

**Town of Morrison**  
**Title 10 Rewrite**  
**Land Use Code**

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**Title 10: Zoning and Land Development**  
**Chapter 1: Land Use Code**

**Article A. General Provisions**

1. Purpose

The purpose of this Land Use Code is to:

- (a) Promote the health, safety, and general welfare of the Town;
- (b) Reduce greenhouse gas emissions and prepare for the impacts of climate change on the community;
- (c) Protect the character of historic and natural areas;
- (d) Provide a safe, efficient, accessible, and connected system of transportation that emphasizes public transit, walking, and biking to enhance options to reduce overall dependence on the automobile;
- (e) Preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the Town;
- (f) Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
- (g) Regulate and restrict the location and intensity of use of buildings, structures, and land for trade, industry, residence, and other uses;
- (h) Ensure adequate public improvements are provided; and
- (i) Ensure that the cost of design and installation of improvements in new developments are borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent property owners or the Town as a whole.

2. Applicability

After the effective date of this Land Use Code, all buildings, structures, and any portion thereof, and uses of land, whether existing or established after the effective date, shall be subject to the provisions of this Land Use Code, subject to the nonconformity provisions in Article E.8.

3. Title and Short Title

This Chapter, as amended from time to time, shall be known and may be cited as the Town of Morrison Land Use Code. It may also be referred to within this document as the "Land Use Code," "LUC," "Chapter 1," or "this Chapter."

4. Effective Date

This Chapter shall become effective on June 18, 2024.

5. Severability

If any of the provisions of this Land Use Code are declared invalid, the other provisions shall remain in full force and effect.

6. Official Zoning Map

- (a) The location and boundaries of the zoning districts are hereby established on a map entitled "Official Zoning Map," as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this Land Use Code.
- (b) The Official Zoning Map shall be available on the Town's Website.
- (c) In the event of a conflict between the zoning district boundaries as shown on the Official Zoning Map and the zone district adopted by the Board of Trustees by ordinance, the ordinance shall control.
- (d) Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map, the following rules shall apply:
  - i. In subdivided areas, unless otherwise shown on the maps, the district boundaries are either streets, alleys, or record lot lines, and where a district boundary line is approximately along a street, alley, or record lot line, said street, alley, or lot line shall be construed to be the boundary.
  - ii. In unsubdivided areas, the district boundaries, unless otherwise shown on the maps, are streets, highways, or land survey lines. Where a portion of any district is indicated upon the zoning district map as a strip paralleling a street or highway, the width of the strip, unless given in figures, shall be determined by the scale of the map.

7. Transition Rules

- (a) Adoption of Existing Conditions of Approval
  - i. This LUC adopts and incorporates by reference the stipulations and conditions from particular development approvals in effect under the previous development code, as amended and supplemented, for the Town.
  - ii. This LUC further adopts and incorporates by reference all development plans, use permits, variances, stipulations, and conditions that currently apply to any property prior to the date of adoption of this LUC.
- (b) Pending Applications
  - i. A development application that has been determined to be complete by the Town prior to the effective date of this LUC shall be decided under the regulations in effect when the application was determined to be complete unless the applicant requests review and approval under this LUC. Applications shall not be processed under a combination of prior regulations and this LUC except as stated in subsection (ii) below.
  - ii. Final development plans for a planned development that were preliminarily approved prior to the effective date of this LUC, but with phases requiring final approval after the effective date of this LUC may seek approval in accordance with the standards and procedures of this LUC upon applicant request.

- (c) **Prior Development Approvals**
  - i. Any development approved under regulations in effect prior to the effective date of this LUC may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of this LUC regarding ongoing operations and maintenance.
  - ii. If the prior approval expires pursuant to Article E, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this LUC.
  - iii. Unless otherwise provided in the initial approval, any proposed amendment to a permit or other form of approval issued under prior regulations shall be reviewed based on the development standards in effect at the time of submission of a complete application for the amendment.
- (d) **Prior Violations**

Any violations of previous versions of any code or ordinance of the Town shall continue to be a violation under this LUC and shall be subject to the penalties and enforcement set forth in Article E.10.

**Article B. Districts**

1. **Zoning Districts**

Zoning districts and associated purpose statements are established as shown in Table B-1.

<b>Table B-1: Zoning Districts</b>	
<b>Zoning District</b>	<b>Purpose Statement</b>
RR – Rural Residential	The RR district is intended to maintain the rural areas of the Town with a combination of open space, low-impact and low-density residential uses, and compatible agricultural uses.
RE – Residential Estate	The RE district is intended for single family residential development on relatively large lots.
R1 – Low-Density Residential	The R1 district is intended for low-density residential development on a variety of lot sizes with a limited number of related civic uses while ensuring compatibility with surrounding patterns of development.
R2 – Medium-Density Residential	The R2 district is intended for a mixture of medium-density residential uses with supportive civic and institutional uses while ensuring compatibility with surrounding patterns of development.
HD – Historic Downtown	The HD district is intended for a mix of residential and commercial uses that seek to preserve and enhance the historic downtown character of the Town.
MX-N – Mixed Use Neighborhood	The MX-N district is intended for a mix of low-intensity commercial and residential uses in areas adjacent to more traditional residential districts.

**Table B-1: Zoning Districts**

<b>Zoning District</b>	<b>Purpose Statement</b>
LI – Light Industrial	The LI district is intended for a mix of heavy commercial and light industrial uses that do not generate significant adverse operational or traffic impacts and that are ordinarily served within direct access to major thoroughfares.
PD – Planned Development	The PD district is intended to encourage new and imaginative concepts in urban design and land development to promote and improve the health, safety, and general welfare of the residents of the Town and to create distinct developments with unique urban design, mixed uses, enhanced ecosystems services, and substantial additional benefit to the Town that would not otherwise be required by this LUC.

**Article C. Uses**

1. Permitted Uses Table

- (a) A "X" in a cell of the Permitted Use Table indicates that the use is permitted by right in that zoning district, subject to compliance with any Use-Specific Standards cross-referenced in the right-hand column of that line of the table.
- (b) A "C" in a cell of the Permitted Use Table indicates that the use is permitted only after the petitioner obtains Conditional Use approval pursuant to Article E.4(c), and subject to any Use-Specific Standards cross-referenced in the right-hand column of that line of the table.
- (c) An "A" in a cell of the Permitted Use Table indicates that the use is permitted as an accessory use only in support of a permitted use on the site, and subject to any Use-Specific Standards cross-referenced in the right-hand column of that line of the table.
- (d) A "T" in a cell of the Permitted Use Table indicates that the use is permitted as a temporary use only after a temporary use permit is obtained pursuant to Article E.4(e), and subject to any Use-Specific Standards cross-referenced in the right-hand column of that line of the table.
- (e) An "\*" indicates that a Use-Specific Standard cross-referenced in the right-hand column of the table applies to the use.
- (f) A blank cell in the Permitted Use Table indicates that the use is not allowed in that zoning district.

2. Unlisted Uses

When a proposed primary, accessory, or temporary land use is not explicitly listed in the Permitted Uses Table, the use is not permitted in the Town, unless Staff determines that it is included in the definition of a listed use or is so similar to a listed use that it shall be treated as the same use. Staff shall make that determination based on a comparison of the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use with other uses listed in the Permitted Uses Table. Staff’s interpretation shall be made available to the public and shall

be binding on future decisions of the Town until this LUC is amended to treat the use differently.

**Table C-1: Permitted Uses Table**

**X = use by right; C = conditional use; A = accessory use; T = temporary use; Blank cell = prohibited; Uses with an \* = use-specific standards apply**

Zoning Districts	RR	RE	R1	R2	HD	MX-N	LI	Use-Specific Standards
<b>Residential Uses</b>								
Dwelling, Single Family Detached	X	X	X	X	X			
Dwelling, Duplex*				X	X	X		Article C.3(a)i
Dwelling, Triplex*				X	X	X		Article C.3(a)ii
Dwelling, Multifamily*				C	C	X		Article C.3(a)iii
Group Home, Small*				C	C	C		Article C.3(a)iv
Group Home, Large*					C	C		Article C.3(a)iv
Nursing Home				C	C	C		
<b>Agricultural Uses</b>								
Agriculture Production*	X							Article C.3(b)i
Community Garden*	X	X	X	X	X			Article C.3(b)ii
Equestrian Operation*	C							Article C.3(b)iii
<b>Public, Institutional, and Civic Uses</b>								
Art Gallery, Museum, and Library					X	X		
Cemetery or Interment Facility	C							
Community Center			C	C	X	X		
Day Care Facility*				C	C	C		Article C.3(c)i
Medical Facility					C	X		
Parks and Open Space	X	X	X	X	X	X	X	
Places of Worship				C	X	X		
School				C	X	X		

**Table C-1: Permitted Uses Table**

**X = use by right; C = conditional use; A = accessory use; T = temporary use; Blank cell = prohibited; Uses with an \* = use-specific standards apply**

Zoning Districts	RR	RE	R1	R2	HD	MX-N	LI	Use-Specific Standards
<b>Commercial Uses</b>								
Adult Entertainment*						C		Article C.3(d)i
Animal Shelter*					C	X		Article C.3(d)ii
Automotive Center and Services*						C	C	Article C.3(d)iii
Bar, Brewery, or Distillery*					X	X		Article C.3(d)iv
Bed and Breakfast*					C	X		Article C.3(d)v
Business or Personal Service					X	X		
Fast Food Restaurant*						C		Article C.3(d)vi
Fueling Station*						C		Article C.3(d)vii
Hotel					C	C		Article C.3(d)viii
Indoor Entertainment or Recreation					X	X		
Medical or Recreational Marijuana Dispensary*						C	C	Article C.3(d)ix
Nursery or Garden Supply Store					X	X		
Office				C	X	X		
Outdoor Entertainment or Recreation*					C	C		Article C.3(d)x
Parking Garage					C	C		
Parking Lot					X	X		
Retail, Small					X	X		
Retail, Large					C	C		
Restaurant				C	X	X		
Self Service Storage Facility							C	
Veterinary and Animal Services*					C	X		Article C.3(d)xi

**Table C-1: Permitted Uses Table**

**X = use by right; C = conditional use; A = accessory use; T = temporary use; Blank cell = prohibited; Uses with an \* = use-specific standards apply**

Zoning Districts	RR	RE	R1	R2	HD	MX-N	LI	Use-Specific Standards
<b>Industrial, Utility, Communication, and Energy Uses</b>								
Commercial Wireless Telecommunications Service*	A	A	A	A	A	A	C	Article C.3(e)i
Geothermal Energy System	A	A	A	A	A	A	A	
Quarry*							C	Article C.3(e)ii
Utility, Major						C	C	
Utility, Minor	A	A	A	A	A	A	A	
Solar Collector, Ground- or Building-Mounted*	A	A	A	A	A	A	X	Article C.3(e)iii
Wind Energy Conversion System, Ground- or Building-Mounted*	A	A	A	A	A	A	X	Article C.3(e)iv
<b>Accessory Uses</b>								
Accessory Dwelling Unit*		A	A	A	A	A		Article C.3(f)i
Barns, Sheds, and Outbuildings	A	A						
Drive-through Facility*						A		Article C.3(f)ii
Electric Vehicle Charging Station	A	A	A	A	A	A	A	
Garage	A	A	A	A	A	A	A	
Greenhouse*	A	A	A	A	A	A	A	Article C.3(f)iii
Home Occupation*	A	A	A	A	A	A	A	Article C.3(f)iv
Outdoor Eating Area*				A	A	A		Article C.3(f)v
Urban Agriculture*	A	A	A	A				Article C.3(f)vi
Recreational Vehicle and Boat Parking*		A	A	A				Article C.3(f)vii
Rooftop Patio*					A	A		Article C.3(f)viii
Short-Term Rental								

**Table C-1: Permitted Uses Table**

**X = use by right; C = conditional use; A = accessory use; T = temporary use; Blank cell = prohibited; Uses with an \* = use-specific standards apply**

Zoning Districts	RR	RE	R1	R2	HD	MX-N	LI	Use-Specific Standards
<b>Temporary Uses</b>								
Food Truck*					T	T		Article C.3(g)i
Garage Sale*		T	T	T				Article C.3(g)ii
Seasonal Sales*					T	T		Article C.3(g)iii
Special Event					T	T		

3. Use-Specific Standards

(a) Residential Uses

i. Duplex Dwelling

- (1) Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.
- (2) When applicable, the following design elements of the Duplex Dwelling shall be similar in shape, size, and design with the majority of existing single family or duplex structures on the same block face on which it is located:
  - (a) Roof pitch;
  - (b) Front porch width and depth;
  - (c) Front building setback; and
  - (d) Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).

ii. Triplex Dwelling

- (1) Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.
- (2) When applicable, the following design elements of the Duplex Dwelling shall be similar in shape, size, and design with the majority of existing single family or duplex structures on the same block face on which it is located:
  - (a) Roof pitch;
  - (b) Front porch width and depth;
  - (c) Front building setback; and

- (d) Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).
- iii. Multifamily Dwelling
 

Multifamily Dwellings shall provide parking to tenants in a parking garage located within the primary structure.
- iv. Group Home, Small and Large
  - (1) Group homes shall be for the exclusive use of citizens protected by the federal Fair Housing Act Amendments of 1988 (FHAA), as defined in the FHAA and interpreted by the courts, or by any similar legislation of the State of Colorado.
  - (2) No Group Home shall be located within 1,000 feet of any other Group Home.
- (b) Agricultural Uses
  - i. Agriculture Production
 

Agriculture Production shall only be permitted on lots greater than 21,780 square feet.
  - ii. Community Garden
    - (1) Retail sales shall be prohibited on the Community Garden site except for the sale of produce grown on that site.
    - (2) The site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent property.
    - (3) Refuse and compost areas shall be enclosed at ground level to be rodent-resistant.
    - (4) No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.
  - iii. Equestrian Operation
    - (1) A maximum of five horses per acre shall be permitted.
    - (2) As a part of an application for conditional use approval, Equestrian Operation applicants shall prepare a resource stewardship plan that outlines the best management practices to be implemented for the following issues, as applicable: management of water quality, storm water, soil erosion, manure, dust, pasture vegetation, pests, wildlife, and weeds.
    - (3) Noise, fumes, dust, odors, vibration, or light generated as a result of the equestrian operation will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.
    - (4) Hours of operation for public use shall be limited to 8:00AM to 7:00PM.

- (c) Public, Institutional, and Civic Uses
  - i. Day Care Facility
    - (1) Day Care Facilities shall not be located closer than 500 feet to any other Day Care Facility.
    - (2) When a license is required by the state, proof of licensing shall be presented with the application for approval. Day Care Facilities exempt from state licensing requirements shall provide proof of exemption.
- (d) Commercial Uses
  - i. Adult Entertainment
    - (1) Adult Entertainment uses shall be located at least 1,000 feet from any residential district boundary, Place of Worship, or School.
    - (2) Adult Entertainment uses shall not be located closer than 1,000 feet to any other Adult Entertainment uses.
  - ii. Animal Shelter
    - (1) Any part of a building where animals are boarded shall be fully enclosed, with solid core doors, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
    - (2) No outdoor animal run shall be permitted within 200 feet of any adjacent residential district or use.
  - iii. Automotive Center and Services
    - (1) All major overhaul, body and fender work, upholstery and welding, and spray painting shall be conducted within a completely enclosed building.
    - (2) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
    - (3) Outdoor storage of more than one wrecked or temporarily inoperable vehicle awaiting repairs shall be prohibited.
  - iv. Bar, Brewery, or Distillery
    - (1) Bars, Breweries, and Distilleries shall not manufacture more than 10,000 barrels of beverages annually.
    - (2) Bars, Breweries, and Distilleries shall maintain at least 15 percent of the gross floor area of the facility or 500 square feet of floor space, whichever is greater, for public use as a tavern, restaurant, or tasting area.
  - v. Bed and Breakfast
    - (1) The business owner or manager of the Bed and Breakfast shall be required to reside on the property.
    - (2) The exterior design of any exterior modification of the structure shall include façade articulation, and numbers and locations of windows and building entrances on the primary

- building façade, that are similar to single family detached dwellings in the surrounding area and neighborhood.
- vi. Fast Food Restaurant
    - (1) Fast Food Restaurants shall not be located closer than 500 feet to any other Fast Food Restaurant uses.
    - (2) Fast Food Restaurants shall only be permitted on properties abutting a collector or arterial street.
  - vii. Fueling Station
    - (1) Outdoor storage of any wrecked or inoperable vehicles shall be prohibited.
    - (2) Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets.
  - viii. Hotel
    - (1) In the HD district, there shall be a maximum of one hotel with a maximum of 25 rooms.
    - (2) In the MX-N district:
      - (a) Hotels shall only be located in the East Planning Area.
      - (b) There shall be a maximum of one hotel with a maximum of 90 rooms.
      - (c) Hotels shall provide parking for guests in a parking garage located within the primary structure.
  - ix. Medical or Recreational Marijuana Dispensary
    - (1) A maximum of one medical or recreational marijuana dispensary shall be permitted in the Town.
    - (2) Medical or Recreational Marijuana Dispensaries shall obtain a license in accordance with Title 3 Chapter 7 of the Morrison Municipal Code prior to conditional use approval issuance.
    - (3) In addition to the requirements in Title 3 Chapter 7 of the Morrison Municipal Code, the Board of Trustees may require additional standards and fees for Medical or Recreational Marijuana Dispensaries to ensure that the use promotes the public welfare, health and safety of the Town residents.
  - x. Outdoor Entertainment or Recreation
    - (1) Ecotours and Rafting shall be permitted as a use by right in all districts in the Town.
    - (2) All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6: Sports and Recreational Area Lighting).

- (3) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed two footcandles at a point one meter beyond the property line.
- (4) Field lighting for all outdoor recreational facilities shall be turned off within 30 minutes after the completion of the last event of the night.
- xi. Veterinary and Animal Services
  - (1) Any part of a building where animals are boarded shall be fully enclosed, with solid core doors, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
  - (2) No outdoor animal run shall be permitted within 200 feet of any adjacent residential district or use.
- (e) Industrial, Utility, Communication, and Energy Uses
  - i. Commercial Wireless Telecommunications Service (CWTS)
    - (1) A conditional use permit shall be required for all CWTS facilities including those established as accessory uses.
    - (2) CWTS facilities shall be co-located to the maximum extent practicable. If co-location is not possible, a sworn statement shall be submitted documenting why co-location on an existing communication tower cannot meet the petitioner's requirements. Such statement must demonstrate that co-location of communication facilities on an existing communication tower is not a viable option because co-location:
      - (a) Would not result in the same communication service, functionality, coverage, and capacity;
      - (b) Is technically infeasible; or
      - (c) Is an economic burden to the petitioner.
    - (3) All antennas, communication towers, other CWTS structures and any other wiring shall comply with the following requirements:
      - (a) All applicable provisions of this LUC, Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.
      - (b) All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Building Code, as amended, and The Electronics Industry Association.

- (c) With the exception of necessary electric and telephone service and connection lines, no part of any communication equipment or communication tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.
  - (d) All communication towers and communication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
  - (e) All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).
  - (f) All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.
  - (g) An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all co-location sites, calculated fall zone, and strength requirements to withstand natural forces such as ice, wind, and earth movements.
  - (h) All communication towers shall be of monopole design.
  - (i) Communication towers shall be set back from all property lines a minimum distance equal to the calculated fall zone, as set forth in the petitioner's engineering certification for the communication tower.
  - (j) Only lighting that is for safety or security reasons or required by the FAA or other federal or state authority, shall be permitted. All lighting shall meet requirements of this LUC, except where state or federal requirements provide otherwise.
- (4) Each tower and antenna shall be masked, colored, or enclosed to appear visually similar to the surface on which it is mounted, or to minimize visual differences in color and

texture when viewed against its background from public streets and open spaces, to reduce negative visual impact.

- (5) The outermost perimeter or security fence of a communication facility shall be screened with a solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.
- (6) Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after 30 days from the date a notice of violation is issued, the Town may remove the tower and bill the owner for the costs of removal and cleanup of the site.

ii. Quarry

There shall be a maximum of one Quarry permitted in the Town.

iii. Ground- or Building-Mounted Solar Collectors

Accessory ground-mounted solar collectors shall:

- (1) Be set back at least six feet from the side and rear property line;
- (2) Not be located within an easement;
- (3) Be located to minimize glare visible from abutting properties; and
- (4) Not exceed 15 feet in height with panels oriented in a vertical position.

iv. Ground- or Building-Mounted Wind Energy Conversion System (WECS)

- (1) Ground- or Building-Mounted WECS shall require a conditional use permit in all residential zone districts.
- (2) A ground-mounted WECS located on a single lot shall be set back from each property line at least 1.1 times the total height of the WECS.
- (3) A WECS that is placed on a primary or accessory structure and does not exceed the maximum height in the applicable zoning district shall meet the minimum setback for the primary or accessory structure in the zoning district where it is located.
- (4) The blades of a WECS placed on a primary building shall not extend beyond the property line in any operational position.

- (5) Each ground-mounted WECS with blades that spin on a horizontal axis and with a height of more than 30 feet shall not be located within 600 feet of any State wildlife management areas, wetlands, and flood control reservoirs.
- (f) Accessory Uses
- i. Accessory Dwelling Unit
    - (1) There shall be no more than one Accessory Dwelling Unit on a lot.
    - (2) An Accessory Dwelling Unit may not exceed 900 square feet of gross floor area.
    - (3) No portion of a lot on which an Accessory Dwelling Unit is located may be subdivided from or legally described differently than, the lot containing the primary residential unit, and no portion of a structure containing an Accessory Dwelling Unit may have ownership different from the ownership of the primary dwelling unit.
    - (4) There shall be one additional off-street parking space provided for the Accessory Dwelling Unit.
    - (5) Recreational vehicles may not be used as Accessory Dwelling Units.
  - ii. Drive-Through Facility
    - (1) Drive Through Facilities shall be located, sized, and designed to minimize pollution, noise, and glare impacts on surrounding properties.
    - (2) Drive Through Facilities shall not create traffic impacts on surrounding roadways and all vehicular traffic related to the drive through shall be self-contained on the property.
    - (3) Drive Through Facilities shall be buffered from adjacent rights-of-way and properties through architectural elements, screening, landscaping, or site design.
  - iii. Greenhouse
 

Greenhouses and hoop houses shall be limited to a maximum height of 15 feet and shall be located at least 10 feet from any lot line.
  - iv. Home Occupation
    - (1) Home Occupations shall not involve internal or external alterations or construction features not normally found in dwellings.
    - (2) Home occupations that involve boarding animals shall be limited to six animals at any one time.
    - (3) No Home Occupation may use mechanical equipment or any device that creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises,

including those that create visual or audible interference on any radio or television receiver located off the premises.

- (4) Exterior storage of equipment or materials in connection with the Home Occupation and display of products, goods, or services that are visible from outside the dwelling unit shall be prohibited.

v. Outdoor Eating Area

Outdoor Eating Areas shall not interfere with pedestrian access to any public or private door, shall provide at least 36 inches wide of unobstructed sidewalk for pedestrian traffic, and shall not obstruct required parking or parking lot circulation.

vi. Urban Agriculture

- (1) Retail sales shall be prohibited on the Urban Agriculture site except for the sale of produce grown on that site.
- (2) Greenhouses and hoop houses are limited to a maximum height of 15 feet, shall be located at least 10 feet from any lot line and may not cover more than 25 percent of the property.
- (3) Cold frames are limited to a maximum height of four feet and shall be located at least 10 feet from any lot line.
- (4) Agricultural stands are limited to a maximum height of 12 feet and shall be located at least 10 feet from any abutting residential use.
- (5) The site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent property.
- (6) Refuse and compost areas shall be enclosed at ground level to be rodent-resistant.
- (7) No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.
- (8) Chickens and ducks shall only be permitted as a part of Urban Agriculture uses on lots greater than 5,000 square feet.
- (9) A maximum of five birds shall be permitted per 5,000 square feet of lot area.

vii. Recreational Vehicle and Boat Parking

- (1) Recreational Vehicle and Boat Parking shall be permitted as an accessory use to Single Family Detached Dwellings.
- (2) A maximum of one recreational vehicle shall be permitted per lot and shall be located in a rear or side yard.
- (3) Overnight occupancy of a recreational vehicle shall be prohibited except for a maximum of six months while active construction occurs to the Single Family Detached

Dwelling located on the same lot as the recreational vehicle.

viii. Rooftop Patio

- (1) Rooftop Patios shall require a conditional use permit.
- (2) Rooftop Patios including all appurtenances thereto shall not exceed the maximum height permitted in the zoning district to which it is located.
- (3) Rooftop Patios are restricted to use by customers and employees of the principal business within the building, for seating and consumption of food and beverages, to the extent permitted to the principal business.
- (4) Hours of operation shall be limited to 8AM to 9PM Sunday through Thursday and 8AM to 11PM Friday and Saturday.
- (5) No lighting shall be erected above four feet from floor level.
- (6) No amplified sound or live music shall be permitted.
- (7) Service of alcohol beverages on a rooftop patio is permitted only upon approval of a liquor license for such use.
- (8) Maximum square feet shall not exceed 750 square feet, excluding stairwells but including walkways, service areas and seating.
- (9) Maximum occupancy shall not exceed 50 persons.

(g) Temporary Uses

i. Food Truck

- (1) Only one Food Truck shall be permitted per lot and per temporary use permit for a Food Truck. Requests for multiple food trucks on a single lot shall require a Special Event temporary use permit.
- (2) A business license shall be obtained prior to issuance of a temporary use permit for a Food Truck.
- (3) Operators shall maintain trash receptacles and all areas used for food vending in a safe and clean condition.
- (4) Food Trucks shall not obstruct pedestrian or bicycle access or passage, or parking lot circulation.

ii. Garage Sale

A temporary use permit shall not be required for a Garage Sale provided that the sale takes place entirely within a residential use and occurs for less than four days in a calendar year.

iii. Seasonal Sales

- (1) The temporary use shall be located on a lot that fronts on a collector or arterial street.
- (2) The temporary use shall be located at least 50 feet from any residential district.

**Article D. Dimensional and Development Standards**

1. Applicability

The requirements of this Article apply to all new developments and subdivisions, and Substantial Improvement of existing development unless specifically stated otherwise in this Article.

2. Dimensional Standards

All development shall comply with the dimensional standards as shown in Table D-1 unless otherwise stated in this LUC.

<b>Table D-1: Dimensional Standards</b>							
<b>District</b>	<b>RR</b>	<b>RE</b>	<b>R1</b>	<b>R2</b>	<b>HD</b>	<b>MX-N</b>	<b>LI</b>
<b>Minimum Lot Dimensions</b>							
Lot Area	5 acres	20,000 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	10,000 sq. ft.
Lot Width	150 feet	100 feet	50 feet	50 feet	25 feet	25 feet	75 feet
<b>Minimum Building Setback in Feet</b>							
Front	20	30	20	20	None	None	25
Side	10	10	10	10	None	None	20
Rear	10	10	10	10	None	None	20
<b>Maximum Building Height in Feet</b>							
Primary Structure	36	30	30	30	36	36	36
Accessory Structure	24	24	24	24	24	24	36

(a) Application of Setbacks

- i. No structure or use shall be located in a required setback or in areas designated for private or common open space on an approved Site Plan.
- ii. On a corner lot, the owner shall designate one street frontage as the front lot line, and all other street frontages shall be designated as side street lot line(s).
- iii. On corner lots where potential front and side lot lines create a continuous curve, a radial line intersecting the midpoint of the curve shall be deemed the boundary between the yards.

(b) Exceptions to Dimensional Standards

- i. Steeples, bell towers, chimneys, roof-mounted mechanical equipment, elevator equipment enclosures, and similar architectural and mechanical elements may exceed the maximum height of the applicable zoning district by no more than six feet.
- ii. Porches, balconies, canopies, stairways, steps, landings and decks, covered patios, enclosed courts, eaves, awnings, bay windows, fire escapes, chimneys, and steps may exceed the minimum setback of the applicable zoning district by no more than 33 percent of the depth of the minimum setback that is required, but not closer than four feet to a side lot line.

- iii. Signs, fences, and gasoline pumps shall be permitted in front, side, or rear setbacks.

(c) MX-N Height Bonus

For properties in the MX-N district located in the East Planning Area, an additional 12 feet of height shall be permitted for each floor located within the primary structure that is dedicated solely to parking. A maximum of 24 feet of additional height shall be permitted.

3. Subdivision Standards

(a) Purpose

The purpose of this Section is to:

- i. Promote orderly, efficient, and integrated development;
- ii. Encourage the proper arrangement of subdivisions in relation to existing or planned subdivisions in order to facilitate safe, efficient and pleasant walking, biking and driving;
- iii. Ensure an adequate and efficient street system by regulating the location, design, class, and type of street, sidewalk and other transportation corridors; and
- iv. Secure adequate provisions of water, electric service, drainage, sewers, and other facilities and services for the health and safety of Town citizens.

(b) Applicability

- i. The standards in this section shall apply to all subdivisions in the Town.
- ii. When a standard in this Section may be applied at the site plan approval stage in conjunction with a requirement in this Article D, Staff, in its sole discretion, may allow compliance with a standard in this Article to be deferred to the site plan application.
- iii. Standards related to street names and house numbers are located in Chapter 2 of Title 7.

(c) General Requirements

- i. The standards in this Section are minimum standards. The Town may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this Code.
- ii. To the maximum extent practicable, the design of subdivisions shall comply with all other Town-adopted plans and policies.

(d) Subdivision Name

The proposed name of a subdivision shall be approved by Staff and shall not use a word that is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the Town except for common locational terms like hills and court.

- (e) General Improvement Requirements
  - i. Subdivision improvements shall comply with the Town Engineering Design Standards as adopted by resolution of the Board of Trustees.
  - ii. All on-site and off-site public improvements and common facilities that are required to adequately serve the proposed development or are deemed necessary to address the impact caused by the proposed development shall be paid for and constructed by the applicant.
  - iii. The public improvements and common facilities required to be paid for and constructed as part of the proposed development shall be governed by a separate development agreement, which shall include an adequate performance guarantee unless such requirement is waived by Staff because of a lack of improvements required.
  - iv. In addition to the particular improvements required by this Code, the Town may require additional public improvements that are reasonably related to the subdivision including parks, street trees, streets, sidewalks, public sanitary sewer and water extensions, storm water management facilities, soil erosion and sedimentation control, and monumentation.
  - v. An applicant may seek to stage or phase development to link the timing of development with the adequacy of public facilities provided that the demands for adequate public facilities generated by subsequent phases of the development are adequately addressed.
- (f) Roadway Improvements and Design
  - i. Street connections shall be provided to adjoining undeveloped and underdeveloped lands within and outside the Town to allow future development to connect to a public street system.
  - ii. Street systems shall be designed to be through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, or vehicular safety factors make a vehicular connection impractical.
  - iii. Alleys are permitted and encouraged and shall be:
    - (1) A minimum width of 25 feet; and
    - (2) Dedicated to the Town.
  - iv. Street trees shall be installed on boulevards on public streets, shall be included in the landscape plan for the property, and count toward the minimum planting requirements in Article D.7.
  - v. Street lighting shall be installed in conformance with Article D.11.
  - vi. The applicant shall construct or monetarily contribute to off-site roadway improvements that serve the development based on the projected demand, size of the property, and impacts caused by the

vehicular traffic generated by the subdivision including the frequency and size of vehicles accessing the site.

- (g) Sidewalk, Bikeway, and Trail Improvements and Design
    - i. Sidewalks, bikeways, and trails shall comply with Article D.5.
    - ii. Accessible curb ramps from the sidewalk to street grade shall be provided in conformance with the Americans with Disabilities Act and other applicable law.
  - (h) Natural, Archaeological, Paleontological, and Scenic Resource Protection
    - i. Unless waived by Staff based on evidence that no natural, archaeological, paleontological, or scenic resources exist on the site, all major subdivision and major site plan applications shall be accompanied with an existing conditions map prepared by a licensed professional that outlines all riparian areas, wetlands, critical wildlife habitat and corridors, archaeological features, geologic hazards, and slopes greater than thirty percent.
    - ii. No land disturbance of any kind shall occur within 10 feet of any identified natural and scenic feature unless adequate mitigation measures that reduce or eliminate the impacts of the disturbance on the feature are approved by Staff.
  - (i) Easements

All easements and rights-of-way necessary to serve the development shall be dedicated to the Town or the applicable utility provider by the applicant as part of the subdivision approval process or through separate instrument in a form approved by the Town Attorney.
  - (j) Utilities
    - i. Utilities shall comply with Title 8 of the Code.
    - ii. All new utilities shall be placed and maintained underground, unless determined by the Town that extraordinary circumstances related to the physical condition of the property render undergrounding impossible. Such utilities shall be constructed within street rights-of-way or within easements dedicated for such use.
  - (k) Maintenance
    - i. Maintenance of newly installed public improvements shall remain with the applicant for a period of two years from final inspection or as otherwise defined in a development agreement.
    - ii. Following the expiration of the required maintenance period, the Town shall assume responsibility for maintenance and upkeep of public facilities upon the acceptance of such improvements in a form approved by the Town.
4. Sensitive Lands, Stormwater, and Drainage
- (a) Floodplains
    - i. Applicability

All new development and Substantial Improvements to existing development in a special flood hazard area as delineated by the most recent report available from the Federal Emergency Management Agency (FEMA) and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) shall comply with the standards in this section. If a building or structure lies partly within the floodplain, these standards apply to the entire building or structure lying within any portion of the floodplain.

ii. Permit Required

A floodplain development permit issued pursuant to Article E.4(f) shall be required prior to any new development or Substantial Improvement that is subject to this Section.

iii. Standards

- (1) No channelization or flow diversion projects shall be permitted unless the applicant establishes that no adverse impact to adjoining properties will occur and the historic flow with the same flow characterizations are established upon completion of the channelization or diversion.
- (2) No new development or Substantial Improvement shall occur in a designated floodway unless the applicant demonstrates through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer that the proposed encroachment would not result in any increase in flood levels within the Town during the occurrence of the base flood discharge.
- (3) All structures shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or at least two feet above the depth number specified in the Town's Flood Insurance Rate Map (FIRM) for areas designated as shallow flooding.
- (4) Fully enclosed areas below the lowest floor that are usable solely for parking vehicles, building access, or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters by including the following:
  - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area;
  - (b) The bottom of all openings shall be no higher than one foot above grade; and

- (c) Openings equipped with screens, louvers, valves, or other coverings or devices permit the automatic entry and exit of floodwaters.
  - (5) All structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
  - (6) All structures shall be constructed with materials and utility equipment resistant to flood damage below the floodplain grade.
  - (7) All structures shall be constructed to minimize flood damage.
  - (8) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at or above the floodplain grade and designed to prevent water from entering or accumulating within the components below the floodplain grade. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the floodplain grade.
  - (9) Water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  - (10) Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  - (11) Materials which are flammable, hazardous, toxic, or explosive, or that in times of flooding could be harmful to human, animal, or plant life may not be produced, stored, or processed in a floodplain.
- (b) Wetlands
- i. Applicability
 

This section shall apply to all subdivision and site plan applications in the Town except when an applicant has complied with Article D.3(h) at the subdivision stage.
  - ii. Standards
    - (1) When there is a substantial likelihood of a wetland existing on a property proposed for development, Staff shall require, at the applicant's expense, a licensed professional to study the property to determine the existence of a wetland and delineate the boundaries of the wetland on the applicable property.
    - (2) No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within 10 feet of a delineated wetland.

- (3) A wetland buffer area extending 10 feet from a delineated wetland shall be required on all delineated wetlands.
  - (4) Draining of a delineated wetland shall be prohibited.
- (c) Stormwater
- i. Applicability
 

This Section shall apply to all subdivision and site plan applications that propose to increase impervious surface area.
  - ii. Plan Required
    - (1) A stormwater management plan shall accompany an application for site plans for all properties subject to this Section.
    - (2) Stormwater management plans shall address the impact a development will have on existing drainage facilities and how the storm drainage system complies with this Section and the Town's Engineering Design Standards.
  - iii. Standards
    - (1) Stormwater facilities shall be constructed in conformance with Town Engineering Design Standards as adopted by resolution of the Board of Trustees.
    - (2) Stormwater runoff from a construction site directed to a wetland shall be substantially free of silt and debris and shall be discharged at a rate that will not disturb vegetation or increase turbidity.
    - (3) Increases in runoff from the 5-year and 100-year frequency storms due to development, redevelopment, or change of use activity on the site shall be adequately detained within the development and released at a rate no greater than existed prior to the development or as permitted by the Town's Engineering Design Standards.
    - (4) No fences or structures shall be constructed across an open drainage channel or easement that will reduce or restrict the flow of water unless part of an approved retention or detention facility or a revocable permit has been approved to allow the fence or structure. If a revocable permit is required, conditions attached to that permit may require mitigation of impacts related to the crossing.
    - (5) The Town may require any water course or stormwater management facility to be located within a dedicated drainage easement that provides sufficient width for maintenance as further described in the Town's Engineering Design Standards.
- (d) Grading
- i. Applicability

This Section shall apply to all subdivision and site plan applications that include any land-disturbing activity that requires the grading of slopes except the construction of public trails.

ii. Standards

- (1) All unarmored and structurally unrestrained graded slopes and fills shall be limited to a 3:1 grade (three feet horizontal to one foot vertical).
- (2) Any graded or fill slope which exceeds a 3:1 grade shall be required to use universally accepted armoring techniques, or retaining structures as approved by the Town Engineer or, at the developers expense, certification by a licensed professional engineer stating that the slopes can be stabilized by plantings, vegetative seeding, mulching. When slope cuts involve rock formations it may be required to be certified by a registered geologist.
- (3) Any graded or fill slope which exceeds a 3:1 grade shall be terraced at 20-foot vertical intervals. Slopes graded between 2:1 and 3:1 shall have a minimum bench width of five feet. Slopes steeper than 2:1 shall have a minimum bench width of five feet and may be required to have wider benches upon Town Engineer determination.
- (4) Maximum slopes proposed within a minimum of 20 feet of an established property line or any required setback adjacent to a property line shall be 3:1 tying into existing grades along perimeter or property line of the site or retained via retaining walls or other acceptable measures.
- (5) For subdivisions of three acres or greater and to the maximum extent reasonably practicable, developments shall be designed in a manner that preserves the natural topography of the site and minimizes the use of cut and fill.

5. Access and Connectivity

(a) Vehicle Circulation

- i. Vehicular access and circulation for a development shall incorporate the continuation and connection of public street roadways and associated rights-of-way that have been extended or connected to the boundary of the development site from existing or approved abutting developments.
- ii. The vehicular access and circulation for a development shall provide for the extension or connection of proposed internal public street roadways and associated rights-of-way to those boundaries of the development site whenever such extensions or connections are or may be necessary to ensure that the development site or the abutting property will have:
  - (1) At least two vehicular access points to and from an external through street system;

- (2) Convenient and efficient access by vehicles needed to provide police, fire, and emergency services; and
    - (3) Convenient and efficient access by vehicles needed to provide other public services.
  - iii. An extension or connection of a public street roadway and right-of-way to an abutting property, street, or right-of-way shall include the extension or connection of associated bikeways and sidewalks.
- (b) Pedestrian Circulation
  - i. All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network shall include pedestrian facilities along street frontages and pedestrian connector paths between developments and public destinations (e.g., schools, parks, hospitals), nearby trails, other developments, and vacant land.
  - ii. Internal sidewalks shall be provided that link abutting streets to primary entrances of primary buildings on the site, link separate facilities within the site to each other, and provide access to adjoining transit stops. Internal sidewalks shall not be required for lots containing primary single family detached, duplex, or triplex dwelling uses.
  - iii. To the extent possible, all required external sidewalks shall be located one foot inside the right-of-way to be dedicated to the Town. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement.
  - iv. Sidewalks shall be constructed of durable, smooth, and skid resistant material approved by the Town and a minimum width of five feet.
  - v. Where residential developments have cul-de-sacs or dead-end streets, such streets shall be connected to the closest local or collector street or to cul-de-sacs in adjoining subdivisions via a sidewalk or multi-use trail.
- (c) Driveways and Access
  - i. Every lot shall have sufficient access providing reasonable means of ingress and egress for emergency vehicles and for those needing access to the property for its intended use.
  - ii. All driveway entrances and other openings onto streets shall be constructed so that:
    - (1) Vehicles may safely enter and exit the property;
    - (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and

- (3) Shared driveways are provided to the maximum extent feasible to minimize the number of access points to streets (except for driveways within residential subdivisions or along private residential streets).
  - iii. All driveways from existing private or public roads that interfere with a natural or constructed drainage course shall provide a drainage culvert approved by the Town Engineer.
  - iv. No entrance or drive shall be installed within 40 feet of any intersection.
  - v. For residential uses, a maximum of one driveway access point shall be permitted, regardless of the number of street frontages, except that a circle drive shall be permitted according to the following standards:
    - (1) The maximum circle drive width shall be 10 feet;
    - (2) The lot shall have at minimum of 120 feet of street frontage on the street the circle drive will access; and
    - (3) The minimum distance between the driveway access points of a circle drive shall be 60 feet, measured from the inside edge of each driveway where it intersects the public right-of-way.
  - vi. For residential uses, there shall be no direct driveway access to any arterial street or highway unless no other legal access alternative is available.
  - vii. For new development, all driveway aprons onto a street shall be constructed of concrete.
  - viii. Drive cuts shall ramp to meet the pedestrian and/or bicycle facility in order to keep the pedestrian and/or bicycle facility at the same grade.
- (d) Vision Clearance Triangle
- i. No obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area formed by joining points measured 30 feet along the property line from the intersection of two streets, or by joining points measured 10 feet back along a driveway and lot line from the point of intersection of the driveway and lot line.
  - ii. Within the area of the triangle there shall be no sight-obscuring or partly obscuring wall, fence, sign, or foliage higher than 36 inches above curb grade or, in the case of trees, foliage lower than six feet.
  - iii. Vertical measurement shall be made from the top of the curb on the street adjacent to the nearest street of the triangle or, if no curb exists, from the edge of the nearest traveled way.
  - iv. Vision clearance triangles for intersections may be reduced upon a determination by Staff that such a reduction is not expected to have

a significant impact on vehicle, bicycle, or pedestrian safety at the intersection and such a reduction is within engineering standards or guidelines for vehicle, bicycle, or pedestrian modes.

6. Parking and Loading

(a) Minimum Parking Required

- i. The number of off-street parking for uses in all districts shall be provided as shown in Table D-2 except as stated in Article D.6(a)ii below.
- ii. No minimum parking shall be required in the HD district except for new Multifamily Dwellings.

**Table D-2: Minimum Parking Required**

Use	Minimum Required Off Street Parking Spaces
<b>Residential Uses</b>	
Dwelling, Single Family Detached	2 spaces
Dwelling, Duplex	1.5 spaces per dwelling unit
Dwelling, Triplex	1.5 spaces per dwelling unit
Dwelling, Multifamily	1 space per dwelling unit
Group Home, Small	1 space per bedroom
Group Home, Large	1 space per bedroom
Nursing Home	0.5 space per bedroom
<b>Agricultural Uses</b>	
Agriculture Production	None
Community Garden	None
Equestrian Operation	None
<b>Public, Institutional, and Civic Uses</b>	
Art Gallery, Museum, and Library	1 space per 400 square feet
Cemetery or Interment Facility	None
Community Center	1 space per 300 square feet
Day Care Facility	1 space per 200 square feet
Medical Facility	1 space per 200 square feet
Parks and Open Space	None
Places of Worship	1 space per 50 square feet of assembly area
School	High school: 4 spaces per classroom plus 1 space per 300 square feet of administrative office space Elementary and junior high: 2 spaces per classroom All others: 1 space per 300 square feet
<b>Commercial Uses</b>	
Adult Entertainment	1 space per 200 square feet
Animal Shelter	1 space per 750 square feet
Automotive Center and Services	1 space per 500 square feet
Bar, Brewery, or Distillery	1 space per 400 square feet
Bed and Breakfast	1 space per guest room
Business or Personal Service	1 space per 300 square feet
Fast Food Restaurant	1 space per 250 square feet
Fueling Station	0.75 space per fueling pump
Hotel	0.75 space per guest room
Indoor Entertainment or Recreation	1 space per 400 square feet
Medical or Recreational Marijuana	1 space per 300 square feet

**Table D-2: Minimum Parking Required**

Use	Minimum Required Off Street Parking Spaces
Dispensary	
Nursery or Garden Supply Store	1 space per 300 square feet of retail space
Office	1 space per 300 square feet
Outdoor Entertainment or Recreation	1 space per 250 square feet
Parking Garage	None
Parking Lot	None
Retail, Small	1 space per 250 square feet per business plus 2 stacking spaces per service window
Retail, Large	1 space per 300 square feet per business plus 2 stacking spaces per service window
Restaurant	1 space per 250 square feet
Self Service Storage Facility	1 space per 20 storage units plus 1 space per 300 square feet of office area plus 1 space per resident caretaker
Veterinary and Animal Services	1 space per 450 square feet
<b>Industrial, Utility, Communication, and Energy Uses</b>	
Commercial Wireless Telecommunications Service	Discretionary based off parking study in Article D.6(d)
Geothermal Energy System	None
Quarry	Discretionary based off parking study in Article D.6(d)
Utility, Major	Discretionary based off parking study in Article D.6(d)
Utility, Minor	Discretionary based off parking study in Article D.6(d)
Solar Collector, Ground- or Building-Mounted	None
Wind Energy Conversion System, Ground- or Building-Mounted	None
<b>Accessory Uses</b>	
Accessory Dwelling Unit	1 space
Barns, Sheds, and Outbuildings	None
Drive-through Facility	4 stacking spaces per service window
Electric Vehicle Charging Station	None
Garage	None
Greenhouse	None
Home Occupation	None
Outdoor Eating Area	None
Urban Agriculture	None
Recreational Vehicle and Boat Parking	None
Rooftop Patio	None
Short-Term Rental	None
<b>Temporary Uses</b>	

Determined on a case-by-case bases at time of permit issuance based off parking study in Article D.6(d)

(b) Unlisted Uses

For uses not listed in Table D-2, Staff is authorized to establish the minimum off-street parking requirement based off the listed use that is deemed most similar to the proposed use.

(c) Shared Parking

Where two or more uses within 500 feet of each other share a parking lot or garage, the total off-street parking requirement for those uses shown in Table D-2 may be reduced by 25 percent. The total off-street parking required shall be the sum of the shared uses parking requirements for the uses eligible to share parking minus 25 percent. Shared parking reductions shall be approved by Staff.

(d) Parking Study

Uses that reference this subsection in Table D-2 have widely varying parking and loading demand characteristics, making it difficult to specify a single off-street parking or loading standard. Upon receiving an application for a use subject to this subsection, Staff shall apply the off-street parking and loading standards based on a parking and loading demand study prepared by the applicant. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers, Urban Land Institute, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

(e) Accessible Parking

The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC) as adopted in the Morrison Municipal Code and the Americans with Disabilities Act, as amended.

(f) Parking Design and Layout

i. Use Requirements

- (1) No required off-street parking or loading space shall be used for any purpose other than the parking of vehicles.
- (2) Parking shall be prohibited in aisle ways, rights-of-way, fire lanes or similar areas not officially designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required by Staff.
- (3) Required parking spaces and areas shall not be used for the sale, display, or repair of motor vehicles or other goods and services unless authorized by a temporary use permit.
- (4) Parking shall not be used for overnight occupancy and parking of recreational vehicles, campers, trailers, buses, vans, motor homes, moving vans, refrigerator trucks, or similar vehicles, except as authorized by Staff or this LUC.
- (5) No vehicle shall be stored in the same public parking space for a period of 48 hours or longer.

ii. Design Requirements

- (1) Parking spaces shall be a minimum of 19 feet in length and eight feet in width.

- (2) All parking areas shall be properly graded for drainage and be surfaced with colored concrete, asphalt, or dust-free permeable materials such as permeable pavers or other surfacing as approved by Staff.
  - (3) Parking areas shall be designed to minimize conflicts with pedestrians and vehicles.
  - (4) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
  - (5) Curbs shall be installed at a minimum of three feet from the face of walls, fences, buildings and other structures adjacent to the exterior boundaries of the property. These areas shall be landscaped except for required pedestrian walkways.
  - (6) Traffic control signs and/or striping shall be provided within all parking areas as necessary to minimize vehicular and pedestrian conflicts.
- iii. Location of Parking Areas
- (1) For single family and duplex dwellings in all districts, off-street parking areas shall be located in a garage or on a driveway.
  - (2) For all other uses in all other zoning districts, parking areas shall not be located between the front building façade and the adjacent street frontage.
  - (3) When residential uses are located to the rear of a proposed commercial development on a corner site, parking and service areas may be located to the front or side of the building; provided, that they are adequately screened, so that the building acts as a buffer between the parking areas and residential uses.
  - (4) Required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use, except as otherwise provided in Article D.6(b).
- (g) Loading Spaces
- i. Buildings with over 10,000 gross square feet shall provide one loading space per every 10,000 gross square feet unless the applicant can demonstrate that the use in question is not of the type to warrant a loading space.
  - ii. Loading spaces shall be 10 feet by 25 feet.
  - iii. Loading areas shall not interfere with parking lot maneuvering areas.
- (h) Electric Vehicle Charging Stations
- Parking areas with 20 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 20 parking spaces provided on site. The electric vehicle parking space shall be:

- i. Located on the same lot as the principal use;
  - ii. Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and
  - iii. Outfitted with a standard electric vehicle charging station.
- 7. Landscaping
  - (a) General Requirements
    - i. No required landscape area shall be used for any purpose other than housing landscaping materials including public benches and structures to protect trees.
    - ii. All required landscaping shall be installed prior to the issuance of a certificate of occupancy for the property.
    - iii. All required landscaping that requires irrigation shall be provided with a permanent and adequate means of underground irrigation.
    - iv. All landscaping shall be continuously maintained by the property owner in accordance with the approved landscape plan except that all plants shall be permitted to grow in natural patterns.
  - (b) Landscape Plan
    - i. A landscape plan with designed landscaped areas shall be submitted with all development applications where landscaping, buffering, or screening is required unless the relevant decision-making authority determines that compliance with the provisions of this Section can be demonstrated without the use of a landscape plan.
    - ii. The landscape plan shall show existing trees drawn to scale and proposed trees after 10 years of growth.
  - (c) Alternatives Permitted
 

A reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions. The applicant shall provide justification for the use of alternatives and shall demonstrate how compliance with the standard(s) from which a deviation is sought will be achieved to the maximum extent practicable. Conditions that may justify approval of an alternative landscape plan include:

    - i. Natural conditions, such as watercourses, natural rock formations, or topography;
    - ii. The likelihood that required landscaping material would not achieve the intent of this Code at maturity due to topography, placement, or other existing site conditions;
    - iii. Unique lot size or configuration;
    - iv. Infill development or redevelopment on small lots;
    - v. The presence of existing utility or other easements;
    - vi. The potential for interference with public safety;

- vii. Preservation of natural vegetation; or
- viii. Other situations where strict adherence to the buffer or landscaping standards in this LUC are determined impractical by Staff.

(d) Approval of Alternative Landscaping

Staff may approve alternative landscape plans that do not meet the specific requirements stated in this Section, when the applicant demonstrates and Staff determines that the alternatives meet all the following criteria:

- i. Do not include invasive vegetation or invasive species;
- ii. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
- iii. Provide equal or superior visual appearance of the property when viewed from a public right-of-way.

(e) Minimum Landscaping Required

i. Amount of Plantings

Required landscaped areas shall be planted at a minimum rate of one tree and three shrubs per 400 square feet.

ii. Frontage Landscaping

Except for all Single Family Detached, Duplex, and Triplex Dwellings or any use in the Open Space district, a landscape area shall be established along all streets between the public right-of-way and any buildings, parking lots, loading areas, storage areas, screening walls or fences, or other improvements in association with any use. Any area within a required front and exterior side setback area that is not occupied by improvements associated with the primary use shall be landscaped.

iii. Parking Lot Landscaping

(1) Parking Lot Screening Adjacent to Residential Uses

Off-street parking areas that are located adjacent to Single Family Detached and Duplex Dwellings shall be screened according to the following standards:

- (a) A landscape buffer a minimum of 10 feet in width, measured inward from the property line on all sides of the property abutting the Single Family Detached or Duplex Dwelling; or
- (b) A solid wall or fence no less than six feet in height.

(2) Parking Lot Screening Along Street Frontages

Off-street parking areas shall be screened from all frontages facing a public or private right-of-way, exclusive of driveways, according to the following standards:

- (a) A landscape buffer a minimum of five feet in width;

- (b) A landscaped earthen berm a minimum of three feet in height with a slope no greater than 3:1; or
    - (c) An opaque decorative wall a minimum of three feet in height with openings six to eight feet wide to allow passage of bicycles and pedestrians from the street into the parking area.
  - (3) Parking Lot Landscape Islands
 

Parking Lots with more than 10 spaces shall devote at least five percent of the site area to landscape islands including a minimum of one tree and three shrubs per every 350 square feet of landscape island area.
- (f) Landscape Materials
  - i. Native Plant Species
 

A minimum of 50 percent of the plants on a development site shall be native species.
  - ii. Non-Native Plant Species
 

Any non-native plant species shall have low water usage and be drought tolerant and freeze resistant.
  - iii. Artificial Plants
 

Artificial trees, shrubs, or plants (not including artificial turf) shall be prohibited.
  - iv. Plant Diversity
    - (1) No one plant species shall comprise more than 50 percent of the quantity of required landscape materials.
    - (2) For development sites 5,000 square feet or larger, a minimum of five different plant species shall be used in the overall development site landscape plan.
  - v. Minimum Plant Size
 

All vegetation installed to satisfy the requirements of this section shall meet the following minimum size requirements at the time of planting:

    - (1) Evergreen trees shall be at least 8 feet tall;
    - (2) Deciduous trees shall have a two-inch caliper; and
    - (3) Shrubs shall be at least one-foot tall.
- (g) Existing Vegetation
 

Existing vegetation may be counted toward the requirements of this section on a one-to-one basis upon a finding by Staff that the vegetation may be adequately preserved during construction and meets the general requirements of this section.
- (h) Trash Containers and Refuse Areas

All trash containers and refuse areas shall be designed to be wildlife friendly and include wildlife-resistant trash enclosures.

8. Screening

(a) Roof-Mounted Mechanical Equipment

- i. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.
- ii. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground level.
- iii. Building-Mounted Solar Collectors shall be exempt from the screening requirements.

(b) Ground-Mounted Mechanical Equipment

- i. Outdoor ground-mounted mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.
- ii. In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria:
  - (1) The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or
  - (2) The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.
- iii. Ground-Mounted Solar Collectors shall be exempt from the screening requirements when it can be clearly demonstrated that required screening would reduce the efficiency or effectiveness of the solar energy equipment.

(c) Loading, Service, and Refuse Areas

- i. Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.
- ii. In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by a solid wall or fence a minimum of eight feet in height that incorporates at least one of the primary materials and colors of the

nearest wall of the primary building (but excluding unfinished CMU block). Dense, mature landscaping may be used to satisfy the screening requirement with approval by Staff, provided the screening achieves a similar level of screening.

9. Fences and Walls

(a) Maximum Height

- i. Walls and fences in front yards shall not exceed four feet in height except as stated in subsection (iii) and (iv) below.
- ii. Walls and fences in side or rear yards shall not exceed six feet in height except as stated in subsection (iii) and (iv) below.
- iii. Walls and fences necessary for security as a part of a non-residential use or around sports courts shall not exceed 12 feet in height.
- iv. Fences constructed on top of a retaining wall shall be permitted an additional two feet of height above the applicable requirement.

(b) Materials

- i. Walls and fences shall be designed as an integral part of a new development project and shall be architecturally compatible with principal buildings in terms of materials, colors, and design.
- ii. Chain link, razor wire, barb wire, highly reflective corrugated material, and nontextured or unfinished concrete or block materials shall be prohibited.
- iii. Walls and fences shall be designed to be wildlife friendly and include highly visible markers to ungulates and birds and methods to allow wildlife to jump over or crawl under to access habitats and travel corridors unless determined by Staff that no harm to wildlife is posed by an alternative design.

(c) Maintenance

All fences shall be maintained in good working order by the property owner.

10. Signs

(a) Applicability

- i. This Section shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within the Town except as stated in subsection (ii) below.
- ii. The following signs shall be exempt from the requirements of this Section:
  - (1) Any sign erected, maintained, required, or posted by the Town, state, or federal government when erected and maintained pursuant to law or in the public interest.
  - (2) Any sign inside a building not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of where the sign is located.

- (3) Any non-lighted sign not exceeding three feet in height and not exceeding three square feet in area that is oriented, located, and designed to be viewed by occupants or users of the property while on the property, and not to be generally legible from abutting streets or properties.
  - (4) Sound trucks or other moving advertising media while operating on a public right-of-way.
  - (5) Signs under 12 inches in height to enable emergency personnel to accurately identify structures or locations.
  - (6) Any temporary sign erected during any period a property or a portion of a property is actively listed for sale or lease and that does not exceed 24 square feet in area or four feet in height.
  - (7) One temporary sign, located at a construction site or on a construction barricade, beginning on the date a building permit is issued and ending on the date on which the last initial certificate of occupancy related to that building permit is granted.
- (b) Signs Requiring a Permit
- i. All signs erected, altered, or replaced within the Town that are not exempted in Article D.10(a) shall require a sign permit.
  - ii. A new sign permit shall be required for any Substantial Improvement to a property.
- (c) Prohibited Signs
- The following types of signs shall be prohibited.
- i. Signs that contain stacked, multiple display faces;
  - ii. Flashing, moving, or intermittently lighted signs;
  - iii. Banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, and costumed characters except as otherwise provided;
  - iv. Off-premises signs except as otherwise provided;
  - v. Roof-mounted signs;
  - vi. Electronic message signs;
  - vii. Any sign that is constructed to resemble an official marker erected by the Town, state, or any governmental agency or that by reason of positioning, shape, or color would conflict with the proper functioning of any traffic sign or signal or would impair or cause confusion of vehicular or pedestrian traffic; and
  - viii. Any sign that contains any obscene wording or images.
- (d) Maximum Height
- i. In residential districts, the maximum sign height shall be six feet.
  - ii. In all other districts, the maximum sign height shall be 12 feet.
- (e) Required Setback

Unless stated otherwise in this LUC, all signs on private property must be set back four feet from any public right of way and may not be placed in street medians, Vision Clearance Triangles, or within a required parking space.

- (f) Maximum Number of Signs
  - i. A total of four signs are permitted per use except as stated in subsection (ii) below.
  - ii. The following signs shall be permitted in addition to the permitted signs allowed in each district:
    - (1) At each primary entrance to a residential subdivision, an additional two freestanding signs are permitted each with a maximum height of 6 feet and a maximum gross surface area 100 square feet.
    - (2) Signs located on sites where subdivision, development, redevelopment, initial construction, or other major improvement of the property is under way shall be permitted an additional two freestanding, wall, or window signs that shall not exceed 64 square feet in total area nor 32 square feet per face and shall not exceed 8 feet in height.
- (g) Maximum Sign Area
  - i. On arterial street frontages, the maximum total sign area shall be two square feet of sign area for each linear foot of building frontage for the first 100 feet, then one-half square feet of sign area for each linear foot of building frontage thereafter as measured along the building frontage (the longest building frontage with a public entrance), up to the limit in Subsection (iii) below.
  - ii. On all other street frontages, the maximum sign area shall be one square feet of sign area for each linear foot of building frontage for the first 200 feet of building frontage; then one-half square feet of sign area for each linear foot of building frontage thereafter as measured along the building frontage (the longest building frontage with a public entrance), up to the limit in Subsection (iii) below.
  - iii. Maximum total sign area per use shall not exceed 600 square feet in any case.
- (h) Design Standards
  - i. No sign shall be placed that obstructs or interferes with a window, doorway, or fire escape.
  - ii. Signs shall not be placed in or project into any Vision Clearance Triangle.
  - iii. No signs except those of a governmental entity shall be erected or allowed to extend over a public right-of-way, unless a revocable permit from the Town is obtained prior to issuance of a sign permit.

- iv. No sign that is permitted to extend over a public right-of-way may have a lower edge less than nine feet above the grade level of the right-of-way.
  - v. All permanent signs shall be constructed to meet Building Code standards for wind resistance and wind loads. Signs shall be rigidly suspended by means of fastening or support.
  - vi. No signs shall be painted on, attached to, or affixed to any trees, rocks, or similar organic or inorganic natural matter, or on any power line or telephone pole.
- (i) Operational Standards
- i. The property owner shall be responsible for removing abandoned signs within five days.
  - ii. All signs shall be structurally sound and maintained in good repair. The display surfaces of all signs shall be kept neatly painted or posted at all times.
  - iii. Any sign determined by Staff to be a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or electrical shall be remedied immediately.
  - iv. A noncommercial message may be substituted for a commercial message on any sign permitted by this Section.
- (j) Temporary Signs
- i. Two temporary signs are permitted per property.
  - ii. Temporary signs shall not exceed 32 square feet in total surface area per use.
  - iii. Temporary signs shall remain in place for less than 30 days at a time and a total of 120 days a year, except that Staff may, for good cause, extend the time up to 30 additional days upon written request by the applicant. Only one temporary sign per applicant shall be permitted to exceed the time limit in any calendar year, except by Conditional Use.
- (k) Murals
- i. Mural signs shall be exempt from size and height limitations and not be counted toward the maximum number of signs permitted on a property.
  - ii. The proposed design and placement of the mural shall be included with the sign permit application.
  - iii. Approval Criteria  
Staff shall approve a mural sign permit when all the following criteria are met:
    - (1) The property owner has given written consent for the mural to be constructed on their property;
    - (2) The proposed mural promotes and enhances the aesthetic beauty and character of the Town;

- (3) The proposed mural is primarily artistic in nature;
- (4) The proposed mural is a “one-of-a-kind” work of art and does not appear in any other public form including but not limited to advertising, logos, and trademarks and including publications where the mural is used to promote or identify the sponsor in any form; and
- (5) The proposed mural does not include offensive or illegal images or language.

11. Exterior Lighting

(a) Applicability

All new exterior lighting in all zoning districts shall conform with this Section except that the following shall be exempt:

- i. Underwater lighting in swimming pools and other water features.
- ii. Temporary lighting for:
  - (1) Decorative seasonal lighting provided that individual lamps have a light output of 70 lumens or less;
  - (2) Emergency or nighttime work and construction; and
  - (3) Theatrical, television, and performance areas, or for special events authorized through a Town permit.
- iii. Lighting required by state or federal law.
- iv. Lighting necessary for athletic or recreational facilities.

(b) Nonconforming Lighting

- i. All lighting that does not conform to the provisions of this LUC shall be brought into compliance by June 1, 2026. Until this time, no modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this LUC, except that identical lamp replacement is allowed.
- ii. In the event that an outdoor lighting fixture is abandoned or damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Code.

(c) Prohibited Lighting

The following types of lighting shall be prohibited:

- i. Florescent, low pressure sodium, neon, and mercury vapor light bulbs and fixtures.
- ii. Lighting emitting a Correlated Color Temperature (CCT) in excess of 3,000 Kelvin.
- iii. Searchlights, laser source lights, strobe or flashing lights, illusion lights, or any similar high intensity light.
- iv. Unshielded lights.

(d) Standards

- i. All luminaires shall be International Dark Sky Association compliant and contain an IDA certification like the following:



- ii. All exterior lighting fixtures shall be fully shielded so that no light is emitted above a horizontal plane running through the lowest point of the luminous elements.
- iii. There shall be no single lighting fixture brighter than 1,500 lumens.
- iv. Light intensity at ground level shall not exceed an average of two footcandles within a uniformity ratio of 15 to one (15:1), except that parking lots with 10 or more spaces shall not exceed an average of five footcandles with a uniformity ratio of ten to one (10:1).
- v. Fixtures located on buildings shall not be located above the eave line or above the top of the parapet wall.
- vi. Fixtures affixed to a pole shall not exceed 12 feet in height.
- vii. All luminaires that are mounted on a building wall facing a lot line adjacent to a residential use or public right-of-way shall be fitted with a shield on the side facing the residential use or public right-of-way to minimize any light trespass.
- viii. A photometric plan shall be required with all site plans that demonstrates conformance with this section.

(e) Pedestrian Lighting

- i. Pedestrian street lighting in the right-of-way shall be provided as a part of all new development and Substantial Improvements.
- ii. Pedestrian street lighting shall be of the same architectural design as existing pedestrian lighting in the Town as determined by Staff.
- iii. Pedestrian lighting shall be spaced every 40 to 50 feet.

12. Building Design

(a) Applicability

- i. This Section shall only apply to new development in the MX-N and HD districts.
- ii. Existing structures that do not meet the requirements herein shall be permitted to be maintained, modified, and altered without regard to compliance with this Section.

(b) Building Form

i. Building Masses

- (1) To maximize the integration of the built environment with the natural environment, and to minimize the distractions of the built environment, all new developments must

incorporate architectural elements that reduce the apparent size and bulk of buildings by complying with the standards in this subsection.

- (2) All required building masses shall:
  - (a) Vary in height vertically by a minimum of two feet from any adjacent mass or masses;
  - (b) Be 100 square feet minimum; and
  - (c) Have a minimum width and depth of six feet.
- (3) An upper story that is recessed by a minimum depth of six feet shall qualify as a visual building mass.
- (4) Depth and width dimensions shall be measured perpendicular to each other.
- (5) Single Family Detached Dwellings
  - (a) All single family detached dwellings under 2,000 square feet in gross floor area shall be composed of at least two visual building masses of differing heights and at least two visual building masses of differing planes.
  - (b) All single family detached dwellings 2,000 square feet or greater in gross floor area shall be composed of at least three visual building masses of differing heights and at least three visual building masses of differing planes.
- (6) Duplex, Triplex, and Multifamily Dwellings over 1,500 square feet in gross floor area shall be composed of at least three visual building masses of differing heights and planes.
- (7) Public, Institutional, Civic, and Commercial Uses
  - (a) All Public, Institutional, Civic, and Commercial uses over 1,500 square feet in gross floor area shall be composed of at least three visual building masses of differing heights and planes.
  - (b) In plan and elevation view, the largest single building mass shall contain no more than 60 percent of the total building footprint, and the largest two building masses together shall contain no more than 80 percent of the total building footprint.

ii. Building Articulation

(1) Horizontal Articulation

With the exception of Single Family Detached and Duplex Dwellings, all new buildings shall be designed to reduce unrelieved planes by dividing façades into a series of smaller components. Each building elevation, regardless of exterior wall plane setback or the location of interior, shall

incorporate at least one of the following elements for every 16 linear feet:

- (a) Projections, recessions, or reveals such as, but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of 24 inches in depth and that has the effect of casting shadows;
- (b) Glazed windows and doors, if used to comply with this standard shall comprise not less than 30 percent of the elevation of which they are a part;
- (c) Change in texture and/or masonry pattern; and/or
- (d) Awnings or canopies extending at least four feet beyond the building face.

(2) Vertical Articulation

- (a) With the exception of Single Family Detached and Duplex Dwellings, all new buildings over 24 feet in height shall include at least two of the following at the ground-level of the building:
  - (i) Incorporation of low planters;
  - (ii) Use of base architectural veneer banding or a wainscot, and treatments defined by different materials, textures, or colors; and/or
  - (iii) Integrated pedestrian walkways, trellises, or architectural awnings that provide deep shadow at ground level. This has the added advantage of achieving a more articulated building mass.
- (b) With the exception of Single Family Detached and Duplex Dwellings, all new buildings over 24 feet in height shall reduce each upper level floor by at least 5 percent from the immediately lower floor.

iii. Transparency

- (1) The ground-floor level of each façade facing a public street or other public area such as a park or sidewalk shall contain a minimum of 30 percent windows or doorways. Upper floors of each façade facing a public street shall contain a minimum of 15 percent windows. For these requirements, a lesser amount may be allowed if limited by state and/or local energy codes, up to the maximum percentage possible.
- (2) The proportion of solid area to window and door area shall be noted on the elevations.
- (3) Storefront-type glass walls shall not extend in a continuous unbroken façade longer than 20 feet.

- (4) Windows shall not be obstructed with permanent or temporary signage except as allowed in Article D.10(h).
- iv. **Roofline Variation**

The roofline silhouette of buildings shall be varied to reduce the visual impact of line and form contrast with the natural environment. To reduce the visual impact of roof mass, no roofline along any building elevation shall exceed 50 feet in length without a visual variation that incorporates:

  - (1) Projections, recessions, dormers that alter the vertical or horizontal plane of the roof by at least two feet;
  - (2) Change in roof height of at least two feet; or
  - (3) Distinct parapet designs and cornice treatments.
- (c) **Architectural Style**
  - i. **Compatibility**
    - (1) All new buildings shall be designed to be generally compatible with the historic architectural design of the community.
    - (2) All building façades facing public streets shall be designed with a similar level of design detail, patterning, and finish. Blank walls void of architectural detailing shall not be permitted.
  - ii. **Building Materials**
    - (1) **Prohibited Materials**

The following materials shall be prohibited:

      - (a) Highly reflective, shiny, or mirror-like materials;
      - (b) Exposed plywood or particleboard;
      - (c) Volcanic rock;
      - (d) Concrete masonry unit (CMU) without an architectural finish;
      - (e) Vinyl;
      - (f) Fiberglass;
      - (g) Imitation wood applied to surface; and
      - (h) Imitation brick.
    - (2) **Primary Materials**

At least 30 percent of any façade facing a public right-of-way shall be comprised of:

      - (a) Natural brick;
      - (b) Natural stone; or
      - (c) Non-reflective metal.

**Article E. Administration and Review Procedures**

1. Summary Table of Review Procedures

Table E-1 lists the development applications required by this Land Use Code, whether a community meeting and public notice is required, and the role of the Town review and decision-making bodies in each application.

<b>Table E-1: Summary Table of Review Procedures</b>							
✓ = Required; R = Review and Recommendation; D = Review and Decision; A = Appeal; < > = Public Hearing Required							
Procedure	Land Use Code Reference	Community Meeting	Notice			Review and Decision-Making Bodies	
			Published	Mailed	Posted	Staff	Board of Trustees
<b>Annexation and Disconnection</b>							
<i>Annexations shall be in accordance with the Municipal Annexation Act of 1965, as amended, CRS § 31-12-101 et seq.</i>							
Disconnection	Article E.3					R	<D>
<b>Development Permits</b>							
Minor Site Plan	Article E.4(b)					D	<A>
Major Site Plan	Article E.4(c)			✓	✓	R	<D>
Conditional Use Permit	Article E.4(d)	✓			✓	R	<D>
Temporary Use Permit	Article E.4(e)					D	<A>
Floodplain Development Permit	Article E.4(f)					D	<A>
<b>Subdivision Procedures</b>							
Minor Subdivision	Article E.5(b)					D	<A>
Major Subdivision – Preliminary Plat	Article E.5(c)ii				✓	R	D
Major Subdivision – Final Plat	Article E.5(c)iii					R	D
<b>Ordinance Amendments</b>							
Initial Zoning	Article E.6(a)	✓	✓	✓	✓	R	<D>
Rezoning	Article E.6(b)	✓	✓	✓	✓	R	<D>
Rezoning to PD	Article E.6(c)		✓	✓	✓	R	<D>
LUC Text Amendment	Article E.6(d)		✓		✓	R	D
Comprehensive Plan Amendment	Article E.6(e)					R	D
<b>Flexibility and Relief</b>							
Variance	Article E.7(a)					R	<D>
Minor Modification	Article E.7(b)	<i>As required for associated application</i>					
Appeals	Article E.2(j)iii				✓	<i>As indicated in this Table E-1</i>	
<b>Vested Rights</b>							

**Table E-1: Summary Table of Review Procedures**

✓ = Required; R = Review and Recommendation; D = Review and Decision; A = Appeal; <> = Public Hearing Required

Procedure	Land Use Code Reference	Community Meeting	Notice			Review and Decision-Making Bodies	
			Published	Mailed	Posted	Staff	Board of Trustees
Vested Rights	Article E.8		<i>As required for associated application</i>				

2. Common Procedures

(a) Purpose

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Land Use Code. Application-specific procedures in Article E.3 through Article E.7 identify additional procedures and rules beyond those in this section.

(b) Community Meetings

i. Purpose

The purpose of the community meeting requirement is to inform the public of certain development permit and ordinance amendment proposals that may impact the community. The community meeting will provide the applicant the opportunity to answer any community concerns and solicit input about the proposal to achieve the best possible application.

ii. Notice

Notice of the community meeting shall be prepared by the applicant. Notification of the community meeting shall be sent by mail and electronically to all properties within one-half mile of the project site at least 15 calendar days prior to the meeting date.

iii. Timing and Location

- (1) Community meetings shall be held prior to formal application submittal.
- (2) The applicant shall arrange the date, time, and location for the community meeting. The applicant shall coordinate with Staff at least 21 days prior to the community meeting. Community meetings shall be scheduled for Monday through Thursday evenings and shall start no earlier than 5:30 pm and no later than 7:00 pm.
- (3) Community meetings shall be held no greater than 90 days from formal application submittal.
- (4) Community meetings shall be held at a location that is coordinated with Staff.

iv. Meeting Requirements

The applicant shall present their request to the attendees at the community meeting, and the applicant shall facilitate the meeting. Staff may attend the community meeting and may provide information to the attendees regarding Town regulations.

v. Meeting Summary

The applicant shall include a written neighborhood meeting summary on the results of the neighborhood meeting with the formal application. At a minimum, the neighborhood meeting summary shall include the following information:

- (1) Proof of proper notice;
- (2) Copies of the sign-in sheets;
- (3) A summary of topics discussed by the applicant and concerns, issues, and problems expressed by the participants; and
- (4) A summary of issues addressed by the applicant.

(c) Application Submittal and Fees

- i. Applications shall be submitted to the Town on forms established by the Town. The applicant bears the burden of demonstrating compliance with application requirements.
- ii. Staff may waive certain submittal requirements to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. Staff, in their sole discretion, may waive such requirements upon finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly support a waiver.
- iii. Application fees shall be paid at the time of submittal according to the type of application on the development review fee schedule. The fee schedule shall be established by resolution of the Board of Trustees.
- iv. When a consultant not on staff is necessary to adequately review an application, the applicant shall pay the actual costs related to the consultant's review of the application. Staff shall inform the applicant of the necessity to utilize the services of a consultant and the applicant may choose whether to proceed with the application.

(d) Abandoned Applications and Withdrawal

- i. If an application has not been resubmitted to address staff-noted deficiencies within 90 days of staff sending review comments, such application shall be deemed abandoned, and all fees forfeited. The applicant may be granted an additional 90 days upon a showing that staff-noted deficiencies are actively being resolved.
- ii. Applications shall not be submitted to the applicable review body until determined complete by Staff.

iii. After an application has been accepted as complete, the applicant may withdraw the application at any time by submitting a letter of withdrawal to Staff. An applicant is not entitled to a refund of application fees for withdrawn applications.

(e) Minor Application Revisions

An applicant may revise an application after receiving notice of compliance deficiencies following staff review, or on requesting and receiving permission from the Board of Trustees after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by Staff or the Board of Trustees, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by Staff. All other application revisions shall be processed as a new application.

(f) Concurrent Review

Where possible without creating an undue administrative burden on the Town, this Land Use Code intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project to expedite the overall review process.

(g) Staff Review and Decision

i. Completeness Determination

Staff shall determine whether the application is complete or incomplete within ten business days of submittal. A complete application shall be processed according to the procedures in this article. An incomplete application shall not be processed or reviewed. Any deficiencies noted by Staff shall be addressed by the applicant prior to resubmitting the application.

ii. Referral to Staff and Review Agencies

Staff shall distribute the complete application to appropriate staff and review agencies, which may include:

- (1) Colorado Department of Transportation Region 1
- (2) West Metro Fire Protection District
- (3) Urban Drainage & Flood Control
- (4) Department of the Army
- (5) Corps of Engineers
- (6) Mile High Flood District
- (7) Denver Mountain Parks
- (8) Xcel Energy
- (9) Century Link - Lumen

- (10) Comcast
- (11) Jefferson County Planning and Zoning
- (12) Jefferson County Open Space
- (13) Jefferson County Public Schools
- (14) City of Lakewood
- (15) City and County of Denver
- (16) Morrison Post Office
- (17) State Historic Preservation Office
- (18) Jefferson County Historical Commission

iii. Staff Review and Application Revisions

Staff shall review the application and shall consult with applicable Town departments and participating review agencies. Staff shall submit recommendations and comments to the applicant after such review. The applicant, upon request by Staff, shall attend a meeting with appropriate staff to discuss staff recommendations and comments. The application shall not move forward for further review until Staff determines that the applicant has adequately responded to the Town's recommendations and comments or the applicant requests that the application move forward without responding to the Town's recommendations and comments.

iv. Applications Subject to Staff Recommendation

If an application is subject to staff review and recommendation per Table E-1, Staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

v. Applications Subject to Staff Decision

If an application is subject to staff review and a final decision by Staff, Staff shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for the decision.

(h) Scheduling and Notice of Public Hearings

i. General Requirements

- (1) If an application is subject to a public hearing per Table E-1, Staff shall schedule the public hearing for either a regularly scheduled meeting or special meeting with the applicable body.
- (2) All public hearings required by this Land Use Code shall be preceded by the notices identified in Table E-1. Persons with specific issues or concerns regarding a proposed application are encouraged to contact the Town in writing, by phone, or in person prior to the hearing.

- (3) The Town shall be responsible for the accuracy of and proper publication and posting of notice of the public hearing.
  - (4) The applicant shall be responsible for mailing notice and maintaining the posted notice once posted on the site by the Town.
- ii. Published and Mailed Notices
- (1) Required published or mailed notices shall:
    - (a) Identify the application type;
    - (b) Describe the nature and scope of the proposed project;
    - (c) Identify the location subject to the application;
    - (d) Identify the date, time, and location of the hearing being noticed;
    - (e) Identify where and when the application and associated materials may be inspected; and
    - (f) Indicate the opportunity to appear at the public hearing.
  - (2) Published notice shall appear in a newspaper of general circulation in the Town at least 15 days prior to the scheduled hearing.
  - (3) Mailed notices shall be sent by the applicant via first-class mail to all property owners as listed in the records of the county tax assessor's office within 200 feet of the subject property, as measured from property boundaries. Certified mail notice shall be returned to the Town.
  - (4) The applicant shall provide notice by certified mail, return receipt requested, to all mineral estate owners and lessees on the subject property for development applications in accordance with C.R.S. § 24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. The burden of determining mineral estate owners and lessees shall be on the applicant.
- iii. Posted Notice
- (1) Required posted notice shall include at least one sign on the subject property at least 15 days prior to the public hearing. The sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.
  - (2) Staff may require additional signs based on access and configuration of the property.
  - (3) Required posted notice shall:

- (a) Identify the application type;
  - (b) Describe the nature and scope of the proposed project;
  - (c) Identify the date, time, and location of the hearing being noticed; and
  - (d) Identify a telephone number for additional information.
- (i) Review and Decision
  - i. General Requirements
    - (1) The applicable review body shall approve, approve with conditions, or deny the application based on the approval criteria listed in this Section. The body may also continue the hearing upon applicant request or if additional information is requested by the review body.
    - (2) Decisions shall be in writing and shall clearly state reasons for the decision citing the applicable LUC provisions.
  - ii. General Approval Criteria
 

Decision-making bodies shall review all applications submitted pursuant to this LUC for compliance with the following criteria along with any other application-specific criteria:

    - (1) Complies with applicable requirements including this Land Use Code, Town, State, and Federal law;
    - (2) Generally consistent with any applicable adopted Town plans;
    - (3) Promotes the public health, safety, and general welfare;
    - (4) Minimizes or mitigates adverse impacts associated with the application; and
    - (5) Will not result in significant adverse impacts upon the natural environment including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
  - iii. Conditions of Approval
    - (1) The review body may approve the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
    - (2) The Town may require that a development agreement be executed as a condition of approval to any application.
    - (3) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the Town.

- (4) During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.
  - (5) Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.
- (j) Post-Decision Actions and Limitations
- i. Effective Date of Approval
 

Unless otherwise provided in this LUC, a decision made under this LUC shall be final 15 days from the date of the decision unless, prior to the expiration of that period, an appeal has been filed with the Town.
  - ii. Appeals
    - (1) The applicant or an aggrieved party may file a written appeal regarding a decision made under this LUC, clearly stating the reasons for such appeal, within 15 days of the final action.
    - (2) An appeal shall stay all proceedings in furtherance of the action appealed.
    - (3) Appeals shall be heard by the Board of Trustees in accordance with Table E-1.
    - (4) Following the close of the appellate public hearing, the Board of Trustees may affirm, reverse, or modify in whole or in part the decision that is under review based on a *de novo* review of the applicable review criteria. When the Board modifies or reverses a lower body's decision, the Board must set forth its findings and state its reasons for its action.
    - (5) When the Board of Trustees is the final decision-making body or all appeals have been exhausted pursuant to Table E-1, then local remedies shall be considered exhausted, and any further appeal shall be made to the district court having jurisdiction within 30 days of the final decision under this LUC.
- (k) Recording
- The Town shall record approved applications with the County Clerk and Recorder at the expense of the applicant when this LUC or an application requires recording.

- (l) Modifications to Approvals
  - i. Development authorized by any approval under this article may incorporate minor changes from the approved plan, permit, or conditions of approval, as appropriate, without the need for a new application; provided, that Staff determines that the proposed changes:
    - (1) Comply with the standards of this LUC;
    - (2) Are necessary to meet conditions of approval; and
    - (3) Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the administrative site/architectural plan.
  - ii. Any modification of an approved plan, permit, or condition of approval that Staff determines does not meet the criteria of this section above shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

- (m) Expiration of Approvals
  - i. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this LUC or the approval itself.
  - ii. A change in ownership of the land shall not affect the established expiration time period of an approval.
  - iii. The original decision-making body may grant extensions of the expiration time period for up to one year, following a written request that explains reasonable cause for such extension, prior to the expiration date. The final approval authority shall determine whether there is reasonable cause for the requested extension. Further extensions shall be subject to the approval of the decision-making body for the original petition.

- (n) Limitation on Subsequent Similar Applications
 

Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

- i. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or
- ii. The new application is materially different from the previous application.

### 3. Disconnection

- (a) Applicability

An application to disconnect land from the Town may be submitted for land contiguous to the boundaries of the Town upon the owner's written consent.

(b) County Notification

The owner shall provide notice and a copy of the application to the Jefferson County Board of County Commissioners and to the board of directors of any affected special district. Any written objection to the disconnection by Jefferson County or an affected special district shall be provided in writing to the Board of Trustees prior to the public hearing.

(c) Criteria

Disconnections shall not be subject to the criteria in Article E.2(i)ii. The Board of Trustees shall approve a disconnection when the disconnection:

- i. Is in the best interests of the Town;
- ii. Will not prejudice the Town or harm its ability to provide Town service to other areas in Town; and
- iii. Is not objected to by the County.

(d) Effect of Approval

- i. Upon the effective date of the disconnection, any vested property rights affecting the property shall be expired or relinquished.
- ii. Upon the effective date of the disconnection, the property shall no longer be subject to the municipal laws of the Town.
- iii. The Town Clerk shall file for recording, two certified copies of the disconnection ordinance and two copies of the disconnection map with the Clerk and Recorder of Jefferson County and one certified copy of the Disconnection Map with the Division of Local Governments of the Department of Local Affairs.

4. Development Permit Procedures

(a) Applicability

- i. All required development permit approvals shall be obtained prior to the issuance of a building permit and construction of physical improvements.
- ii. The requirements of this section shall be in addition to those in Table E-1 and Article E.2 including the criteria for approval for all applications in Article E.2(i)ii.

(b) Minor Site Plan

i. Applicability

A minor site plan is required for any of the following activities:

- (1) Construction of accessory structures of less than 200 square feet;
- (2) Construction of a sign;

- (3) A change in use that involves or requires site improvements;
    - (4) Expansions, alterations, or modifications that increase the gross floor area of an existing structure by no more than 25 percent; and
    - (5) The alteration of any vehicular parking area.
  - ii. Expiration
 

Approval of a minor site plan shall be effective for a maximum of three years unless, upon request by the petitioner, Staff grants an extension due to impacts on the development outside of the applicant's control, which caused such delay, but not including economic conditions.
- (c) Major Site Plan
  - i. Applicability
 

A Major Site Plan is required for any development that exceeds the minor site plan review thresholds in Article E.4(b)i except the following shall be exempt from the requirement to obtain a site plan:

    - (1) Interior tenant alterations or improvements that do not increase parking requirements or alter exterior building appearances;
    - (2) Construction or reconstruction of a deck, fence, or retaining wall; and
    - (3) A change in use that does not involve or require site improvements.
  - ii. Expiration
 

Approval of a major site plan shall be effective for a maximum of three years unless, upon request by the petitioner, Staff grants an extension due to impacts on the development outside of the applicant's control, which caused such delay, but not including economic conditions.
- (d) Conditional Use Permit
  - i. Applicability
 

No use classified as a Conditional Use in Table C-1 may be conducted without first obtaining a conditional use permit under this Section. No conditional use shall be conducted except in compliance with all applicable provisions of this Land Use Code and with any conditions upon such conditional use approval.
  - ii. Additional Criteria
 

In addition to the criteria in Article E.2(i)ii, applications for a conditional use permit shall also:

- (1) Be consistent with the purpose and intent of the zoning district in which it is located;
- (2) Be generally consistent with any related use-specific standards;
- (3) Be compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts); and
- (4) Provide adequate assurances of continuing maintenance.

iii. Expiration

A conditional use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the conditional use permit application. Any proposed revisions or changes to an approved conditional use permit application shall be submitted in the same manner, and subject to the same approval process, as the original review.

(e) Temporary Use Permit

i. Applicability

No use classified as a temporary use in Table C-1 may be conducted without first obtaining a temporary use permit under this Section. No temporary use shall be conducted except in compliance with all applicable provisions of this Land Use Code and with any conditions upon such conditional use approval.

ii. Expiration

- (1) A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the period indicated on the permit.
- (2) Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of Staff.

(f) Floodplain Development Permit

i. Applicability

All proposed new development and Substantial Improvements to existing development in a special flood hazard area as delineated by the most recent report available from the Federal Emergency Management Agency (FEMA) and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) shall obtain a floodplain development permit.

ii. Expiration

- (1) A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the period indicated on the permit.
- (2) Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of Staff.

5. Subdivision Procedures

(a) Applicability

A subdivision application shall be required prior to any vacation or division of land within the Town except the following shall be exempt:

- i. Division of land through an estate proceeding; and
- ii. Division of land through a foreclosure of a deed of trust.

(b) Minor Subdivision

i. Applicability

Minor subdivisions shall only be permitted when:

- (1) A plat has previously been approved for the property;
- (2) The proposed subdivision would create two or fewer lots or creates condominium units within a single plat;
- (3) The proposed subdivision would not require land dedication or dedication of public improvements; and
- (4) The application is for one of the following:
  - (a) Boundary or lot line adjustments to an approved final plat including lot line eliminations;
  - (b) Vacations that do not include improved streets;
  - (c) Condominiumization of units within an existing building;
  - (d) A minor change to an approved plat to address engineering or technical constraints with no material effect on the plat and no relocations of streets or rights-of-way; or
  - (e) Correction of a technical error on an approved final plat.

ii. Plat Submittal

Minor subdivisions shall require the submittal and approval of a final plat, replat, condominium plat, or amendment to an existing final plat as applicable. All plats approved as a minor subdivision shall be recorded.

iii. Additional Criteria

- (1) In addition to the criteria in Article E.2(i)ii, applications for a minor subdivision shall also:

- (a) Demonstrate that the layout of lots, streets, driveways, utilities, drainage facilities, and other services within the proposed subdivision meets the Town's standards, minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees, vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code;
    - (b) Not result in the creation of lots that cannot be built under this Chapter;
    - (c) Not affect a recorded easement without approval from the easement holder;
    - (d) Provide all required in-lieu fees; and
    - (e) Not limit the Town's ability to effectively provide facilities or services to all lots involved.
  - (2) In addition to the criteria above, when a minor subdivision involves a vacation, the application shall also demonstrate that:
    - (a) The Town has no current or future use for the land;
    - (b) No roadway proposed to be vacated would leave any adjoining land without a means of access to another public road; and
    - (c) It does not involve lots that have been sold or transferred; or, if there have been sales or transfers, no development on any lots in the subdivision and all the owners agree to the vacation of the plat.
- (c) Major Subdivision
  - i. Applicability
 

A major subdivision is required for all land divisions that are not eligible for a minor subdivision.
  - ii. Preliminary Plat
    - (1) A preliminary plat shall be required for all major subdivisions that shows the overall character, proposed layout of land, and provisions of facilities.
    - (2) Additional Criteria
      - (a) In addition to the criteria in Article E.2(i)ii, applications for a preliminary plat shall also:
        - (i) Provide lots, roads, driveways, utilities, drainage facilities, and other services that are designed to minimize the amount of land disturbance, maximize connectivity, maximize the amount of open space, and preserve sensitive areas;

- (ii) Provide adequate mitigation to areas in natural hazard areas and that proposed uses of these areas are compatible with such conditions;
- (iii) Show location of public water and sewer system connections;
- (iv) Provide a clear assumption of responsibility for maintaining roads, open spaces, and other public and common facilities in the subdivision; and
- (v) If proposed in phases, the plat proposes reasonable phasing for providing required infrastructure.

(b) In addition to the criteria above, when a subdivision involves a vacation, the application shall also demonstrate that:

- (i) The Town has no current or future use for the land;
- (ii) No roadway proposed to be vacated would leave any adjoining land without a means of access to another public road; and
- (iii) A subdivision plat does not involve lots that have been sold or transferred; or, if there have been sales or transfers, no development on any lots in the subdivision and all the owners agree to the vacation of the plat.

iii. Final Plat

(1) Following approval of a preliminary plat, a final plat shall be required for all major subdivisions that reflects any changes required at the preliminary plat stage and demonstrates conformance with the requirements of this Code.

(2) Additional Criteria

In addition to the criteria in Article E.5(c)ii, applications for a final plat shall also demonstrate compliance with the approved preliminary plat including any conditions of approval.

6. Ordinance Amendment Procedures

(a) Initial Zoning

i. Applicability

Initial zoning is required with all petitions for annexations into the Town in accordance with the Municipal Annexation Act of 1965, as amended, CRS § 31-12-101 *et seq.*

ii. Additional Criteria

In addition to the criteria in Article E.2(i)ii, applications for an initial zoning shall also:

- (1) Be consistent with the purposes of the underlying zoning district where the development is proposed;
- (2) Ensure that future uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property; and
- (3) Be consistent with the Town's economic development goals and objectives to bring positive growth and sustainable revenues to the Town.

(b) Rezoning

i. Applicability

A rezoning is required for all proposals requesting to change the zoning district classification of a parcel of real property to a different zoning district classification.

ii. Map Revision

Following approval of a rezoning, the Official Zoning Map shall be revised to show the updated zoning district.

iii. Additional Criteria

In addition to the criteria in Article E.2(i)ii, applications for a rezoning shall also:

- (1) Be consistent with the purposes of the underlying zoning district where the development is proposed;
- (2) Ensure that future uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property; and
- (3) Be consistent with the Town's economic development goals and objectives to bring positive growth and sustainable revenues to the Town.

(c) Rezoning to Planned Development (PD)

i. Applicability

- (1) The PD procedure shall not be used when a conditional use, variance, or rezoning to a base zoning district could achieve a similar result.
- (2) An application to rezone to PD may be submitted for any tract of land, or contiguous parcels of land, within any combination of zoning districts, held under single ownership or under unified control.
- (3) The PD shall be overlaid on the existing base district(s).

ii. PD Plan Required

A Planned Development Plan shall be required with all applications to PD that includes any zoning standards that are not consistent with this LUC.

iii. Effect of Approval

The regulations of this LUC shall remain applicable to areas within a PD district unless expressly modified by the approved PD.

iv. Expiration

A PD shall remain valid until a PD is subsequently amended or rezoned to another zoning district.

v. Map Revision

Following approval of a rezoning to PD, the Official Zoning Map shall be revised to show the PD overlay.

vi. Recording

The PD plan and zoning amendment shall be recorded.

vii. Additional Criteria

In addition to the criteria in Article E.2(i)ii, applications for a rezoning to PD shall also:

- (1) Address a unique situation, provide substantial benefits to the Town, or incorporate innovative design that achieves a higher quality standard than could otherwise be achieved through strict application of a base zoning district; and
- (2) Meets all applicable standards of this Code not expressly modified by the PD.

viii. Minor Amendments

- (1) Minor amendments to an approved PD plan may be approved by Staff if the proposed amendments do not:
  - (a) Change the ratio of residential units to square feet of non-residential building square footage by more than 10 percent.
  - (b) Increase the number of residential units by more than 10 percent.
  - (c) Increase the gross square footage of non-residential building area by more than 10 percent.
  - (d) Change the allowed uses listed in the approved PD plan.
  - (e) Change the number or location of vehicular access points in such a way that negatively impacts public safety or the flow of traffic into public streets.
- (2) Any amendment that is not considered minor shall require the same approval process as the creation of the PD.

(d) Land Use Code Text Amendment

i. Applicability

A LUC text amendment to any provision in this LUC may be initiated by Staff or the Board of Trustees.

ii. Additional Criteria

In addition to the criteria in Article E.2(i)ii, applications for a Land Use Code text amendment shall also:

- (1) Be compatible with current conditions and the character of current structures and uses in each zoning district;
- (2) Promote the most desirable use of land in each zoning district;
- (3) Promote the conservation of sensitive environmental features; and
- (4) Support responsible development and growth.

(e) Comprehensive Plan Amendment

i. Applicability

A comprehensive plan adoption or amendment may be initiated by Staff or the Board of Trustees.

ii. Additional Criteria

In addition to the criteria in Article E.2(i)ii, applications for a comprehensive plan adoption or amendment shall also promote the long term economic, social, and environmental health of the Town and protects the public health, safety, and welfare of the citizens of Morrison.

7. Flexibility and Relief Procedures

(a) Variance

i. Purpose

The variance procedure provides a mechanism to authorize variances from the development standards of this Land Use Code when it is demonstrated that such a variance will not be contrary to the public interest or the spirit of this Land Use Code and where, owing to special conditions, literal enforcement of this Land Use Code will result in practical difficulties or unnecessary hardship.

ii. Applicability

The variance procedure is required for applications seeking flexibility of a development standard, other than as provided in the minor modification process, from the development standards applicable to the zoning district in which the subject property is located. Applications that are denied a minor modification shall not be eligible for a variance.

iii. Additional Criteria

In addition to the criteria in Article E.2(i)ii, applications for a variance shall also demonstrate that:

- (1) The variance is necessary because literal enforcement of the provisions of this LUC will result in an unnecessary and unreasonable hardship to the applicant caused by a unique site condition that is not generally applicable to other lots in the surrounding area;
- (2) The grant of the variance will not injure the appropriate use of, or the supply of light and air to, adjacent conforming property within the same zone district; and
- (3) The effect of granting the variance is to allow the applicant development potential similar to, but not greater than, other lots in the same zone district in the surrounding areas.

(b) Minor Modification

i. Purpose

The minor modification procedure is intended to allow relatively small adjustments or deviations from the dimensional or numeric standards of Table D-1 where strict application would result in practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Land Use Code. Minor modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance.

ii. Applicability

- (1) A deviation from the requirements in Table D-1 may be proposed as a minor modification.
- (2) Minor modification deviations may not exceed a 10 percent variation of the applicable requirements.

iii. Additional Criteria

In addition to the criteria in Article E.2(i)ii, applications for a minor modification shall also:

- (1) Not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
- (2) Not be necessitated by the petitioner's actions; and
- (3) Be of a technical nature and required to compensate for an unusual site condition or to protect a sensitive resource, natural feature, or community asset.

8. Vested Rights

(a) Purpose

The purpose of this Section is to provide the procedure for approval of a vested property right.

- (b) Applicability
  - i. Vested rights may only be approved with the approval of a site-specific development plan.
  - ii. Applicants must request vesting in writing as a part of the site-specific development plan application.
  - iii. A vested right shall attach to and run with the applicable property. It shall confer upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific development plan.
- (c) Approval
  - i. The Board of Trustees may approve vested rights as a part of an approval for a site-specific development plan and upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
  - ii. Failure to abide by such terms and conditions in a site-specific development plan approval shall result in forfeiture of the vested rights.
- (d) Notice
  - i. Not later than 14 days following approval of a site-specific development plan, the applicant shall publish a notice in a newspaper of general circulation in the Town.
  - ii. Notice shall include the name of the plan, address of the project, and date of approval by the Board of Trustees.
- (e) Vesting Period and Expiration
  - i. Vested rights shall remain vested for three years or until such time as the site-specific development plan is either superseded or rescinded, whichever occurs first, unless otherwise approved by the Board of Trustees, but in no case shall the vesting period be longer than 20 years.
  - ii. Amendments to site-specific development plans shall not affect vested rights unless expressly stated otherwise in the amendment.
- (f) General Ordinances and Regulations

The establishment of a vested property right shall not preclude the application of ordinances or regulations that are general in nature and are applicable to all property. Such ordinances and regulations include but are not limited to building, fire, plumbing, electrical, energy, mechanical and other health and safety codes.

9. Nonconformities

(a) Purpose

The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that were lawfully established prior to the effective date of this Land Use

Code, but that no longer conform to the requirements of this Land Use Code. All such situations are collectively referred to as "nonconformities."

(b) Requirements

i. Authority to Continue

- (1) Nonconformities may continue to be used and occupied, subject the maintenance regulations in this Section, or unless such nonconformity is terminated as provided in this Section.
- (2) Nonconformities shall not be modified in any way that increases the degree of nonconformity.
- (3) Nonconformities shall not be reestablished once terminated unless express permitted by this Section.

ii. Determination of Legal Nonconformity Status

The burden of establishing the existence of a legal nonconformity shall be solely on the owner of the property containing the nonconformity.

iii. Maintenance

Maintenance of nonconformities is permitted and encouraged provided that the maintenance does not increase the degree of the nonconformity. Maintenance includes the following:

- (1) Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure, unless compliant with this Land Use Code;
- (2) Maintenance of land to protect against and mitigate health and environmental hazards;
- (3) Repairs that are required to remedy unsafe conditions; and
- (4) Repairs necessary to comply with current Land Use Code or Building Code requirements.

(c) Nonconforming Structures

- i. A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition; provided that such work is commenced within one year of such event and has been completed or diligently pursued within 18 months of such event.
- ii. Structures deemed nonconforming because of building design standards in Article D.12 shall be permitted to be maintained, modified, and altered without regard to compliance with this Section.

(d) Nonconforming Lots

A nonconforming lot that was made nonconforming by virtue of enactment of this Land Use Code may be used for construction of a building allowed in the applicable zoning district provided that all other zoning district and dimensional standards are met.

(e) Nonconforming Parking

Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this Land Use Code that are made nonconforming by virtue of enactment of this Land Use Code shall be allowed to continue provided that any change or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by such change or expansion is provided in accordance with this Land Use Code.

(f) Nonconforming Uses

i. A nonconforming use may be extended throughout the same building or structure provided that:

- (1) No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;
- (2) No additional dwelling units shall be permitted in the building; and
- (3) No additional nonresidential units and/or uses shall be permitted.

ii. Whenever a nonconforming use is discontinued for a period of six months, the legal nonconforming status of the use shall expire and any future use shall comply with this LUC. Staff may grant an extension if improvements that are necessary for the continuation of the nonconforming use are diligently pursued.

(g) Illegal Nonconformities

i. An illegal nonconformity exists when:

- (1) A nonconformity is destroyed or substantially destroyed or neglected by an intentional act of the owner or an agent without a proper permit. If this occurs, the nonconformity shall lose its nonconforming status and thereafter shall be required to be in conformity with this LUC.
- (2) A use, structure, or site improvement occurs to a nonconformity without being lawfully authorized in accordance with this Section. Such use or structure shall therefore cease all operations until such time that the required plans and permits are approved.

ii. If a nonconforming use was in a destroyed or substantially destroyed structure, the nonconforming use and all site improvements shall lose their nonconforming status and be required to come into compliance with this LUC.

10. Violations, Enforcement, and Penalties

(a) Violations

Each of the following activities is a violation of this Land Use Code:

- i. Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of this Land Use Code or any regulation promulgated under this Land Use Code.
- ii. Any development, use, construction, remodeling, or other activity in any way generally inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Land Use Code.
- iii. Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this Land Use Code.

(b) Remedies

- i. Staff may deny or withhold all entitlements, including forms of authorization to use or develop any land, structure, or improvement, until an alleged violation, associated civil penalty or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether the current owner or applicant for the permit or other approval is responsible for the violation.
- ii. Whenever any building, structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in violation of this Land Use Code or in a manner that endangers life or property, Staff is authorized to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
- iii. With or without revoking permits, Staff may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Land Use Code or a provision of an entitlement or other form of authorization issued under this Land Use Code.
- iv. The stop-work order shall be in writing and posted at the site of the work and shall specify the alleged violations. After any such order has been posted, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

(c) Penalties

- i. Violation of this Land Use Code shall be punishable in accordance with Section 1-4-1 of the Morrison Municipal Code.
- ii. The Town may seek injunctive relief or other appropriate relief in district court or other court of competent jurisdiction against any person who fails to comply with any provision of this Land Use Code or any requirement or condition imposed pursuant to this Land Use Code.

- iii. In any court proceedings in which the Town seeks a preliminary injunction, it shall be presumed that a violation of this Land Use Code is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject Land Use Code violation.

(d) Abatement

The Town may abate any violation of this Land Use Code as follows:

- i. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by first class United States mail to the owner of record of the property.
- ii. Unless this notice is appealed to the Board of Trustees within ten days of the posting of the final warning, the Town shall proceed to abate the violation.
- iii. The Town shall keep an account of the cost, including incidental expenses, incurred by the Town in the abatement of any violation. The Town shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this section, the term "incidental expenses" shall include without limitation the actual expenses and costs to the Town in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
- iv. The responsibility for payment of the charges for abatement as set forth in this Section shall rest solely upon the owner of the property upon which the abatement occurred. When charges for abatement remain unpaid after 30 days from billing, the Town shall record a first and prior lien against the property, to be collected by the County Treasurer in the same manner as property taxes.

(e) Cumulative Remedies

The remedies provided for violations of this Land Use Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. The exercise of one remedy shall not preclude the exercise of any other available remedy.

**Article F. Definitions**

1. Rules of Construction

All words and terms used in this Land Use Code have their commonly accepted dictionary meaning unless they are specifically defined in this Land Use Code or the context in which they are used clearly indicates to the contrary. The following rules of construction apply:

- (a) All words used in the present tense include the future tense.
- (b) All words used in the singular number include the plural, and words in the plural number include the singular.
- (c) The word "shall" is mandatory, and not discretionary, and the word "may" is permissive.
- (d) The word "building" shall include the word "structure."
- (e) The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (f) The words "land," "property", "parcel," "premises," and "tract" are all interchangeable unless the context clearly indicates to the contrary.
- (g) The word "individual" includes a "firm," "association," "organization," "partnership," "trust," "company," or "corporation" as well as a single individual.

2. Rules of Measurement

(a) Rounding of Numerical Requirements

Any numerical calculation resulting in a fraction shall be rounded up to the next whole number.

(b) Setbacks

Setbacks shall be measured in linear feet, measured on a horizontal plane, between the wall of a building and each of its lot lines at a given height.

(c) Height

Height shall be measured as the vertical distance above grade along the building front measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height between the eave and ridge of a gable, hip, or gambrel roof. Maximum height establishes the maximum height in feet above grade, allowed for structures within a given zoning district.

(d) Computation of Time

For purposes of calculating required public notice periods or time periods related to the filing or processing of applications under the LUC, unless this LUC specifically states that the measurement is based on "calendar days", shall be computed to exclude the first and include the last day of the prescribed or fixed period or duration of time. When the last day of a period falls on a Saturday, Sunday, or State-recognized holiday, that day shall be omitted from the computation.

(e) Separation Distances

Where this LUC requires separation between uses, such distance will be measured from the nearest property line of the existing use to the nearest property line of the proposed use.

(f) Area Measurements

All square-footage-based requirements shall be computed based on gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.

### 3. Definitions

#### **ACCESS**

A way or means of approach to provide physical vehicular entrance to a property.

#### **ACCESSORY BUILDING, STRUCTURE, OR USE**

A building, structure, or use located or conducted upon the same lot (or on a contiguous lot in the same ownership) as the primary building, structure or use to which it is related, that is clearly incidental to, and customarily found in connection with, such primary building or use and is operated and maintained for the benefit or convenience of the owners, occupants, employees, customers or visitors of the lot. Multiple accessory structures and uses may be permitted on a single lot in accordance with Table C-1.

#### **ACCESSORY DWELLING UNIT**

A subordinate dwelling unit attached or detached from a primary structure and located on the same lot or parcel, that provides basic requirements for living, sleeping, cooking, and sanitation. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an accessory dwelling unit. Only one accessory dwelling unit shall be permitted per lot.

#### **ADULT ENTERTAINMENT**

Adult bookstores, adult motion pictures theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studios, and other adult establishments.

#### **AGRICULTURE PRODUCTION**

The cultivation of agricultural or horticultural crops, composting, aquaponics, aquaculture, hydroponics, the keeping of livestock and/or poultry, or a combination of these activities.

#### **ANIMAL SHELTER**

A facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 10 animals in a year, and that is operated by a government entity, humane society, animal welfare society, animal rescue group, or other nonprofit group. This use includes rescue horse facilities, regardless of the number of horses sheltered in a year.

#### **AREA OF SHALLOW FLOODING**

A designated zone AO or AH on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

#### **ART GALLERY, MUSEUM, AND LIBRARY**

A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

#### **AUTOMOTIVE CENTER AND SERVICES**

An establishment that is engaged in both the retail sales of a limited or full range of vehicle parts and fuels and the repair and maintenance of automobiles and light trucks. Self service, automated, or full service car washes as a primary or accessory use are included in this.

#### **BAR, BREWERY, OR DISTILLERY**

An establishment primarily engaged in the selling of drinks for consumption on the premises, where entertainment and the incidental sale of prepared food for consumption on the premises are permitted accessory uses. These establishments may charge a fee or admission charge for the entertainment provided. Included in this category are bars, beer gardens, discotheques, taverns, dance halls, wineries, and distilleries.

**BARNs, SHEDs, AND OUTBUILDINGS**

An accessory structure designed and constructed to primarily supplement agricultural operations. The structure shall not be a place of human habitation or a place of employment where products are processed, treated or packaged; nor shall it be a place used by the public.

**BED AND BREAKFAST**

The commercial rental of bedrooms within a private residence, providing temporary accommodations, a full-time on-site resident manager, and typically including a morning meal to overnight guests. This use shall not include Hotels, Motels, or Short-Term Rentals.

**BOARD OF TRUSTEES**

The Board of Trustees of the Town of Morrison, Colorado, which shall act as the Board of Adjustment when State Law requires an appeal process not specifically listed herein.

**BUILDING**

Any structure used or intended for supporting or sheltering any occupancy where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be deemed a separate building.

**BUILDING, PRIMARY**

A building in which is conducted, or that is intended to be conducted, the primary use of the lot on which it is located. Only one Primary Building shall exist per lot.

**BUSINESS OR PERSONAL SERVICE**

An establishment primarily engaged in providing services involving the care of a person or their apparel or rendering services to business establishments on a fee or contract basis, such as barber shops, clothing sales, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants), advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, computer programming/data processing services, locksmiths, and repair of business or household goods and equipment generally weighing less than 25 pounds.

**CEMETERY OR INTERMENT FACILITY**

Land used or intended to be used for the burial of the dead including columbariums, crematoriums, mausoleums, funeral homes, and mortuaries when operated in conjunction with and within the boundaries of such premises.

**COMMUNITY CENTER**

A building or portion of a building used for nonprofit, cultural, educational, recreational, religious, or social activities that are open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

**COMMUNITY GARDEN**

The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics including but not limited to gardens, container gardens, edible landscapes, herb gardens, rooftop gardens, berry patches, vegetable gardens. All of which may include the production and sale of food products from food grown on the premises. Community Garden may be divided into separate plots for cultivation by one or more individuals or may be farmed

collectively by members of the group and may include common areas maintained and used by group members.

**COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICE**

A facility that transmits and/or receives signals or waves radiated or captured by a wireless telecommunications antenna. It may include: antennas of all kinds including microwave dishes, horns, and other types of equipment for the transmission or reception of such signals, telecommunications tower or similar structures supporting said equipment, equipment buildings or cabinets, parking area, and/or other accessory development in order to provide telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public. Non-commercial or broadcasting antennas are not considered to be wireless telecommunications utilities.

**CONDITIONAL USE**

A use that is permitted only after the petitioner obtains conditional use approval pursuant to Article E.4(c), and subject to any use-specific standards.

**CURB CUT**

The alteration, typically by lowering, of a curb, sidewalk, or boulevard to provide vehicular access to a parcel.

**DAY CARE FACILITY**

A licensed private or public establishment that for gain or otherwise, regularly provides one or more dependents with care, training, supervision, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours a day, in a place other than the dependent's home.

**DEDICATION**

The transfer of property interests from private to public ownership for a public purpose.

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including a change in use or the creation of a subdivision.

**DRIVE-THROUGH FACILITY**

An accessory use that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

**DWELLING, DUPLEX**

A single building on a single lot containing two dwelling units separated from each other by a firewall and having separate direct means of egress and ingress to each unit from the outside.

**DWELLING, MULTIFAMILY**

A building containing four or more dwelling units on a single lot, including but not limited to apartments, cooperative apartments, and condominiums. Regardless of how rental units are equipped, any Multifamily Dwelling in which units are available for rental periods of 30 days or less at a time shall be considered a hotel, motel, or short-term rental as applicable.

**DWELLING UNIT**

A single unit providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING, SINGLE FAMILY DETACHED**

A detached building, whether stick-built or manufactured, containing one dwelling unit located on a single lot.

**DWELLING, TRIPLEX**

A single building on a single lot containing three primary dwellings separated from each other by a firewall and having separate direct means of egress and ingress to each unit from the outside.

**EASEMENT**

A grant of one or more of the property rights by the property owner to and for use by the public, a corporation, or another individual or entity.

**ELECTRIC VEHICLE CHARGING STATION**

A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property.

**EQUESTRIAN OPERATION**

A facility or place used for horse boarding (including equestrian pasture boarding) and/or equestrian activities for a fee, and/or for an exchange of goods or services. Uses specifically excluded from equestrian operations are horse rescue and horse breeding farms.

**EXTERIOR LIGHTING**

All exterior luminaires.

**FAÇADE**

The exterior walls of a building exposed to public view from a public street. The wall visible from a public street or parking lot and used for the main public access or that has distinguishing architectural features will be considered the primary façade. A wall that is visible from a public street or parking lot serving a use but not the main access to the building is considered the secondary façade.

**FAST FOOD RESTAURANT**

An establishment whose primary business is the sale of food and/or beverages in a ready to consume state for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as a carry out order, and whose principal method of operation involves serving food and/or beverages in containers.

**FENCE**

Any structure, wall, or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

**FLOODPLAIN**

That area within a Special Flood Hazard Area as delineated by the most recent report available from the Federal Emergency Management Agency.

**FLOODPLAIN GRADE**

The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area.

**FLOOD INSURANCE RATE MAP (FIRM)**

An official map of a community, on which the federal emergency management agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOODWAY**

The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (1/2') (6 inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**FOOD TRUCK**

A retail food establishment that is not intended to be permanent and is a motorized vehicle or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages.

**FUELING STATION**

A facility where fuels like diesel, gasoline, ethanol, natural gas, electricity, and hydrogen; related supplies for motorists; and convenience foods and goods are sold. All services included in Automotive Center and Services are excluded.

**GARAGE**

A detached accessory building or a portion of a primary building used for the parking and storage of vehicles, merchandise, or equipment, and that is not a separate commercial establishment open to the general public. When associated with a residential use in a residential district, it shall be limited to use for parking and storage of vehicles, noncommercial trailers, and household equipment. A garage shall be a permitted accessory use for all residential uses.

**GARAGE SALE**

The sale of used household belongings at a residential dwelling or residential neighborhood including but not limited to "home sale," "estate sale," "attic sale," and "basement sale" and any other type of residential sale of tangible personal property.

**GREENHOUSE**

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale, for personal enjoyment, or for the temporary storage or display of plant material.

**GEOHERMAL ENERGY SYSTEM**

Land area and equipment for the conversion of natural geothermal energy into energy for beneficial use.

**GROUP HOME, SMALL**

A residential dwelling or facility where eight or fewer persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and as interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

**GROUP HOME, LARGE**

A residential dwelling or facility where more than eight persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

**GROUND-MOUNTED MECHANICAL EQUIPMENT**

Any mechanical equipment that is affixed to the ground including subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, and propane tanks.

**HEIGHT (OF A BUILDING)**

The vertical distance above grade along the building front measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height between the

eave and ridge of a gable, hip, or gambrel roof. Maximum height establishes the maximum height in feet above grade, allowed for structures within a given zoning district.

**HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HOME OCCUPATION**

Any gainful occupation or profession engaged in by the occupant of a dwelling unit at or from the dwelling unit.

**HOTEL**

A building or series of buildings operated as an establishment providing accommodations in habitable units by prior arrangements, for compensation, for periods of thirty days at a time or less where access into each hotel unit is from the interior of the building. This use may provide ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities. A Hotel shall not include a Motel, Bed and Breakfast, or Short-Term Rental.

**INDOOR ENTERTAINMENT OR RECREATION**

A commercial recreation facility that provides completely enclosed or indoor entertainment or recreation space, such as racquet clubs, indoor skating rinks or swimming pools, bowling alleys, billiard, pool, or bingo parlors, amusement arcades, indoor live or motion picture theaters, and fitness centers or gymnasiums, and where food or beverages may be served as an accessory use, but does not include any use meeting the definition of Adult Entertainment.

**IMPERVIOUS SURFACE**

Any surface artificially covered or hardened to prevent or impede the percolation or absorption of water into the ground, including but not limited to asphalt, concrete, roofing material, brick, plastic, gravel, or swimming pools.

**LANDSCAPING**

Any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

**LETTER OF MAP REVISION (LOMR)**

FEMA's official revision of an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

**LETTER OF MAP REVISION BASED ON FILL (LOMR-F)**

FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**LOT**

The smallest unit of land division defined by plat or by metes and bounds description, that is not divided by a lot line, right-of-way, or other publicly owned land.

**LOT AREA**

The area contained within the lot lines of a Lot, excluding any right-of-way or private street.

**LOT LINE**

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. Where any portion of a lot extends onto a public right-of-way, the lot line shall be deemed to be the boundary of said right-of-way.

**LOT WIDTH**

A horizontal distance measured between the side lot lines.

**LOT LINE, FRONT**

A lot line separating a lot from the predominant public or private street or roadway right-of-way abutting the property, as determined by the Town.

**LOT LINE, REAR**

On a rectangular lot other than a corner lot, the lot line opposite and most distant from the front lot line; on a corner lot, an interior lot line that is designated at the time of development.

Triangular shaped lots whose lot width narrows when moving away from the front lot line have no rear lot line. The rear lot line(s) on irregular shaped lots with more than four lot lines are those interior lot lines that, when the endpoints of the line(s) are connected, create a line exceeding the width at the building line.

**LOT LINE, SIDE**

Any lot line other than a front or rear lot line.

**LOT OF RECORD**

Any validly recorded lot that, at the time of its recording, complied with all applicable laws, ordinances, and regulations.

**LOT SIZE**

The minimum size lot, in square feet, for certain types of residential development, measured on a horizontal plane.

**LOWEST FLOOR**

The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. 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; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the national flood insurance program regulations.

**LUMINAIRE**

A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts ready to be mounted on a pole or other location.

**MAJOR SITE PLAN**

A site plan that does not qualify as a minor site plan.

**MANUFACTURED HOME**

A building, fabricated in an off-site facility for installation or assembly at the building site, transportable in one or more sections, that, in the traveling mode, is eight feet or more in width or 40 feet or more in length, or when erected is 320 or more square feet in size, and is built on a permanent chassis and designed to be used as a dwelling for one family, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the building.

**MANUFACTURED HOME PARK**

A residential development on a site that consists of two or more spaces for the placement of manufactured homes for dwelling or sleeping purposes, regardless of whether or not a fee is charged for the use of such space. This development is typified by a land-lease arrangement between the residents of the manufactured homes in the community and a single ownership entity or common owner(s) in a cooperative arrangement as opposed to a development that consists of individually owned lots subdivided for the placement of manufactured homes. A manufactured home park does not include real property used for the display and sale of manufactured homes, unless the manufactured homes for display or sale are permanently sited as model homes in the park, nor does it include a Recreational Vehicle Parking in which spaces are not intended for long-term occupancy.

**MANUFACTURED HOME PARK LOT**

A parcel of land in a manufactured home park used for the placement of a single manufactured home for the exclusive use of the residents of the manufactured home. The area of the lot for rezoning purposes shall not include any common or community open space. The area of the lot shall not include any land devoted to the development of streets (public or private) including any land used for common sidewalk or walkway area located parallel and adjacent to a private street lying adjacent to the lot.

**MEDICAL FACILITY**

An establishment engaged in providing diagnostic services, extensive medical treatment (including surgical services) and other hospital services, as well as continuous nursing service, including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including Veterinary and Animal Services.

**MEDICAL OR RECREATIONAL MARIJUANA DISPENSARY**

A medical or recreational retail marijuana store where customers or patients may purchase marijuana and marijuana infused products as defined in and regulated by C.R.S. § 44-10-101, *et seq.* It shall not include marijuana cultivation or manufacture.

**MINOR SITE PLAN**

A site plan that is eligible for minor site plan review as stated in Article E.4(b).

**MOBILE HOME**

A non-HUD compliant structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities, but not including manufactured homes or recreational vehicles. Mobile homes are not permitted in the Town.

**MOTEL**

A building or series of buildings operated as an establishment providing accommodations in habitable units by prior arrangements, for compensation, for periods of thirty days at a time or less where access into each hotel unit is from the exterior of the building. Motels shall not be permitted.

**MULTI-USE TRAIL**

A path physically separated from motor vehicle traffic, located either within a street right-of-way or a separate right-of-way or easement, and intended for use by some combination of bicyclists, pedestrians, equestrians, and other non-motor vehicle traffic.

**NONCONFORMING LOT OF RECORD**

Any validly recorded lot existing at the time this Land Use Code was adopted that does not comply with the minimum requirements of the district where it is located.

**NONCONFORMING PARKING**

Any development that does not provide the number of off-street parking spaces that would be required by this Land Use Code for a new development of the same type. The existence of parking spaces located outside of an approved driveway in the front or street side yard on a property in a residential district that were not approved through a lot and site development approval procedure do not constitute legal, nonconforming parking.

**NONCONFORMING SIGN**

Any sign established prior to the effective date of this Land Use Code that is not in full compliance with the Land Use Code.

**NONCONFORMING STRUCTURE**

A structure that does not comply with the height, setback, density, or floor area ratio requirements of the district where it is located.

**NONCONFORMING USE**

An activity using land or structures that would not be permitted to be established as a new use in the zone where it is located by the regulations of this Land Use Code.

**NURSERY OR GARDEN SUPPLY STORE**

An establishment, including a building, part of a building, or outdoor space for the growth, display and/or sale of plants, trees, and other materials used for planting for retail sales and incidental wholesale trade.

**NURSING HOME**

An establishment primarily engaged in providing intermediate or long-term nursing and health related care to individuals.

**OFFICE**

A building or portion thereof in which services are provided and/or business is conducted including administrative, professional, governmental, or clerical operations. Typical examples include fire service, ambulance, judicial court or government offices, post office, real estate, campaign headquarters, political and philanthropic offices, radio stations, call centers, insurance, property management, investment, financial, employment, travel, advertising, law, architecture, design, engineering, accounting, and similar offices. This use includes accessory uses such as coffee shops, health facilities, parking, limited retail sales, or other amenities primarily for the use of employees in the building.

**OUTDOOR EATING AREA**

Any group of tables, chairs, or other seating fixtures and appurtenances intended for the outdoor consumption of food or beverage by patrons, employees, or tenants, when located adjacent to an establishment having the same operator.

**OUTDOOR ENTERTAINMENT OR RECREATION**

A commercial recreation facility that is primarily an open-air facility, such as baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf facilities, and outdoor concert halls.

**PARKING LOT**

A surface area whose purpose is to provide accessory or primary use parking spaces for motor vehicles, this category also includes community lots that are established to meet the parking needs in a residential area.

**PARKING GARAGE**

An above ground and/or belowground structure, or a part of a primary structure, designed for parking automobiles, in which at least one level of parking is located above or below another level of parking in the same structure. This use does not include parking and storage facilities for recreational vehicles, boats, and trucks seven feet in height or greater.

**PARKING SPACE**

An enclosed or unenclosed, covered or open area designated for vehicular parking and meeting the requirements in Article D.5. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.

**PARKS AND OPEN SPACE**

A publicly or privately owned open space area specifically defined or set aside for active and/or passive recreational uses. Parks and open space include all landscaping, facilities and apparatus, playing fields, trails and buildings and structures that are consistent with general outdoor recreational purposes.

**PHOTOMETRIC PLAN**

A proposed exterior lighting plan used to verify compliance with the standards for exterior lighting in this LUC. The plan must be scalable, indicate the position of light fixtures and light poles, and contain a mathematical grid of the footcandles produced by each fixture.

**PLACES OF WORSHIP**

A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for the conducting of organized religious services and associated accessory uses.

**PLAT, FINAL**

The final map on which an applicant's plan for the division of land for purposes of development is presented to the Town for approval and that, if approved, will be submitted to the County Recorder.

**PLAT, PRELIMINARY**

A draft map on which an applicant's plan for the division of land for purposes of development is presented to the Town for review and comment regarding compliance with this Land Use Code and other standards and regulations, prior to submittal of a Final Plat for approval.

**PROPERTY OWNER**

The fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes but is not limited to vendors under a contract for deed.

**QUARRY**

Any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes, but shall not include an excavation incidental to the erection of a building or structure.

**RECREATIONAL VEHICLE**

A temporary structure, less than 40 feet in length, that can be towed, hauled or driven and is primarily designed as temporary housing accommodations for recreational, camping or travel use including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RECREATIONAL VEHICLE AND BOAT PARKING**

Storage of recreational vehicles and boats at a residence as an accessory to the primary use of the property.

**RESTAURANT**

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops.

**RETAIL ESTABLISHMENT**

An establishment engaged in selling groceries, goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including furniture and appliance sales and business centers. These establishments are characterized by the following: 1) They buy and receive as well as sell groceries, goods, or merchandise; 2) They may process some products, but such processing is incidental or subordinate to the selling activities; and 3) They predominantly sell to customers for their own personal or household use.

**RETAIL, SMALL**

A retail establishment that is under 5,000 square feet gross floor area.

**RETAIL, LARGE**

A retail establishment that is over 5,000 square feet gross floor area.

**ROOFTOP PATIO**

An area located on or above the roof of a commercial structure designed or used for patrons of the business located in that structure.

**ROOF-MOUNTED MECHANICAL EQUIPMENT**

Any mechanical equipment that is affixed to a roof including subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, and pumps.

**SCHOOL**

A public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

**SEASONAL SALES**

A building or structure used for the retail sales of Christmas trees, holiday décor and seasonal gifts, fresh fruits, vegetables, flowers, herbs, or plants. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

**SETBACK**

The separation in linear feet, measured on a horizontal plane, required between the wall of a building and each of its lot lines at a given height.

**SELF SERVICE STORAGE FACILITY**

An establishment designed and used for the purpose of renting or leasing individual storage spaces to tenants who have sole private access to such space for storing personal property.

**SHORT-TERM RENTAL**

An accessory residential use where a unit is rented out for periods of less than thirty days at a time.

**SIGN**

Any medium, including its structure and component parts, including any illumination device, that is used or intended to be used to attract attention and/or advertise or promote a business or that is visible by the general public from any public right-of-way or any public area.

**SIGN, ABANDONED**

Any sign that is located on property that becomes vacant and is unoccupied for a period of three months or more, or any sign that pertains to a time, event or purpose which no longer applies.

**SIGN AREA**

The surface area of a sign, as determined by Staff, including its facing, copy, insignia, background and borders, which is described by a combination of plane geometric figures.

**SIGN, MURAL**

A type of wall sign that consists of paint applied directly to the exterior wall of a building or structure. Mural signs may not include any additional materials including, but not limited to, electrical components or lighting, dimensional structural elements, or automated methods that cause changes in the appearance of the mural.

**SIGN, OFF-PREMISES**

A sign that directs attention to a business, product, commodity, service, entertainment, or attraction sold, produced, offered or existing elsewhere than upon the lot or parcel where the sign is located.

**SIGN, ROOF**

A sign painted on the roof of a building, or supported by poles, uprights or braces extending from the roof of a building, or projecting above the roof of a building.

**SIGN, TEMPORARY**

A sign that is intended for a definite and limited period of display.

**SITE-SPECIFIC DEVELOPMENT PLAN**

The approval by the Board of Trustees of an application for a rezoning to planned development or final plat.

**SOLAR COLLECTOR, GROUND- OR BUILDING-MOUNTED**

A photovoltaic (PV) panel, array of panels or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. Ground-Mounted Solar Collector may be a principal or accessory use. Building-Mounted Solar Collector is an accessory use. Building-Mounted Solar Collector includes agrivoltaic systems and parking canopy solar systems.

**SPECIAL EVENT**

A temporary use on public or private property that extends beyond the normal uses and standards allowed by this Code. Special events include, but are not limited to, fundraising activities, educational, historic, religious and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and crafts fairs, weddings, conferences, retreats, trainings, and other organized community events.

**SPECIAL FLOOD HAZARD AREA**

The land in the floodplain subject to a one percent or greater chance of flooding in any given year, also known as the 100-year floodplain.

**STAFF**

An employee of the Town of Morrison designated by the Town Manager to oversee such duties as prescribed herein.

**STRUCTURE**

The result of arranging materials and parts together, such as buildings, tanks, and fences (but not including tents or vehicles) and placing them or attaching them to a lot. It shall also mean a mobile or manufactured home, anything constructed or erected, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to something having a location on or in the ground, including swimming and wading pools and covered patios. Paved areas, walks, tennis courts, and similar outdoor areas and fences or walls two feet or less in height are excepted.

**SUBSTANTIAL IMPROVEMENT**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 30 percent of the market value of the structure before the start of construction of the improvement.

**TEMPORARY USE**

A use that is permitted as a temporary use only after a temporary use permit is obtained pursuant to Article E.4(e), and subject to any use-specific standards.

**TOWN MANAGER**

The Town Manager of the Town of Morrison, or their authorized representative.

**UNIFORMITY RATIO**

A ratio between the lowest exterior light level reading and the average exterior light level reading taken throughout the applicable property and shown on the photometric plan for the property.

**UTILITY, MAJOR**

A facility providing an important regional utility service, such as water, sewer, or drainage, that normally entails construction of new buildings or structures, and that sometimes has employees on the site on an ongoing basis including but not limited to water towers, natural gas regulating stations, electric substations, water treatment plants, sewage treatment plants, above- or below-ground reservoirs, regional stormwater detention ponds, electric power lines that transmit over 110 KV of power, and other large facilities that enable the provision of utility services to large geographic area or a large number of people. Major Utility does not include Commercial Wireless Telecommunications Facilities (CWTS), Geothermal Energy System, Ground- or Building-Mounted Solar Collector, or Ground- or Building- Mounted Wind Energy Conversion System (WECS).

**UTILITY, MINOR**

Equipment necessary to support utility services to development within the immediate vicinity and that involves only minor accessory structures, and that typically do not have employees located at the site on an ongoing basis including but not limited to electric transformer stations and service boxes, gas regulator stations, telephone service boxes, and well, water and sewer pumping stations, and related underground and aboveground pipes and wires, but excluding electric power transmission lines that transmit over 110 KV of power.

**URBAN AGRICULTURE**

The cultivation of food and/or horticulture crops, aquaponics, aquaculture, and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises. Urban Agriculture includes the raising of small animals like bees for the purpose of producing honey and birds, like chickens and ducks, for the purposes of producing eggs but does not include slaughtering or selling meat or the keeping of any large animals.

**USE BY RIGHT**

A use that is permitted by right in a particular zoning district, subject to compliance with any use-specific standards.

**VESTED PROPERTY RIGHT**

A property right to undertake and complete development and use of property under the terms and conditions of a site-specific development plan.

**VETERINARY AND ANIMAL SERVICES**

A commercial establishment engaged in the practice of veterinary medicine, dentistry, or surgery, along with those providing animal related services such as kennels, grooming, or breeding services. A single instance of incidental breeding of a household animal is not included in this definition.

**VISION CLEARANCE TRIANGLE**

An area extending 30 horizontal feet along each corner intersection to a joining diagonal line from each 30-foot extension to create a triangle and vertically between two-and-one-half and nine feet above the gutter line.

**WIND ENERGY CONVERSION SYSTEM, GROUND- OR BUILDING-MOUNTED ("WECS")**

All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).