

CHAPTER 2. ZONING DISTRICTS AND USE STANDARDS

Article 2.A. Zoning Districts

Sec. 2-A-1 Purpose

- A. **Generally.** The purpose of this Article is to establish the zoning districts, the permitted, limited, special, and prohibited uses in each zoning district, and the additional standards that apply to limited and special uses.
- B. **Use Tables.** The purpose of Sec. 2-B-1, *Use Tables*, is to establish whether each land use within a specific zoning district will be either a permitted, limited, special, or prohibited use.
- C. **Limited and Special Use Standards.** The purpose of Sec. 2-B-2, *Limited and Special Uses*, is to provide additional standards to ensure that uses that are listed in Sec. 2-B-1, *Use Tables*, as "Limited" or "Special" are compatible with other uses in the district in which they are located.
- D. **Accessory Uses and Structures.** The purpose of Sec. 2-B-3, *Accessory Uses and Structures*, is to set out standards for accessory uses and structures and to ensure that they established in appropriate locations throughout the Town.
- E. **Temporary Uses.** The purpose of Sec. 2-B-4, *Temporary Uses and Structures*, is to set out standards for the location and conduct of temporary uses of land to ensure that they do not become a nuisance, safety hazard, or diminish the character or function of the area in which they are located.
- F. **New and Unlisted Uses.** The Purpose of Sec. 2-B-5, *New and Unlisted Uses* is to set out standards for making a determination if a new or unlisted use is either a subcategory of a permitted, limited, or special use, or a use that is functionally similar to a permitted, limited, or special use.

Sec. 2-A-2 Applicability

- A. **Generally.** This Article:
 - 1. Sets out which land uses are allowed by right (permitted), permitted subject to particular standards (limited), or subject to a public hearing (special), or prohibited within each zoning district; and
 - 2. Applies to all divisions of land, (e.g., lots, parcels, tracts, outlots), in the Town limits of Winter Park. Each division of land is assigned a specific zoning district per the Zoning Map.
- B. **Zoning Districts.** Set out in Sec. 2-A-4, *Zoning Districts*, are the zoning districts that provide for the type and character of development that is allowed in various parts of the Town. The zoning districts are shown on the Zoning Map, which is established in Sec. 2-A-3, *Official Zoning Map*.
- C. **Uses That Are Not Specifically Listed.** Any land use that is not listed in the tables in Sec. 2-B-1, *Use Tables*, is prohibited. It is, however, not the intent of the Town Council to prohibit closely related uses or new uses that have impacts that are similar to those of uses that are allowed. Refer to Sec. 2-A-2 *New and Unlisted Uses*, for additional guidance.

Sec. 2-A-3 Official Zoning Map

- A. **Official Zoning Map Adopted.** Zoning districts are shown on the map entitled *Official Zoning Map of the Town of Winter Park* (the "Official Zoning Map") which is made part of this Unified Development Code (UDC).
- B. **Force and Effect.** The Official Zoning Map and all notations, references, and other information shown on it are a part of this UDC and have the same legal force and effect as the UDC.
- C. **Status of Official Zoning Map.** The Official Zoning Map that is officially on file at Town Hall shall control in the event of a conflict between the map that is officially on file and any other reproduction of said map.

- D. **Interpreting the Official Zoning Map.** Where the map appears to be unclear regarding the location of district boundaries, the Director, or at the Director's discretion the Planning Commission, shall make a determination using the following criteria:
1. *Rights-of-Way or Easements.* Where boundary lines appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the zoning boundary shall be construed to follow the center line of the rights-of-way or easement. Where the location of these features on the ground differs from that shown on the Official Zoning Map, the features on the ground control.
 2. *Corporate Limits.* Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
 3. *Property Lines.* Where the boundaries are indicated as approximately following property or other lot lines, such lines shall be construed to be the boundaries.
 4. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of drainage ways, streams, water bodies, or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
 5. *Unsubdivided Land or No Identifiable Feature.* On unsubdivided land, or where a district boundary follows no identifiable feature, the location of the boundary, unless the same is indicated by dimensions, shall be determined by applying, in order, the following rules:
 - a. *Legal Description.* The boundary shall be according to the legal description in the ordinance establishing the district boundaries.
 - b. *Text Dimensions.* The boundary shall be located by reference to dimensions shown in the text on the Official Zoning Map, if any.
 - c. *Map Scale.* The boundary shall be located using the map scale appearing on the Official Zoning Map.
 6. *Vacation or Abandonment.* Where a public street, alley, or parcel is officially vacated or abandoned, the regulations applicable to the abutting property apply equally to the vacated or abandoned street or alley.
- E. **Annexed and Undesignated Lands.** Per C.R.S. §31-12-115, *Zoning of Land While Annexation is Under Way - Zoning of Newly Annexed Land - Subdivision of Land While Annexation is Under Way - Regulatory Impairments Affecting Newly Annexed Land Used for Agricultural Purposes - Notice - Definitions*, all annexed land shall be zoned within ninety (90) days of annexation into the Town. For the purposes of ensuring that all land has a zoning designation, any land that is not assigned a zoning district on the Official Zoning Map or any land that is annexed into the Town without a zoning designation shall be zoned Open Space, Forestry, Agriculture, and Recreational (O-S-F), unless otherwise requested.
- F. **Conflicts Resolved.** In the event of a conflict between the district boundaries on the Official Zoning Map and the zoning of property provided by a duly enacted rezoning ordinance adopted before the effective date of this UDC, the Official Zoning Map shall control.

Sec. 2-A-4 Establishment of Zoning Districts

Established in Table 2-A-4, *Zoning Districts*, are the zoning districts for the Town. The table identifies the district name and abbreviation, along with the intended development character, and a purpose statement for each district.

Table 2-A-4 Zoning Districts			
District		Character	The purpose of the district is to provide for:
Name	Abbreviation		
Open Space and Residential			
Open Space, Forestry, Agriculture, and	O-S-F	Forest and Open Land	Preservation of the US Forest Service Property; protection of the Fraser River and associated creeks and their wetland and riparian

**Table 2-A-4
Zoning Districts**

District		Character	The purpose of the district is to provide for:
Name	Abbreviation		
Recreational Zone District			areas; provision of agricultural areas and uses; and expanding upon the recreational amenities and assets of the Town.
Mountain Estate Zone District	M-E	Rural	Rural estate living on acreage lots or conservation development with smaller lots that are clustered around common open space to protect environmental resources, such as steep slopes, forest lands, recreational lands, or wildlife corridors.
Single Family Residential Zone District	R-1	Low Density Residential	Single-family detached residential neighborhoods on moderately sized lots, including provision for varying lot areas and widths, home siting, and by-right cluster development to preserve resources, protect sensitive lands, and accommodate natural topography.
Multiple-Family Residential Zone District	R-2	Medium Density Residential	Single-family detached residences on smaller lots, together with single-family attached and multiple family dwelling types developed in proximity to but not abutting Main Street, and in proximity to the Resort Base.
Multiple-Family Residential District Within Old Town Zone District	R-2-O	Varied Density Residential	Lot and building standards that are flexible and unique to the Old Town neighborhood where development preceded incorporation into the Town and hence the types and patterns of lots and buildings do not conform to a uniform set of requirements.
Non-Residential and Mixed-Use			
Residential-Commercial Service Zone District	R-C	Mixed Use	Single-family attached uses within close proximity to commercial uses. This district provides for convenience commercial uses subject to design and performance standards.
Limited Commercial Zone District	C-1	Tourist Oriented	Commercial retail, office and service uses that include single use and multi-tenant centers, and may also include multi-family residential uses located near select tourist-oriented locations and recreational attractions that offer specialized retail services and environments for visitors.
Destination Center Zone District	D-C	Mixed Use	A planned mixture of high density and upper-floor residential and commercial uses in horizontal and vertical formats that are arranged to create a walkable pedestrian environment.
Overlay Districts			
Downtown Business Overlay Zone District	DBO		The objective of the DBO zone is to preserve the business district along the major arterial, US Highway 40, of Winter Park in accordance with the downtown master plan which encourages intensive mixed use - retail use on lower levels and residential use on upper levels of a structure. In addition, concentrated mixed use development is deemed essential in said areas to foster greater pedestrian activity, less reliance on the automobile, comparison shopping, and other goals set forth in the master plan. The overlay will occur within the first seventy-five feet (75') of the property as measured from the property line adjacent to the US Highway 40 right of way.

Table Notes: A development plan is required for the Limited Commercial (C-1) and Destination Center (D-C) zone districts.

Article 2.B. Use Standards

Sec. 2-B-1 Use Tables

- A. **Purpose.** The purpose of this Section is to establish the allowable land uses for each zoning district.
- B. **Applicability.** These standards apply to new development, redevelopment, and substantial improvements of properties within in the Town of Winter Park.
- C. **Land Use Designations.** Outlined in Table 2-B-1-1, *Residential and Agricultural Permitted Uses by District*, and Table 2-B-1-2, *Non-Residential and Mixed-Use by District*, is a description of which land uses are:
 - 1. (P) - Permitted;
 - 2. (S) - Permitted subject to a recommendation by the Planning Commission and subsequent approval of a special use permit by the Town Council [See Sec. 7-D-6, *Special Use Permit*];
 - 3. (L) - Permitted subject to approval by the Director and limited use standards; and
 - 4. (--) - Prohibited.
- D. **Allowed Land Uses.** Land uses that are designated as either (P), (S), or (L) in either Table 2-B-1-1, *Residential and Agricultural Permitted Uses by District*, or Table 2-B-1-2, *Non-Residential and Mixed-Use by District* are required to meet all other standards of this UDC and the City's Code of Ordinances.
- E. **Use Categories.** The zoning districts that are established by this Article are divided into the following primary land use categories:
 - 1. Residential;
 - 2. Agricultural;
 - 3. Commercial, Civic, and Institutional;
 - 4. Industrial and Storage;
 - 5. Solid Waste and Recycling; and
 - 6. Utility.
- F. **Uses Not Listed.** See Sec. 2-B-5, *New and Unlisted Uses*.
- G. **Residential Land Use Table.** Set out in Table 2-B-1-1, *Residential and Agricultural Uses by District*, are the residential uses allowed and organized by individual zoning district.
- H. **Development Standards.** The lot and building standards for each of the districts shown in Table 2-B-1 below, may be found in Sec. 3-A-3, *Residential Districts*, and Sec. 3-A-5, *Nonresidential and Mixed Use Districts*.

Table 2-B-1-1 Residential and Agricultural Uses by District											
P = Permitted L = Limited S = Special "--" Prohibited											
Use Category	Land Use	Zoning Districts									Use-Specific Standards
		O-S-F	M-E	R-1	R-2	R-2-O	R-C	C-1	D-C	DBO	
Residential											
Single-Family Detached Dwelling	Site Built Dwelling or Modular Home	--	P	P	P	P	P	--	--	--	--
	Manufactured Home or Manufactured Home Park	--	--	--	S	--	--	--	--	--	2-B-2
	Zero Lot Line Home	--	--	--	P	P	P	--	--	--	--
Single-Family Attached Dwelling	Duplex	--	--	--	P	P	P	P	P	--	--
	Townhouse	--	--	--	P	P	P	P	P	--	--
	Twin Home	--	--	--	P	P	P	P	P	--	--

Table 2-B-1-1 Residential and Agricultural Uses by District												
P = Permitted L = Limited S = Special "--" Prohibited												
Use Category	Land Use	Zoning Districts										Use-Specific Standards
		O-S-F	M-E	R-1	R-2	R-2-O	R-C	C-1	D-C	DBO		
Multiple-Family	Apartment	--	--	--	P	P	P	P	P	P	--	--
	Multiplex	--	--	--	P	L	P	--	L	--	2-B-2	
	Assisted Living Facility	--	--	--	P	--	P	--	--	--	--	
Mixed Use	Live-Work Unit	--	--	--	--	--	L	L	L	L	2-B-2	
Residential Accessory Uses	Accessory Structures	--	L	L	L	L	L	L	L	--	2-B-3	
	Accessory Dwelling Unit	--	L	L	L	L	L	L	L	--	2-B-2	
	Greenhouse (Personal)	--	P	P	P	P	P	--	P	--	--	
	Home Occupation	--	L	L	L	L	L	--	--	--	2-B-2	
	On-Site Employee Housing	--	--	--	--	--	L	L	L	--	2-B-2	
	Outdoor Storage Area	--	--	--	--	--	--	--	--	--	--	
	Outdoor Swimming Pool	--	L	L	L	L	L	L	L	--	2-B-2	
Overnight Accommodations	Bed and Breakfast	-	-	L	L	L	L	L	L	--	2-B-2	
	Campground with Overnight Accommodations	L	--	--	--	--	--	--	--	--	2-B-2	
	Hostel	--	--	--	--	--	L	L	L	--	2-B-2	
	Hotel or Motel	--	--	--	-	--	L	L	P	--	2-B-2	
	Short-Term Rental	--	L	L	L	L	L	L	L	--	2-B-2	
Agricultural												
Agricultural	Crop Production	P	--	--	--	--	--	--	--	--	--	
	Nursery (Retail)	--	--	--	--	--	L	L	L	--	2-B-2	
	Stable (Public)	L	--	--	--	--	--	--	--	--	2-B-2	
Agricultural Accessory Use	Animal, Crop, and Farm Equipment Storage	P	--	--	--	--	--	--	--	--	--	
	Backyard Chickens	L	L	L	L	L	--	--	--	--	2-B-2	
	Farm Stand	P	--	--	--	--	--	--	--	--	--	
	Stable (Private)	L	--	--	--	--	--	--	--	--	2-B-2	

I. **Nonresidential and Mixed-Use Land Use Table.** Set out in Table 2-B-1-2, *Non-Residential and Mixed Uses by District*, are the nonresidential and mixed-uses permitted and organized by individual zoning district.

Table 2-B-1-2 Non-Residential and Mixed Uses by District												
P = Permitted L=Limited S = Special "--" Prohibited												
Use Category	Subtype	Zoning Districts										Use-Specific Standards
		O-S-F	ME	R-1	R-2	R-2-O	R-C	C-1	DC	DBO		
Commercial, Civic, and Institutional												
Automotive Sales and Services	Convenience Store and Gasoline Station	--	--	--	--	--	S	S	S	S	2-B-2	
	Vehicle Parts, Sales, Rental, and Leasing	--	--	--	--	--	S	--	--	--	2-B-2	
	Vehicle Service	--	--	--	--	--	--	--	--	--	--	

**Table 2-B-1-2
Non-Residential and Mixed Uses by District**

P = Permitted | L = Limited | S = Special | "-" Prohibited

Use Category	Subtype	Zoning Districts									Use-Specific Standards
		O-S-F	ME	R-1	R-2	R-2-O	R-C	C-1	DC	DBO	
Civic and Institutional	Adult Daycare	--	--	--	--	--	P	P	P	P	--
	Airport or Heliport	--	--	--	--	--	--	--	--	--	--
	Art Gallery and Studio	--	--	--	--	--	P	P	P	P	--
	Cemetery	L	--	--	--	--	--	--	--	--	2-B-2
	Clinic, Medical Lab, or Urgent Care	--	--	--	--	--	L	L	L	L	2-B-2
	Club or Lodge	--	--	--	--	--	--	P	P	P	--
	College, University, or Vocational School	--	--	--	--	--	--	L	L	L	2-B-2
	Community Garden	P	P	P	P	P	P	--	--	--	--
	Daycare Facility	--	--	--	--	--	P	P	P	P	--
	Funeral Home	--	--	--	--	--	--	L	L	L	2-B-2
	Hospital	--	--	--	--	--	--	S	S	S	2-B-2
	Library	--	--	--	--	--	--	P	P	P	--
	Museum	--	--	--	--	--	--	P	P	P	--
	Park or Playground	P	P	P	P	P	P	P	P	P	--
	Passenger Terminal	P	--	--	--	--	--	--	P	P	--
	Place of Public Assembly	--	L	L	L	L	L	L	L	L	2-B-2
	Plaza	--	--	--	--	--	P	P	P	P	--
Public Service Facility	L	P	P	P	P	P	P	P	P	2-B-2	
School, Primary or Secondary	--	--	P	P	P	P	--	P	P	--	
Special Event	S	S	S	S	S	S	S	S	S	2-B-2	
Commercial and Service	Adult Entertainment Business	--	--	--	--	--	--	S	--	--	2-B-2
	Bank / Credit Union	--	--	--	--	--	P	P	P	P	--
	Bar/ Tavern	--	--	--	--	--	P	P	P	P	--
	Brewing/Distillery/Winery Production with On-Premise Consumption	--	--	--	--	--	P	P	P	P	--
	Commercial Amusement, Indoor	--	--	--	--	--	--	P	P	P	--
	Commercial Amusement, Outdoor	P	--	--	--	--	--	S	S	S	2-B-2
	Farmers' Market	--	--	--	--	--	P	P	P	P	--
	Kennel	--	--	--	--	--	--	S	S	S	2-B-2
	Marijuana-Related Uses	--	--	--	--	--	--	--	--	--	--
	Personal Services	--	--	--	--	--	P	P	P	P	--
	Restaurant	--	--	--	--	--	P	P	P	P	--
	Retail Sales	--	--	--	--	--	P	P	P	P	--
Veterinary Services, Small Animal	--	--	--	--	--	--	P	P	P	--	
Nonresidential and Mixed-Use Accessory	Accessory Structures	L	L	L	L	L	L	L	L	L	2-B-3
	Drive-Through Facility	--	--	--	--	--	L	L	L	L	2-B-2
	Garden Center	--	--	--	--	--	L	P	P	P	2-B-2
	Mobile Vending	--	--	--	--	--	--	S	S	S	2-B-2
	Outdoor Display & Sales	--	--	--	--	--	--	L	L	L	2-B-2
	Refuse Containers	P	--	--	P	P	P	P	P	P	--
	Vehicle Wash	--	--	--	--	--	--	L	L	L	2-B-2
	Outdoor Swimming Pool	L	L	L	L	L	L	L	L	L	2-B-2

**Table 2-B-1-2
Non-Residential and Mixed Uses by District**

P = Permitted | L=Limited | S = Special | "--" Prohibited

Use Category	Subtype	Zoning Districts									Use-Specific Standards
		O-S-F	ME	R-1	R-2	R-2-O	R-C	C-1	DC	DBO	
Office	Professional Office	--	--	--	--	--	P	P	P	P	--
	Medical Office		--	--	--	--	P	P	P	P	--
Parking, Free-Standing	Parking Lot (Off-Site)	S	--	--	--	--	S	S	S	--	2-B-2
	Parking Lot or Parking Garage (Commercial)	S	--	--	--	--	--	S	S	--	2-B-2
Industrial and Storage											
Industrial	Industrial, Heavy	--	--	--	--	--	--	--	--	--	--
	Industrial, Light	--	--	--	--	--	--	--	--	--	--
	Rock Crushing	S	S	S	S	S	S	S	S	S	2-B-2
Storage	Building or Development Contractor Storage	--	--	--	--	--	--	--	--	--	--
	Bus Storage	S	--	--	--	--	--	--	--	--	2-B-2
	Mini-Warehouse	--	--	--	--	--	--	--	--	--	--
Utility											
General Utility Uses	Utility, Major	S	S	S	S	S	S	S	S	--	2-B-2
	Utility, Minor	P	P	P	P	P	P	P	P	--	--
Telecommunication Uses	Wireless Telecommunication Facility	S	S	S	S	S	S	S	S	S	2-B-2
Waste-Related Services	Disposal / Recycling Facility	S	--	--	--	--	--	--	--	--	2-B-2

Sec. 2-B-2 Limited and Special Uses

- A. **Land Use Approval and Permit Types.** The tables set out in Sec. 2-B-1, *Use Tables*, identify certain land uses and specify their applicable development standards and methods of approval, which include:
1. *Limited Uses.* Limited uses may be authorized by the Director, or designee, if the proposed use:
 - a. Meets the standards of this Section; and
 - b. Complies with all other applicable requirements of this UDC.
 2. *Special Uses.* Special uses are able to be approved through a public hearing process by the Planning Commission and Town Council if the proposed use:
 - a. Meets the standards of this Section; and
 - b. Complies with all other applicable requirements of this UDC.
- B. **Timing of Compliance.** The standards of this Section are applicable when:
1. A limited or special use is requested to be established in an existing or new structure or site; and
 2. An existing limited or special use is proposed to be expanded by more than ten percent (10%) of the existing square footage currently devoted to the use.
- C. **Review Standards Applicable to All Limited and Special Uses.** An application for use approval may be approved if it is demonstrated that:
1. The proposed use in its proposed location will not conflict with the implementation of current adopted plans of the Town.

2. The use is compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment plans for surrounding land uses.
 3. There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:
 - a. Providing a needed community service;
 - b. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;
 - c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and
 - d. Making more efficient use of public infrastructure.
- D. Review Standards Applicable to All Special Uses.** An application for special use permit may be approved if it is demonstrated that:
1. Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements have been provided; and
 2. Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) shall be available without the reduction of services to any existing uses.
- E. Specific Standards for Special Uses.** In addition to the review standards applicable to all special uses (Subsection C & D, shown above), the following land uses have specific standards that shall be met to obtain a special use permit. Land uses that are allowed by special use that do not have any specific standards shown in this Subsection need only to comply with Subsection (C and D) shown above.
1. Adult Entertainment Business. To operate an adult entertainment business, the proposed use shall:
 - a. Not be injurious or otherwise detrimental to the public health, safety, morals and general welfare of the public;
 - b. No one under twenty-one (21) years of age shall be admitted. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises during hours when nude entertainment is being presented;
 - c. Adult Entertainment shall only be available at establishments from the hours of four o'clock (4:00) PM to twelve o'clock (12:00) midnight, Monday through Saturday of each week;
 - d. Be located a minimum of five hundred feet (500') away from any of the following uses (as measured from the closet property line of such use listed below:
 1. All residential uses;
 2. All overnight accommodation uses; and
 3. All civic and institutional uses.
 2. Convenience Store and Gasoline Station.
 - a. Outdoor Display and Storage. Outdoor display, storage, or sale of merchandise, vehicles, trailers or other equipment on a permanent, temporary or seasonal basis shall not be permitted, except that items such as propane tanks and other merchandise not permitted to be stored inside may be located outside of the convenience stores or principal building of a gasoline service station, if it does not include a convenience store. all vending machines shall be placed within the building.
 - b. Access, Circulation and On-Site Parking.

1. A convenience store or gasoline station shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between loading and unloading, trash collection and other facility operations, use of emergency access easements and fire lanes, and pedestrian access. On-site circulation shall be adequate to allow vehicles to stack in a line for fuel dispensing services without using or obstructing any portion of an adjacent sidewalk or right-of-way.
2. To the greatest extent possible, access points and driveways must be planned and shared between adjacent properties and access easements must be noted on the site plan.
3. Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access must be provided from the perimeter of the property to the convenience store or gasoline station. Sidewalks in front of, or directly adjacent to the principal building must be in conformance with the Town's Standards and Specifications for Design and Construction.

c. Architectural Design.

1. A convenience store or gasoline station must maintain a consistent style and architectural theme and comply with the standards established in Article 3.B, Development Design. Architectural design, building materials, colors, forms, roof style and detailing must all work together to express a harmonious and consistent design. This requirement includes fuel pump canopies, cashier booths, and car wash and other accessory structures, convenience stores.
2. Architectural treatments shall be provided on all building facades. Building design must incorporate variations in building height, building mass, roof, entrances, and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls. Canopies shall have a gabled roof, the ceiling of which shall mirror the form of the gable.
3. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brush, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

3. Disposal/Recycling Facility.

- a. The use shall have an on-site manager on duty at all times when the facility is open;
- b. The facility does not present a hazard to nearby residents;
- c. The site shall be surrounded by a Type D Bufferyard, except at points of ingress and egress;
- d. The use complies with all applicable Town, State, and Federal statutes including environmental regulations; and
- e. The site shall be located a minimum of two hundred and fifty feet (250') from an existing residential use or residential district as measured along a straight line from the closest lot lines.

4. Kennel.

- a. Minimum Distance from Residential. Any building used for the boarding of animals shall be located a minimum of two hundred feet (200'), as measured from the nearest point of one (1) property line to another property line, from any residential use or residential zoning district boundary, school, daycare facility, or park/playground, other than a dog park.
- b. Sound-Proofing. Where the site is located adjacent to a residential use or zoning district boundary, all buildings used for the care or boarding of animals shall be fully enclosed and sound-proofed so animal noises will not be audible from a property line.
- c. Hours for Outdoor Dog Runs and Animal Exercise Areas. No outdoor animal exercise shall occur between the hours of nine o'clock (9:00) PM and eight o'clock (8:00) AM.

- d. Front Yard Maintenance. The front yard area shall not be used for animal exercise, and all yards shall be cleared daily of any animal waste.
 - e. Screening of Outdoor Dog Runs and Animal Exercise Areas. Any outdoor dog runs or animal exercise areas visible from a public right-of-way or adjacent residential use or zoning district boundary shall be enclosed by a fence designed in compliance with [Appendix A, Design Guidelines](#), and having a minimum height of five feet (5').
 - f. No Nuisance Created. The use shall not create or cause any perceptible noise or odors that constitute a public or private nuisance to neighboring properties in accordance with [Title 4, Chapter 12](#) of the Town's Code of Ordinances.
5. Manufactured Home and Manufactured Home Park. Manufactured Homes are permitted subject to the following conditions:
- a. The dwelling shall be transported, installed, occupied, and used in compliance with all applicable federal, state, local laws and adopted building code;
 - b. The dwelling is installed on a permanent foundation consisting of masonry or concrete, with running gear, tongue, towing hitch, axles, and transporting lights removed, and has an anchoring system that is totally concealed under the structure;
 - c. The dwelling is oriented such that the longer side is parallel to the centerline of the most adjacent public roadway where the lot is addressed, or in instances where this standard cannot be met, the unit is rotated ninety degrees (90°) so that the side wall faces parallel to the same aforementioned street frontage;
 - d. The dwelling is built to the Manufactured Home Construction and Safety Standards (HUD Code, 42 USC Ch. 5401-5426); and
 - e. The dwelling displays a certification label on the exterior of each transportable section.
6. Mobile Vending. RESERVED
7. Wireless Telecommunication Facility. Refer to [Title 8](#) of the Town's Code of Ordinances.
8. Rock Crushing. Rock Crushing is permitted subject to the following conditions:
- a. The operation shall not last more than four (4) months.
 - b. The hours of operation shall be Monday – Friday, eight o'clock (8:00) AM to five o'clock (5:00) PM. Equipment shall not be turned on prior to eight o'clock (8:00) AM and shall be shut down prior to five o'clock (5:00) PM. No work is permitted on weekends or holidays.
 - c. All state permits shall be obtained prior to operation.
 - d. A Dust Mitigation Plan shall be provided prior to operation. The plan shall identify steps that will be taken to mitigate potential fugitive dust during the operation.
 - e. Screening shall be placed along all property lines and adjacent to any public sidewalks/trails to shield operations from the public.
 - f. Work shall only occur on days when site and environmental conditions are appropriate. Wind direction, precipitation, air and ground temperature, and other site conditions shall be monitored to mitigate impacts of the rock crushing operation on neighboring properties and businesses.
 - g. Excess material left from the operation shall be revegetated in conformance with Town Standards.
 - h. The location of the operation shall be central to the property to minimize impact to surrounding properties.
9. Special Event.
- a. The event is appropriate to the location, the lot, the neighborhood, and the Town;

- b. The event does not substantially or inalterably change the character of the neighborhood; and
- c. All special events requesting to have alcoholic sales as an accessory use must also comply with [Sec. 3-4-5-D](#) of the Town's Code of Ordinances.

10. Utility, Major. The use is permitted provided that:

- a. All above-ground structures and equipment are screened from public view by a masonry wall with a minimum height of twelve feet (12') or the height of the structure or equipment, whichever is less; and
- b. The setback is a minimum of twenty-five feet (25') from the right-of-way of all streets bounding the property on which the use is located.

F. Specific Standards for Residential Accessory Limited Uses.

1. Accessory Dwelling Unit.

- a. Any accessory dwelling unit (ADU) shall:
 - 1. Have a minimum size of three hundred (300) square feet not to exceed fifty percent (50%) of the gross floor area of the principal dwelling;
 - 2. Include a kitchen (to include, but not be limited to, a sink, a refrigerator, and a range);
 - 3. Include a full bathroom (to include, but not be limited to, a sink, a toilet, and a shower or bathtub);
 - 4. Be provided with a separate entrance from the principal dwelling;
 - 5. Not be subdivided or/or subsequently sold as fee simple ownership. It shall remain as part of the property where the primary unit is located;
- b. Detached ADUs shall be:
 - 1. Served by a driveway that complies with the requirements of this UDC and applicable standards and specifications;
 - 2. Separated from the principal dwelling unit by a minimum of ten feet (10'); and
 - 3. Located to the rear of the principal dwelling unit.
- c. Where a principal residential use is expanded to accommodate an attached or detached ADU, the expansion shall be designed, clad, painted, and roofed in a manner that is comparable to the principal dwelling unit.
- d. Use Of Principal And Accessory Dwelling Units: Either the accessory dwelling unit or the principal dwelling unit shall be restricted to long term tenancy by persons who meet the following criteria:
 - 1. The unit must be the primary residence of the tenant(s); and
 - 2. The tenant(s) must work a minimum of thirty-two (32) hours per week or one thousand (1,000) hours per year at a job in Grand County.
 - 3. Long term tenancy shall mean rental for a term of a minimum of six (6) months is required for an initial lease. Carryover leases may be month-to-month.
- e. The Town may allow exceptions to the residency requirements in a unit designated as a caretaker unit, for units designated as on-site employee dwelling units, for persons with disabilities, or for persons who have reached retirement age;
- f. Any property containing an accessory dwelling unit not properly leased or inhabited in accordance with these requirements shall be deemed a violation of the accessory dwelling unit approval and a breach of the covenant restricting the unit. The Town shall have the ability to pursue any and all remedies necessary to enforce the requirements of this section including revocation of the accessory dwelling unit approval, and the Town shall be entitled to recover all costs, including reasonable attorney fees, incurred in enforcing the same.

- g. Any accessory dwelling unit that is rented for a minimum of six (6) months of each calendar year to a tenant that meets the requirements of this section shall be allowed to lease the unit under short term leases for up to six (6) months of said calendar year.
 - h. Recordation Of Covenant: All permits issued for an accessory dwelling unit shall include the requirement that the property owner record a covenant restricting the use and occupancy of the property in accordance with the requirements of this section. The covenant shall be drafted by the Town and shall grant enforcement power to the Town or its designee.
 - i. Financial Incentive: Construction of an accessory dwelling unit pursuant to the requirements of this section may qualify the property owner for the affordable housing fee waiver and/or the affordable housing incentive as provided for in [Title 6, Chapter 5](#) of the Town's Code of Ordinances.
2. Accessory Structures. Refer to Sec. [2-B-3](#) of this UDC.
 3. Bed and Breakfast. A Bed and Breakfast uses shall be:
 - a. Compliant with the applicable limited use standards for a Short-Term Rental;
 - b. Conducted by the owner, lessee or manager of the property who resides on the premises;
 - c. Limited to the signage which is allowed by Sec. [6-C-6, Signs Requiring a Permit](#); and
 - d. Required to meet the standards and specifications established in Sec. [6-A-3, Minimum and Maximum Parking Ratios](#).
 4. Campground with Overnight Accommodations.
 - a. The use must provide and maintain on-site water supply, sewage disposal, and common restroom facilities in compliance with all Town and other applicable ordinances and requirements.
 - b. Campground shall be no less than three (3) acres.
 - c. Permanent skirting of a recreational vehicle is prohibited.
 - d. The operators of the use must ensure that all residents are temporary in nature meaning that residents cannot stay at the campground longer than three (3) weeks.
 - e. The perimeter of the campground shall be screened by a Type B bufferyard, as provided in Sec. [6-C-5, Bufferyards](#).
 - f. The campground shall be located no less than one hundred feet (100') from a residential zone district.
 5. Home Occupations.
 - a. General Regulations.
 1. The home occupation shall be incidental to the residential use of the property where it is operated. No more than twenty percent (20%) of the total gross floor area of the principal dwelling may be used for the operation of a home occupation.
 2. The owner and operator of the home occupation must live on the premises.
 3. All work activities shall be conducted entirely within the dwelling unit and/or accessory structure.
 4. There shall be no visible or audible evidence from the outside of the dwelling unit and/or accessory structure in which a home occupation is being conducted.
 5. The home occupation shall not constitute a hazard or nuisance to neighboring properties. See [Chapter 12](#) of the Town's Code of Ordinances.
 6. Outdoor storage of any equipment, machinery, parts, goods, materials, or other items related to the business are prohibited, other than one (1) vehicle used for work purposes.
 7. The home occupation shall not involve the parking or storage of tractor-trailers, semi-trucks, or heavy equipment, such as construction equipment.

8. The home occupation shall not cause glare, noise, odors, dust or electronic interference to the residents of surrounding properties.
 9. The home occupation shall not require additional on- or off-street parking; nor shall it generate, on a consistent basis, more vehicular traffic or deliveries than a typical residential use.
 - b. Outside Employment. A home occupation shall not employ individuals other than a member of the owner's family.
 - c. Licensure Required. All home occupations are required to obtain a business license per [Sec. 3-1-4, License Required](#), of the Town's Code of Ordinances.
 - d. Prohibited Home Occupations. The following is a list of land uses that are strictly prohibited from being permitted as a home occupation. This list is not exhaustive and additional uses may also not be prohibited.
 1. Private schools;
 2. Child-care facilities that are classified by the Colorado Department of Human Services (CDHS) as requiring a non-home child care license;
 3. Welding;
 4. Automobile vehicle service, including body repair, vehicle painting, and the rebuilding or dismantling of vehicles;
 5. Mechanical service or repair of any kind to any personal property items not owned by the resident; and
 6. The production, storage, distribution, or collection of hazardous chemicals, toxic materials, fireworks, or similar materials, or other like businesses.
6. Hotel / Motel.
- a. Hotels or Motels in the Limited Commercial (C-1) District shall be a building or group of buildings containing a minimum of five (5) and a maximum of fifty (50) rooms, with all rooms being accessible from a common area.
 - b. Hotels or Motels in the Residential Commercial (R-C) District shall:
 1. Have hotel/motel staff on-site twenty-four (24) hours a day.
 2. Only be located along a collector or arterial street; and
 3. Set external balconies a minimum of fifty feet (50') from any single-family residential district (measured along a straight line from the ground below the balcony to the closest single-family residential district boundary line);
7. Hostel. The use shall have the following:
- a. Laundry facility;
 - b. Common eating facility; and
 - c. An on-site manager available whenever guests are residing at the property.
8. Live Work Unit.
- a. The nonresidential portion of a live-work unit may be only an office use category as identified in [Sec. 2-B-1, Use Tables](#);
 - b. The floor area of the nonresidential portion of the use shall not exceed three thousand (3,000) square feet;
 - c. If the use is located in a pre-existing residential dwelling that was converted to a live-work unit, the use shall maintain the residential character and appearance of the structure;
 - d. The business owner and the residents' occupant in the residential portion of the live-work unit must be the same person; and

e. The use shall not include a drive-through activity.

9. ***Multiplex.*** Multiplexes are allowed if it is demonstrated that:

- a. They are constructed with not more than four (4) units;
- b. In the DC district, vehicular access to the units is provided via an alley or parking court; and
- c. Individual unit and garage entries must be on a minimum of three (3) facades, or designed in a manner so as to appear as a single-family dwelling.

10. ***On-Site Employee Housing.***

- a. All residents of the use must be employees of the primary use and/or a family member of the employee;]
- b. The amount of square footage dedicated to the use must be fifty percent (50%) or less of the total square footage of the primary use.
- c. The housing shall include a kitchen (to include, but not be limited to, a sink, a refrigerator, and a range) and a full bathroom (to include, but not be limited to, a sink, a toilet, and a shower or bathtub).

11. ***Outdoor Swimming Pool.*** Outdoor swimming pools are allowed if it is demonstrated that the use:

- a. Is limited to the occupants of the dwelling and their guests;
- b. Is walled or fenced to prevent uncontrolled access to the swimming pool; and
- c. Arranges all fixed lighting fixtures on the property to prevent glare of beams onto any adjacent property.
- d. Must be connected to sanitary sewer system.

12. ***Short-Term Rental (Owner/Non-Owner).*** Refer to [Sec. 3-9-1](#) of the Town's Code of Ordinances.

G. Specific Standards for Agricultural Limited Uses.

1. ***Backyard Chickens.***

- a. Roosters are prohibited. No more than six (6) adult hens are allowed per lot; provided, that if a person has more than six (6) adult hens, the keeping of additional chickens shall require a Special Use Permit;
- b. Location and setbacks. All chicken coops shall be located:
 1. A minimum of fifteen feet (15') from an abutting property line or thirty feet (30') from an inhabited dwelling unit on abutting property, whichever is greater;
 2. A minimum of ten feet (10') from any inhabitable building;
 3. Not within the front setback; and
 4. Behind fencing.
- c. Coop design.
 1. All chicken coops shall provide a minimum of four (4) sq. ft. per chicken; shelter from the elements; resistance to predators; and proper ventilation; and
 2. The coops shall be attached to a chicken run that provides a minimum of ten (10) sq. ft. per chicken;
- d. Chickens shall be kept in a clean, sanitary and healthy condition and confined to the owners' property. Animal waste, fecal matter, feathers or other chicken debris shall not be allowed to accumulate on any public property;
- e. Chicken feed shall be stored in a rodent-proof container inside a locked structure;
- f. During daylight hours, hens shall be provided access to the sun, the chicken coop, and access to the chicken run that is adequately fenced to prevent the escape of the chickens; and

- g. Chickens shall be kept in the chicken coop between the hours of dusk and dawn to provide protection from predators.

2. Nursery (Retail).

- a. The display of goods, materials, and merchandise will not reduce the minimum required parking and/or loading requirements for the use (See Sec. 6-B-3, *Required Parking* and Sec. 6-B-6, *Off-Street Loading*); and
- b. Bulk sales of mulch, sand, pebbles, rock, or other non-vegetative ground covers will not be stored or sold on-site.

3. Stable (Public and Private). All stables, regardless of whether they provide access to the public shall be located a minimum of fifty feet (50') from either the street right-of-way or building on the same or adjoining lot.

H. Specific Standards for Civic and Institutional Limited Uses.

1. Cemetery. A cemetery shall be separated from residential dwelling units by a Type B bufferyard, as provided in Sec. 6-C-5, *Bufferyards*.

2. Clinic, Medical Lab, or Urgent Care. A Clinic, Medical Lab, or Urgent Care use shall not:

- a. Engage in laboratory activity not related to the principal clinic or urgent care use; and
- b. Provide overnight stays for those receiving care.

3. College, University, or Vocational School. Any college, university, or vocational school shall be:

- a. Separated from any residential use(s) / district(s) with a Type C bufferyard; and
- b. Required to submit circulation and parking plans which demonstrate:
 - 1. Peak traffic impacts to the adjacent streets are mitigated to allow the rights-of-way to function at an acceptable level of service that is no greater than one (1) level worse than the traffic conditions that existed prior to the establishment of the use;
 - 2. On-campus circulation includes improvements that provide for the mobility and safety of pedestrians and bicyclists; and
 - 3. Parking will be accommodated on campus or in parking lots adjacent to or near the campus so as to preserve the traffic carrying capacity of local streets for the purpose of public safety.

4. Funeral Home. Funeral homes shall:

- a. Not permit on-site cremation; and
- b. Meet all certifications, licensing, and/or monitoring requirements of the State.

5. Place of Public Assembly.

- a. For new uses: Parking shall be provided on-site; off-site parking requires a special use permit. (See Sec. 6-A-3, *Required Parking* and Sec. 6-A-6, *Off-Street Loading*)
- b. For the expansion of existing uses: The expansion does not increase the material impact on adjacent residential uses or districts.

6. Public Service Facility. When the site abuts a residential district or use, it shall be screened by a Type C bufferyard.

I. Specific Standards for Commercial and Service Limited Uses.

1. Brewing / Distillery / Winery, Production with On-Premise Consumption. Production of beer, wine, and spirits with on-premise consumption may be permitted, if in addition to the other applicable standards of this UDC, it is demonstrated that the use will not create offensive odors perceptible from other properties.

J. Specific Standards for Nonresidential and Mixed-Use Accessory Limited Uses.

1. Accessory Structures. Refer to Section 2-B-3 of this UDC.

2. Drive-Through Facility.
 - a. A Drive-Through Facility in the Residential-Commercial Service (R-C), Limited Commercial (C-1), and Destination Center (D-C) zone districts shall comply with the standards set out in Sec. [Article 6.A, Site Planning](#).
 - b. The facility shall not be located within the front yard adjacent to street right-of-way;
 - c. Ordering stations, service windows and drive-through lanes shall be screened by a Type B bufferyard, as provided in Sec. [6-C-5, Bufferyards](#), from all street rights-of-way and adjoining uses;
 - d. Each service window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces measuring eight feet (8') by twenty feet (20'); and
 - e. Stacking spaces shall not be located in public right-of-way or a common access drive.
3. Outdoor Display and Sales. The use is allowed provided that it is:
 - a. Attached to the principal use;
 - b. Within the buildable area of the site;
 - c. Configured as a walled or decoratively fenced area that entirely screens the merchandise on all sides; and
 - d. Not located in areas that are required or used for parking, loading, or vehicular circulations. (See Sec. [6-B-3, Required Parking](#) and Sec. [6-B-6, Off-Street Loading](#)).
4. Vehicle Wash.
 - a. A single-bay vehicle wash facility is allowed as an accessory use to a permitted convenience store or light automobile service / gasoline station, subject to any use restrictions imposed by a site plan or master site plan or applicable zone district.
 - b. Water Recycling and Wastewater.
 1. All vehicle wash facilities accessory to a convenience store or gasoline station shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such vehicle wash facility.
 2. An applicant for a convenience store or gasoline station with an accessory vehicle wash facility proposed for construction after the Effective Date shall submit its site plan or master site plan, as applicable, to ensure appropriate and safe provision, use and discharge of water into the wastewater system.
 3. Where a convenience store or gasoline service station abuts property zoned or used for residential purposes, lights illuminating the fuel pumps, canopies or other areas of the site shall comply with the standards of Sec. [6-E-3, Lighting Standards](#).
 - c. Vehicle washes are not permitted as an accessory use to any Convenience Store and Service Station use in the Residential-Commercial (R-C) District.

Sec. 2-B-3 Accessory Uses and Structures

- A. **Purpose.** The purpose of this Section is to authorize the approval of certain accessory structures that are incidental to, and customarily associated with, a principal use, which require standards to manage impacts to surrounding properties.
- B. **Applicability.** Accessory structures are permitted in all zoning districts in connection with a principal use that is designated as either a permitted, limited, or special use in the zoning district that it is located (See Sec. [2-B-1, Use Tables](#)). Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use.
- C. **All Accessory Structures.**

1. *Primary Structure Built First.* In all districts, no garage, tent, trailer or other accessory structure or accessory use shall be erected for residential purposes prior to construction of the principal building.
2. *Scale.* The accessory structure must not have a footprint greater than fifty percent (50%) of the principal building's footprint.
3. *Height.* An accessory structure shall not exceed twenty-five feet (25') or the height of the principal building, whichever is less.
4. *Setbacks.*
 - a. An accessory structure must be set back a minimum of ten feet (10') behind the rear facade of the principal building.
 - b. No accessory structure shall be located within a required front, side, or rear yard. Accessory structures must comply with the corner yard setbacks set out in [Article 3.A, Lot and Building Standards](#).
 - c. An accessory structure shall not be located within any easement unless approved otherwise by the Planning Commission.

D. Fences and Walls.

1. *Purpose.* The purpose of these regulations is to maintain adequate visibility on private property and in public rights-of-way, to protect the light and air to abutting properties, to provide adequate screening by regulating height, location, and design, and to promote the movement of wildlife through portions of Town.
2. *Privacy Gates.* Privacy gates are prohibited within the Town.
3. *Fence Design Standards.* The welfare of the Town is based to a great extent on the community's character, which includes natural terrain, open spaces, wildlife corridors, and wooded hillsides. The installation of fences and privacy gates in residential areas can erode this character by impeding views, hindering wildlife movement, and creating the image of a closed, unwelcoming community. It is the intent of the Town to limit fences in most situations in areas outside of the commercial zones (R-C, D-C, and C-1) in order to maintain the open, natural, and wooded alpine character of the Town and establish mandatory requirements for the erection of allowed fences in residential zone districts. Fence/Wall Permits are required (see [Article 7.F, Administrative Decisions](#)). Temporary fences that are installed to protect a construction site shall comply with [Sec. 2-B-4-E-2, Temporary Construction Fencing](#).
 - a. *General Design Standards:*
 1. All fences require approval from the Town.
 2. Prohibited Materials: Contemporary security fencing such as electrical wire, razor wire, barbed wire, or chain-link fencing (with and without slats) are prohibited, as are PVC, vinyl, and plastic fencing.
 3. Height Limitations and Solid-to-Void Ratios are set out in [Table 2-B-3-1, Permitted Height and Solid-to-Void Ratios](#).
 4. Rough sawn timbers, natural logs, and patinaed metal are preferred; Permitted Materials are set out in [Table 2-B-3-2, Permitted Materials](#).
 5. Fences shall have the finished side face away from the interior of the property being fenced.

Table 2-B-3-1 Permitted Height and Solid-to-Void Ratios		
Yard Setback Type	Maximum Permitted Height	Maximum Solid-to-Void Ratio
Front ¹	4'	1:3
Corner ²	3'	1:3 or 1:5 ³
Side ¹	6'	NA
Rear	6'	NA
Table Notes:		

**Table 2-B-3-1
Permitted Height and Solid-to-Void Ratios**

Yard Setback Type	Maximum Permitted Height	Maximum Solid-to-Void Ratio
<p><small>Unless otherwise stated all measurements are in feet.</small></p> <p>1. Measured from the front plane of the primary structure forward or, in the absence of a structure, from the front yard setback forward.</p> <p>2. Fences shall not obstruct sight distance at intersections for a minimum distance of thirty-five feet (35') measured from property corners at intersections of streets, roads, highways and railroads except when the town engineer determines that the fence, hedge or wall should be less than three feet (3') in height to permit unobstructed vision of vehicles and pedestrians (intersection sight triangle), as defined by the Standards and Specifications for Design and Construction.</p> <p>3. Only applicable if corner fence is within intersection sight triangle.</p>		

4. *Residential uses in the following zone districts (ME, R-1, R-2, R-C, D-C, C-1 and R-2-O).*
 - a. Although discouraged in these zone districts, in all instances fences should complement the property and landscape rather than contain it. Fences delineating property boundaries are not permitted. Fences will be considered for approval by the Director only when demonstrated by the applicant that the design is consistent with the following criteria:
 - i. Fences shall have a maximum solid-to-void ratio of one to three (1:3), e.g. one inch (1") of solid material for every three inches (3") of opening. Pet fences are exempt from this requirement.
 - ii. Fences shall not enclose an area greater than twenty-five percent (25%) of the total property or two thousand (2,000) square feet, whichever is more restrictive;
 - iii. Fences shall ensure the proposed design does not hinder wildlife migration;
 - iv. If a fence is part of a multi-family project, approval shall be received from the association and the fence design shall be integrated with the property's overall landscape design; and
 - v. If a fence is located on a duplex, twin home, or townhome property, written approval shall be received from the adjoining property owner for that shared lot line and the fence design shall be integrated with the overall landscape and building design.
 - b. *Pet Fence.* Shall be located in a rear or side yard or where the fence is not visible from a public right-of-way. Pet fences shall be located to minimize their visibility to the greatest extent possible, which in most instances will require the fence posts to be located behind or to the side of a structure. Pet fences may incorporate a wire mesh or solid wood material to enclose pets. While both materials may be installed vertically on the fence posts, the wire mesh may also extend horizontally over the top of the enclosed pet area. The maximum area of a fenced pet enclosure shall be four hundred (400) square feet or twenty-five percent (25%) of the overall non-buildable area, whichever is more restrictive. The maximum height is limited to fifty-four inches (54").
 - c. *Hot Tub Fence.* Privacy fences around hot tubs shall not exceed six feet (6') in height and shall not exceed **twenty-five feet (25') in total length**. Such fences shall be architecturally compatible with adjacent buildings. Where a fence around a hot tub is highly visible, a Type A bufferyard shall screen the hot tub to soften the fence's visual impact.
5. *Commercial uses in the following zone districts (R-C, C-1, D-C, O-S-F).*
 - a. *Compatibility.* Walls and fences shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot. If used along collector or arterial streets, such features shall be made visually "cohesive" by integrating architectural elements, such as brick (in the D-C zone district only) or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or through similar techniques. Length of a fence or wall shall not exceed ninety percent (90%) of the front lot line length.
 - b. *Materials.*

- i. Solid walls and fences are permitted only in rear and side yards. Retaining walls are permitted where required for grading purposes. Hedges may be used in the same manner and for the same purposes as a fence or wall.
- ii. Fences used in front yards shall have a maximum solid-to-void ratio of one to three (1:3). Fence materials not listed in Table 2-B-3, *Permitted Materials*, may be approved by the Director if they are materials of a similar nature. Where an applicant can demonstrate to the satisfaction of the Town that an alternative material would be architecturally compatible with the surrounding neighborhood, the Director may authorize such materials.
- iii. Solid fences shall be constructed to meet the wind design criteria of the adopted International Building Code, using a basic wind speed of ninety (90) miles per hour.
- iv. For details about integrating fences and walls into the surrounding landscape, see the Town's Design Guidelines: Appendix A, Section G, *Fences and Walls*

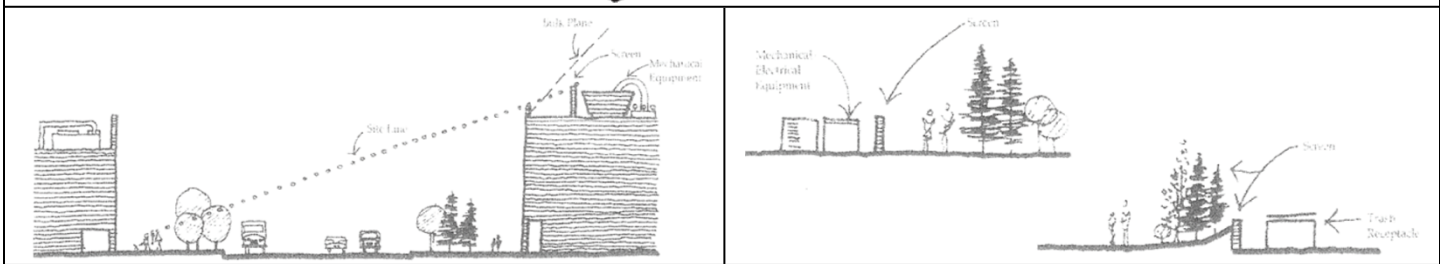
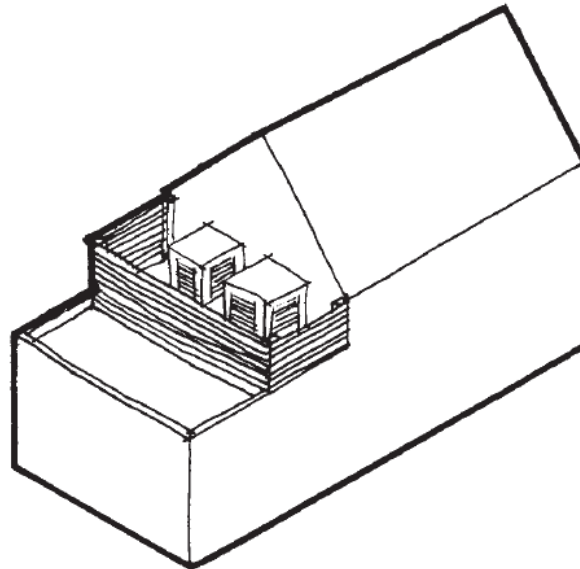
Table 2-B-3-2 Permitted Materials							
ZD	Split Rail	Buck & Rail	Wooden Post/Wire Mesh	Horizontal Wooden Board	Wrought Iron	Stone Pier ¹	Brick ¹
Residential							
ME	P	P	P	P	--	--	--
R-1							
R-2							
R-2-O							
Mixed Residential							
R-C	--	--	P	P	P	P	--
C-1							P
D-C							P
Notes							
1. Stone walls or brick walls shall have a stone or cast stone cap.							

E. Mechanical Equipment and Meters.

1. *Ground-Level Equipment.* Mechanical equipment and meters shall be screened from public view by building wall extensions, opaque fencing, structural enclosures, or landscaping. Hedges and screen walls that are used to screen mechanical systems shall be maintained at a height that is a minimum of one foot (1') higher than the equipment. Wall extensions, opaque fencing, and structural enclosures shall use materials and colors that match or are consistent with the design and materials of the principal building.
2. *Roof-Mounted Equipment.* Mechanical equipment and meters shall be fully screened from ground level views from all adjacent property and rights-of-way by:
 - a. Parapet walls, which shall include cornice treatments that are of adequate height to fully screen the equipment (a slope of one foot (1') rise per twenty-five feet (25') of run shall be used to determine if the wall is of adequate height); or
 - b. Screening walls of adequate height to fully screen the equipment, which use materials and colors that match or are consistent with the design of the principal building; or
 - c. Sloped roof systems or other architectural elements of adequate height to fully screen the equipment from all adjacent property and rights-of-way.
3. *Building-Mounted Equipment.* Mechanical equipment and meters that are mounted on a building wall that is within public view shall be enclosed, screened by opaque fencing and landscaping, or painted to match the building façade.

Figure 2-B-3-1

Minimize the visual impact of building equipment and equipment affixed to a building.



Locate mechanical equipment on a rooftop in a location that is out of view from the street; otherwise, screen it or integrate it architecturally with the overall building design

F. Rain Barrels.

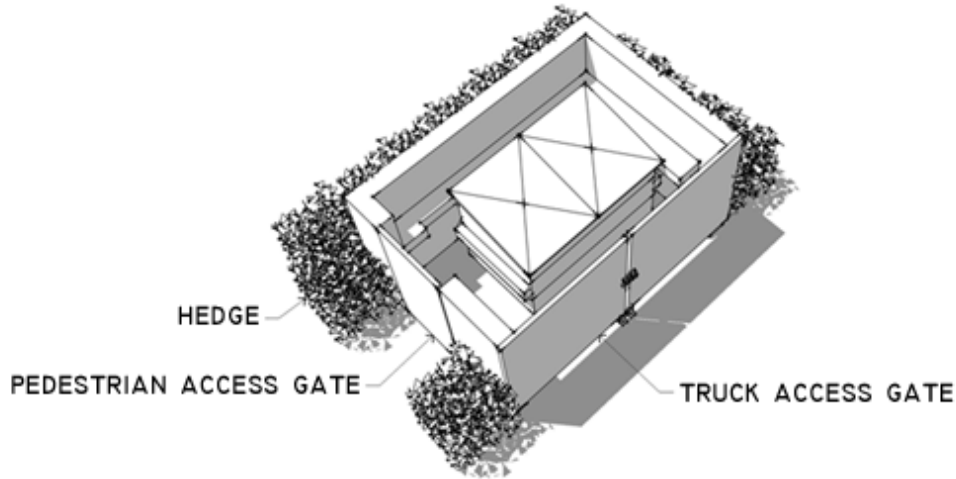
1. Rain Barrels shall comply with all State of Colorado Requirements as set forth in [C.R.S. §37-96.5-103](#).
2. Rain barrels shall be located behind the principal building or, if in an interior side yard or corner yard, they shall be screened by an opaque fence or landscaping that is one foot (1') taller than the barrel.
3. Rain barrels shall be located a minimum of two feet (2') from an interior side or rear property line.
4. Rain barrels shall be covered with a screen to allow water to filter in but to prevent wildlife access if the top is open and no lid is used. If the rain barrel contains an overflow, it too must be screened. If a rain barrel lid is fitted to feed directly from a gutter drain spout, and it has no other openings, then a screen is not required.

G. Retaining Walls.

1. Retaining walls shall be designed in accordance with the [Town of Winter Park Standards and Specifications for Design and Construction](#).
2. Retaining walls may be approved by the Planning Commission to encroach into required setbacks in the following circumstances:
 - a. It is shown that the wall cannot be located within the setback due to structural issues;
 - b. They are an appropriate engineering solution needed to mitigate risk to life and property;

- c. They are necessary to retain soils and stabilize sites; or
 - d. Their use is part of an approved landscape plan, erosion control plan, slope stability plan, or stormwater management plan.
 3. Permitted retaining walls will blend with the natural setting as follows:
 - a. Retaining walls will be finished with timbers, native rock, finished masonry, architectural concrete, or concrete masonry units (CMU) (if not facing a public right-of-way);
 - b. Retaining walls shall reference earth tones found in the surrounding area.
 4. Retaining walls will be designed and stamped by a Colorado Registered Professional Engineer, specializing in Structural Engineering, when required by the Town's Building Code.
 5. Retaining walls shall be limited to three (3) tiers with a maximum height of four feet (4') per tier. Tiers shall be staggered a minimum of four to six feet (4-6') apart horizontally and each tier shall be screened by:
 - a. One (1) five-gallon shrub per every four linear feet (4'); and
 - b. One (1) six-foot evergreen tree per every fifteen linear feet (15'). If the Planning Commission disapproves a final plat, it shall prepare a written statement of defects, setting forth all of its reasons for disapproval. Upon the Planning Commission's approval of a final plat, it goes to Town Council for its review and possible approval.
 6. For details about integrating retaining walls into the surrounding landscape, see the Town's Design Guidelines: Appendix A, Section G, *Fences and Walls*.
- H. **Trash Enclosures.** Bear-proof refuse and recycling containers and enclosures shall be provided for all multiple-family, nonresidential, and mixed-use developments for collection of solid wastes (See Section 6-B-7, *Screening*). All containers are subject to the following standards:
 1. The solid waste container enclosures shall be located no more than two-hundred feet (200') from the individual uses they are intended to serve;
 2. Access to the solid waste enclosure shall be configured to meet the requirements of the solid waste hauler;
 3. The solid waste enclosure shall have an opaque fence or wall constructed of wood, metal, or masonry and designed to match or complement the architecture of the principal building.
 4. As shown in Figure 2-B-3, *Trash Enclosure*, the enclosure must have:
 - a. Solid walls no less than six feet (6') in height;
 - b. Solid wood or metal service gates that remain closed except when servicing the container;
 - c. Solid covers or lids on each solid waste container that can be secured to prevent easy access;
 - d. A separate solid wood or metal pedestrian access gate that screens the container(s) from view; and
 - e. An adequate size to accommodate one (1) or more solid waste containers of a sufficient size to serve the use, based on the frequency of solid waste collection.
 5. Orient the truck access gate to face away from the street when feasible.
 6. Setbacks shall be as follows:
 - a. Front and corner yards: No less than the required building setback for the principal structure.
 - b. Interior Side Yard: five feet (5').
 - c. Rear Yard: five feet (5').

Figure 2-B-3
Trash Enclosure



I. Solar Collectors.

1. Roof-mounted solar collectors on principal and accessory buildings shall meet the following:
 - a. Roof-mounted solar panels match the pitch of the roof to which they are attached;
 - b. Installed directly to and in parallel with the roof form.
 - c. Panels shall not project above the ridge, and to the extent practical, should generally fill the roof plane when facing a public right-of-way, resulting in the appearance of a full-coverage material over the roof plane.
 - d. Panels shall not be staggered along roof valleys, nor stopped short of gable or shed roof edges. To the extent practical, solar panels should be selected and installed in a manner that minimizes reflectivity and glare.
2. Ground- or structure-mounted solar collectors shall be set back from property lines a distance equal to that of detached accessory buildings.
3. Carports and covered walkways covered with solar collectors shall meet the following:
 - a. There is not less than eight feet (8') of clearance under the carport or covered walkway, and
 - b. Solar panels that cover carports and walkways are set back from the front property line as required for principal buildings if located in a residential district, and
4. If solar collectors are damaged, such that the damage is obvious when viewed from public right-of-way, then the collectors shall be removed or replaced within thirty (30) days of the event that caused the damage.

J. Storage Shed.

1. *Maximum Square Footage.* Storage structure that is incidental to a principal use, provided that such accessory storage structure shall not exceed one hundred and twenty (120) sq. ft. in gross floor area.
2. *Storage Shed Design Standards.* Storage structures shall be harmonious with the main structure or structures on the site. The same or other harmonious building materials should be used on principal structures and storage structures.

Sec. 2-B-4 Temporary Uses and Structures

- A. Purpose.** This UDC allows for the establishment of certain temporary uses for limited duration, provided that such uses comply with the general and specific standards of this Section.

- B. **Applicability.** A Temporary Use Permit is required for any temporary use or structure that may be allowed in each zone district as listed in this Section unless such temporary use is an exempt temporary use as defined below.
- C. **Review Procedures.** Applications for a temporary use permit shall follow the general review procedures set forth in Sec. 7-F-6, *Temporary Use Permit*. Applications for temporary use permit may be initiated by the owner or lessee of the property for which a temporary use or structure is desired. Temporary use permit may be extended or renewed by applying for a new temporary use permit in accordance with the procedures and review criteria in this Section.
- D. **Standards Applicable to All Temporary Uses.**
1. *Location and Site Requirements.* Temporary uses shall:
 - a. Have legal access to the site on which the use is to be conducted;
 - b. Be conducted in areas designated by an approved temporary use plan or site plan;
 - c. Be set back a minimum of twenty-five feet (25') from public rights-of-way; and
 - d. Be set back a minimum of fifteen feet (15') from an R-1, R-2, or R-2-O district.
 2. *Buildings and Structures.* Temporary buildings and structures shall:
 - a. Temporary buildings or structures must comply with the district height limits.
 - b. All structures must be in compliance with Title 6 - Building Regulations, Town Code.
 - c. All structures must be in compliance with Appendix A, *Design Guidelines*.
 - d. Temporary buildings or structures shall obtain a building permit.
 3. *Access, Circulation, and Parking.* A temporary use shall:
 - a. Have adequate sight distances for safe vehicular ingress and egress;
 - b. Take access to a street with adequate capacity for the anticipated volume of traffic;
 - c. Not obstruct vehicular circulation nor access by emergency service providers;
 - d. Provide safe circulation by:
 1. Maintaining access to permanent uses operating simultaneous to the temporary use;
 2. Providing directional signage; and
 3. Minimizing points of conflict between vehicles and pedestrians.
 - e. Have sufficient on-site parking for the principal and temporary use.
 4. *Utilities.* Temporary uses shall provide sufficient potable water and adequate sewage disposal.
 5. *Outdoor Lighting.* All light sources shall comply with the standards set out in Sec. 6-E-3, *Lighting Standards*.
 6. *Public Convenience and Litter Control.*
 - a. Adequate public restroom facilities may be required on-site.
 - b. Adequate waste containers and a written guarantee shall be required such that all litter will be removed at no expense to the Town.
- E. **Standards Applicable to Specific Temporary Uses:**
1. *Construction Trailers.*
 - a. Construction trailers shall be located on the lot that is subject to an associated, valid building permit. Construction trailers may be located on adjacent property with consent of the property owner, upon a finding by the Director that the construction trailer cannot be located on the subject property due to the size or characteristics of the lot or development activity.
 - b. Construction trailers shall comply with minimum yard requirements. The Director may waive yard requirements upon a finding that the construction trailer is not located in a sight triangle and will not

cause detriment to the public health, safety, and welfare. The number, location, and site layout of construction trailers shall be reviewed and approved as part of a site plan.

- c. Construction trailers shall not be used for overnight accommodations.
- d. Construction trailers shall be removed from the development parcel prior to Certificate of Occupancy or if construction ceases on the development parcel for thirty (30) days or longer.

2. *Temporary Construction Fencing.*

- a. Temporary construction fences consisting of chain-link, no more than six feet (6') in height above the ground, shall not require a temporary use permit.
- b. Temporary construction fences installed along a public right-of-way shall have opaque mesh fabric that is securely attached to the fence.
- c. Temporary construction fences proposed in excess of six feet (6') in height will require review and permitting by the Building Division.

3. *Real Estate Sales Office, Temporary On-Site.*

- a. ~~Temporary on-site real estate sales offices shall not:~~
 - 1. ~~Facilitate the rental of units; or~~
 - 2. ~~Advertise for off-site properties.~~

4. *Real Estate Sales Trailer.*

- a. Real estate sales trailers shall be located on the same lot or within the same development or subdivision as the properties for sale.
- b. Real estate sales trailers are permitted for one (1) year or until 75 percent (75%) of the property interests are sold, whichever occurs first.
- c. The number of real estate sales trailers per development or subdivision shall be limited to one.
- d. Real estate sales trailers shall not exceed one thousand (1,000) square feet gross floor area.
- e. ~~Real estate sales trailers shall comply with minimum yard requirements.~~
- f. Access and parking areas serving the real estate sales trailer shall be an approved all-weather surface and maintained in a dust-free condition.

5. *Seasonal Outdoor Sales*

- a. Seasonal outdoor sales shall be limited to thirty (30) consecutive days. The Director may approve a longer duration upon a finding that the time period is appropriate for the seasonal sales and that the longer duration will not result in any adverse impacts.
- b. Temporary buildings or structures associated with seasonal outdoor sales shall comply with minimum yard requirements.
- c. Display of Christmas trees need not comply with the yard and setback requirements of this section provided no tree is displayed within twenty-five feet (25') of the curb lines of any two (2) intersecting streets.
- d. Display of goods and merchandise related to seasonal sales of live plantings, landscaping materials, and firewood may be conducted outside of enclosed buildings in any nonresidential or mixed-use district, subject to the following conditions:
 - 1. An area equivalent to the lesser of five percent (5%) of the gross floor area of the enclosed permanent principal use or five hundred (500) square feet may be used for open display and sales of seasonal outdoor merchandise;
 - 2. No portion of the display shall be within the required front yard setback or on publicly-owned property; and

3. No portion of the display shall interfere with traffic circulation or reduce the on-site parking below that required for the principal use.

F. **Exemptions.** The regulations in this Section shall not apply to the following uses:

1. Outdoor sales or events which do not exceed five (5) days total in any calendar year;
2. Construction activities located on a subject property, including the storage of construction materials and construction equipment, and construction-related parking associated with a valid building permit for such property;
3. Funeral processions;
4. Garage or estate sales;
5. Private parties;
6. Weddings of immediate family of the homeowner;
7. Staging and assembly grounds for natural disasters and emergencies; and
8. A governmental agency acting within the scope of its functions.

Sec. 2-B-5 New and Unlisted Uses

- A. **Authorization of Unlisted Uses.** If a proposed use is not specified in Sec. 2-B-1, *Use Tables*, and the Director has made a determination that the use is either a subcategory of a permitted, limited, or special use, or a use that is functionally similar to a permitted, limited, or special use, the Director may authorize the proposed use, and apply all standards that would have applied to the similar use.
- B. **If Not Authorized Then Prohibited.** If the Director determines that a proposed use does not fit within a listed land use and is not functionally the same as a permitted, limited, or special use, then the use is a prohibited.
- C. **Decision Criteria.** In making such determinations, the Director may consider but not be limited to the following criteria:
 1. The actual or projected characteristics of the activity in relation to those of the listed land use;
 2. Nature and impacts of operation;
 3. Character and scale of associated buildings and structures;
 4. The amount of site area or floor space and equipment devoted to the activity;
 5. Vehicle parking demand;
 6. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
 7. Types of vehicles used and their parking requirements;
 8. Building impervious surface coverage;
 9. Regulated air or water emissions;
 10. Noise, lighting, dust, vibration, electronic interference, and odors;
 11. Solid waste generation;
 12. Use and storage of hazardous materials;
 13. How the use is advertised;
 14. Hours of operation;
 15. Visibility of equipment; and
 16. Any other reasonable and pertinent considerations necessary to assess the nature and impacts of a proposed use.

- D. **Appeal of the Director's Decision.** Appeals to the Director's decision may be made following procedures under Sec. 2-B-5, Appeals.