

COMMUNITY DEVELOPMENT CODE

§ 26-42

Review Procedures													
Types of Applications	Public Notice Requirements					Admin Review			Public Review				Final Document
	Surrounding Property Owner Notice	Newspaper Publication	Property Posting	Website Publication	Mineral Rights	Pre-submittal	TAC	Dir	HPC	PC	BOA	CC	
Community plan land use map amendment (§ 26-32)	(X)	X	(X)	X		X	(R)			<R>		<DM>	Resolution
Pre-application review (§ 26-60)						X	(R)			()		()	Letter
CDC text amendments (§ 26-61)		X		X		X	(R)		<R>	<R>	<R>	<DM>	Ordinance
Official Zoning map amendment (§ 26-62)	X	X	X	X	X	X	R			<R>		<DM>	Ordinance
Annexations (§ 26-63)	X	X	X	X		X	R			<R>		<DM>	Ordinance
Use with criteria (§ 26-64)								DM				A	Signed form
Development plan (§ 26-65)	X	X	X	X	X	X	R		<R>	<R>		{DM}	Approval letter
Final development plan (FDP) (§ 26-66)	X	X	X	X	X	X	R		<R>	<R>		<DM>	Signed FDP
Administrative FDP (§ 26-89)	X	X	X	X	X	X	(R)	DM		CU		CU	Approval letter
Minor adjustment (§ 26-69)	X	X	X	X			(R)	DM				A	See § 26-69(f)
Variance (§ 26-70)	X	X	X	X		X	(R)				<DM>	A	Bldg Permit
Waterbody setback variance (§ 26-71)	X	X	X	X		X	(R)			<R>		{DM}	Bldg Permit
Floodplain development permit (§ 26-72)							(R)	DM				A	Permit
Written interpretation (§ 26-73)												A	Letter
Master sign plan (§ 26-75)							(R)	DM				A	Approval letter
Sign permit (§ 26-76)							(R)	DM				A	Permit
Change of use (§ 26-77)	X	X	X	X				DM				A	Signed form
Minor exterior modification (§ 26-78)	X	X	X	X		X	(R)	DM				CU	Approval letter
PUD District (§ 26-81)	X	X	X	X	X	X	R		<R>	<R>		<DM>	Ordinance
PUD - minor amendment (§ 26-81)	X	X	X	X			(R)	DM					Approval letter
Vacation Home Rental Permit (§ 26-88)	X	X	X	X				DM				A	License
Traditional Neighborhood Development Regulating Plans (§ 26-90)	X	X	X	X	X	X	R			<R>		<DM>	Approval letter
Telecommunication Facility (§ 26-147)	X	X	X	X		X	(R)	DM		<R>		<R>	Approval letter
Building Permit (§ 26-5)							(R)	DM				A	Bldg Permit
Preliminary plat (§ 26-67)	X	X	X	X	X	X	R					<DM>	Approval letter
Final plat ¹ (§ 26-68)	X	X	X	X	X		(R)	DM				CU	Plat
Lot line adjustment (§ 26-79)							(R)	DM				A	Plat
Lot line elimination (§ 26-80)							(R)	DM				A	Plat

Notes: 1: Public Notice for Final Plats is required for items d, g, h, i, j, k, and l listed in § 26-67(c)(1)

(d) *Pre-submittal meeting.* A pre-submittal review meeting with the director or designee is required prior to submission of certain types of applications as listed in Table 26-42. Failure of the director to identify all applicable requirements, standards and issues does not relieve the applicant from the responsibility of meeting all requirements and standards of the CDC and other adopted city standards. Pre-submittal review is intended to provide information to

potential applicants before substantial commitments of time and money are made in connection with the proposed development. The pre-submittal review seeks to assist or aid the applicant to:

- (1) Identify the necessary materials for the submittal package that the applicant will be required to prepare;
- (2) Identify and coordinate the required procedures for review and approval;
- (3) Identify the requirements and standards that may apply to the specific project;
- (4) Identify probable referral and review agencies within the TAC and others if necessary;
- (5) Obtain preliminary feedback from review agencies as necessary; and
- (6) Identify other possible issues that may arise under this CDC.

(e) *Application submittal requirements.* A complete application is required prior to review of any application. Submittal requirements are set forth for each specific type of development application in forms maintained by the director. The director may waive certain submittal requirements by, in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The director may waive such requirements where he/she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly support such waiver.

(f) *Application completeness and corrections.* Within ten (10) days after the submission of an application, the city shall review the application and determine whether it is complete (i.e., whether it contains all submittal requirements listed in this CDC that were not waived in writing by the director). If the city determines that the application is incomplete, it shall not begin processing the application, but shall instead promptly notify the applicant in writing that the application is incomplete, and shall identify the materials needed to complete the application. If the required materials are received by the city within thirty (30) days after such notice to the applicant, the city shall begin processing the application. If the required materials are not received within the thirty-day period, the city shall notify the applicant that unless the required materials are received within the following thirty (30) days, the city shall treat the application as withdrawn. If the requested materials are not received within such second thirty-day period, the city shall return the incomplete application submittal materials and fee to the applicant, and applicant shall be required to resubmit all materials to re-activate the process.

(g) *Technical materials completeness.* During the processing of a complete application, if the city or any review agency identifies any additional materials that are needed to accurately evaluate the potential impacts of the proposed application, the city shall notify the applicant that such materials need to be submitted within thirty (30) days. If such materials are not submitted within such thirty-day period, the city shall again notify the applicant that unless the required materials are received within the following thirty (30) days, the city shall treat

the application as withdrawn. If the requested materials are not received within such second thirty-day period, the city shall return the submitted materials to the applicant, and applicant shall be required to resubmit all materials, and any resubmitted materials shall be treated as a new application. In any case where a complete application is withdrawn, the applicant shall forfeit the entirety of the application fee, and shall be required to submit a new application fee upon submittal of any new application.

If such materials are not able to be submitted within such thirty-day period due to their technical nature, the director may grant additional time for required materials to be submitted to the city. The amount of time necessary shall be negotiated between the applicant and the director, and shall be set to a date certain. Such additional time shall be requested in writing by the applicant.

(h) *Burden of proof.* The applicant for development approval shall bear the burden of presenting sufficient competent evidence to support the standards for approval set forth by this article.

(Ord. No. 2187, § 1, 6-3-08; Ord. No. 2230, § 2, 2-3-09; Ord. No. 2277, § 2, 10-13-09; Ord. No. 2349, § 5, 11-16-10; Ord. No. 2415, § 2, 3-20-12; Ord. No. 2450, § 6, 3-5-13; Ord. No. 2489, § 1, 3-18-14; Ord. No. 2551, § 1, 12-15-15)

Sec. 26-43. Technical advisory committee role and procedures.

(a) *Technical advisory committee powers and duties.* The technical advisory committee's powers and duties under this CDC are set out in this section. The technical advisory committee shall be responsible for assisting applicants in understanding city requirements and procedures, as well as to identify possible issues associated with certain development applications. There shall be no real or implied approval or denial as a result of the technical advisory committee's review of application materials.

(b) *Technical advisory committee review.*

- (1) The director shall forward copies of the application to the appropriate technical advisory committee members and set a date for a meeting between the applicant and TAC. The meeting shall be administrative, and notice shall be required only to the applicant.
- (2) Subsequent to the TAC meeting, the director shall forward written comments and/or redline corrections on the application materials to the applicant, or if there are no material changes, shall accept such materials for review or action by the planning commission or board of adjustment, as applicable.
- (3) The applicant shall have an opportunity to make revisions to the application materials based upon the comments of the technical advisory committee, proceed with a recommendation of denial, or to withdraw the application.
- (4) The revised materials shall be resubmitted to the director for review of the revisions. The director may redistribute the plans for a second TAC meeting if the director

(f) *Term and effect of approval.*

- (1) Approval of a variance shall run with the property described in the variance and shall remain in effect for a period of three (3) years from the date of approval by the board of adjustment. If an active building permit has been obtained for the variance and the term of approval for the variance expires, the development covered under the active building permit may continue; however, the variance approval shall be considered expired and no new building permits may be issued based on the expired approval. Once the variance or part thereof has been fully executed, the approval or part thereof shall remain in effect for perpetuity or until amended.

(g) *Modifications.* An approved variance may be further modified through the same process used to approve the variance. The cumulative effect of two (2) or more variances shall not result in any variation of any CDC requirement that could not have been approved in a single variance.

(Ord. No. 2187, § 1, 6-3-08; Ord. No. 2208, § 4, 9-16-08; Ord. No. 2491, § 11, 3-18-14)

Sec. 26-71. Waterbody setback variance.

(a) *Purpose.* The purpose of this section is to set forth the requirements and procedures for reviewing variance requests from the waterbody setback requirements.

(b) *Applicability.* A waterbody setback variance shall be required before construction or development commences on land within waterbody setback areas as established in sections 26-132 or 26-145.

(c) *Submittal requirements.* Submittal requirements are set forth in forms maintained by the director.

(d) *Criteria for approval.* Waterbody setback variances may be approved when it is determined from evidence presented at the public hearing that the waterbody setback variance is consistent with the purposes of this section and, if applicable, that all of the following criteria have been met:

- (1) *Legal use.* The property and the use of such property for which the waterbody setback variance is requested is in full compliance with all requirements of the zone district in which the property is located, or there is a legal nonconforming structure or lot, or there is a conforming structure housing a legal nonconforming use. No waterbody setback variance may be granted which would permit or expand any unlawful use of property.
- (2) *Equal enjoyment.* The waterbody setback variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located.
- (3) *Hardship.* The special circumstances of the subject property make the strict enforcement of the provisions of this CDC an unnecessary hardship to the property owner.

- (4) *Hardship not self-imposed.* The special circumstances of the subject property are not the result of the actions of the applicant.
- (5) *Injury to adjoining property mitigated.* The waterbody setback variance will not permanently injure or adversely impact legal conforming uses of adjacent property; or the applicant has accurately assessed the impacts of the proposed waterbody setback variance and has agreed to mitigate those impacts. In making this determination the city council shall begin with the assumption that variations from development standards create impacts on adjacent properties, and shall place the burden of proof on the applicant to show:
 - a. Impacts to adjacent properties are presumed.
 - b. That there are no impacts, or that the impacts have been adequately mitigated. Unsupported opinions of impacts from surrounding property owners shall not be conclusive evidence of impacts.
- (6) *Minimum relief.* The requested waterbody setback variance is the least modification possible of the provision of the CDC that will afford relief to the applicant.
- (7) *Reserved.*
- (8) *Special circumstances.* The waterbody setback variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located.
- (9) *Reserved.*
- (10) *Previous variance.* Every piece of property is unique, so evidence that a waterbody setback variance was previously granted under similar circumstances shall not be considered binding grounds for granting a variance.
- (11) *Denial of economic use.* When an applicant requests a reduction of any required waterbody setback, the city council shall only approve the waterbody setback variance if it finds that either subsections a.1 or a.2 or a.3—7 exist, or b.1 or b.2—7 exist:
 - a. Applicable only to existing platted single-family and duplex lots.
 1. Strict enforcement of the setback requirement will deprive the property owner of all reasonable economic uses of the property in accordance with the relevant zone district; or
 2. The riparian environment within the required setback has been previously disturbed on the subject property; or
 3. The riparian environment within the required setback has been previously disturbed on immediately adjacent properties; and
 4. Appropriate avoidance measures will be implemented to eliminate any potential negative impacts on the watercourse; and

5. Natural drainage patterns will not be affected; and
 6. Appropriate Army Corps of Engineer's permit has been applied for and will be obtained; and
 7. A floodplain development permit has or will be obtained, if applicable.
- b. Applicable only to development other than existing platted single-family and duplex lots.
1. Strict enforcement of the setback requirement will deprive the property owner of all reasonable economic uses of the property in accordance with the relevant zone district; or
 2. The riparian environment within the required setback has been previously disturbed on the subject property; and
 3. The development is for the purposes of irrigation and water diversion facilities, flood control structures, trails, recreation access sites, bridges, fences, erosion control devices, underground utilities, and all riparian areas disturbed will be restored to the greatest degree possible; and
 4. Appropriate avoidance measures will be implemented to eliminate any potential negative impacts on the watercourse; and
 5. Natural drainage patterns will not be affected; and
 6. Appropriate Army Corps of Engineer's permit has been applied for and will be obtained; and
 7. A floodplain development permit has or will be obtained, if applicable.

(e) *Alternative approval criteria—Restoration or expansion of historic structures.* In the case of a waterbody setback variance requested for the restoration, modification or expansion of a historic building, and in lieu of the approval criteria required under subsection 26-71(d), the waterbody setback variance may be approved if the following criteria are met:

- (1) *Restoration.* The restoration meets all of the following criteria:
 - a. The restoration relates to and is reasonably necessary to permit the restoration of a previous condition of historical significance to the building.
 - b. The granting of the waterbody setback variance will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the subject property is situated.
- (2) *Modification or expansion.* The modification or expansion meets all of the following criteria:
 - a. The modification or expansion has been designed to preserve the historic character defining elements of the building.
 - b. The waterbody setback variance is the minimum necessary to fulfill the purpose and the need of the applicant.

- c. The granting of the waterbody setback variance will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the subject property is situated.
 - (3) In granting any waterbody setback variance, appropriate conditions and safeguards may be prescribed to ensure that the purpose and intent of this title will not be violated.
- (f) *Term and effect of approval.*
- (1) Approval of a waterbody setback variance shall run with the property described in the waterbody setback variance and shall remain in effect for a period of three (3) years from the date of approval by the city council. If an active building permit has been obtained for the waterbody setback variance and the term of approval for the waterbody setback variance expires, the development covered under the active building permit may continue; however, the waterbody setback variance approval shall be considered expired and no new building permits may be issued based on the expired approval. Once the waterbody setback variance or part thereof has been fully executed, the approval or part thereof shall remain in effect for perpetuity or until amended.
 - (2) Approval of the waterbody setback variance may be extended if a valid building permit exists for the property and the improvements for which the waterbody setback variance was granted, and such construction covered by the building permit is being diligently pursued. Approval of the extended waterbody setback variance shall expire with the expiration of any building permit for the improvements for which the waterbody setback variance was granted. The waterbody setback variance shall be vested upon receipt of a certificate of occupancy for the structure or that portion of the structure that required a waterbody setback variance.
- (g) *Modifications.* An approved waterbody setback variance may be further modified through the same process used to approve the waterbody setback variance. The cumulative effect of two (2) or more waterbody setback variances shall not result in any variation of any CDC requirement that could not have been approved in a single waterbody setback variance. (Ord. No. 2187, § 1, 6-3-08; Ord. No. 2491, § 12, 3-18-14; Ord. No. 2549, § 1, 10-27-15)

Sec. 26-72. Floodplain development permit.

- (a) *Purpose.* The purpose of this section is to set forth the requirements and procedures to be used for reviewing development request on land affected by special flood hazards.
- (b) *Applicability.* A floodplain development permit shall be required before any site disturbance activity commences within any area of special flood hazard as established in article VI, flood damage prevention.
- (c) *Submittal requirements.* Submittal requirements are set forth in forms maintained by the director.

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Use Classification and Specific Principal Uses*	Traditional Zoning Districts													TND Zoning (Transects)								
	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD	
Campground	C																					
Commercial large								C					C	C	C				C	R		
Commercial, medium								C	R	R	C	C	R	R					CR	CR		
Grocery store								C	R	R	C	C	R	R						R		
Commercial, over 12,000 square feet and under 40,000 square feet													PUD	PUD					R	R		
Commercial, over 40,000 square feet																			PUD	PUD		
Commercial, small								C	R	R	R	R	R	R					R	R		
Construction trailer	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Cottage industry										CR	CR	CR	CR	CR	R				CR	CR	CR	CR
Farmers market									R	R	R	R	R						R	R		
Funeral home													R	R	R				C	C		
Garage sale	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R			
Health club								C	C	C			C	C					CR	R		
Home occupation		CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR						
Hostel					CR				C	C	R	CR							C	R		
Hotel					C			C	R	C		C		C					C	R		
Inn					CR			CR		CR	R	CR							R	R		
Lodge					CR			CR	CR	CR	R	CR	C	C					R	R		

Use Classification and Specific Principal Uses*	Traditional Zoning Districts												TND Zoning (Transects)									
	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD	
Marijuana cultivation, accessory	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR							
Marijuana cultivation, private	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR							
Media production									CR	CR	CR	R	R	R	R				C	C	C	C
Medical marijuana center												C	C	C	C							
Medical marijuana cultivation												C	C	C	C							
Medical marijuana-infused products manufacturing													C	C	C							
Medical marijuana primary caregiver	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	C	C	C							
Mobile food unit	C				C				CR	CR	CR	C	C	C	CR					CR	CR	CR
Mobile vending	CR	CR	CR	CR	CR	CR	CR	CR	C	CR	CR	C	C	C	CR					CR	CR	CR
Movie theater									CR	CR										R	R	R
Neighborhood store			CR	CR	C			C			CR								CR	CR	CR	CR
Nightclub								C	CR	CR	CR	CR	CR	CR	C				CR	CR	CR	CR
Nursery											CR	CR	CR	CR	CR				CR	CR	CR	CR
Office								C	CR	CR	R	R	R	R	C							

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	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD	
Office - medical and dental								C	C	R	R	R	R	R					R	R		
Office - Temporary on-site real estate sales	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Outdoor commercial	C							C	C	C	C	C	C	C	C				C	CR	C	C
Outdoor storage										C	C	C	C	C	CR						CR	CR
Outdoor storage, accessory							CR	CR	CR	CR	CR	CR	CR	CR	CR					CR	CR	CR
Outdoor storage, principal										C	C	C	C	C	CR						CR	CR
Parking lot/structure					C			C	C	C	C	C	C	C					C	C		
Performing arts facility	C							R	R	R	R	R	R	R						R		
Real estate sales trailer		CR	CR		CR	CR	CR	CR	CR		C	C	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR
Recreation center	C	C	C				C	C											R	R	R	R
Recreation, indoor	C			C			C	C	CR	CR	CR	CR	CR	C					CR	CR	CR	CR
Recreation, outdoor	C							C	C	C	C	C	C	C	C						R	R
Recreation outdoor - low impact	R	R	R	R	R	R	R	R	R	R	R	R	R	R	C	C	C	C	R	R	R	R
Restaurant								C	CR	CR	CR	CR	CR	CR	C						R	R
Restaurant, drive-thru													R	R							C	C

Use Classification and Specific Principal Uses*	Traditional Zoning Districts													TND Zoning (Transects)								
	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD	
Retail marijuana cultivation													C	C	C							
Retail marijuana products manufacturing													C	C	C							
Retail marijuana store													C	C	C							
Retail marijuana testing facility													C	C	C							
Self-service storage facility														C	C							C
Studio							R	R	R	R	R	R	R	R	R				R	R		
Tavern							C	R	R	R	C	C	R	C					CR	CR		
Taxidermy														R	R							
Telecommunication facility	C						C	C	C	C	C	C	C	C	C				C	C		
Timeshare					R		R	R	R	R			R	R		R	R	R	R	R		
Vacation home rental		CR	CR	CR	R		CR	R	R	CR	CR	CR	CR	CR		CR	CR	CR				
INDUSTRIAL USES																						
Airport																						
Automobile yard																						
Batching plant - asphalt or concrete																						C
Crematorium													CR	CR	CR							

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	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD	
Hazardous material collection facility															C							
Industrial service															CR							CR
Industrial, heavy															C							C
Industrial, light															CR				C			CR
Meat processing facility															C							C
Media production												C	C	C	R							C
Mining															C							
Personal storage facility, indoor															CR							CR
Printing and Publishing															CR				CR			CR
Recycling collection facility												C	CR	CR	CR							C
Recycling processing facility															C							C
School, industrial-related, technical school, training facility															R							R
Sexually oriented bookstore and/or business															C							

Use Classification and Specific Principal Uses*	Traditional Zoning Districts													TND Zoning (Transects)									
	OR	RE	RN	RO	RR	MH	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD	
Transit service facility																R							R
Warehouse																R							R
Waste collection facility																C							C
PUBLIC, INSTITUTIONAL AND CIVIC USES																							
Cemetery	C	C																					
Child care center, small	C	C	CR	CR	CR	CR	CR	CR	C														R
Child care center, large	C	C	C	C	C				C	C	C	C	C	C	C								CR
Community center	C			C	C				C	C	C	C	C	C	C								R
Community service facility	C	C	C	C	C				C	C	C	C	C	C	C								C
Day care home		R	R	R	C	R	C	C															
Hospital																							
Institutional	C	C							C														C
Library	C								C	C	C	C	C	C	C								C
Museum	C								C	C	R	R	R	R	R								C
Nursing home																							C
Religious institution		C	C	C	C																		C
Residential care, small																							
School-private/public	R	C	C	C					C	C	C	C	C	C	C								C
Shelter house																							
Stadium	C																						
Transit station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

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	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD	
Transit stop	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Triage center					C			C											C	C		
Utilities, underground	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Utilities, above ground	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
AGRICULTURAL USES																						
Agriculture	R	R														R						
Animal, chicken	R	R	R	R	CR	CR	CR				CR	CR	CR	CR	CR	R	R	R	CR	CR	CR	CR
Animal, domestic	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Animal, farm	CR	CR																				
Animal, goats	CR	CR	CR	CR	CR		CR									CR	CR	CR				
Animal, temporary goats	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
OTHER USES																						
Accessory structure	R	R	R	R	R	R	R	R	R	C	R	R	C	R	R	R	R	R	R	R	R	R
Accessory use	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Temporary event	CR				CR			CR	CR	CR	CR	CR	CR	CR	CR				CR	CR	CR	CR
Temporary structure/use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Uses with criteria that do not meet criteria	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

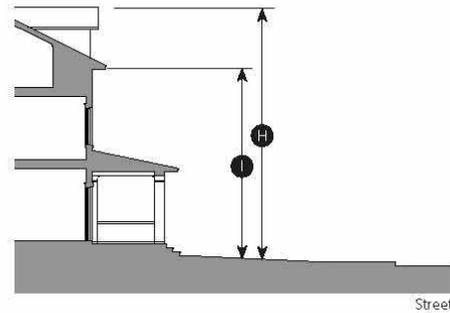
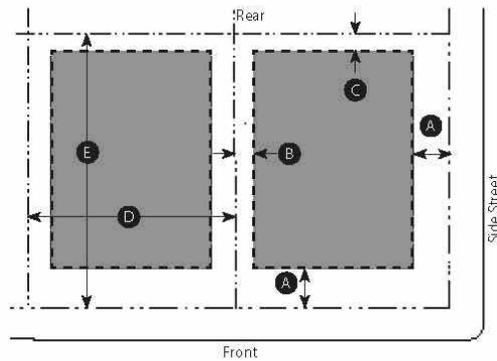
Use Classification and Specific Principal Uses*	Traditional Zoning Districts											TND Zoning (Transects)									
	OR	RE	RN	RO	RH	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD
PARK AND OPEN SPACE USES																					
Change of use for any park	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Community garden	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Community park	R	C	C	C	C	C	C	C	C	C	C	C	C	C	C	R	R	R	R	R	R
Special use park	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C						R
Natural resource/preserve/open land	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Neighborhood park	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Neighborhood pocket park	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Playground	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Plaza, pocket plaza						R	R	R	R	R	R	R	R	R	R						R
Sports complex	C												C								

Note: Single tenant over 20,000 square feet prohibited south and east of Thirteenth Street.

*Prohibited uses may be specifically permitted per an approved Annexation Agreement (i.e., those properties in the WSSAP boundary).

(Ord. No. 2187, § 1, 6-3-08; Ord. No. 2249, § 1, 6-16-09; Ord. No. 2251, § 1, 6-16-09; Ord. No. 2279, § 3, 10-13-09; Ord. No. 2294, § 1, 12-1-09; Ord. No. 2296, § 1, 1-5-10; Ord. No. 2378, § 2, 4-5-11; Ord. No. 2388, § 3, 6-21-11; Ord. No. 2391, § 1, 7-5-11; Ord. No. 2393, § 1, 7-5-11; Ord. No. 2404, § 1, 9-6-11; Ord. No. 2410, § 1, 11-8-11; Ord. No. 2412, § 1A., 1-3-12; Ord. No. 2469, § 2, 9-3-13; Ord. No. 2476, § 1, 10-29-13; Ord. No. 2488, § 2, 3-18-14; Ord. No. 2499, § 1, 6-3-14; Ord. No. 2500, § 5, 6-3-14; Ord. No. 2516, § 1, 12-16-14; Ord. No. 2517, § 1, 1-20-15; Ord. No. 2535, § 1, 7-21-15; Ord. No. 2548, § 2, 10-27-15)

RE-2: Residential Estate Two, Medium Density



Key

- - - ROW / Property Line
- Setback Line
- Building Area

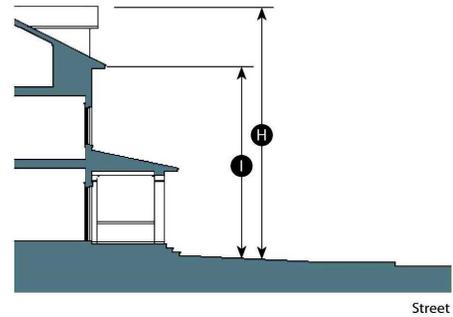
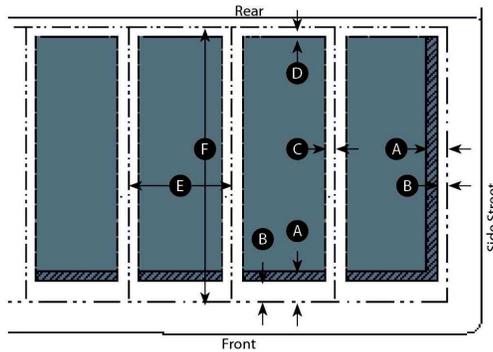
Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street A	
Principal Structure	25' min.
Accessory Structure	25' min.
Side B	
Principal Structure	15' min.
Accessory Structure	10' min.
Rear C	
Principal Structure	15' min.
Accessory Structure	15' min.
Lot Size	
Width	30' min. D
Depth	no min. E
Minimum Lot Area	
Single Family with Secondary Unit	13,500 sq. ft.

Building Form	
Height*	
Principal Structure	
Overall Height	40' max. H
Average Plate Height	28' max. I
Accessory Structure	
Overall Height	28' max.
Average Plate Height	16' max.

Other Standards	
Building Intensity	
Lot Coverage	35% max.
Floor Area Ratio (Accessory Structure)	20% max.
Secondary Unit Size	650 sq. ft. max.
Density	
Units per lot	2

* The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

RO: Residential Old Town



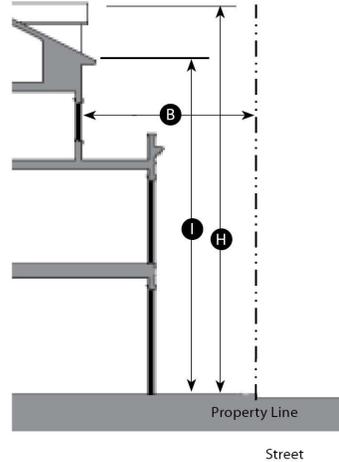
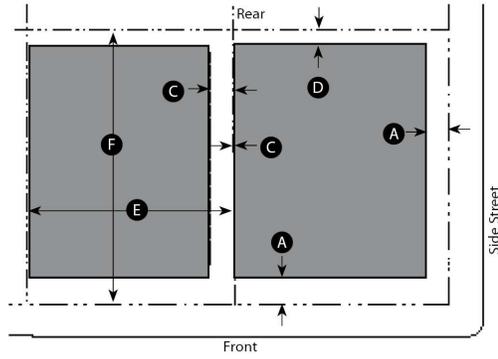
Key

- ROW / Property Line
- Setback Line
- Building Area
- ▨ Porch Area

Building Placement	
Setback (Distance from ROW / Property Line)	
Front/Side Street	
Principal Structure	15' min. A
Accessory Structure	20' min.
Attached Garage	20' min.
Porch	9' min. B
Side	
Principal Structure	10' min. C
Accessory Structure	5' min.
Attached Garage	10' min.
Rear	
Principal Structure	10' min. D
Accessory Structure	5' min.
Attached Garage	10' min.
Lot Size	
Width	25' min. E 100' max.
Depth	no min. F
Minimum Lot Area	
Single Family with Secondary Unit	6,000 sq. ft.
Duplex	12,000 sq. ft.
Maximum Lot Area	
	12,500 sq. ft.

Building Form	
Height	
Principal Structure	
Overall Height	34' max. H
Average Plate Height	22' max. I
Accessory Structure	
Overall Height	24' max.
Average Plate Height	18' max.
Acc. Structure w/ Secondary Unit	
Overall Height	28' max.
Average Plate Height	18' max.
Building Form	
Building Intensity	
Lot Coverage	35% max.
Floor Area Ratio	
Principal Structure	45% max.
Accessory Structure	20% max.
Total of all Structures	45% max.
Secondary Unit Size	650 sq. ft. max.
Density	
Units per lot	2

CY: Yampa Street Commercial (Adjacent to the Yampa River)



Key
 --- ROW / Property Line ■ Building Area
 --- Setback Line

Building Placement		
Setback (Distance from ROW / Property Line)		
Front/Side Street		
Principal Structure up to 28'	10' min.	A
Principal Structure above 28'	25' min.	B
Accessory Structure	15' min.	
Decks and porches	5' min.	
Side		
Principal Structure (one side)	0' min.	C
Principal Structure (other side)	7.5' min.	
Accessory Structure	0' min.	
Decks and porches	0' min.	
Rear		
Principal Structure	30' min.*	D
Accessory Structure	15' min.*	
Decks and porches	10' min.*	
Lot Size		
Width	25' min.	E
	100' max.	
Depth	no min.	F
Lot Area	3,000 sq. ft. min.	
	14,000 sq. ft. max.	

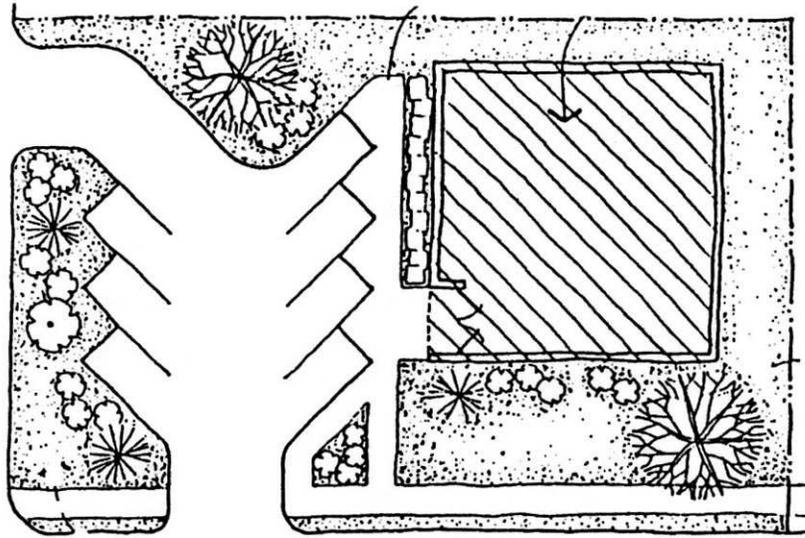
* Measured from ordinary high water mark of Yampa River.

Building Form		
Height**		
Building Height		
Overall Height	36' max.	H
Average Plate Height	24' max.	I
Other Standards		
Building Intensity		
Lot Coverage	65% max.	
Floor Area Ratio	1.0 max.	
Density		
Units per lot	no max.	

** The above diagram is not intended to illustrate how height is measured. Please see the diagram in Section 26-402 for an illustration of how height is measured.

(Ord. No. 2187, § 1, 6-3-08; Ord. No. 2228, § 1, 1-20-09; Ord. No. 2251, § 2, 6-16-09; Ord. No. 2254, § 5, 7-7-09; Ord. No. 2322, § 1, 6-15-10; Ord. No. 2348, § 2, 11-16-10; Ord. No. 2349, § 1, 11-16-10; Ord. No. 2425, § 1, 7-3-12; Ord. No. 2500, § 7, 6-3-14; Ord. No. 2551, § 2, 12-15-15)

Lot coverage. The combined floor area of the first story of all buildings on a lot. This number is expressed as a percentage of the total lot area contained within one parcel.

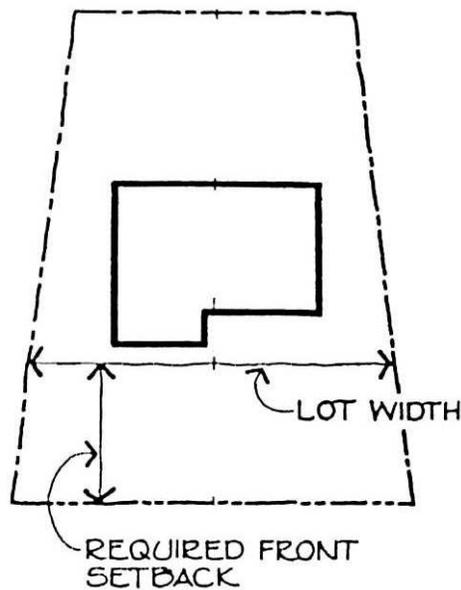


 LOT COVERAGE

Lot Coverage

Lot line. A line dividing one lot from another lot, or from a street or alley.

Lot width. The horizontal measurement between the side lot lines measured at the required front setback line.



Lowest floor. The lowest floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

Lumen. A unit of measure of the quantity of light that falls on an area of one square foot. One foot-candle is one lumen per square foot. For the purposes of this CDC, the lumen output values shall be the initial lumen output ratings of a lamp.

Luminaire. This is a complete lighting system and includes a lamp or lamps and a fixture and related posts or poles, or other mounting devices.

Luminous area. The area as shown on the lighting plan and measured in square feet illuminated by a luminaire.

Mansion apartment. A multi-tenant building having the appearance of a very large single-family dwelling.

Manufactured home. A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." For the purposes of article VI, Flood damage prevention only, this term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Manufactured home park or subdivision. For the purposes of article VI, Flood damage prevention, this term means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured home park or subdivision, existing. A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, are completed before the effective date of this CDC.

Manufactured home park or subdivision, expansion to existing. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Manufactured home park or subdivision, new. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads is completed on or after the effective date of these floodplain management regulations.

Marijuana cultivation, accessory. Cultivation of recreational marijuana for personal recreational or medical use.

- (1) *Use criteria.* Accessory Marijuana Cultivation shall be deemed a lawful accessory use in the following circumstances:
 - a. No more than twelve (12) plants shall be cultivated at or on a lot.
 - b. For a lot containing multiple units no more than twelve (12) plants may be cultivated in each unit that is separately addressed and separated by a one hour fire assembly.
 - c. If the cultivation site is a dwelling unit, the responsible party or parties must use the dwelling unit as a principal residence.
 - d. If the cultivation site is a commercial/industrial unit, the principal use shall be a commercial or industrial use allowed in the district or approved by city council.
 - e. The cultivation use shall be restricted to an enclosed, locked area.
 - f. Adverse impacts shall be minimized in accordance with section 26-146.

Marijuana cultivation, private. Private marijuana cultivation means the cultivation of marijuana for personal recreational or medical use pursuant to Article XVIII, Sections 14 and 16 of the Colorado Constitution.

- (1) *Use criteria.*
 - a. Adverse impacts to neighboring property shall be minimized in accordance with section 26-146.
 - b. The use shall be restricted to an enclosed, locked area.
 - c. The applicant shall submit a plan for controlling odors created by the cultivation use.
 - d. The site must be inspected by the fire marshal for fire code compliance regardless of whether the applicant intends to obtain a building permit.
 - e. Private marijuana cultivation shall be limited to single-family or duplex structures in the RR, MH, MF, G-1, G-2, CO, CY, and CN zone districts.

Mass or scale. The appearance of a building in terms of size, height, bulk, and building mass and its proportion to surrounding landforms, vegetation, and buildings.

Maximum extent feasible. No feasible and prudent alternative exists, and that all reasonable efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum extent practical. Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance

clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.

Meat processing facility. A building where live animals are killed and processed; and/or a building where meat, poultry or eggs are cooked, smoked, or otherwise processed or packed, but not including a butcher shop, rendering plant, or restaurant.

Media production. Facilities for motion picture, television, video, sound, computer, and other communications media production.

(1) *Use criteria.*

- a. Media production uses shall not be located along a pedestrian level street or other public access frontage in the CO zone district.

Medical marijuana business means a medical marijuana center, medical marijuana cultivation, or medical marijuana-infused products manufacturing.

Medical marijuana center means any use of any property, structure, or vehicle to sell or distribute marijuana or marijuana-infused products to patients or primary care givers in accordance with Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Act, C.R.S. 12-43.3-101 et seq., and with any other statute or state administrative regulations. This definition shall not apply to the distribution of medical marijuana to patients by a primary caregiver in accordance with Article XVIII, Section 14 of the Colorado Constitution.

(1) *Use criteria:*

- a. Medical marijuana centers shall not be located within one thousand (1,000) feet of any public or parochial school or the principal campus of any college, university, or seminary, any park, or any child care center. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care center to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a one thousand-foot radius of the property for which the applicant seeks a license. The map shall depict the proximity of the property to any school or child care center, to any retail marijuana store, or to any medical marijuana center. The construction or establishment of a child care center within one thousand (1,000) feet of a lawfully established medical marijuana center shall not affect the renewal, reissuance, or amendment of a conditional use permit pursuant to this Community Development Code or of a license pursuant to article VI, chapter 12 of this Revised Municipal Code.
- b. Medical marijuana centers shall operate from a permanent and fixed location. No medical marijuana center shall operate from a vehicle or other moveable

location. Nor shall any medical marijuana center provide delivery services except that deliveries may be made to patients whose medical condition precludes their travel to the medical marijuana center.

- c. Medical marijuana centers shall have staff members present during hours of operation. No vending machines or unsupervised transactions shall be permitted.
- d. Medical marijuana centers shall not display signs visible from the exterior of the premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana center.
- e. Medical marijuana centers shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1 or G-2.
- f. The medical marijuana center shall not operate in a manner that adversely affects the public health, safety and welfare of the immediate neighborhood in which the medical marijuana center is located.

(2) Medical marijuana centers shall not be permitted to operate as home occupations.

Medical marijuana cultivation means the cultivation of marijuana by a medical marijuana center or a medical marijuana-infused products manufacturer in accordance with the Colorado Medical Marijuana Act, C.R.S. 12-43.3-101 et seq., and with any other statute or state administrative regulations. This definition shall not apply to the cultivation of medical marijuana by a patient for the patient's personal use pursuant to Article XVIII, Section 14. Nor shall this definition apply to the cultivation of medical marijuana by a caregiver registered with the Department of Public Health pursuant to C.R.S. 25-1.5-106, or the distribution of medical marijuana by such a caregiver to the caregiver's patients.

(1) *Use criteria:*

- a. Medical marijuana cultivation uses shall not be located within one thousand (1,000) feet of any public or parochial school or the principal campus of any college, university, or seminary, or any public park, and shall not be located within five hundred (500) feet of any child care center. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school to the building in which the medical marijuana center is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a one thousand-foot radius of the property for which the applicant seeks a license. The map shall depict the proximity of the property to any school or child care center, to any retail marijuana store, or to any medical marijuana center. The construction or

establishment of a child care center within five hundred (500) feet of a lawfully established medical marijuana cultivation use shall not affect the renewal, reissuance, or amendment of a conditional use permit pursuant to this Community Development Code or of a license pursuant to article VI, chapter 12 of this Revised Municipal Code.

- b. Medical marijuana cultivation uses shall operate from a permanent and fixed location. No medical marijuana cultivation use shall operate from a vehicle or other moveable location.
- c. Medical marijuana cultivation uses shall not display signs visible from the exterior of the premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana center.
- d. Medical marijuana cultivation uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1 or G-2.
- e. The medical marijuana cultivator shall not operate in a manner that adversely affects the public health, safety and welfare of the immediate neighborhood in which the medical marijuana cultivation use is located.

(2) Medical marijuana cultivation uses shall not operate as home occupations.

Medical marijuana-infused products manufacturing means the manufacture of products infused with medical marijuana intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, or tinctures, in accordance with the Colorado Medical Marijuana Act, C.R.S. 12-43.3-101 et seq., and with any other statute or state administrative regulations.

(1) *Use criteria:*

- a. Medical marijuana-infused product manufacturing uses shall not be located within one thousand (1,000) feet of any public or parochial school or the principal campus of any college, university, or seminary, or any public park, and shall not be located within five hundred (500) feet of any child care center. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care center to the building in which the medical marijuana-infused products manufacturing use is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a one thousand-foot radius of the property for which the applicant seeks a license. The map shall depict the proximity of the property to any school or child care center, to any retail marijuana store, or to any medical marijuana center. The construction or

establishment of a child care center within five hundred (500) feet of a lawfully established medical marijuana-infused products manufacturing use shall not affect the renewal, reissuance, or amendment of a conditional use permit pursuant to this Community Development Code or of a license pursuant to article VI, chapter 12 of this Revised Municipal Code.

- b. Medical marijuana-infused products manufacturing uses shall operate from a permanent and fixed location. No medical marijuana-infused products manufacturing uses shall operate from a vehicle or other moveable location.
 - c. Medical marijuana-infused products manufacturing uses shall not display signs visible from the exterior of the premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana-infused products manufacturer.
 - d. Medical marijuana-infused products manufacturing uses shall not operate on property adjacent to property zoned RE, RN, RO, RR, MH, MF, G-1 or G-2.
 - e. The medical marijuana-infused product manufacturer shall not operate in a manner that adversely affects the public health, safety and welfare of the immediate neighborhood in which the medical marijuana-infused produce manufacturing use is located.
- (2) Medical marijuana-infused products manufacturing uses shall not operate as home occupations.

Medical marijuana primary caregiver shall mean the cultivation or distribution of medical marijuana to patients by a primary caregiver pursuant to Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106.

- (1) *Use criteria.*
 - a. Medical marijuana primary caregivers shall not be located within one thousand (1,000) feet of any public or parochial school or the principal campus of any college, university, or seminary, or public park, and shall not be located within five hundred (500) feet of any child care center. Distances described in this paragraph shall be calculated by measuring the distance from the nearest property line of the school, park, or child care center to the building in which the medical marijuana-infused products manufacturing use is located. License applications shall include an area map drawn to scale indicating land uses of other properties within a one thousand-foot radius of the property for which the applicant seeks a license. The map shall depict the proximity of the property to any school or child care center, to any retail marijuana store, or to any medical marijuana center. The construction or establishment of a child care center

within five hundred (500) feet of a lawfully established primary caregiver use shall not affect the renewal, reissuance, or amendment of a conditional use permit pursuant to this Community Development Code or of a license pursuant to article VI, chapter 12 of this revised Municipal Code.

- b. Medical marijuana primary caregivers shall operate from a permanent and fixed location. No medical marijuana primary caregiver shall operate from a vehicle or other moveable location.
 - c. Medical marijuana primary caregivers shall not display signs visible from the exterior of the premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana-infused products manufacturer.
 - d. Medical marijuana primary caregivers shall have staff members present during hours of operation. No vending machines or unsupervised transactions shall be permitted.
 - e. The primary caregiver shall not operate in a manner that adversely affects the public health, safety and welfare of the immediate neighborhood in which the primary caregiver is located.
 - f. Adverse impacts to neighboring property shall be minimized in accordance with section 26-146.
 - g. Medical marijuana primary caregivers may only operate within single-family or duplex structures in the RR, MH, MF, G-1, G-2, CO, CY, and CN zone districts.
 - h. If the cultivation site is a dwelling unit, the responsible party or parties must use the dwelling unit as a principal residence.
 - i. If the cultivation site is a commercial/industrial unit, the principal use shall be a commercial or industrial use allowed in the district or approved by city council.
 - j. The use shall be restricted to an enclosed, locked area.
 - k. The applicant shall submit a plan for controlling odors created by the cultivation use.
 - l. The site must be inspected by the fire marshal for fire code compliance regardless of whether the applicant intends to obtain a building permit.
- (2) Primary caregivers may not operate as a home occupation. Cultivation of marijuana by a primary caregiver is permissible in accordance with the definition and use criteria as listed above for *"Medical marijuana, primary caregiver."*

Mini park. A park used to address limited, isolated or unique recreational needs, or designed to serve a neighborhood within a radius of one-quarter mile. May include active uses such as playground equipment, and passive uses. Sometimes referred to as a "tot lot" or "pocket park."

Mining. The removal of sand, gravel, earth, rock, stone or mineral bearing substance from the ground for the purposes of using such material or obtaining any mineral from such substances.

Mixed-use. The combination of multiple, different nonresidential and/or residential uses in the same building, encouraging compactness and pedestrian activity. Residential and office uses are typically placed above ground floor street frontage commercial.

Mobile food unit. A readily movable, wheeled push cart (capable of being pushed by one person), motorized-wheeled vehicle, or towed-wheeled vehicle all of which are designed and equipped to serve prepared food or prepare and serve food for immediate consumption.

The mobile food unit must meet all criteria in paragraphs (1)a or b, below.

(1) *Criteria.*

- a. City-owned parks in the OR zone district are exempt from these regulations. Approval of vending in city parks is through the parks and recreation commission.
- b. For all other applicable zone districts:
 1. Permits are valid for the calendar year in which it is issued (January 1 to December 31) with the exception that permits issued on or after November 1st shall be valid through the following calendar year.
 2. Must be located on private property.
 3. No more than one mobile food unit shall be allowed per lot or parcel at one time.
More than one mobile food unit may be allowed as a conditional use.
 4. Shall not be located in sensitive environmental areas such as wetlands or floodways.
 5. Shall serve walk-up customers only. No drive-thru service allowed.
 6. Mobile unit must be located on a paved or all-weather surface.
 7. Location of the unit on a lot must be situated to minimize adverse impacts to adjacent properties. Operations shall not obstruct the visibility of motorists, parking lot circulation, emergency access, access to or along a public street, alley, sidewalk, or trail. Customer queuing may be allowed on a public sidewalk provided a minimum of six (6) feet of unobstructed clearance is maintained. Queuing on public trails is prohibited.
 8. Any related activities and equipment shall not occur outside of the mobile food unit approved area as depicted on the required site plan.

9. Shall demonstrate the availability of parking in the immediate area with the exception of uses located within the G-2, CO, CY, CN (Oak Street) zone districts.
10. Cannot displace required parking for all use on the property.
11. Signs must be permanently affixed to or painted on the mobile food unit and are exempt from sign permitting; provided, that they do not include any prohibited signs per article IX. All other signs must comply with article IX.

- (4) Land within twenty (20) feet of the normal high water mark, or floodway or a natural body of water or watercourse, or other natural obstruction or road;
- (5) Land encumbered by an easement or other building restriction that imposes restrictions on the land's use or development, unless the landowner demonstrates to the director's satisfaction that the easement or restriction does not materially affect the utility of the land for the proposed use or development.

Utilities (above ground and underground). Any structure or facility, excluding buildings, which are owned by a government entity, or any entity defined as a public utility for any purpose by the Colorado Public Utilities Commission and used in connection with the reproduction, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. This shall include facilities that provide similar services.

Vacation home rental. See section 26-88.

Variance. A modification (not a waiver) to a dimensional, numerical or other quantifiable standard contained in the CDC and city street standards. Examples include modifications of lot area, lot size, street frontage, setbacks, and floor area ratio.

Vested development permit. A vested development permit is a development permit that held a permanent approval under provisions provided in the previous CDC by either:

- (1) Completing a defined phase 1; or
- (2) Being eligible to complete a defined phase 1 of development as of the effective date of this CDC, in which case the phase 1 development must be completed within the time frame allowed for the development permit and shall include the three (3) years granted to all development permits from the effective date of this chapter.

A vested development permit shall include revisions so long any revisions are in substantial conformity with the original vested development permit.

Vested project. A project that was vested through provisions provided in the previous CDC through either completing a defined phase I or in the process of completing a define phase I. The phase I development must be completed within the time frame allowed for the development permit and shall include the three (3) years granted to all development permits from the effective date of this chapter.

Visual impact. A development's effect on surrounding uses in terms of mass and scale, orientation to the street, landscaping, off-street parking design, drainage and site plan.

Warehouse. A commercial or industrial building used primarily for the storage of goods and materials, and/or vehicles.

Waste collection facility. A property used for storing waste disposal equipment, waste collection equipment, and the collection, processing, and/or storage of garbage or waste material offered for collection separate from recyclable or hazardous material.

Watercourse. Tributary streams, intermittent streams, drainage ways draining more than twenty (20) acres, and the following rivers and creeks: Yampa River, Walton Creek, Spring Creek, Burgess Creek, Fish Creek, Butcherknife Creek and Soda Creek.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions and are so delineated by the Army Corps of Engineers. Wetlands generally include swamps, marshes, bogs, and similar areas.

Zone A (for flood prevention purposes). As defined by the Federal Emergency Management Agency.

(Ord. No. 1802, § 10.2, 7-23-01; Ord. No. 1815, §§ 7, 8, 29, 30, 38, 39, 11-6-01; Ord. No. 1837, § 1, 2-19-02; Ord. No. 1845, § 1, 4-23-02; Ord. No. 1850, §§ 3, 27, 36, 38, 40, 54—65, 67, 68, 5-21-02; Ord. No. 1951, §§ 5, 6, 6-1-04; Ord. No. 1982, §§ 40—51, 3-15-05; Ord. No. 2032, §§ 7, 8, 12-6-05; Ord. No. 2057, §§ 1, 2, 6-27-06; Ord. No. 2060, § 4, 7-25-06; Ord. No. 2135, § 1, 9-4-07; Ord. No. 2187, §§ 2, 3, 6-3-08; Ord. No. 2228, § 3, 1-20-09; Ord. No. 2231, § 2, 2-3-09; Ord. No. 2249, § 2, 6-16-09; Ord. No. 2250, § 1, 6-16-09; Ord. No. 2251, § 3, 6-16-09; Ord. No. 2254, § 8, 7-7-09; Ord. No. 2280, §§ 1, 2, 10-13-09; Ord. No. 2294, § 1, 12-1-09; Ord. No. 2296, § 2, 1-5-10; Ord. No. 2305, § 2, 3-2-10; Ord. No. 2323, § 1, 6-15-10; Ord. No. 2325, § 1, 6-15-10; Ord. No. 2326, § 1, 6-15-10; Ord. No. 2349, §§ 3, 4, 7, 11-16-10; Ord. No. 2378, § 1, 4-5-11; Ord. No. 2388, § 2, 6-21-11; Ord. No. 2391, § 2, 7-5-11; Ord. No. 2393, § 1, 7-5-11; Ord. No. 2404, § 2, 9-6-11; Ord. No. 2410, § 3, 11-8-11; Ord. No. 2412, § 1B., 1-3-12; Ord. No. 2469, § 3, 9-3-13; Ord. No. 2476, § 2, 10-29-13; Ord. No. 2488, § 1, 3-18-14; Ord. No. 2499, § 2, 6-3-14; Ord. No. 2500, § 10, 6-3-14; Ord. No. 2516, § 2, 12-16-14; Ord. No. 2517, § 3, 1-20-15; Ord. No. 2548, §§ 1, 3, 10-27-15)