

ARTICLE ONE
General Provisions

Ordinance establishing comprehensive zoning regulations for the Town of Stratton, Colorado, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Colorado Revised Statutes 31-23-301 et. seq., (1973), as amended, and for the repeal of all ordinances in conflict therewith.

WHEREAS, Colorado Revised Statutes 31-23-301 et. seq. (1973), as amended, empowers the Town of Stratton to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, The Board of Trustees deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the Town to enact such an ordinance, and

WHEREAS, The Board of Trustees, exercising the powers of the planning commission, has proposed a map dividing the Town into zoning districts and has prepared proposed regulations pertaining to such districts in accordance with a comprehensive plan and design to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, The Board of Trustees, exercising the powers of the planning commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, The Board of Trustees has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, All requirements of the statutes with regard to the action of the planning commission and governing body have been met:

NOW THEREFORE THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO, ORDAINS:

Section 1. That Zoning Ordinance number 9B is hereby repealed in its entirety along with any and all other ordinances or provisions in conflict with this ordinance.

Section 2. That the "Official Zoning Ordinance of the Town of Stratton" is as follows:

12.101 Short Title: This chapter may be cited and referred to as the "Official Zoning Ordinance of the Town of Stratton, Colorado", and for brevity is referred to in this chapter as "this code".

12.102 Intent and Purposes: The regulations for the zoning districts as herein set forth are made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They are made with responsible consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of building and encouraging the most appropriate use of land throughout the town.

12.103 Administration and Enforcement Official: In order to provide for the administration and enforcement of this code, the Board of Trustees shall designate an official who shall be referred to as the "Zoning Officer"; the Board of Trustees may if it so desires, designate a "Deputy Zoning Officer" who shall be empowered to administer and enforce this code whenever the "Zoning Officer" is unable, for whatever reason, to perform said duties. The function of administering this code shall include, but not necessarily be limited to, reviewing proposed construction projects and other proposed land use activities to determine compliance with this code; interpreting words, phrases, and concepts contained herein; obtaining factual material needed for making decisions which this code requires to be made; and performing other duties specifically or impliedly delegate to the "Zoning Officer" by other sections of this code. The Zoning Officer shall have the authority to notify owners and occupiers of land in the Town, and to issue orders requiring compliance within specified times not longer than three months unless a longer time is specified by the Zoning Board.

12.104 Code Reference to Specially Defined Words: Article 12.1902 of this code contains a number of definitions for the purpose of interpreting this ordinance.

12.105 Zoning Districts: For the purpose of this ordinance, the Town of Stratton may be divided into four (4) zoning districts designated as follows:

R-1 Single Family Residential

This code attempts to classify all likely land uses into one or more of the zoning districts. If a particular land use is not permitted in a zoning district, a building which is designated for that land use is also prohibited.

Certain land uses are permitted in a particular district as a matter of right and certain other land uses are permitted only if the Zoning Board gives specific written approval. The first are referred to as "uses by right" and the second type is referred to as "uses by special review". If the use is identified as a use by a special review, the use shall not be made prior to specific written authorization by the Zoning Board. The Zoning Officer shall make the initial determination as the land use description contained in this code which best identifies an actual land use of proposed land use.

12.106 Zoning Map: The Zoning Map which accompanies this ordinance, and any amendments thereof, is hereby incorporated and declared to be a part of this ordinance, and is designated as the "Stratton Zoning Map" and the districts set forth therein are hereby approved and adopted and made a part of this ordinance. The boundaries of the zones or districts are hereby established as shown on the Stratton Zoning Map and as said boundaries may be changed by amendment as hereinafter provided. This map shall indicate the latest amendment, shall be kept up-to-date, and on file in the Office of the Town Clerk for the use and benefit of the general public.

In the event that the Official Zoning Map becomes damaged, destroyed, or lost or difficult to interpret because of the nature or number of changes and additions, the Board of Trustees may by resolution adopt a new Official Zoning Map which shall supercede the prior Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the Original official Zoning Map or any other subsequent amendment thereof. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

12.107 Interpretation of District Boundaries: Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules apply:

A. Where district boundaries are indicated as approximately following the center lines of streets, highways, railroad right-of-way lines or said lines extended, such lines shall be construed to be said boundaries.

B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or reservoirs, such district boundaries shall be construed as being parallel thereto and such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.

D. Where a district boundary line divided a lot in single ownership, the district boundary line shall be determined by the use of the scale or dimensions shown on the Zoning Map.

E. Where physical or cultural features existing on the ground are in variance with those shown on the Zoning Map, or in other circumstances not covered previously in this section, the Zoning Board shall interpret the district boundaries.

12.108 Zoning of Annexed Territory: All territory which is annexed to the Town shall be zoned concurrently with its annexation.

ARTICLE TWO Part One - Residential

12.201 Use Regulations for R-1 District --- Single Family Residential: Within the R-1 District, a building on premises shall be used for the following purposes:

A. Uses Permitted by Right:

1. Single Family Dwellings
2. Public Recreational Facilities
3. Elderly group housing
4. Churches, Sunday Schools, and other places of worship
5. Public and parochial schools and hospitals
6. Public works and public utility facilities, including, but not limited to, such structures as transformer stations, pumping stations, water towers, and telephone exchanges

B. Uses Permitted by Special Review:

1. Private recreational facilities
2. Towers over 50 feet in height
3. Day Care Centers
4. Multi-family dwelling units providing permanent living accommodations for two (2) or more dwelling units

12.202 Use Regulations for R-2 district --- Multi-family Residential: Within the R-2 district, a building or premises shall be used only for the following purposes:

A. Uses Permitted by Right:

1. The uses permitted by right in the R-2 district are the same as by

right in the R-1 district

2. Three or more family residential units

B. Uses Permitted by Special Review:

1. The uses permitted by Special Review are the same as by Special Review in the R-1 district

12.203 Home Occupations in Residential Zoning Districts: Customary incidental home occupations including, but not limited to, the offices of physicians, surgeons, dentists, musicians, artists, attorneys, home owned and operated beauty shops or dress-making establishments when situated in a dwelling, and when not more than one person employed other than the owner, shall be permitted provided that a zoning compliance permit is first obtained; said zoning compliance permit shall be issued if, and only if, there is on file in the Office of the Town Clerk a consent and agreement to such office, shop, or establishment signed by seventy five percent (75%) of all the owners of all the frontage within 300 feet of the premises whereon such facility is to be operated, and not separated therefrom by more than one street or one alley.

12.204 Accessory Uses and Building in Residential Zoning Districts: Land in residential zoning districts may be used in ways and for purposes that are clearly incidental to the principal uses. Such incidental uses in residential districts include, by way of use of private swimming pools and tennis courts. In addition to the general types of accessory uses which the first sentence of this section is intended to authorize, the following specific accessory uses are authorized in any of the residential districts:

- A. Home occupations, operated within the limitations of 12.204
- B. One accessory structure not exceeding fifty (50) feet in height
- C. Accessory buildings and uses customarily incident to above uses, not involving the conduct of a business, including a private garage. Any accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line

Part Two - Commercial

12.205 Use Regulations for C-1 District --- General Business: In the C-1 District, buildings, structures and land shall be used only for the following purposes:

1. Any use permitted without special exception in the (R-1) Residential District
2. Retail businesses, such as hardware, paint and lumber stores, general merchandise stores, department stores, eating and drinking establishments, liquor stores, jewelry stores, office supply stores, music shops, sporting goods stores, book, stationary, magazine, candy,

tobacco shops, and florists, but not excluding similar outlets

3. Business services, such as banks, credit unions, loan companies, and other financial institutions, real estate and insurance agencies, utility offices, newspaper offices and professional offices
4. Personal services, such as barber shops, beauty shops, photographic studios, laundrettes, tailor, dressmaking, millinery, and dry cleaning
5. Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe repair shops
6. Medical clinics, excluding veterinary hospitals
7. Hotels
8. Public and private parking lots
9. Restaurants
10. Theaters
11. Mortuary and funeral homes
12. Billiard and pool halls
13. Bakeries and creameries, where the products are sold exclusively at retail on the premises

B. Uses Permitted by Special Review: Uses permitted by special review in the C-1 district are limited to the following:

1. Multi-family dwellings
2. Automotive sales and services, such as filling or service stations, commercial or repair garages, new and used car dealers and automotive supplies, provided they are completely within an enclosed building or structure
3. Farm equipment sales and services, including implement dealers, irrigation equipment and other farm machinery, provided they are completely within an enclosed building or structure
4. Bakeries and creameries manufacturing prepared food and miscellaneous food products
5. Wholesale trade warehousing and commercial storage completely within an enclosed building or structure
6. The open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies and wholesaling and warehousing goods
7. Transportation depot and terminals
8. Temporary trailer parks and campgrounds
9. Commercial recreation and entertainment, such as drive-in theaters, bowling alleys, dance halls, skating rinks, and golf or baseball driving ranges

Part Three - Industrial

12.207 Use Regulations for I-1 District, Accessory Uses and Building in Commercial Districts: Accessory uses and buildings that are clearly incidental to the permitted use

and that will not create a nuisance or hazard to life or property are permitted.

A. Uses Permitted by Right:

1. Garages for storage, repair and servicing of vehicles and machinery, completely within an enclosed building
2. Transportation terminals completely within an enclosed building
3. Auction houses, completely within an enclosed building
4. Utility offices, installations and shops, completely within an enclosed building
5. Wholesaling and warehousing establishments, completely within an enclosed building
6. Manufacturing, wholesaling, warehousing, and commercial storage completely within an enclosed building
7. Building materials sales and manufacturing completely within an enclosed building
8. Contractors office plants, offices and shops completely within an enclosed building
9. Public works and public utility facilities, such as transformer stations, pumping stations, water towers and telephone exchanges
10. Manufacturing uses not otherwise specified in 12.208 shall not be permitted until the proposed use has been the subject of special review pursuant to Sections 12.701, 12.702, and 12.703, only if it is reasonably certain from the special review that all aspects of the proposed use will not produce effects such as industrial noise, smoke, vibration, odor, fumes, radiation, or other environmental impacts, which:
 - a. Would be produced at such levels as to be in violation of any applicable law of the State of Colorado; or
 - b. Would be produced at such levels as to be likely to be injurious to land uses or potential land uses on adjoining land; or
 - c. Would be capable, if produced or released through accident or natural calamity, of causing serious injury or death through explosion, radiation, or other toxicity.
11. Expansion of or addition to any of the uses in Section 12.208, paragraph (b) shall not be permitted until the proposed use has been the subject of special review pursuant to Sections 12.701, 12.702, and 12.703

12.208 Accessory Uses in Industrial District: Land in any particular industrial district may be used in ways for purposes that are clearly incidental to the principal uses authorized in the district. Typical accessory uses in industrial districts include parking spaces and structures for the use of employees and customers, and for the loading and parking of delivery vehicles;

radio towers not exceeding fifty (50) feet in height; accessory buildings for the storage of supplies and materials used by employees; and accessory buildings for the housing of guards, night watchmen, or maintenance personnel.

ARTICLE THREE

Miscellaneous Regulations Applicable to Residential, Commercial, and Industrial Districts

12.301 Minimum Lot Sizes: To be eligible as a site for a land use, otherwise permitted, a lot must be at least as indicated below in this Section 12.301, depending on the zoning district in which the lot is indicated.

- A. Zoning District --- Minimum Requirements for Lot Area **R-1** --- 6,000 sq. ft., or two times the ground floor area of the principal building, whichever is greater; **R-2** --- 4,000 sq. ft., each for the first three dwelling units, 3,000 sq. ft. each for the second three dwelling units, 2,000 sq. ft. each for all dwelling units thereafter; **C-1** --- No specified minimum; **I-1** --- No specified minimum;
- B. The size of a lot shall be increased beyond the size required to comply with paragraph (a) of this Section 12.301, if such increase is necessary to allow compliance with the requirements of 12.303, 12.304, 12.305, and 12.306 of this code.

12.302 Building Height Limitations: The height of a building shall be limited as follows, depending upon the zoning district in which the building is located:

- A. Zoning District --- Maximum Permitted Building Heights: **R-1 and R-2** --- 35 ft. except as provided in paragraph (b) of this section; **C-1** --- 45 ft.; **I-1** --- No specified maximum

12.303 Restriction on Artificial Lot Coverage: For purposes of this Section (12.303), land area is deemed to be artificially covered if it is overlaid by buildings, patios with or without roofs, signs, driveways, tennis courts, swimming pools, carpools, paved or graveled areas designed primarily for vehicle parking, areas covered by asphalt or concrete, or if the land area is covered by any other type of structure. Land area shall not be deemed artificially covered if it is used for growing grass, shrubs, trees, plants, or flowers, or if covered by decorative gravels or wood chips, or if it is otherwise suitably landscaped. No more than seventy-five percent (75%) of the total area of a lot in a residential zoning district shall be artificially covered. No land area shall be artificially surfaced regardless of the foregoing sentence, if the net result of the said proposed artificial surface would unreasonably diminish or increase the drainage of said proposed artificial surfaces onto the adjoining landowners' property, it being the intent of this section to prohibit

the elevating, lowering, modifying, or changing of the natural drainage of land areas within the district.

12.304 Yard Requirements: One of the objectives of this code is to require that the outside portions of lots shall be kept free of buildings, and other structures. Those outside portions of lots are referred to in this code as required yards. The required front yard of a lot is the area between side lot lines, extending from the front lot line toward the interior of the lot for a distance referred to in Section 12.305 as the depth dimension. The required rear yard of a lot is the area between side lot lines, extending from the rear lot line towards the interior of the lot for the distance of the required depth dimension. The required side yards of a lot are the area between the front property line and the rear property line, extending from the side lot lines towards the interior of the lot for the required depth dimensions. The depth dimensions for the required yards in the various zoning districts are set forth in Sections 12.305 and 12.306. All depth dimension measurements shall be along a straight line perpendicular to the lot lines.

No building or any part thereof shall be placed in required yards, and no other structures shall be placed in a required yard, except as specifically authorized in Section 12.306.

That portion of a side yard which is overlapped by a front or rear yard shall nevertheless be deemed a side yard for the purpose of limitations applicable to side yards, and that portion of a front yard or rear yard overlapped by a front yard shall be deemed a front or rear yard, as the case may be, for purposes of limitations applicable to front or rear yards, to a side or rear yard which is adjacent to a lot in a residential zoning district. The only structure permitted in these special side or rear yards are driveways, sidewalks, signs, retaining walls, and fences. Accessory buildings are not permitted in these special side or rear yards, notwithstanding the provisions of Section 12.306.

The required side or rear yards for lots in industrial zoning districts which are adjacent to lots in either residential or commercial zoning districts shall be twice the height of the building on the lot in the industrial or commercial zoning district, and shall not apply if the adjoining lot is devoted to a use which is allowed by right only in an industrial zoning district. The only structures permitted in these special side or rear yards are driveways, sidewalks, signs, retaining walls, and fences. Accessory buildings are not permitted in these special side or rear yards, notwithstanding the provisions of Section 12.306.

12.305 Dimensions of Required Yards: The depth dimensions of required yards shall be as set forth in this paragraph unless a

different dimension is provided for in Section 12.306:

Zoning District	Required Front Yard	Required Rear Yard	Required Side Yard	Required Side Yard
			(on street)	(off street)
R-1	25'	5'*	12'***	7.5'****
R-2	25'	5'*	12'***	7.5'****
C-1	None	****	****	****
I-1	None	(See Section 12.304)		

- * Have 20 feet for alley entrance garage
- ** 12 ft. or 1 ft. for every 3 ft. or fraction thereof of building height, whichever is greater shall be provided
- *** 7.5 ft. or 1 ft. for every 3 ft. or fraction thereof of building height, whichever is greater shall be provided
- **** No rear yard required except on the rear of a lot adjoining a Residential Zoning District in which case, a rear yard of not less than five (5) feet shall be provided
- ***** No side yard shall be required except on the side of a lot adjoining a Residential District, in which case a side yard of not less than 7.5 ft. or 1 foot for every 3 ft. or fraction thereof of building height whichever is greater shall be provided

12.306 Structures Permitted in Required Yards: Structures are permitted in required yards as follows:

A. **Required Front Yards:** The only structures permitted in required front yards are driveways, sidewalks, signs, retaining walls and fences, except in the C-1 or I-1 Zoning Districts where parking lots are permitted. However, all regulations of this code pertaining to driveways, signs, retaining walls and fences, must be complied with. In addition, porches, and patios attached to the primary building may extend into required front yards for up to ten (10) feet, providing such porches or patios remain at least sixty-five percent (65%) open and unobstructed on three (3) sides.

The front yard depth requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed dwelling, and on the same side of the block and use district, and the fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback, but not than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way line, whichever is greater.

B. **Required Side Yards Adjacent to Public Streets:** The only structures permitted in required side yards adjacent to public

streets are driveways, accessory buildings, sidewalks, signs, retaining walls and fences. However, all regulations of this code pertaining to driveways, signs, retaining walls and fences must be complied with. Accessory buildings on the side of the lot abutting the side street shall not be closer to the lot line abutting on that side street than the distance specified for front yards of lots fronting on such side street.

C. **Required Side Yards on Interior Lot Lines:** Driveways, sidewalks, signs, retaining walls and fences, are permitted in required side yards on interior lot lines provided all regulations of this code pertaining to those items are met. Patios, porches, accessory buildings, parking slabs, tennis courts and swimming pools may be placed in required side yards, up to five (5) feet from the side of lot line. For the purpose of side yard regulations, a two family, or multiple family dwelling shall be considered as one building.

D. **Required Rear Yards:** Driveways, sidewalks, signs, retaining walls and fences are permitted in required rear yards, provided all regulations of this code pertaining to these items are met. Patios and porches, whether or not covered by roofs, may be extended into required rear yards up to five (5) feet of the rear property line, provided they remain at least sixty-five percent (65%) open and unobstructed on three (3) sides. Parking slabs, tennis courts, swimming pools and accessory buildings may be extended into required rear yards up to five (5) feet from the rear lot line.

E. **Eaves, chimneys, canopies, cornices, fire escapes, and similar architectural features** may extend into any required yard for up to 24 inches, notwithstanding any other provision in this code.

12.307 Fences and Walls: Fences and walls are limited as follows:

A. Except as permitted in paragraphs (b) and (c) of this Section 12.307, fences and walls which are located in required yards shall not exceed six (6) feet in height measured from the ground level immediately adjacent to the fence or walls. A fence or wall which exceeds the six (6) feet limitation when measured on one side thereof, but not when measured on both sides, is not in violation of this section.

B. In I-1 District, chainlink fence is kept open; if any other provision of this code requires the installation and maintenance of a solid fence for screening or other purposes, that requirement shall apply notwithstanding the foregoing provision for keeping a chainlink fence open.

C. A fence shall not be constructed so as to

interfere with normal pedestrian traffic on sidewalks, or to cause vehicular traffic hazard at alleys, street intersections, or private driveways.

D. A fence shall not be constructed within 20 feet of the curb line of an intersecting street which exceeds a maximum of 30 inches above the grade on the curb line.

E. A fence constructed on the property line abutting an alley shall be constructed to provide for trash and garbage services and for utility service and meters on the owner's property.

F. A fence shall not be charged with electrical energy to produce electrical shock, however small.

ARTICLE FOUR

Off-street Parking and Loading Requirements

12.401 Off-street Parking: Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established in all districts except the C-1, Commercial District; or provided that no parking spaces can be reasonably provided on the same lot, such space shall be provided on any lot a substantial portion of which is within five hundred (500) feet of such uses. Each automobile parking space shall not be less than two hundred (200) square feet in an area exclusive of adequate access drives and maneuvering spaces. Such spaces shall be provided with vehicular access to a street or alley; such use shall be equal in number to at least the minimum requirements for the specific use set forth herein.

Use Classification --- Parking Requirements

A. **Vehicle Sales and Repair** -- One (1) space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each three hundred (300) square feet of repair and maintenance space.

B. **Automobile Service Stations** --- Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility.

C. **Bowling Alleys** --- Two (2) spaces for each alley, plus one (1) additional space for each two employees.

D. **Elementary Schools and Junior High Schools, both public and private** --- One (1) space for each classroom and administrative office.

E. **Hospitals** --- One (1) space for each two (2) patient beds plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.

F. **Mortuary or Funeral Home** --- One (1) space for each four (4) seats in the assembly room or chapel.

G. Motel, Tourist Homes or Tourist Courts --- One (1) space for each accommodation plus two (2) additional spaces for employees.

H. Offices, Professional, Business, or Public, including Banks --- One (1) space for each five hundred (500) square feet of gross floor space.

I. Medical Offices and Clinics --- Eight (8) spaces for each doctor practicing at the clinic, plus one (1) space for each employee.

J. Places of Public Assembly, including private clubs and lodges, auditoriums, dance halls, pool rooms, theaters, stadiums, gymnasiums, amusement parks, community centers and all similar places of public assembly --- One (1) space for each four (4) seats provided for patron use, plus one (1) space for each one hundred (100) square feet of floor or ground area used for amusement or assembly, but not containing fixed seats.

K. Residential Dwellings --- One (1) space for each five hundred (500) square feet.

L. Retail Business --- One (1) space for each five hundred (500) square feet.

M. Sanitariums, rest and convalescent homes, homes for the aged, and similar institutions --- One (1) space for each six (6) patient beds, plus one (1) space for each four (4) employees.

N. Senior High Schools and Colleges, both public and private --- One (1) space for each five (5) students for which the school was designed plus one (1) space for each classroom and administrative office.

O. Wholesaling and Industrial Uses --- One (1) space for each two (2) employees at maximum employment on a single shift.

12.402 Off-Street Loading and Unloading Space: Every building or structure used for business, trade, or industry hereafter erected shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley, or if there is no public alley, to a street, for the purpose of this section, as off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

12.403 Lighting of Off-Street Parking and Loading Space: Lighting shall be arranged so as to minimize illumination onto adjoining residential property and so as to prevent glare directed at vehicles on streets and alleys.

ARTICLE FIVE

Lawful Nonconforming Land Uses and Structures

12.501 Intent: Within the districts established by this ordinance or amendments that may later be adopted there exist:

- A. Lots
- B. Structures
- C. Uses of Land and Structures, and
- D. Characteristics of Use

which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures of uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination, shall not be extended, expanded, or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual physical construction on the job site was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on continuously, diligently, and without unreasonable delay. Actual physical construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on continuously, diligently, and without unreasonable delay.

12.502 Nonconforming Lots of Records: Where the owner of a lot of official record in any district at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient continuous land to enable him to conform to the minimum lot size requirements of this ordinance, such lots may be used as a building site provided that said lot requirements are not reduced below the minimum specified in this ordinance by more than twenty percent (20%). If, however, the owner of two or more adjoining lots within

insufficient land dimensions decides to build on or sell said lots, he must first combine said lots to comply with the dimensional requirements of the ordinance. Any lot requiring dimensional variances below the twenty percent (20%) minimum set forth in this section shall be approved by the Zoning Board, provided that further decreased dimensional requirements shall conform as close as possible to the required dimensions.

12.503 Uses Under Special Exception Provisions Not Nonconforming Uses: Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through the Zoning Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

12.504 Nonconforming Use Certificate: A certificate of occupancy for nonconforming use shall be required for all nonconforming uses of land, buildings or structures created at the time of passage of this ordinance. Applications for such certificate of occupancy for nonconforming uses shall be filed with the Town Clerk by the owner or lessee of the land or building or buildings occupied by such nonconforming use within six months from the effective date of this ordinance. It shall be the duty of the Town Clerk upon application therefor to issue a Certificate of Occupancy, for nonconforming use. Failure to apply for such Certificate of Occupancy for nonconforming use shall be considered evidence that such nonconforming use did not exist at the time this ordinance became effective and therefore disallow privileges granted to nonconforming uses under Section 12.501.

ARTICLE SIX

Administration and Enforcement Building Permits and Certificates of Zoning Compliance

12.601 Zoning Officer: The Zoning Officer is hereby authorized. The Board of Trustees shall designate a Zoning Officer, hereinafter referred to as the Officer, and may designate a Deputy Zoning Officer, who shall act in the absence of the Official Zoning Officer.

A. If the Officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provision.

12.602 Certificate of Zoning Compliance: A Certificate of Zoning Compliance shall be required: (1) to erect or construct a building or structure; (2) to reconstruct, repair or alter an existing building or structure in such a manner as to change the exterior dimensions of said existing building or structure; (3) to change the use of any building or structure (4) to change the use of any property in the Town of Stratton. It shall be the duty of the Officer to issue a Certificate of Zoning Compliance if the proposed building or other structure and the proposed use conforms with all the requirements herein set forth.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted of wholly or partially altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefore by the Officer or stating that the proposed use of the building or land conforms to the requirements of the ordinance.

No nonconforming structure or use shall be maintained, renewed or changed, or extended until a Certificate of Zoning Compliance shall have been issued by the Zoning Officer. The Certificate of Zoning Compliance shall state specifically where in the nonconforming use differs from the provisions of this ordinance.

no permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary Certificate of Zoning Compliance may be issued by the officer for a period of not exceeding six months during alteration or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Officer shall maintain a record of all Certificates of Zoning Compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Zoning Compliance shall be a violation of this ordinance and punishable under Article Seventeen of this ordinance.

12.603 Application for Certificate of Zoning Compliance: To obtain a Certificate of Zoning Compliance, the applicant shall submit the required documents and pay the fees established herein.

A. An application in form prescribed by the Officer, containing information sufficient to show compliance with the requirements of this ordinance.

B. A plat drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact size and locations of the lot of existing buildings and structures, the lines within which the proposed building or structures and driveways shall be located or altered, the existing and intended use of property, and the present and proposed location of all utility and service connections, drainage courses, and easements, parking lots, topography, and such information with regard to the lot, neighboring lots, structures, manmade or natural features and their use within 15 feet around the perimeter of the lot or any other information as may be necessary to determine compliance and provide for the enforcement of this ordinance.

C. In areas which are not served with public water or sewer, a certified statement that the proposed water and sewer will be installed to conform to the minimum requirements of the State Department of Health.

D. Every application for a Certificate filed in behalf of any fraternal, charitable, or civic organization or association shall be accompanied by a resolution of such organization or association authorizing the execution of the application.

12.604 Expiration of Certificate of Zoning Compliance: Any certificate issued shall become invalid unless the physical construction work authorized by it shall have been commenced within six (6) months of its date of issue or if the physical construction work authorized by it is suspended or abandoned for a period of one (1) year. A record of Certificates shall be kept on file in the office of the Officer. Prior to commencement of work authorized by a Certificate of Zoning Compliance, a sign shall be posted in a conspicuous place on the premises identifying the certificate number in letters not less than six (6) inches in height.

12.605 Construction and Use to be as Provided in Application, Plans, Permits, and Certificate of Zoning Compliance: Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Officer, authorized only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variances with that authorized shall be deemed a violation of this ordinance, punishable as provided by Article Seventeen hereof.

12.606 Remedies: In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any buildings or land is used in violation of this ordinance, the Zoning Officer or other Town authorities, in addition to other

remedies, may institute any appropriate action or proceeding to prevent such violation.

ARTICLE SEVEN

Uses Permitted by Special Review

12.701 Intent and Review Considerations: Uses permitted by special review are generally those types which under desirable conditions are allowable in the district in which they are listed as "Uses Permitted by Special Review." The Zoning Board may authorize a Certificate of Zoning Compliance. Use permitted by special review may be authorized only if they meet the following standards:

A. Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive materials unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

B. Noise. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

C. Vibration. The use shall not include vibration which is discernible without instruments on any adjoining lot or property.

D. Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

E. Odors. The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

F. Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road or highway.

G. Traffic Hazards. The use shall not involve any activity substantially increasing the movement of traffic on public streets, unless procedures are instituted to limit traffic hazards and congestion.

H. Over taxing of Public Utilities and Facilities. The use shall not involve any activity substantially increasing the burden of any public utilities or facilities, unless provision is made for any necessary adjustments.

I. Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless by design, setback, nature of operation, and other devices,

the character of the neighborhood will be maintained.

J. **General Welfare of the Community.** The use shall not involve any activity which adversely affects the general welfare of the community.

12.702. Preliminary Application

Requirements: Any person who desires a permit for a "Use Permitted by Special Review" in any of the zoning districts, shall make written application to the Zoning Officer. The preliminary application, when submitted, may be accepted by the Zoning Officer only when it includes the following information:

- A. A Certified boundary survey or adequate legal description by owner.
- B. Written authorization from the property owner agreeing to the submittal of the application if the owner is not the applicant.
- C. Written plans for the proposed use defining in adequate detail the location of all proposed buildings, parking areas, access, building heights, landscaping concepts, signing and lighting concepts, the present and proposed location of all utility type service connections, drainage courses, and easements, topography and such information with regard to the neighboring lots, structures, manmade or natural features and their use within 15 feet around the perimeter of the lot or any other information as may be necessary to determine compliances and provide for the enforcement of this ordinance.
- D. Plans either written or graphic defining methods for disposal of sewage or other wastes, and methods of supplying water for use as well as fire protection.
- E. A written statement regarding the applicant's approach to providing and improving, if applicable, public roads, parks, and other related public improvements.

12.703 Procedures: Upon receipt of a complete preliminary application and filing fee, the following actions shall be accomplished:

- A. The Zoning Board upon tentative written approval of said preliminary application shall set the request for public hearing by publishing in a newspaper of general circulation within the district a description of the request and time, date and place for hearing at least fifteen (15) days prior to the scheduled hearing date. On or before said hearing date, said applicant shall submit all documents included in the preliminary application and in addition a completed application for Certificate of Zoning Compliance as required under Section 12.603. Adjacent property owners abutting or across the

street (or alley) from the subject site, may be notified in writing of the proposed request and scheduled hearing time, date and place, current tax records shall be used to determine ownership. The Zoning Officer may, at least five (5) days prior to the hearing date, provide the Zoning Board a report outlining findings and recommendations.

- B. The Zoning Board may appoint a hearing officer or board of hearing officers to receive and consider such evidence and to make recommended findings of fact to the Zoning Board.
- C. The Zoning Board shall review all appeals and within 35 days of the final hearing shall rule on the appeal by a written resolution and do one of the following:
 1. Issue an approval or denial.
 2. Table the matter for a specified period of time with the consent of the applicant for further study and review.

ARTICLE EIGHT

Zoning Board: Establishment and Procedures

12.801 Creation of the Zoning Board: There is hereby created and established a Zoning Board consisting of the number of members from time to time specified by the Council. Such members shall be appointed by the Council for overlapping terms of three years. Each member shall be a taxpaying elector and in addition shall reside in the area comprising the Town at the time of his appointment.

12.802 Hearing, Appeals, Notice: Appeals to the Zoning Board may be taken by any person aggrieved or by any officer, department or board, or bureau of the Town affected by any action of the Zoning Officer. Such appeal shall be taken within thirty (30) days after the final action by filing with the Officer and with the Board a written notice of appeal. Notice of the appeal shall state the grounds therefore and shall be filed with the Officers from whom the appeal is taken. The Officer shall forthwith transmit to the Zoning Board all of the papers constituting the records upon which the action appealed from was taken. The Zoning Board shall fix a reasonable time for the hearing of an appeal, and shall decide the same within a reasonable time after it is submitted. Any party may appear at the hearing, in person or by agent or attorney.

ARTICLE NINE

Zoning Board: Powers and Duties

12.901 Powers and Duties: The Zoning Board shall have the following powers and duties:

- A. **Administrative Review:** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the

Zoning Officer in the enforcement of this ordinance.

B. **Special Exception: Conditions Governing Applications; Procedures:** To hear and decide only such special exceptions as the Zoning Board is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Zoning Board unless and until:

1. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
2. Notice of said application shall be given in the following manner at least 15 days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the Town Hall, and in one other public place at least 15 days prior to the public hearing;
3. The public hearing shall be held. Any party may appeal in person, or by agent or attorney;
4. The Zoning Board may make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.
5. Before any special exception shall be issued, the Board shall make written findings certifying compliances with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:
 - a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - b. Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic noise, glare, or odor effects of the special exception on adjoining properties generally in the district.
 - c. Refuse and service areas, with particular reference to the items

in (a) and (b) above.

- d. Utilities with reference to locations, availability and compatibility.
- e. Screening and buffering with reference to type, dimensions, and characters.
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic effect, and compatibility and harmony with properties to the district.
- g. Required yards and other open space.
- h. General compatibility with adjacent properties and other property in the district.

C. **Variances:** Conditions Covering Applications: Procedures: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Zoning Board unless and until:

- 1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or buildings in the same district.
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
- Nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- 2. Notice of public hearing shall be given as in Section 12.901 B (2) above.
 - 3. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
 - 4. The Zoning Board may further make a finding that the requirements of Section 12.901 C (1) have been met by the applicant for a variance.
 - 5. The Zoning Board may further make a finding that the reasons set forth in the application justify the granting

of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

- 6. The Zoning Board may further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Zoning Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article Seventeen of this ordinance.

Under no circumstances shall the Zoning Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- D. Zoning Board has Powers of Zoning Officer on Appeals and May Reverse Decision of Zoning Officer: In exercising the above mentioned powers, the Zoning Board may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly, or partly, or may modify the order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant or any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

ARTICLE TEN

Appeals from the Zoning Board

12.1001 Appeals from the Zoning Board: Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Board, and/or any taxpayer, or any officer, department, board, or bureau of the Town of Stratton may within fifteen (15) days after the filing of any decision in the office of the Board, but not thereafter, present to the district court a petition duly verified, setting forth that such decision is illegal, in whole or part, and specifying the ground of illegality, whereupon such decision of said Zoning Board shall be subject to judicial review as provided by law.

ARTICLE ELEVEN

Schedules of Fee, Charges, and Expenses

12.1101 Schedule of Fees, Charges, and Expenses: The Board of Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for Certificates of Zoning Compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be

posted in the office of the Zoning Officer and the Town Clerk and may be altered or amended only by the Board of Trustees.

Until all applicable fees, charges, and expenses have been paid in full, no actions shall be taken on any application or appeal.

ARTICLE TWELVE

Changes and Amendments

12.1201 Changes and Amendments: Whenever the public necessity, convenience, general welfare, or good zoning practice justifies such action and after the consideration and approval, the Board of Trustees of the Town of Stratton may amend, supplement, or change the boundaries or the regulations established by this ordinance after public hearings as herein provided.

- A. A proposed change may be initiated by the Board of Trustees, or by a petition signed and acknowledged by not less than fifty-one percent (51%) of the property owners residing within the area proposed to be changed.
- B. The Board of Trustees shall hold a public hearing to consider proposed changes or amendments to this ordinance. At least fifteen days notice of the time and place of such hearings shall be published in a newspaper of general circulation in such municipality.

12.1202 Protest: In case of a protest against such changes signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent thereto, extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Trustees.

ARTICLE THIRTEEN

Conflict with Other Regulations

12.1301 Conflict with Other Regulations: Whenever the regulations made under authority of this ordinance require a greater width of yards or courts, or require a lower height of building, or less number of stories, or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this ordinance shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts or require a lower height of building or a number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this ordinance, the provisions

of such statute or ordinance or regulation shall govern.

ARTICLE FOURTEEN

Provisions of Ordinance Declared to be Minimum Requirements

12.1401 Minimum Requirements: In their interpretation and application, the provision of this ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE FIFTEEN

Complaints Regarding Violations

12.1501 Complaints Regarding Violations: Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided in this ordinance.

ARTICLE SIXTEEN

Penalties for Violation

1601 Penalties for Violation: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than \$300.00 or imprisoned for not more than 30 days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE SEVENTEEN

Separability Clause

701 Separability: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part

thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE EIGHTEEN

Definitions

12.1801 Interpretation of Terms: For the purpose of interpreting this ordinance, certain terms are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary meanings.

A. Words used in the present tense include the future tense.

B. Words used in the singular include the plural, and words used in the plural include the singular.

C. The word "shall" always is mandatory.

D. The word "lot" includes the word "plot" or "parcel".

E. The word "building" includes the word "structure".

F. The word "person" includes "a firm, associations, organization, partnership, trust, company, or corporation, as well as an individual".

G. The word "used" or "occupied", as applied to any land or buildings shall be construed to include the word "intended, arranged, or designed to be used or occupied".

H. The word "Map", "Zoning Map", "Stratton Zoning Map", or "Official Zoning Map of Stratton", shall mean the "Official Zoning Map of the Town of Stratton".

12.1802 Definition of Words:

A. Accessory building: A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the building or premises.

B. Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

C. Apartment: A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family.

D. Basement: A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by other than a janitor employed on the premises.

E. Board: Board of Adjustments and Appeals of the Town of Stratton, Colorado.

F. Boarding House: A building other than a hotel, where for compensation and by

pre-arrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.

G. Buildings: A structure that is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals, or property of any kind.

The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structures, with or without a roof, shall not be deemed to make them one building.

H. Building Accessory: A subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.

I. Building, Height of: The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

J. Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

K. Carport: A carport, when covered or enclosed, shall be an accessory building.

L. Cellar: A portion of a building located partly or wholly underground having one-half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

M. Town: The Town of Stratton, Colorado.

N. Board of Trustees: The Board of Trustees of Stratton, Colorado.

O. Commission: The Planning and Zoning Commission of the Town of Stratton, Colorado.

P. Dwelling: A building containing one or more dwelling units, but in the case of a building having two or more portions divided by one or more party walls forming a complete separation, each such portion shall be considered to be a separate dwelling.

Q. Dwelling, Single-Family: A dwelling having one dwelling unit from ground to floor and having independent and outside access.

R. Dwelling, Two-Family: A dwelling having two dwelling units.

S. Dwelling, Multi-Family: A dwelling used by or designated for three (3) or more

dwelling units, each independently containing cooking facilities.

Dwelling Unit: A building, or portion thereof, providing complete and permanent living facilities for one family.

U. Factory-Built Housing Unit: Any structure or component thereof, designed primarily for residential occupancy, either permanent or temporary, which is wholly or in substantial part, made fabricated, formed or assembled in a manufacturing facility for installation, or assembly and installation, on a permanent foundation at a building side and built to the "Factory-Built Housing Constructin Code of the State of Colorado" as it applied to all Factory-Built housing (except mobile homes), as defined in C.R.S., 1973, Title 24, Article 32, Part 7, as amended.

V. Family: One or more persons occupying a premises and living as a single, non-profit housekeeping unit.

W. Fence: A barrier, usually along a lot line, constructed of any material, usually as a boundary, or means of protection, confinement, concealment or ornamentation.

X. Filling Station: Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automobile fuels or oils.

Y. Floor Area: Sum of the gross horizontal areas of all floors or a building measured from the exterior faces of the exterior walls or from the center line of walls separating buildings.

Z. Frontage: All the property abutting upon one side of a street between two lot lines measured along the right-of-way line.

AA. Garage, Private: A building used only for the housing of private motor vehicles, not used for repair, hire or sale.

AB. Garage, Public: A garage other than a private garage.

AC. Home Occupation: Any occupation or profession carried on by a member of the family residing on the premises, provided no commodity is sold thereon, no person is employed other than such member of the family; and no mechanical equipment is used for such as is not ordinarily used for domestic purposes.

AD. Hotel: A building used as abiding place for more than fifteen persons who are for compensation lodged with or without meals.

AE. Institutions: A building occupied by a non-profit corporation or non-profit

establishment for public use.

AF. Junk Yard: A lot or part thereof used for the storage, keeping, or abandonment of junk, including scrap metal or vehicles or machinery or parts thereof.

AG. Lodging House: A building where lodging only is provided for compensation to three or more, but not exceeding fifteen persons, in contradistinction to hotels opened to transients.

AH. Lot: A parcel of land defined by metes and bounds or boundary lines in a recorded deed fronting on a street. In determining lot area on boundary lines, no part thereof within the limits of the street shall be included.

AI. Lot, Corner: A lot at the junction of and fronting on two or more intersecting streets.

AJ. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

AK. Lot, interior: A lot other than a corner lot.

AL. Lot lines: The lines bounding the lot.

AM. Lot of record: A lot which is a part of a plot, a map of which has been recorded in the office of the County Recorder of Kit Carson County.

AN. Lot, through: An interior lot having frontage on two parallel or approximately parallel streets.

AO. Lot, width of: The horizontal distance between side lot lines measured at the street frontage.

AP. Mobile Home: A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily moveable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without permanent foundation and built to that portion of the "Factory-Built Housing Construction Code of the State of Colorado" which applies to mobile homes. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. As defined in C.R.S., 1973, Title 24, Article 32, Part 7, as amended.

AQ. Nonconforming use: The use of any premises contrary to the provisions of this ordinance for the district in which the premises are located.

AR. Parking Lot: A parcel of land devoted to unenclosed parking spaces.

AS. Parking space: The storage space for one

motor vehicle which space is not less than ten feet by twenty feet, plus the necessary access space. It shall not be located within any required yard.

AT. Patio: A patio, when covered or enclosed, shall be an accessory building.

AU. Place: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

AV. Restaurant: A building other than a hotel or boarding house where for compensation food is prepared and dispensed by prearrangement or otherwise to more than fifteen persons, and includes tea rooms, chicken dinner houses, and all comparable eating houses not classed under boarding houses or hotels.

AW. Sign: Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printing, letter printed, lettered, pictured, figured, or colored material on any building, structure, or surface. Signs placed or erected by governmental agencies or non-profit civic associations for a public purpose in the public interest shall not be included herein, nor shall this include signs which are a part of the architectural design of a building.

AX. Sign, illuminated: A sign designed to give forth artificial light or through transparent or translucent material from a source of light within such sign, including but not limited to neon and exposed lamp signs.

AY. Sign, non-illuminated: A sign which is not illuminated.

AZ. Story: That portion of a building other than a basement included between the structure of the floor next above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.

BA. Story, half: A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished for use, a half-story containing independent apartment or living quarters shall be counted as a full story.

BB. Street. All property dedicated or intended for public or private street purposes or subject to public easement therefor.

BC. Street right-of-way line: Lines separating private property from the street or alley existing or dedicated in

public ownership.

BD. Structure: Anything constructed or erected, including a building which has permanent foundations on the ground, or anything attached to something having a permanent location on the ground.

BE. Structural alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

BF. Tourist or trailer camp: An area containing one or more structures designed or intended to be used as temporary living facilities of two or more families and intended primarily for automobile transients, or providing spaces where two or more tents or auto trailers can be parked.

BG. Trailer: Any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof and sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade, and so designated that it is, may be, or was, mounted on wheels and used as a convenience on highways or city streets, propelled or drawn by its own or other motive powers, and shall include, without limiting the general definition thereof, house trailers, mobile homes, or any readily movable enclosure or vehicle which may be propelled and is so constructed as to permit occupancy for human habitat.

BH. Trailer parks: Land used or intended to be used, leased, or rented for occupancy by three (3) or more trailers that are mounted on wheels or anchored in place by a foundation or other stationary support, to be used for living or commercial purposes of any kind, together with automobile-parking space and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales or lots on which unoccupied trailers are parked for purposes of inspection or sale.

BI. Use: Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure, or on a tract of land.

BJ. Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

BK. Yard, front: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.

BL. Yard, rear: A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies and unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

BM. Yard, side: An open unoccupied space on the same lot with a building between the building and the side line of the lot extending from the front building line to the rear building line or to the rear line of the lot, where no rear yard is required.

ARTICLE NINETEEN

Repeal of Conflicting Ordinances;
Effective Date

12.1901 Repeal of Conflicting Ordinances:

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

12.1902 Effective Date: This ordinance shall become effective on October 1, 1988.

PASSED AND ADOPTED by the Board of Trustees of the Town of Stratton, Colorado, this 8th day of September, 1988.

Roy J. Benhurst
Mayor

(SEAL)

ATTEST:

Jackie L. Garrett
Town Clerk