

# ZONING REGULATIONS

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## 10-2-1: Zone Districts and Map<sup>2 3</sup>

A.<sup>4</sup> <sup>5</sup>Establishment of Zoning Districts. Provision hereby is made for twelve (12) zoning districts, as follows: (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017, Ord. 5, 2017, eff. 4/6/2017, Ord. 5-2018, eff. 4/11/2018)

- |     |     |   |    |
|-----|-----|---|----|
| 1.  | A   | Agricultural  | 5  |
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| 3.  | MF  | Multi-Family  | 6  |
| 4.  | MH  | Mobile Home Park  | 6  |
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| 11. | PUD | Planned Unit Development                                  | 13 |
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B. Map and Boundaries. The Town of Westcliffe hereby is divided into such of the aforesaid districts as are shown on the map entitled "Official Zoning Map of Westcliffe," referred to herein as the "Zoning Map." (Ord. 2-2007, eff. 9/6/2007)

The Zoning Map is hereby adopted, along with explanatory matter thereof, as a part of this Title. Said map is on file, and shall be kept on file, in the office of the Town Clerk. Amendments to the Zoning Map are listed on **Appendix B** attached hereto. Unless otherwise specified on the Zoning Map, district boundary lines are lot lines; the center

<sup>1</sup> Title 10, Chapter 2, Section 2 "Reserved" is repealed and the remaining are re-numbered. (Ord. 13-2016, eff. 10/6/2016)

<sup>2</sup> Title 10, Chapter 2, Section 1 is amended by the repeal and reenactment of the entire section. (Ord. 2-2007, eff. 9/6/2007)

<sup>3</sup> Title 10, Chapter 1, Section 6 is repealed and reenacted with the addition of a new district. (Ord. 3-2017, eff. 2/3/2017)

<sup>4</sup> Title 10, Chapter 2 "Zoning Regulations", Section 1 "Zone Districts and Map" Subsection A is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016, Ord. 5-2017, eff. 4/6/2017)

<sup>5</sup> Title 10, Chapter 2, Section 1 is amended by adding a new zone. (Ord. 5-2018, eff. 4/11/2018)

lines of streets, alleys, highways, or such lines extended; corporate lines of incorporated areas; natural boundary lines such as streams; or section lines. In cases where such lines are not used, the zone district lines shall be as determined by using the scale of the Zoning Map. (Ord. 2-2007, eff. 9/6/2007)

**10-2-2: Zone District Use Schedule**<sup>6 7</sup>(Ord. 13-2016, eff. 10/6/2016, Ord. 5-2018, eff. 4/11/2018)<sup>8 9</sup>

The following table indicates which land uses are allowed by right, Special Review, and prohibited uses, in each of the zone districts listed in Section 10-2-1. Any use not listed may be considered as a Use by Special Review. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

R=Use Permitted by Right  
 P=Use Prohibited  
 S=Permitted by Special Review  
 A=Use Available for PUD

	USE	A	SF	MF	MH	CC	HC	LI	HI	PUD	PUD B-1	PUD B-1	TN
.01	Single family Dwelling	R	R	P	P	S	P	P	P	A	P	P	R
.02	Three up to six family Dwellings	P	S	R	P	S	P	P	P	A	P	P	R
.03	Dwellings for six or more families	P	P	R	P	S	P	P	P	A	P	P	P
.04	Mobile homes	P	P	P	R	P	P	P	P	P	P	P	P
.05	Mobile home parks	P	P	P	R	P	P	P	P	A	P	P	P
.06	Accessory Structures and Uses	R	R	R	R	R	R	R	R	A	P	P	R
.07	Home Occupations	R	R	R	R	S	P	P	P	A	P	P	R
.08	Churches	S	R	R	S	S	S	P	P	A	P	P	R
.09	Public Schools	S	R	R	P	P	P	S	P	A	P	P	P
.10	Golf courses	S	P	P	P	P	P	P	P	A	P	P	P
.11	Public parks	S	R	R	R	R	P	S	P	A	P	P	R
.12	Animal grazing	R	P	P	P	P	P	P	P	A	P	P	P

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<sup>6</sup> Title 10, Chapter 2, Section 3 is amended by the repeal and reenactment of the entire section. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)  
<sup>7</sup> Title 10, Chapter 2, Section 2 is amended by the addition of .56 Tiny Dwellings. (Ord. 3-2017, eff. 2/3/2017)  
<sup>8</sup> Title 10, Chapter 2, Section 2 is amended by the deletion of .56 Tiny Dwellings. (Ord. 5-2017, eff. 4/6/2017)  
<sup>9</sup> Title 10, Chapter 2, Section 2 is repealed and reenacted in its entirety. (Ord. 5-2018, eff. 4/11/2018)

	USE	A	SF	MF	MH	CC	HC	LI	HI	PUD	PUD B-1	PUD B-2	TN
.13	Mining	S	P	P	P	P	P	S	S	A	P	P	P
14	RV Park	P	P	P	P	P	S	P	P	A	P	P	P
.15	Farming and ranching	R	P	P	P	P	P	P	P	A	P	P	P
.16	Feed yards and fur farms	R	P	P	P	P	P	P	P	A	P	P	P
.17	Veterinary hospitals and kennels	R	P	P	P	S	R	P	P	A	P	P	P
.18	Riding stables	R	P	P	P	P	P	P	P	A	P	P	P
.19	Airports	S	P	P	P	P	P	P	P	A	P	P	P
.20	Cemeteries	S	P	P	P	P	P	P	P	A	P	P	P
.21	Radio broadcasting stations	S	P	P	P	S	S	S	S	A	P	P	R
.22	Sanitary landfill operations	S	P	P	P	P	P	P	P	A	P	P	P
.23	Sewage disposal plants	S	P	P	P	P	P	P	S	A	P	P	P
.24	Lumber mills	S	P	P	P	P	P	P	S	A	P	P	P
.25	Quarries, sand and gravel operations and concrete batch plants	S	P	P	P	P	P	P	S	A	P	P	P
.26	Retail establishments entirely enclosed within a structure	S	P	P	P	R	R	S	S	A	R	P	R
.27	Personal service businesses entirely enclosed within a structure	S	P	P	P	R	R	P	P	A	R	P	R
.28	Banks and Credit Union	P	P	P	P	R	R	P	P	A	R	P	R
.29	General offices	P	P	P	P	R	R	R	S	A	P	P	R
.30	Government buildings	P	S	S	P	R	R	S	S	A	R	P	R
.31	Hotels	P	P	P	P	R	R	P	P	A	R	P	R
.32	Motels	P	P	P	P	S	R	P	P	A	R	R	R
.33	Eating and drinking places	P	P	P	P	R	R	P	P	A	R	P	R
.34	Drive-in eating and drinking places	P	P	P	P	S	R	P	P	A	P	R	P
.35	Theaters and auditoriums	P	P	P	P	R	R	P	P	A	R	P	R
.36	Parking lots	S	S	S	S	S	S	R	R	A	R	P	R
.37	Museums	S	S	S	S	S	S	S	S	A	R	P	R

	USE	A	SF	MF	MH	CC	HC	LI	HI	PUD	PUD B-1	PUD B-2	TN
.38	Dwelling units above, below, or behind the business	P	P	P	P	R	R	S	S	A	R	R	R
.39	Rental of goods with a weight of no more than 200 pounds	P	P	P	P	R	R	R	R	A	R	P	R
.40	Light equipment repair and service stations	P	P	P	P	P	R	R	R	A	P	R	P
.41	Automobile sales, rental or service	P	P	P	P	P	S	R	R	A	P	R	P
.42	Agricultural/heavy equipment sales or service	S	P	P	P	P	S	S	R	A	P	R	P
.43	Building material and lumber sales	P	P	P	P	P	S	R	R	A	P	R	P
.44	Public utility stations	S	S	S	S	S	S	R	R	A	P	R	R
.45	Bowling alleys	P	P	P	P	S	R	R	P	A	P	R	P
.46	Trucking	P	P	P	P	P	P	S	R	A	P	R	P
.47	Equipment rental establishments	S	P	P	P	S	R	R	R	A	P	R	P
.48	Wholesale and distribution	R	P	P	P	S	R	R	R	A	P	R	P
.49	Storage units	P	P	P	P	P	S	R	R	A	R	R	P
.50	Bed & Breakfast, VRBO & Airbnb	S	S	S	S	S	S	P	P	A	R	R	R
.51	Marijuana cultivation facility	P	P	P	P	P	P	P	P	P	P	P	P
.52	Marijuana Product Manufacturing Facility	P	P	P	P	P	P	P	P	P	P	P	P
.53	Marijuana Testing Facility	P	P	P	P	P	P	P	P	P	P	P	P
.54	Medical Marijuana Center	P	P	P	P	P	P	P	P	P	P	P	P
.55	Retail Marijuana Store	P	P	P	P	P	P	P	P	P	P	P	P

(Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017, Ord. 5-2017, eff. 4/6/2017, Ord. 5-2018, eff. 4/11/2018)

**10-2-3: Zone District Regulations**<sup>10 11</sup> (Ord. 13-2016, eff. 10/6/2016, Ord. 5-2018, eff. 4/11/2018)<sup>12 13</sup>

A. A-Agricultural District

1. Description of District: This district is designed to protect and preserve the agricultural industry of the Town of Westcliffe, and to protect the rural property owners from encroachment by urban land uses. This district was formerly the A-1 Agriculture District and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007)
2. Area and Height Standards.<sup>14</sup>

Minimum Lot Area:	5 acres
Minimum Front Yard:	25 feet
Minimum Rear Yard:	25 feet
Minimum Side Yard:	25 feet
Maximum Building Height:	35 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

B. SF-Single Family District<sup>15</sup> (Ord. 13-2016, eff. 10/6/2016)

- 1.<sup>16</sup> Description of District: This district is designed to accommodate a maximum of two permanent residential single and two family attached or detached Dwellings by right with at least one dwelling having a minimum of 660 square feet of habitable space. If a second dwelling is less than 660 feet it shall be set back a minimum of 40 feet from front property line. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 3-2017, eff. 2/3/2017)
2. Area and Height Standards<sup>17</sup>

Minimum lot area:	6,250 square feet
Minimum front yard:	10 feet
Minimum rear yard:	
On alley:	5 feet
Without alley:	10 feet
Minimum side yard:	5 feet to lot line on each side of building

<sup>10</sup> Title 10, Chapter 2, Section 4 is amended by the repeal and reenactment of subparagraph “C” subsection “2”, subparagraph “D” subsection “2”, subparagraph “F” subsection “2”, subparagraph “j” and subsection “5”, subparagraph “5” and the addition of subparagraph K, L and M. (Ord. 2-2007, eff. 9/6/2007)

<sup>11</sup> Title 10, Chapter 2, Section 3 is amended by a new paragraph. (Ord. 3-2017, eff. 2/3/2017)

<sup>12</sup> Title 10, Chapter 3, Section 3 is amended by the deletion of Paragraph M. (Ord 5-2017, eff. 4/6/2017)

<sup>13</sup> Title 10, Chapter 2, Section 3 is amended by the addition of a new Paragraph M. (Ord. 5-2018, eff. 4/11/2018)

<sup>14</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection A Paragraph 2 is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

<sup>15</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection B “Rural Residential District” is deleted in its entirety, then re-lettering the remainder and Subsection C-Paragraphs 1 and 2 are repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

<sup>16</sup> Title 10, Chapter 2, Section 3, Paragraph B, Subsection 1 is repealed and reenacted. (Ord. 3-2017, eff. 2/3/2017)

<sup>17</sup> Title 10, Chapter 2, Section 3, Subsection B, Paragraph 2 is repealed and replaced in its entirety. (Ord. 16-2016, eff. 12/1/2016)

Maximum building height:	30 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016, Ord. 16-2016, eff. 12/1/2016)
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C. MF-Multi-Family District <sup>18</sup> (Ord. 13-2016, eff. 10/6/2016)

1. This district is designed to accommodate permanent multifamily Dwelling Units from a density of no more than six (6) dwelling units per minimum lot area. This district was formerly the R-3A Multi-family district and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  
2. Area and Height Standards:
 

Minimum lot area:	12,500 square feet
Minimum front yard:	20 feet
Minimum back yard:	
On alley:	10 feet
Without alley:	20 feet
Minimum side yard	10 feet to lot line on each side of building
Maximum building height:	35 Feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

D. MH-Mobile Home Park District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to allow for permanent residential mobile home development to a density of twelve (12) dwelling units per acre. This district was formerly the R-4 Mobile Home Residential District, and is hereby renamed (Ord. 2-2007, eff. 9/6/2007)
  
- 2.<sup>19</sup> No mobile home more than fifteen (15) years old may be placed within a new mobile home park, or moved into an existing mobile home park. Mobile homes may be placed only within an approved mobile home park. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  
3. Area and Height Standards: Individual homes within a mobile home park.
 

Minimum front yard to lot line:	10 feet
Minimum rear yard to alley or lot line:	10 feet
Minimum side yard to lot line:	10 feet
Minimum separation between two mobile homes:	20 feet
Maximum building height:	16 feet (Ord. 2-2007, eff. 9/6/2007)

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<sup>18</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection D-Paragraphs 1 and 2 are repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

<sup>19</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection E Paragraph 2 is repealed and reenacted in its entirety. (Ord. 13-2016, eff. 10/6/2016)

4. Area and Height Standards: Mobile home park
  - a. Minimum Front Yard. Measured from the nearest edge of the roadway there shall be a front yard of not less than twenty (20) feet for all mobile homes. For mobile home parks fronting on a State or Federal Highway, the required front yard shall be fifty (50) feet. - (Ord. 2-2007, eff. 9/6/2007)
  - b. Minimum Rear Yard. Measured from the nearest edge of the roadway, there shall be a rear yard of not less than twenty (20) feet for all mobile homes. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet. (Ord. 2-2007, eff. 9/6/2007)
  - c. Minimum Side Yard. Measured from the nearest edge of the roadway, there shall be a side yard of not less than twenty (20) feet for all mobile homes. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet. (Ord. 2-2007, eff. 9/6/2007)
  
5. Design Requirements:<sup>20</sup> A property may be rezoned to Mobile Home Park District upon petition for an amendment to the Zoning Map. When petitioning for this zone change, there shall be provided a site design by a registered engineer, architect or qualified planner, complete in detail showing the following (Ord. 2-2007, eff. 9/6/2007)
  - a. Location and legal description. (Ord. 2-2007, eff. 9/6/2007)
  - b. Entrance to and exits from the park. (Ord. 2-2007, eff. 9/6/2007)
  - c. Plans, showing size and arrangement of mobile home lots and stands, location of roadways, service and utility buildings. (Ord. 2-2007, eff. 9/6/2007)
  - d. Topography map showing original and final contours at two (2) foot intervals. (Ord. 2-2007, eff. 9/6/2007)
  - e. Provisions for drainage. (Ord. 2-2007, eff. 9/6/2007)
  - f. Area set aside for recreation, clothes washing and drying, storage, and off-street parking. (Ord. 2-2007, eff. 9/6/2007)
  - g. Fencing and screen planting on the premises. (Ord. 2-2007, eff. 9/6/2007)

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<sup>20</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection E Paragraphs 5.o and 5.p are repealed and all remaining are re-lettered. (Ord. 13-2016, eff. 10/6/2016)

- h. Plans for water supply and distribution. (Ord. 2-2007, eff. 9/6/2007)
  - i. Plans for sewage collection and disposal. (Ord. 2-2007, eff. 9/6/2007)
  - j. Provisions for trash and garbage storage and removal. (Ord. 2-2007, eff. 9/6/2007)
  - k. Plans for underground gas, electric, and phone service connections to each space. (Ord. 2-2007, eff. 9/6/2007)
  - l. Typical lot plan. (Ord. 2-2007, eff. 9/6/2007)
  - m. For each mobile home lot and for four (4) truck camper or travel trailer lots there shall be provided: (Ord. 2-2007, eff. 9/6/2007)
    - 1. Recreational area in the amount of three hundred (300) square feet. (Ord. 2-2007, eff. 9/6/2007)
    - 2. Space for mechanical washing and clothes drying facilities in the amount of twenty-five (25) square feet. (Ord. 2-2007, eff. 9/6/2007)
    - 3. Two off-street parking spaces for each lot; except for truck camper or travel trailer lots. (Ord. 2-2007, eff. 9/6/2007)
  - n. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewage provisions must meet with the approval of the Colorado Department of Public Health and the local health authority. (Ord. 2-2007, eff. 9/6/2007)
  - o. Enforcement of regulations. The owner or operator of the mobile home park shall arrange for the management and supervision of the mobile home park so as to enforce or cause compliance with the provisions of this Section. The owner, operator or attendant of the mobile home park shall assume all responsibility for maintaining all facilities in good repair and condition. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
- E. B-1 Business District within PUD boundaries only<sup>21</sup> (Ord. 13-2016, eff. 10/6/2016)
- 1. Description of District: This district is designed to accommodate businesses that ordinarily serve the permanent residents of the area and that are pedestrian oriented. (Ord. 2-2007, eff. 9/6/2007)

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<sup>21</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection F is retitled. (Ord. 13-2016, eff. 10/6/2016)



2. Permitted Uses <sup>22</sup>
- a. Retail Establishments entirely enclosed within a structure (Ord. 2-2007, eff. 9/6/2007)
  - b. Personal Service Establishments entirely enclosed within a structure (Ord. 2-2007, eff. 9/6/2007)
  - c. Banks and Savings and Loan Associations (Ord. 2-2007, eff. 9/6/2007)
  - d. Government Buildings (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - e. Hotels and Motels and Bed & Breakfasts (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - f. Eating and Drinking Places (Ord. 2-2007, eff. 9/6/2007)
  - g. Museums (Ord. 13-2016, eff. 10/6/2016)
  - h. Theaters and Auditoriums (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - i. Parking Lots (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - j. Nonconforming buildings and nonconforming uses (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - k. A single dwelling unit above, below, or behind a business, not to exceed 50% of the usable floor space (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - l. Rental of consumer goods with a weight of no more than 200 pounds (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
  - m. Uses by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

3. Prohibited Uses

All uses not specifically permitted are prohibited. Mobile homes and mobile offices are prohibited except as nonconforming uses. (Ord. 2-2007, eff. 9/6/2007)

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<sup>22</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection F Paragraph 2.d, e and g are repealed and reenacted and re-lettered with the addition of a Paragraph. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

## 4. Minimum Lot Area

Structure coverage may extent to one hundred percent (100%) of the lot area.

Minimum Front Yard:	None
Minimum Side Yard:	None
Minimum Rear Yard:	None
Maximum Building Height:	35 feet (Ord. 2-2007, eff. 9/6/2007)

5. Repeal of District<sup>23</sup>

On and after the effective date of Ordinance#10-2000 (February 6, 2001), no new application for rezoning to this B-1 District shall be accepted or processed by the Town, it being the intention of the Board of Trustees that this district be replaced by the Core Commercial and/or Highway Commercial Districts. The regulations pertaining to the B-1 District set forth in this Section shall remain in force for so long as any property within the Town remains zoned as B-1. When no properties within the Town remain so zoned, this Subsection 10.2.3E shall be automatically repealed (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

F. B-2 Commercial-Industrial District within PUD boundaries only <sup>24</sup> (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve customers arriving for a specific service by automobile, and light industrial, wholesaling, and manufacturing establishments. (Ord. 2-2007, eff. 9/6/2007)
2. Permitted Uses:
  - a. Automobile Service Stations and Repair Garages (Ord. 2-2007, eff. 9/6/2007)
  - b. Automobile Sales and Service (Ord. 2-2007, eff. 9/6/2007)
  - c. Agricultural Equipment Sales and Service (Ord. 2-2007, eff. 9/6/2007)
  - d. Building Material and Lumber Sales (Ord. 2-2007, eff. 9/6/2007)
  - e. Public Utility Stations (Ord. 2-2007, eff. 9/6/2007)
  - f. Drive-in Eating and Drinking Places (Ord. 2-2007, eff. 9/6/2007)

<sup>23</sup> Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection F Paragraph 5 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

<sup>24</sup> Title 10, Chapter 2 "Zoning Regulations", Section 4 "Zone District Regulations" Subsection G is retitled. (Ord. 13-2016, eff. 10/6/2016)

- g. Dance Halls (Ord. 2-2007, eff. 9/6/2007)
- h. Bowling Alleys (Ord. 2-2007, eff. 9/6/2007)
- i. Driving Ranges and Miniature Golf (Ord. 2-2007, eff. 9/6/2007)
- j. Trucking and Storage Operations (Ord. 2-2007, eff. 9/6/2007)
- k. Maintenance Shops (Ord. 2-2007, eff. 9/6/2007)
- l. Equipment Rental Establishments (Ord. 2-2007, eff. 9/6/2007)
- m. Wholesale and Manufacturing Establishments (Ord. 2-2007, eff. 9/6/2007)
- n.<sup>25</sup> Motels and Bed & Breakfasts (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)
- o. Eating and Drinking Places in connection with motels (Ord. 2-2007, eff. 9/6/2007)
- p. Nonconforming buildings and nonconforming uses (Ord. 2-2007, eff. 9/6/2007)
- q. Uses by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007)

3. Prohibited Uses

All uses not specifically permitted are prohibited. Mobile homes and mobile offices are prohibited except as nonconforming uses. (Ord. 2-2007, eff. 9/6/2007)

4. Minimum Lot Area

Structure coverage shall not exceed fifty percent (50%) of the lot area.

Minimum Front Yard:	50 feet from any public right-of-way
Minimum Rear and Side Yards:	50 feet from any residential property line;
Maximum Building Height:	25 feet from any other property line
	35 feet (Ord. 2-2007, eff. 9/6/2007)

5. Repeal of District <sup>26</sup>

<sup>25</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsections G Paragraph 2-n is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

<sup>26</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsections G Paragraph 5 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

On and after the effective date of Ordinance #10-2000 (February 6, 2001), no new application for rezoning to this B-2 District shall be accepted or processed by the Town, it being the intention of the Board of Trustees that this district be replaced by the Highway Commercial and/or Industrial Districts. The regulations pertaining to the B-2 District set forth in this Section shall remain in force for so long as any property within the Town remains zoned as B-2. When no properties within the Town remain so zoned, this Subsection 10.2.3.F shall be automatically repealed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

G. CC Core Commercial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve the permanent residents of the area and that are pedestrian oriented. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards<sup>27</sup>

Minimum lot area:	3,125 square feet
Minimum front yard:	0 feet, subject to a "build-to line" requirement which may be established by the Board of Trustees.
Minimum side yard:	0 feet
Minimum rear yard:	20 feet
Maximum building height:	35 feet (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

H. HC Highway Commercial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to accommodate businesses that ordinarily serve customers arriving for a specific service by automobile. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards:

Minimum lot area:	3,125 square feet
Minimum front yard:	20 feet
Minimum side yard:	5 feet
Minimum rear yard:	10 feet
Maximum building height:	35 feet
Maximum lot coverage:	50% (Ord. 2-2007, eff. 9/6/2007)

I. Repealed. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

J. LI – Light Industrial District (Ord. 13-2016, eff. 10/6/2016)

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<sup>27</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection H Paragraph 2 is repealed and reenacted. (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is intended to provide locations for a variety of workplaces including light industrial uses, research and development offices and institutions. (Ord. 2-2007, eff. 9/6/2007)

Minimum lot area:	1 acre
Minimum front yard:	50 feet from any public right-of-way
Minimum rear and side yards:	50 feet from any residential property
	line; 25 feet from any other property line
Maximum building height:	35 feet
Maximum lot coverage:	Structure coverage shall not exceed fifty percent of the lot area (Ord. 2- 2007, eff. 9/6/2007)

K. HI – Heavy Industrial District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of industrial operations. Locations for this zone require good access to major arterial streets and adequate water, sewer and power. (Ord. 2-2007, eff. 9/6/2007)

Minimum lot area:	1 acre
Minimum front yard:	50 feet from any public right-of-way
Minimum rear and side yards:	50 feet from any residential property
	line; 25 feet from any other property line
Maximum building height:	35 feet
Maximum lot coverage:	Structure coverage shall not exceed fifty percent of the lot area (Ord. 2- 2007, eff. 9/6/2007)

L. PUD – Planned Unit Development District (Ord. 13-2016, eff. 10/6/2016)

1. Description of District: This district is designed to provide flexibility in the development of large sites, and to promote the unified development and use of such sites while protecting environmental and ecological assets. (Ord. 2-2007, eff. 9/6/2007)
2. Available Uses:<sup>28</sup> Any or all of the uses enumerated in the A, SF, MF, MH, CC, HC, LI and HI districts are available for inclusion in a Planned Unit Development. (Ord. 2-2007, eff. 9/6/2007, Ord. 13-2016, eff. 10/6/2016)

<sup>28</sup> Title 10, Chapter 2 “Zoning Regulations”, Section 4 “Zone District Regulations” Subsection M Paragraph 2 is repealed and replaced in its entirety. (Ord. 13-2016, eff. 10/6/2016)

3. General standards: The following general standards shall be observed regarding planning, design, and construction of the PUD: (Ord. 2-2007, eff. 9/6/2007)
  - a. The PUD shall be consistent with the intent of the Master Plan and the policies therein. (Ord. 2-2007, eff. 9/6/2007)
  - b. The PUD shall be designed in a manner such that wherever possible, it protects the environmental assets of the Town including considerations of elements such as environmental pollution, streams and storm drainage courses and scenic vistas. (Ord. 2-2007, eff. 9/6/2007).
  - c. The PUD's relationship to its immediate surroundings shall be considered in order to avoid adverse effects to surrounding development caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy (Ord. 2-2007, eff. 9/6/2007)
  - d. The PUD design and construction plans shall take into account characteristics of soils, slopes, geological hazards and flood hazards in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a soil engineering, storm drainage and flood report on the suitability of the area for the intended use to a state of sound protection before a building permit may be issued. (Ord. 2-2007, eff. 9/6/2007)
  - e. Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space. (Ord. 2-2007, eff. 9/6/2007)
  - f. Setbacks and lot widths shall be as required by the Commission to provide adequate access and fire protection and to insure proper ventilation, light, air and snow melt between buildings. As a general guide, twenty feet (20') between buildings is considered minimum. (Ord. 2-2007, eff. 9/6/2007)
4. Requirements regarding site. The following requirements shall be observed regarding the site of the PUD: Planned open spaces within the PUD, including those open spaces being used as public or private recreation sites or open space easements, shall be protected by adequate covenants running with the land, or by conveyances or dedications. (Ord. 2-2007, eff. 9/6/2007)
5. Residential density: The overall average density of the total residential area within the PUD shall not exceed twenty-five (25) dwelling units per acre of residential area. (Ord. 2-2007, eff. 9/6/2007)

6. Off-street parking spaces shall be provided in the PUD according to the off-street parking regulations contained in Chapter 4. (Ord. 2-2007, eff. 9/6/2007)
7. Circulation: Circulation shall be determined by review of each PUD. The PUD must have an adequate internal street circulation system. Public streets must serve all planned units; however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or service courts. (Ord. 2-2007, eff. 9/6/2007)
8. Application for Approval: An application for approval of a Planned Unit Development shall be signed by the developer and by all owners of record of the land proposed to be included therein, and shall be filed with the Town Clerk. The application shall be accompanied by: (Ord. 2-2007, eff. 9/6/2007)
  - a. A plan for handling the water and sewage needs of the development. (Ord. 2-2007, eff. 9/6/2007)
  - b. A plat to scale showing proposed streets, lots, and permissible lot uses. (Ord. 2-2007, eff. 9/6/2007)
  - c. A copy of all proposed restrictive covenants. (Ord. 2-2007, eff. 9/6/2007)

The plat and all proposed restrictive covenants shall be submitted prior to and without recordation. If the application is approved by the Board of Trustees, the developer shall record the plat and all restrictive covenants, as approved, within sixty (60) days from the effective date of approval. Neither the developer nor the owners shall sell any lot within the proposed Planned Unit Development until the application has been approved by the Board of Trustees and until the plat and restrictive covenants, as approved, have been recorded. (Ord. 2-2007, eff. 9/6/2007)

In considering an application, the Board of Trustees may require production of such other information and material as it deems necessary to enable it to determine the feasibility of the proposed Planned Unit Development, including material reflecting on the financial ability of the developer to meet his obligations under the application and under the proposed plan. (Ord. 2-2007, eff. 9/6/2007)

9. Applicable Restrictions. If the application is approved by the Board of Trustees, upon recordation of the plat and all restrictive covenants, as approved, and further upon applicants' compliance with any conditions imposed by the Board of Trustees, the restrictions as to use, occupancy, building set-back, maximum building height, permitted signs, and parking, contained in the plat and restrictive covenants, as approved, shall govern

and shall be the zoning regulations for such Planned Unit Development, for the term specified in the restrictive covenants unless sooner repealed or amended by the Board of Trustees, and beyond the said term and after the expiration of such restrictive covenants as covenants until repealed or amended by the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)

10. Review Procedure. The review or modification procedure for a Planned Unit Development shall follow that for rezoning (Section 10-1-11), and Major Subdivision (Section 10-3-5.) Approval of an ordinance rezoning the property to PUD is required. (Ord. 2-2007, eff. 9/6/2007)
11. Planned Unit Developments Approved Prior to May 2nd, 2006. Planned Unit Developments finally approved by the Town prior to May 2nd, 2006, that authorize B-1 or B-2 uses may apply to the Town for conversion of the B-1 or B-2 uses to CC, HC or I uses. (Ord. 2-2007, eff. 9/6/2007)

M. TN – Traditional Neighborhood

1. Description of District: This District encompasses portions of the existing highway and core commercial district of Town. Intended uses include retail, office, residential, service and similar uses compatible with a mixed-use shopping and residential area.
2. Permitted Uses:
  - a. Single family homes
  - b. Three up to six family dwelling
  - c. Accessory Structures and uses
  - d. Home Occupations
  - e. Churches
  - f. Public Parks
  - g. Radio broadcasting stations
  - h. Retail establishments entirely enclosed within a structure
  - i. Personal service businesses entirely within a structure
  - j. Banks and credit unions
  - k. General offices
  - l. Government buildings



- m. Hotels
- n. Motels
- o. Eating and drinking places
- p. Theaters and auditoriums
- q. Parking lots
- r. Museums
- s. Dwelling units above, below, or behind the business
- t. Rental of goods with a weight of no more than 200 pounds
- u. Public utility stations
- v. Bed and breakfast (VRBO's & Airbnb)

3. Residential uses must provide off-street parking.

4. Area and Height Standards

Residential Use:

- Minimum lot area: 6,250 square feet
- Minimum front yard: 10 feet
- Minimum rear yard: On alley: 5 feet  
Without alley: 10 feet
- Minimum side yard: 5 feet to lot line on each side of Building
- Maximum building height: 30 feet

Commercial Use:

- Minimum lot area: 3,125 square feet
- Minimum front yard: 0 feet, subject to a "build-to line" requirement which may be established by the Board of Trustees.
- Minimum side yard: 0 feet
- Minimum rear yard: 20 feet
- Maximum building height: 35 feet

5. Prohibited Use:

Existing commercial uses on lots smaller than 6,250 sq. ft., or whose buildings are not set back at least 10 ft. from their highway frontage property line may not change to residential.