

CHAPTER 16

Zoning

ARTICLE I Purpose

Section 16-1	Declaration of purpose
Section 16-2-10	Reserved

ARTICLE II Definitions and Usage

Section 16-11	Rules of construction of language
Section 16-12	Definitions
Section 16-13-20	Reserved

ARTICLE III Establishment of Districts

Section 16-21	Official Zoning is R1
Section 16-22-16-30	Reserved

ARTICLE IV Administration and Enforcement

Section 16-31	Zoning Committee
Section 16-32	Building permits
Section 16-33	Application for building permit
Section 16-34	Expiration of building permit
Section 16-35	Compliance with approved plans and applications
Section 16-36	Public hearings
Section 16-37	Building Repair
Section 16-38-50	Reserved

ARTICLE V Amendments

Section 16-51	Authority to amend
Section 16-52	Rezoning applications
Section 16-53	Protest of amendments
Section 16-54-60	Reserved

ARTICLE VI Board of Trustees and Variances

Section 16-61	Variances
Section 16-62	Variance procedure
Section 16-63	Conditions on granting variances
Section 16-64-80	Reserved

ARTICLE VII Conditional Use Grants

Section 16-81	Intent of conditional use grants
Section 16-82	Approval of conditional use grants
Section 16-83	Application to existing uses
Section 16-84	Termination of conditional uses
Section 16-85	Standards and requirements for conditional use grants
Section 16-86	Procedure for conditional use grants
Section 16-87-100	Reserved

ARTICLE VIII General Application of Regulations

Section 16-101	Compliance with regulations
Section 16-102	Structures other than buildings
Section 16-103	Accessory uses and structures
Section 16-104	Basic location regulations
Section 16-105	Legal nonconformity
Section 16-106-120	Reserved

ARTICLE IX Supplementary District Regulations

Section 16-121	Visibility at intersections
Section 16-122	Home occupations
Section 16-123	Building height regulations
Section 16-124-140	Reserved

ARTICLE X Application of Individual Lot Regulations

Section 16-141	General
Section 16-142	Use regulations
Section 16-143	Minimum lot size
Section 16-144	Density
Section 16-145	Building location
Section 16-146	Minimum exterior and interior standards
Section 16-147-160	Reserved

ARTICLE XI Single Family Residential SF-1 District

Section 16-161	Intent
Section 16-162	Use Regulations
Section 16-163	Density
Section 16-164	Building location
Section 16-165-180	Reserved

ARTICLE XII Single Family Attached Residential SF-2 District

Section 16-181 Definition of Purpose
Section 16-182-200 Reserved

ARTICLE XIII Estate Residential Districts

Section 16-201 Definition of Purpose
Section 16-202-220 Reserved

ARTICLE XIV Multifamily Residential MF-1 District

Section 16-221 Definition of Purpose
Section 16-222-240 Reserved

ARTICLE XV High Density Multifamily Residential MF-2 District

Section 16-241 Definition of Purpose
Section 16-242-260 Reserved

ARTICLE XVI Neighborhood Commercial NC District

Section 16-261 Definition of Purpose
Section 16-262-280 Reserved

ARTICLE XVII Central Business CD District

Section 16-281 Definition of Purpose
Section 16-282-320 Reserved

ARTICLE XVIII Reserved

ARTICLE XIX Heavy Industrial I-H District

Section 16-321 Definition of Purpose
Section 16-322-340 Reserved

ARTICLE XX Limited Industrial I-L District

Section 16-341 Definition of Purpose
Section 16-342-360 Reserved

ARTICLE XXI Recreation and Open Space O District

Section 16-361 Definition of Purpose
Section 16-362-380 Reserved

ARTICLE XXII Planned Unit Development Regulations

- Section 16-381 Definition of Purpose
- Section 16-382-400 Reserved

ARTICLE XXIII Residential Mixed Use Development Regulations

- Section 16-401 Definition of Purpose
- Section 16-402-420 Reserved

ARTICLE XXIV Planned Mobile Home Park Development Regulations

- Section 16-421 Definition of Purpose
- Section 16-422-478 Reserved

ARTICLE XXV Vested Property Rights

- Section 16- Reserved

ARTICLE XXVI Flood Damage Prevention

- Section 16-479 Colorado Floodplain Damage Prevention Ordinance
- Section 16-480-490 Reserved

ARTICLE XXVII Historic Preservation

- Section 16-491 Designation of landmarks and historic districts
- Section 16-492 Procedures for designating structures and districts for preservation
- Section 16-493 Criteria for designation
- Section 16-494 Revocation of designation
- Section 16-495 Amendment of designation
- Section 16-496 Landmark alteration certificate required
- Section 16-497 Construction on proposed landmark sites or in proposed districts
- Section 16-498 Landmark alteration application and review
- Section 16-499 Unsafe or dangerous conditions exempted
- Section 16-500 Criteria for review of an alteration certificate
- Section 16-501 Relocation criteria
- Section 16-502 Exemptions from alteration certificate requirements
- Section 16-503 Enforcement and penalties
- Section 16-504-520 Reserved

ARTICLE XXVIII Adult Businesses

- Section 16-521 Definition of Purpose

ARTICLE I
Purpose

Sec. 16-1.Declaration of purpose.

The regulations contained in this Chapter shall be held to be minimum requirements enacted to promote the health, safety and general welfare of the Town. To these ends such regulations have been prepared in accordance with the Comprehensive Development Plan for the Town and are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings; to encourage the most appropriate use of land; and to otherwise provide for the growth of an orderly and viable community. For any Articles or deficient sections, the Florence Colorado Code 17 shall be used as the decision document.

Secs. 16-2--16-10. Reserved.

ARTICLE II

Definitions and Usage

Sec. 16-11.Rules of construction of language.

For the purposes of this Chapter, words used herein shall be interpreted in accordance with the following rules:

- (1) The particular controls the general.
- (2) In case of any difference of meaning or implication between the text of this Chapter and the heading of a section or subsection thereof, the text shall control.
- (3) The word "shall" is mandatory unless the context clearly indicates the contrary. The word "may" is permissive.
- (4) Words used in the present tense include the future unless the context clearly indicates the future tense.
- (5) Words used in the singular number include the plural and words used in the plural number include the singular, unless the context clearly indicates the contrary.

Sec. 16-12.Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Basement means that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor is more than the vertical distance from

normal grade to ceiling.

Building means any structure used, designed or intended for the roofed shelter, enclosure or protection of persons, animals or property.

Building, accessory means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use and which is not intended for human habitation.

Building elevation means the building wall, face or facade as measured to the predominant roofline. For the purpose of sign calculations, the building elevation shall be considered a two-dimensional flat surface as depicted in a site plan drawing, with each building typically having four (4) elevations, regardless of architectural features. The predominant roofline shall not include architectural elements or appurtenances such as clock towers or cupolas.

Building height means the vertical distance from ground level to the highest point of the roof surface.

Complete application means an application wherein all of the required information and submittal materials in the particulars required by this Code have been submitted to and received by the Town department or official specified in this Code, and the Zoning Committee of the Town or his or her designee has certified the application as complete.

Dwelling: A residence occupied by a single individual or family.

Dwelling, single-family attached means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance but not necessarily occupying a private lot, and sharing a common wall between adjoining dwelling units.

Dwelling, single-family detached means a residential structure designed to house a single-family unit with private outside entrance but without common walls between the dwelling units.

Dwelling unit means a housekeeping unit designed and used for occupancy by a single individual or a family containing cooking, living, sleeping and sanitary facilities and having a separate entrance.

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

Family means an individual living alone, or either of the following groups living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, unless such number is otherwise specifically limited in this Code; or
- b. Any unrelated group of persons consisting of (i) not more than four (4) persons; or (ii) not more than two (2) unrelated adults and their related children, if any.
- c. This definition shall not include individuals living in small group living facilities as defined in this

Code.

Front building corner of a principal structure. In residential zoning districts, screening devices not exceeding four (4) feet in height may be erected and extended from each of the front building corners of the principal structure into the front yard. See attached diagram See Ordinance 9 of 2013 for reference:

Home occupation means a gainful occupation conducted by members of a household within its place of residence and incidental to the residential use of the premises.

Individual sewage disposal system means any sewage disposal system serving no more than one (1) lot and approved and authorized by the Town, the State Department of Health, and any other appropriate state or local agency.

Kennel means any establishment wherein or whereon the business of boarding, training, selling or breeding dogs for sale is carried on, not, however, including veterinary hospitals, veterinary clinics, veterinary offices or pet shops. If the occupants of any dwelling unit harbor more than 4 or more dogs over the age of six (6) months, such occupants shall be deemed to be operating a kennel.

Lot means a single parcel of contiguous land occupied or intended to be occupied by such structures and uses as permitted under this Chapter, together with the open spaces required by this Chapter and abutting on a public street or officially approved way.

Lot area means the area of land bounded by lot lines, exclusive of land provided for public thoroughfare.

Lot lines means the lines bounding a lot as defined herein.

Manufactured home means a single-family dwelling which:

- a. Is partially or entirely manufactured in a factory;
- b. Is not less than 960 square feet of living space. For the purpose of this definition, a mobile home shall be considered a manufactured home.
- c. Is installed on an engineered permanent foundation:
- d. Has brick, wood, masonite or a cosmetically equivalent exterior siding and a pitched roof;
- e. Meets or exceeds on an equivalent performance engineering basis standards established by the Building Code of the Town.
- f. Constructed no earlier than fifteen (15) years prior to the current year.
- g. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Section 5401, et seq, as amended.

Minor tenant means any use that (1) contains gross leasable area (GLA) equal to or less than five thousand (5,000) square feet and (2) if part of a multiple tenant building, the use is not the largest tenant, in terms of

GLA, in the building that it occupies.

Mobile home means a single-family dwelling which: Is not less than 960 square feet of living space, and constructed no earlier than ten (10) years before the current date. For the purpose of this definition, a mobile home shall be considered a manufactured home. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended.

Motel means a building or series of buildings in which lodging is offered for compensation and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.

Nonconforming lot means a lot which does not conform to the lot size regulations of the district in which it is located.

Nonconforming structure means a structure which does not conform to the building location regulations of the district in which it is located.

Nonconforming use of land means a use of any land in a way which does not conform to the use, density or open space regulations of the district in which it is located.

Nonconforming use of structure means a use carried on within any building which does not conform to the use or density regulations of the district in which it is located.

Offset means the horizontal distance between any structure and a lot line, other than a street right-of-way line.

Open house means a temporary event intended to market or advertise the sale of the property at which the open house is located.

Open space, livable means open space on a building site, exclusive of space devoted to vehicular streets, drives and parking areas and including pedestrian ways, space for active and passive recreation and landscaping.

Outdoor recreational facilities means land and structures, along with accessory equipment, designed and utilized for leisure-time activities of a predominantly outdoor nature and of more specific purposes than passive park-like open areas and further classified as follows:

- a. *Public* - Facilities owned and operated by a governmental agency for limited or general public use.
- b. *Private commercial* - Facilities owned and operated by an individual or group for profit as a business, whether or not open to general public use.
- c. *Private group* - Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.
- d. *Private residential* - Facilities owned by an individual, located on the same lot as or an adjoining lot to his or her residence and intended solely for the use of his or her family and guests.

Parapet means an extended wall or false building front above a roofline.

Parking lot means a group of off-street parking spaces which is designed to be used for the temporary parking of motor vehicles. As used in this Section, any such group of off-street parking spaces shall not include any

part of any street or alley and shall not include any off-street storage areas for industrial uses which are (a) authorized by the Town through the site-planning process, and (b) shown on the site plan for the respective industrial development.

Planning Procedures Manual is the manual approved by the Board of Trustees.

Private lodge or club means a structure or grounds used for regular or periodical meetings or gatherings of a group of persons organized for a nonprofit purpose but not groups organized to render a service customarily carried on as a business.

Professional office means the office of a doctor, dentist, architect, engineer, lawyer or other similar recognized profession.

Retail store means a commercial establishment for the sale of material goods or commodities in relatively small quantities directly to the consumer.

Setback means the horizontal distance between any structure and the established street right-of-way line.

Sign, off-premises means a sign not directly related to the use of the premises on which such *off premises sign* is located.

Sign, regulatory traffic means traffic control and informational signage typically erected or required to be erected by government agencies such as the Town or the Colorado Department of Transportation.

Small group living facilities means state-licensed group homes for the developmentally disabled or mentally ill, nonprofit or owner-occupied group homes for the aged as defined in Section 31-23-303(2), C.R.S., wherein not more than eight (8) unrelated individuals are living together in a single dwelling unit with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit. None of the residents of *small group living facilities* shall receive on-site medical or psychological treatment, therapy or counseling, but some or all of the residents may receive physical assistance with day-to-day living activities.

Street means a public or private right-of-way usually affording primary access to abutting property.

Street frontage means that portion of a legal lot which abuts a designated public or private street. For the purpose of overall development identification sign calculations, the *street frontage* shall be calculated as the *street frontage* that abuts a street classified as an arterial or collector adjacent to the property upon which the overall development is located.

Structure means a combination of materials other than natural terrain or plant growth, erected or constructed to form a shelter, enclosure, retainer, container, support, base, pavement or decoration. The word "structure" includes buildings.

Structure, principal means the structure on a lot in which the principal use is conducted (see *use, principal*).

Use, accessory means a use subordinate to and customarily incidental to the permitted principal use of the property or buildings and located upon the same lot as the principal use.

Use, legal nonconforming means a building or premises lawfully used or occupied at the time of the passage

of this Chapter or amendments thereto, which use or occupancy does not conform to the regulations of this Chapter or the amendments thereto.

Use, permitted means the utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which said land is located.

Use, principal means the main or primary use of property or structures as permitted on such lot by the regulations of the district in which it is located.

Secs. 16-13--16-20. Reserved.

ARTICLE III

Establishment of Districts

Sec. 16-21. Official Zoning is R1

The official zoning of the Town is R1, single family residential.

Secs. 16-22--16-30. Reserved.

ARTICLE IV

Administration and Enforcement

Sec. 16-31. Zoning Committee.

(a) The Zoning Committee designated by the Board of Trustees shall administer and enforce this Chapter. The Zoning Committee may be provided with the assistance of such other persons as the Board of Trustees may direct.

(b) If the Zoning Committee shall find that any of the provisions of this Chapter are being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Committee shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures or of additions, alterations or structural changes thereto, or discontinuance of any illegal work being done; or take any other action authorized by this Code to ensure compliance with or prevent violation of its provisions.

Sec. 16-32. Building permits.

No building or other structure shall be erected, moved, added to, remodeled, repaired, structurally altered or any work accomplished or undertaken subject to the requirements of Chapter 18 without obtaining a permit therefore, issued by the by the Town Clerk. No building permit shall be issued except in conformity with the provisions of this Code, except after written order from the Board of Adjustment.

Sec. 16-33. Application for building permit.

(a) All applications for building permits shall be submitted to the Town Clerk and reviewed by the Building Inspector to determine compliance with established building codes, zoning and lot setback requirements. Applications shall be accompanied by plans in duplicate, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alterations. The application shall include such other information as lawfully may be required , including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families or dwelling units the building is designed to accommodate; conditions existing on the lot; and such matters as may be necessary to determine conformance with and provide for the enforcement of this Chapter.

(b) In addition to 16.33 (a), All applications for building permits, that require a variance from established building codes, zoning or lot setback requirements, shall reviewed by the Planning and Zoning Committee. The application shall include such other information as lawfully may be required, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families or dwelling units the building is designed to accommodate; conditions existing on the lot and such matters as may be necessary in order for the Planning and Zoning Committee to determine conformance with and provide for the enforcement of this Chapter and to provide a recommendation for or against acceptance of the variance to the Town Board.

(c) One (1) copy of the plans shall be returned to the applicant by the Town Clerk after the plans have been marked either as approved or disapproved and attested to same by his or her signature on such copy. The second copy of the plans, similarly marked, shall be retained in Town Hall.

Sec. 16-34. Expiration of building permit.

(a) If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire.

(b) If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire.

(c) No repair in the amount of one thousand five hundred dollars (\$1,500) or less shall require a permit.

Sec. 16-35. Compliance with approved plans and applications.

Building permits issued on the basis of plans and applications approved by the Zoning Committee authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Code.

Sec. 16-36. Public hearings.

(a) No regulation, restriction or boundary of this Chapter shall become effective, nor shall any such regulation, restriction or boundary be amended until after a public hearing thereon, at which parties in interest and citizens shall have an opportunity to be heard.

(b) Upon the filing of an application, petition or other document, the designated hearing authority shall set a date for a public hearing, which date shall be not more than sixty (60) days from the date of filing such petition, application or document.

(c) Not less than fifteen (15) days prior to the date set for the hearing, the Board of Trustees shall cause a notice stating the time, place and purpose of such hearing to be published once in a newspaper in general circulation in the County of Fremont. When the hearing involves a proposed change in the zoning district classification of any property or the granting of a conditional use, a notice stating the time, place and purpose of such hearing shall be posted in the vicinity of such proposed change or conditional use.

Section 16-37 Building Repair:

No repair in the amount of one thousand five hundred dollars (\$1,500) or less shall require a permit. Failure to obtain a permit for actions listed in 16-32 will result in the following:

First offense: Property owner and/or contractor will be issued a warning and work will be suspended until the required permit is obtained.

Second offense for the same type of violation: The property owner and/or contractor will be issued a ticket in the amount of \$50 plus court cost and all work will be suspended until ticket is paid and permit obtained. Any contractor involved shall receive a written advisement that any additional violations will result in their being added to a "watch" list for adherence to permit requirements.

Third violation of the same type: The fine will be \$100 plus court costs. Each violation after the third will result in a fine of 10% of the project cost plus court costs per violation. Any contractor involved after the third violation will not be allowed to perform work within the Town of Williamsburg.

Secs. 16-38—16-50. Reserved.

ARTICLE V

Amendments

Sec. 16-51. Authority to amend.

The Board of Trustees may amend, supplement, change or repeal the regulations, restrictions and district boundaries set forth in this Chapter, after public notice and hearing as provided in Section 16-36 and after first submitting the proposal to the Zoning Committee for report and recommendation. The Zoning Committee shall submit a written recommendation to the Board of Trustees within forty-five (45) days after receipt of such submittal. Upon failure of the Zoning Committee to submit a recommendation within forty five (45) days, the Board of Trustees may amend, supplement, change or repeal the regulations, restrictions and district boundaries set forth in this Chapter, after public notice and hearing as provided in Section 16-36.

Sec. 16-52. Rezoning applications.

(a) Purpose. The purpose of this Section is to provide a procedure for changing the existing zone classification of a parcel of land within the Town.

(b) Responsibilities of applicant.

(1) The applicant is responsible for having a representative at all meetings when the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.

(2) The applicant shall meet with the Zoning Committee to obtain a rezoning petition and to discuss the requirements of rezoning.

(c) Preliminary submission to Zoning Committee.

(1) Procedure. The applicant shall submit to the Planning Committee the rezoning petition, the review fee as established by resolution of the Board of Trustees, a minimum of twenty (20) folded copies of the preliminary rezoning map and the required supportive information. Such submission shall allow the Zoning Committee to schedule consideration of the rezoning proposal by the Zoning Committee.

a. Upon the filing of the preliminary rezoning map, the applicant or the applicant's representative shall distribute copies of the preliminary rezoning map to the appropriate agencies and offices listed in Section 17-74(a)(1). The map shall be accompanied by written notice to the agencies and offices that any comments or objections must be received by the Zoning Committee within ten (10) days of receipt of the notice. It shall be the responsibility of the applicant or the applicant's representative to provide evidence in a form sufficient to the Zoning Committee that the rezoning map and accompanying notice were properly distributed.

b. The Zoning Committee shall submit the rezoning petition, rezoning map and the required supportive information to the Board of Trustees. The Zoning Committee shall give notice and hold a public hearing on the request as provided in Section 16-36. The Zoning Committee shall submit a written recommendation to the Board of Trustees within the time limit fixed by Section 16-51.

(2) Preliminary rezoning map and data. All rezoning maps shall be made with an engineer's scale, minimum scales to be one (1) inch represents two hundred (200) feet, shall be on one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

a. The date of preparation, the scale and a symbol designating true north.

b. A legal description of the area proposed for rezoning, including total acreage.

c. Each ownership within and adjacent to the property.

d. Existing and proposed zone classification.

e. The location and dimensions of all existing and proposed easements and rights-of-way.

f. A description of all developed on-site property, including its use and total acreage.

g. Vicinity map.

(3) Supportive information. The following supportive information shall be submitted with the rezoning map:

a. Complete rezoning petition.

b. List of names and mailing addresses of owners of all property within one thousand (1000) feet of the area for which rezoning is requested.

c. A statement regarding the justification for rezoning.

(d) Final submission to Board of Trustees.

(1) Procedure. The applicant shall submit to the Zoning Committee a minimum of fifteen (15) folded copies of the final rezoning map a minimum of fifteen (15) days prior to a regularly scheduled meeting of the Board of Trustees.

a. The Board of Trustees shall give notice and hold a public hearing on the rezoning request as provided in Section 16-36.

b. If the rezoning request is approved, the ordinance effecting the rezoning shall become effective thirty (30) days after publication. The Official Zoning Map of the Town shall be changed only upon the approval of the Board of Trustees, in accordance with Section 16-22 of this Chapter.

(2) Final rezoning map. The final rezoning map shall conform to the preliminary rezoning map as approved. Appropriate certification blocks, as provided in the Planning Procedures Manual, shall appear on the final rezoning map.

(3) Upon final approval of the Board of Trustees, the applicant shall submit to the Zoning Committee either two (2) translucent original Mylars of final rezoning maps to be recorded in the office of the Fremont County Clerk and Recorder or three (3) translucent original Mylars of final rezoning maps to be recorded in the office of the Fremont County Clerk and Recorder within ten (10) days of the effective date of the ordinance. Reproduction Mylars, dark colored or tinted Mylars and sepias will not be accepted.

Sec. 16-53. Protest of amendments.

In case of a protest against a proposed change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred (100) feet there from or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees.

Secs. 16-54--16-60. Reserved.

ARTICLE VI

Board of Trustees and Variances

Sec. 16-61. Variances.

(a) The Board of Trustees is empowered to grant variances from the regulations and provisions of this Chapter.

(b) A variance, if granted, will constitute a change in the zoning provisions of this Chapter as distinct from a conditional use grant which allows for inclusion within the zones established by this Chapter certain anticipated uses of a unique nature or character justified by temporary conditions. Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured.

Sec. 16-62. Variance procedure.

(a) Application. An application for a variance shall be submitted to the Town Clerk in writing, together with the required application fee.

(b) Determination by Board of Adjustment. The Board of Trustees shall give notice and hold a public hearing on all variance applications in accordance with Section 16-36 of this Code. The Board of Trustees shall consider the application for variance at a public meeting.

Sec. 16-63. Conditions on granting variances.

In granting any variance, the Board of Trustees impose such conditions and requirements with respect to location, construction, maintenance and operation in addition to any which may be stipulated by this Chapter as deemed necessary for the protection of the adjacent properties and the public interest and welfare. Violation of such conditions and requirements, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code.

Secs. 16-64--16-80. Reserved.

ARTICLE VII

Conditional Use Grants

Sec. 16-81. Intent of conditional use grants.

The conditional use classification is intended to provide the inclusion within a district of uses of such unique nature or character or uses which are so dependent upon specific contemporary conditions that predetermination of permissibility by right, or the detailing within the chapter of specific standards, requirements or conditions necessary or appropriate to such permissibility, is not practical, but which may be permitted in the district where listed, subject to conditions and requirements as hereinafter specified.

Sec. 16-82. Approval of conditional use grants.

Subject to final approval and acceptance by the Board of Trustees, uses listed as conditional uses may be permitted upon a petition to the Zoning Committee for a conditional use grant and subject to approval by the Commission. The Zoning Committee shall base its determination on general considerations as to the effect of such permit on the health, safety, welfare and economic prosperity of the Town and specifically on the effect of such use upon the immediate neighborhood in which it would be located, including the considerations listed in Section 16-85 below.

Sec. 16-83. Application to existing uses.

A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only upon approval of a conditional use grant shall automatically be granted conditional use status. In such cases, the grant of conditional use status shall be based upon the existing conditions at that time, and any expansion or change in use shall require changing of the conditional use grant. Petition may be made at any time for expansion or other change of the conditional use grant, and such petition shall not prejudice the existing grant as herein authorized.

Sec. 16-84. Termination of conditional uses.

Where a permitted conditional use does not continue in conformity with the conditions of the original approval or where a use is no longer compatible with the surrounding area, the conditional use grant may be terminated by the Board of Trustees upon referral to the Zoning Committee and public hearing thereon. Such use shall thereafter be classified as a legal nonconforming use; except that, where the action is due to failure to comply with the conditions of the conditional use grant, the Board of Trustees may require complete termination of the use.

Sec. 16-85. Standards and requirements for conditional use grants.

- (a) Approval of a conditional use grant shall be based on the evaluation of such factors as the following:
 - (1) The character and quality of the area in which the use will be located.
 - (2) The physical appearance of the use, including suitability of architectural and landscaping treatment.
 - (3) Appropriate location of the building or buildings on the lot.
 - (4) Adequate provision of parking, loading and circulation facilities.
 - (5) Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.
 - (6) Potential effect of the use on storm drainage in the area.
 - (7) Adequacy of planting screens where necessary.
 - (8) Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.
 - (9) The general compatibility of the proposed use with the area in which it is to be located.
- (b) Conformity with regulations. Except as may be specifically otherwise provided, any conditional use shall conform to the lot size, building location, building size, open space and height limitation regulations of the district in which it is located.
- (c) Accessory uses. Uses and structures accessory to a principal conditional use shall be subject to appropriate regulations in the same manner as herein set forth for the principal conditional use.

Sec. 16-86. Procedure for conditional use grants.

- (a) Filing. A petition for a conditional use grant shall be submitted in writing and filed with the Town Clerk, who shall promptly refer such petition to the Zoning Committee. Such petition shall be

accompanied by building site and operational plans and by such other data and information as necessary for proper evaluation of the request.

- (b) Hearing. The Zoning Committee shall conduct a study and investigation of the petition and shall give public notice and hold a public hearing thereon as provided in Section 16-36.
- (c) Decision. Following public hearing the Zoning Committee shall make a determination and set forth its decision in writing, indicating conditions of approval or if the petition is disapproved, indicating the reasons for disapproval. The determination of the Zoning Committee shall be transmitted forthwith in writing to the Board of Trustees, which shall, at the next regular meeting, finally approve or disapprove the decision of the Zoning Committee.
- (d) Recording. When a conditional use grant is approved, such approval shall be appropriately noted on building permits and zoning certificates.

Secs. 16-87--16-100. Reserved.

ARTICLE VIII

General Application of Regulations

Sec. 16-101. Compliance with regulations.

Within the Town, the use of any land, the size and placement of lots, the use, location and type of structure thereon and the provision of open spaces shall be in compliance with the regulations established herein and made applicable to the district or districts in which such land or structure is located.

Sec. 16-102. Structures other than buildings.

(a) Structures less than six (6) inches in height. Structures not classified as buildings and less than six (6) inches in height from the surface of the ground shall not be subject to the setback, offset, building size or open space requirements of this Chapter, except as may be specifically otherwise provided.

(b) Structures six (6) inches or more in height. Structures not classified as buildings and six (6) inches or more in height from the surface of the ground shall be subject to the setback, offset, height limitation and open space requirements of this Chapter, except as may be specifically otherwise provided.

Sec. 16-103. Accessory uses and structures.

(a) General. Any accessory use or structure shall conform to the applicable regulations of the Town in which it is located, except as specifically provided.

(b) Permanent structures.

(1) Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(2) With the exception of the restrictions and limitations hereinafter set forth, fences, walls and other architectural screening devices, not in excess of six (6) feet in height, shall be permitted on lots within the Town.

a. No fences, walls or other solid architectural screening devices, including, but not limited to, wooden or vinyl fences, and continuous hedge rows and other natural or artificial barriers in excess of four (4) feet in height, shall be permitted in the front yard of any residential zoning district in the Town.

b. Chain link fences shall be permitted in the yard of any residence in the Town.

c. In residential zoning districts, screening devices not exceeding four (4) feet in height may be erected from the front building corners of the principal structure into the front yard.

d. In the event screening devices in excess of six (6) feet in height are permitted under the provisions of this Code, all such screening devices shall conform to all setbacks, offset and height requirements of the zoning district in which such screening devices are permitted.

e. All permitted screening devices, of whatever kind or nature, shall conform to the visibility requirements of Section 16-121 of this Chapter.

f. No fencing is allowed within any road right-of-way.

(c) Barbed wire and electrical fences. It shall be lawful to erect or maintain, in the Town, a fence equipped with or having barbed wire, spikes or any similar device or any electric charge sufficient to cause shock, unless otherwise prohibited by the Town Board.

(d) For the purposes of this subsection, "accessory buildings" shall include all structures placed on the property, including all structures that have wheels and which may be moved on and off of the property. "Accessory buildings" includes all mobile homes not intended for primary habitation, buildings that exceed specifications listed in 16-103(b)(2)(d) whether the item was built for human habitation or not. Prior to placement of the accessory buildings on any property, the Town of Williamsburg must be notified. Notification does not require a permit. All other permit procedures remain in effect.

Sec. 16-104. Basic location regulations.

(a) Building must be on a lot. Every building hereafter erected, structurally altered or relocated shall be placed on a lot as herein defined.

(b) Only one (1) residence structure shall be permitted on a lot.

Sec. 16-105. Legal nonconformity.

The existing lawful use of a building or premises at the time of the enactment of this Chapter or any amendment applicable thereto which is not in conformity with the provisions established by this Chapter may be continued in the manner and for the purposes then existent, subject to the conditions hereinafter stated. For the purpose of administration, such nonconformity shall be classified and regulated as follows:

(1) Nonconforming structure.

a. No such structure shall be expanded or enlarged except in conformity with the regulations of the district in which it is located.

b. When such structure is damaged to the extent of more than fifty percent (50%) of its current local assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.

(2) Nonconforming use of structures.

a. No such use shall be expanded or enlarged.

b. Upon petition to and approval by the Zoning Committee, such use may be changed to another use, provided that the Zoning Committee determines that the new use would result in greater or no less degree of conformity, and provided further that such new use shall thereafter determine the degree of legal nonconformity.

c. Where any such use is discontinued for a period of twelve (12) consecutive or eighteen (18) accumulative months during any three (3) year period, any future use of the structure shall conform to the regulations of the district in which it is located.

d. Where the structure in which such use is carried on is damaged to the extent of more than fifty percent (50%) of its current local assessed value, it shall not be restored for use except in conformity with the regulations of the district in which it is located.

e. Structural repairs and alterations to a structure housing such use shall not, as long as such use continues, exceed fifty percent (50%) of the local assessed value of the structure at the time the use became nonconforming.

(3) Nonconforming lots.

a. No building permit shall be issued except in conformity with Article IV of this Chapter.

b. The size and shape of such lot shall not be altered in any way so as to increase the degree of nonconformity, except with the approval of the Zoning Committee.

(4) Nonconforming use of land.

a. No such use shall be expanded or enlarged.

b. Upon petition to and approval by the Zoning Committee, such use may be changed to another use, provided that the Zoning Committee determines that the new use would result in greater or no less degree of conformity, and provided further that such new use shall thereafter determine the degree of legal nonconformity.

c. Where any such use is discontinued for a period of twelve (12) consecutive or eighteen (18) accumulative months during any three (3) year period, any future use of the land shall conform to the regulations of the district in which it is located.

Secs. 16-106--16-120. Reserved.

ARTICLE IX

Supplementary District Regulations

Sec. 16-121. Visibility at intersections.

No substantial impediment to visibility between the heights of three (3) and eight (8) feet shall be created or maintained at street intersections within a triangular area described as follows: beginning at the point of intersection of the edges of the driving surface, then to points forty (40) feet along both intersecting edges and then along a transverse line connecting these points.

Sec. 16-122. Home occupations.

(a) Home occupations shall be permitted as an accessory use of any dwelling unit in any Single Family Residential property, whether or not authorized as a named accessory use by this Code, if the following conditions are met and continuously exist:

- (1) No more than one (1) home occupation shall be allowed as an accessory use of any dwelling
- (2) All persons carrying on the occupation must be regular inhabitants of the dwelling unit and the home occupation shall not employ other than those inhabitants for any purpose.
- (3) Such use shall be incidental and secondary to the residential purposes of the dwelling unit and the occupational activity shall be harmonious with the residential use.
- (4) The total area used for such purposes shall not exceed three hundred (300) square feet of the dwelling unit.
- (5) There shall be no advertising display or other indications of home occupation on the premises.
- (6) Merchandise shall not be sold or displayed for sale at the dwelling unit.
- (7) There shall be no offensive noise, vibration, smoke, dust, odor, heat or glare noticeable at or beyond the property line which would not exist but for the home occupation.
- (8) In the event the home occupation involves tutoring or instruction, no more than two students may be present at the dwelling unit at any one (1) time.
- (9) In the event the home occupation involves child care, the number of children cared for at the dwelling unit at any one (1) time shall be limited to the lawful number permitted by the rules and regulations for day care homes then in effect and issued by the Department of Social Services of the State. The home occupation of child care shall be exempt from the square footage conditions as set forth in Subsection (a)(4) hereof.
- (10) Such use may not adversely affect traffic flow and parking in the surrounding residential area.

(b) Home occupation by conditional use grant.

- (1) All uses not in compliance with all of the conditions set forth in Subsection (a) hereof but located within a Single-Family Residential Zoning District shall require a conditional use grant as set forth in Article VII of this Chapter.

(2) All uses in compliance with all of the conditions set forth in Subsection (a) hereof but located in Residential Zoning Districts other than Single-Family Residential Zoning Districts shall require a conditional use grant as set forth in Article VII of this Chapter.

(3) No home occupation shall be allowed in other than Residential Zoning Districts.

(c) Registration of Home Occupations. All persons engaged in home occupations shall register said occupations with the Town Clerk. Registration shall be required whether the home occupation is allowed by right under Subsection (a) hereof or by conditional use grant under Subsection (b) hereof. The registration shall include the name and address of the persons conducting the home occupation and a description of said occupation. In the event the home occupation is allowed by right under Subsection (a) hereof, the registration shall include a statement that the home occupation complies and will continue to comply with the conditions set forth in Subsection (a) hereof. In the event the home occupation is by conditional use grant, the registration shall similarly require a statement of continuing compliance as to all conditions set forth in Subsection (a) hereof, with the exception of those conditions from which an exemption by conditional use grant has been allowed. There shall be no fee for the registration set forth herein.

(d) All home occupations lawfully in existence at the time of the adoption of this Section shall be allowed to continue at their present levels of activity and in their present form; and, if hereafter changed, those home occupations must conform to the requirements of this Section.

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Sec. 16-123. Building height regulations.

(a) Intent. The following regulations are intended to preserve the comprehensive development plan of the Town, create a desirable architectural effect, contribute to fire safety and, generally, to promote a desirable community environment.

(b) General regulations. The following regulations shall apply to all buildings and structures within the boundaries of the Town:

(1) In zones classified as Residential and Estate Residential, no building or structure shall exceed a maximum height of twenty-five (25) feet from the top of the foundation.

(c) Prohibited signs.

(1) No sign shall be erected on the roof of any building.

(2) No sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. The only exception shall be signs which provide a legitimate public service, such as the giving of time and temperature.

(3) No sign or part thereof shall contain or consist of strings of lights, ribbons, streamers, spinners or similar moving, fluttering or revolving devices. Inflatable signs such as blimps, animals, inflatable representations of a product for sale and other inflatable devices shall also be prohibited. Such devices shall not be used for the purposes of advertising or attracting attention.

(4) Searchlights, whether stationary or revolving, beacons or other similar devices used for the purposes of advertising or attracting attention shall be prohibited.

(5) Unpainted signs, broken signs and signs on vacated buildings shall be removed from the premises or repaired or renovated by the owners of the premises on order of the code enforcement officer.

(6) No sign shall obscure vision or views of the natural landscape or the larger urban area along arterial and collector streets and roads, nor shall any such sign be distracting to motorists.

(7) No sign shall be erected at the intersection of any street or road in such manner as to obstruct clear vision, nor shall any sign be erected at a location where, by reason of its position, shape or color, it may interfere with, obstruct the view of or be confused with any traffic sign, signal or control device.

(8) Off-premises signs. No outdoor advertising sign, billboard or other advertising media not directly related to the use of the premises on which it is located shall be permitted in any RE-1 except as a conditional use in such districts as are hereinafter provided. Any off-premises sign permitted as a conditional use shall be in harmony with the spirit and intent of these regulations. Temporary signs advertising open houses shall be allowed in accordance with Subsection 16126(g)(10) below.

(9) Signs pertaining to special events which refer to particular periods or points of time, such as garage sales, shall not be erected any sooner than the day before the event and shall be completely removed no later than two (2) hours after the end of the event.

(10) Pole-mounted signs are prohibited.

(11) No sign shall be mounted to or otherwise applied to trees or other landscaping, regulatory traffic signage, utility and light poles or other similar structures, and shall not be located within road rights-of-way or private street easements.

(d) Residential district signs.

No sign shall be erected or maintained in the Single-Family Residential SF-1, Single-Family Attached Residential SF-2, Estate E-1 or E-2, Multifamily Residential MF-1, High-Density Multifamily Residential MF-2, Recreation and Open Space zoning district or a residential component of a Residential Mixed Use RMU zoning district (Commercial and industrial uses within a Residential Mixed Use RMU zoning district as approved by the Town shall comply with the applicable commercial and industrial district sign regulations) except in conformity with the following regulations:

(1) A sign identifying the property or the name of the owner or occupant of property, provided that such sign is not in excess of two (2) square feet in area and provided further that not more than one (1) such sign is erected on any single lot or parcel.

(2) Signs pertaining to the lease or sale of the property on which they are located or of any building thereon, provided that such signs do not exceed six (6) square feet in area per side and further provided that no more than two (2) such signs are located on any single lot or parcel.

(3) Signs identifying any of the following uses in a residential district shall be allowed, subject to a maximum sign area of twenty-four (24) square feet and, further, not more than one (1) such sign per street frontage shall be erected on any single lot or parcel, not to exceed a total of two (2) such signs. Such freestanding signs identifying the following uses shall not exceed six (6) feet in height and shall be located in accordance with the offset and setback requirements of this Section:

a. Public or private school.

- b. Church.
- c. Nursing or rest home.
- d. Public Park

Secs. 16-124--16-140. Reserved.

ARTICLE X

Application of Individual Lot Regulations

Sec. 16-141. General.

The regulations set by this Chapter within each district shall be held to be minimum requirements and shall apply to each class or kind of structure or land, except as hereinafter provided.

Sec. 16-142. Use regulations.

No structure or land shall be used and no structure shall be hereafter erected, structurally altered or relocated except for a use as permitted in compliance with the regulations hereinafter established for the district in which it is located.

Sec. 16-143. Minimum lot size.

No building shall be erected on a lot of less size than hereinafter specified by the regulations of the Town of Williamsburg in which such building is located.

Sec. 16-144. Density.

(a) Method. In single-family residential development, the density is established by the minimum required lot size.

Sec. 16-145. Building location.

(a) Setback.

(1) No building shall hereafter be erected, structurally altered or relocated so that any portion thereof is closer to the base setback line than the minimum setback distance hereinafter specified by the regulations of the Town.

(2) The only structures permitted within such setback area shall be necessary highway and traffic signs, public utility lines, fences, screens and mailboxes.

(b) Offsets. No building shall hereafter be erected, structurally altered or relocated so that any portion thereof is closer to any lot line than the offset distance hereinafter specified by the regulations for the Town: except as

follows:

(c) Maintenance and use of setback and offset areas.

(1) All setback and offset areas which are not fully contained within and concealed by a solid fence, wall or other similar screening device shall be landscaped and kept clean and free from the accumulation of debris and refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material, except as may be specifically otherwise permitted under this Chapter; and

(2) In addition to the requirements outlined in subparagraph (1) above and regardless of whether or not any such setback or offset area is fully contained within and concealed by a solid fence, wall or other similar screening device, a clear, open passageway no less than five (5) feet wide.

Sec. 16-146. Minimum exterior and interior standards.

All single-family, **constructed after adoption of these codes**, detached dwellings shall meet the UBC building code.

(1) All dwellings shall be set on and attached to a permanent recessed foundation and shall include a crawl space.

(2) The pitch of the roof shall be not less than three (3) inches of rise for each one (1) foot of horizontal run.

(3) Roofing materials shall be asphalt shingles or the equivalent.

(4) All dwellings shall face the public street.

(5) The exterior finish of all dwellings shall be of brick, wood, masonite or a cosmetically equivalent finish and shall be of acceptable similarity to the surrounding residential dwellings.

Secs. 16-147--16-160. Reserved.

ARTICLE XI

Single-Family Residential SF-1 Zone

Sec. 16-161. Intent.

The Single-Family Residential SF-1 Zone is intended to provide for the development of single-family dwellings with a full complement of accessory uses. It is intended that such development be served by institutional uses and community facilities compatible with the character of the Zone.

Sec. 16-162. Use regulations.

A building or lot may be used for the following uses and no other:

(1) Principle uses permitted by right.

a. All single-family detached dwellings including manufactured homes which otherwise meet the minimum standards set forth in Section 16-147.

b. Public parks and recreation areas.

(2) Permitted accessory uses.

a. Private garages, carports and paved parking areas.

b. Private residential and private group outdoor recreational facilities, including, by way of example but not of limitation, swimming pools and tennis courts.

c. Home occupations, subject to the provisions of Section 16-122.

d. Service buildings and facilities normally incidental to the use of a public park or recreation area.

e. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

Sec. 16-163. **Density.**

Any subdivision of property shall consist of lots no less than one (1) acre.

Sec. 16-164. **Building location.**

Minimum setback shall be twenty (20) feet. Minimum offset shall be five (5) feet.

Secs. 16-165--16-180. **Reserved.**

ARTICLE XII

Single-Family Attached Residential SF-2 Zone

Sec. 16-181. **Definition of Purpose:**

The Single-Family Attached Residential SF-2 District is intended to provide for residential development of single-family attached dwellings of the duplex or townhouse type where all dwelling units have ground level occupancy and private entrances at relatively low density and where such development would be compatible with surrounding residential uses.

Secs. 16-182-16-200. **Reserved.**

ARTICLE XIII

Estate Residential Districts

Sec. 16-201. Definition of Purpose:

The Estate Residential E-2 District (E-2 District) is intended to provide for single-family residential subdivision development which utilizes public water and sewer services and provides for such development to be served by community facilities which are compatible with the District, while at the same time providing for the maximum usage of topographic features to promote a balance of residential zoning, open space features and a semi-rural environment which will utilize urban-level services and improvements which are required in the Single-Family Residential District.

Sec. 16-202-16-220 Reserved.

ARTICLE XIV

Multifamily Residential MF-1 District

Sec. 16-221. Definition of Purpose:

The Multifamily Residential MF-1 District is intended to provide for residential development of multifamily dwellings in areas where such development would be compatible with surrounding uses and where such intensive use would not create service problems.

Sec. 16-222-16-240 Reserved.

ARTICLE XV

High-Density Multifamily Residential MF-2 District

Sec. 16-241. Definition of Purpose.

The High-Density Multifamily Residential MF-2 District is intended to provide for more intensive development of multifamily residential district in areas where such development would be compatible with surrounding areas and where such intensive use would not create service problems.

Sec. 16-242-16-260 Reserved.

ARTICLE XVI

Neighborhood Commercial NC District

Sec. 16-261. Definition of Purpose.

The Neighborhood Commercial NC District is intended to provide for appropriately located groups of retail stores and service establishments serving the daily needs of a local neighborhood and of such character, scale, appearance and operation as to be compatible with the character of the surrounding residential areas.

Sec. 16-262-16-280 Reserved.

ARTICLE XVII

Central Business CB District

Sec. 16-281. Definition of Purpose.

The Central Business CB District is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment and governmental facilities serving as a center of community activity. It is the further intent of this district to conserve and enhance the existing central business area for the benefit of the community as a whole.

Sec. 16-282-16-320 Reserved.

ARTICLE XVIII RESERVED

ARTICLE XIX

Heavy Industrial I-H District

Sec. 16-321. Definition of Purpose.

The Heavy Industrial I-H District is intended to identify and preserve land suitable for heavy industrial use and to provide for the orderly grouping of such uses in an appropriate setting. The further intent of this district to establish such regulatory controls as are deemed necessary to promote a harmonious relationship between heavy industrial uses and the community at large.

Sec. 16-322-16-340 Reserved.

ARTICLE XX

Limited Industrial I-L District

Sec. 16-341. Definition of Purpose.

The Limited Industrial I-L District is intended to identify and preserve land suitable for limited industrial use and to provide for the orderly grouping of such uses in an appropriate setting. The intent of this district is to establish such regulatory controls as are deemed necessary to promote a harmonious relationship between limited industrial uses and the community at large.

Sec. 16-342-16-360 Reserved.

ARTICLE XXI

Recreation and Open Space O District

Sec. 16-361. Definition of Purpose.

The Recreation and Open Space O District is intended to preserve land for recreational uses and public and private open space. Residential development of such areas would be subject to rezoning. However, residential subdivisions could encompass open space areas if the open space within such developments was planned to overlay the previous Recreation and Open Space.

Sec. 16-362-16-380 Reserved.

ARTICLE XXII

Planned Unit Development Regulations

Sec. 16-381. Definition of Purpose.

(a) The planned unit development (hereinafter called PUD) provisions contained herein are intended to provide for the planning and development of substantial tracts of land, suitable in location and character for the uses proposed, as unified and integrated entities in accordance with detailed development plans.

(b) Such planned unit developments are to be permitted as amendments to the Official Zoning District Map upon approval of a specific development proposal which complies with the requirements and standards set forth in this Chapter.

(c) The regulations contained herein, which are based on sound comprehensive planning principles, are adapted to unified planning and development and are intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development.

(d) Specifically, the PUD provisions are intended to further the following objectives:

(1) To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.

(2) To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.

(3) To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.

(4) To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.

(5) To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.

(6) To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.

Sec. 16-382-16-400 Reserved.

ARTICLE XXIII

Residential Mixed Use Development Regulations

Sec. 16-401. Definition of Purpose.

The intent of the residential mixed use zoning district (hereinafter referred to as the RMU zoning district) is to (1) provide for the development of mixed land uses in areas designated as such on the Land Use Plan Map of the Williamsburg Comprehensive Plan; (2) encourage the creation of a desirable mix of residential dwelling classifications which are compatible with, complimentary to and located on the same parcel as common recreational uses, open spaces and commercial and light industrial uses which are similar to those outlined below in Section 16-403; (3) provide for improved vehicular and pedestrian traffic circulation and access; and (4) facilitate land use arrangements which preserve desirable natural landscape features.

Sec. 16-402-16-420 Reserved.

ARTICLE XXIV

Planned Mobile Home Park Development Regulations

Sec. 16-421. Definition of Purpose.

The planned mobile home park development (hereinafter called PD-MHP) provision is intended to encourage the unified planning and development of permanent mobile home parks providing all facilities and amenities appropriate to the need of residents. It is the further intent to provide for the orderly grouping of mobile homes, accessory uses and common facilities within the park and to provide such regulatory controls as will assure a harmonious relationship between the mobile home park and adjoining residential uses.

Sec. 16-422-16-478 Reserved.

ARTICLE XXV

Vested Property Rights

Reserved

ARTICLE XXVI

Flood Damage Prevention

See 16-479 The Department of Natural Resources Colorado Water Conservation Boards "Colorado Floodplain Damage Prevention Ordinance" dated September 6,2011 is adopted in full.

Sec 16-480-16-490 Reserved.

ARTICLE XXVII

Historic Preservation

Sec. 16-491. Designation of landmarks and historic districts.

Pursuant to the procedures hereinafter set forth, the Board of Trustees may by ordinance make the following designations of landmarks and historic districts:

(1) Designate as a landmark an individual structure or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value, and designate a landmark site for each landmark;

(2) Designate as an historic district an area containing a number of structures having a special historical or architectural value.

Each such designating ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark site or historic district. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Article. The property included in any such designation shall be subject to the controls and standards set forth in this Article.

Sec. 16-492. Procedures for designating structures and districts for preservation.

A nomination for designation may be made by any member of the Board of Trustees or by any citizen by filing an application with the Town. The Town Board, or his or her designee, shall contact the owner of such landmarks or property within a landmark district, outlining the reasons and effects of designation as a landmark and, if possible, shall secure the consent of the owner to such designation before the nomination is accepted for review.

(1) Board review with owner's consent. The Board of Trustees shall hold a public hearing on any proposal not more than sixty (60) days after the filing of an application for designation. The Board of Trustees shall review the application for conformance with the established criteria for designation.

Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after said hearing, the Board of Trustees shall either approve, modify and approve or disapprove the proposal.

(2) Board review without owner's consent. If the owner of the property nominated for designation does not consent to the review, the Board of Trustees shall hold a public hearing on the proposal not more than sixty (60) days after the filing of the application. Notice of time, date and place of such hearing, and a brief summary or explanation of the subject matter of the hearing, shall be given by at least one (1) publication in a newspaper of general circulation within the Town not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Town shall:

a. Post the property in the application so as to indicate that a landmark or historic district designation has been applied for; and

b. Mail written notice of the hearing to record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

The Board of Trustees shall review the application for conformance with the established criteria for designation. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after that date, the Board of Trustees shall either approve, modify and approve or disapprove the proposal. In this instance, approval shall require the affirmative vote of three-fourths (¾) of the members of the Board of Trustees.

Sec. 16-493. Criteria for designation.

The Board of Trustees shall consider the following criteria in reviewing nominations of properties for designation:

(1) Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social or geographic/environmental significance hereinafter described. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

a. Historic sites shall meet one (1) or more of the following:

1. Architectural.

- a) Exemplifies specific elements of an architectural style or period.
- b) Example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally.
- c) Demonstrates superior craftsmanship or high artistic value.
- d) Represents an innovation in construction, materials or design.
- e) Style is particularly associated with the Williamsburg area.
- f) Represents a built environment of a group of people in an era of history.
- g) Pattern or grouping of elements representing at least one (1) of the above criteria.
- h) Significant historic remodel.

2. Social.

- a) Site of historic event that had an effect upon society.
- b) Exemplifies cultural, political, economic or social heritage of the community.
- c) An association with a notable person or the work of a notable person.

3. Geographic/environmental.

- a) Enhances sense of identity of the community.
- b) An established and familiar natural setting or visual feature of the community.

b. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:

1. Architectural.

- a) Exhibits distinctive characteristics of a type, period or manner of construction.
- b) A unique example of structure.

2.Social.

- a) Potential to make an important contribution to the knowledge of the area's history or prehistory.
- b) An association with an important event in the area's development.
- c) An association with a notable person or work of a notable person.
- d) A typical example/association with a particular ethnic group.
- e) A unique example of an event in Colorado's history.

3. Geographic/environmental. Geographically or regionally

important.

Buried human remains will be handled in as culturally sensitive and appropriate manner as possible.

c. All properties will be evaluated for their physical integrity using the following criteria (a property need not meet all of the following criteria):

1. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State or nation.
2. Retains original design features, materials and/or character.
3. Original location or same historic context after having been moved.
4. Has been accurately reconstructed or restored based on documentation.

(2) Districts.

a. For the purposes of this Section, a *district* is a geographically definable area including a concentration, linkage or continuity of subsurface sites, buildings, structures and/or objects. A district is related by a pattern of either physical elements or social activities. Significance is determined by applying criteria to the patterns and unifying elements. Nominations will not be considered unless the application contains written approval of sixty percent (60%) of the property owners within the district boundaries. Properties that do not contribute to the significance of the historic district may be included within the boundaries, as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

b. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development or evidence of changes in site type or site density as established through testing or survey.

c. In addition to meeting at least one (1) of the criteria outlined in Subsections 1 through 4 below, the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.

d. Historic districts shall meet one (1) or more of the following criteria:

1. Architectural.

- a) Exemplifies specific elements of an architectural style or period.
- b) Example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally.
- c) Demonstrates superior craftsmanship or high artistic value.
- d) Represents an innovation in construction, materials or design.
- e) Style particularly associated with the Williamsburg/Northern Colorado area.
- f) Represents a built environment of a group of people in an era of history.
- g) Pattern or grouping of elements representing at least one (1) of the above criteria.
- h) Significant historic remodel.

2. Social.

- a) Site of historic event that had an effect upon society.
- b) Exemplifies cultural, political, economic or social heritage of the community.
- c) An association with a notable person or the work of a notable person.

3. Geographic/environmental.

- a) Enhances sense of identity of the community.
- b) An established and familiar natural setting or visual feature of the community.

4. Archaeology/subsurface.

- a) Potential to make an important contribution to the area's history or prehistory.
- b) An association with an important event in the area's development.
- c) An association with a notable person or work of a notable person.
- d) Distinctive characteristics of a type, period or manner of construction.
- e) Geographical importance.
- f) A typical example/association with a particular ethnic group.
- g) A typical example/association with a local cultural or economic activity.
- h) A unique example of an event or structure.

Sec. 16-494. Revocation of designation.

(a) If a building or special feature on a designated landmark site was lawfully removed or demolished, the owner may apply to the Board of Trustees for a revocation of the designation.

(b) The Board of Trustees shall revoke a landmark designation upon determination that without the demolished building or feature the site as a whole no longer meets the purposes and standards for designation.

Sec. 16-495. Amendment of designation.

Designation of a landmark or historic district may be amended to add features or property to the site or district. Whenever a designation has been amended, the Town shall promptly notify the owners of the property included therein and shall record a copy of the amending ordinance with the County Clerk and Recorder.

Sec. 16-496. Landmark alteration certificate required.

(a) No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal or demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the Town.

(b) The Town shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Department receives an application for a permit to carry out any new construction, alteration, removal or demolition of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the Building Department shall promptly forward such application to the Town Board and the Board of Trustees.

Sec. 16-497. Construction on proposed landmark sites or in proposed districts.

No person shall receive a permit to construct, alter, remove or demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date an application has been filed to initiate the designation of such landmark site or district.

Sec. 16-498. Landmark alteration application and review.

(a) An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate, including all information which the Zoning Committee determines is necessary to consider the application, including without limitation, plans and specifications showing the proposed exterior appearance, with texture, materials and architectural design and detail, and the names and addresses of the abutting property owners.

(b) Upon receipt of an application for an alteration certificate, the Zoning Committee shall submit that application, together with a recommendation thereon, to the Board of Trustees for final approval.

Sec. 16-499. Unsafe or dangerous conditions exempted.

Nothing in this Section shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature or parts thereof where such condition is declared unsafe or dangerous by the Town and where the proposed measures have been declared necessary by the Town Board to correct the condition.

Sec. 16-500. Criteria for review of an alteration certificate.

(a) The Board of Trustees shall issue an alteration certificate for any proposed work on a designated historical site or district only if the Board of Trustees determines that the proposed work would not detrimentally alter, destroy or adversely affect any architectural or landscape feature which contributes to the original historical designation. The Board of Trustees must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass and height. When

the subject site is an historic district, the Board of Trustees must also find that the proposed development is visually compatible with the development on adjacent properties. For purposes of this Section, the term *compatible* shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles, either of the architecture of an individual structure or the character of the surrounding structures.

(b) The Board of Trustees will use the following criteria to determine compatibility:

- (1) The effect upon the general historical and architectural character of the structure and property.
- (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures.
- (3) The size of the structure, its setbacks, its site, location and the appropriateness thereof, when compared to existing structures and the site.
- (4) The compatibility of accessory structures and fences with the main structure on the site, and with other structures.
- (5) The effects of the proposed work in creating, changing, destroying or otherwise impacting the exterior architectural features of the structure upon which such work is done.
- (6) The condition of existing improvements and whether they are a hazard to public health and safety.
- (7) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.
- (8) Compliance with the Secretary of the Interior's Standards for Rehabilitation as listed below:
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

1. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. To protect the historic integrity of the property and its environment, the new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features.

2. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Sec. 16-501. Relocation criteria.

The Board of Trustees shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on an historic site, a building or structure within an historic district, a structure onto a landmark site or a structure to property in an historic district:

(1) For consideration of the original site, the Board of Trustees will review for compliance with all of the following criteria:

a. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;

b. The contribution the structure makes to its present setting;

c. Whether plans are specifically defined for the site to be vacated, and have been approved by the Town staff;

d. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;

e. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting; and

f. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

(2) For consideration of the new location, the Board of Trustees will review for compliance with all of the following criteria:

a. Whether the building or structure is compatible with its proposed site and adjacent properties, and if the receiving site is compatible in nature with the structure or structures proposed to be moved;

b. The structure's architectural integrity and its consistency with the character of the neighborhood;

c. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site; and

d. If a relocation plan has been submitted and approved by the Town staff, including posting a bond, to ensure the safe relocation, preservation and repair (if required) of the structure, site preparation and infrastructure connections as described in this Code.

Sec. 16-502. Exemptions from alteration certificate requirements.

An applicant may request an exemption from the alteration certificate requirements set forth herein. The applicant must provide adequate documentation to establish qualification for one (1) of the following exemptions:

(1) Economic hardship exemption. Exemptions are granted only to the specific owner and use and are not transferable.

a. For investment or income producing properties: the owner's inability to obtain a reasonable rate of return in its present condition or if rehabilitated.

b. For non-income-producing properties consisting of owner occupied single-family dwellings and/or non-income-producing institutional properties not solely operating for profit: the owner's inability to convert the property to institutional use in its present condition or if rehabilitated.

c. The consideration for economic hardship shall not include willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants or failure to provide normal tenant improvements.

(2) Undue hardship. An applicant requesting an exemption based on undue hardship must show that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

Sec. 16-503. Enforcement and penalties.

(a) No person shall violate or permit to be violated any of the requirements of this Article or the terms of a landmark certificate.

(b) Violations of this Article are punishable as is otherwise provided in this Code and, in addition, are subject to the following penalties:

(1) Alterations to a designated landmark or district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property; and

(2) Moving or demolishing a designated structure without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition or building permits for the structure and for the property at the structure's original location.

Secs. 16-504--16-520. Reserved.

ARTICLE XXVIII

Adult Businesses

Sec. 16-521. Definition of Purpose.

The intent is to control the placement and allowed operation of an Adult Business. The City of Florence Colorado planning guidelines are adopted unless specific changes are made by the Williamsburg Board of Trustees