



**TOWN OF MILLIKEN
PLANNING COMMISSION
AGENDA MEMORANDUM**

To: Acting Chair Bernhardt & Planning Commissioners From: Martha Perkins, Community Development Director Via: Kent Brown, Town Administrator			Public Meeting Date: August 3, 2016
Agenda Item #	Action:	Discussion: x	Information:
Agenda Title: Review and Approval to Set Public Hearing for Accessory Structures			
Attachments: Draft Ordinance 728 “An Ordinance of the Town of Milliken Amending Section 16-3-225 of Chapter 16 of the Milliken Municipal Code Concerning Accessory Buildings” showing the proposed changes.			
Staff Recommendation: Staff recommends moving forward with the legal advertising of Ordinance 728 “An Ordinance of the Town of Milliken Amending Section 16-3-225 of Chapter 16 of the Milliken Municipal Code Concerning Accessory Buildings”.			

PURPOSE

To consider the proposed text changes for Ordinance 728 “An Ordinance of the Town of Milliken Amending Section 16-3-225 of Chapter 16 of the Milliken Municipal Code Concerning Accessory Buildings”.

BACKGROUND

After numerous meetings, staff has attempted to take all of the Commission’s comments and incorporate them into a proposed text amendment with the draft of Ordinance 728. When this Ordinance actually comes before the Commission for approval it will not have all of the edits, but staff thinks it is important that the Commission review the proposed, final changes before staff moves forward with the formal text amendment approval process.

In the last Commission meeting, staff was asked again to review possible lot coverage scenarios. After reviewing other Codes, it appears that 40% lot coverage for residential housing is the maximum (not always for multi-family since that usually requires a commercial site plan too). Staff also found code requirements that just limited the lot coverage for accessory structures in the back yard with the example being at 25%.

RECOMMENDATION

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WORKING DRAFT

ORDINANCE NO. 728

AN ORDINANCE OF THE TOWN OF MILLIKEN AMENDING SECTION 16-3-225 OF CHAPTER 16 OF THE MILLIKEN MUNICIPAL CODE CONCERNING ACCESSORY BUILDINGS

WHEREAS, the Town of Milliken is a municipal corporation authorized under Article 23, Title 31 of the Colorado Revised Statutes to regulate the development of land within the Town for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the Board of Trustees of the Town has the power to adopt and amend zoning regulations pursuant to Section 31-23-301, *et seq.*, C.R.S., and the general ordinance powers conferred by Section 31-15-103, C.R.S.; and

WHEREAS, the Town has adopted zoning regulations codified in Chapter 16 of the Municipal Code that, in relevant part, establish requirements for accessory buildings and structures; and

WHEREAS, the Planning Commission has initiated a text amendment to Chapter 16 to exclude attached garages from the definition of and regulations concerning accessory buildings; and

WHEREAS, the Planning Commission has considered the amendments at a duly noticed public hearing and has recommended approval of same to the Board of Trustees; and

WHEREAS, the Town Board of Trustees considered the proposed zoning changes as set forth in this Ordinance at a duly noticed public hearing.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, THAT:

Section 1: Section 16-3-225, titled Accessory buildings, is hereby amended to read in full as follows:

Sec. 16-3-225. Accessory buildings or structures.

An accessory building or structure is a subordinate building or structure detached from the principal building, having both a roof and walls to provide weather protection. This includes detached garages, storage sheds, and similar structures. 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 ~~considered an integral part of~~ **not be attached to or have a common wall with** the principal building ~~if it is connected to the principal building; this includes being connected by a covered passageway.~~ Covered (but otherwise unenclosed) walkways shall not be considered attachments for the purposes of this subsection **except that a garage connected to the principal building with a covered walkway shall be considered a detached accessory building subject to the provisions of this section.**

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- (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 **and/or with a temporary use permit.** *(Need to check with the attorney)*
- (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~~ **agricultural districts**, 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) **Size. The lot coverage of each accessory building in a residential district shall be less than square footage of the primary dwelling unit unless the accessory buildings is for an agricultural use on an agriculturally zoned property.**
- (6) Setbacks and location.
 - a. Accessory building setbacks are as follows **and differ from the primary dwelling or commercial building setback requirements:**

<i>District</i>	<i>Side, Interior</i>	<i>Side, Corner</i>	<i>Rear</i>	<i>Rear With Alley</i>
A Agricultural	15 ft.	15 ft.	20 5 ft.	10 ft.
AE Agricultural Estate	15 ft.	15 ft.	20 5 ft.	10 ft.
E-1 Estate	15 ft.	15 ft.	20 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.
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 **or a right of way.**

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(6) Number. The number of accessory buildings shall be limited ~~as follows:~~ **to the total lot coverage percentage, with a minimum of a 10 foot separation between buildings, per the chart below:**

- ~~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, two (2) accessory buildings are allowed, provided that the total floor area of the accessory buildings do not result in a total lot coverage allowed per the chart below:~~
 - ~~a. Exemptions for agricultural buildings, structures, and accessory dwellings. Agricultural buildings and structures, when part of an agricultural use or limited agricultural use as defined in this Chapter, shall be allowed subject to the lot coverage and setback requirements set forth below.~~

<i>District</i>	<i>Attached Garage</i>	<i>Detached Garage</i>
A Agricultural	10%	10%
AE Agricultural Estate	10%	10%
E-1 Estate	25%	30%
R-1 Single-Family Residential	25%	35%
R-1E Single-Family Estate Residential	25%	30%
R-2 Two-Family Residential	30%	35%
R-3 Multi-Family Residential	30%	35%

<i>District</i>	<i>Buildings</i>	<i>Lot Sq. Ft.</i>	<i>Bldg Sq Ft</i>
A Agricultural	± 25%	65,340	16,335
AE Agricultural Estate	± 25%	65,340	16,335
E-1 Estate –rural subdivision	30%	217,800	65,340
R-1 Single-Family Residential	3 45%	7,500	3,375
R-1E Single-Family Estate Residential	30%	13,000	3,900
R-2 Two-Family Residential	3 45%	6,000	2,700
R-3 Multi-Family Residential	3 65%	6,000 or 2,000 (townhouse)	2,700 1,300
MU-C-D Mixed Use Commercial – Downtown District	85%	?	5,000
Downtown Residential	45%	6,500	2,925

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<p>Commercial see footnote ⁷ Coverage for commercial uses on commercial lots in the downtown area may exceed 85%. Zero front setback and 0 rear unless adjacent to residential and then 25 foot rear or 50 feet industrial –no side and rear yard accessory buildings w/ side yard setback</p>	<p>85%?</p>		
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- ~~(7) 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.~~
- (7) 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 gusts of up to 95 mph (*Building Official states 90 but somewhere else in Code I read 95 mph*).
 - 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 unless a temporary use permit has been obtained or the temporary accessory buildings are located in a backyard behind a privacy fence.

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- ~~(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.~~

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 and the maintenance and use of private swimming pools, hot tubs and tennis courts. 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 (A, 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)

(The existing use table under Section 16-3-480 allows for accessory buildings not to exceed a height of 15 feet or an area of greater than 720 square feet. Accessory dwellings are also allowed with a maximum of 850 square feet in floor area with no more than 1 per lot in addition to the single-family dwelling. The use table is in conflict with existing and proposed code. Commission recommends removing use table until the Code is finalized and then we'll add one back in for quick reference.)

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 structures are allowed in commercial areas as long as they meet the code's architectural standards, parking, landscaping, lighting, drainage, traffic requirements and consist of less than a 10% modification to the overall commercial site plan. Changes that exceed the ten-percent of any measureable standard of the originally approved site plan including but not limited to changes to access points, parking, use, landscaping, lighting, drainage, building footprints, building alternations, and building additions shall require a new site plan with Planning Commission review and approval.** All commercial accessory buildings and structures require a building permit. Accessory uses and accessory buildings in commercial districts may 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)

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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 (and thus for the housing of guards, night watchmen or maintenance personnel.
- (4) **Accessory buildings and structures accessory to any uses by right.**

(Ord. 480 §3.4, 2003; Ord. 572, 2008)

(The existing use table under Section 16-3-480 allows for permanent buildings and structures accessory to any uses by right and then in another footnote does not allow accessory buildings in any side yard or rear yard. The Commission recommends taking the entire use table out of the Code.)

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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-F-H	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 ⁴	S	S ⁴	S	SP ⁴	S	S	S	S ⁴	*	S	*	*	*	*	*	*	*	*
Boarding and rooming houses	*	*	*	*	*	*	P	P	*	*	*	S	S	S	S	*	*	*	*
Cluster development	*	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Foster care home	*	*	*	P ³	P ³	P ³	P ³	P ³	*	P ³	P ³	*	*	*	*	*	*	*	*
Group homes	*	S	S	S	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*
Factory built housing development	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*
Mobile home unit/mobile home park or community	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*
Multi-family dwellings, factory or site built	S ₅	*	*	*	*	*	P	*	*	*	*	S	S	S	S	*	*	*	*
Single family detached dwellings, site built	P ₆	P ⁷	P	P	P	P	P	P	*	*	*	S	S	S	S	*	*	*	*
Single family detached dwellings,	P ₈	P ⁸	P ₈	P ⁸	P ⁸	P ⁸	P ⁸	*P ⁸	*P ⁸	*P ⁸	P	S	S	S	S	*	*	*	*

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factory built																				
Town home dwelling, factory built or site built	*	*	*	*	*	*	P	*	*	*	P	S	S	S	S	*	*	*	*	
Two-family dwellings, site built	*	*	*	*	*	P	P	P	*	*	*	S	S	S	S	*	*	*	*	
Two-family dwellings, factory built	*	*	*	P	*	P	P	P	*	*	P	S	S	S	S	*	*	*	*	

¹ ~~Accessory buildings shall not exceed a height of 15 feet or an area greater than 720 square feet the primary dwelling unit. See Section 16-3-230.~~

² ~~Accessory dwellings shall be limited to 850 square feet in floor area, with no more than 1-2 per lot in addition to the single-family dwelling, except an exemption exists for agricultural buildings and structures. See Section 16-3-225.~~

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 and accessory agricultural dwellings when associated with agricultural uses.~~

⁵ ~~Multi-family dwellings for persons customarily employed at or engaged in farming, ranching or gardening.~~

⁶ ~~One single-family dwelling unit within setback requirements as required for properties zoned R-1E.~~

⁷ ~~One single-family dwelling per legal lot. The single-family dwelling shall be connected to and served by a public water system and an adequate sewage disposal system. The sewage disposal system shall comply with the Weld County Individual Sewage Disposal Regulations. Evidence that public water and adequate sewage disposal system are available to the legal lot shall be provided prior to the issuance of a building permit.~~

⁸ ~~Permitted only within the old part of Town in the area enclosed by Green Street, Alice Avenue, Broad Street and Marjorie Street (both sides), in the area enclosed by Broad Street, Quentine Avenue, the Big Thompson and Platte River Ditch and Alice Avenue, and in the Wildcat Acres Subdivision. May also be allowed in areas outside of the Old Town and Wildcat Acres with the approval of a variance if meets Town's architectural standards and Homeowner Association regulations.~~

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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
Institutional/Civic Public Uses																			
Airports and airstrips	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Borrow pits	P ₉	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Cemeteries	P	*	*	*	*	*	*	*	*	*	*	S	S	S	S	*	*	*	*
Churches	S	S	S	S	S	S	S	S		S	S	P	P	P	P	*	P	P	P
Community facilities	S	S ⁻¹⁰	S	S	S	S	S	P	*	S	S	P	P	P	P	*	P	P	P
Flood control facilities	*	*	S	*	*	*	*	*	P ⁺¹¹	*	*	*	*	*	*	*	*	*	*
Parks and open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*	P	P	P
Police and fire stations and facilities	P	P	S	S	S	S	S	P	*	*S	S	P	P	P	P	*	P	P	P
Public and private schools for elementary, intermediate and high school education (K-12)	P ₁₂	P ⁻¹²	P	P	P	P	P	P	*	*	*	P	P	P	P	*	S	*	*
Public and private schools, including colleges (secondary education), vocational and technical training	*	S ⁺¹³	S	S	S	S	S	S	*	S	S	P	P	P	P	*	*	*	*
Public recreational facilities	P	P	P	P	P	P	P	P	P ⁺¹⁴	*	*	P	P	P	P	*	S	*	*
Transportation headquarters, without repair and servicing facilities or capability	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	P	P	P

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Transportation headquarters, with incidental repair and servicing facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	p	p
Utility service facilities	P	P	P	S	S	S	S	P	*	S	S	P	P	P	P	*	P	P	P	
Utility service facilities, with buildings and/or storage structures	S	*	S*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	P	P	
Water treatment and wastewater treatment plants	*	*	*	*	*	*	*	*	*	*	*	P	P	P	P	*	P	P	P	

⁹Used temporarily and exclusively for the completion of a public road improvement project.

¹⁰Churches only.

¹¹Holding ponds and other structures for flood control and watershed protection.

¹²Public schools and public school extension classes only.

¹³Includes establishments with incidental repair and service facilities.

¹⁴Public parks and golf courses only, not including permanent buildings and structures.

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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
Business/Commercial/Retail Uses																			
Accessory buildings and accessory uses ¹⁵	*	*	*	*	*	*	*	P	*	*	*	P	P	P	P	*	P	P	P
Adult uses including product sales and entertainment	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	*	S
Artisan and photography studios and galleries	*	*	*	*	*	*	*	P	*	*	*	P	P	P	P	*	*	*	*
Auto, recreational vehicle, boat and truck sales ¹⁶	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	P	P	P
Bars and taverns	*	*	*	*	*	*	*	S	*	*	*	*	*	P	P	*	*	*	*
Bed and breakfasts	*	*	*	*	S	S	S	P	*	*	*	*	*	P	P	*	*	*	*
Child care centers	S	S	S	S	S	S	S	P	*	S	S	P	P	P	P	*	*	*	*
Clubs and lodges	*	*	*	*	*	*	*	S	*	*	*	S	S	P	P	*	*	*	*
Commercial recreational facilities	*	*	*	*	*	*	*	P	*	*	*	*	*	P	P	*	P	P	P
Convenience retail stores	*	*	*	*	*	*	*	P	*	*	*	*	S	P	P	*	*	*	*
Drive-in theaters	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	*	*	*
Entertainment facilities and theaters, seating up to 1,000	*	*	*	*	*	*	*	S	*	*	*	*	*	P	P	*	P	P	P
Entertainment facilities and theaters, seating over 1,000	*	*	*	*	*	*	*	*	*	*	*	*	*	S	S	*	P	P	P
Establishments for rental of tools,	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	P	P	P

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equipment and vehicles																			
Financial services	*	*	*	*	*	*	*	P	*	*	*	P	P	P	P	*	*	*	*
Funeral homes	*	*	*	*	*	*	*	*	*	*	*	P	P	P	P	*	*	*	*
Gasoline stations without repair or servicing facilities or capabilities	*	*	*	*	*	*	*	*	*	*	*	*	S	S	*	*	*	*	*
Gasoline service stations, repair garages and car washes	*	*	*	*	*	*	*	P	*	*	*	*	*	P	P	*	P	P	P
Grocery stores	*	*	*	*	*	*	*	P	*	*	*	*	P	P	P	*	*	*	*

¹⁵ See Section 16-3-240.

¹⁶ Includes establishments with incidental repair and service facilities.

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PERMITTED USES	A	A-E	E-1	R-1	R-1-E	R-2	R-3	MU-C-D	C-D	R-M	R-F-H	C-1	C-2	C-3	C-4	C-5	I-1	I-2	I-3	
Business/Commercial/Retail Uses (Cont'd)																				
Home occupations	P	P	P	P	P	P	P	*	*	P	P	*	*	*	*	*	*	*	*	
Hospitals and long-term care facilities	*	*	*	*	*	*	S	S	*	*	*	P	P	P	P	*	*	*	*	
Hotels and motels	*	*	*	*	*	*	*	S	*	*	*	*	*	P	P	*	*	*	*	
Long-term care facilities	*	S	S	S	S	S	S	S	*	S	S	P	P	P	P	*	*	*	*	
Lumberyards, not including outside storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	P	P	P
Lumberyards and builders supply facilities w/outside storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Medical and dental offices and clinics	*	*	*	*	*	*	*	P	*	*	*	P	P	P	P	*	S	*	*	
Medical marijuana dispensaries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	*	*
Mixed-use dwelling units	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*	*	*	
Open-air farmers' markets	P	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*	*	*	
Parking lots and parking garages	*	*	*	*	*	*	*	S	*	*	*	S ¹⁷	*	P	P	*	P	P	P	
Personal and business service shops	*	*	*	*	*	*	*	P	*	*	*	P	P	P	P	*	*	*	*	
Private recreational facilities	S	S	S	S	S	S	S	P	*	S	S	S	S	P	P	*	P	P	P	
Print shops	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	P	P	P	
Professional offices	*	*	*	*	*	*	*	P	*	*	*	P	P	P	P	*	P	P	P	
Radio towers exceeding 60 ft. in height	*	*	*	*	*	*	*	*	S ¹⁸	*	*	*	*	*	*	*	*	*	S	*

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Restaurants/standard & fast food excluding drive-ins	*	*	*	*	*	*	*	P	*	*	*	*	P ¹⁹	P	P	*	*	*	*
Restaurants including drive-ins	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*	*
Retail sales facilities w/GFA less than 5,000 s.f.	*	*	*	*	*	*	*	P	*	*	*	*	P	P	P	*	*	*	*
Retail sales facilities w/GFA greater than 5,000 s.f.	*	*	*	*	*	*	*	P	*	*	*	*	*	P	P	*	*	*	*

¹⁷ With 6 or fewer parking stalls for use by automobiles, trucks or both.

¹⁸ Radio towers of any height in the CD zone require a special use permit.

¹⁹ Not including those having a customer seating capacity of more than 100 seats.

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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	
Business/Commercial/Retail Uses (Cont'd)																				
Small equipment repair facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	
Supermarkets	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*	*	
Tourist facilities	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*	*	*	
Veterinary facilities, small animal clinics	P	*	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*	*	
Veterinary facilities, large animal clinics	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Wholesale merchandise establishments	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	P	P	P	
Industrial Uses																				
Accessory buildings and accessory uses	*	*	*	*	*	*	*	*	S ²⁰	*	*	*	*	*	*	*	*	P	P	P
Commercial mineral extraction, processes and sales	S	*	*	*	*	*	*	*	S ²¹	*	*	*	*	*	*	*	*	*	*	
Commercial storage facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	P ²²	P ²⁴	P ²⁴	
Establishments for bulk storage of flammable liquids and gases	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	
Establishments for food and beverage processing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	P	P	
Establishments for sale and repair of farm machinery, diesel trucks and buses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	P	P	

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Facilities for manufacturing and storage of explosives	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	§
Foundries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	§
Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations)	§	§ ²³	§ ₂₃	§	§	§ ₂₃	§ ²³	§	§	§	§	*	§	§	§					

²⁰ Permanent buildings and structures accessory to any uses by right.

²¹ So long as all necessary local and State permits have been issued and all activities are in compliance with the conditions of the permits.

²² Not including outside storage.

²³ No oil or gas wells shall be permitted on land zoned residential without written approval from the Board of Trustees.

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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	
Industrial Uses (Cont'd)																				
Grain feed elevators	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Junkyards and salvage operations ²⁴	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Livestock processing facility	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Machine shops	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Manufacturing, assembly or packaging of products from previously prepared materials	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Mini-storage facilities ²⁵	*	*	*	*	*	*	*	*	*	*	*	*	S	S	S	*	S	P	P	
Newspaper plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	P	P	P	
Outside storage facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	
Railroad yards and stations ²⁶	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	
Research, experimental or testing laboratories	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Sanitary landfills ²⁷	S	*	*	*	*	*	*	*	S	*	*	*	*	*	*	*	*	*	*	
Water treatment and wastewater treatment plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Wireless telecommunications facilities	S ²⁸	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Workshops and custom small industry uses	*	*	*	*	*	*	*	S	*	*	*	*	*	*	P	*	P	P	P	

²⁴ Provided that the following shall apply, in addition to any other imposed pursuant to the special review process: the area shall be set back at least 1,000 feet from any State or Federal highway; the area must be arranged so that the salvage material does not exceed a height of 6 feet from ground level and so that fire

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lanes are provided.

²⁵ No rentable unit of which shall have a gross floor area greater than 300 square feet, and all of which are intended for rental primarily for personal, family or household purposes.

²⁶ With related buildings, structures and facilities used for the operation and maintenance of trains and railroads.

²⁷ Developed and maintained according to all standards and requirements of State law.

²⁸ One (1) or more microwave, radio, television or other communication transmission or relay towers over 70 feet in height per lot.

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	
Agricultural Uses																				
Accessory buildings and accessory uses	P ₂₉	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Agricultural service establishments	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Animal boarding, including kennels	P ₃₀	S ³¹	S ₃₂	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises	P	P	P	*	*	*	*	*	P ³²	*	*	*	*	*	*	*	*	P	P	P
Disposal of domestic sewage and septic sludge ³³	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Farming, ranching and gardening	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Grazing and keeping of livestock	P ₃₄	P ³³	P ₃₃	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Horseback riding, stables and arenas	P	S	P ₃₅	*	*	*	*	*	*	*	*	*	*	*	S	*	*	*	*	*
Livestock confinement	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

²⁹ Accessory buildings with gross floor area larger than 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 require use by special review approval.

³⁰ Where maximum number of animal units is not exceeded and where the vehicular traffic generated by

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~~the boarding activity is less than 15 trips per day to and from the property. Keeping, raising and boarding of exotic animals, as defined, requires use by special review approval.~~

~~²¹ Dog and cat breeding; no more than 2 litters per year.~~

~~²² The cultivation of vegetables, trees, plants and flowers and the raising of livestock so long as no permanent structures are present and no restrictions now in force or hereafter enacted on the raising of livestock in the Town would be violated.~~

~~²³ Subject to the additional requirements of Sections 48 and 49, respectively, of the Weld County Zoning Ordinance.~~

~~²⁴ Subject to animal unit restrictions. Livestock in excess of the bulk requirements for the Agricultural Zone District shall require a use by special review permit for a livestock confinement operation.~~

~~²⁵ Provided that the number of horses does not exceed 2 per acre and at least ½ acre of pasture is available for each horse.~~

~~(Ord. 480 §3.5, 2003; Ord. 612 §2, 2009; Ord. 623 §1, 2010; Ord. 629 §1, 2010; Ord. 659 §2, 2012; Ord. 666 §11, 2012)~~

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. (Allow the accessory dwellings if associated with agricultural uses for properties exceeding 10 acres?)*
- (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.

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- (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)

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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.~~
 - (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~~
 - (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. (? Agricultural uses?) (how can it be by special review and 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.

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- (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)

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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)

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Sec. 16-4-430. - Site plan.

(a) Purpose. Site plan approval is needed for a building permit for all multi-family, commercial and industrial developments as well as parks, open space and trails. The only development a site plan is not needed for is a new single-family or duplex development. The site plan shows how the lot will be developed so that the Town can make sure that the site design will be in compliance with all Town regulations.

(b) Site Plan Process.

(1) Step 1: Submit Site Plan Application.

- a. Land Use Application Form.
- b. Site Plan - Technical Criteria Form (from Workbook).
- c. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Staff and notice and publication expenses. A deposit and fee agreement is necessary to cover costs for review of any other expert whom the Town may wish to employ. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
- d. Site Plan Map. The site plan map shall be a minimum of eighteen (18) inches by twenty-four (24) inches and shall provide the following information:
 1. Title of project.
 2. North arrow, scale (no greater than 1" = 50') and date of preparation.
 3. Vicinity map.
 4. Address of project.
 5. Legal description of property.
 6. Name, address and phone number of property owner.
 7. Name, address and phone number of person or firm responsible for plan.
 8. Lot size (square footage).
 9. Bearings and distances of all lot lines.
 10. Existing and proposed easements and rights-of-way.
 11. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
 12. Gathering areas for people.
 13. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
 14. Existing and proposed two-foot contours.
 15. Existing waterways on or adjacent to the site.

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16. Finished floor elevations for all structures.
17. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
18. Existing structures and their use.
19. Square footage of the proposed building and the footprint of the proposed building.
20. Proposed structure height.
21. For commercial and industrial uses, the type of activity and number of employees.
22. For multi-family residential, the number of residential units and bedrooms per unit.
23. Location of proposed signs and lights.
24. Specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
25. Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
26. Trash disposal areas and enclosures including specifications for enclosures.
27. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
28. Location and size of water and sewer lines to which the service connections will be or are made.
29. Location and size of water meters.
30. Location and size of backflow-prevention devices.
31. Indication of how and where perimeter drain will drain (if one exists).
32. Location of existing electrical lines and poles on or adjacent to the site.
33. Location of proposed electrical service connection and meter location.
34. Location of electric transformer.
35. Location of all fire hydrants. If none exist on-site, note distance and direction of the closest hydrant adjacent to the site within three hundred (300) feet.
36. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
37. The distance from the proposed building or structure to adjacent lot lines, easements and adjacent structures.

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38. A land use chart (table).
 39. Certificate blocks for signatures of owner, surveyor and Town approval, as applicable (see Workbook for samples).
- e. **Community Design Principles and Development Standards Description.** Demonstrate in written or graphic form how the proposed structure is consistent with the community design principles and development standards found in Article II of this Chapter.
 - f. **Certified Drainage Report.** A certified drainage report, including an erosion control study and plan, as applicable, must be reviewed and approved by the appropriate sanitation district (if applicable) prior to submittal of the report to the Town as part of the site plan application.
 - g. **Final Landscape Plan.** Refer to Article II, Division 5 of this Chapter for the final landscape plan requirements.
 - h. **Final Open Space and Ecological Characterization Plan.** Refer to Article II, Division 5 of this Chapter for the final open space and ecological characterization plan requirements.
 - i. **Exterior Elevations of Proposed Structures/Graphic Visual Aids.** Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure. In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models and/or computer visualizations when the impacts of a proposal warrant such information.
 - j. **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. 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.
 - k. **Colorado Historical Society Records Search.** At the discretion of the Staff or Board of Trustees, an applicant may be required to provide the Town with a Colorado Historical Society records listing of historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:
 1. **Site identification:**
 - a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.

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2. Eligibility assessment for historic designation.
3. Statement of significance.
4. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of completion of survey.

If, in coordination with the applicant, the Board of Trustees decides to protect an historic resource, a protection plan must be devised.

1. Rare species occurrence survey (from U.S. Fish and Wildlife Service).
 - m. Letter from U.S. Fish and Wildlife Service certifying either there are no endangered species on the property or the project has an approved Habitat Conservation Plan or Mitigation Plan in place.
- (2) **Step 2: Application Certification of Completion.** Within a reasonable period of time, Staff shall either certify that 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 to the Town. The original application and all documents requiring a signature shall be signed in blue ink.
 - (3) **Step 3: Staff Refers Application to Adjacent Municipalities and Other Agencies.** Staff may refer the site plan materials to adjacent municipalities and other agencies and service providers for comments. The referral period shall be twenty-eight (28) days. Staff shall notify the applicant of any adjustment to the referral period.
 - (4) **Step 4: Staff Reviews Application and Prepares Comments.** Staff will review the site plan map to ensure it is consistent with the site plan review criteria. Staff may consider comments received during the referral period in its review of the site plan. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be approved. This report will be forwarded to the applicant.
 - (5) **Step 5: Applicant Addresses Staff Comments.** The applicant shall address all of the Staff comments, then submit the following to the Town:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
 - (6) **Step 6: Site Plan Agreement.** Staff may require that the applicant execute a site plan agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site plan. Guarantees in the site plan agreement may be secured by an irrevocable letter of credit, or by cash deposited in an escrow account in an amount determined appropriate by Staff.

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- (7) Step 7: Schedule Site Plan for a Public Meeting and Complete Public Notification Process. The Planning Commission shall schedule a public meeting for the purpose of making a recommendation on the site plan. The Town Clerk shall publish notice in a newspaper of general circulation and send notice to neighboring property owners within three hundred (300) feet. The meeting may be held no less than twelve (12) days from the date of advertising.
- (8) Step 8: Planning Commission Public Meeting and Decision. The Planning Commission shall hold a public meeting to review the application based on the site plan review criteria. The Planning Commission shall then approve, deny or approve with conditions the application. If approved, the Town shall request two (2) original Mylars of the final plat ready for the Mayor and Clerk to sign and then record. Please note the Planning Commission may forward an application to the Town Board of Trustees if they deem it necessary. Notice of approval of the site plan shall be submitted to the Town Board of Trustees.
- (9) Step 9: Applicant Addresses Planning Commission Conditions. The applicant shall revise the site plan based on the Planning Commission's conditions of approval and submit it to the Town.
- (10) Step 10: Schedule Site Plan Public Meeting and Complete Public Notification Process. The Board of Trustees shall schedule a public meeting for the purpose of taking action on the site plan. The Town Clerk shall publish notice in a newspaper of general circulation. The meeting may be held no less than thirty (30) days from the date of advertising.
- (11) Step 11: Board of Trustees Action. The site plan shall be presented to the Board of Trustees for its review and action at a public meeting. The Board of Trustees may approve, conditionally approve or deny the minor subdivision plat based on the minor subdivision plat review criteria. All final decisions of the Board of Trustees approving, approving subject to conditions or denying an application shall be subject to review by the District Court in Weld County. Any applicant or other interested party may appeal such decisions in the manner provided by rules relating to civil proceedings before the District Court.
- (12) Step 12: Submit and Record Site Plan. Upon approval by the Planning Commission, the applicant shall have thirty (30) days to submit two (2) original Mylars. The Town shall submit the approved site plan to the County Clerk and Recorder's Office for recording. The recording fees shall be paid by the developer.
- (13) Step 13: Post - Approval Actions.
 - a. Building Permit. A building permit shall be issued only when a site plan has been approved. However, with the approval of the Town, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
 - b. Certificate of Occupancy. When building construction and site development are completed in accordance with the approved site plan and building permit, a Certificate of Occupancy may be issued.

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- c. Phasing and Expiration of Approval. The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old. For multiphased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.
- (c) Site Plan Review Criteria. The site plan must meet the following review criteria:
 - (1) All of the information required on a site plan is shown.
 - (2) The lot size and lot dimensions are consistent with what is shown on the approved final plat.
 - (3) No buildings or structures infringe on any easements.
 - (4) The proposed site grading is consistent with the requirements of the current Town Master Drainage Plan, on file at the Town Hall.
 - (5) The density and dimensions shown conform to the density and dimensional standards at Section 16-3-490 of this Chapter or to the approved PUD requirements.
 - (6) The applicable community design principles and development standards have been adequately addressed and the proposed improvements conform with Article II of this Chapter.

~~(d) Amendments to Approved Site Plans.~~

- ~~(1) Minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.~~
- ~~(2) Changes to approved site plans that exceed the ten percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.~~

(Ord. 480 §4.12, 2003; Ord. 620 §1, 2010)

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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

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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
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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' x 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.*

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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.

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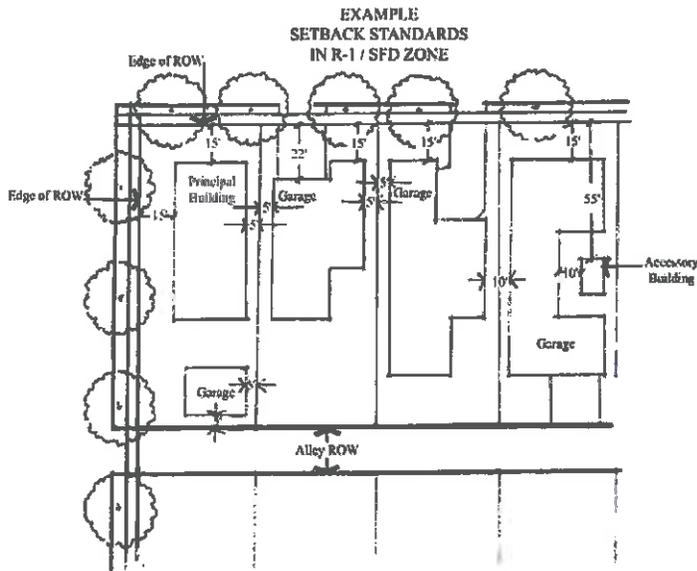


Figure 3-1

(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				

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<div style="border: 1px solid black; padding: 5px; display: inline-block; transform: rotate(-45deg); transform-origin: center;"> Zones Standards </div>	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 rear 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.*

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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 requirements	No specified minimum but must be of sufficient size to allow for compliance with other requirements	No specified minimum but must be of sufficient size to allow for compliance with other requirements
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%. ??? Do we really want to limit the square footage footprint of a building and have a 0 foot setback from the front of the lot? We already have a max FAR of 2 to 1 gross floor area to the site of land it's built on.

(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.

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- 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)

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Section 2: Codification.

The Town Clerk is hereby directed to work with the Town’s Municipal Code codifier to ensure that the provisions of this Ordinance are included in the next codification of the Milliken Municipal Code.

Section 3: Severability.

If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 4: Repeal.

Existing or parts of ordinances covering the same matters as embraced in this Ordinance of the Milliken Municipal Code are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 5: Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

Introduced, read, adopted, signed and ordered published in full by the Board of Trustees of the Town of Milliken this ___ day of _____, 2016.

TOWN OF MILLIKEN

Beau Woodcock, Mayor

ATTEST:

APPROVED AS TO FORM:

Cheryl Powell, Town Clerk

Linda Michow, Town Attorney

Published: _____

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Los Alamos County

Sec. 16-273. - Accessory buildings and structures.

(a) *Location.*

(1) No accessory building may be located closer to the front property line than the main structure on any lot, except as may be modified by subsections (a)(3) and (a)(4) of this section.

a. Garages and carports may be located in the front yard behind the minimum front setback in residential districts. No other accessory building may be located in the front yard within 40 feet of the front property line in any district.

b. Accessory buildings and structures may not be located in required side yards in any district.

(2) Accessory buildings, uses, and structures shall not be located within three feet of any rear lot line in any residential district, except as may be modified by the provisions of subsections (a)(3) and (a)(4) of this section.

(3) In the R-5 (mobile home park) district and R-6 (mobile home development) district, accessory buildings and structures shall not be located within 20 feet of a park roadway or three feet of a mobile home site boundary.

(4) In the R-4 (mobile home subdivision) district, accessory buildings and structures shall not be permitted within 20 feet of the front property line.

(b) *Lot coverage.* In the R-1, R-M, R-3-L and R-4 districts, the lot coverage of all types of accessory buildings and structures located in the required rear yard shall not exceed 25 percent of the required rear yard area.

(c) *Permit required.* An accessory structure permit shall be required prior to commencing construction of any accessory structure pursuant to section 16-51(3)b.

(d) *Number of accessory buildings and structures.*

(1) In the R-1, R-M, R-3-L, R-4, R-5, R-6 and P-D districts, a detached garage or carport and not more than two additional accessory buildings per dwelling units are permitted; in the R-A district, four accessory buildings per dwelling unit are permitted; in R-E district, four accessory buildings in addition to a carport or garage are permitted.

(2) In the R-3-H district, one accessory building per ten dwelling units is permitted, in addition to carports or garages.

(3) In districts where dwelling units are not the primary use, the area of accessory buildings is subject to site plan review and shall not exceed 20 percent of the primary structure square footage.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.40.030)

LOS ALAMOS COUNTY

ARTICLE XIII. - ZONING DISTRICTS ESTABLISHED

Sec. 16-531. - Official zoning map.

- (a) *Adoption.* The official zoning map is an integral part of this article. It is to be entitled the "Official Zoning Map of Los Alamos County," signed by the chair of the county council and attested to by the county clerk.
- (b) *Amendment.* The official zoning map shall be amended in accordance with the procedures set forth in this article. The official zoning map may be amended by an ordinance containing only textual material, or by an ordinance containing textual material and a revision of all or part of the official zoning map. If the amending ordinance contains only textual material, then such amending ordinance shall bear the legend "Revision No. _____ in textual form, to the official zoning map of Los Alamos County, effective _____/_____/_____." In addition, such changes shall be made to the official zoning map. This is to be signed by the community development director and attested to by the county clerk. If the amending ordinance shall include a revision to all or part of the official zoning map, such amending ordinance shall bear the legend "Revision No. _____ to the official zoning map of Los Alamos County, effective _____/_____/_____," and it shall be signed by the chair of the county council and attested to by the county clerk. In addition, such changes shall be made to the official zoning map.
- (c) *Location; authority.* The official zoning map and all revisions shall be maintained in the office of the county clerk. That map, as it may from time to time be revised, or a copy certified by the county clerk to be a true copy of the map or of the map as revised, shall be conclusive on any question of the zoning district in which a particular parcel may be located.
- (d) *Replacement.* In the event of the destruction, damage or loss of the official zoning map, or if the official zoning map becomes difficult to interpret because of the nature or number of amendments, the county council may by resolution adopt a replacement official zoning map. Upon adoption, the replacement official zoning map shall be signed by the chair of the county council and attested to by the county clerk. The replacement official zoning map shall thereupon become the official zoning map and a part of this article. The replacement official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no change of substance shall be made by the adoption of the replacement official zoning map. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.30.010)

Sec. 16-532. - Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following county limits shall be construed as following such county limits;
- (4) Boundaries indicated as being an extension of any street, highway, alley line or lot line shall be construed to be of the same course and bearing as that line extended;

- (5) Boundaries indicated as being parallel to features indicated in subsections (1) through (4) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and
- (6) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (5) of this section, the planning and zoning commission shall interpret the district boundaries.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.30.020)

Sec. 16-533. - Official zoning districts.

The area of the county is divided into zoning districts. The location of each of the zoning districts is shown on the official zoning map. The zoning districts and the purposes of each district are as follows:

- (1) *Residential agricultural district (R-A)*. The R-A residential agricultural district is intended to accommodate single-family dwellings and accessory structures and uses and is further intended to maintain and protect a residential character of development characterized by large lots having a rural atmosphere, where agricultural, horticultural and animal husbandry activities may be pursued by the residents of the R-A district.
- (2) *Residential estate district (R-E)*. The R-E residential estate district is intended to accommodate single-family dwellings and accessory structures and uses and is further intended to maintain and protect a residential character of development characterized by large lots, creating in appearance a semirural environment.
- (3) *Single-family residential districts (R-1-5, R-1-8, R-1-10, R-1-12)*. The R-1-5, R-1-8, R-1-10 and R-1-12 single-family residential districts are intended to accommodate single-family dwellings and accessory structures and uses, and are further intended to maintain and protect a residential character of development.
- (4) *Residential mixed district (R-M)*. The R-M residential mixed district is intended to accommodate single-family and two-family dwellings and accessory structures and uses, and is further intended to maintain and protect a residential character of development.
- (5) *Multiple-family residential (low density) district (R-3-L)*. The R-3-L multiple-family residential (low density) district is intended to accommodate single-family, two-family and multiple-family dwellings and accessory structures and uses, and is further intended to maintain and protect a residential character of development.
- (6) *Multiple-family residential (high density) district (R-3-H)*. The R-3-H multiple-family residential (high density) district is intended to accommodate multiple-family dwellings and accessory structures and uses, and is further intended to maintain and protect a residential character of development.
- (7) *Multiple-family residential (very high density) district (R-3-H-40)*. The R-3-H-40 multiple-family residential (very high density) district is intended to accommodate multiple-family residential developments (primarily apartments or condominiums) at higher than normal densities, and further intended primarily to maintain and protect a residential character of development, but permitting auxiliary commercial or professional uses which are related to the primary use.
- (8) *Mobile home subdivision district (R-4)*. The R-4 mobile home subdivision district is intended to accommodate mobile homes or similar type dwelling units and accessory structures and uses in residential developments with individually owned lots, and is further intended to maintain and protect a residential character of development.
- (9) *Mobile home park district (R-5)*. The R-5 mobile home park district is intended to accommodate mobile home dwelling units and accessory structures and uses where mobile home sites are rented and is further intended to maintain and protect a residential character.
- (10) *Mobile home development district (R-6)*. The R-6 mobile home development district is intended to accommodate mobile home dwelling units and accessory structures and uses where mobile home sites can

be rented, owned in fee simple, as part of a condominium, a cooperative or a land lease rental community, and is further intended to maintain and protect a residential character.

- (11) *Planned development residential districts (PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0, PD-20.0)*. The PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0 and PD-20.0 planned development residential districts are intended to accommodate varied developments of a residential character and are further intended to maintain and protect an interesting and flexible character of development with mixtures of single-family, two-family and multiple-family dwellings and accessory structures and uses. These PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0 and PD-20.0 districts are also intended to encourage imaginative spatial design such as relatively high dwelling unit densities in portions of the development, compensated by open and recreation areas in other portions of the development (the PD designations are followed by numbers which are the maximum dwelling units per gross acre). Note: As of August 28, 2007, the county will no longer accept or approve new applications for the PD zone designation.
- (12) *Special plan district (SP)*. The SP special plan district is an overlay zone which may be used to increase design flexibility in conjunction with an R-M, R-3-L, R-3H, R-3-H-40, P-0, C-1, C-2, C-3, R&D, M-1, M-2, DT-CPO, DT-NGO, DT-NCO, or DT-TCO district. The special plan district may be applied to previously undeveloped areas of three acres or redevelopment of an area of three acres or more as long as it is under single or common ownership or development control. Requirements for establishing a special plan district are found in section 16-534.
- (13) *Professional office district (P-O)*. The P-O professional office district is intended to accommodate professional uses which are compatible with each other. Retail uses are not permitted unless they are subsidiary to professional services.
- (14) *Light commercial and professional business district (C-1)*. The C-1 light commercial and professional business district is intended to accommodate retail, service and professional uses, compatible with each other, to serve nearby residential districts. The regulations of this C-1 district are intended to encourage the growth and development of this type of commercial and professional facility.
- (15) *Civic center business and professional district (C-2)*. The C-2 civic center business and professional district is intended to accommodate and promote the commercial and professional development in the center of the community, with a mixture of public, historical and commercial uses which are compatible to each other, and which provide an attractive and appropriate setting in which countywide retail and professional services and cultural, recreational and governmental uses may be undertaken, performed or pursued. The C-2 district regulations are intended to encourage the commercial and professional growth and development of this area to that end.
- (16) *Heavy commercial district (C-3)*. The C-3 heavy commercial district is intended to accommodate commercial uses allowed in the C-1 and C-2 districts and those which generate more traffic and noise. Included are automotive-connected uses such as service stations, repair garages, tire shops, motels and hotels, uses such as large stores, drive-in or takeout facilities and commercial recreation establishments.
- (17) *Research and development district (R&D)*. The R&D research and development district is intended to accommodate scientific research and development establishments, except for those scientific activities which could endanger or become detrimental to persons or property.
- (18) *Light industrial district (M-1)*. The M-1 light industrial district is intended to accommodate light industrial and certain accessory commercial uses, none of which create noise, smoke, odor, dust or similar emissions, and which generate a minimum of truck traffic. The regulations of this M-1 district are intended to encourage attractively developed sites to ensure further compatibility with adjoining areas of the community.
- (19) *Heavy industrial district (M-2)*. The M-2 heavy industrial district is intended to accommodate both light and heavy industrial uses in combination with limited accessory commercial uses. The regulations of this M-2 district are intended to ensure a compatible appearance and relationship with surrounding areas of the community.
- (20) *Public land district (P-L)*. The P-L public land district is intended to accommodate local government and school district uses and structures, designed to support community needs and the public health, safety and welfare.

- (21) *Scenic open lands district (W-1)*. The W-1 scenic open lands district is intended to maintain, protect and preserve the scenic and environmental quality, open character and the natural recreational value of undeveloped land.
- (22) *Recreation wilderness district (W-2)*. The W-2 recreation wilderness district is intended to maintain, protect and preserve the scenic and environmental quality, open character and natural recreational value of undeveloped land; and to accommodate public and private recreational uses of an open nature.
- (23) *Historic overlay district*. The historic overlay district is intended to promote and protect the heritage of the county by preserving sites and structures that have historical significance, in an appropriate setting. Such a district shall be established and regulated in accordance with the requirements of article XV of this chapter.
- (24) *Federal lands district (F-L)*. The F-L federal lands district is comprised of land owned by the United States government and to which the public does not have unrestricted access at any time. None of the provisions of this article are applicable to any land within the F-L district.
- (25) *Residential mixed—North Community district (R-M-NC)*. The residential mixed—North Community district is intended to accommodate single-family and two-family dwellings, accessory structures and uses within an area of the subdivisions of North Community No. 1 and No. 2. The district is further intended to maintain and protect a residential character of development.
- (26) *Multiple-family residential (low density)—North Community district (R-3-L-NC)*. The multiple-family residential (low density)—North Community district is intended to accommodate single-family, two-family and multiple-family dwellings, accessory structures and uses within an area of the subdivisions of North Community No. 1 and No. 2. The district is further intended to maintain and protect a residential character of development.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.30.030; Ord. No. 85-287, § 1, 11-2-2000; Ord. No. 85-286, § 1, 12-9-2000; Ord. No. 02-008, § 3, 1-28-2003; Ord. No. 02-091, § 8, 7-10-2007; Ord. No. 02-086, § 1, 8-9-2007; Ord. No. 02-224, § 17, 5-1-2012)

Sec. 16-534. - Special plan (SP) district requirements.

- (a) *Description and purpose*. The SP special plan district can only be used in conjunction with an R-M, R-3-L, R-3-H, R-3-H-40, P-D, P-O, C-1, C-2, C-3, R&D, M-1, M-2, DT-CPO, DT-NGO, DT-NCO, and DT-TCO district. The special plan (SP) district designation does not change the existing zone, but it overlays a different set of site development criteria which permits flexibility in site design, responds to market conditions while protecting the county's unique environmental attributes, ensures that financial impacts to the community are determined, and provides mitigation measures, where needed. The intent of the special plan (SP) district is to provide for maximum design flexibility while ensuring that the overall character of the development is consistent with the underlying base zone and harmonious with the surrounding area. It is the intent of the special plan (SP) district to assist in the implementation of comprehensive plan and county strategic planning goals as follows:
 - (1) Diversify available housing or commercial options with a variety of price ranges, product types and designs that will appeal to various niche markets and stimulate new development;
 - (2) Revitalize Los Alamos and White Rock downtown districts and eliminate downtown blight by encouraging infill development and redevelopment and promoting higher density residential, commercial and mixed-use development;
 - (3) Enhance environmental quality and sustainability through innovative site planning and design standards that provide greater flexibility for siting buildings while preserving environmentally sensitive areas;
 - (4) Ensure compatibility of land uses and architecture and mitigation of development impacts on adjacent property through effective planning and architectural design standards;
 - (5) Simplify the development review process through the use of an overlay zone with a development plan or site plan, rather than through the request of individual waivers and code text amendments.
- (b) *Criteria for establishment of the SP special plan district*.

- (1) The SP special plan district shall only be used in conjunction with R-M, R-3-L, R-3-H, R-3-H-40, P-D, P-O, C-1, C-2, C-3, R&D, M-1, M-2, DT-CPO, DT-NGO, DT-NCO, and DT-TCO zoning districts.
 - (2) The minimum district size shall be as follows:
 - a. Three acres for lands that have never been developed or three acres of property that is being redeveloped.
 - b. The property shall be under a single or common ownership or development control.
 - (3) A development plan or site plan, and a sketch plan, if the property is to be subdivided, shall be submitted for each request for special plan (SP) district zoning. The development plan or site plan and sketch plan shall be reviewed and processed in accordance with this article.
 - (4) The property shall be under a single or common ownership or development control.
 - (5) An agreement in form acceptable to the community development director and acceptable to the county attorney will be required for any proposed special plan (SP) district if the property is not owned by a single person or entity. The purpose of the agreement is to assure timely development of the property in accordance with the development plan or site plan and sketch plan approved in establishing the special plan (SP) district and to hold each and every owner of any interest in the property responsible for the full development of the site in accordance with the applicable plans, development code requirements, and all other legal requirements.
- (c) *Site development regulations.* The development plan or site plan shall address the applicable site development regulations set forth in this section. The development plan or site plan shall indicate the minimum lot area, maximum lot coverage, minimum width of lots measured along the street, minimum setbacks, maximum height of structures and minimum number of parking spaces per dwelling unit or square foot of commercial use. The minimum requirements of the underlying base zone may be varied in conformance with the following design standards of a special plan (SP) district. The design standards for buildings on the perimeter of a special plan (SP) district shall be reasonably approximate to the site development standards for the adjacent property to help ensure compatibility between developments.
- (1) Residential site development requirements may be modified from that permitted in the underlying base zone. The development plan or site plan may include provisions for reduced minimum lot area, reduced setbacks, reduced structural separation (subject to New Mexico Building Code requirements), increased structure height, increased lot coverage, reduced street frontage, and reduced parking. Average density can be increased up to 25 percent and individual site development requirements may be modified up to 25 percent as a result of the changed site development requirements. The allowed modification to average density and site development requirements applies to each underlying base zone which is a part of the development plan or site plan and included in the special plan (SP) district. Any future changes must comply with section 16-456 regarding changes to a development plan.
 - (2) Except in downtown district underlying base zones, nonresidential parking requirements may be modified to allow up to a 20 percent reduction in the amount of parking to be provided.
 - (3) Mixed use and commercial site development requirements shall be modified as follows:
 - a. In P-O, C-1, C-2, C-3, R&D, and the downtown district underlying base zones, commercial site development requirements may be modified as permitted in subsection (c)(2) of this section. Residential site development requirements for single family detached and attached dwellings and two-family dwellings shall be as prescribed in the R-1-5 zone, except that minimum side yard setbacks of zero feet are allowed. Residential development requirements for multiple-family dwellings shall be as prescribed in the R-3-H zone, except the C-1 underlying base zone, in which the R-3-L requirements shall apply. These residential site development requirements may be modified as permitted in subsection (c)(1) of this section. In the event of a conflict between R-3-H site development and parking standards and the downtown district standards set forth in sections 16-578 and 16-579, the latter requirements shall control. In no case shall more than 50 percent of the net building area be used for residential uses in the P-O, C-1, C-2, C-3 and R&D underlying base zones.
 - b. In manufacturing underlying base zones, residential uses shall not be permitted, and the commercial site development requirements of C-3 districts shall apply.

- c. In R-M, R-3-L, R-3-H, R-3-H-40 and PD underlying base zones, residential site development requirements may be modified as permitted in subsection (c)(1) of this section, including an allowance of permitted uses and commercial site development standards set forth in the C-1 district. In no case shall more than five percent of the land area of the site be used for commercial uses. No commercial uses shall be allowed unless the primary access of the commercial site abuts those streets designated for the highest traffic usage.
- (4) An alternate method of measurement for the height of structures may be approved as part of the development or site plan, provided that the method of measurement is applied uniformly throughout the special plan (SP) district.

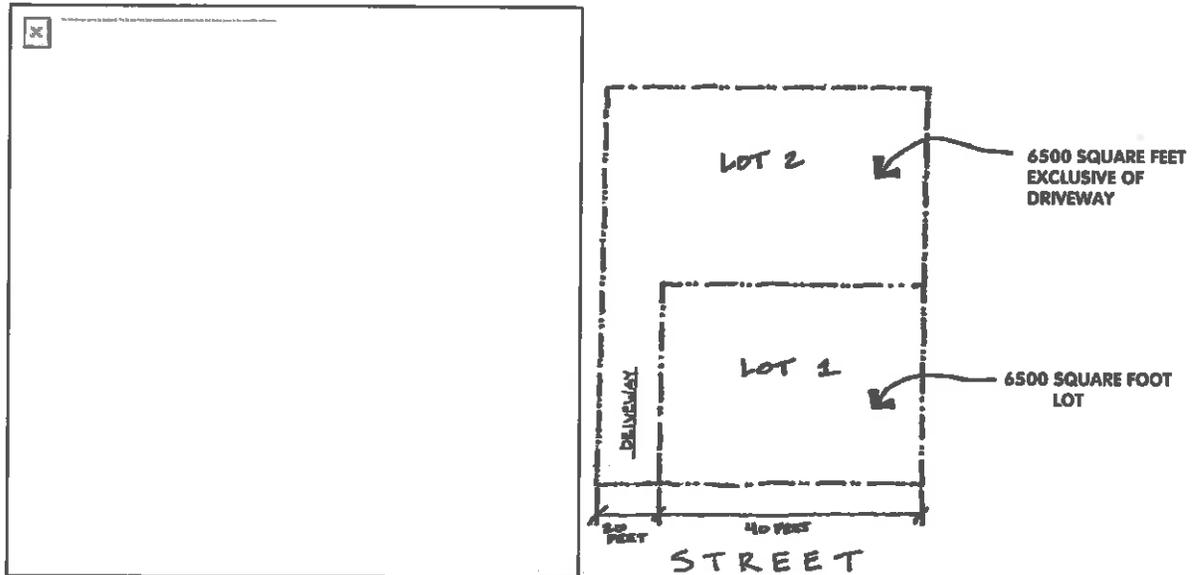
(Ord. No. 85-210, § 3, 1994; Ord. No. 85-262, § 1, 1998; Code 1985, § 17.30.040; Ord. No. 85-280, § 2, 7-25-2000; Ord. No. 02-039, § 6, 6-22-2004; Ord. No. 02-224, § 18, 5-1-2012)

Sec. 16-535. - Reserved.

Editor's note— Ord. No. 02-086, § 2, adopted August 9, 2007, repealed § 16-535, which pertained to historic (H) district requirements and derived from Ord. No. 85-210, § 3, 1994; Code 1985, § 17.30.050.

Sec. 16-536. - Residential mixed—North Community district (R-M-NC) uses and requirements.

- (a) *Allowable uses.* The following uses are allowed in the residential mixed-North Community (R-M-NC) zoning district:
 - (1) A dwelling, single-family, attached or detached;
 - (2) A dwelling, two-family;
 - (3) A manufactured dwelling for a single family which is a multisection manufactured home or modular home that is a single-family dwelling with a heated area of at least 36 by 24 feet and at least 864 square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the New Mexico Building Code, as amended, on the date of the dwelling's construction, and installed consistent with the New Mexico Manufactured Housing Act (NMSA 1978, 60-14-1 et seq.) and regulations adopted pursuant thereto relating to permanent foundations and is otherwise in compliance with provisions of this Code;
 - (4) A dwelling, single-family, detached, on a flag lot. A flag lot is defined, for purposes of this section, as a lot not fronting on a public road and where access to the public road is by a private driveway placed on not less than 20 feet width of land as illustrated in the figure of a flag lot in this section; and



Flat Lot

- (5) A dwelling, single-family, detached, with an accessory dwelling as defined in subsection (i) of this section.
- (b) *Minimum lot size.* The R-M-NC zoning district requires the following minimum lot sizes:
 - (1) For a dwelling, single-family, detached, with or without an accessory dwelling, 6,500 square feet;
 - (2) For a dwelling, two-family, 10,000 square feet;
 - (3) For dwellings, single-family, attached, 10,000 square feet per site; and
 - (4) For a dwelling, single-family, detached, with or without an accessory dwelling, located on a flag lot, exclusive of the land for all required driveways as illustrated in the figure of a flag lot in subsection (a) of this section, 6,500 square fee.
- (c) *Maximum density per acre.* This zoning district limits the number of dwelling units per acre to the following:
 - (1) For dwellings, single-family, detached, 6.7 dwelling units per acre;
 - (2) For dwellings, two-family, 8.7 dwelling units per acre; and
 - (3) For dwellings, single-family, attached, 8.7 dwelling units per acre.
- (d) *Minimum setbacks.* Dwellings shall only be constructed within the R-M-NC zoning district with the following minimum setbacks from established lot lines:
 - (1) Front setback of 15 feet;
 - (2) Rear setback of 20 feet, except:
 - a. Where the property abuts undeveloped county or United States government properties, in which case the rear setback is five feet if a fuel mitigation plan has been approved by the county fire marshal; or
 - b. The rear setback for an accessory dwelling only is five feet or such setback necessary to provide a minimum separation of 15 feet between structures on adjoining lots, whichever is greater.
 - (3) Side setback of 7.5 feet on each side of a dwelling, single-family, detached, or such setback necessary to provide a minimum separation of 15 feet between the detached sides of a dwellings on adjoining lots, whichever is greater;

- (4) Side setback of zero feet for a dwelling, single-family, attached, on the attached side and 7.5 feet side setback on the detached side or such setback necessary to provide a minimum separation of 15 feet between dwellings on adjoining lots; and
- (5) Side setback of 7.5 feet on each side of a dwelling, two-family, or such setback necessary to provide a minimum separation of 15 feet between dwellings on adjoining lots.
- (e) *Minimum lot frontage.* Lots within the R-M-NC zoning district shall have the following minimum frontage on the public right-of-way:
 - (1) For a dwelling, single-family, detached, 40 feet;
 - (2) For a dwelling, two-family, 40 feet;
 - (3) For a dwelling, single-family, attached, 20 feet; and
 - (4) The flag lots, the minimum frontage for the private drive is 20 feet.
- (f) *Maximum height.* Structures within the R-M-NC zoning district shall have the following maximum height:
 - (1) For the main dwelling, 35 feet; and
 - (2) For accessory structures, 12 feet.
- (g) *Maximum lot coverage.* Structures within the R-M-NC zoning district shall cover the lot to a maximum of 40 percent.
- (h) *Conforming dwellings, lots and uses.* In the R-M-NC zoning district:
 - (1) Where a dwelling, two-family, exists on a lot in the R-M-NC zoning district on December 5, 2000, such lot may be subdivided into two lots, each lot with a minimum of 5,000 square feet and the dwelling, two-family, shall then be two dwellings, single-family, attached, and both lots and dwellings shall be considered conforming; and
 - (2) Where a dwelling, multiple-family, existed in the R-M-NC zoning district on May 9, 2000, such dwelling shall be considered a conforming structure and the site development requirements and provisions concerning conforming dwellings, lots and uses for the R-3-L-NC district shall be applicable rather than those of R-M-NC district.
- (i) *Accessory dwelling.*
 - (1) For purposes of this section, the term "accessory dwelling" is defined as a dwelling unit of no more than 650 square feet located on the same lot as a dwelling, single-family, detached. One accessory dwelling is permitted on each lot in the R-M-NC zoning district on which a dwelling, single-family, detached, exists, with the following restrictions:
 - a. The accessory dwelling is architecturally compatible with the dwelling, single-family;
 - b. If detached from the dwelling, single-family, the accessory dwelling is separated from the dwelling, single-family, by no less than ten feet measured from eave line to eave line and complies with minimum side setbacks applicable to the dwelling, single-family;
 - c. If detached from the dwelling, single-family, the accessory dwelling is located in the rear yard.
 - d. If attached to the dwelling, single-family, the accessory dwelling complies with all minimum setbacks applicable to the dwelling, single-family; and
 - e. One off-street parking space is provided for the accessory dwelling.
 - (2) A dwelling, single-family, with an accessory dwelling is not a dwelling, two-family, for purposes of this section.
- (j) *Other requirements.* All other applicable requirements of this Code shall be made.

(Ord. No. 85-286, § 2, 12-9-00; Ord. No. 02-007, § 9, 6-11-02)

Sec. 16-537. - Multiple-family residential (low density)—North Community district (R-3-L-NC) uses and requirements.

- (a) *Allowable uses.* The following uses are allowed in the multiple-family residential (low density)—North Community (R-3-L-NC) zoning district:
- (1) A dwelling, single-family, attached or detached;
 - (2) A dwelling, two-family;
 - (3) A dwelling, multiple-family;
 - (4) A manufactured dwelling for a single family which is a multisection manufactured home or modular home that is a single-family dwelling with a heated area of at least 36 by 24 feet and at least 864 square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the New Mexico Building Code, as amended, on the date of the dwelling's construction, and installed consistent with the New Mexico Manufactured Housing Act (NMSA 1978, § 60-14-1 et seq.) and regulations adopted pursuant thereto relating to permanent foundations and is otherwise in compliance with provisions of this Code;
 - (5) A dwelling, single-family, detached, on a flag lot. A flag lot is defined, for purposes of this section, as a lot not fronting on a public road and where access to the public road is by a private driveway placed on not less than 20 feet width of land as illustrated in the figure of a flag lot in section 16-536; and
 - (6) A dwelling, single-family, detached, with an accessory dwelling as defined in subsection (i) of this section.
- (b) *Minimum lot size.* The R-3-L-NC zoning district requires the following minimum lot sizes:
- (1) For a dwelling, single-family, detached, with or without an accessory dwelling, 6,500 square feet;
 - (2) For a dwelling, two-family, 10,000 square feet;
 - (3) For dwellings, single-family, attached, 12,000 square feet per site;
 - (4) For each dwelling, multiple-family, 12,000 square feet per lot; and
 - (5) For a dwelling, single-family, detached, with or without an accessory dwelling, located on a flag lot exclusive of the land for all required driveways as illustrated in the figure of a flag lot in section 16-536, 6,500 square feet.
- (c) *Maximum density per acre.* This zoning district limits the number of dwelling units per acre to the following:
- (1) For dwellings, single-family, detached, 6.7 dwelling units per acre;
 - (2) For dwelling, two-family, 8.7 dwelling units per acre;
 - (3) For dwellings, single-family, attached, 14.5 dwelling units per acre; and
 - (4) For dwellings, multiple-family, 14.5 dwelling units per acre.
- (d) *Minimum setbacks.* Dwellings on a lot shall only be constructed within the R-3-L-NC zoning district with the following minimum setbacks from established lot lines:
- (1) Front setback of 15 feet;
 - (2) Rear setback of 15 feet, except:
 - a. Where the property abuts undeveloped county or United States government properties, in which case the rear setback is five feet if a fuel mitigation plan has been approved by the county fire marshal; or
 - b. The rear setback for an accessory dwelling only is five feet or such setback necessary to provide a minimum separation of 15 feet between structures on adjoining lots, whichever is greater;

- (3) Side setback of 7.5 feet on each side of a dwelling, single-family, detached, or such setback necessary to provide a minimum separation of 15 feet between the detached sides of the dwellings on adjoining lots, whichever is greater;
 - (4) Side setback of zero feet for a dwelling, single-family, attached, on the attached side and 7.5 feet side setback on the detached side or such setback necessary to provide a minimum separation of 15 feet between dwellings on adjoining lots; and
 - (5) Side setback of 7.5 feet on each side of a dwelling, two-family, or such setback necessary to provide a minimum separation of 15 feet between dwellings on adjoining lots.
- (e) *Minimum lot frontage.* Lots within the R-3-L-NC zoning district shall have the following minimum frontage on the public right-of-way:
- (1) For a dwelling, single-family, detached, 40 feet;
 - (2) For a dwelling, two-family, 40 feet;
 - (3) For a dwelling, multiple-family, 40 feet;
 - (4) For a dwelling, single-family, attached, 20 feet; and
 - (5) For flag lots, the minimum frontage for the private drive is 20 feet.
- (f) *Maximum height.* Structures within the R-3-L-NC zoning district shall have the following maximum height:
- (1) For the main dwelling, 35 feet; and
 - (2) For an accessory structure, 12 feet.
- (g) *Maximum lot coverage.* Structures within the R-3-L-NC zoning district shall cover the lot to a maximum of 40 percent.
- (h) *Conforming dwellings, lots and uses.* In the R-3-L-NC zoning district:
- (1) Where a conforming or legal nonconforming dwelling, two-family or multiple-family, existed on a lot on May 9, 2000, such lot shall be considered a conforming site for dwellings, single-family, attached and may be subdivided into a number of lots less than or equal to the number of dwelling units located on the lot on May 9, 2000. The resulting dwellings, single-family, attached, the site, and the lots shall be considered conforming as to the lot size and maximum density.
 - (2) Where a dwelling, multiple-family, existed on a lot on May 9, 2000, such lot shall be considered a conforming lot for a dwelling, multiple-family.
- (i) *Accessory dwelling.*
- (1) For purposes of this section, the term "accessory dwelling" is defined as a dwelling unit of no more than 650 square feet located on the same lot as a dwelling, single-family, detached. One accessory dwelling is permitted on each lot in the R-3-L-NC zoning district on which a dwelling, single-family, detached, exists, with the following restrictions:
 - a. The accessory dwelling is architecturally compatible with the dwelling, single-family;
 - b. If detached from the dwelling, single-family, the accessory dwelling is separated from the dwelling, single-family, by no less than ten feet measured from eave line to eave line and complies with minimum side setbacks applicable to the dwelling, single-family;
 - c. If detached from the dwelling, single-family, the accessory dwelling is located in the rear yard;
 - d. If attached to the dwelling, single-family, the accessory dwelling complies with all minimum setbacks applicable to the dwelling, single-family; and
 - e. One off-street parking space is provided for the accessory dwelling.
 - (2) A dwelling, single-family, with an accessory dwelling is not a dwelling, two-family, for purposes of this section.

(j) *Other requirements.* All other applicable requirements of this Code shall be met.

(Ord. No. 85-287, § 2, 11-2-2000; Ord. No. 85-289, § 1, 12-9-2000; Ord. No. 02-068, § 1, 7-26-2005; Ord. No. 02-224, § 19, 5-1-2012)

**Site Development Requirements
Single-Family Residential Districts**

Requirements	R-A	R-E	R-1-12	R-1-10	R-1-8	R-1-5
Lots						
Area (per DU) (minimum)	2 acres	2 acres	12,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	5,000 sq. ft.
Frontage (minimum)	65	65	65	65	65	50
Setbacks (c) Main structures						
Front (minimum)	40'	40'	25'	25'	25'	15'
Rear (minimum)	25'	25'	25'	20'	20'	15'
Side (minimum)	25'	25'	10'	10'	5' & 10'(b)	5'
Accessory Structure(s) (a)						
Height of Structures						
Main (maximum)	35'	35'	35'	35'	35'	35'
Accessory (maximum)	20'	20'	12'	12'	12'	12'
Lot Coverage						
Total of all structures (maximum)	10%	10%	30%	35%	40%	45%
Density						
Maximum no. of DUs per gross acre	0.5	0.5	3.6	4.4	5.4	8.7

Abbreviations: DU - Dwelling Unit

Footnotes:

- (a) See section 16-273
- (b) One side yard may be five feet, but the other side yard shall be ten feet.
- (c) See section 16-272(e)

(Ord. No. 02-224, § 19, 5-1-2012)

SITE DEVELOPMENT REQUIREMENTS
RESIDENTIAL
TWO-FAMILY - MULTIPLE-FAMILY - MOBILE HOME - PLANNED DEVELOPMENT

Requirements	R-M*	R-3-L*	R-3-H	R-3-H-40	R-4	R-5	R-6	P-D	SP
<i>Lots</i>									
Area (minimum)	SF: 8,000 sq. ft. (a) 8,000 sq. ft./DU 2F: 10,000 sq. ft. (a) 2F: 10,000 sq. ft. (a) 5,000 sq. ft./DU MF: 12,000 sq. ft. (a) 3,000 sq. ft./DU	SF: 8,000 sq. ft. (a) 8,000 sq. ft./DU 2F: 10,000 sq. ft. (a) 2,000 sq. ft./DU MF: 12,000 sq. ft. (a) 3,000 sq. ft./DU	24,000 sq. ft. (a) 2,000 sq. ft./DU	2 acres (a) 1,000 sq. ft./DU	10 acres (a) Minimum subdivision area 7,000 sq. ft./DU	3 acres (d) Minimum site area 3,000 sq. ft./DU	3 acres (d)	3 acres	3 acres vacant 1 acre developed
Frontage (minimum)	50	65	65	65	None	None	None	None	None

<i>Setbacks (i)</i>									
Main structures									
Front (minimum)	20'	20'	20'	20'	15' (i)	(f)	(f)	(h)	(h)
Rear (minimum)	20'	20'	15'	15'	10'	10'	10'	(h)	(h)
Side (minimum)	(b) (h)	5' & 10'	5' & 10' (b)	5'	(b)	5'	5'	(h)	(h)
Accessory structures	(c) (e)	(c) (e)	(c) (e)	(c) (e)	20'	(f)	(f)	(h)	(h)
<i>Height of Structures</i>									
Main (maximum)	35'	35'	35'	50'	20'	20'	20'	35'	(h)
Accessory (maximum)	12'	12'	15'	15'	12'	12'	12'	12'	(h)
Requirements	R-M*	R-3-L*	R-3-H	R-3-H-40	R-4	R-5	R-6	P-D	SP
<i>Lot Coverage</i>									
Total of all structures (maximum)	40%	40%	40%	40%	40%	40%	40%	40%	(h)
<i>Density</i>									
Maximum no. of DUs per acre of lot area	5.4, 8.7	5.4, 8.7, 14.5	21.8	43.6	6.2	14.5	14.5	PD-2.0 PD-3.5 PD-	(h)

									5.0 PD- 7.0 PD- 12.0 PD- 20.0	
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FOOTNOTES:		ABBREVIATIONS:
(a)	In the R-M, R-3-L, and R-3-H and R-4 districts, the larger figure is the minimum lot size; the smaller figure is the smaller permissible result to be produced by dividing the lot acres by the number of DUs to be constructed.	N/A—Not applicable D/U—Dwelling units SF—Single-family 2F—Two-family
(b)	One side shall be five feet, the other ten feet.	MF - Multiple-family
(c)	See section 16-273.	
(d)	In the R-5 and R-6 districts, the reference to "lots" is not appropriate; the area requirements expressed in the smaller figure and in the setback and lot coverage requirements are for mobile home sites.	
(e)	Fifteen feet with the front five feet of any mobile home or mobile home site adjacent to roadway curb being totally clear of obstructions such as fences, shrubbery, trees, etc.	
(f)	For existing duplex structures conforming to the requirements of section 16-280(a), the side yard setbacks are five feet on each side.	
(g)	See section 16-272(e).	
(h)	To be established at the time of site plan approval.	

(i)	Front setbacks for existing lots of record, the description of which is on record with the county clerk or the adoption date of the ordinance codified in this article, are established on the subdivision plat.	
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*For zoning district R-M-NC, see section 16-536 for site development requirements. For zoning district R-3-L-NC, see section 16-537 for site development requirements.

**SITE DEVELOPMENT REQUIREMENTS
COMMERCIAL INDUSTRIAL - SPECIAL DISTRICTS**

<i>Requirements</i>	P-O	C-1	C-2	C-3	R&D	M-1	M-2	P-L, W-1, W-2, H
<i>Lots</i>								
Area (minimum)	None (a)							
Frontage (minimum)	50'	50'	50'	50'	50'	50'	50'	None
<i>Structural setbacks</i>								
Main or Accessory								
Front (minimum)	0'	0'	0'	0'	50'	25'	25'	0'
Rear (minimum)	0'	0'	0'	0'	0'	0'	0'	0'
Side (minimum)	0'	0'	0'	0'	0'	0'	0'	0'
<i>Height of Structures</i>								
Main (maximum)	50'	50'	50'	50'	50'	50'	50'	50'
Accessory (maximum)	15'	15'	15'	15'	15'	15'	15'	15'
<i>Lot Coverage</i>								
All structures (maximum)	70%	70%	70%	70%	70%	70%	70%	70%

FOOTNOTES:

- (a) Where a "dwelling, single-family detached" is allowed as an accessory use on W-2 property, one such dwelling shall be permitted for lots 30 to less than 400 acres in area; lots greater than or equal to 400 acres in area shall be permitted one such accessory dwelling for every 200 acres in total area. Such dwelling will be occupied by a person or a family responsible for managing and safeguarding a use allowed in the district.

Sec. 16-538. - Downtown district.

- (a) *Purpose of the downtown district and the downtown district overlay zones.* The vision of downtown Los Alamos is a lively, economically vital, pedestrian-friendly, and convenient mixed-use traditional town center with attractive buildings, plazas, open space, and historic structures.
- (b) *Description of the downtown district.* The downtown district is intended to promote land use, site planning, and design criteria to implement the urban form and character envisioned by the Los Alamos Downtown Element or the White Rock Center Element, adopted as a part of the Incorporated County of Los Alamos Comprehensive Plan. The district boundaries shall be as defined or depicted in the above referenced Comprehensive Plan Elements.

(Ord. No. 02-039, § 7, 6-22-2004; Ord. No. 02-107, § 1, 1-12-2010; Ord. No. 02-224, § 20, 5-1-2012)

Sec. 16-539. - Downtown district: Neighborhood general overlay zone (DT-NGO),

The neighborhood general overlay zone (DT-NGO) in the downtown district is an overlay zone that is a mixed-use zone combining residential, office, commercial, civic and other uses but at the lowest density permitted in the overlay zones in the downtown district.

(Ord. No. 02-039, § 7, 6-22-2004; Ord. No. 02-107, § 1, 1-12-2010)

Sec. 16-540. - Downtown district: Neighborhood center overlay zone (DT-NCO).

The neighborhood center overlay zone (DT-NCO) in the downtown district is a mixed-use zone combining residential, office, commercial, civic and other uses at a higher density than allowed in the DT-NGO zone.

(Ord. No. 02-039, § 7, 6-22-2004; Ord. No. 02-107, § 1, 1-12-2010)

Sec. 16-541. - Downtown district: Town center overlay zone (DT-TCO).

The town center overlay zone (DT-TCO) in the downtown district is a mixed-use zone combining office, commercial, civic, certain types of residential and other uses at the highest density allowed in the downtown district.

(Ord. No. 02-039, § 7, 6-22-2004; Ord. No. 02-107, § 1, 1-12-2010)

Sec. 16-542. - Downtown district: Civic/public open space overlay zone (DT-CPO).

The civic/public open space overlay zone (DT-CPO) in the downtown district is for public uses such as parks, plazas, recreation, and civic buildings and other uses, although these types of uses may also be located in other areas of the county as permitted by the Use Index.

(Ord. No. 02-039, § 7, 6-22-2004; Ord. No. 02-107, § 1, 1-12-2010)

Secs. 16-543—16-570. - Reserved.