Planning & Zoning Commission Work Session

May 4, 2016

Dear Commissioners,

This is a continuation of our last work session. There are still some issues we need to address.

1. Should we allow accessory buildings to be approved by the Commission, unless the Commission refers the application to the Board? The change would allow the Board to hear appeals. And/or should we require a use by special review approval process?

   "Section 16-3-235 Accessory Buildings" under item 7 "Use by Special Review" the reference to "The Planning Commission may authorize additional accessory buildings.... in accordance with Section 16-3-500 of this Chapter" conflicts with itself. Section 16-3-500 requires the request to go through the Commission and the Board with separate criteria.

2. How should accessory buildings approved in commercial areas? Is a site plan required? What about storage of business related materials –not allowed by right in most zoning districts, but allowed in the accessory building section 16-3-240 "Accessory uses and accessory buildings in commercial districts"?

3. What should the setbacks be for accessory buildings in agricultural estate lot zones? Right now the Code requires the rear setback to be 20 feet, which is the same as the dwelling unit.

4. Should we include in our definition of an accessory building that it will be 120 square feet or larger and/or require a building permit?

Thanks,

Martha

Sec. 16-3-225. Accessory buildings.

An accessory building is a subordinate structure detached from the principal building, having both a roof and walls to provide weather protection. This includes garages, storage sheds, and similar structures that require a building permit and/or are 120 square feet or larger. Accessory buildings and structures, except fences, in the residential districts, shall be subject to the following provisions:

(1) General statements. An accessory building or structure shall not be connected or have a common wall with the principal building; unless it is only connected by a roof or covered passageway without walls.

(2) Time of construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory, unless otherwise approved by the Planning Commission.

(3) Location. No detached accessory building other than a private garage shall be located within a front or corner side yard.

(4) Height. No accessory building in a residential district shall be taller than the principal building on the lot, with the exception of the AE Agricultural Estate District, in which the height may exceed the height of the principal building, but it may not be greater than twenty-one (21) feet tall. The building height shall be measured from the lowest point of the base of the building to the highest structural point of the building and shall not include nonstructural additions to the building which themselves are not more than five (5) feet in height, such as antennas, lightning rods or weather vanes.

(5) Setbacks and location.

a. Accessory building setbacks are as follows:

District	*Side, Interior*	*Side, Corner*	*Rear*	*Rear With Alley*
A Agricultural	15 ft.	15 ft.	5 ft.	10 ft.
AE Agricultural Estate	15 ft.	15 ft.	5 ft.	10 ft.
E-1 Estate	15 ft.	15 ft.	5 ft.	10 ft.
R-1 Single-Family Residential	5 ft.	15 ft.	5 ft.	5 ft.
R-1E Single-Family Estate Residential	5 ft.	15 ft.	5 ft.	5 ft.

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R-2 Two-Family Residential	5 ft.	15 ft.	5 ft.	5 ft.
R-3 Multi-Family Residential	5 ft.	15 ft.	5 ft.	5 ft.
MU-C-D, when accessory to a residential use	5 ft.	5 ft.	5 ft.	5 ft.

b. Buildings shall not be located within a utility easement.

(6) Number. The number of accessory buildings shall be limited to two (2) accessory buildings, provided that the total floor area of the accessory buildings do not result in a total lot coverage percentage over what is allowed per the chart below: Notes in red font – wondering if useful to keep in the table.

District	*Accessory Buildings Total*	*Minimum Lot Size (acres)*	*Lot coverage (max)*
A Agricultural	10%	1.5	6,534 sq ft
AE Agricultural Estate	10%	1.5	6,534 sq ft
E-1 Estate	30%	20 acres	
R-1 Single-Family Residential	35%	7,500 sq ft	2,200 sq ft
R-1E Single-Family Estate Residential	30%	13,000 sq ft	4,550 sq ft
R-2 Two-Family Residential	35%	6,000 sq ft	2,100 sq ft
R-3 Multi-Family Residential	35%	6,000 sq ft	2,100 sq ft

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a. . In cases where a garage is part of the principal building, one (1) additional accessory building is allowed, provided that the total floor area of the accessory building does not result in total lot allowed per the chart below. ¶
b. . In cases where a garage is not part of the principal building,

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Deleted: Use by Special Review. The Planning Commission may authorize additional accessory buildings, a greater lot coverage and/or a greater height as a use by special review in accordance with Section 16-3-500 of this Chapter. The following standards shall be considered: ¶
a. . The area and/or height of the accessory buildings is aesthetically appropriate in relation to the size of the lot and the corresponding uses in the neighborhood on which it is to be placed; ¶
b. . The area and/or height of the accessory building is appropriate in relation to the principal building on the lot on which it is to be placed; ¶
c. . The location of the accessory building is appropriate in relation to other buildings on the lot or adjoining lots and in relation to the principal building; ¶
d. . Whether or not the accessory building will affect light and air circulation of the adjoining property; ¶
e. . The building has been appropriately screened through fencing, berming and/or landscaping from adjacent properties and the public view; and ¶ ... [1]

(8) Building design standards. The architectural design and appearance of all accessory buildings shall comply with the following standards:

a. All accessory buildings of any size shall be constructed of durable, finished materials and shall be compatible in color to the principal building. All accessory buildings greater than one hundred twenty (120) square feet in area shall match as closely as possible the exterior finish, architectural style, roof style and roof pitch of the principal building on the lot. Brick, stucco and stone dwellings justify an exemption for required matched building exteriors. Alternate materials shall only be allowed in such cases by approval of the Planning and Zoning Commission.

b. All accessory buildings are to be securely anchored to prevent uplifting due to wind.

c. All storage buildings shall be sided or otherwise finished.

d. Temporary accessory buildings such as portable carports, shelters, tarped covers and similar structures as determined by the Community Development Department, shall be prohibited.

(9) Exemptions for agricultural buildings and structures. Agricultural buildings and structures, when part of an agricultural use or limited agricultural use as defined in this Chapter, shall only be subject to the lot coverage and setback requirements set forth in Paragraph (a)(5) of this Section. (Ord. 572, 2008; Ord. 670 §1, 2012)

Sec. 16-3-230. Accessory uses and accessory buildings in residential zoning districts.

Land in residential zoning districts may be used in ways and for purposes that are clearly incidental to the principal uses. Such incidental uses in residential districts include, by way of example, the cultivation of flowers, plants and vegetables for private consumption and the maintenance and use of private swimming pools, hot tubs and tennis courts. Under no circumstance shall a commercial use be deemed an incidental use in a residential neighborhood. In addition to the general types of accessory uses authorized above, the following specific accessory uses are authorized in any of the residential zoning districts (AE, E-1, R-1, R-1E, R-2, R-3, R-M, R-MH):

(1) Home occupations that comply with the provisions of Section 16-3-620 of this Article.
(2) Accessory buildings. Such buildings shall comply with the requirements set forth in Section 16-3-225 above.
(3) Satellite dishes.
(4) Fences. (Ord. 480 §3.4, 2003; Ord. 572, 2008)

Sec. 16-3-240. Accessory uses and accessory buildings in commercial districts.

Land in commercial zoning districts may be used in ways and for purposes that are clearly incidental to the principal uses. Accessory uses and accessory buildings in commercial districts shall include:

(1) Garden areas.

(2) Playground areas for the convenience of shoppers.
(3) Parking spaces and structures for the use of employees and customers and for the loading and parking of delivery vehicles.
(4) Accessory buildings for the storage of supplies and materials used by employees. External storage of supplies and/or materials is prohibited except within an approved accessory building. Fences are not considered accessory buildings. (Ord. 480 §3.4, 2003; Ord. 572, 2008)

Sec. 16-3-250. Uses by special review in commercial districts, generally.
One (1) or more of the following uses may be made of land in any commercial zoning district if special approval is given by the Board of Trustees, pursuant to the procedures and standards set forth in Section 16-3-500 of this Article:
(1) Uses by right in the residential districts, not including the R-M and R-MH Districts.
(2) Cemeteries.
(3) Child care centers.
(4) Radio towers over sixty (60) feet in height.
(5) Signs not meeting the requirements of Article VII of this Chapter.
(6) Uses by special review other than those specified in this Section are permitted in some but not all of the commercial zoning districts, to the extent that those additional uses by special review are listed in this Article. (Ord. 480 §3.4, 2003)

Sec. 16-3-260. Accessory uses and accessory buildings in industrial districts.
Land in any particular industrial district may be used in ways and purposes that are clearly incidental to the principal uses authorized in the district. Accessory uses and accessory buildings in industrial districts shall include:
(1) Parking spaces and structures for the use of employees and customers and for the loading and parking of delivery vehicles.
(2) Accessory buildings for the storage of supplies and materials used by employees.
(3) Accessory buildings for the housing of guards, night watchmen or maintenance personnel. (Ord. 480 §3.4, 2003; Ord. 572, 2008)

Sec. 16-3-280. A Agricultural District.
(a) Intent. Agriculture in the Town is considered a valuable resource that must be protected from adverse impacts resulting from uncontrolled and undirected business, industrial and residential land uses. The A District is established to maintain and promote agriculture as an essential feature of the Town. The A District is intended to provide areas for the conduct of agricultural activities and activities related to agriculture and agricultural production without the interference of other incompatible land uses. The A District is also intended to provide areas for the conduct of uses by special review which have been determined to be more intense or to have a potentially greater impact than uses allowed by right. The A District regulations are established to promote the health, safety and general welfare of the present and future residents of the Town.
(b) Uses by Right. Uses by right in the A District shall be as follows:

(1) Accessory buildings and accessory uses.
(2) Animal boarding, including kennels, as restricted.
(3) Borrow pits used temporarily and exclusively for the completion of a public road improvement project.
(4) Cemeteries.
(5) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
(6) Disposal of domestic sewage sludge subject to the additional requirements of Section 48 of the Weld County Zoning Ordinance.
(7) Disposal of domestic septic sludge subject to the additional requirements of Section 49 of the Weld County Zoning Ordinance.
(8) Farming, ranching and gardening.
(9) Grazing and keeping of livestock, as restricted (animal units).
(10) Home occupations.
(11) Horseback riding stables and arenas.
(12) Open air farmers' markets.
(13) Police and fire stations or facilities.
(14) Public recreational facilities.
(15) Public schools and public school extension classes.
(16) Single-family detached dwelling, as restricted.
(17) Utility service facilities.
(18) Veterinary facilities, small animal clinics.
(19) Veterinary facilities, large animal clinics.

(c) Uses by Special Review. Uses by special review in the A District shall be as follows:
(1) Accessory dwelling when associated with a use by right.
(2) Accessory buildings with gross floor area larger than one thousand five hundred (1,500) square feet per building on lots in an approved or recorded subdivision plat or lots part of a map or plan filed prior to adoption of any regulations controlling subdivisions.
(3) Agricultural service establishments.
(4) Airports and airstrips.
(5) Child care centers.
(6) Churches.
(7) Commercial mineral extraction, processes and sales.
(8) Community facilities.
(9) Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).
(10) Home occupations.
(11) Keeping, raising and boarding of exotic animals.

(12) Livestock confinement operations.
(13) Multi-family dwellings, as restricted.
(14) Private recreational facilities.
(15) Signs not meeting the requirements of Article VII of this Chapter.
(16) Utility service facilities, with buildings or storage structures.
(17) Wireless telecommunication facilities, as restricted.(Ord. 480 §3.4, 2003)

Sec. 16-3-290. - AE Agricultural Estate District.

(a) Intent. The AE Agricultural Estate District is intended to provide the present and future residents of the Town with areas in which to locate and establish residential land uses and land uses that are compatible with large lot residential areas and agriculturally related uses. The AE District is intended to be located, designed and developed in a manner that is compatible with the Comprehensive Plan.

(b) Uses by Right. Uses by right in the AE District shall be as follows:
(1) Accessory buildings and accessory uses. Accessory structures shall not exceed a height greater than twenty-one (21) feet, which shall be measured from the lowest point of the base of the building to the highest structural point of the building, which shall not include nonstructural additions to the building which themselves are not more than five (5) feet in height, such as antennas, lightning rods or weather vanes. In addition, the combined total square footage of the primary residence and all accessory buildings shall not exceed ten percent (10%) of the total square footage of the lot. Note: AE has a minimum lot size of 1.5 acres and a maximum lot size of 2.5 acres in Section 16-3-490 "Density and Dimensional Standards".
(2) Cluster developments.
(3) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
(4) Farming, including but not limited to gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plants, turf and sod.
(5) Home occupations.
(6) Keeping of livestock, as restricted (animal units).
(7) Police and fire stations or facilities.
(8) Public recreational facilities.
(9) Public schools and public school extension classes.
(10) Single-family detached dwellings, as restricted.
(11) Utility service facilities.

(c) Uses by Special Review. Uses by special review in the AE District shall be as follows:
(1) Accessory dwellings when associated with a use by right.
(2) Child care centers.

(3) Churches.
(4) Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
(5) Group homes for up to eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.
(6) Horseback riding stables and arenas.
(7) Livestock confinement operations.
(8) Private recreational facilities.
(9) Private schools.
(10) Signs not meeting the requirements of Article VII of this Chapter. (Ord. 480 §3.4, 2003; Ord. 507 §1, 2005; Ord. 548, 2006; Ord. 572, 2008; Ord. 666 §3, 2012)

Sec. 16-3-300. - CD Conservation District.

(a) Intent. The Conservation District (CD) zone is provided for in this Article in order to include a zoning classification for land that lies within floodplains and for land containing commercial mineral deposits.
(b) Uses by Right. Uses by right in the CD District that lie within the designated floodplain shall be as follows:
(1) Cultivation of vegetables, trees, plants and flowers and the raising of livestock so long as no permanent structures are present and so long as no restrictions now in force or hereafter enacted on the raising of livestock in the Town would be violated.
(2) Holding ponds and other structures for flood control, water storage and/or retention for potable or nonpotable use, and watershed protection.
(3) Public parks and golf courses, not including permanent buildings or structures.
(c) Uses by Special Review. Uses by special review in the CD District shall be as follows:
(1) Commercial mineral extraction activities, as restricted.
(2) Dwellings for caretakers.
(3) Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
(4) Permanent buildings and structures accessory to any uses by right.
(5) Radio towers of any height.
(6) Sanitary landfills developed and maintained according to all standards and requirements of state law.
(7) Signs not meeting the requirements of Article VII of this Chapter.(Ord. 480 §3.4, 2003)

Sec. 16-3-310. - E-1 Estate District - Rural Subdivision.

(a) Intent. This is a very low-density residential district intended to encourage the preservation of open space, natural features and agricultural land in conjunction with the clustering of single-family detached dwellings; the maximum density is no more than one (1) single-family dwelling per twenty (20) acres, except that if the Town approves a conservation density bonus, the maximum

density allowed shall be no more than one (1) single-family dwelling per five (5) acres, and the minimum lot size is eight thousand (8,000) square feet if adjacent to open space and ten thousand (10,000) square feet if not directly adjacent to open space.

(b) Principal Uses. Permitted principal uses in the E-1 District shall be as follows:
(1) Accessory buildings and accessory uses.
(2) Common equestrian stabling and grazing, provided that the number of horses does not exceed two (2) per acre and at least one-half (½) acre of pasture is available for each horse.
(3) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
(4) Home occupations.
(5) Parks and open space.
(6) Single-family detached dwellings.
(7) Utility service facilities.

(c) Uses by Special Review. Uses by special review in the E-1 District shall be as follows:
(1) Accessory dwellings when associated with a permitted use.
(2) Cemeteries.
(3) Community facilities.
(4) Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
(5) Golf courses.
(6) Group homes for up to eight (8) developmentally disabled, mentally ill or elderly persons.
(7) Limited outdoor recreation facilities.
(8) Public and private schools for elementary, intermediate and high school education.
(9) Public facilities, provided that business offices and repair and storage facilities are not included. (Ord. 480 §3.4, 2003; Ord. 666 §4, 2012)

Sec. 16-3-320. R-1 Single-Family Residential.

(a) Intent. This is a low-density housing district intended primarily for single-family uses on individual lots. This zone is characterized by tree-lined local streets, interconnected pedestrian circulation system and proximity to schools and parks.

(b) Uses by Right. Uses by right in the R-1 District shall be as follows:
(1) Accessory buildings and accessory uses.
(2) Foster care homes.
(3) Home occupations.
(4) Public and private schools for primary education (grades K-12).
(5) Public recreational facilities.
(6) Single-family detached dwellings.

(c) Uses by Special Review. Uses by special review in the R-1 District shall be as follows:
(1) Accessory dwellings when associated with a use by right.
(2) Child care centers.
(3) Community facilities.
(4) Churches.
(5) Gas, oil and other hydrocarbon well drilling and production (subject to state and local regulations).
(6) Group homes for up to eight (8) developmentally disabled, mentally ill or elderly persons.
(7) Long-term care facilities.
(8) Private recreational facilities.
(9) Police and fire stations or facilities.
(10) Public and private schools for secondary education.
(11) Signs not meeting the requirements of Article VII of this Chapter.
(12) Utility service facilities. (Ord. 480 §3.4, 2003; Ord. 666 §5, 2012)

Sec. 16-3-340. R-2 Two-Family Residential.

(a) Intent. This residential zone is intended to preserve the traditional building pattern of mixed residential development, which historically has been integrated to form a vibrant, active and cohesive neighborhood unit. This district provides for two-family (duplex) dwelling units in addition to single-family detached dwelling units.
(b) Uses by Right. Uses by right in the R-2 District shall be as follows:
(1) All uses by right in the R-1 District.
(2) Two-family dwellings.
(c) Uses by Special Review. Uses by special review in the R-2 District shall be as follows:
(1) All uses by special review in the R-1 District.
(2) Bed and breakfasts. (Ord. 480 §3.4, 2003)

Sec. 16-3-350. R-3 Multi-Family Residential.

(a) Intent. This is a higher density residential zone intended primarily for multi-family uses.
(b) Uses by Right. Uses by right in the R-3 District shall be as follows:
(1) All uses by right in the R-2 District.
(2) Boarding and rooming houses.
(3) Multi-family dwellings.
(c) Uses by Special Review. Uses by special review in the R-3 District shall be as follows:
(1) All uses by special review in the R-2 District.

(2) Hospitals.(Ord. 480 §3.4, 2003)

Sec. 16-3-390. C-1 Office District.

(a) Intent. This is a commercial zoning district intended to establish and preserve areas for office uses and related commercial goods and services.

(b) Uses by Right. Uses by right in the C-1 District shall be as follows:
(1) Accessory buildings and accessory uses.
(2) Artisan and photography studios and galleries.
(3) Community facilities.
(4) Child care centers.
(5) Churches.
(6) Financial services.
(7) Funeral homes.
(8) Hospitals and long-term care facilities.
(9) Medical and dental offices and clinics.
(10) Personal and business service shops.
(11) Police and fire stations and facilities.
(12) Professional offices.
(13) Public and private primary and secondary schools.
(14) Public recreational facilities.
(15) Utility service facilities.

(c) Uses by Special Review. Uses by special review in the C-1 District shall be as follows:
(1) Those referred to in Section 16-3-310 of this Article, with the exception of child care centers.
(2) Clubs and lodges.
(3) Parking lots or parking garages with six (6) or fewer parking stalls.
(4) Private recreational facilities. (Ord. 480 §3.4, 2003; Ord. 666 §7, 2012)

Sec. 16-3-400. C-2 Local Business District.

(a) Intent. This is a commercial zoning district intended to establish and preserve areas for local business uses serving Milliken residents.

(b) Uses by Right. Uses by right in the C-2 District shall be as follows:
(1) All uses by right in the C-1 District.
(2) Grocery stores.

(3) Restaurants, excluding drive-ins.
(4) Retail sales facilities with a gross floor area less than five thousand (5,000) square feet.

(c) Uses by Special Review. Uses by special review in the C-2 District shall be as follows:
(1) Those referred to in Section 16-3-310 of this Article, with the exception of child care centers.
(2) Clubs and lodges.
(3) Convenience retail stores.
(4) Gasoline service stations without repair and servicing facilities or capability.
(5) Mini-storage facilities.
(6) Private recreational facilities.(Ord. 480 §3.4, 2003; Ord. 666 §8, 2012)

Sec. 16-3-410. - C-3 General Business District.

(a) Intent. This is a commercial zoning district intended to establish and preserve areas for a wide range of commercial goods and services, including retail stores and convenience services. The character of these uses requires convenient vehicular access from major streets.

(b) Uses by Right. Uses by right in the C-3 District shall be as follows:
(1) All uses by right in the C-1 and C-2 districts.
(2) Bars and taverns.
(3) Bed and breakfasts.
(4) Clubs and lodges.
(5) Commercial recreational facilities.
(6) Convenience retail stores.
(7) Entertainment facilities and theaters, seating capacity not over one thousand (1,000).
(8) Gasoline service stations with and without repair and servicing facilities or capability.
(9) Hotels and motels.
(10) Lumber yard not including outdoor storage.
(11) Parking lots and parking garages.
(12) Print shops.
(13) Private recreational facilities.
(14) Restaurants, including drive-ins.
(15) Retail sales facilities with a gross floor area of five thousand (5,000) square feet or greater.
(16) Supermarkets.
(17) Transportation headquarters, without repair and servicing facilities or capability.
(18) Veterinary facilities, small animal clinics.

(c) Uses by Special Review. Uses by special review in the C-3 District shall be as follows:
(1) Those referred to in Section 16-3-310 of this Article, with the exception of child care centers.
(2) Entertainment facilities and theaters, seating capacity over one thousand (1,000).
(3) Mini-storage facilities.(Ord. 480 §3.4, 2003; Ord. 666 §9, 2012)

Sec. 16-3-420. C-4 Service Business District.

(a) Intent. This is a commercial zoning district intended to establish and preserve areas for more intense commercial and wholesale uses, including automobile-related service and sales.
(b) Uses by Right. Uses by right in the C-4 District shall be as follows:
(1) All uses by right in the C-1, C-2 and C-3 Districts.
(2) Auto, recreational vehicle, boat and truck sales.
(3) Commercial storage facilities.
(4) Establishments for the rental of tools, equipment and vehicles.
(5) Gasoline service stations, repair garages and car washes.
(6) Lumberyards, not including those with outside storage areas.
(7) Small equipment repair facilities.
(8) Wholesale merchandise establishments.
(9) Workshops and small custom industry uses.
(c) Uses by Special Review. Uses by special review in the C-4 District shall be as follows:
(1) Those referred to in Section 16-3-310 of this Article, with the exception of child care centers.
(2) Drive-in theaters.
(3) Entertainment facilities and theaters, seating capacity over one thousand (1,000).
(4) Horseback riding stables and arenas.
(5) Mini-storage facilities.(Ord. 480 §3.4, 2003; Ord. 666 §10, 2012)

Sec. 16-3-430. - I-1 Light Industrial District.

(a) Intent. This zoning district is intended to provide locations for a variety of light industrial uses, research and development offices and institutions.
(b) Uses by Right. Uses by right in the I-1 District shall be as follows:
(1) Accessory uses and accessory buildings.
(2) Agricultural services establishments.
(3) All uses by right in the A District.
(4) Auto, recreational vehicle, boat and truck sales.

(5) Churches.
(6) Commercial recreational facilities.
(7) Commercial storage facilities.
(8) Community facilities.
(9) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
(10) Entertainment facilities and theaters, seating capacity over one thousand (1,000).
(11) Establishments for the rental of tools, equipment and vehicles.
(12) Farming, ranching and gardening.
(13) Gasoline service stations, repair garages and car washes.
(14) Grazing and keeping of livestock.
(15) Lumberyards, not including those with outside storage areas.
(16) Manufacturing, assembly packaging or processing from previously prepared materials.
(17) Mini-storage facilities.
(18) Newspaper plants.
(19) Parking lots and parking garages.
(20) Police and fire stations and facilities.
(21) Print shops.
(22) Private recreational facilities.
(23) Professional offices.
(24) Research, experimental or testing laboratories.
(25) Small equipment repair facilities.
(26) Transportation headquarters, without repair and servicing facilities or capability.
(27) Wholesale merchandise establishments.
(28) Water treatment and wastewater treatment plants.
(29) Wireless telecommunications facilities (as permitted in Section 16-3-610 of this Article).
(30) Workshops and custom small industry uses.
(31) Utility service facilities.

(c) Uses by Special Review. Uses by special review in the I-1 District shall be as follows:
(1) One (1) or more uses by right in commercial districts that are not specifically permitted as uses by right in the industrial districts.
(2) Establishments for food and beverage processing.
(3) Establishments for the sale and repair of farm machinery and diesel trucks and buses.
(4) Public recreation facilities.
(5) Signs not meeting the requirements of Article VII of this Chapter.

(6) Utility service facilities with buildings and/or storage structures.
(7) Mini-storage facilities.(Ord. 480 §3.4, 2003; Ord. 659 §1, 2012)

Sec. 16-3-440. - I-2 Medium Industrial District.

(a) Intent. This zoning district is intended to provide a location for a variety of medium industrial uses, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations.
(b) Uses by Right. Uses by right in the I-2 District shall be as follows:
(1) Agricultural services establishments.
(2) All uses by right in the I-1 District.
(3) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
(4) Establishments for food and beverage processing.
(5) Establishments for the sale and repair of farm machinery and diesel trucks and buses.
(6) Farming, ranching and gardening.
(7) Grazing and keeping of livestock.
(8) Lumberyards and builders supply facilities (with outdoor storage).
(9) Machine shops.
(10) Mini-storage facilities.
(11) Outside storage facilities.
(12) Railroad yards and stations.
(13) Recycling facilities.
(14) Transportation headquarters, with incidental repair and servicing facilities.
(15) Utility service facilities with buildings and/or storage structures.
(c) Uses by Special Review. Uses by special review in the I-2 District shall be as follows:
(1) Establishments for bulk storage of flammable liquids and gases.
(2) Radio towers over sixty (60) feet in height.
(3) Signs not meeting the requirements of Article VII of this Chapter.(Ord. 480 §3.4, 2003; Ord. 659 §1, 2012)

Sec. 16-3-450. - I-3 Heavy Industrial District.

(a) Intent. This zoning district is intended to provide a location for a variety of heavy industrial uses.
(b) Uses by Right. Uses by right in the I-3 District shall be as follows: All uses by right in the I-2 District.
(c) Uses by Special Review. Uses by special review in the I-3 District shall be as follows:
(1) One (1) or more uses by right in commercial districts that are not specifically permitted as uses by right in the industrial districts.
(2) Agricultural service establishments.

(3) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
(4) Facilities for the manufacturing and storage of explosives.
(5) Farming, ranching and gardening.
(6) Foundries.
(7) Grain feed elevators.
(8) Grazing and keeping of livestock.
(9) Junkyards and salvage operations.
(10) Livestock processing facility.
(11) Signs not meeting the requirements of Article VII of this Chapter.(Ord. 629, 2010; Ord. 659 §1, 2012)

Sec. 16-3-480. - Matrix of uses by right and uses by special review by zoning district.
The following codes are used in the table below:

P - Uses by Right (permitted uses) S - Uses by Special Review * - Use Prohibited US - Unspecified Use

PERMITTED USES	A	AE	E-1	R-1	R-1E	R-2	R-3	MU-C-D	CD	R-M	R-FH	C-1	C-2	C-3	C-4	C-5	I-1	I-2	I-3
Residential Uses																			
Accessory buildings and accessory uses [1]	P	P	P	P	P	P	P	P	*	*	P	*	*	*	*	*	*	*	*
Accessory dwelling when associated with a use by right [2]	S	S	S	S	S	S	S	S	S[4]	*	S	*	*	*	*	*	*	*	*

1 Accessory buildings shall not exceed a height of 15 feet or an area greater than 720 square feet. See Section 16-3-230.
2 Accessory dwellings shall be limited to 850 square feet in floor area, with no more than 1 per lot in addition to the single-family dwelling. This conflicts with the other sections.
3 Foster care homes which are providing twenty-four-hour family care for more than 4 children under the age of 18 years of age who are unrelated to the head of such homes shall provide notice of the same to the Town within 14 days of having such children within the care of the home.
4 Dwellings for caretakers.

Sec. 16-3-490. - Density and dimensional standards.

The following specifications shall be required in the zones identified:

(1) Residential and Agricultural - Density and Dimensional Standards:

Residential Density and Dimensional Standards									
Zones / Standards	A	AE	E-1	R-1	R-1E	R-2	R-3	R-M	R-MH
Minimum lot area per dwelling (square feet, unless otherwise noted) [1]	1.5 acres	1.5 acre min. lot size and 2.5 acre max. lot size	20 acres [2]	7,500 or 2 times the ground floor area of the principal building, whichever is greater	13,000, or 4 times the ground floor area of the principal bldg., whichever is greater	6,000, or 2 times the ground floor area of principal bldg., whichever is greater	6,000 for apts. and condos 2,000 for town homes	As required by mobile home ordinance	7,500
Maximum gross density (units per acre)		.66		5	3	7	20		5
Minimum lot frontage(feet)[3]	60	60	60	60	75	60	60		60
Minimum front yard setback (feet) [4]	25	25	25	20	25	25	25	See mobile home ordinance	20

Minimum side yard setback (feet) (on street) [5]	15	15	15	15	15	15	15, or 1 ft. for every 3 ft. or fraction thereof building height, whichever is greater		15

[1] If the property is part of the Plat of the Town of Milliken, and it has not been replatted since July 1909, the minimum lot area per dwelling shall be 6,250 square feet. In addition, landowners in this area may combine multiple lots (typically 25' × 120' in size) to create a buildable lot without going through the minor subdivision process as long as the lot lines do not change.

[2] If the Town approves a conservation density bonus, the maximum density is 1 unit per 5 acres.

[3] If the property is part of the Plat of the Town of Milliken, and it has not been replatted since July 1909, the minimum lot frontage shall be 50 feet.

[4] Swimming pools, spas and hot tubs; rear yard requirements. All swimming pools, spas and hot tubs, including aboveground and in-ground pools, having a depth greater than 18 inches shall only be placed or constructed in the rear yard of a residential lot. No swimming pools, spas or hot tubs shall be placed or constructed in the front yard or side yard of any residential lot.

[5] If the property is part of the Plat of the Town of Milliken, and it has not been replatted since July 1909, the minimum side yard setback on a street may be 10 feet.

Residential Density and Dimensional Standards (Cont'd)									
Zones / Standards	A	AE	E-1	R-1	R-1E	R-2	R-3	R-M	R-MH
Minimum side yard setback (feet) (interior)		15	15	5 ft. or 1 ft. for every 3 ft. or fraction thereof of building height, whichever is greater	15	5 ft. or 1 ft. for 3 ft. or fraction thereof of building height, whichever is greater	10 ft. or 1 ft. for 3 ft. or fraction thereof of building height, whichever is greater		6
Minimum distance between buildings (feet)	40	10	10	10	10	Subject to building codes	Subject to building codes	20	10
Minimum rear yard setback (feet)	20	20	20	20	20	20	20	10 or 20[6]	20
Garage with entrance facing an alley	10	10	10	5	10	5	5	5	5
Maximum building height (feet)	35	35	35	35	35	35	40[7]	35	35

[6] Rear spacing shall be 20 feet when units are side to end and 10 feet when units are end to end.
[7] If a lot in an R-3 District is adjacent to 1 or more lots in an R-1, R-1E or R-2 District, a building on the lot in the R-3 District shall not exceed 30 feet in height unless the building is set back at least 150 feet from the adjacent lot or lots in the R-1, R-1E or R-2 District.

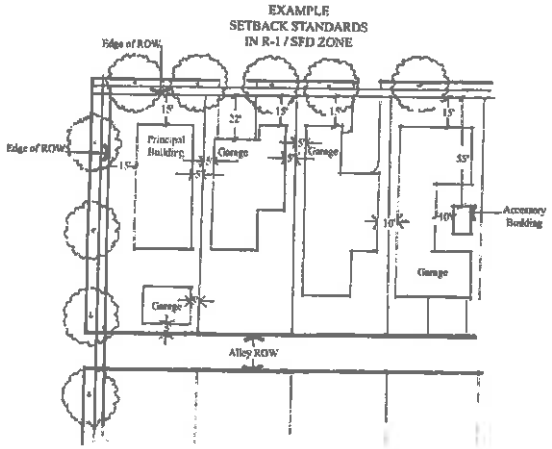

Figure 3-1

(2) Commercial and Industrial Density and Dimensional Standards. The following codes are used in the table below:

— = No specific requirement

Commercial and Industrial Density and Dimensional Standards								
Zones / Standards	I-1	I-2	I-3	MU-C-D	C-1	C-2	C-3	C-4
Minimum front yard setback (feet)[1]	30, or 50 if adjacent to a major arterial street	See I-1	See I-1	0	As provided in any applicable building code[2]	See C-1	See C-1	See C-1
Maximum front yard setback (feet)				15				

Zones / Standards	I-1	I-2	I-3	MU-C-D	C-1	C-2	C-3	C-4
Minimum rear yard setback (feet)	As provided in any applicable building code[3]	See I-1	See I-1	0[4]	As provided in any applicable building code[2]	See C-1	See C-1	See C-1
Required side yard setback (on-street)[2]	30, or 50 if the adjacent to a major arterial street[3]	See I-1	See I-1	—	As provided in any applicable building code[2]	See C-1	See C-1	See C-1
Required side yard (interior)	As provided in any applicable building code[3]	See I-1	See I-1	—	As provided in any applicable building code[2]	See C-1	See C-1	See C-1
Maximum floor area ratio (ratio of total floor area to total lot area)				2:1				

[1] That portion of a lot that abuts a public street right-of-way, excluding public alleys, shall remain uncovered for a distance of 10 feet, measured at a right angle from the lot line towards the interior of the lot. This shall apply to lots in all zoning districts, except the MU-C-D District. Sidewalks and driveways may pass through the ten-foot strip.

[2] The required side or rear yards in industrial zoning districts shall be increased if the lot is adjacent to 1 or more residential or commercial zoning districts. In such cases the required yard shall be twice the height of the building on the lot in the industrial zoning district, or 50 feet, whichever is greater. The only structures permitted in these side or rear yard areas are driveways, sidewalks, signs, retaining walls and fences. Accessory buildings are not permitted in these special side or year yards.

[3] The required side or rear yards in commercial zoning districts shall be increased if the lot is adjacent to 1 or more residential zoning districts. In such cases the required yard shall be twice the height of the building on the lot in the commercial zoning district, or 25 feet, whichever is greater. The only structures permitted in these side or rear yard areas are driveways, sidewalks, signs, retaining walls and fences. Accessory buildings are not permitted in these special side or rear yards.

[4] If alley-loaded parking is provided, minimum rear yard setback shall be 25 feet.

Commercial and Industrial Density and Dimensional Standards (Cont'd)								
Zones / Standards	I-1	I-2	I-3	MU-C-D	C-1	C-2	C-3	C-4
Maximum building height (feet)[5]				40	40[6]	40[6]	40[6]	40[6]
Maximum ground level footprint (square feet)				5000				
Maximum coverage of hard-surfaced area for commercial uses on commercial lots				—	85%[7]	85%[7]	85%[7]	85%[7]
Minimum lot area	See C-2	See C-2	See C-2	—	2 times the combined ground floor area of all principal and accessory buildings	No specified minimum but must be of sufficient size to allow for compliance with other require-ments	No specified minimum but must be of sufficient size to allow for compliance with other require-ments	No specified minimum but must be of sufficient size to allow for compli-ance with other require-ments
Required Linear Footage Front Yard (feet)	60	60	60	—	60	60	60	60

[5] The building height limitations shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, water tanks, silos, nor to public building or structures located more than 1 foot horizontally from the property line for each

foot of building height.
[6] For the downtown area, building height shall be of a similar height to existing adjacent buildings, but in no event shall it exceed the forty-foot height limit.
[7] Coverage for commercial uses on commercial lots in the downtown area may exceed 85%.

(3) Yard Requirements.

a. On double-frontage lots (see Figure 2-5 of this Chapter), both streets shall be considered street frontages for purposes of calculating front yard setbacks.

b. On corner lots, all sides of the lot with street frontage shall meet the applicable front yard setback.

c. For purposes of setback calculations, a two-family dwelling shall be construed as one (1) building occupying one (1) lot.

d. On a vacant lot bordered on two (2) sides by previously constructed legal nonconforming buildings which do not meet the required front yard setback for the zoning district, the required front yard setback for the vacant lot shall be calculated as the average front yard setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one (1) side by such a legal nonconforming building, the required front yard setback shall be calculated as the average of the front yard setback of the adjacent building and the minimum front yard setback for the zoning district.

e. That portion of a side yard that is overlapped by a front or rear yard shall be deemed a side yard for purposes of limitations applicable to side yards; and that portion of a front or rear yard overlapped by a side yard shall be deemed a front or rear yard, as the case may be, for purposes of limitations applicable to front or rear yards.

f. Permanent features and structures allowed within required yards shall include:

1. Cornices, canopies, eaves, chimneys or other similar architectural features if they extend no more than three (3) feet into a required setback and if they do not encroach into or overhang an easement;

2. Steps or ramps to the principal entrance and necessary landings, provided that they do not extend more than six (6) feet into the required setback;

3. Landscaping;

4. Driveways, sidewalks, signs, retaining walls and fences are allowed in required front, side and rear yards, provided that all other regulations of this Chapter pertaining to these items are complied with;

5. Utility service lines to a structure and utility lines, wires and associated structures within a utility easement;

6. Fire escapes, provided that they do not extend more than six (6) feet into the required setback;

7. Parking slabs, tennis courts and swimming pools may be extended into required rear yards and interior side yards up to five (5) feet of the required rear or side lot lines; and

8. Porches and patios attached to the primary structure, whether or not covered by roofs, may extend into required front yards up to ten (10) feet and into required interior side or rear yards up to five (5) feet from the side lot line or rear property line, respectively, provided that such porches or patios remain at least sixty-five percent (65%) open and unobstructed on three (3) sides.

(Ord. 480 §3.6, 2003; Ord. 572, 2008; Ord. 562 §1, 2008)

Sec. 16-3-500. - Uses by special review.

(a) Purpose.

(1) In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a use by special review permit. Specific uses by special review for each zone district are listed in the Matrix of Permitted Uses by Zoning District (Section 16-3-480 of this Article).

(2) Because of their unusual or special characteristics, uses by special review require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between uses by special review, surrounding properties and the Town of Milliken at large. Uses by special review may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the use by special review will be in accordance with the use by special review application review criteria. The scope and elements of any use by special review may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for use by special review permits shall be denied.

(b) Use by Special Review - Review Process.

(1) Step 1: Optional Preapplication Conference. The applicant may attend a preapplication conference with a representative from the Town of Milliken. The purpose of the meeting is to discuss the use by special review submittal requirements and review process.

(2) Step 2: Technical Advisory Committee Meeting. Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, water providers, RE-5J School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Milliken Post Office, Milliken Police Department, Milliken Fire District, Thompson Rivers Parks and Recreation District, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project.

(3) Step 3: Use by Special Review Application Submittal. The applicant shall submit one (1) copy of the complete use by special review application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Use by special review requests shall include:

a. Land Use Application Form.

b. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.

c. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.

d. Use by Special Review - Technical Criteria Form (from Workbook).

e. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of use by special review application submittal.

f. Written statement describing how the proposal is consistent with the Comprehensive Plan, Community Design and Development Standards and the Johnstown/ Milliken Parks, Trails, Recreation and Open Space Master Plan and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all use by special review application review criteria have been satisfied. Applications for gravel resource extraction shall also demonstrate compliance with the Gravel Mining Reclamation Standards (Appendix III) of the Johnstown/ Milliken Parks, Trails, Recreation and Open Space Master Plan.

g. A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.

h. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.

i. Such additional material as the Town Clerk may prescribe or the applicant may submit pertinent to the application.

j. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

k. Public Hearing Notification Envelopes. Two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town of Milliken's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

l. Mineral, Oil and Gas Rights Documentation. Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address, and a description of the issues.

(4) Step 4: Use by Special Review Application Certification of Completion and Report to Planning Commission. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Use by Special Review Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, Staff shall prepare a report to the Planning Commission explaining how the application is or is not consistent with the use by special review application review criteria.

(5) Step 5: Planning Commission Review of the Use by Special Review Application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the use by special review application review criteria. The Planning Commission will then recommend to the Board of Trustees approval, approval with conditions or denial.

(6) Step 6: Set Use by Special Review Public Hearing Date and Notify Public of Hearing. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies no less than twenty-one (21) days before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. The Town Clerk shall also publish notice in a newspaper of general circulation. The Town Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The applicant shall furnish to the Town an affidavit of posting on a form provided by the Town Clerk. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the use by special review request is accompanying another application that is scheduled for public hearing before the Board of Trustees, one (1) public hearing may be held on both applications.

(7) Step 7: Board of Trustees Public Hearing and Action on the Use by Special Review. The Board of Trustees shall hold a public hearing on the use by special review application. Following the public hearing, the Board of Trustees may approve, conditionally approve or deny the use by special review application based on the use by special review application review

criteria. A use by special review permit may be revocable, may be granted for a limited time period or may granted subject to conditions as the Board of Trustees may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules.

(8) Step 8: Record Use by Special Review Map. The applicant shall provide two (2) sets of signed Mylars to the Town. The Mylars shall have a signature block for the land owner and the Mayor for the Board of Trustees. The Town Clerk shall record one (1) original Mylar of the use by special review map in the office of the County Clerk and Recorder. The applicant shall pay the recording fee.

(c) Use by Special Review Application Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

(1) The use by special review will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.

(2) The use by special review will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan, Community Design Standards and Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan. Applications for gravel resource extraction shall also comply with the Gravel Mining Reclamation Standards (Appendix III) of the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan.

(3) The use by special review will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

(4) The use by special review will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

(5) The use by special review will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(6) Potential negative impacts of the use by special review on the rest of the neighborhood or of the neighborhood on the use by special review have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

a. Traffic;

b. Activity levels;

c. Light;

d. Noise;

e. Odor;

f. Building type, style and scale;

g. Hours of operation;

h. Dust;

i. Erosion control; and

j. Effect on neighborhood character.

(7) The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

(Ord. 480 §3.7, 2003; Ord. 522, 2005)

****

This is for our discussion on whether or not we want to allow waivers. I don't think a special use permit or a use by special review for another accessory structure is appropriate. There should not be more than one set of criteria for uses by special review. I am not sure that we should allow additional accessory structures, but maybe we might consider it for other reasons. If we do then, think I think we should use a "waiver". I pulled this from the City of Lakewood's Code, which allows for waivers.

Waiver: A discretionary modification by the Director or the Planning Commission of a dimensional, development, design or sign standard of this Zoning Ordinance when the modification results in a superior development or design than if the strict application of this Zoning Ordinance is applied.

17.2.6.1 - Applicability

This Section establishes the procedures and criteria for requesting a waiver to a dimensional, development, design, or sign standard in Articles 5, 6, 7, 8, 9, or 10 of this Zoning Ordinance or to a similar standard contained in an official development plan when a request for a superior design or development standard is proposed. No waiver maybe be requested from the Use and Supplemental Standards provided for in Article 4 of this Zoning Ordinance. An applicant shall submit an application for a waiver in conjunction with the review of a site plan or a zoning review. (Ord. O-2015-1 § 1, 2015: Ord. O-2014-4 § 4, 2014; Ord. O-2012-24 § 1, 2012).

17.2.6.2 - Types of Waivers

A. Major Waiver
A major waiver shall apply when a proposed alternative to a dimensional or development standard varies the standard by more than 20 percent.
B. Minor Waiver
A minor waiver shall apply to the following:
1. When a proposed alternative to a dimensional or development standard varies the standard by 20 percent or less: or
2. When an increase of up to 2 feet in the height of a side or rear yard fence is proposed; or
3. To any design standard.
(Ord. O-2015-1 § 1, 2015; Ord. O-2014-4 § 4, 2014: Ord. O-2012-24 § 1, 2012).

17.2.6.3 - Review Criteria

Recommendations and decisions regarding waiver applications shall be based on the following review criteria. Applications for waivers shall be approved if it is demonstrated that:
A. The waiver will result in a superior development or design than if the strict application of this Zoning Ordinance is applied; and
B. The waiver will better serve the intent of the zone district in which the property is located; and
C. The waiver will not substantially impair the appropriate use or development of adjacent property; and
D. The waiver will not alter the character of the neighborhood or area where the project is proposed; and
E. The waiver is consistent with the development patterns of the existing neighborhood; and
F. The proposed project with a waiver will conform with the policies of the Comprehensive Plan; and
G. The proposed project with a waiver will meet the intent of the applicable zone district
(Ord. O-2015-1 § 1, 2015: Ord. O-2014-4 § 4, 2014; Ord. O-2012-24 § 1, 2012).

Use by Special Review. The Planning Commission may authorize additional accessory buildings, a greater lot coverage and/or a greater height as a use by special review in accordance with Section 16-3-500 of this Chapter. The following standards shall be considered:

a. The area and/or height of the accessory buildings is aesthetically appropriate in relation to the size of the lot and the corresponding uses in the neighborhood on which it is to be placed;

b. The area and/or height of the accessory building is appropriate in relation to the principal building on the lot on which it is to be placed;

c. The location of the accessory building is appropriate in relation to other buildings on the lot or adjoining lots and in relation to the principal building;

d. Whether or not the accessory building will affect light and air circulation of the adjoining property;

e. The building has been appropriately screened through fencing, berming and/or landscaping from adjacent properties and the public view; and

f. Impacts to adjacent land uses have been satisfactorily mitigated.