commission, after proper notice has been given and a public hearing has been held in the manner required for a zoning map amendment, has reviewed, approved and issued a written certificate of compliance for such work.

e. Performance standards - Building facades that abut a street right-of-way or parking facility.

1. Area. The provisions of these performance standards apply to those facades of buildings which abut a street right-of-way or parking facility. Other facades of the same buildings may fall under a different set of performance standards.

2. Purpose. The purpose of these performance standards is to ensure a commercial streetscape that reflects and respects the downtown architecture that is found in the Union Avenue Historic District. The architecture of the buildings borrows from the same scale, rhythm and materials of the older buildings without imitating them. This zone district plays the role of both back door and front door to the Historic Arkansas Riverwalk of Pueblo which makes it necessary for the building designs to be succinct, easy to read, inviting and a smooth architectural

transition between the Victorian architecture at street level and the more free-flowing architecture facing the Riverwalk.

3. Design objectives. Design objectives for the building facades abutting a street right-of-way or parking lot are to:

- a) Complement the traditional architecture design of the Union Avenue Historic District.
- b) Provide a smooth visual transition from the street level to the river level.
- c) Provide an inviting physical entryway into the HARP.
- d) Take on the appearance and function of a specialty retail cluster.
- e) Provide a continuity of storefronts located along the sidewalk's edge that creates a pedestrian-oriented shopping environment.

4. Structure mass and orientation. Building orientation shall meet the following conditions:

- a) Maximum gross floor area is five (5) times the building footprint.
- b) Maximum height is five (5) stories from the river level or seventy (70) feet, whichever is less.
- c) There are no setback requirements. The outside building walls are encouraged to be located on the outermost parcel boundaries.
- d) Each business located at street grade is required to have at least one (1) direct access to a public walkway at street grade.
- e) The building facade abutting the street right-of-way or parking facility shall have at least fifty percent (50%) of the street level floor facade area (measured from the street level upward a maximum of twelve [12] feet) devoted to display window and/or windows affording views into the interior area.

5. Exterior architectural design. Exterior architectural design shall meet the following conditions:

- a) Each business adjoining a street right-of-way or parking facility shall have an articulated or marked facade.
- b) Each facade shall incorporate traditional facade components such as those seen on Union Avenue, including kickplates, display

windows, transom windows, recessed entries, sign panels, parapet caps or cornices.

c) The distinction between upper and lower floors shall be maintained.

d) The first floor is primarily transparent while upper floors are more solid with smaller openings.

e) With the exception of the row of windows directly below the parapet, windows on upper stories shall have double-hung windows that are taller than they are wide.

f) The row of windows directly below the parapet may show a different design or shape than the other exterior windows.

g) Awnings are encouraged to provide depth to the facade and to shade the storefront glass.

h) Naturally ventilated parking on the ground level must be recessed below finish grade by at least fifty percent (50%) of the overall height of that story.

6. Exterior building materials and exterior color. Exterior building materials and exterior color shall meet the following conditions:

a) Brick shall be the predominant building component. Brick color shall be in red tones (within 1997 Summit 500 series or suitable replacement).

b) Where used as the predominant building material, brick shall not be painted.

c) Mortar shall be of a natural, color.

d) Building trim shall be of brick and stone masonry, finished lumber, finished painted metal, ceramic tiles or concrete used as lintels and columns.

e) Colors used for mullions and trim shall be from an accepted commercial historic color palette.

7. Building roofs. Building roofs shall meet the following conditions: Roofs shall be flat, and mechanical equipment on the roof should not be visible from the highest roadway point of any bridge crossing the HARP.

8. Illumination. All lighting or illumination on the exterior of the building shall conform with Section 17-4-52 of this Chapter concerning outdoor lighting performance standards.

9. Signs. In addition to complying with Section 17-2-1 of this Title and the Uniform Building Code, signs shall meet the following conditions: signs shall comply with the Historic Business Zone District standards for signs.

10. Parking. Due to the desire for downtown development, dual-use opportunities and mass transit, the following off-street parking spaces will be required of each use for properties not owned or controlled by the City:

a) Residential units: one (1) parking space per unit.

b) Retail: one (1) parking space per five hundred (500) gross square feet.

c) Office: one (1) parking space per five hundred (500) gross square feet.

d) Restaurants: one (1) parking space for each five (5) persons of rated occupancy load as established by the edition of the Uniform International or Building Code adopted by City Council.

e) Parking requirements for other uses are listed in Section 17-4-43

f) Variances: If these parking requirements do not appear reasonable to a specific use or combination of uses, or because of available parking in a public parking facility, the City Council may grant by resolution a variance. The variance may reduce some or all of the required number of parking spaces. In determining a variance to the required number of spaces, the City Council, in addition to other relevant factors, shall consider the following:

1) The general planning of the City with respect to land use, density, parking, traffic and parking facilities;

2) The availability of adequate parking, both in number of spaces and distance from the intended use;

3) The public welfare and interest in the City and surrounding area.

The City Council shall determine the number of parking spaces required for the development of each lot.

g) Performance standards - Building facades that abut the Riverwalk grade or a part of the Riverwalk public area.

1) Area. The provisions of these design guidelines apply to the building facades abutting the Riverwalk grade or public area associated with the HARP other than a street right-of-way or parking facility. Other facades on the buildings may fall under a different set of performance standards.

2) Purpose. The purpose of the performance standards for building facades abutting the Riverwalk is to ensure that building facades integrate the HARP's pedestrian areas and event plazas. The facades adjoining the Riverwalk show creativity and uniqueness of design while using elements that will age well and remain interesting over time.

3) Design objectives. Design objectives for the building facades that abut the Riverwalk grade are to:

A) Relate to the river and the pedestrian environment surrounding the river.

B) Relate to events held within the HARP.

C) Open itself to outdoors.

D) Create an environment of celebration.

4) Structure mass and orientation. Building orientation shall meet the following conditions:

A) Maximum gross floor area is five (5) times the building footprint.

B) Maximum height is five (5) stories from the river level or seventy (70) feet, whichever is less.

C) There are no setback requirements. The outside building walls are encouraged to be located on the outermost parcel boundaries.

D) Each business shall have at least one (1) direct access to the public Riverwalk area.

5) Exterior architectural design. Exterior architectural design shall meet the following conditions:

A) Building facades that abut the Riverwalk may use a range of architectural styles as long as the results are visually compatible with the general character of the Riverwalk.

B) Each facade shall incorporate facade components that connect to the outdoors, such as balconies, porches, sunroofs and similar exposures.

C) The second through fifth floor facades shall have a minimum of fifty percent (50%) and maximum of sixty percent (60%) glass. Each floor containing balconies may go up to one hundred percent (100%) glass on that floor's facade.

D) Awnings shall reflect the storefront and/or upper window shapes and dimensions.

E) Translucent lighted awnings are not allowed.

6) Exterior building materials and exterior colors. Exterior building materials and exterior colors shall meet the following conditions:

A) Acceptable primary building materials include brick and stone masonry, lumber and ceramic tiles.

B) Acceptable trim materials include brick and stone masonry, stucco, finished lumber, finished painted metal, ceramic tiles or concrete.

C) If brick is used as the predominant building component, the brick color shall be in red tones (within 1997 Summit Brick and Tile 500 series or equal or comparable alternative).

D) The colors used in building facades are flexible as long as a color scheme for the entire building facade conveys a unified image.

E) Bright colors are reserved for special accents such as to emphasize entryways or to highlight special ornamentation.】

[(12.3)] (21) Historic Arkansas Riverwalk of Pueblo Zone District - Two (HARP-2):

[a.] Purpose. The purpose of the Historic Arkansas Riverwalk of Pueblo Zone District – Two (HARP-2) is to promote development that is pedestrian in character, scale and ambiance and that encourages interesting and attractive architectural design for new development. As used in this Subsection, Riverwalk shall mean the public areas adjacent to the river channel, Lake Elizabeth and Union Avenue Historic District shall mean the portion of Union Avenue designated as a historic district on the National Register of Historic Places.

[b. Uses by right.

0.1 Brewpub.

1. Hotel.

2. Office.

3. Residence - commercial, apartments or condominiums.

4. Retail store.

5. Restaurant.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Any use which is permitted as a use by right in a B-4 zone district (except adult entertainment), provided that such permitted use is compatible and does not conflict with surrounding uses in the HARP 1, 2 and 3 and Historic Business Zone Districts.

d. Review process.

1. No building permit shall be issued nor shall any work be undertaken or commenced to construct, reconstruct, remodel, repair, paint, rehabilitate or in any way alter or modify the exterior of any building in a Historic Arkansas Riverwalk of Pueblo Zone District until the Planning and Zoning Commission, after proper notice has been given and a public hearing has been held in the manner required for a zoning map amendment, has reviewed, approved and issued a written certificate of compliance for such work.

e. Performance standards.

1. Area. The provisions of these performance standards apply to all buildings located in the HARP 2 Zone District.

2. Purpose. The purpose of these performance standards is to ensure that development abutting the Historic Arkansas Riverwalk of Pueblo reflects the design and scale of nearby buildings and relates to the outdoor activity around the HARP.

3. Design objectives. Design objectives for the building facades abutting the Riverwalk are to:

- a) Complement the architectural design of the Pueblo Convention Center, City Hall and other nearby buildings.
- b) Provide a smooth visual transition from the street level to the Riverwalk level.
- c) Provide an inviting physical presence and entryway into the HARP.
- d) Establish an appropriate architectural presence along the waterfront.

4. Structure mass and orientation. Building orientation shall meet the following conditions:

- a) Roof towers shall not exceed ten percent (10%) of the overall roof area of the structure.
- b) Minimum height from the Riverwalk level shall be no less than twenty-five (25) feet or two (2) times the gross floor area of the building footprint, whichever is more.
- c) Maximum height shall be determined by the Planning and Zoning Commission at the time of site plan review.
- d) Each building shall provide full access to the Riverwalk and to the closest street right-of-way.

5. Exterior architectural design. Exterior architectural design shall meet the following conditions:

- a) Building facades that abut the Riverwalk may use a range of architectural styles as long as the results are visually compatible with the general character of the surrounding buildings. In order to achieve this, masonry designs are encouraged, and flat facades are strongly discouraged as described below.
- b) Each facade shall incorporate facade components that connect to the outdoors such as balconies, porches, sunroofs and similar exposures.

- c) Windows shall be punched with repetitive shapes with nonreflective glass.
- d) Balconies are encouraged for hotel rooms that overlook the Riverwalk and are above the first floor.
- e) Naturally ventilated parking on the ground level must be recessed below finish grade by at least fifty percent (50%) of the overall height of that story.

6. Exterior building materials. Exterior building materials and exterior color shall meet the following conditions:

- a) The predominant building component shall consist of brick or other natural, durable and attractive building material.
- b) If brick is the predominant building material, the color shall be within 1997 Summit Brick and Tile 500 series or equal comparable alternative.
- c) Building trim shall be of brick and stone masonry, finished lumber, finished painted metal, ceramic tiles or concrete.
- d) Tinted brick mortar is encouraged.
- e) Ornamental detailing of wrought iron, tile, stone, brick and terra-cotta is encouraged.
- f) The colors used in building facades are flexible as long as a color scheme for the entire building facade conveys a unified image.

7. Roofs. Roofs shall meet the following conditions:

- a) Roofs shall be hip or gabled.
- b) Roof color shall be warm earth tone reds.
- c) Rooftop mechanical equipment shall be incorporated into the design of the building in order not to be visible from the highest roadway point of a bridge crossing the HARP.

8. Illumination. All lighting or illumination on the exterior of the building shall conform with Section 17-4-52 of this Chapter concerning outdoor lighting performance standards.

9. Signs. In addition to complying with Section 17-2-1 of this Title and the Uniform Building Code, signs shall meet the following conditions:

- a) Backlit plastic or fiberglass signs are prohibited.

b) Roof signs are prohibited.

10. Parking. Due to the desire for downtown development, dual-use opportunities and mass transit, the following off-street parking spaces will be required of each use for properties not owned or controlled by the City:

a) Residential units: one (1) parking space per unit.

b) Retail: one (1) parking space per five hundred (500) gross square feet.

c) Office: one (1) parking space per five hundred (500) gross square feet.

d) Restaurants: one (1) parking space for each five (5) persons of rated occupancy load as established by the edition of the Uniform Building Code adopted by City Council.

e) Transient lodging: one (1) per hotel room.

11. Amenities. Mailboxes, TV antennae, satellite dishes, window-mounted air-conditioning units, etc., shall be incorporated into the design of the structure and shall be minimally visible to passersby.]

[(12.3.1)] (22) Historic Arkansas Riverwalk of Pueblo Zone District - Three (HARP-3):

[a.] Purpose. The purpose of the Historic Arkansas Riverwalk of Pueblo Zone District - Three (HARP-3) is to promote commercial development that is pedestrian in character, scale and ambiance and that encourages interesting and attractive architectural design for new development. As used in this Subsection, Riverwalk shall mean the public areas adjacent to the river channel and Union Avenue Historic District shall mean the portion of Union Avenue designated as a historic district on the National Register of Historic Places.

[b. Uses by right.

0.1 Brewpub.

1. Hotel.

2. Office.

3. Retail store.

4. Restaurant.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit:

1. Any use which is permitted as a use by right in a B-4 zone district (except adult entertainment), provided that such permitted use is compatible and does not conflict with surrounding uses in the HARP 1, 2 and 3, and Historic Business Zone Districts.
2. Residence - commercial, apartments or condominiums.

d. Review process.

1. No building permit shall be issued nor shall any work be undertaken or commenced to construct, reconstruct, remodel, repair, paint, rehabilitate or in any way alter or modify the exterior of any building in a Historic Arkansas Riverwalk of Pueblo Zone District until the Planning and Zoning Commission, after proper notice has been given and a public hearing has been held in the manner required for a zoning map amendment, has reviewed, approved and issued a written certificate of compliance for such work.

e. Performance standards.

1. Area. The provisions of these performance standards apply to all buildings located in the HARP 3 Zone District.
2. Purpose. The purpose of these performance standards is to create an activity area abutting the Historic Arkansas Riverwalk of Pueblo which reflects the design and scale of nearby buildings and which relates to the outdoor activity around the HARP.
3. Design objectives. Design objectives for the building facades abutting the Riverwalk are to.
 - a) Complement the architectural design of the Pueblo Convention Center, City Hall and other nearby buildings.
 - b) Provide a smooth visual transition from the street level to the river level.
 - c) Provide an inviting physical entryway into the HARP.
 - d) Establish an appropriate architectural presence along the waterfront.
4. Structure mass and orientation. Building orientation shall meet the following conditions:

a) Roof towers shall not exceed ten percent (10%) of the overall roof area of the structure.

b) Minimum height from the Riverwalk level shall be no less than forty-five (45) feet or four (4) times the gross floor area of the building footprint.

(c) Maximum height shall be determined by the Planning and Zoning Commission at the time of Site Plan Review.

d) Each building shall provide full access to the Riverwalk and to the closest street right-of-way.

5. Exterior architectural design. Exterior architectural design shall meet the following conditions:

a) Building facades that abut the Riverwalk may use a range of architectural styles as long as the results are visually compatible with the general character of the surrounding buildings.

b) Each facade shall incorporate facade components that connect to the outdoors, such as balconies, porches, sunroofs and similar exposures.

c) Windows shall be punched with repetitive shapes with nonreflective glass.

d) Balconies are encouraged for hotel rooms that overlook the Riverwalk and are above the first floor.

e) Naturally ventilated parking on the ground level must be recessed below finish grade by at least fifty percent (50%) of the overall height of that story.

6. Exterior building materials. Exterior building materials and exterior color shall meet the following conditions:

a) The predominant building component shall consist of brick, stucco or other natural, durable and attractive building material.

b) If brick is the predominant building material, the color shall be within 1997 Summit Brick and Tile 500 series or equal comparable alternative.

c) Building trim shall be of brick and stone masonry, finished lumber, finished painted metal, ceramic tiles or concrete.

d) Tinted brick mortar is encouraged.

e) Ornamental detailing of wrought iron, tile, stone, brick and terracotta is encouraged.

f) The colors used in building facades are flexible as long as a color scheme for the entire building facade conveys a unified image.

7. Roofs. Roofs shall meet the following conditions:

a) Roofs shall be hip or gabled.

b) Roof color shall be warm earth-tone reds.

c) Rooftop mechanical equipment shall be incorporated into the design of the building in order not to be visible from the highest roadway point of a bridge crossing the HARP.

8. Illumination. All lighting or illumination on the exterior of the building shall conform with Section 17-4-52 of this Chapter concerning outdoor lighting performance standards.

9. Signs. In addition to complying with Section 17-2-1 of this Title and the Uniform Building Code, signs shall meet the following conditions:

a) Backlit plastic or fiberglass signs are prohibited.

b) Roof signs are prohibited.

10. Parking. Due to the desire for downtown development, dual-use opportunities and mass transit, the following off-street parking spaces will be required of each use for properties not owned or controlled by the City:

a) Residential units: one (1) parking space per unit.

b) Retail: one (1) parking space per five hundred (500) gross square feet.

c) Office: one (1) parking space per five hundred (500) gross square feet.

d) Restaurants: one (1) parking space for each five (5) persons of rated occupancy load as established by the edition of the Uniform Building Code adopted by City Council.

e) Transient lodging: one (1) per hotel room.

f) Variances: If these parking requirements do not appear reasonable to a specific use or combination of uses, the Traffic Engineer, the Director of Transportation or the applicant may apply

to the Planning and Zoning Commission for a variance. The Planning and Zoning Commission shall hold a public hearing and then make its recommendation to the City Council, which shall make the final decision. The variance may reduce some or all of the required number of parking spaces. In determining a variance to the required number of spaces, the Planning and Zoning Commission and the City Council, in addition to other relevant factors, shall consider the following:

- 1) The general planning of the City with respect to land use, density, parking, traffic and parking facilities;
- 2) The availability of adequate parking, both in number of spaces and distance from the intended use;
- 3) The public welfare and interest in the City and surrounding area. The City Council shall determine the number of parking spaces required for each lot and the City Council may, in its discretion, as a condition to the granting of any variance, impose a parking investment fee for each lot not to exceed the amounts set forth in Subparagraphs g)1) and 2) below.

g) Parking investment fees:

- 1) To meet parking requirements, the owner of each lot may provide the required parking on site or within three hundred (300) feet, less right-of-way, or may pay to the City a parking investment fee of eight thousand dollars (\$8,000.00) for each required parking space.
- 2) Parking investment fees: All parking investment fees shall be deposited in an interest-bearing account which shall clearly identify that such account is to be used to provide parking areas, facilities or structures within one thousand three hundred twenty (1,320) feet of the lot, less right-of-way, for nonexclusive use by the owner, occupants or users of the lot for which the parking investment fee has been paid. The payment of a parking investment fee shall not preclude the City from charging a fee to park in the parking spaces so provided.

11. Amenities. Mailboxes, TV antennae, satellite dishes, window-mounted air-conditioning units and similar items shall be incorporated into the design of the structure and shall be minimally visible to passersby.]

[(12.4)] (23) Business Park District (BP):

[a.] Purpose. The standards of this district (BP) are designed to provide for a limited number of retail, office, warehouse, light industrial and manufacturing uses within a business park. Since some BP property may be located near residential zone districts, it is necessary that high development and performance standards be established and that all manufacturing, processing or assembling of materials and products be conducted in a manner not injurious or offensive to the residents of surrounding properties.

[b.] Uses by right. A use by right is any use which is primarily retail, office, commercial, food service (restaurants), hotel, finance, government, service, social or cultural in nature (including parking lot or parking structure) which serves the public good. Other uses by right include light manufacturing, production, fabrication or rebuilding, bulk storage, warehousing and wholesaling of merchandise. Uses may be combined provided they are conducted in compliance with the performance standards and use regulations of the BP zone district.

1. Brewpub.

c. Uses by review. A use by review is any of the following uses which are permitted only upon the issuance of a special use permit.

1. Child care center.

1.2 Microbrewery.

2. Private recreation and amusement facilities.

3. Residence for watchman or caretaker.

4. Schools, private or professional.

5. Wind turbine.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1.1. Retail marijuana cultivation facility.

1.2. Retail marijuana product manufacturing facility.

1.3. Retail marijuana testing facility.

d. Performance standards:

1. Noise from industrial, commercial or business activity shall comply with Section 11-1-607 of this Code applicable to light industrial zone

districts, provided that if located within three hundred (300) feet of a residential zone district the industrial or business activity shall comply with Section 11-1-607 of this Code applicable to commercial zones.

2. No vibrations resulting from any industrial, commercial or business activity shall be measurable at the outer boundaries of the lot.
3. No odors resulting from any industrial, commercial or business activity shall be discernible at the outer boundaries of the lot.
4. No observable smoke shall be emitted from the parcel.
5. No dust or dirt resulting from any industrial, commercial or business activity shall be discernible beyond the outer boundaries of the lot.
6. No noxious gases resulting from any industrial, commercial or business activity shall be discernible beyond the outer boundaries of the lot.
7. No glare or heat generated from any industrial, commercial or business activity shall be discernible beyond the outer boundaries of the lot.
8. No use that would cause interference with or disrupt utility service including, without limitation, electrical, cable, television or telecommunications services to surrounding properties shall be allowed.
9. Outside storage of debris, rubbish, materials, supplies and equipment shall be enclosed on all sides by a screening wall or solid fence at least six (6) feet, but no more than ten (10) feet, in height. Neither debris, rubbish, materials, supplies nor equipment shall be stacked or stored to a height exceeding the height of the screening wall or fence.

e. Landscaping standards. All properties in the BP zone district shall comply with Section 17-4-7 of this Code.

f. Dimension standards:

1. Minimum lot site: twenty thousand (20,000) square feet.
2. Minimum setback dimensions:
 - a) Front yard: twenty-five (25) feet.
 - b) Side yard: ten (10) feet.*
 - c) Rear yard: twenty-five (25) feet.*
 - d) Minimum lot width: one hundred (100) feet.

*There shall be no setback limitations for that portion of any lot that abuts property located in business or industrial zone districts.

3. Minimum distance of structures from an existing residential zone: one hundred (100) feet.

4. Maximum percentage of the lot to be covered by buildings or structures: fifty percent (50%).

5. Maximum height of buildings: thirty-five (35) feet for buildings that are within one hundred fifty (150) feet of a residential zone district. The maximum building height may then increase at a rate of twenty-five (25) vertical feet for every additional one hundred (100) horizontal feet (25'/100') that the building is away from a residential zone district. (Example: If a building is 300' away from any residential zone district, the maximum building height shall be (150' distance = 35' height) + (150' additional distance = 37.5' height) = 72.5' height).

g. Off-street parking standards. All properties in a BP zone district shall comply with Sections 17-4-43, 17-4-44 and 17-4-45 of this Code applicable for the type of use proposed for each specific lot. In the case of mixed uses within the same building or structure, the required number of off-street parking spaces shall be the total of the requirements for each use based upon the area occupied by the individual use.]

[(13) Special] (24) Light Industrial District (I-1):

[a.] Purpose. The standards of this district (I-1) are designed to retain and provide areas for the development of **light** manufacturing or wholesaling activities in a park-like atmosphere to the exclusion of noncompatible uses or operations.

[b. Uses by right.

1. Abrasives, manufacture and/or wholesale.
2. Acetylene, manufacture and/or wholesale.
3. Acid, wholesale.
4. Advertising display, manufacture.
5. Artificial flowers, manufacture and/or wholesale.
6. Athletic equipment, manufacture.
7. Auto and trailer assembly.

8. Auto parking.
9. Auto service station.
10. Blue printing.
11. Bottles, wholesale.
12. Boxes, wholesale.
13. Braces, orthopedic, manufacture and/or wholesale.
14. Broom and brush, manufacture and/or wholesale.
15. Building materials, manufacture and/or wholesale.
16. Business machines, manufacture and/or wholesale.
17. Cabinets, woodworking and/or furniture shop.
18. Casket, manufacture and/or wholesale.
19. Ceramic products, manufacture (pottery).
20. Chemicals, manufacture and/or wholesale.
21. Chemist, analytical and consulting.
22. Clothing, manufacture and/or wholesale.
23. Conveyor, manufacture.
24. Cosmetics, manufacture.
25. Dental and medical laboratory.
26. Dental and medical supply, manufacture and/or wholesale.
27. Drugs, manufacture and/or wholesale.
28. Electric equipment and machine tool, manufacture and/or wholesale.
29. Engraver.
30. Fire protection equipment and supplies, manufacture and/or wholesale.
31. Food products, manufacture.

32. Food, vegetable processing.
33. Hair and fur processing, manufacture and/or wholesale.
34. Hardware, manufacture.
35. Heating, air conditioning, venting and refrigerating equipment, manufacture and/or wholesale.
36. Home appliances, manufacture and/or wholesale, service.
37. Hospital equipment and supplies, manufacture and/or wholesale.
38. Hotel equipment and supplies, manufacture and/or wholesale.
39. Jewelry, notions and novelties, manufacture and/or wholesale.
40. Laboratories, analytical and research.
41. Leather, artificial or synthetic, manufacture.
 - 41.1 Microbrewery.
42. Motion picture studio.
43. Musical instruments, manufacture.
44. Nursery and greenhouse.
45. Office building on site of industry.
46. Optical goods, manufacture.
47. Oxygen and other air equipment, manufacture and/or wholesale.
48. Paint and varnish, manufacture.
49. Paint equipment and supplies, manufacture.
50. Paper products, manufacture.
51. Pencil, manufacture.
52. Perfume, manufacture.
53. Phonograph, manufacture.
54. Phonograph records, manufacture.
55. Photo-engraving.

56. Photographic equipment and supplies, manufacture, wholesale and service.
57. Picture framing.
58. Plastic and plastic products, manufacture.
59. Plumbing fixtures, manufacture.
60. Printing and publishing company.
61. Restaurant equipment and supplies, manufacture.
62. Riding equipment, manufacture.
63. Rope, manufacture.
64. Rubber products, manufacture.
65. Safe, manufacture.
66. Scaffold, manufacture.
67. Scales, commercial, manufacture.
68. School equipment and supplies, manufacture.
69. Service contractor shop.
70. Service station equipment, manufacture.
71. Sheet metal products, manufacture and/or wholesale.
72. Sign, advertising.
73. Sign, business.
74. Sign, manufacture, repair, service and sales.
75. Soda fountain supplies, manufacture.
76. Sporting goods, manufacture.
77. Springs, metal, manufacture.
78. Surgical supplies, manufacture and/or wholesale.
79. Textile, manufacture and/or wholesale.
80. Tobacco products.

81. Utilities as outlined in Section 17-4-30

82. Vending machine service.

83. Venetian blind, manufacture.

84. Watch and clock, manufacture.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Aircraft beacon, marker or tower.

2. Airport, private.

3. Associations, clubs and lodges.

4. Athletic field.

5. Atomic reactor and/or similar scientific installations.

6. Charitable institutions.

7. Farming or ranching.

8. Natural deposits, extraction and/or processing.

9. Residence for watchman or caretaker.

10. Restaurant.

11. Tower (antenna).

12. Wind turbine.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

1.1. Retail marijuana cultivation facility.

1.2. Retail marijuana product manufacturing facility.

1.3. Retail marijuana testing facility.]

[(14) Light] (25) Industrial District (I-2):

[a.] Purpose. The standards of this district (I-2) are designed to retain and provide areas for the manufacture, warehousing[, jobbing] and limited retailing

of products which by their inherent characteristics and the operations involved are not obnoxious to one another or surrounding uses.

[b. Uses by right.

1. Agricultural implements, manufacture, sales, service.
2. Aircraft, retail, service, wholesale.
3. Ammonia, retail, wholesale.
4. Ammunition, wholesale.
5. Asbestos products, retail, wholesale.
6. Athletic field.
7. Auction house.
8. Auto garages, rental vehicles.
9. Auto, parts and supplies, retail, wholesale.
10. Auto, retail.
11. Auto, service and body work.
12. Auto storage.
13. Auto towing service.
14. Bag, jobber, retail, wholesale.
15. Bakery, production, retail, wholesale.
16. Barber supplies, manufacture, wholesale.
17. Barrel, retail, wholesale.
18. Beauty shop equipment, manufacture, retail, wholesale.
19. Beer and ale, wholesale.
20. Belting, retail, service, wholesale.
21. Beverage manufacture, bottling, wholesale.
22. Bicycle manufacture, service, wholesale.

23. Bleaching, cloth.
24. Bleaching, compound, wholesale.
25. Bluing, wholesale.
26. Boat, manufacture.
27. Boiler and tank, retail, wholesale service.
28. Bookbinding and publishing.
29. Bottle, manufacture, retail, wholesale.
30. Bottle caps and seals, manufacture, wholesale.
31. Brick manufacture, wholesale.
32. Bronze, wholesale.
33. Buggy, manufacture, retail, service, wholesale.
34. Bus line shops (garage, repair).
35. Butcher supplies, manufacture, wholesale.
36. Can, wholesale.
37. Carbide, retail, wholesale.
38. Carbonic gas, retail, wholesale.
39. Carbonic ice, retail, wholesale.
40. Castings, wholesale.
41. Cast-iron, pipe, wholesale.
42. Caustic soda, retail, wholesale.
43. Celluloid and cellulose, wholesale.
44. Cement, wholesale.
45. Cement products, retail, wholesale.
46. Chalk, retail, wholesale.
47. Chlorine, retail, wholesale.

48. Cleaning compounds, retail, wholesale.
49. Clothing, cleaning, dyeing and pressing.
50. Coal, coke and/or fuel yard.
51. Coal tar distillates or products, retail, wholesale.
52. Coin machine, manufacture, service, wholesale.
53. Concrete batching or "Ready Mix" plant.
54. Concrete, manufacture (bulk).
55. Concrete products, retail, wholesale.
56. Contractors' equipment and supplies, retail, wholesale.
57. Conveyor, manufacture, retail, service, wholesale.
58. Copper, retail, wholesale.
59. Corrugated metal, wholesale.
60. Cotton, baling and wholesale.
61. Cottonseed oil, wholesale.
62. Cotton wadding, wholesale.
63. Crane, storage, yard.
64. Creosote, wholesale.
65. Crop dusting equipment, yard.
66. Dairy equipment and supplies, retail, wholesale.
67. Disinfectant, wholesale.
68. Display, designer and shop.
69. Distiller, wholesale.
70. Drawing materials, manufacture, wholesale.
71. Drive-in theater.
72. Dyestuffs, manufacture, wholesale.

73. Electric plating.
74. Express, storage and delivery station.
75. Exterminating and fumigating.
76. Exterminator and insect poison, wholesale.
77. Feed and/or grain, manufacture, wholesale, retail.
78. Fences, manufacture, retail, wholesale.
79. Fertilizer, wholesale.
80. Filters, manufacture, wholesale.
81. Firearms, service, wholesale.
82. Fireproofing materials, manufacture, wholesale.
83. Floor materials, manufacture, service, wholesale.
84. Freight depot.
85. Frozen food lockers.
86. Furnaces, service, wholesale.
87. Furniture, service, wholesale.
88. Glass, wholesale.
89. Glue, wholesale.
90. Graphite, wholesale.
91. Gunpowder, wholesale.
92. Heliport, commercial.
93. Horseshoeing.
94. Ice manufacture, wholesale.
95. Imported good, wholesale.
96. Indian goods, wholesale.
97. Industrial equipment, assembly, retail, rental, storage, wholesale.

98. Industrial truck body, retail, wholesale.
99. Insecticide, retail, wholesale.
100. Insulation materials, wholesale.
101. Kerosene, retail, wholesale.
102. Lard, wholesale.
103. Lawnmower, manufacture, service, wholesale.
104. Lead, wholesale.
105. Leather goods, custom repairing, manufacture, wholesale.
106. Liveries, horse shows and rodeos.
107. Lubricating compounds, wholesale.
108. Mail order house.
109. Matches, wholesale.
110. Metal polish, manufacture, wholesale.
- 110.1 Microbrewery.
111. Monument, manufacture, retail, wholesale.
112. Motorcycle, service, wholesale.
113. Motor freight company garage.
114. Oil, wholesale.
115. Oxygen, retail, wholesale.
116. Packing and crating service.
117. Paint equipment and supplies, manufacture, wholesale.
118. Paint, shellac and varnish, manufacture, wholesale.
119. Photographic film processing.
120. Plastic and plastic products, manufacture, wholesale.
121. Pottery, manufacture, wholesale.

- 122. Poultry supplies, manufacture, retail, wholesale.
- 123. Printer equipment and supplies, manufacture, wholesale.
- 124. Racetrack.
- 125. Rubber, wholesale.
- 126. Rubbish removal equipment, yard.
- 127. Service contractor's office, yard.
- 128. Shoe blackening, wholesale.
- 129. Taxidermist.
- 130. Television parts, manufacture, wholesale.
- 131. Tin products, manufacture, service, wholesale.
- 132. Tire, retail, service, wholesale.
- 133. Towel supply, service.
- 134. Trailer, service, wholesale, manufacture.
- 135. Tree service.
- 136. Truck parking, service garage.
- 137. Utilities as outlined in Section 17-4-30
- 138. Veterinarian hospital and kennels.
- 139. Veterinarian hospital, supplies, wholesale.
- 140. Wagon, retail, service, wholesale.
- 141. Water, distilled, processing.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

- 1. Aircraft beacon, marker or tower.
- 2. Airport, private.
- 3. Associations, clubs and lodges.
- 4. Atomic reactor and/or similar scientific installations.

5. Cafe, cocktail lounge, cafeteria.
6. Carnival (temporary).
7. Charitable institution.
8. Circus grounds.
9. Farming and ranching.
10. Natural deposits, extraction.
11. Residence for watchman or caretaker.
12. Restaurant.
13. Salvage yard.
14. Sand and gravel, processing.
- 14.1. Solid wastes transfer station.
15. Tavern.
16. Tent show (temporary).
17. Tower (antenna).
- 17.1. Wind turbine.
18. All uses by right and uses by review permitted in the I-1 District.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only when a Conditional Use Permit is issued.

- 1.1. Retail marijuana cultivation facility.
- 1.2. Retail marijuana product manufacturing facility.
- 1.3. Retail marijuana testing facility.]

[(15)] (26) Heavy Industrial District (I-3):

[a.] Purpose. The standards of this district (I-3) are designed to retain and provide areas for industrial uses which, because of the products used or produced, the nature and extent of the products used or produced, and the nature and extent of the operations, should not be located in close proximity to residential activities.

[b. Use by right. A use by right is any and all uses except residential, religious, institutional, salvage and solid waste disposal uses.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit.

1. Institutional use.

1.1 Medical marijuana center (limited use permit).

1.2 Medical marijuana infused product manufacturing (limited use permit).

2. Religious use.

3. Residence for watchman or caretaker.

3.1. Salvage yards.

4. Solid wastes transfer station.

5. Disposal of nonhazardous solid waste generated on-site in compliance with Colorado Department of Health and Environment solid waste regulations.

6. Disposal of nonhazardous solid waste pursuant to a Certificate of Designation issued therefor in accordance with Chapter 12 of Title IV of this Code.

7. Wind turbine.

c.1. Conditional Uses. A conditional use is any of the following uses which are permitted only upon issuance of a Conditional Use Permit.

1.1. Retail marijuana cultivation facility.

1.2. Retail marijuana product manufacturing facility.

1.3. Retail marijuana testing facility.]

[(16)] (27) Governmental Use District (S-1):

[a.] Purpose. The standards of this district are designed to retain and provide land areas held, used or controlled for governmental purposes by or for any department or branch of government, federal, state, county, municipal, school or special district, either as owner or under contract or lease with

another person, and to place the public and all elected officials and public agencies on notice of proposed changes in the use and development of such public lands.

b. **[**Use by right. A *use by right* is any use of land for governmental purposes by or for any governmental body or agency, including those listed in Subparagraph a above, either as owner or under contract or lease with another person. **]** **Development Plan.** When any property zoned S-1 is to be developed or redeveloped, the development plan therefor shall be first submitted for review and approval by the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be made after notice and public hearing has been held in the manner required for a zoning map amendment. The Planning and Zoning Commission may approve, disapprove, or approve the development plan with conditions normally imposed or required for development of similarly situated private property, including but not limited to the effect of the development plan on adjacent properties, matters relating to lot area, dimensions and coverage, building heights, setbacks, landscaping, loading zones, parking and lighting.

c. Use by review. **[**Property zoned S-1 may be used for a nongovernmental purpose only upon **i]** Issuance of a special use permit **may be granted** by the Planning and Zoning Commission after notice has been given and a public hearing has been held in the manner required for a zoning map amendment. Before any special use permit is issued, the Planning and Zoning Commission shall determine that the proposed use is in compliance with and satisfactory provisions and arrangements have been made concerning the matters set forth in Subsections 17-5-33(5)a through h. The Planning and Zoning Commission shall determine the length of time for which a special use permit may be granted, and it may schedule review hearings on the permit at time intervals deemed reasonable. The Commission may also attach reasonable conditions to the special use permit that relate to the health, safety, morals and general welfare of the public.

[(17)] (28) Airfield District (S-2):

a. Purpose. The standards of this **overlay** district (S-2) are designed to give added protection to the population, buildings, structures and aircraft in close proximity to airfields and supersede the height standards of the use district over which they may be applied.

b. Zone requirements. The zone requirements within each zone district shall apply where the airfield district is superimposed, except for the building height requirements.

c. Building height. Within the airfield zone district, the height of structures, buildings, trees or fences shall not exceed the limits as herein defined and shown on the zone maps for:

1. Approach surface. Defined by an inclined plane with a slope of 50:1, 40:1 or 20:1 as shown on the zone maps.
2. Horizontal surface. Defined by a horizontal surface located one hundred fifty (150) feet above the established airport elevation and radiating out from the airport as shown on the zone maps.
3. Conical surface. Extends upward from the periphery of the horizontal surface (defined in Subparagraph 2 above) at a slope of 20:1 and outward a distance shown on the zone maps.
4. Transitional surface. Extends upward from lines parallel to the centerline of the runway at an angle of 7:1 a distance shown on the zone maps.

[(18)] (29) Flood Plain District (S-3):

[a.] Purpose. The standards of this district (S-3) are designed to retain and provide areas for the unobstructed passage of flood waters and give protection from flood to the population, buildings and structures located therein and in the surrounding areas.

[b.] Uses by right.

1. Farming and ranching.
2. Riding trails.

c. Uses by review.

1. Golf courses and other athletic fields and recreational facilities.
2. Landfill and/or excavation. No open dumping permitted.
3. Liveries, horse shows and rodeos.
4. Natural deposits, extraction.
5. Natural deposits, processing.
6. Parking for motor vehicles (open lots only).

7. Towers, radio and television.
8. Utilities as outlined in Section 17-4-30]

[(19)] (30) Parking District (S-4):

[a.] Purpose. The standards of this district (S-4) are designed to retain and provide land area for off-street parking primarily for uses in an adjacent zone district in those instances where rezoning to permit all the uses permitted in that adjacent zone district would have an adverse effect on the neighborhood.

[b.] Uses by right.

1. Auto parking lots.
2. Auto parking structures.
3. Residential uses as permitted in the most restrictive adjacent zone.
4. Sign, business.

c. Uses by review. A use by review is any of the following uses which are permitted only upon issuance of a special use permit: Signs, advertising.]

[(20)] (31) Private Open Space District (S-5):

a. Purpose. The standards of this district (S-5) are designed to provide areas for a variety of park, open space and recreational uses on land not in public ownership; to designate areas in private ownership that are scheduled or anticipated for transfer to the public domain; or to encourage the multi-sequential use of land by permitting interim uses which do not preclude or discourage the future public use or private recreational use to which the area is intended.

b. Development plan. When any property zoned S-5 is to be developed or redeveloped, the development plan therefor shall be first submitted for review and approval by the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be made after notice and a public hearing has been held in the manner required for a zoning map amendment. The Planning and Zoning Commission may approve, disapprove, or approve the development plan with conditions normally imposed or required to develop similarly situated property, including but not limited to the effect the development will have on adjacent properties, matters relating to lot area, dimensions and coverage, building heights, setbacks, landscaping, loading zones, parking and lighting.

[c. Uses by right. A use by right shall be only the following, exclusive of structures and recreational facilities.

1. Park.
2. Open space.
3. Trail.
4. Pedestrian way.]

[d.]c. Uses by review. A use by review is permitted only upon issuance of a special use permit by the Planning and Zoning Commission. The Administrative Official shall provide to the Commission a written statement on any proposed facility, structure or use stating whether the proposal complies with the purpose of the district. The required development plan shall be the primary exhibit for the use by review process. The Commission may impose such conditions or restrictions necessary to preserve the purpose of the district or to protect the public health, safety and welfare. In the case of an interim use, the Commission may establish a date of termination and/or periodic review of the special use permit. The Commission shall not issue a special use permit for a facility, structure or use which does not comply with the purpose of the district. A special use permit may be granted by the Commission only after a public hearing has been held. Notice of such hearing shall be given as if for an amendment to the zoning map.

(32) Planned Unit Development (PUD):

a. Purpose. The purpose of this Planned Unit Development Zone District (PUD) is to encourage flexibility in the development of land to promote its most appropriate use; to improve the design, character and quality of new development and redevelopment; to facilitate the adequate and economical provisions of streets and utilities; to preserve natural and scenic features of open space; to permit the commingling of uses permitted within other zone districts within the City; and to grant diversification in the location of structures and other site qualifications while ensuring adequate standards relating to public health, safety, welfare, comfort and convenience.

b. Development standards. See Chapter 8 for development standards and permitted uses for the PUD Zone District.

(33) Master Planned Community Zone District (MPCD):

a. Purpose. The Master Planned Community Zone District (MPCD) is established to permit and encourage the development of unique, large-

scale, comprehensively planned communities controlled by one (1) or more owners under a unified development plan.

b. Development standards. See Chapter 14 for specific Development Standards for the MPCD Zone District.

[(b) Conditional use permits. A use may be permitted as a conditional use if certain minimum conditions contained in the applicable ordinances have been satisfied as determined by the Administrative Official. The Administrative Official shall have ninety (90) days to complete the review of an application after it has been determined to be complete. If the Administrative Official, after reviewing the application, determines one or more of the conditions required for the permit cannot be satisfied, the Applicant may seek approval of a Special Use Permit for the proposed use in accordance with Section 17-5-33 of the Pueblo Municipal Code.

All Conditional Use Permits shall expire on December 31st of each year, except those that are issued between November 1st and December 31st. Annual review of the Conditional Use Permit shall be required to verify compliance with all requirements of the Permit. Failure to comply with all requirements of the Permit, as well as any zoning violations, shall be grounds for denial of the annual renewal.

(1) Retail marijuana cultivation facility.

a. The facility shall not be located within one thousand (1,000) feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.

b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.

c. All grow operations shall be conducted in an enclosed building or greenhouse.

d. Outdoor grow operations shall be prohibited.

e. Grow operations shall not be located in any structure containing a residential use.

f. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:

1. Install landscaping compliant with Section 17-4-7 of this Title.
 2. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.
 3. Provide parking according to *Article IV, Off Street Parking Requirements* of this Title.
 4. Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway "walk-around."
 5. Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.
 6. The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements listed above when the changes to the existing building will have a negative impact on the health, safety and welfare of the surrounding neighborhood.
 7. The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.
- g. It shall be prohibited and unlawful to have signage using the word "marijuana," "cannabis," any alternative spelling or abbreviation of the same, any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction of any paraphernalia or other image commonly understood as referring to marijuana.
- h. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.
- (2) Retail marijuana product manufacturing facility.
- a. The facility shall not be located within 1,000 feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.

b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.

c. All retail marijuana products shall be prepared in a building or facility that is used exclusively for the manufacture and preparation of marijuana products.

d. All retail marijuana products shall be prepared using equipment that is used exclusively for the manufacture and production of marijuana infused products.

e. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:

1. Install landscaping compliant with Section 17-4-7 of this Title.

2. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.

3. Provide parking in accordance with *Article IV, Off Street Parking Requirements* of this Title.

4. Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway "walk-around."

5. Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.

6. The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements listed above when the changes to the existing building will have a negative impact on the health, safety and welfare of the surrounding neighborhood.

7. The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.

f. It shall be prohibited and unlawful to have signage using the word "marijuana," "cannabis," any alternative spelling or abbreviation of the same,

any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction of any paraphernalia or other image commonly understood as referring to marijuana.

g. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

(3) Retail marijuana testing facility.

a. The facility shall not be located within one thousand (1,000) feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.

b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.

c. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:

1. Install landscaping compliant with Section 17-4-7 of this Title.
2. Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.
3. Provide parking in accordance with *Article IV, Off Street Parking Requirements* of this Title.
4. Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway "walk-around."
5. Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.
6. The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements listed above when the changes to the existing building will have a negative

impact on the health, safety and welfare of the surrounding neighborhood.

7. The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.

d. It shall be prohibited and unlawful to have signage using the word "marijuana," "cannabis," any alternative spelling or abbreviation of the same, any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction of any paraphernalia or other image commonly understood as referring to marijuana.

e. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

(4) Reserved.

(5) Child Care Home.

a. The applicant must be granted and maintain a State of Colorado Daycare Home permit. The applicant is to provide proof of the State permit to the office of the Planning and Community Development Department within 180 days of the date of the permit or this permit shall be null and void.

b. The applicant shall obtain and maintain a City business license.

c. Off-street parking shall be provided, within the subject property, for parking and drop off, to ensure the neighborhood will not be negatively impacted by the use. Each parking space must be a minimum of nine (9) feet wide by eighteen (18) feet deep, and must be located completely within the property, such that the space does not encumber the public sidewalk. In addition, the required off-street parking space shall be permanent in character and paved with asphalt, concrete, or pavers. The space must remain open and available to customers during business hours. The number of required off-street parking spaces is stated below, based on the street frontage, as measured along the street curb; however, the Administrative Official may reduce, waive, or modify this requirement when the potential neighborhood impact will be reduced by the use of alley, if the neighboring properties are non-residential, or other neighborhood characteristic where the off-street parking would not be necessary, as determined by the Administrative Official.

1. Lots with a street frontage of at least forty-five (45) feet wide, shall provide at least one (1), open and unenclosed, off-street parking space.

2. Lots with a street frontage of less than forty-five (45) feet wide, shall provide at least two (2), open and unenclosed, off-street parking spaces.

d. Other than family members residing within the dwelling unit located on the lot or parcel, there shall be no other employee working at the child care home.

e. All outdoor recreation areas shall be completely screened and enclosed by a six-foot-high solid fence with solid self-closing and self-latching gates.]

(b) Permitted Uses Table Legend

(1) This Section indicates which uses are permitted in each of the Zone Districts. The Permitted Uses Table contained in Section 17-4-51 (c) identifies those uses that are permitted by right, conditionally permitted, use by review and not permitted.

(2) In terms of any land use defined by these standards, the following shall apply:

a. Any use not specifically listed in the Table of Permitted Uses is not allowed unless it is determined by the Administrative Official, upon written application, to be similar to a specific use that is permitted by the Table of Permitted Uses, based on similar situations and relative impacts.

b. Terms, which are used in these standards and are not defined herein shall be given their ordinary meaning, unless the context requires or suggests otherwise. In case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the Administrative Official shall have the authority to assign an interpretation which is consistent with the intent and purpose of these standards, or an interpretation which is consistent with previous usage or interpretation.

c. All uses must comply with the Use Performance Standards listed in Section 17-4-51 (d) regardless if the use is allowed by right, conditionally permitted or a use by review. The Zoning Board of Appeals has the authority to modify or waive any of the Specific Use Conditions through a variance in accordance with Section 17-5-34 of this Title.

d. Accessory uses may be permitted so long as is 1) is customarily incidental to the principal use, 2) occupies no more than 30% of the gross floor area of the principal use, and 3) must be individually permitted in the zone district if listed as an accessory use on the Table of Permitted Uses.

e. Permitted Uses (P):

The use is permitted by right within the designated Zone District.

f. Conditional Use Permits (C):

A use may be permitted as a conditional use if certain minimum conditions contained in the applicable ordinances have been satisfied as determined by the Administrative Official. The Administrative Official shall have 30 days to complete the review of an application after it has been determined to be complete. If the Administrative Official, after reviewing the application, determines one or more of the conditions required for the permit cannot be satisfied, the Applicant may seek approval of a Special Use Permit for the proposed use in accordance with Section 17-5-33 of the Pueblo Municipal Code.

All Conditional Use Permits shall expire one (1) year after issuance. Application and applicable fee for renewal of the Conditional Use Permit must be received 30 days prior to the expiration date of the Permit. Annual review of the Conditional Use Permit shall be required to verify compliance with all requirements of the Permit. Failure to comply with all requirements of the Permit, as well as any zoning violations, may be grounds for denial of the annual review and may result in revocation of the Conditional Use Permit. The Administrative Official shall have the authority to extend or eliminate the one (1) year expiration for uses that are minor in nature, as determined by the Administrative Official.

g. Special Use Permits (S):

Certain uses may be permitted in the designated Zone District only after obtaining a Special Use Permit in accordance with Section 17-5-33, compliance with specific conditions contained in Section 17-4-51 and any additional conditions deemed appropriate by the Zoning Board of Appeals. The Zoning Board of Appeals may add to or deviate from the specific conditions listed in Section 17-4-51, as deemed appropriate.

h. Limited Use Permits (L):

Certain uses may be permitted in the designated Zone District only after obtaining a Limited Use Permit in accordance with Section 17-5-32, compliance with specific conditions contained in Section 17-4-51 and any additional conditions deemed appropriate by the Zoning Board of Appeals. The Zoning Board of Appeals may

add to or deviate from the specific conditions listed in Section 17-4-51, as deemed appropriate.

i. Not permitted:

A blank space indicates that the use is not permitted in that Zone District.

(c) Permitted Uses Table :

Page 1 table

Page 2 table

Page 3 table

Page 4 table

Page 5 Table

Page 6 table

Page 7 table

Page 8 table

Page 9 table

Page 10 table

(d) Use performance standards. In addition to all other requirements, the following use performance standards shall apply to each of the uses in all districts, whether permitted by right, by review, temporary use, limited use or as a conditional use:

(1) Bar, tavern

RCN and CCN Zone Districts:

a. Shall not exceed 3,250 square feet in gross floor area.

(2) Beauty salon or barbershop

RCN Zone District:

a. No more than two (2) workstations are allowed.

(3) Brewpub

RCN and CCN Zone Districts:

a. Shall not exceed 3,250 square feet in gross floor area.

b. Drive-in restaurants not permitted.

(4) Health Club

RCN, B-1, B-2, and CCN Zone Districts:

a. Shall not exceed 3,200 square feet in gross floor area.

(5) Offices, general, medical and professional

RCN Zone District:

a. Shall not exceed four (4) businesses in any building

b. Total building area devoted to office use does not exceed 3,200 square feet in size.

(6) Outdoor sales, seasonal

a. Maximum time is 90 consecutive days,

b. May only sell a specific item or items once per calendar year, regardless of the location. Once that items has been sold, it cannot be sold again until the following year.

c. May not move to another location during the same calendar year.

(7) Pigeon and dove keeping

a. Shelter of a sufficient size and design and constructed of material that can be maintained in a clean and sanitary condition, including at least one square foot of floor space in any shelter for each adult bird;

b. No more than 100 adult birds;

c. Feed to be stored in containers as to protect against intrusion by other animals;

d. Birds shall be fed and kept within the confines of the shelter, except for limited periods necessary for exercise, training, and competition; and

e. Birds shall not be released for flying which have been fed within the previous four (4) hours.

(8) Recreation facility, indoor only

B-2, and CCN Zone Districts:

a. Shall not exceed 3,200 square feet in gross floor area.

(9) Recreational Park Performance Standards.

a. The purpose of these performance standards is to establish design, operational and development standards necessary to protect the public health, safety and general welfare.

b. All recreational parks must be located on subdivided property. The following standards will apply to recreational parks, based on classification:

<u>Overnight</u>		<u>Destination</u>
<u>Max. Camper Stay</u>	<u>1 day</u>	<u>21 days</u>
<u>Min. Park Size</u>	<u>5 acres</u>	<u>5 acres</u>
<u>Min. Recreational Vehicle Site Area</u>	<u>1,000 sq. ft.</u>	<u>1,400 sq. ft.</u>
<u>Min. Recreational Vehicle Site Width</u>	<u>20 ft.</u>	<u>20 ft.</u>

<u>Overnight</u>	<u>Destination</u>	
<u>Max. Density</u>	<u>25 sites/acre</u>	<u>22 sites/acre</u>

c. The following standards will apply to all recreational parks unless stated otherwise:

1. Condition of soil, groundwater level, drainage and topography will not create hazards to the property, health or safety of the occupants. The site will not be exposed to objectionable smoke, noise, odors or other adverse influences. No portion of the site will be subject to unpredictable or sudden flooding, subsidence or erosion or will be used for any purpose which would expose persons or property to hazards.

2. Exposed ground surfaces, including recreational vehicle sites, in all parts of the recreational park will be paved, covered with gravel or other solid materials, or protected with a vegetative growth that prevents soil erosion and eliminates objectionable dust. All roadways shall be paved with asphalt concrete, Portland cement concrete or pavers, shall be properly drained and shall be designed to handle all anticipated loadings.

3. Recreational vehicles will be separated from each other and from other structures by at least ten (10) feet. Awnings, fold out and expandable sides or other extensions to the vehicle will be considered part of the vehicle for measuring purposes.

4. Entrances and exits to recreational parks will be designed for safe and convenient movement of traffic access to and from the park and to minimize interference with traffic movement on adjacent streets. All traffic into and out of the park will be through designated entrances and exits. Radii of curves and pavements at intersections must provide for easy turning movements for vehicles with attached trailers. A sight distance triangle will be provided at all entrances and exits to insure that no material impediment to visibility will be created or maintained which obscures the view of an approaching driver. The City Traffic Engineer will review and approve all intersection angles and radii of curves and will establish the sight distance triangle requirements for each proposed recreational park, based on anticipated vehicle speeds and the site's slope and relief. The following minimum curve alignment and access standards will apply:

Recreational Park

Curve Alignment and Access Standards

Minimum curve radius for design speeds on local collector and access roads for recreational parks (without superelevation).

<u>Design speed (mph)</u>	<u>Radius (ft.)</u>
<u>15</u>	<u>80</u>
<u>20</u>	<u>150</u>
<u>25</u>	<u>250</u>
<u>30</u>	<u>375</u>
<u>35</u>	<u>530</u>

Minimum tangent length between curves will be as follows:

<u>Design Speed (mph)</u>	<u>Tangent (ft.)</u>
<u>15</u>	<u>50</u>
<u>20</u>	<u>75</u>
<u>25</u>	<u>100</u>
<u>30</u>	<u>150</u>
<u>35</u>	<u>200</u>
<u>40 and above</u>	<u>250</u>

For major access roads serving recreational parks, the following minimum radius and tangents and maximum rate of superelevation apply.

<u>Design Speed (mph)</u>	<u>Radius (ft.)</u>	<u>Tangent (ft.)</u>	<u>Superelevation rate (ft./ft.)</u>
<u>40</u>	<u>561</u>	<u>400</u>	<u>.04</u>
<u>50</u>	<u>926</u>	<u>400</u>	<u>.04</u>

The minimum curve length will be 200 feet for design speeds of 30 mph or less, 300 feet for design speeds between 30 mph and 40 mph, and 400 feet for design speeds of 40 mph and above. Angle points less than one degree

(delta angle) require no curve radius. Coordination will be required between horizontal and vertical alignment. Particular care must be used to maintain proper sight distance at all times. Sharp horizontal curves introduced at or near the top of defined crests or bottoms of sag vertical curves should be avoided. Maximum (preferred) widths of access control at curb cuts in curb and gutter will be 35 feet.

5. The following minimum roadway widths are required:

Minimum Roadway Widths

<u>Type</u>	<u>Width</u>
<u>Entrance/Exit Road (No Parking)</u>	
<u>One-Way</u>	<u>20'</u>
<u>Two-Way</u>	<u>34'</u>
<u>Interior Roads</u>	
<u>One-Way, No Parking</u>	<u>12'</u>
<u>One-Way, Parking 1 Side</u>	<u>20'</u>
<u>One-Way, Parking Both Sides</u>	<u>28'</u>
<u>Two-Way, No Parking</u>	<u>24'</u>
<u>Two-Way, Parking 1 Side</u>	<u>32'</u>
<u>Two-Way, Parking Both Sides</u>	<u>40'</u>

- d. Accessory uses permitted in a recreational park may include management headquarters, picnic areas, recreational facilities, toilets, dumping stations, showers and coin-operated laundry facilities. Destination recreational parks may also include a convenience store as an accessory use, provided that such store presents no visible evidence from any road outside the park of its commercial character to attract customers other than occupants of the park.
- e. Solid waste (garbage) collection receptacles will be required to be provided within the recreational park. Destination recreational parks will also provide a sanitary waste dump station to accept discharge from the recreational vehicle holding tanks.
- f. The recreational park must comply with the "Standards and Regulations for Campground and Recreational Areas" of the Colorado Department of Health; however, overnight parks will be considered as semi-developed for these standards.
- g. A development plan must be submitted with every application for a special use permit. The plan will be drawn to a scale of 1" = 100' and must provide for not less than the following:

- 1. The area and dimensions of the entire tract of land proposed for use as the recreational park;**
- 2. Land use and activity areas proposed within the park;**
- 3. The number, size, location and surfacing materials of the proposed vehicle sites and other parking areas;**
- 4. The location, roadway and right-of-way widths, and surfacing materials of public roadways providing access to the park;**
- 5. The proposed interior vehicular circulation pattern, including widths, surfacing materials and proposed design speeds; and the pedestrian circulation pattern;**
- 6. The location of existing or proposed structures, and identification of their proposed use;**
- 7. The location of solid waste collection receptacles;**
- 8. The location and capacity of sanitary waste dump stations, if proposed;**
- 9. Location of potable water distribution system, including proof of the water's source, quality and quantity, if proposed;**
- 10. Location of sanitary sewer collection and treatment system, including capacity, if proposed;**
- 11. Location of lighting, gas and electric systems, if proposed;**
- 12. Location of fences, buffering and landscaped areas;**
- 13. Roadway data, including widths, radii, tangents and superelevation; and**
- 14. Location of other features or facilities existing or proposed within the park to assist in reviewing the special use permit.**

The recreational park must be developed and maintained in accordance with its development plan. Minor changes to the zoning development plan may be approved by the Director of the Department of Zoning Administration provided that such changes are in writing. Major changes to the development plan must be approved by the Zoning Board of Appeals after a public hearing.

(10) Restaurant

RCN, and B-1 Zone Districts:

- a. Shall not exceed 3,200 square feet in gross floor area.
- b. Drive-thru restaurants not permitted.

(11) Restaurant, carry-out

RCN, and B-1 Zone Districts:

- a. Shall not exceed 3,200 square feet in gross floor area.
- b. Drive-thru restaurants not permitted.

(12) Retail sales, intermittent

- a. Use permitted on an intermittent bases, for a maximum of 30 days per year. Each location, specifying the days used, must be approved prior to use.
- b. Use/structure must be moved to a new location after the approved days, regardless of the amount of those days used.

(13) Storage facility, self-storage

B-4 Zone District:

- a. Shall not have individual entrances to storage units from the exterior of the structure.

(e) Conditional Uses. In addition to the other requirements, the following conditions shall apply to each of the uses in districts where they are indicated with a "C" in the Land Use Table. The conditions are listed below.

(1) Adult entertainment

- a. Must comply with Chapter 11 of Title XVII of this Code.

(2) Antenna

- b. Must comply with Article VI, Tower and Antenna Requirements of Chapter 4 of Title XVII of this Code.

(3) Artist studio

- a. No outdoor storage of materials or supplies
- b. Retail sales not permitted unless otherwise allowed in the Zone District
- c. In addition, HARP-1, HARP-2, HARP-3:

- 1) Harp Authority review and approval required.
 - 2) Retail only, with accessory on site production permitted.
- (4) Auto repair, lube shop
- a. One (1) drive cut permitted per street frontage.
 - b. All storage and repair must be located in a building or structure. Outdoor storage or repair is not permitted.
 - c. Overnight storage or keeping of vehicles is not permitted.
- (5) Auto repair, repair shop
- a. One (1) drive cut permitted per street frontage.
 - b. All storage and repair must be located in a building or structure. Outdoor repair is not permitted unless screened by a fully opaque fence. Chain link with slats is not a permitted screening method.
- (6) Bakery, retail
- a. Retail only, with accessory on site production permitted.
 - b. Wholesale of product produced on site not permitted.
 - c. In addition, HARP-1, HARP-2, HARP-3:
 - 1) Harp Authority review and approval required.
 - 2) Retail only, with accessory on site production permitted.
- (7) Beauty salon or Barbershop
- a. In addition, CCN:
 - 1) No more than 2 work stations permitted.
 - b. In addition, HARP-1, HARP-2, HARP-3:
 - 1) Not permitted on the Riverwalk level
 - 2) Harp Authority review and approval required.
- (8) Brewpub
- a. There must not be any brewing equipment or storage visible from the outside unless architecturally significant and integrated into the style

and design of the building as determined by the Administrative Official.

(9) Carnival

- a. Assess the neighborhood impact regarding parking, circulation, noise, and duration.**

(10) Child care home

- a. The applicant must be granted and maintain a State of Colorado Home Child Care permit. The applicant is to provide proof of the State permit to the office of Land Use Administration within 180 days of this hearing or this permit shall be null and void.**

- b. Applicant shall obtain a business license prior to initiating their child care home occupation.**

- c. Off-street parking shall be provided, within the subject property, for parking and drop off, to ensure the neighborhood will not be negatively impacted by the use. Each parking space must be a minimum of 9' wide x 18' deep, and must be located completely within the property, such that the space does not encumber the public sidewalk. In addition, the required off-street parking space shall be permanent in character and paved with asphalt, concrete, or pavers. The space must remain open and available to customers during business hours. The number of spaces is based on the street frontage, as measured along the street curb.**

- 1) Lots with a street frontage of at least 45 feet wide, shall provide at least one (1), open and unenclosed, off-street parking space.**

- 2) Lots with a street frontage of less than 45 feet wide, shall provide at least two (2), open and unenclosed, off-street parking spaces.**

- d. Other than family members residing within the dwelling unit located on the lot or parcel, there shall be no other employee working at the child care home.**

- e. All outdoor recreation areas shall be completely screened and enclosed by a 6 foot high solid fence with solid self-closing and self-latching gates.**

(11) Child care home, existing

- a. Existing prior to October 22, 2001**

b. Must comply with 17-3-3, 17-3-5 and 17-3-7 of the PMC.

(12) Commercial patio

a. Only permitted as accessory to commercial use.

b. The outdoor patio must be located on the same lot as the principal structure and is either not roofed or covered, or is covered but is open and unenclosed for not more than 30% the total area of the walls. The area of the openings cannot include doors, windows or any other fittings that can be opened or closed.

(13) Community Garden

a. Must comply with Section 17-4-13 of the PMC.

(14) Construction yard

a. Located on or immediately adjoining development/subdivision

b. Permitted to remain as long as there is an active building permit.

c. Must be completely screened and enclosed by a 6 foot high solid fence with solid gates.

(15) Development in floodplain

a. See definitions in 17-9-1.

b. Must comply with requirements of Chapter 9 Title XVII.

c. Provide proof of Stormwater permit

(16) Disposal of nonhazardous solid waste generated on-site

a. Must comply with and provide proof of compliance with Colorado Department of Public Health and Environment.

(17) Drive-thru

All Zone Districts:

a. If drive-thru is established, then the remainder of the conditions are encouraged.

b. The following conditions are required for all new drive-thru's, even if the business is existing.

c. Drive-cut must comply with the following requirements:

- 1) Two (2) drive-cuts per property permitted. If possible, drive-cuts shall be located on separate street frontages;
- 2) Drive-cut must provide access to the parking lot and the drive-thru
- 3) Drive-thru access may be provided from the alley.
- 4) Drive-thru may not inhibit parking spaces.

d. Queuing: must provide queuing per the table below:

<u>Vehicle Stacking Requirements</u>	
<u>(stacking space is 12' wide by 20' long, except where otherwise noted)</u>	
<u>Drive-through type</u>	<u>Stacking space requirement</u>
<u>Financial Establishments</u>	<u>2 spaces per teller or ATM drive-thru</u>
<u>Eating and Drinking Establishments (from ordering location)</u>	<u>5 spaces</u>
<u>Retail</u>	
<u>Pharmacy/drugstore</u>	<u>5 spaces per aisle</u>
<u>Liquor store</u>	<u>2 spaces per aisle</u>
<u>Personal Services</u>	
<u>Car Wash, automated or self-service</u>	<u>2 spaces including bay + 1 vehicle per bay at exit</u>
<u>Car Wash, full service</u>	<u>8 spaces minimum + 2 vehicle per bay at exit</u>
<u>Vehicle Sales and Service</u>	
<u>Gas station</u>	<u>1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island)</u>
<u>Truck stop</u>	<u>1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island) Each space shall be equal to a semi plus trailer</u>

<u>Other</u>	<u>2 spaces per aisle</u>
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- e. Drive thru, menu boards, and service windows may not be located in front of the building, between the building and street.
- f. The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces for the accompanying use.
- g. Drive-through lanes shall be separated from parking areas and drive aisles and location of a drive-through shall be placed so that queuing shall not encroach into the public right of way.
- h. Also, B-4:
 - 1) Drive-thru lane shall not pass by the front of the building, nor be adjacent to the sidewalk.

(18) Emergency generator

- a. Emergency standby engines and emergency generators intended for and operated solely and exclusively for use in emergency situations and for reasonable testing, maintenance or demonstration of operational readiness not exceeding six (6) hours per calendar month shall be permitted; provided that no such emergency standby engine or emergency generator shall be operated for any nonemergency purposes in said zone districts unless permitted as an accessory use by review in accordance with the provisions of Section 17-5-33 of this Title;

(19) Farming or ranching

- a. Must be for the exclusive use of the occupants only.
- b. Does not permit feed lots, kennels or other commercial activities.
- c. Provide at least ¼ acre of land for each horse or other large animal
- d. Stables and corrals must be set back at least 15 feet from the property lines.

(20) Financial Institution

- a. Not permitted on the Riverwalk level
- b. Harp Authority review and approval required.

(21) Food Wholesaling uses

- a. Truck traffic contained within the site. No use of public right of way for maneuvering.**
- b. Outdoor storage screened.**

(22) Health Club

- a. Shall not exceed 3,250 square feet in building area.**
- b. Harp Authority review and approval required.**

(23) Home based business

- a. Property owner must authorize use of home as a home office.**
- b. No person other than members of the family residing on the premises shall be engaged in the business.**
- c. Hazardous chemicals or materials shall not be permitted.**
- d. There shall be no change in the outside appearance of the building or premises, other visible evidence of the conduct of such home business.**
- e. The business may not be conducted in accessory structure; however, an accessory structure may be used for storage of items normally found at a single family residence which will also be used for the business.**
- f. No outside storage, display or work and there shall be no visual evidence of a business being conducted on the premises.**
- g. No activity shall be carried on and no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interferences, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.**
- h. Commercial vehicles are not permitted to be stored at the residence.**
- i. Signage is not permitted unless located on a vehicle, and is less than 2 square feet.**

- j. The use of the dwelling unit must be clearly incidental and subordinate to its use for residential purposes by its occupants
- k. Not more than 25% of the net floor area of the dwelling unit shall be used in the conduct of the business.
- l. No customers or clients permitted at home
- m. No on-site sale of materials or supplies
- n. Production of small, hobby-type craft items for sale off-site is permitted, as determined by the administrative official; however, on-site sale of items produced is not permitted.
- o. Non compliance with the above requirements will require a limited use permit.

(24) Live-work unit

- a. One residential unit plus any one allowable non-residential unit.
- b. Residential occupant must run/operate business.
- c. Business portion of building may not be leased to anyone except occupant of residence.
- d. Also, CCN:
 - 1) See Section 17-4-51(9.3)d
 - 2) Customers allowed
 - 3) One residential unit plus any one allowable non-residential unit.
 - 4) Residential occupant must run/operate business.
 - 5) Business portion of building may not be leased to anyone except occupant of residence.

(25) Mixed-use

- a. HARP-1, HARP-2, HARP-3:
 - 1) Harp Authority review and approval required.
 - 2) Must be a commercial structure with commercial limited to Riverwalk and street level with residence above street level.
- b. CCN:

- 1) Must comply with performance standards contained in Section 17-4-5 (1)g.(f)

(26) Mobile auto repair

- a. Maximum 30 consecutive days per location in a calendar year.
- b. The administrative official may permit an extension of time or additional types of mobile auto repair for emergency or weather purposes.
- c. Also, B-3, B-4:
 - 1) Paintless dent repair and windshield/glass repair.

(27) Mobile food vendor

- a. Must provide approval from the property owner
- b. Provide commissary location and have commissary location approved.

(28) Model Home

- a. One (1) model home with combined office permitted per builder in each subdivision.
- b. Only permitted during active subdivision development. At least one (1) building permit must be active within the subdivision.
- c. Model home must be returned to a residence once development subsides.

(29) Mobile home, one-family

- a. Must be replacing an existing mobile home, one-family

(30) Office, general, medical and professional

- a. HARP-1, HARP-2, HARP-3:
 - 1) Offices shall not be located on Riverwalk level at the storefront.
 - 2) HARP Authority review and approval required.

(31) Outdoor sales, seasonal

- a. Maximum time is 90 consecutive days,

b. May only sell a specific item or items once per calendar year, regardless of the location. Once that items has been sold, it cannot be sold again until the following year.

c. May not move to another location during the same calendar year.

(32) Pawnshop, automobile

a. Outdoor storage must be screened by a fully opaque fence, minimum of 6' tall. Chain link with slats not permitted.

(33) Pharmacy/Drugstore

a. Drive-thru is not permitted

b. Shall not exceed 3,250 square feet in gross floor area.

(34) Recreational vehicle, sales and service

a. Service must be accessory use to the sales of the recreational vehicles.

b. Service as a permitted use only shall require a special use permit.

(35) Rental shop, equipment

a. No outdoor storage or display

(36) Rental shop, general

a. No outdoor storage or display

(37) Repair shop, consumer items

a. No outdoor storage or repair permitted.

b. All items waiting pick up or repair must be stored indoors.

c. No display of items for retail outdoors.

d. Repair on appliances not permitted.

(38) Repair shop, other

a. All items waiting pick up or repair must be stored indoors.

b. No display of items for retail outdoors.

- c. All outdoor storage or repair shall be screened by a fully opaque fence. Chain link with slats is not a permitted screen.

(39) Restaurant

- a. Drive-thru not permitted.
- b. Shall not exceed 3,000 square feet in gross floor area.

(40) Restaurant, carry-out

- a. Drive-thru not permitted.

(41) Retail marijuana cultivation facility

- a. The facility shall not be located within 1,000 feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.
- b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.
- c. All grow operations shall be conducted in an enclosed building or greenhouse.
- d. Outdoor grow operations shall be prohibited.
- e. Grow operations shall not be located in any structure containing a residential use.
- f. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:
 - 1) Install landscaping according to Section 17-4-7 of this Title.
 - 2) Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.

- 3) Provide parking according to Article IV, Off Street Parking Requirements of this Title.
 - 4) Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway “walk-around.”
 - 5) Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.
 - 6) The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements listed above when the changes to the existing building will have a negative impact on the health, safety and welfare of the surrounding neighborhood.
 - 7) The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.
- g. It shall be prohibited and unlawful to have signage using the word “marijuana,” “cannabis,” any alternative spelling or abbreviation of the same, any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction of any paraphernalia or other image commonly understood as referring to marijuana.
- h. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

(42) Retail marijuana product manufacturing facility

- a. The facility shall not be located within 1,000 feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.
- b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.

- c. All retail marijuana products shall be prepared in a building or facility that is used exclusively for the manufacture and preparation of marijuana products.
- d. All retail marijuana products shall be prepared using equipment that is used exclusively for the manufacture and production of marijuana infused products.
- e. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:

 - 1) Install landscaping according to Section 17-4-7 of this Title.
 - 2) Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.
 - 3) Provide parking in accordance with Article IV, Off Street Parking Requirements of this Title.
 - 4) Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway “walk-around.”
 - 5) Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.
 - 6) The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements listed above when the changes to the existing building will have a negative impact on the health, safety and welfare of the surrounding neighborhood.
 - 7) The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.
- f. It shall be prohibited and unlawful to have signage using the word “marijuana,” “cannabis,” any alternative spelling or abbreviation of the same, any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction

of any paraphernalia or other image commonly understood as referring to marijuana.

- g. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

(43) Retail marijuana testing facility

- a. The facility shall not be located within 1,000 feet of a legally operational school, as determined by direct measurement from the property line of the facility to the closest property line of the school. Establishing a school within the required buffer after the Conditional Use Permit is issued shall not be grounds to suspend, revoke or decline to renew the Permit for such facility provided the Permit and license for the facility remains lawfully in effect.

- b. The facility shall demonstrate compliance with all applicable building and related codes, including but not limited to the health, building, electrical, plumbing, mechanical, sign, fire, and other codes, statutes, and ordinances.

- c. Regardless of the zone district where the facility is located, properties with an existing structure, or those properties that will not otherwise be required to comply with full commercial requirements, shall provide, at a minimum, the following improvements:

- 1) Install landscaping compliant with Section 17-4-7 of this Title.
- 2) Comply with Section 17-4-46 (e)(7) and (f) of the Large Scale Development Standards. The Administrative Official has the authority to require alternative requirements for architecture, in cases where the requirements of Section 17-4-46 (e)(7) and (f) are not appropriate for a particular building or structure.
- 3) Provide parking in accordance with Article IV, Off Street Parking Requirements of this Title.
- 4) Provide public improvements to bring the site and adjacent rights-of-way into compliance with applicable City standards, including but not limited to repairing or replacing broken sidewalks, curbs and gutters, and providing an ADA driveway "walk-around."
- 5) Provide a maintenance plan for improvements required to be installed as part of the Conditional Use Permit.
- 6) The Administrative Official shall have the authority to modify, or substitute additional requirements for, any of the requirements

listed above when the changes to the existing building will have a negative impact on the health, safety and welfare of the surrounding neighborhood.

7) The Administrative Official has the authority to reduce the requirements listed above for research facilities which only lease a portion of an existing structure.

d. It shall be prohibited and unlawful to have signage using the word "marijuana," "cannabis," any alternative spelling or abbreviation of the same, any slang term for the same commonly understood as referring to marijuana, any image of a cannabis leaf, or any depiction of any paraphernalia or other image commonly understood as referring to marijuana.

e. Existing windows may be screened from the interior of the building, but shall not be removed or covered from the exterior.

(44) Retail sales, building construction

a. No outside storage or display of lumber or building materials, or permitted if is fully screened from Right-of-Way.

b. Required screen fence shall not be chain link with slats

(45) Retail sales, garden center

a. Plants must be sold at retail only, with any storage or growing limited to within a non-greenhouse structure which does not to exceed 30% of the gross floor area of the retail portion of the building.

(46) Retail sales, general

a. Shall not exceed 3,250 square feet in gross floor area.

b. Limited to neighborhood retail uses, as determined by the Administrative Official.

(47) Retail sales, antiques

a. No outdoor storage or display permitted.

b. Antiques only permitted.

c. HARP Authority review and approval required.

(48) School, trade

a. Use being trained on must be a permitted use in the Zone District.

b. All other uses being trained on shall require a Special Use Permit.

(49) Smoking lounge

a. Medical Marijuana and retail marijuana not permitted.

b. No alcohol permitted.

(50) Solar array

a. Building mounted only or 1 detached if no other detached accessory structures. If detached must comply with accessory structure ordinance.

b. In addition HARP-1, HARP-2, HARP-3:

1) Building mounted only.

2) HARP Authority review and approval required

(51) Tower (Antenna)

a. Must comply with Article VI, Tower and Antenna Requirements, of Chapter 4 of Title XVII

(52) Veterinary clinic

a. No outdoor storage.

b. Pens must be screened.

c. No large animals permitted.

d. In addition, B-3 and B-4 Zone District:

1) Veterinary hospital requires a special use permit.

(53) Warehousing uses

a. Bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive are not permitted except with a special use permit.

(54) Woodworking (furniture, cabinet making)

a. All indoor. No outdoor storage or production

b. Retail on-site only.

c. No wholesale permitted

SECTION 13.

Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-4-65, to read as follows:

Sec. 17-4-65. Regulations and development standards.

. . .

Table 1

<i>Off-site Use/Designated Area</i>	<i>Separation Distance</i>
Single-family or <u>two-family</u> [duplex] residential units ¹	500 feet or 300% height of tower, whichever is greater
Vacant single-family or <u>two-family</u> [duplex] residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	500 feet or 300% height of tower, ² whichever is greater
Vacant unplatted residentially zoned lands ³	200 feet or 200% height of tower, whichever is greater
Existing multifamily residential units greater than <u>two-family</u> [duplex] units	100 feet or 100% height of tower, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

¹ Includes modular homes and mobile homes used for living purposes.

² Separation measured from base of tower to closest building setback line.

³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than **two-family residential units** [duplex].

. . .

SECTION 14.

Chapter 5, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-5-32, to read as follows:

Sec. 17-5-32. Limited use permits.

The Zoning Board of Appeals shall have power to hear and authorize, authorize with such conditions and safeguards as are appropriate or deny issuance of limited use permits [for home occupations, pigeon and dove keeping and medical marijuana facilities]. At any time during the term of a limited use permit, the Zoning Board of Appeals, upon notice and hearing to the permittee, may revoke such permit if it is determined that the use is adverse or detrimental to adjoining properties or to the surrounding area. In making such determination, the Zoning Board of Appeals may consider the effect on adjoining properties or properties in the surrounding area of such factors as pedestrians and vehicular traffic, ingress and egress to the property, and proximity of the limited permit use to nearby residential properties. The following shall apply to authorizing and holding a limited use permit:

. . .

[(5) In the case of pigeon and dove keeping, compliance with the Pueblo Municipal Code and such conditions and safeguards imposed by the Zoning Board of Appeals, including but not limited to:

- a. Shelter of a sufficient size and design and constructed of material that can be maintained in a clean and sanitary condition, including at least one (1) square foot of floor space in any shelter for each adult bird;
- b. No more than one hundred (100) adult birds;
- c. Feed to be stored in containers as to protect against intrusion by other animals;
- d. Birds shall be fed and kept within the confines of the shelter, except for limited periods necessary for exercise, training and competition; and
- e. Birds shall not be released for flying which have been fed within the previous four (4) hours.]

SECTION 15.

Chapter 10, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-10-4, to read as follows:

Sec. 17-10-4. Computations, measurements, rules and definitions.

. . .

(e) Definitions. For purposes of this Chapter the following words shall have the meanings herein set forth:

. . .

(7) *Nonresidential business use* means a commercial establishment whose activity is at a scale greater than a home **based business** [occupation]. Examples of *nonresidential business use* include office, service and retail shops.

SECTION 16.

Chapter 11, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-11-4, to read as follows:

Sec. 17-11-4. Regulations and development standards.

(a) No adult entertainment use shall be located within five hundred (500) feet of the exterior boundary of any residential zone district, **religious institution** [church], public or private school, child care center, public community center, park, fairgrounds, recreation center, publicly owned or maintained building opened for use to the general public. No adult entertainment use shall be located within an area designated as an urban renewal project area pursuant to Section 31-25-107, C.R.S.

. . .

SECTION 17.

Chapter 11, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-11-5, to read as follows:

Sec. 17-11-5. Permitted zone district.

Except as restricted or limited by Section 17-11-4, adult entertainment uses shall be permitted **according to Section 17-4-51 of this Title.** [as a use by right in all B-4 zone districts and BP zone districts, provided that the adult entertainment use complies with the regulations of this Chapter and the B-4 zone district or the BP zone district, as applicable.]

SECTION 18.

Chapter 13, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-13-2, to read as follows:

Sec. 17-13-2. Permitted zone districts.

Except as restricted or limited by Section 17-13-3:

[(1)]Emergency standby engines and emergency generators shall be permitted **according to Section 17-4-51 of this Title.** [as a use by right in all I-2, I-3 and S-1 zone districts;

(2) Emergency standby engines and emergency generators intended for and operated solely and exclusively for use in emergency situations and for reasonable testing, maintenance or demonstration of operational readiness not exceeding six (6) hours per calendar month shall be permitted as an accessory use by right in a B-3, B-4 or I-1 zone district; provided that no such emergency standby engine or emergency generator shall be operated for any nonemergency purposes in said zone districts unless permitted as an accessory use by review in accordance with the provisions of Section 17-5-33 of this Title; and

(3) Emergency standby engines and emergency generators may be permitted as an accessory use by review in an R-5, R-6, RCN, O-1, CCN, B-1, B-2, S-2 or S-3 zone district in accordance with the provisions of Section 17-5-33 of this Title.]

SECTION 19.

Chapter 15, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Section 17-15-6, to read as follows:

Sec. 17-15-6. Locations.

(a) No medical marijuana facility shall be located:

. . .

(5) As a home **based business** [occupation]

. . .

SECTION 20.

This Ordinance, and the amendments made herein to Title XVII of the Pueblo Municipal Code shall be subject to administration and enforcement in accordance with Chapters 5 and 7 of Title XVII, Pueblo Municipal Code, as amended. Any person who violates any provision of this Ordinance or the amendments made herein to Title XVII of the Pueblo Municipal Code shall be guilty of a municipal offense and subject to punishment and all other remedies as provided in Chapter 7 of Title XVII of the Pueblo Municipal Code, as amended.

SECTION 21.

This Ordinance shall become effective immediately after final passage and approval.

INTRODUCED: _____

BY: _____
COUNCIL PERSON

APPROVED: _____
PRESIDENT OF THE CITY COUNCIL

ATTESTED BY: _____
CITY CLERK

PASSED AND APPROVED: _____

Definition	Old	New	Change	Notes
Accessory Use	6	58a	Changed Name	Use, Accessory
Addition	-	6	Added	
Administrative Official	6.01	7	Modified Definition	Removed that it's the director of the department.
Adult entertainment	-	U2	Added	
Airport, commercial or public	-	U3a	Added	
Airport, private	-	U3b	Added	
Alley	6.1	8	No Change	
Alternative Tower Structure	6.1.1	9	No Change	
Ambulance service	-	U4	Added	
Antenna	6.1.2	10 & U5	No Change	
Apartment House	6.2	-	Deleted	Use is now residence, multi-family
Art gallery	-	U6	Added	
Artist studio	-	U7	Added	
Artist, Commercial	6.3	-	Deleted	Use is now artist studio or office
Assisted living facility	-	U8	Added	
Attached	-	11	Added	
Auction house	-	U9	Added	
Auditorium	-	U10	Added	
Automobile auction	-	U11	Added	
Automobile dealership	-	U12	Added	
Automobile rental	-	U13	Added	
Automobile repair, body shop	-	U14a	Added	
Automobile repair, lube shop	-	U14b	Added	
Automobile repair, repair shop	-	U14c	Added	
Backhaul network	6.3.05	-	Deleted	Not needed
Bakery, retail	6.3.051	U15	No Change	
Bank	6.3.06	U56	Changed Name	Financial Institution
Banquet hall	-	U17	Added	
Batch plant	-	U18	Added	
Beauty salon, barbershop	-	U19	Added	
Bed and breakfast home	6.3.1	U20a	No Change	
Bed and breakfast inn	6.3.2	U20b	No Change	
Blood bank or donor station	-	U21	Added	
Boarding house	6.4	U22	No Change	
Body art studio	-	U23	Added	
Bowling alley	-	U24	Added	
Brewpub	6.5	U25	Modified Definition	Removed the maximum amount of brewing.
Broadcasting studio	-	U26	Added	
Buildable area	7	12	No Change	
Building, accessory	7.5	13	No Change	
Building, principal	8	14	Modified definition	changed to make sense
Bulk plant	8.1	-	Deleted	Not a desired use in the City.
Butcher shop	-	U27	Added	
Camping area, commercial	9	U120	Changed Name	Recreational park
Car wash	-	U28	Added	
Carnival	-	U29	Added	
Carport	9.1	15	No Change	
Catering service	-	U30	Added	
Cemetery	-	U31	Added	
Charitable Institution	10	U32	No Change	
Child care center	11	U33a	Modified Definition	Changed to reflect state definition.
Child care home	11.001	U33b	Modified Definition	Changed to reflect state definition.

Definition	Old	New	Change	Notes
Church	11.01	U125	Changed Name	Religious Institution
Club	11.02	U34	Changed Name	Civic club
Commercial patio	-	U36	Added	
Commercial, established	-	U35	Added	
Commissary	-	U37	Added	
Community center	-	U38	Added	
Community corrections facility	11.021	U39	No Change	
Community garden	11.022	U40	No Change	
Composting facility	-	U41	Added	
Conditional use	11.023	58b	Changed Name	Use, conditional
Condominium	11.03	U128a	Changed Name	Residence, condominium
Construction yard	-	U42	Added	
Contractor's facilities, contractors shop	-	U43a	Added	
Contractor's facilities, contractors yard	-	U43b	Added	
Convent	-	U44	Added	
Corral	11.04	-	Deleted	Not needed
Crematory	11.041	U45	No Change	
Custom manufacturing	11.05	-	Deleted	Use is now manufacturing
Dairy operation	11.1	U46	No Change	
Day service center, adult	11.2	U1	Changed Name	Adult day service center
Depth (yard, front)	69	-	Deleted	Inc yard, front
Dog care facility	11.3	U47	No Change	
Drinking place	12	U16	Changed Name	Bar
Drive-thru	-	U48	Added	
Drug store	12.1	U112	Changed Name	Pharmacy
Duplex	12.2	U128g	Changed Name	Residence, two family
Dwelling unit	16	16	No Change	
Dwelling, multi-family	13	U128c	Changed Name	Residence, multi-family
Dwelling, single-family	14	U128d	Changed Name	Residence, one-family
Dwelling, three-family	15.1	U128e	Changed Name	Residence, three and four family
Dwelling, two-family	15	U128g	Changed Name	Residence, two family
Emergency generator	-	U49	Added	
Engineer, professional	16.01	18	No Change	
Equestrian event facilities	-	U50	Added	
Expressway	16.1	-	Deleted	Defined elsewhere
Exterminator	-	U51	Added	
FAA	16.3	19	No Change	
Family	17	21	No Change	
Farm or ranch	18	22	Modified Definition	Removed size requirement. Better defined what a farm or ranch is used for.
Farmers market	-	U52	Added	
Farming or ranching	19	U53	No Change	
FCC	16.5	20	No Change	
Feedlot	-	U54	Added	
Fence	19.1	23	No Change	
Financial drive up facility	19.2	U55	No Change	
Financial institution	19.3	U56	No Change	
Flea market	-	U57	Added	
Floor area ratio	22	25	No Change	
Floor area, gross	20	24a	No Change	
Floor area, net	21	24b	No Change	
Food and drink processing facility, major	-	U58a	Added	

Definition	Old	New	Change	Notes
Food and drink processing facility, minor	-	U58b	Added	
Food warehousing	-	U59	Added	
Front façade	-	26	Added	
Funeral home	22.01	U60	Modified Definition	Specified that embalming, autopsies, cremation or storage is not permitted.
Garage, private	22.1	27	No Change	
Garage, repair	22.3	U14c	Changed Name	Automobile repair, repair shop
Gas station	-	U61	Added	
General service	-	U62	Added	
Golf course	22.4	U63	No Change	
Governmental use	-	U64	Added	
Grade (ground level)	23	28	No Change	
Greenhouse	23.01	U101	Changed Name	Nursery
Group care facility	-	U65	Added	
Guest ranch	-	U66	Added	
Halfway house	-	U67	Added	
Hardware store	23.1	-	Deleted	Use is now retail sales, general
Health club	-	U68	Added	
Height, building all	24a-h	29a-h	No Change	
Heliport, commercial or private	-	U69a	Added	
Heliport, emergency medical	-	U69b	Added	
Home occupation	25	U72	Changed Name	Home based business
Home, blind	24.1	-	Deleted	Not needed
Home, children	24.2	U70a	No Change	
Home, disabled	24.3	U70b	Modified Definition	Changed to reflect state definition.
Home, elderly	24.4	U70c	Modified Definition	Changed to reflect state definition.
Home, elderly foster	24.4.1	U70d	Modified Definition	Changed to reflect state definition.
Home, foster	24.4.2	U70e	No Change	
Home, maternity	24.5	-	Deleted	Not needed
Home, nursing	24.6	U102	Changed Name and Modified Definition	Nursing home
Home, religious	24.7	-	Deleted	Not needed
Homeless shelter	24.8	U71	No Change	
Hospice care facility	-	U73	Added	
Hospital	25.1	U74	No Change	
Hotel	25.2	U75	No Change	
Houses, grouped	26	-	Deleted	Not needed
Instructional studio	-	U76	Added	
Junk yard	26.1	U133	Changed Name	Salvage yard
Kennel	26.2	U77	Modified Definition	Add cattery
Laboratory	-	U78	Added	
Laundromat	26.3	U79	No Change	
Laundry service	-	U80	Added	
Library	-	U81	Added	
Liquor store	26.4	U132g	Changed Name	Retail sales, liquor store
Livestock market	-	U82	Added	
Live-work unit	-	U83	Added	
Loading space, off street	27	30	No Change	
Lot	28	31	No Change	
Lot frontage	29	32	No Change	
Lot measurements	30a-b	33a-b	No Change	
Lot of record	31	34	No Change	

Definition	Old	New	Change	Notes
Lot types	32	35	No Change	
Manufactured home	32A	U84	Changed Name	Manufactured home, one-family
Manufactured home subdivision	32B	36	Modified Definition	Removed size requirement.
Manufacturing or production	-	U85	Added	
Marijuana	32.001	37	No Change	
Marijuana accessories	32.002	37a	No Change	
Marijuana products	32.003	37b	No Change	
Marijuana, retail	-	37d	Added	need definition
Massage establishment	-	U86	Added	
Medical marijuana	32.01	37c	No Change	
Medical marijuana, center	-	U87a	Added	
Medical marijuana, infused product manufacturing	-	U87d	Added	
Medical marijuana, optional cultivation	-	U87b	Added	
Medical marijuana, personal cultivation	-	U87c	Added	
Microbrewery	32.02	U88	Modified Definition	Removed the maximum amount of brewing.
Mineral springs	-	U89	Added	
Mini-warehouse	32.1	U141b	Modified Definition and Changed Name	Storage facility, self-storage. Added pods, made outdoor storage separate use.
Mobile auto repair	-	U91	Added	
Mobile food vendor	-	U92	Added	
Mobile home	33	U93	Changed Name	Mobile home, one-family
Mobile home park	34	U94	Modified Definition	Removed size requirement
Mobile home sales	-	U95	Added	
Model home	-	U96	Added	
Mortuary	34.1	U97	No Change	
Museum	35	U98	No Change	
Natural deposits, extraction	-	U99a	Added	
Natural deposits, processing	-	U99b	Added	
Non-governmental use	-	U100	Added	
Nursery	35.01	U101	Modified Definition	Removed reference to greenhouse and changed to be the same as what a greenhouse was.
Office	35.1	U103a-c	Modified Definition	Separated into 3 separate definitions for General, Medical and Professional.
Outdoor advertising business	36	-	Deleted	Not needed
Outdoor sales, seasonal	-	U104	Added	need to review
Overhead electrical feeder line	36.01	17	Changed Name	Electrical feeder line
Parking lot	-	U105	Added	
Parking space	36.1	38	No Change	
Parking space, off street	37	39	No Change	
Parking structure	-	U106	Added	
Parks, trails and open spaced	-	U107	Added	
Pawnshop	-	U108	Added	
Pawnshop, automobile	-	U109	Added	
Payday loan agency	-	U110	Added	
Person aggrieved	38	40	No Change	
Pet shop	38.1	U111	No Change	
Pharmacy	38.2	U112	No Change	
Physical scientist	38.3	-	Deleted	Not needed
Physician	38.4	-	Deleted	Not needed
Pigeon and dove keeping	38.41	U113	No Change	

Definition	Old	New	Change	Notes
Power plant	-	U114	Added	
Precious metal purchaser	-	U115	Added	
Preexisting towers and preexisting antennas	38.5	41	No Change	may be able to delete
Primarily engaged	-	42	Added	
Print shop	-	U116	Added	
Processing	-	43	Added	
Professional	39.1	44	No Change	
Professional offices	40	U103c	Changed Name	Office, professional
Public utilities	-	U117	Added	
Racetrack	-	U118	Added	
Recreation facilities, general	-	U119a	Added	
Recreation facilities, indoor	-	U119b	Added	
Recreation facilities, private	41	-	Deleted	Inc with Recreation facilities, general
Recreational vehicle	41.1	45	No Change	
Recreational vehicle park	41.2	U120	Changed Name	Recreational park
Recreational vehicle site	-	46	Added	
Recreational vehicle, sales and service	-	U121	Added	
Recyclable material	-	47	Added	
Recycling, center	-	U122a	Added	
Recycling, collection center	-	U122b	Added	
Recycling, processing facility	-	U122c	Added	
Recycling, tire processing facility	-	U122d	Added	
Refinery	-	U123	Added	
Refreshment stand	42	-	Deleted	Not needed
Refuse collection company	-	U124	Added	
Rental shop, equipment	-	U126a	Added	
Rental shop, general	-	U126b	Added	
Repair shop, consumer items	-	U127a	Added	
Repair shop, durable goods	-	U127b	Added	
Residence, established	-	U128b	Added	
Residence, multi-family	42.1C	U128c	Modified Definition	Made over 4 dwelling units.
Residence, one-family	42.1A	U128d	No Change	
Residence, three-family	42.1D	U128e	Modified Definition	Added four family
Residence, two-family	42.1B	U128g	No Change	
Residence, watchman or caretaker	-	U128h	Added	
Residence-commercial	42.1	U90	Changed Name	Mixed use
Restaurant	42.2	U129	No Change	
Restaurant, carry-out	-	U130	Added	
Restaurant, drive-in	42.3	-	Deleted	Inc with Restaurant
Retail marijuana consumer	42.31	48	No Change	
Retail marijuana cultivation	42.32	49	No Change	
Retail marijuana cultivation facility	42.35	U131a	No Change	
Retail marijuana product manufacturing	42.36	U131b	No Change	
Retail marijuana store	42.33	U131c	No Change	
Retail marijuana testing facility	42.34	U131d	No Change	
Retail sales, antiques	-	U132a	Added	
Retail sales, auto parts	-	U132b	Added	
Retail sales, big box	-	U132c	Added	
Retail sales, building materials	-	U132d	Added	
Retail sales, garden center	-	U132e	Added	
Retail sales, general	-	U132f	Added	
Retail sales, intermittant	-	U132h	Added	
Retail sales, secondhand	-	U132i	Added	
Retail sales, thrift	-	U132j	Added	

Definition	Old	New	Change	Notes
Retail sales, tires	-	U132k	Added	
Riding academy	42.4	-	Deleted	Use now equestrian event facility
Riding arena	42.5	-	Deleted	Use now equestrian event facility
Roadside memorial	-	50	Added	
Row house	42.6	-	Deleted	Use now residence, townhome
Salvage yard or salvage shop	42.7	U133	No Change	
School	42.8	U134	No Change	
School, general	-	U134b	Added	
School, parochial	42.81	U134b	Changed Name	School, general
School, pre-school	-	U134c	Added	
School, private	42.82	U134b	Changed Name	School, general
School, professional; college; or university	42.83	U134a	Changed Name	School, College or university
School, public	42.84	U134b	Changed Name	School, general
School, trade	-	U134d	Added	
Service station	43	-	Deleted	Inc with gas station and lube shop
Shooting range	-	U135	Added	
Shop (arts and crafts)	43.A	-	Deleted	Inc with retail, general
Sight-distance triangle	43.1	51	No Change	
Sign	44	52	No Change	
Sign area	47	-	Deleted	In sign code
Sign, advertising	45	-	Deleted	In sign code
Sign, animated	46	-	Deleted	In sign code
Sign, business	48	U136	Changed Name	Sign, billboard
Sign, combination	49	-	Deleted	Not needed
Sign, construction	50	-	Deleted	Not needed
Sign, flashing	51	-	Deleted	Not needed
Sign, freestanding	52	-	Deleted	In sign code
Sign, off-site	54	-	Deleted	Not needed
Sign, on-site	55	-	Deleted	In sign code
Sign, projecting	56	-	Deleted	In sign code
Sign, real estate	57	-	Deleted	Not needed
Sign, roof	58	-	Deleted	In sign code
Sign, subdivision	59	-	Deleted	In sign code
Sign, wall	60	-	Deleted	In sign code
Signs, home oppucation	53	-	Deleted	Not needed
Smoking lounge	-	U137	Added	
Solar array	-	U138	Added	
Solid wastes	60.1	53	No Change	
Solid wastes disposal	60.2	54	No Change	
Solid wastes transfer station	60.3	U139	No Change	
Stable	60.4	U140	Changed Name	Stable, commercial
Storage facility, outdoor	-	U141a	Added	
Street line	61	55	No Change	
Structurally altered	61.1	56	No Change	
Structure	62	57	No Change	
Structure, accessory	62.1	57a	No Change	
Structure, attached	-	57b	Added	
Structure, detached	-	57c	Added	
Structure, greenhouse	-	57d	Added	
Structure, principal	63	57e	Modified Definition	Added definition of building, principal
Student housing	61.2	U142	No Change	
Taxidermist	-	U143	Added	
Theater, drive-in	-	U144a	Added	

Definition	Old	New	Change	Notes
Theater, general	-	U144b	Added	
Theater, multiplex	-	U144c	Added	
Tow service	-	U145	Added	
Tow yard	-	U146	Added	
Tower (antenna)	63.01	U147	No Change	
Townhouse	63.1	U128f	Changed Name	Residence, townhouse
Transit station	-	U148	Added	
Travel trailers	64	-	Deleted	Not needed. Same as recreational vehicle
Tree service	-	U149	Added	
Triplex	64.1	U128e	Changed Name	Residence, three and four family
Truck parking	-	U150	Added	
Truck sales and service	-	U151	Added	
Truck stop	-	U152	Added	
Trucking terminal	-	U153	Added	
Urgent care facility	-	U154	Added	
Use by review	65	58i	No Change	
Use, permitted	-	58c	Added	
Use, principal	-	58d	Added	
Use, temporary	65.1	58h	Changed Name	Temporary use
Variance	66	59	No Change	
Vehicle conditions types, inoperable	-	60a	Added	
Vehicle conditions types, junk	-	60b	Added	
Vehicle conditions types, operable	-	60c	Added	need definition
Veterinarian hospital	66.1	U155	Changed Name	Veterinary clinic
Warehouse	66.2	U157	Changed Name	Warehousing use
Wedding facility	-	U156	Added	
Wholesaling uses	-	U158	Added	
Width (yard, side)	71	-	Deleted	Inc yard, width
Wind turbine	63.02	U159	No Change	
Woodworking	-	U160	Added	
Yard	67	61	No Change	
Yard, front	68	61a	Modified Definition	Inc yard, depth
Yard, rear	72	61c	No Change	
Yard, side	70	61b	Modified Definition	Inc yard, width
Yard, special	73	61d	No Change	

Summary of Use Changes

Commercial Uses

Eating and Drinking Establishments:

- 1a. *Bar, tavern* change from **Not Permitted** to **Special Use Permit** in I-1.
- 1d. *Restaurant* change from **Permitted** to **Conditional** in B-2, and CCN (Major & Minor)
 - a. Drive-thru not permitted
 - b. Shall not exceed 3,000 square feet in gross floor area
- 1e. *Restaurant, carry-out* change from **Permitted** to **Conditional** in B-2
 - a. Drive-thru not permitted
- 1f. *Smoking lounge* change from **Permitted** to **Conditional** in B-3, B-4 & B-P
 - a. No outdoor smoking
 - b. Smoking of medical marijuana or retail marijuana not permitted
 - c. No alcohol permitted.

Lodging

- 2a. *Bed and breakfast home* change from **Not Permitted** to **Special Use Permit** in A-1 & A-2

Office

- 3a, 3b & 3c. *Office, general, medical and professional* change from **Permitted** to **Conditional Use** in HARP-1, HARP-2 & HARP-3
 - a. Offices shall not be located on Riverwalk level at the storefront.
 - b. Use must be reviewed by the HARP Authority.

Pet Services

- 4a. *Kennel (cattery)* change from **Permitted** to **Special Use** in B-4
- 4a. *Kennel (cattery)* change from **Not Permitted** to **Permitted** in I-1
- 4b. *Dog care facility* change from **Not Permitted** to **Permitted** in A-1, A-2 & I-1

Recreation or Amusement Facilities

- 5c. *Health club* change from **Special Use** to **Conditional Use** in H-B, HARP-1, HARP-2 & HARP-3
 - a. Shall not exceed 3,250 square feet in building area.
 - b. Harp Authority review required.

5g. *Shooting range* change from **Permitted** to **Special Use** in B-3, B-4 & B-P

5g. *Shooting range* change from **Not Permitted** to **Special Use** in I-1 & I-2

Repair and Rentals (does not include automobile)

- 6a. *Rental shop, equipment* change from **Permitted** to **Conditional Use** in B-3 & B-4
 - a. No outdoor storage or display.
- 6b. *Rental shop, general* change from **Special Use** to **Conditional Use** in B-2 and from **Permitted** to **Conditional Use** in B-3 & B-4.
 - a. No outdoor storage or display.
- 6c. *Repair shop, consumer items* change from **Special Use** to **Conditional Use** in B-1, and from **Permitted** to **Conditional Use** in B-2, B-3, B-4, CCN (Major & Minor)

- a. No outdoor storage or display.
- b. All items waiting pick up or repair must be stored indoors
- c. No display of items for retail outdoors
- d. Repair on appliances not permitted.

6c. *Repair shop, consumer items* change from **Special Use** to **Permitted** in I-2

6d. *Repair shop, other* change from **Permitted** to **Conditional Use** in B-3 & B-4.

- a. All outdoor storage or display shall be screened by a fully opaque fence. Chain link with slats is not a permitted screening method.
- b. All items waiting pick up or repair must be stored indoors
- c. No display of items for retail outdoors

Financial Establishments

7c. *Financial institution* change from **Special Use** to **Conditional Use** in HB, HARP-2, HARP-3 & HARP-3

- a. Not permitted on the Riverwalk level
- b. Harp Authority approval required.

Retail

8a. *Bakery, retail* change from **Permitted** to **Conditional Use** in B-1 & B-2 and from **Special Use** to **Conditional Use** in HB, HARP-2, HARP-3 & HARP-3

- a. Retail only, with accessory on site production permitted.
- b. Wholesale of product produced on site is not permitted.
- c. HARP-1, HARP-2 and HARP-3: Harp Authority approval required.

8b. *Flea market* change from **Permitted** to **Special Use** in B-3 & B-4 and from **Not Permitted** to **Special Use** in I-1 & I-2

8c. *Mobile home sales* change from **Permitted** to **Special Use** in R-6 and from **Not Permitted** to **Special Use** in I-1 & I-2

8d. *Pawnshop* change from **Permitted** to **Special Use** in B-4, from **Special Use** to **Not Permitted** in HB, HARP-1, HARP-2 & HARP-3, from **Not Permitted** to **Special Use** in I-1 & I-2

8e. *Pharmacy/drugstore* change from **Permitted** to **Conditional Use** in B-1, B-2 & CCN (Major) and from **Special Use** to **Conditional Use** in CCN (Minor), HB, HARP-2, HARP-3 & HARP-3

- a. Drive-thru not permitted.
- b. Shall not exceed 3,200 square feet in gross floor area

8g. *Retail sales, antiques* change from **Permitted** to **Conditional Use** in HB, HARP-1, HARP-2 & HARP-3

- a. No outdoor storage or display permitted.
- b. Antiques only permitted.
- c. Must be reviewed by the HARP Authority

8i. *Retail sales, building construction* change from **Permitted** to **Conditional Use** in B-3, B-4 & B-P

- a. No outdoor storage or display permitted, unless fully screened from Right of Way.
- b. Chain link with slats is not a permitted screening method.

8j. *Retail sales, garden center* change from **Special Use** to **Conditional Use** in **B-2**

- a. Plants must be sold at retail only, with any storage or growing limited to within a non-greenhouse structure which does not exceed 30% of the gross floor area of the retail portion of the building.

8j. *Retail sales, garden center* change from **Not Permitted** to **Special Use** in **I-1**

8k. *Retail sales, general* change from **Special Use** to **Permitted** in **R-6**

8m. *Retail sales, thrift* change from **Permitted** to **Special Use** in **B-3 & B-4**

Commercial Services

9a. *Beauty salon or barbershop* change from **Special Use** to **Permitted** in **HARP-1, HARP-2 & HARP-3**

9c. *Carwash* change from **Not Permitted** to **Permitted** in **I-1 & I-2**

9f. *Laundry service* change from **Not Permitted** to **Special Use** in **I-1**

Automobile sales and service (see Industrial Uses for large vehicle sales and service)

10g. *Gas station* change from **Permitted** to **Special Use** in **B-1 & B-2**

10h. *Pawnshop, automobile* change from **Permitted** to **Conditional Use** in **I-1 & I-2**

- a. Outdoor storage must be screened by a fully opaque fence, minimum of 6' tall. Chain link with slats is not a permitted screening method.

10i. *Retail sales, auto parts* change from **Not Permitted** to **Permitted** in **I-1**

Other Commercial

11c. *Artist Studio* change from **Special Use Permit** to **Conditional** in **O-1, B-1, CCN (Minor), HARP-1, HARP-2 & HARP-3** and from **Permitted** to **Conditional Use** in **B-2, B-3, B-4, CCN (Major), & HB**

- a. No outdoor storage of materials or supplies
- b. Retail sales not permitted unless otherwise allowed in the Zone District
- c. HARP-1, HARP-2 and HARP-3: Harp Authority approval required.
- d. HARP-1, HARP-2 and HARP-3: Retail only, with accessory on site production permitted.

11i. *Laboratory* change from **Not Permitted** to **Special Use** in **B-3 & B-4**

11j. *Mixed-Use* change from **Special Use** to **Conditional Use** in **B-4 & HARP-3** and **Permitted** to **Conditional** in **HB, HARP-1 & HARP-2**

- a. Harp Authority review required.
- b. Must be a commercial structure with commercial limited to ground level with residence above or below.

Industrial Uses

Manufacturing and Production

13c. *Woodworking (furniture and cabinet making)* change from **Not Permitted** to **Conditional Use** in **B-3 & B-4**

- a. No outdoor storage or production.
- b. Retail on-site only, no wholesale permitted.

13c. *Woodworking (furniture and cabinet making)* change from **Not Permitted** to **Permitted** in **B-P** and **Special Use** to **Permitted** in **I-1**.

Large Vehicle Sales and Service

14a. *Recreational vehicle, sales and service* change from **Permitted** to **Special Use** in **R-6**

14b. *Tow service* change from **Not Permitted** to **Permitted** in **I-1**

14e. *Truck stop* change from **Permitted** to **Special Use** in **B-4**

Resource Extraction

15b. *Natural deposits, extraction* change from **Special Use** to **Not Permitted** in **R-6**

Recycling

16b. *Recycling collection center* change from **Not Permitted** to **Special Use** in **B-P**

Wholesale, Warehouse, Storage and Distribution

17a. *Contractor's shop* change from **Permitted** to **Special Use** in **B-4**

17b. *Contractor's yard* change from **Not Permitted** to **Special Use** in **B-P & I-1**

Residential Uses

Group Living

20f. *Student housing* change from **Permitted** to **Special Use** in **R-6**

Household Living

21b. *Home occupation* change from **Permitted** to **Limited Use** in **CCN (Major)**

21c. *Home business* change from **Special Use** to **Conditional Use** in **A-1, A-2, A-3, A-4, R-1, R-2, R-2U, R-3, R-4, R-5, R-6, R-7, & R-8**

- a. Property owner must authorize use of home as a home office.
- b. No person other than members of the family residing on the premises shall be engaged in the business.
- c. Hazardous chemicals or materials shall not be permitted.
- d. There shall be no change in the outside appearance of the building or premises, other visible evidence of the conduct of such home business.
- e. The business may not be conducted in accessory structure; however, an accessory structure may be used for storage of items normally found at a single family residence which will also be used for the business.
- f. No outside storage, display or work and there shall be no visual evidence of a business being conducted on the premises.

- g. No activity shall be carried on and no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interferences, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- h. Commercial vehicles are not permitted to be stored at the residence.
- i. Signage is not permitted unless located on a vehicle, and is less than 2 square feet.
- j. The use of the dwelling unit must be clearly incidental and subordinate to its use for residential purposes by its occupants
- k. Not more than 25% of the net floor area of the dwelling unit shall be used in the conduct of the business.
- l. No customers or clients permitted at home
- m. No on-site sale of materials or supplies
- n. Production of small, hobby-type craft items for sale off-site is permitted, as determined by the administrative official; however, on-site sale of items produced is not permitted.
- o. Non compliance with the above requirements will require a limited use permit.

21d. *Live work unit* change from **Not Permitted** to **Conditional Use** in **A-1, A-2, A-3, A-4, R-5, B-1, B-2 & CCN (Major & Minor)** and from **Special Use** to **Conditional Use** in **RCN**

- p. One residential unit plus any one allowable non-residential unit.
- q. Residential occupant must run/operate business.
- r. Business portion of building may not be leased to anyone except occupant of residence.

21h. *Residence, condominium* change from **Permitted** to **Special Use** in **B-4, HB, HARP-1, HARP-2, & HARP-3**

21i. *Residence, multi-family* change from **Permitted** to **Special Use** in **HB, HARP-1, HARP-2 & HARP-3**

Housing Services for the Elderly

22a. *Assisted living facility* change from **Not Permitted** to **Special Use** in **R-4** and from **Not Permitted** to **Permitted** in **R-5**

22d. *Hospice care facility* change from **Not Permitted** to **Special Use** in **R-4 & R-5**

Transportation and Vehicle Parking Uses

Auto Parking (Principal Use)

23a. *Parking lot* change from **Permitted** to **Special Use** in **R-4**, and from **Permitted** to **Not Permitted** in **RCN**

23b. *Parking structure* change from **Not Permitted** to **Special Use** in **I-1 & I-2**

Aviation

24d. *Heliport, emergency medical* change from **Not Permitted** to **Special Use** in **R-5, B-3 & B-4**

Mass Transit Facilities

24e. *Transit station* change from **Not Permitted** to **Special Use** in **B-3 & B-4**

Public and Institutional Uses

Daycare

25a. *Child care center* change from **Not Permitted** to **Special Use** in **R-7 & O-1**

Educational Services

26a. *Instructional Studio* change from **Not Permitted** to **Special Use** in **R-5** and from **Special Use** to **Permitted** in **B-2**

26e. *School, trade* change from **Permitted** to **Conditional Use** in **B-3, B-4 & B-P** and from **Not Permitted** to **Conditional Use** in **I-1, I-2 & I-3**

- a. Use being trained on must be a permitted use in the zone district.
- b. All other uses being trained on shall require a special use permit.

Funeral and Internment Services

27b. *Crematory* change from **Not Permitted** to **Special Use** in **B-P**

Religious

30c. *Religious institution* change from **Not Permitted** to **Special Use** in **B-1**

Other Public and Institutional Uses

31f. *Sign, billboard* change from **Permitted** to **Special Use** in **R-6**

Agricultural Uses

Agricultural Support Businesses and Services

32a. *Agricultural implements, sales, rental and service* change from **Not Permitted** to **Special Use** in **B-3, B-4, B-P, I-1 & I-2**

32b. *Composting facility* change from **Not Permitted** to **Special Use** in **I-3**

32c. *Dairy operation* change from **Permitted** to **Special Use** in **A-1 & A-2**

32f. *Feedlot* change from **Permitted** to **Not Permitted** in **I-3**

Farming, Horticulture and Nurseries

33c. *Nursery* change from **Not Permitted** to **Special Use** in **A-3 & A-4**

Other

Accessories Uses

34e. *Accessory Drive-thru* change from **Permitted** to **Conditional Use** in **B-3, B-4 & B-P**

- a. If drive-thru is established, then the remainder of the conditions are encouraged, but not required.
- b. All conditions are required for all new drive-thru's, even if the business is existing.
- c. Drive-cut must comply with the following requirements:
 - a. Two (2) drive-cuts per property permitted. If possible, drive-cuts shall be located on separate street frontages;

- b. Separate drive-cuts for the parking lot and the drive-thru are not permitted
 - c. Drive-thru access may be provided from the alley.
 - d. Drive-thru may not inhibit parking spaces.
 - e. Queuing: must provide queuing per the table below:
- f. Drive thru, menu boards, and service windows may not be located in front of the building, between the building and street.
- d. B-4: Drive-thru lane shall not pass by the front of the building, nor be adjacent to the sidewalk.

34i. *Accessory Solar array* change from **Not Permitted** to **Conditional Use** in **all Zone Districts**

- a. Building mounted only or 1 detached if no other detached accessory structures. If detached must comply with accessory structure ordinance.
- b. HARP-1, HARP-2, HARP-3: Building mounted only and must be reviewed by the HARP Authority

Temporary Uses

35b. *Temporary Construction yard* change from **Not Permitted** to **Conditional Use** in **all Zone Districts except I-1, I-2 & I-3** and from **Permitted** to **Conditional Use** in **I-1, I-2 & I-3**

- a. Located on or immediately adjoining development/subdivision
- b. Permitted to remain as long as there is an active building permit.
- c. Must be completely screened and enclosed by a 6 foot high solid fence with solid gates.
- d. Chain link with slats is not an allowed screening method.

35c. *Temporary Outdoor sales, seasonal* change from **Not Permitted** to **Permitted** in **I-1 & I-2**

35d. *Temporary Mobile food vendor* change from **Permitted** to **Conditional Use** in **R-5, CCN (Major & Minor) and I-3**, from **Special Use** to **Conditional Use** in **B-1, S-1 & S-5** and from **Not Permitted** to **Conditional Use** in **I-1 & I-2**

- a. Provide commissary location and have commissary location approved.
- b. Must provide approval from the property owner.

35e. *Temporary Mobile auto repair* change from **Permitted** to **Conditional Use** in **B-3, B-4, B-P, I-1, I-2 & I-3**

- a. Maximum 30 consecutive days per location in a calendar year.
- b. The administrative official may permit an extension of time for emergency or weather purposes.

35f. *Temporary Model home / sales office* change from **Not Permitted** to **Conditional Use** in **A-1, A-2, A-3, A-4, R-1, R-2, R-2U, R-3, R-4, R-8** and from **Permitted** to **Conditional Use** in **R-5, R-6 & RCN**

- a. One (1) model home with combined office permitted per builder in each subdivision.
- b. Only permitted during active subdivision development. At least one (1) building permit must be active within the subdivision.
- c. Model home must be returned to a residence once development subsides.

Existing and Established Uses

36a. *Accessory apartment, established* change from **Not Permitted** to **Special Use** in **A-1, A-2, A-3, A-4, R-2, R-3, R-4, R-5, RCN, B-1, B-2, B03, B-4, CCN (Major & Minor)**

36b. *Commercial, established* change from **Not Permitted** to **Special Use** in **all Zone Districts**