

ORDINANCE NO. 89-A

AN ORDINANCE REPEALING THE EXISTING ZONING ORDINANCE (AND ANY AMENDMENTS THERETO) FOR THE TOWN OF STRATTON, COLORADO PASSED AND ADOPTED ON JANUARY 6, 1977, AND RECORDED IN BOOK 582, AT PAGE 256 OF THE RECORDS OF KIT CARSON COUNTY, COLORADO; AND FOR THE ENACTMENT OF A NEW OFFICIAL ZONING ORDINANCE FOR THE TOWN OF STRATTON, COLORADO; AND FOR THE REPEALING OF ALL ORDINANCES IN CONFLICT THEREWITH INSOFAR AS SAID ORDINANCES CONFLICT WITH THE NEW OFFICIAL ZONING ORDINANCE; AND PROVIDING PENALTIES FOR VIOLATION OF THE NEW OFFICIAL ZONING ORDINANCE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO:

Section 1. The existing zoning ordinance (and any amendments thereto) for the Town of Stratton, Colorado, passed and adopted by its Board of Trustees on January 5, 1977, and recorded in Book 582 at Page 256 of the records of Kit Carson County, Colorado, is/are hereby repealed in their entirety.

Section 2. In accordance with C.R.S. §31-23-305, the Board of Trustees hereby adopts the following regulations, restrictions, and boundaries to be the official zoning ordinance for the Town of Stratton.

TITLE 1998-Z

ZONING

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ARTICLE 1.00

GENERAL PROVISIONS

Sections:

- 1.01 Purpose.
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- 1.04 Resolution of conflict.

1.01 Purpose.

A. The ordinance codified in this title is an ordinance and map establishing zoning districts in the town, regulating the use of buildings, structures and land; the location, height, bulk and size of buildings and other structures; the lot size and percentage that may be occupied; the size of yards and other open spaces; and the density and distribution of population; and providing, further, a description of certain terms used in these provisions, and methods of administration and enforcement to be applied.

B. The regulations in this title are for the purpose of promoting the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of the town, by the lessening of congestion in the streets and roads, or the reduction of the waste of excessive amounts of roads; the securing of safety from fire and other dangers; the provision of adequate light and air; classification of land uses and the distribution of land development and utilization; the protection of the tax base; the securing of urban and non urban development.

1.02 Authority. The zoning ordinance and map codified in this title are authorized by the Colorado State Statues 31-23-301 et. seq. 1973 as amended.

1.03 Interpretation. The provisions of this title shall be interpreted and applied to be the minimum required for the proper protection of the public health and morale, and the promotion of safety and the general welfare.

1.04 Resolution of conflict. Whenever the requirements in this title are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one that is the most restrictive, or which requires a higher standard, shall apply.

ARTICLE 2.00

DEFINITIONS

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2.01 Accessory Building. “Accessory building” means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot with the main building or use.

2.02 Accessory Use. “Accessory use” means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

2.03 Alley. “Alley” means a public thoroughfare, not exceeding thirty-five feet in width, which affords only a secondary means of access to abutting property.

2.04 Area, Minimum Lot. “Minimum lot area” means the total area within the property lines of the lot, excluding adjacent streets.

2.05 Apartment. “Apartment” means a part of a building consisting of a room or rooms intended, designed, and used as a residence by an individual or a single family.

2.06 Basement. “Basement” means a portion of a building that is half or more below the grade of the property.

2.07 Board of Trustees. “Board of trustees” means a publicly elected body of people to govern the affairs of the Town of Stratton.

2.08 Boardinghouse and Rooming House. “Boardinghouse and rooming house” means a building or portion thereof which is used to accommodate, for compensation, one or more boarders or roomers, not including members or the occupant’s immediate family who might be occupying such building.

2.09 Building. “Building” means any structure built for the shelter or enclosure of personal, animals, chattels, or property of any kind and not including advertising sign boards or fences.

2.10 Building Height. “Building height” means the vertical distance from the grade to the highest point on the roof surface.

2.11 Building Principal. “Building principal” means a building in which is conducted the main or principal use of the lot on which said building is situated.

2.12 Carport. “Carport” means a structure that has a roof over a space in which a car may be parked.

2.13 Dwelling. “Dwelling” means a building designed to be used and the living space for one family, but not including motels or hotels.

2.14 Dwelling (Duplex). Duplex dwelling means a building designed with two separate dwelling units to be occupied by two families living independently of each other, but not including motels and hotels.

2.15 Dwelling, Multiple-Family. “Multiple family dwelling” means a building occupied by more than two families living independently of each other, but not including motels or hotels.

2.16 Dwelling Unit. “Dwelling unit” means one or more rooms in a dwelling designed for or occupied by one family living and cooking on the premises.

2.17 Family. “Family” means one or more persons occupying a single dwelling unit and maintaining a common household, but not including boardinghouses, rooming houses, lodge, club, hotels or fraternities.

2.18 Fence. “Fence” means a barrier, usually along a lot line, constructed of any material, usually as a boundary, or means of protection, confinement, concealment or ornamentation.

2.19 Filling or Service Station. “Filling or service station” means any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any automotive fuels or oils.

2.20 Floor Area. “Floor area” means the 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 common walls separating buildings.

2.21 Frontage. “Frontage means all the property abutting upon one side of a street between two lot lines measured along the right-of-way line.

2.22 Garage, Private. “Private garage” means a building used only for the housing of private motor vehicles, not used for repair, hire or sale.

2.23 Garage, Public. “Public garage” means a building which is used to repair or store automobiles, trucks and or farm machinery as a means of revenue.

2.24 Grade. “Grade” (ground level) is the average of the finish ground level at the center of all walls of a building. In case walls are within twenty-five feet of a sidewalk, said grade shall be measured at the sidewalk.

2.25 Home Occupation. “Home occupation” means any use conducted principally within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and

secondary to the use of the dwelling for dwelling purposes, and does not change the character of the dwelling.

2.26 Hospital. "Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons, but not including sanitariums, clinics, rest homes, drug or liquor rehabilitation center, convalescent homes and half-way houses.

2.27 Hotel. "Hotel" means a building containing sleeping rooms designed to be rented for short-term occupancy, and which may or may not have eating or drinking facilities as an accessory use.

2.28 Kennel. "Kennel" means any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six or more animals that are over four months old.

2.29 Lot. "Lot" means a parcel of land occupied or to be occupied by a building or group of buildings, and any accessory buildings identified with each, together with such open areas as are required under this title, and having its principal frontage on a public street.

2.30 Lot, Corner. "Corner lot" means a lot at the junction of and fronting on two or more intersecting streets.

2.31 Lot of Record. "Lot of record" means a lot which is a part of a plat, a map of which has been recorded in the office of the County Recorder of Kit Carson County.

2.32 Lot Line, Front. "Front lot line" means the property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line, and the shorter street frontage shall be considered the side line.

2.33 Lot Line, Rear. "Rear lot line" means the line opposite the front lot line.

2.34 Lot Line, Side. "Side lot line" means any lot line other than the front lot line or rear lot line.

2.35 Lot Width. "Lot width" means the horizontal distance between side lot lines measured at the street frontage.

2.36 Mobile Home. "Mobile home" means a movable or portable single-family dwelling unit suitable for permanent year-round occupancy so constructed that it may be towed on its own chassis, connected to utilities, designed without a permanent foundation, and having a kitchen and sanitary facilities. It may consist of one or more units which can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into a integral unit.

2.37 Motel. “Motel means a building or group of buildings containing individual rooms for sleeping or living designed and used for temporary rental occupancy, and with covered or open automobile parking space adjacent to each rental unit.

2.38 Non-conforming Building. “Non-conforming building” means a building or structure or portion thereof, legally built prior to the effective date of this ordinance or any amendment thereto, and conflicting with the provisions of this amendment thereto, and conflicting with the provisions of this ordinance applicable to the zone in which it is situated.

2.39 Non-conforming Use. “Non-conforming use” means the use of a structure or premises legally instituted prior to the effective date of the ordinance codified in this title, or any amendment thereto, and conflicting with the provisions of this title applicable to the zone in which is it situated.

2.40 Occupied. “Occupied” includes arranged, designed, built, altered, converted, rented or lease, or intended to be occupied.

2.41 Person. “Person” also includes association, firm, partnership or corporation.

2.42 Restaurant. “Restaurant” means a building other than a hotel or boarding house where food for compensation is prepared and dispensed.

2.43 Setback. “Setback” means the distance required by this title between the face of a building and the lot line opposite that building face, measured perpendicularly from such lot line to the nearest face or point of the building.

2.44 Sign. “Sign” means 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 or the architectural design of a building.

2.45 Street. “Street” means any public or private thoroughfare which affords the principal means of access to abutting property, and includes such terms as public right-of-way, highway, road and avenue.

2.46 Structure. “Structure” means 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.

2.47 Travel Trailer. "Travel trailers" means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, and equipped for the road. It has a body width not exceeding eight feet and a body length not exceeding forty-five feet. It may be self-contained as a dependent-type, without bath and toilet facilities. Any regulations applying to travel trailers will also apply to campers mounted on a truck chassis, tents or tent-type trailers.

2.48 Use. "Use" means the purpose for which any land or building is designed, maintained or occupied.

2.49 Yard. "Yard" means the space that is open to the sky on the same lot as a building or structure that is unoccupied.

2.50 Yard, Front. "Front yard" means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

2.51 Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

2.52 Yard, side. "Side yard" means a yard extending from the front yard to the rear yard between the side lot line and nearest line or point of the building.

ARTICLE 3.00

ZONING DISTRICTS AND MAPS

Sections:

- 3.01 Districts designated.
- 3.02 Zoning map--Adopted.
- 3.03 Zoning map--District boundaries.
- 3.04 Land parcel divided by district boundary.

3.01 District Designated. For the purpose of carrying out the provisions of this title, the town is divided into the following districts:

- A. R-1, one-family;
- B. R-2, one-family or two family residence district;
- C. R-3, multiple-family residence district;
- D. C-1, business district;
- E. C-2, commercial district;
- F. I-1, industrial district;
- G. A & O, agricultural and open district;

3.02 Zoning Map--Adopted. The boundaries and zoning classifications of districts are as shown on a map, a copy of which is included at the end of this title, entitled "Zoning Districts Map of the Town of Stratton, Colorado" dated the 8th day of October, 1998. All locations referenced, data, and other information shown thereon, are by reference made a part of this title.

3.03 Zoning Map--District Boundaries. In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on the nearest section lines; lot lines; the center lines of highways, streets, alleys, railroad right-of-way or such lines extended; municipal corporate lines; or other lines to be determined by the use of scales shown on the map.

3.04 Land Parcel Divided by District Boundary. Where a parcel of land under one ownership is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this title, or by subsequent amendments, each parcel of land of the area so divided shall be used in conformity with and subject to the regulations established in this title for the district in which each such parcel of land is located, provided the remaining portion is equal to or greater than the minimum lot size required in its district. If the remaining parcel is smaller than the minimum lot size required in its district, the entire parcel may be used in conformity with and subject to the regulations of the adjoining district.

ARTICLE 4.00

USE AND DENSITY SCHEDULE

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- 4.01 Permitted uses--Generally.
- 4.02 Permitted uses--R-1 district.
- 4.03 Permitted uses--R-2 district.
- 4.04 Permitted uses--R-3 district.
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- 4.10 Density and setback requirements--Generally
- 4.11 Density and setback requirements--Residential districts.
- 4.12 Density and setback requirements--Nonresidential districts.
- 4.13 Off-street parking--Requirements.
- 4.14 Off-street parking--Description of spaces.

4.01 Permitted Uses--Generally. The uses listed in Sections 4.02 through 4.08 are general classifications permitted in the districts in which they are enumerated.

4.02 R-1 RESIDENTIAL DISTRICT

Use regulations for R-1 District: The following uses are permitted in the R1 (one -family residence) districts:

- A. One-family dwelling unit (not including Mobile home);
- B. Churches;
- C. Hospitals;
- D. Clinics but not for veterinary clinic;
- E. Schools, not of a corrective nature;
- F. Library, museum, playground, park, recreational building or area;
- G. Home occupations, provided they are operated in their entirety within the dwelling, and only by the person (s) residing therein, and do not display outside the dwelling any external evidence of the operation;
- H. Public works and public utility facilities, including but not limited to, such structures as transformer substations, pumping stations, water towers, and telephone exchanges;
- I. Accessory buildings and uses. The maximum height of an accessory building in the R1 district shall not exceed fifteen feet.;
- J. Fences and walls as permitted in article 10;
- K. Dwelling frontage shall not be less than 28 feet, and minimum square footage of not less than 1200 (on the main floor);
- L. Dwelling height above grade shall not exceed 35 feet;
- M. Artificial lot coverage as permitted in article 9;
- N. Parking as permitted in article 4.13;

4.03 R-2 RESIDENTIAL DISTRICT

Use regulations for R-2 District: The following uses are permitted in the R2 (one -family or two family residence) districts:

- A. One-family dwelling unit(not including Mobile home);
- B. Two-family dwelling unit (not including Mobile home);
- C. Churches;
- D. Home occupations, provided they are operated in their entirety within the dwelling, and only by the person (s) residing therein, and do not display outside the dwelling any external evidence of the operation;
- E. Public works and public utility facilities, including but not limited to, such structures as transformer substations, pumping stations, water towers, and telephone exchanges;
- F. Accessory buildings and uses. The maximum height of an accessory building in the R2 district shall not exceed fifteen feet.;
- G. Fences, hedges, and walls as permitted in article 10;
- H. Dwelling frontage shall not be less than 28 feet, and minimum square footage of not less than 1000 (on the main floor) square foot per one family dwelling and not less than 1800 (on the main floor) square feet for a two family dwelling;
- I. Dwelling height above grade shall not exceed 35 feet;

- J. Artificial lot coverage as permitted in article 9;
- K. Parking as permitted in section 4.13;

4.04 R-3 RESIDENTIAL DISTRICT

Use regulations for R-3 District: The following uses shall be permitted in the R3 (multiple-family residence) districts:

- A. All uses permitted in the R1 & R2 district;
- B. Multiple-family dwellings;
- C. Rooming houses and boardinghouses;
- D. Rest-homes, convalescent homes, and assisted living homes;
- E. Mobile home parks;

4.05 C-1 BUSINESS DISTRICT

Use regulations for C-1 District: The following uses shall be permitted in the C-1 (business) districts:

- A. Any use permitted without special exception in the R-1, R-2, and R-3 districts;
- B. Retail businesses, such as hardware, paint, and lumber, general merchandise, department, eating and drinking establishments, liquor, jewelry, office supply, music, sporting goods stores, book, stationary, magazine, candy, florist stores, but not excluding similar outlets;
- C. Business services, such as banks, credit unions, loan companies, and other financial institutions, real estate, insurance's agencies, utility offices, newspaper offices, and professional offices;
- D. Personal services, such as barber and beauty shops, photographic studios, clothing makers, and dry cleaning;
- E. Repair services, such as radio, television and appliance stores;
- F. Hotels;
- G. Public and Private parking lots or structures;
- H. Restaurants;
- I. Theaters;
- J. Mortuaries;
- K. Businesses that are erotic in nature are excluded.

4.06 C-2 COMMERCIAL DISTRICT

Use regulations for C-2 District: The following uses shall be permitted in C2 (commercial) districts:

- A. Any use permitted in C1 is allowed with the exception of R1, R2, and R3;
- B. Automobile (car and truck) sales and services;
- C. Garages for storage, repair and servicing of vehicles and machinery;
- D. Farm machinery sales and service;
- E. Service stations (gas stations);
- F. Businesses that are erotic in nature are excluded;

4.07 I-1 INDUSTRIAL DISTRICT

Use regulations for I-1 districts: The following uses shall be permitted in the I1 (industrial) districts, but only after request to and written approval by the board of trustees. Such request shall meet items 1 through 3 below. If items 1 through 3 are met the following uses will be allowed, A through J.

1. The uses should be compatible with all existing uses on land adjacent thereto.
2. The uses should not unnecessarily scar the land and soil upon which such use is to be placed, leaving deleterious effects, such as denuded slopes, uncovered soil piles to be blown away, scars upon areas of natural beauty and unguarded holes or pits.
3. Uses with unsightly aspects, odors, or noise must be set back one hundred feet from adjacent property boundaries.
 - A. Any use permitted without special exception in the C2 districts;
 - B. Transportation's terminals;
 - C. Auction houses completely within an enclosed building;
 - D. Wholesaling and warehousing establishments;
 - E. Manufacturing;
 - F. Contractor offices and plants;
 - G. Public works and public utility facilities, such as transformer stations, pumping stations, water towers, and telephone exchanges;
 - H. Research, light manufacturing, compounding, assembly, processing, or treatment of products, provided that the operation is contained within a completely enclosed structure and ducts, flames, odors, refuse matter, smoke, vapor, noise, light, and vibrations are confined to the structure;
 - I. Grain handling and storage;
 - J. Fertilizer plants;

4.08 A and O DISTRICT

Use regulations for A and O District: The following uses shall be permitted in the A and O (agricultural and open) district:

- A. Dwellings, as permitted in the R-1 and R-2 districts;
- B. Public schools, for elementary and high school education; private or parochial schools, and day-care centers for preschool-age children;
- C. Churches;
- D. Farming, raising and keeping of animals, limited to five animals per household or two animals per acre, whichever is greater; agricultural buildings and uses necessary thereto; not including commercial livestock and feedlot operations.
- E. Veterinarian, including living quarters for personnel, buildings, kennels and pens for observation, diagnosis, treatment, operation, and post operative care and treatment;
- F. Sale of products that are raised, produced, and processed on premises;

- G. Nurseries and greenhouses;
- H. Railroads, but not including repair shops and/or marshaling yards;
- I. Golf courses and country clubs;
- J. Publicly owned recreation areas or facilities;
- K. Kennels;
- L. Automobile Parking areas;
- M. Cemeteries;
- N. Sewage disposal plants;
- O. Water storage reservoirs;

4.09 Non listed uses: For uses which are not listed in this chapter, the board of trustees shall determine in which zoning district such uses should be placed.

4.10 Density and setback requirements--Generally.

- A. The schedules in Sections 4.10 and 4.12 enumerate lot area, lot width, height, yard, setback, and floor area of and about buildings, permitted within specific zoning districts.
- B. "NR" means no requirement.

4.11 Density and setback requirements--Residential Districts.

	Requirements	R-1	R-2	R-3
1.	Minimum lot area (sq. ft.) per dwelling structure	10,500	7000	7,000
	per dwelling unit	NR	NR	NR
2.	Minimum lot width (feet) per dwelling structure	75	50	50
3.	Maximum height of buildings (feet)			
	principal building	35	35	35
	accessory building	15	15	15
4.	Minimum front yard setback (feet)			
	principal building	30	25	25
	accessory building	60	45	45
5.	Minimum side yard setback (feet)			
	principal building	12	7.5	7.5
	accessory building	12	7.5	7.5
	corner lot side yard setback (feet)	30	25	25
6.	Minimum rear yard setback (feet)			
	principal building	20	20	20
	accessory building	5	5	5
	Garage (doors facing alley)	18	18	18
	Garage (doors not facing alley)	5	5	5
7.	Minimum floor area (sq. ft.) per dwelling structure (main dwelling)	1200	1000	1000

per additional dwelling unit	800	800
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B. Any new building or addition in any zone of the town with a front yard setback or a side yard setback on the street side of a corner less than those required in this section and Section 4.12 shall be kept in line with other existing buildings.

4.12 Density Setback Requirements -- Nonresidential Districts. Density and setback requirements in C-1, C-2, I-1 and A&O districts are as follows.

	Requirement	C-1	C-2	I-1	A&O
1.	Maximum height of building (feet)	45	45	NR	NR
2.	Minimum front yard setback (feet)	NR	NR	NR*	30
3.	Minimum side yard setback (feet)	NR	NR	NR*	NR
4.	Minimum rear yard setback (feet)	NR	NR	NR*	NR

* refer to II item 3.

4.13 Off-street Parking Requirement. For every building erected after the effective date of the ordinance codified in this title, off-street parking spaces shall be provided. 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 not public alley, to a street, for the purpose of this section, as off-street loading space shall have minimum dimensions of twelve feet by forty feet and an overhead clearance of fourteen feet in height above the alley or street grade. The following type of uses shall require the following amounts of off-street parking:

	Use	Required Off-street Parking Spaces of Area
1.	One-family or two-family dwellings, multi-family dwellings, mobile home parks	One space for each dwelling unit.
2.	Hotels, motels, boardinghouses, rooming houses, tourist homes	One space for each dwelling or rental unit.
3.	Hospitals, nursing homes, medical and dental clinics, offices, retail businesses and services	One space for each permanent employee, but not less than one-quarter the gross floor area.
4.	Eating or drinking places, commercial recreation places	An area equal to one-half the gross floor area.
5.	Schools of all types	One space for every two permanent employees.

6.	Manufacturing, wholesale, warehousing, distributors, service shops, contractors, general industrial and commercial uses.	One parking space for every two employees, but not less than an area equal to one quarter of the gross floor area plus an adequate area for loading and unloading.
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4.14 Off-Street Parking--Description of Spaces.

A. For residential uses, each off-street parking space shall be not less than eight feet wide, twenty feet long; shall be surfaced with a two-inch gravel mat or other more permanent material; shall be properly drained; shall be provided with surfaced vehicular access to a public right-of-way.

B. For business, commercial and industrial uses, each off-street parking space shall be not less than eight feet wide, twenty feet long; shall be surfaced with a asphalt mat or other permanent material, to be dust free; shall be properly drained and shall be provided with surfaced vehicular access to a public right-or-way.

ARTICLE 5.00

MOBILE HOMES AND MOBILE HOME PARKS

Sections:

- 5.01 Definitions.
- 5.02 Location restrictions.
- 5.03 Plans-Required-Contents.
- 5.04 Plans-Submission-Improvements.
- 5.05 Mobile home park standards.
- 5.06 Lot Standards.
- 5.07 Non-conforming Mobile Homes and Mobile Home Parks.
- 5.08 License.

5.01 Definitions.

A. "Mobile home" means a movable or portable single-family dwelling unit suitable for permanent year-round occupancy so constructed that it may be towed on its own chassis, connected to utilities, designed without a permanent foundation, and having a kitchen and sanitary facilities. It may consist of one or more units which can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into a integral unit.

B. "Mobile home park" means a tract of land under one ownership, on which two or more mobile homes are located, consisting of at least two acres.

C. "Mobile home space" means a plot of ground within a mobile home park, designed and designated for the accommodations of one mobile home.

D. "Mobile home stand" means that part of an individual mobile home lot used for the placement of the mobile home

E. "Modular home" means any structure, or component thereof, designed primarily for single-family residential occupancy, not including a mobile home, which is wholly or in substantial part made, fabricated, formed or assembled in a manufacturing facility for installation, or assembly and installation on the building site. Such units bear a seal of approval of National Home Builders, which seal is found under the kitchen sink.

F. "License" means a certificate which is given to the applicant for the operation of a mobile home park.

5.02 Location restrictions. No mobile home, either attached or detached from the vehicle pulling or propelling the same, shall park or be parked upon any real property within the town, except in an approved mobile home park; nor upon any alley or public ground within the town; nor shall the same be parked on any street within the town for a period in excess of one hour during any period of twenty-four hours; upon compliance with all other applicable provisions of the ordinance codified in the chapter and all other ordinances of the town. Further, no mobile home shall be occupied for dwelling purposes unless it is properly placed in a mobile home space and connected to water, sewerage and electrical utilities.

5.03 Plans-Required-Contents. The following plans must be submitted by the applicant, and approved by the board of trustees, prior to issuance of a mobile home park license: site plan, showing the following:

- A. The name, address and recorded owner of the proposed mobile home park;
- B. The legal description of the property upon which the mobile home park is to be located.
- C. The names of all adjacent public streets and avenues;
- D. Grading and drainage plans;
- E. Location and dimensions of all mobile home spaces, utility easements, drives, recreation areas, streets and sidewalks;
- F. Building setback lines from public streets and adjacent property lines;
- G. The scale of the plan (no smaller than one inch equals ten feet), with complete dimensions;
- H. The numbering system for each individual mobile home space;
- I. The dimensional area of the total site;
- J. The location, mechanical plans and building plan of shower and toilet facilities, if any are to be constructed;
- K. The source of water supply and the methods to be used for sewage and garbage disposal;
- L. The type and size of all screening and fencing;

5.04 Plans-Submission-Improvements.

A. A plan of the proposed mobile home park shall be submitted in seven copies to the board of trustees. The board of trustees will have a minimum of fourteen days to study the submitted plans prior to making a decision on the proposed mobile home park and application for license.

B. The board of trustees, at the time of its approval of the mobile home park plans and license, may authorize piecemeal development of the home park in designated stages, if such piecemeal development is in all respects logical and convenient and creates no undesirable conditions or situations. If any addition to or change within the park is to be made, application must be made to the board of trustees. This application shall be in the same form as the original application.

C. No mobile home may be placed on an individual mobile home space which does not front on an improved street or drive or does not have all improvements completed for that mobile home space.

5.05 Mobile Home Park Standards.

A. *Site Area:* Site areas for mobile home parks shall be a minimum of two acres in size.

B. *Zoning:* Mobile home parks shall be allowed in only an R3 zoning districts.

C. *Soil and Ground Cover Requirements:* The park shall be maintained in a clean, sanitary condition at all times. Grasses, weeds and other vegetation not considered part of the ornamental landscape shall not exceed twelve inches in height.

D. *Lighting:* The park shall be illuminated during the hours of darkness to permit the safe movement of individuals and vehicles.

E. *Minimum Lot Size:* The minimum area for an individual mobile home space shall be four thousand square feet, with a minimum width of forty feet.

F. A mobile home shall not be occupied for dwelling purposes in a park unless it is properly placed on a conforming mobile home lot and connected to all utility services, including water, sewage, electrical or gas. Utility service connections shall be located on the lot served, and not upon some adjacent lot or other place.

G. *Setbacks.*

1. A mobile home shall have a side setback which is a minimum of ten feet from the property line of the mobile home park abutting upon a public thoroughfare, street, road or highway, and at least ten feet from outer park boundary lines.

2. The front setback of a mobile home, measured from the front wall of the mobile home, shall be a minimum of fifteen feet from the curb on interior streets or drives.

3. Side and rear spacing of mobile homes shall provide for a minimum distance of twenty feet between units.

4. There shall be a minimum eighteen-foot setback from any service or mobile home park permanent building.

H. *Access:* Safe and convenient access shall be provided for pedestrians, vehicular traffic and emergency vehicles at all times.

I. *Vehicular Streets:* Vehicular streets shall be clearly identified and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and surfaced when necessary to minimize mud and dust. All newly constructed vehicular streets shall be of a minimum width of twenty feet where no on-street parking is permitted; twenty-eight feet where on-street parking is permitted on one side only; and thirty-six feet where on-street parking is permitted on both sides.

J. *Pedestrian Walks*: Pedestrian walks shall be provided along park streets and from park streets to individual mobile homes and all community and service facilities where the lack of such walks constitutes a safety hazard. The determination of the existence of a hazard will be made by the board of trustees.

K. *Supervision and Maintenance*: The owner of the park shall be responsible for the supervision, operation and maintenance of the park. The owner or his designee shall be available or on call at all times in event of emergency.

L. *Minimum Off-street Parking*: Each mobile home space shall have a minimum of one space (eight feet by twenty feet) devoted to off-street parking for an automobile or other motor vehicle.

M. *Street Names and Addresses*: All mobile home park streets will have identification names so designated on the plan submitted by the owner for approval. Each space unit will also be numerically designated for address and mail purposes, and this identification shall be visible by day and by night.

N. *Tenant Storage*. Tenant storage facilities shall be provided on or conveniently near each mobile home space for the active storage of outdoor equipment, furniture and tools and for the inactive storage of other material which is used only seasonally or infrequently by the typical tenant and cannot be conveniently stored in the typical mobile home.

1. *Size*: There shall be a minimum of two hundred cubic feet (six feet by six feet) provided for tenant storage for each mobile home space.

2. *Design and Location*; Storage facilities shall be provided on the mobile home space, or in compounds located not more than one hundred feet from each mobile home stand. Storage facilities shall be no closer to streets or drives than the mobile home itself, shall be designed in a manner that will enhance the appearance of the park, and shall be constructed of suitable weather-resistant materials.

O. *Refuse*: The storage, collection and disposal of refuse in a mobile home park shall be conducted as the town's residential garbage and trash collections rules specify, and as the Colorado Department of Health's sanitary standards and regulations specify.

P. *Additions to Mobile Homes*: No additions to increase the floor area of mobile homes within the mobile home park shall be permitted, except that additional mobile home rooms may be added, if the finish and appearance are the same as the mobile home and the construction is equal to, or better than, that of the mobile home. Application for permits for such additions shall be obtained from the zoning permit committee. Any addition to the mobile home structure shall be considered a part of the mobile home in measuring setbacks, as outlined in subsection G of this section.

Q. *Fire Protection*: Every mobile home park shall be equipped at all times with fire extinguishing equipment, in good working order, of such type, size and number, and so located within the park, as prescribed by the local fire prevention authority, or to satisfy fire regulations.

R. *Draining, Grading and Surfacing*: The park shall be drained, graded and surfaced where necessary to facilitate drainage, and prevent earth movement, and shall be free from depressions in which water collects and stagnates.

5.06 Lot Standards.

A. Each mobile home in a park shall be clearly identified by numbers or letters visible from the access street.

B. The mobile home stand shall provide a sound base for the structural support of the mobile home to prevent shifting, heaving or uneven settling.

C. The mobile home shall be properly installed and stabilized so as to prevent accidental movement and movement by natural causes or forces. Strong winds are common, the stand shall be provided with tie downs and the mobile home shall be tied down to prevent uplift, sliding or overturning.

D. The lot and stand shall be kept clean and free of refuse and hazardous or noxious materials.

E. All mobile home units shall have a skirting of a rigid type material. Such skirting must be in place within sixty days after the mobile home is set on the mobile home space. Readily operable doors or access panels shall be installed to permit convenient access to the water, sewer and gas connections. It shall be the duty of the person to whom the license for the mobile home park is issued to see that the skirting is in place and in compliance with these regulations.

5.07 Non-conforming Mobile Homes and Mobile Home Parks.

A. 1. Any mobile home or mobile home park in use or existence on the date of adoption of the ordinance codified in this chapter which does not comply with applicable provisions of this chapter shall be considered a non-conforming use. All such non-conforming uses of land can be continued unless they are abandoned for a period of six months or more; any subsequent use of such land shall conform to the regulations specified in this chapter.

2. "Non-conforming use" means the use of a structure or premises legally instituted prior to the effective date of the ordinance codified in this title, or any amendment thereto, and conflicting with the provisions of this title.

3. "Abandoned" as applied in this section means that the mobile home is not used as a dwelling and no utility service was provided to the mobile home by the town as shown by the town's records.

B. Replacement mobile homes for mobile homes located outside of established mobile home parks will be permitted by the zoning permit committee if the following conditions are met:

1. That the replacement mobile home contains a minimum of seven hundred square feet as noted by the title;

2. That the age of the mobile home is not older than ten years from the date of manufacture as noted on the title;

3. That the mobile home is properly installed so to prevent accidental movement or movement by natural causes or forces, and where strong winds are common, is anchored;

4. The lot and street is kept free of all hazardous or noxious materials;

5. All mobile home units shall have skirting of rigid type material. Such skirting must be in place within sixty days after the mobile home is set upon the mobile home space.

5.08 Mobile Home Park License. License. It is unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned or controlled by such person, a mobile home park in the town without having first secured

a license from the town to do so. Such application may be picked up at the town hall from the town clerk.

ARTICLE 6.00

MANUFACTURED HOUSING

Sections:

- 6.01 Definitions
- 6.02 Conditions for permitted use.

6.01 Definitions

A. "Equivalent performance engineering basis" means that by using engineering calculations of testing following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety and functional requirements to the same extent as required for other single-family housing units.

B. As used in this chapter, "manufactured home" means a single-family dwelling which:

1. Is not less than twenty-eight feet in width and thirty-six feet in length;
2. Is installed on an engineered, poured permanent concrete foundation present to at least a five-bag mix;
3. Has brick, wood or cosmetically equivalent siding;
4. Has at least a 3/12 pitched roof;
5. Meets or exceeds, based upon equivalent performance engineering basis, the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401. et seq. as amended.

6.02 Conditions for Permitted Use. A manufactured home as described in this chapter will be allowed on private lots as an outright use, provided that the manufactured home shall be:

- A. Occupied only as a residential use;
- B. Be subject to all the provisions of the zoning ordinance applicable to the zoning district;
- C. Be attached to a permanent engineered foundation as described herein;
- D. Be covered with an exterior material customarily used on other dwellings.

ARTICLE 7.00

TRAVEL TRAILERS AND TRAILER PARKS

Sections:

- 7.01 Definitions.
- 7.02 Parking restrictions.
- 7.03 Owner or operator responsible for utilities and buildings.
- 7.04 Plans--Required--Contents.
- 7.05 Plans--Submission--Improvements.
- 7.06 General park requirements.
- 7.07 Service building requirements.
- 7.08 License.

7.01 Definitions. For the purposes of this article, the following terms or words shall have the meanings ascribed to them in this section, unless a different meaning appears from the context:

- A. "Trailer park" means an area clearly defined and separate from a mobile home park area, with individual parking lots, which may or may not have facilities for the temporary hook-up of electrical and plumbing outlets.
- B. "Travel trailers" means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, and equipped for the road. It has a body width not exceeding eight feet and a body length not exceeding forty-five feet. It may be self-contained as a dependent-type, without bath and toilet facilities. Any regulations applying to travel trailers will also apply to campers mounted on a truck chassis, tents or tent-type trailers.
- C. "License" means a certificate which is given to the applicant for the operation of a travel trailer park.

7.02 Parking Restrictions.

A. No travel trailer, either attached or detached from the vehicle pulling or propelling the same, shall park or be parked upon any real property within the corporate limits of the town, except in an approved travel trailer park or a mobile home park which has the facilities required by section 7.06 nor upon any alley or public ground within the town; nor shall the same be parked on any street within the town for a period of twenty-four hours; provided, however, that this section shall not be construed to prohibit the parking of uninhabited, unused travel trailers upon private property for the purpose of storage or sale, upon compliance with all other applicable provisions of the ordinance codified in this chapter and ordinances of the town.

7.03 Owner or Operator Responsible for Utilities and Buildings. The owner or operator of a travel trailer park shall be, and at all times remain, responsible for all utilities and buildings thereon.

7.04 Plans--Required--Contents. The following plans must be submitted by the applicant and approved by the board of trustees, prior to the issuance of a travel trailer park license. A site plan, showing the following:

- A. The name, address, fee owner and recorded owner of the proposed travel trailer park;

- B. The legal description of the property upon which the travel trailer park is to be located;
- C. The names of all adjacent public streets and avenues;
- D. Grading and drainage plans.
- E. Locations and dimensions of all travel trailer spaces, utility easements, drives, recreation areas, streets and sidewalks.
- F. Building setback lines from public streets and adjacent property lines;
- G. Scale of the plan (no smaller than one inch equals ten feet) with complete dimensions;
- H. The numbering system for each individual travel trailer space;
- I. The dimensional area of the total site;
- J. The location, mechanical plans and building plan of shower and toilet facilities to be constructed.
- K. The source of the water supply and methods to be used for sewage and garbage disposal;
- L. The type and size of all screening and fencing.

7.05 Plans--Submission--Improvements. A plan of the proposed travel trailer park shall be submitted in seven copies to the board of trustees, the board of trustees shall have twenty days to deliberate upon said application. At the end of the twenty-day period, they shall render a decision as to the approval, conditional approval, or denial of the application for improvements and license.

7.06 General Park Requirements.

A. In every travel trailer park accommodating dependent travel trailers, sanitary facilities shall be provided as follows:

- 1. Toilets. One toilet for each sex for every fifteen dependent travel trailer spaces or fractional part thereof;
- 2. Urinals. Urinals may be substituted for up to one-third of the required number of toilets; twenty-four inches of trough urinals shall be considered the equivalent of one urinal;
- 3. Lavatories. One lavatory for each sex for every fifteen dependent travel trailer spaces or fractional part thereof. Laundry tubs, kitchen sinks and bathtubs shall not be acceptable substitutes for lavatories;
- 4. Bathing or shower facilities. One for each sex for each fifteen dependent travel trailer spaces or fractional part thereof.

B. Water hydrants shall be provided to wash service buildings, walkways, passageways and other common use areas.

C. Drinking fountains, when provided, shall not be located in service rooms or connected to water faucets or lavatories. Drinking fountains shall be of the approved angle-jet above the bowl rim type with adequate water pressure.

7.07 Service building requirements.

A. Service buildings and room housing required sanitary facilities in accommodating dependent travel trailers shall be constructed of easily cleanable, nonabsorbent materials, and shall

be maintained in good repair and in clean and sanitary condition. They shall be conveniently located at a distance of not less than ten feet from any travel trailer and within three hundred feet of any dependent travel trailer served.

B. Separate rooms containing required plumbing fixtures shall be provided for each sex. If located in the same building, they shall be separated by a solid wall extending from floor to ceiling and shall be clearly marked for "Men" or "Women."

C. The floors of service buildings shall have a smooth, impermeable and easily cleanable surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove waste water and to facilitate cleaning. The walls and partitions shall have a smooth, nonabsorbent, light colored, easily cleanable surface, extending to a height of four feet in toilet rooms and six feet in shower rooms.

D. Rooms in service buildings shall have a ceiling height of not less than seven and one half feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty percent of the room and no portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum required area.

E. Service rooms shall be provided with light and ventilation by means of windows or artificial light and mechanical ventilation. The window area in each service room shall be equivalent to at least ten percent of the floor area with at least one-half of the required window area openable to the outside air. Windows shall be installed so that they do not create safety hazards. In lieu of the required window area in each service room, an approved mechanical ventilation system may be installed which will provide at least five air changes per hour, be vented directly to the outside, and be connected to the electrical lighting system.

F. When necessary for exclusion of flies, mosquitoes and other insects, exterior openings of service buildings shall be protected with fly screening, unless other approved protective devices are provided. Doors shall be provided with self-closing devices.

G. Each service room shall have at least one double convenience outlet adjacent to lavatories and one ceiling light fixture to provide thirty foot candles at lavatory level. At least one light fixture, operated by a switch, shall be provided at each entrance and shall be lighted during hours of darkness, unless the yard lighting provides light levels of at least five foot candles.

H. Service buildings shall be provided with approved heating facilities properly installed, maintained in a safe working condition, and capable of providing and maintaining a room temperature of sixty-eight degrees Fahrenheit.

I. Toilets and showers shall be partitioned so they are individually accessible. Each toilet and shower compartment shall have a self-closing door, except that showers may be equipped with a waterproof curtain.

J. Toilet space shall be not less than thirty inches in width, and the free space in front of the toilet shall be not less than twenty-four inches. There shall be one toilet space that complies with ADA standards for each sex service room.

K. Shower stalls shall be not less than thirty inches by thirty inches in area, and shall be constructed to prevent water flowing into the dressing space. There shall be one shower space that complies with ADA standards for each sex service room. Shower floors shall be impervious and skid resistant or provided with a nonslip impervious mat. Wooden racks (duck boards) are prohibited. Dry dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with clothes hooks and benches.

L. Hot and cold water under pressure shall be supplied at all required plumbing fixtures except that cold water only shall be supplied to water closets, The system shall be designed to prevent discharge of water in excess of one hundred twenty degrees Fahrenheit at the shower heads. The water heating facilities shall have the capacity to supply hot water one hundred forty degrees Fahrenheit at the minimum rate of three gallons per hour per each dependent travel trailer space. Such facilities shall be of approved types and shall be properly installed and maintained.

M. Plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.

N. Toilet paper, soap, roller type or single-service towels, and trash receptacles shall be provided in all common use or centralized toilet and lavatory facilities. The use of common towels is prohibited.

O. If service buildings are kept locked, the operator shall provide a key for dependent travel trailer occupants.

P. Clothes drying areas or mechanical dryers shall be provided for use with laundry facilities.

Q. Plumbing fixtures shall be installed in accordance with provisions of the 1972 Edition of the Colorado Technical Plumbing Code.

R. Swimming pools shall be operated and maintained in accordance with Colorado Department of Health Regulations and Standards Governing Swimming Pools.

S. Electrical installations shall be in conformance with the National Electrical Code and State of Colorado Electrical Codes.

T. The size of individual spaces for transit parking of travel-type trailers will be determined by the owner of the park, provided, however, that the minimum size of a space shall be twenty feet by sixty feet.

U. The owner of any travel trailer park shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that will meet or exceed town requirements and any applicable state or federal governmental regulations

7.08 Travel Trailer Park License. It is unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned or controlled by such person, a travel trailer park in the town without having first secured a license from the town to do so. Such application may be picked up at the town hall from the town clerk

ARTICLE 8.00

SIGNS

Sections:

- 8.01 Compliance with regulations required.
- 8.02 General requirements.
- 8.03 Signs permitted--R-1, R-2, and R-3
- 8.04 Signs permitted--C-1, C-2 and I-1 districts.

8.01 Compliance with Regulations Required. No signs or outdoor advertising devices shall be erected or moved after the effective date of the ordinance codified in this chapter, unless such sign or device shall conform to the regulations in this Article.

8.02 General Requirements.

- A. No animated, revolving beacons or fountain signs shall be permitted in any district.
- B. No sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling traffic, as determined by the zoning enforcement officer.

8.03 Signs Permitted--R-1, R-2, and R-3 Districts. In R-1, R-2 and R-3 districts, the following signs may be permitted:

- A. One identification sign for each street upon which the residential property faces, not to exceed an area of one square foot in area and to be unlighted except for the identification of the house numbers;
- B. Two identification signs for each street upon which a public or semipublic property faces, not to exceed six square feet in area and no higher from the ground than the distance to the nearest property line. Indirect lighting is permitted;
- C. One sign for each street upon which a property faces for the prospective rental or sale of the property, not to exceed four square feet in area and no higher from the ground than its distance to the nearest property line. Indirect lighting is permitted;
- D. There may be promotional signs of a temporary nature for the promotion of some school or county events;

8.04 Signs Permitted--C-1 District. In C-1 district, the following signs shall be permitted:

- A. Two signs per premises for the purpose of announcing the names of a business or service establishment, or to indicate the type of goods sold, not to exceed fifty square feet in area per sign. Illumination is permitted. Height should not exceed the roof line or parapet of the highest building on the premises.
- B. When projecting or freestanding, signs shall be limited to a total surface area of one square foot per sign, or total signs, for each lineal foot of business building frontage, provided no one sign shall exceed fifty square feet in area.
- C. Any sign needing a larger square footage than that listed above may be presented to the board of variance adjustment for consideration.

8.05 Signs Permitted--C-2 and I-1 Districts. In C-2 and I-1 districts, the following signs shall be permitted:

- A. Two signs per premises for the purpose of announcing the names of a business or service establishment, or to indicate the type of goods sold, not to exceed 100 square feet in area per sign. Illumination is permitted. Height should not exceed the roof line or parapet of the highest building on the premises.
- B. When projecting or freestanding, signs shall be limited to a total surface area of one square foot per sign, or total signs, for each lineal foot of business building frontage, provided no one sign shall exceed 200 square feet in area.

- C. Any sign needing a larger square footage than that listed above may be presented to the board of variance adjustment for consideration.

ARTICLE 9.00

ARTIFICIAL LOT COVERAGE

Sections:

9.01 Restrictions on Artificial Lot Coverage

9.01 Restrictions on Artificial Lot Coverage.

A. For the purposes of this Section, land area is deemed to be artificially covered if it is overlaid by buildings, patios with or without roofs, signs, driveways, sidewalks, tennis courts, swimming pools, carports, 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 gravel or wood chips, or if it is otherwise suitably landscaped. No more than seventy-five percent 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 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.

ARTICLE 10.00

FENCES AND WALLS

Sections:

10.01 Restrictions on Fences & Walls.

10.01 Restrictions on Fences & Walls. Fences and walls for R1, R2, R3, C1 and C2 are limited to as follows:

- A. Fences and walls which are located in required yards shall not exceed six feet in height measured from the ground level immediately adjacent to the fence or immediately adjacent to the fence or walls. A fence or wall which exceeds the six feet limitation when measured on one side thereof, but not when measured on both sides, is not in violation of this section.
- B. A fence shall not be constructed so as to interfere with normal pedestrian traffic on sidewalks, or to cause vehicular traffic hazards at alleys or street intersections.
- C. A fence shall not be constructed within thirty feet of the curb line of a fronting street which exceeds a maximum of thirty-six inches above the grade on the curb line.

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

ARTICLE 11.00

ANTENNAE

Sections:

11.01 Antenna for use in R1, R2, C1 and C2 districts

11.01 Antenna for Use in R1, R2, C1 and C2 Districts: For the purpose of this section an antenna shall be as follows: TV, TV Dish Radio or Communication antenna.

- 1. No antenna shall exceed forty-five feet in height or fifteen feet above the highest point of the roof line of a building or structure.
- 2. No antenna shall exceed twelve feet in diameter.
- 3. Any support or mast poles shall not be attached to a chimney, stack or vent pipe.
- 4. All mast and supports shall be adequately guyed to prevent buckling or damage to other property in case of mast or support failure.
- 5. Limits shall be as follows:

TV antennas 2 per any mast	limit 1 mast
Radio antennas	limit 1
Communication antenna	limit 1
Satellite Dish 12' Diameter	limit 1 dish
Satellite Dish 24" Diameter	limit 2 dishes

- with a limit of three antennas or dishes per residence.
- 6. Antennas and dishes exceeding 24 inches in diameter shall be limited to use in rear yards only.

ARTICLE 12.00

NON-CONFORMING USES

Sections:

- 12.01 Intent.
- 12.02 Repairs and maintenance.
- 12.03 Restoration.
- 12.04 Abandonment.
- 12.05 Change of use.
- 12.06 Expansion.

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12.01 Intent. Certain uses of land or buildings, sizes of lots or location or sizes of structures, sizes and locations of signs and / or outside advertising devices may be found to be in existence at the time of passage of the ordinance codified in this title which do not meet the requirements of this title. It is the intent of this title to allow the continuance of such non-conformance, but not to encourage its enlargement, nor allow its continuance, should the use be discontinued for a period of one year, or should the use be destroyed by fire or any other cause. Such non conformance is declared to be incompatible with other uses in the district.

12.02 Repair and maintenance. Ordinary repairs of non-conforming uses, buildings, signs, and outdoor advertising devices shall be permitted.

12.03 Restoration. A non-conforming building, sign or outdoor advertising device which has been damaged, but not destroyed, by fire or other causes may be restored to its original condition, provided such work is commenced within one year.

12.04 Abandonment. Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this title.

12.05 Change in use. No non-conforming use of a building or structure may be changed to another non-conforming use, except when the new non-conforming use is of a more restrictive nature, as determined by the board of variance adjustment.

12.06 Expansion. A non-conforming use shall not be expanded, except with the approval of the board of variance adjustment.

ARTICLE 13.00

DANGEROUS BUILDINGS

Sections:

- 13.01 Removal of certain damaged buildings required.
- 13.02 Appraisal of damage--Inspection and report.
- 13.03 Appraisal of damage--Notice to remove or tear down.
- 13.04 Violations--Penalty.

13.01 Removal of Certain Damaged Buildings Required. When any building, constructed with any combustible material, located within the present or future town zoning limits of the town, has been damaged by fire decay or otherwise to the extent of fifty per cent of the value thereof, such building shall be torn down or removed by its owner or owners after being given notice as provided in this chapter.

13.02 Appraisal of Damage -- Inspection and Report. The board of trustees of the town shall, as the need may arise, appoint any Colorado licensed real estate broker or appraiser as

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a building inspector. He shall have the authority to enter any unoccupied building within the town zoning limits for the purpose of appraising the value thereof to ascertain if such building is subject to the provisions of this chapter. Said inspector shall promptly submit a written appraisal to the board of trustees, stating the value of the building as though it were in a good state of repair (considering only the building itself, not its location or the land upon which it rests), the value as it actually exists as of the date of the appraisal and the cause in the reduction of the value of the building, if any.

13.03 Appraisal of Damage--Notice to Remove or Tear Down. Should the appraisal provided for in Section 13.02 show the value of the building has been reduced to the extent of fifty percent or more by fire, decay or otherwise, the town clerk shall forthwith cause a notice to be mailed to the record owner of the building or, if more than one, a notice to each record owner, stating that pursuant to this chapter it has been determined that the value of the building has been reduced fifty percent or more, and that the building must be removed from the town zoning district or torn down within a period of sixty days from the date of receipt of the notice. The notice is to be by registered mail, return receipt requested, addressed to the property owner or owners as their names and addresses appear on the tax records of Kit Carson County, Colorado.

13.04 Appeal from the Town of Stratton. Further appeal of the decision of the Town of Stratton may be made to the courts, as provided by law, provided, however, that such appeal is made within sixty days following the date of notification of the board's decision.

13.05 Violation--Penalty.

A. After the expiration of the sixty day period provided for in Section 13.04, each full calendar day that any combustible portion of a building ordered removed or torn down, pursuant to Section 13.03 remains standing or unremoved shall constitute a separate and distinct violation of this chapter.

B. A fine of not less than five dollars nor more than three hundred dollars shall be assessed against the owner or owners for each violation in this chapter upon conviction in a proper court.

ARTICLE 14.00

AMENDMENTS

Sections:

14.01 Initiation.

14.02 Application--Contents and fee.

14.03 Application--Referral to planning commission--Public hearing.

14.04 Adoption.

14.01 Initiation. Amendments, changes or supplements to this title or to the official zoning map may be initiated by the board of trustees, planning commission, or any person, firm or corporation by filing an application with the town clerk.

14.02 Application Contents and Fee.

A. Any person seeking an amendment to the zoning classification of any premises shall initiate the amendment by filing with the town clerk a written application containing at least the following information:

1. The applicant's name and address;
2. A legal description of the property to be rezoned along with a sketch to scale, showing boundaries of the area requested to be rezoned, and the existing zoning on all adjacent sides of the area;
3. The amendment requested;
4. The structures and uses proposed on the area to be rezoned;
5. A statement by the applicant as to why the amendment is necessary for the promotion of the public health, safety and welfare; the error in this title or the map to be corrected; or the changed or changing conditions necessitating the rezoning requested.

B. Any application for amendment shall be accompanied by a fee of twenty-five dollars or such other amount as may be required by the board of trustees of the town.

14.03 Application-- Referral to Planning Commission--Public Hearing. All applications for changes to this title or the zoning map shall be referred by the town clerk to the planning commission, which shall set a date for a public hearing with at least fifteen days, notice of the time and place of such hearing, which notice shall be published in the newspaper having general circulation within the town. In addition, the applicant shall post a notice on the property, clearly visible from an adjoining street, which states the requested rezoning and the date of the public hearing. This notice shall be continuously posted at least fifteen days prior to the hearing. The planning commission shall return a recommendation, either for or against the proposed change, to the board of trustees within two weeks following the public hearing.

14.04 Adoption.

A. The adoption of any amendment shall require the favorable vote of a majority of the board of trustees, except when there is filed with the town clerk, prior to consideration by the board, a protest against a map change by the owners of more than twenty percent of the property:

1. Within the proposed area of change (excluding public rights-of-way); and / or
2. Immediately adjacent thereto, to the rear of either side, extending one hundred feet (excluding public rights-of-way).
3. Facing the proposed change directly across a street and extending one hundred feet (excluding public rights-of-way).

B. In the event a valid protest, as described above, is filed, the favorable vote of three-quarters of the board of trustees shall be required to approve the amendment.

C. The favorable vote of three-quarters of the board of trustees shall be required to approve an amendment or map change that has been recommended by the planning commission.

ARTICLE 15.00

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ZONING PERMIT COMMITTEE

Sections:

- 15.01 Created.
- 15.02 Purpose.
- 15.03 Building permit-- Conformance with provisions required.
- 15.04 Permit--Artificial Lot Coverage.
- 15.05 Permit--Fences and Walls.
- 15.06 Permit--Unplatted property.
- 15.07 Permit--Scale drawings required.
- 15.08 Permit--Fee.

15.01 Created. A zoning permit committee is created, which shall consist of three members, including a chairman, who shall be appointed by the board of trustees of the town for a period of three years. Terms may be staggered.

15.02 Purpose. The purpose of the zoning permit committee is to act upon requests for building permits from the strict interpretation of this title. At least two of the zoning permit committee members must sign off on the permit before issuance.

15.03 Permit, Building -- Conformance with Provisions Required. No building shall be erected, or structurally altered (exterior) unless a permit therefor has been issued by the zoning permit committee, and no permit shall be issued unless the building or structure proposed is in full conformance with this title, except in those instances where a permit has been granted for a variance by the board of variance adjustment.

15.04 Permit -- Artificial Lot Coverage. No artificial lot coverage shall be constructed unless a permit therefor has been issued by the zoning permit committee, and no permit shall be issued unless the proposed artificial lot coverage is in full conformance with this title, except in those instances where a permit has been granted for a variance by the board of variance adjustment.

15.05 Permit -- Fence and Walls No fence or wall shall be constructed unless a permit therefor has been issued by the zoning permit committee, and no permit shall be issued unless the proposed fence or wall is in full conformance with this title, except in those instances where a permit has been granted for a variance by the board of variance adjustment.

15.06 Permit -- Unplatted Property. No building permit shall be issued on unplatted property unless the planning commission first determines that the construction will in no way interfere with the proper alignment of needed public rights-of-way and setbacks required herein.

15.07 Permit -- Scale Drawings Required. All applications for building permits must be accompanied by drawings to scale showing plot plan and location, floor plan, height, and size of all proposed buildings, and the location and dimensions of fences, signs, sidewalks, driveways and parking and loading areas.

15.08 Permit -- Fee. A fee for the examination and administration of a building permit shall be payable to the town upon receipt of the application; the fee shall be ten dollars. Any permit will only be good for a period of one year from date of issuance.

ARTICLE 16.00

BOARD OF VARIANCE ADJUSTMENT

Sections:

- 16.01 Created.
- 16.02 Purpose.
- 16.03 Duties.
- 16.04 Powers:
- 16.05 Variance request procedure.
- 16.06 Appeals from the board.

16.01 Created. A board of variance adjustment is created, which shall consist of five members, including a chairperson, who shall be appointed by the board of trustees of the town for a period of three years. Terms may be staggered. A quorum of three members must be present with a majority rule for any meeting.

16.02 Purpose. The purpose of the board of variance adjustment is to act upon request for variances from the strict interpretation of this title.

16.03 Duties. The duties of the board of variance adjustment are as follows:

- A. To meet at the call of the chairman, by his or her request or by the request of the building permit committee;
- B. To adopt any rules necessary to transact the board's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of this title;
- C. To vote upon the granting of an adjustment to requirements of the zoning ordinance;
- D. To keep minutes of the proceedings of each meeting, which shall be filed in the office of the board, and which shall be of public record;
- E. To permit the public to attend and to be heard at all of its meetings;
- F. To notify, in writing, the zoning permit committee and the owner involved of all decisions made;
- G. To publish a notice of all hearings in the newspaper having general circulation within the town at least fifteen days prior to hearing. In addition, the applicant shall be required to post a notice on the property, clearly visible from an adjoining street, which states the nature of the requested variance and the date of the hearing. This notice shall be continuously posted at least fifteen days prior to the hearing.

16.04 Powers.

A. *Interpretation.* The board of variance adjustment shall have the power to interpret this title, including any uncertainty as to boundary location or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this title.

B. *Variances.* The board shall have the power to grant variances from the provisions of this title, but only where all of the following conditions are found to exist:

1. The variance would not authorize any use other than uses enumerated as uses by right in the district.
2. An unnecessary hardship to the owner could be shown to occur if the provisions of the title were literally followed.
3. Such circumstances found to constitute the hardship were not purposely created by the applicant and cannot be reasonably corrected.
4. The variance would not injure the value or use of, or prevent the proper access of light and air to, the adjacent properties.
5. The variance would not be out of harmony with the intent and purpose of this title.

16.05 Variance Request Procedures. The board of variance adjustment shall act in strict accordance with all of the other applicable laws of the state of Colorado, Kit Carson County, and the town. All requests to the board shall be in writing and on such a form as shall be prescribed by the board. Every request shall indicate what provisions of this title are involved, what relief from these provisions is being sought, and the grounds upon which a request is being sought, as required in this title. The chairman of the board shall call a meeting of the board for the purpose of reviewing the request after publication of notice and posting as required by law for the purposes of determining whether or not to grant the request. Prior to the hearing, recommendations shall be submitted by the town zoning permit committee which shall be advisory only to the board for their consideration. Notification of the decision of the board on the request shall be communicated to the public after hearing.

16.06 Appeal From the Board. Further appeal of the decision of the board of variance adjustment may be made to the courts, as provided by law, provided, however, that such appeal is made within sixty days following the date of notification of the board's decision.

ARTICLE 17.00

ENFORCEMENT

Sections:

- 17.01 Zoning enforcement officer.
- 17.02 Violation--Order to Comply.
- 17.03 Violation--Complaint.
- 17.04 Violation--Penalty.

17.01 Zoning Enforcement Officer. This title shall be administered and enforced by the Marshall of the town or such person as the board of trustees appoints, who shall also be known as the zoning enforcement officer.

17.02 Violation -- Order to Comply. Whenever a zoning violation occurs and is brought to the attention of the zoning enforcement officer, he shall notify the person responsible for the violation in writing, and shall order the necessary correction within a period of one month.

17.03 Violation -- Complaint. Any person aggrieved by a violation or apparent violation of the provisions of this title may file a written complaint with the zoning enforcement officer, who shall immediately investigate such complaint and take legal action to have the violation penalized and removed, if such a violation is found to exist.

17.04 Violation -- Penalty. Any penalty will commence after the thirty day expiration of the order to comply. Failure to comply with all the provisions of this title unless a variance has been authorized by the board of variance adjustment, constitutes a misdemeanor and, upon conviction, is punishable by a fine of five to three hundred dollars or imprisonment for a period of not more than thirty days, or both. Each day that such a violation continues to exist shall be considered as a separate offense.

Section 3. All ordinances in conflict with the above "Title 1998-Z", are hereby repealed insofar as said ordinances conflict with the above "Title 1998-Z".

Section 4. The Board finds and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety and, therefore, an emergency exists, and this ordinance, shall be recorded in the Book of Ordinances of the Town of Stratton, Colorado, authenticated by the signature of the Mayor and attested by the Clerk under the corporate seal of the Town and shall be published in "The Stratton Spotlight," a public weekly newspaper published within the corporate limits of the Town of Stratton and the County of Kit Carson and State of Colorado and shall be in full force and effect five days after such publication.

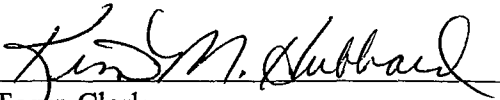
PASSED BY THE BOARD OF TRUSTEES AND SIGNED this 8th day of October, 1998.



Mayor

(SEAL)

ATTEST:



Town Clerk

4/15

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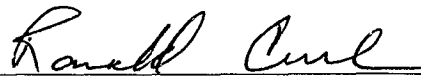
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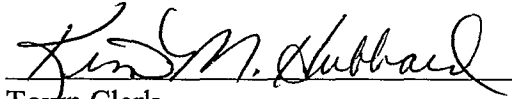
PASSED BY THE BOARD OF TRUSTEES AND SIGNED this 8th day of October, 1998.



Mayor

(SEAL)

ATTEST:



Town Clerk

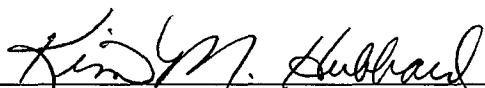
STATE OF COLORADO)
County of Kit Carson) ss.
Town of Stratton)

CLERK'S CERTIFICATE

That I, Kim M. Hubbard, the official Town Clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 89-A was passed and adopted by the Board of Trustees of the Town of Stratton on the 8th day of October, 1998, and that the above entitled Ordinance is a true, correct and full copy of the Ordinance as shown in the Ordinance Book of the records of the Town of Stratton, Stratton, Colorado.

Dated this 8th day of October, 1998.

(SEAL)

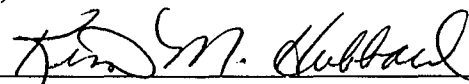


Town Clerk

STATE OF COLORADO)
County of Kit Carson) ss.
Town of Stratton)

CLERK'S CERTIFICATE OF PUBLICATION

I, Kim M. Hubbard, the official Town Clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 89-A and Clerk's Certificate attached thereto was published in the Stratton Spotlight, a weekly newspaper of general circulation in Stratton, Kit Carson County, Colorado, on October 20, 1998, and "Proof of Publication" is filed therewith.



Town Clerk

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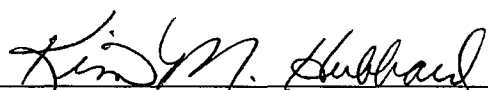
STATE OF COLORADO)
County of Kit Carson) ss.
Town of Stratton)

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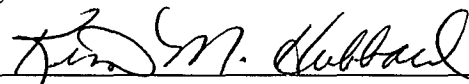
Town Clerk

STATE OF COLORADO)
County of Kit Carson) ss.
Town of Stratton)

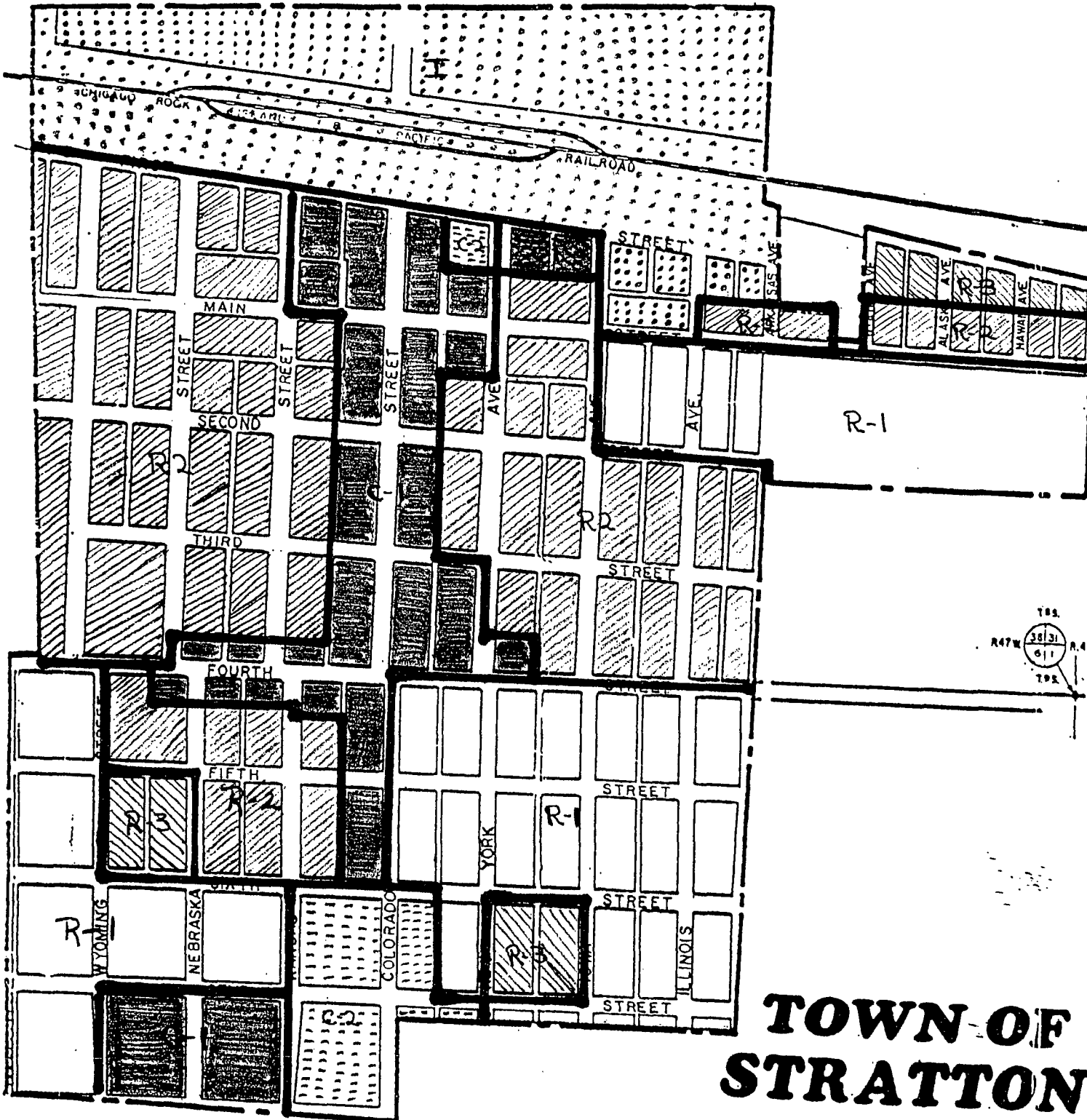
CLERK'S CERTIFICATE OF

PUBLICATION







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Town Clerk



TOWN OF STRATTON

-  R-1
-  R-2
-  R-3
-  C-1
-  C-2
-  Industrial