

200. ZONING

History: Amended by Ordinance No. 607 on July 6, 2017; amended by Ordinance No. 609 on October 5, 2017.

201. General Provisions

In their interpretation and application, the provisions of these zoning Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

201.1. Uniformity of Regulations

The regulations established by this code within each Zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this code, the following interpretations shall apply:

201.1.1. No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed moved, or structurally altered unless in conformity with all of the regulations herein specified for the Zone in which it is located.

201.1.2. No building or other structure shall be erected or altered except as allowed by this code:

201.1.2.1. to exceed the height limitations;

201.1.2.2. to accommodate or house a greater number of families;

201.1.2.3. to occupy a greater percentage of the area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

201.1.3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this code.

201.1.4. No yard or lot existing at the time of passage of this code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements established by this code.

201.1.5. Any use not permitted in a Zone either specifically or by interpretation by the Planning Commission is hereby specifically prohibited from that Zone.

201.2. Conflict with Other Provisions of Law

Where this Zoning code is in any way more restrictive than other provisions of law or ordinance, the provisions of this Zoning code shall control.

201.3. Conflict with Private Covenants or Deeds

In case of a conflict between this code and any private restrictions imposed by covenant or deed, the responsibility of the Town Manager shall be limited to the enforcement of this code.

201.4. One Principal Building to a Lot

Only one (1) principal building and its customary accessory buildings may hereafter be erected on a lot. No building shall be erected on any lot, which does not have at least twenty-five (25) foot frontage on a publicly dedicated street.

201.5. Permitted Height Exceptions

Except as specifically stated in other parts of this code, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein after established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, private and utility radio and television aerials or antennas, ham radio masts, water tanks or similar structures may be erected above the height limits herein. No such excepted structures may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such excepted structures have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such excepted structures be used for any residential purpose other than a use incidental to the main use of the building. Private radio, television and ham radio aerials or masts may be erected to any height providing it is acceptable to the F.A.A.

202. Zone Districts

202.1. General

In order to implement the provisions of this code, Limon, Colorado, is hereby and in the future may be, divided into the following zoning districts:

- ER Estate Residential District
- R-1 Single-family Residential District

- R-2 Two-family Residential District
- R-3 Multi-family Residential District
- R-4 Mixed Residential District
- R-MH Mobile Home Residential District
- C-1 Commercial District
- CBD Commercial Business District
- CBD-R Commercial Business and Residential District
- CH-1 Highway Commercial District
- CH-2 Mixed Commercial District
- CH-3 Highway Commercial and Residential District
- C-1 Commercial District
- LI Light Industrial District
- HI Heavy Industrial District
- PD Planned Development District
- OS-R Open Space – Recreation District
- O-FP Floodplain Overlay District
- O-A Airport Overlay District

202.2. Use Categories

Uses of property are categorized and allowed in each of the zoning districts in the following manner:

202.2.1. Use-by-Right.

Uses-by-right include the use of land, structures or both which are authorized by the district zoning classification. These uses may not require prior review and approval by the Planning Commission or the Board of Trustees unless otherwise contained herein.

202.2.1.1. A use-by-right is the principal use(s) permitted in any given zone district. The design standards of any given zone district comprises the essential site plan requirements for the placement of a use on a parcel or in a structure. To construct a use-by-right on a parcel, a building permit is needed. The building permit will require that the use is properly served by access and utilities and that a plot plan be submitted which is used to check the setbacks and other design standards of the district. Plot plan reviews and approvals are a function of Town staff.

202.2.2. Accessory Uses and Structures.

These uses are naturally and normally incidental to a use-by-right and comply with all the following conditions:

202.2.2.1. Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use-by-right;

202.2.2.2. Is operated and maintained under the same ownership as the use-by-right on the same zone lot;

202.2.2.3. Includes only those structures or structural features consistent with the use-by-right;

202.2.2.4. The gross floor area utilized by all accessory uses, except a private garage, shall not exceed ten percent (10%) of the total floor area of the use-by-right on the same property or parcel; and

202.2.2.5. May include home occupations, as defined by the zoning regulations and/or by zone district.

202.2.2.6. Accessory uses must meet setback and other design standard requirements in each zone district. Construction of accessory uses may or may not require a building permit. If a permit is required, a plot plan showing the location of the accessory use on the zone lot will be required.

202.2.3. Conditional Use.

Uses normally associated with uses-by-right and permitted in any given zone district upon compliance with certain conditions and after review and approval of a site plan. See Appendix 1.

202.2.4. Use by Special Review.

A specific use of land or building or both described and permitted within a zone district is subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a use-by-right or conditional use. Special uses require review before the Planning Commission and a public hearing before the Board of Trustees. These uses are usually extraordinary in nature, and a complete site plan and impact mitigation plan will be required to be reviewed and approved. See Appendix 2.

202.2.5. Temporary Uses.

202.2.5.1. The intent of this section is to provide for the regulation of temporary structures and uses. This code shall apply to temporary residences, temporary construction offices and temporary signs. For the purposes of this section, the term "temporary" shall mean a period of up to six (6) months.

202.2.5.2. General Requirements and Procedures. Prior to the establishment and use of a temporary structure, the applicant shall be required to provide the following:

202.2.5.2.1. Submit a plot plan showing location of the use, setbacks and any other pertinent information to the Town Manager for review. The plan must conform to all applicable zoning requirements of the district in which the use is to be located. See Appendix 3.

202.2.5.2.2. Upon favorable review by the Town Manager, the applicant may obtain a building permit for the requested use.

202.2.5.2.3. The permit granted by the Town Manager shall expire six (6) months from the date of issuance. A maximum of three (3) permits may be granted per use. All temporary uses shall be removed at the expiration of the third permit.

202.2.5.2.4. All written requests for renewal shall be submitted to the Town Manager a minimum of ten (10) working days prior to expiration date.

202.2.5.2.5. The applicant must meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as determined by the Town Manager.

202.2.5.3. Permitted Temporary Structures

202.2.5.3.1. Temporary Construction Office. A temporary structure for the storage of construction materials, and a construction office to be used for managing a construction job may be utilized in all districts with the following restrictions:

202.2.5.3.1.1. The unit is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, etc.

202.2.5.3.1.2. While construction is occurring, a temporary construction office may be utilized provided that it is located within the area of a recorded final plat or an approved site plan.

202.2.5.3.1.3. The temporary construction office shall not be utilized as living quarters for a caretaker, property owner, contractor, or others except in approved cases where security necessitates such occupancy.

202.2.5.3.2. Temporary Offices.

202.2.5.3.2.1. Residential Sales. Temporary residential sales offices for the sale of units in an area shall be permitted in the residential (R) and PD districts with the following restrictions:

202.2.5.3.2.1.1. Sales shall be limited only to those units within the platted subdivision in which the office is located.

202.2.5.3.2.1.2. The temporary structure shall be located within the area of a recorded final plat.

202.2.5.3.2.1.3. The use of a temporary residential sales office shall require obtaining a temporary permit with the Town Manager.

202.2.5.3.2.2. Commercial, Business, and Industrial Offices. Temporary nonresidential offices, including manufactured housing, used for sales or business operation purposes shall be permitted in the CBD, CBD-R, CH-1, CH-2, CH-3, LI, HI and nonresidential and mixed-use PD zone districts with the following restrictions:

(Entire section amended November 7, 2002 by Ordinance No. 479)

202.2.5.3.2.2.1. Upon obtaining a building permit for a permanent nonresidential structure a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.

202.2.5.3.2.2.2. The temporary office shall be located within the area of a recorded final plat and an approved site plan.

202.2.5.3.2.2.3. The temporary permit shall allow the placement of the temporary structure for up to but no longer than one (1) year from the date of the permit at the discretion of the Town Manager. Such temporary permit may not be extended for any longer term without the Town Manager finding good cause for such extension.

202.2.5.3.2.3. Other Temporary Structures. Tents or other temporary structures used for commercial activities are allowed in all zone district except the Residential zone districts. All permits are to be obtained from the Administrative Official and must expire in a maximum of three (3) months within any calendar year. The intent of this section is to prevent commercial uses of tents in residential areas, not to prevent backyard get-togethers.

202.2.6 Uses Not Itemized.

202.2.6.1. On its own initiative, the Limon Planning Commission may, by resolution, recommend to the Board of Trustees additions to the uses permitted and/or uses permitted by special review section of any zoning district, any other similar use which conforms to the conditions set forth in this section. The recommendation of the Planning Commission is then forwarded to the Board of Trustees for their action pursuant to Section 203 of this code. The criteria to be considered when adding to the zone district use list are:

202.2.6.1.1. Such use is more appropriate in the use group to which it is added;

202.2.6.1.2. Such use conforms to the basic characteristics of the use group to which it is added; and

202.2.6.1.3. Such use does not create any more offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.

202.2.6.2. Any use not specifically listed or under consideration by the Planning Commission for addition at the time of application must be approved as an addition and/or reviewed as a special use permit within an appropriate zone district.

202.2.6.3. When any use has been added to any use group in accordance with this Section **2.2.6.**, such use shall be deemed to be listed in the appropriate Section of that use group and shall be added thereto in the published text of this code at the first convenient opportunity, with a notation indicating that the addition was made in accordance with this Section.

202.2.7. Uses Prohibited.

202.2.7.1. Except as may be allowed as a temporary use under Section **2.2.5.3.1.2.** there shall be no manufactured housing allowed or permitted in the CBD, CBD-R, CH-1, CH-2, CH-3, LI, HI, and nonresidential and mixed-use PD zone districts.

(Added November 7, 2002 by Ordinance No. 479)

202.3. Zone District Descriptions

202.3.1. Estate Residential District (ER)

202.3.1.1. Purpose. The ER, Estate Residential district is designed to accommodate very low density single-family residential uses and country estates on large lots that can possibly accommodate livestock at specified density limits and located on the fringes of Limon's Planning Influence Area. These areas may or may not be served by centralized sewer and water utilities.

202.3.1.2. Uses-By-Right:

- single-family house (one per parcel)
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains, lines, etc., which are underground facilities to service residences
- Domestic livestock, limited to cattle, horses and mules less than or equal to an animal unit density of one unit per 90,000 square feet of open lot space, excluding any building structure for the first such unit and 25,000 square feet for each additional such unit.
- satellite dish antennas without towers; ham radio towers
- open space

- accessory buildings and uses such as garages
- livestock barns up to eight hundred fifty (850) square feet each
- gardens
- home occupations

202.3.1.3. Conditional Uses:

- golf courses
- public and private schools
- churches and church schools
- group homes,
- preschools, nursery schools, and childcare centers
- fire stations
- factory built and manufactured housing on permanent and engineered foundations
- small wind energy conversion systems
- crop production, orchards, nurseries, and flower production
- utility service facilities
- communication facilities not exceeding height limits
- small horse boarding operations of four (4) or less animals not owned by operator; animal unit densities apply

202.3.1.4. Special Review Uses:

- central collection sewage treatment facilities, exclusive of individual septic system
- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- major facilities of a public utility
- accessory buildings greater than eight hundred fifty (850) square feet

202.3.2. Single-Family Residential District (R-1)

202.3.2.1. Purpose. The R-1 Single-Family Residential District is designed to accommodate single-family residential development at low density in areas within the Town of Limon that are served by public sewer and water facilities. In order to maintain the design integrity of this district, no modular or factory-built homes, mobile homes or manufactured homes will be allowed in this district.

202.3.2.2. Uses-By-Right:

- single-family house (one per parcel)
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains, lines, etc., which are underground facilities
- open space
- gardens

- satellite dish antennas without towers; ham radio towers
- accessory buildings and uses such as garages
- home occupations
- childcare homes

202.3.2.3. Conditional Uses:

- golf courses
- public and private schools
- churches and church schools
- fire stations
- communication facilities up to height limit
- utility service facilities

202.3.2.4. Special Review Uses:

- major facilities of a public utility
- Nursing Home Facility

202.3.3. Two-Family Residential District (R-2)

202.3.3.1. Purpose. This zone district provides areas for low to moderate-density residential development and allows for two-family housing units.

202.3.3.2. Uses-By-Right:

- two-family dwellings
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains and lines which are underground facilities
- single-family dwellings
- factory-built and modular homes on permanent and engineered foundations
- accessory buildings and uses
- home occupations
- childcare homes

202.3.3.3. Conditional Uses:

- golf courses
- public and private schools
- churches and church schools
- fire stations
- communication facilities up to height limit
- utility service facilities
-

202.3.3.4. Special Review Uses:

- major facilities of a public utility
- childcare center

202.3.4. Multi-family Residential District (R-3)

202.3.4.1. Purpose. Areas for moderate- to high-density multi-family residential development.

202.3.4.2 Uses-By-Right:

- single-family, two-family, and factory-built and modular housing on permanent foundations
- multi-family dwellings
- multiple family subdivisions (lots or condominiums)
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains, lines, and underground facilities
- accessory buildings and uses
- home occupations
- childcare homes

202.3.4.3. Conditional Uses:

- apartment buildings
- golf courses
- public and private schools
- churches and church schools
- group homes, nursing homes
- preschools, nursery schools, childcare centers
- fire stations
- hospitals
- communication facilities not exceeding height limits
- utility service facilities

202.3.4.4. Special Review Uses:

- central collection sewage treatment facilities
- water tanks, water treatment facilities, utility substations, and regulator stations
- major facilities of a public utility

202.3.4.5. Additional Requirements:

- all multi-family developments must be landscaped according to an approved landscape plan
- all trash receptacles must be properly screened from adjacent public rights-of-way and adjacent properties. These areas shall be designed and used in a manner that will prevent wind and animal scattering of trash
- all roof-mounted equipment shall be properly screened; solar collectors and heaters and television antennas are exempted

202.3.5. Mixed Residential District (R-4)

202.3.5.1. Purpose. Areas for low to high-density residential development.

202.3.5.2. Uses-By-Right:

- single-family, two-family, multi-family and factory built and manufactured housing on permanent foundations

- public parks, playgrounds, and other public recreation areas
- public utility distribution mains, lines, and underground facilities
- accessory buildings and uses
- home occupations
- childcare homes

202.3.5.3. Conditional Uses:

- mobile homes
- apartment buildings
- golf courses
- public and private schools
- churches and church schools
- group homes, nursing homes
- preschools, nursery schools, childcare

centers

- fire stations
- hospitals
- communication facilities not exceeding height

limits

- utility service facilities

202.3.5.4. Special Review Uses:

- central collection sewage treatment facilities
- water tanks, water treatment facilities, utility substations, and regulator stations
- major facilities of a public utility

202.3.6. Mobile Home District (R-MH)

(Amended in its entirety by Ordinance No. 530 on August 6, 2009; Amended by Ordinance No 603 on May 4, 2017.)

202.3.6.1. Purpose. The Mobile Home (R-MH) District provides a residential zone for mobile home parks and mobile home subdivisions within the Town of Limon. This district allows the development of the types of mobile homes that may not qualify for location in other residential zone districts. Regulations governing individual mobile homes as principal dwelling units or as accessory, conditional, or temporary uses in other zone districts can be found elsewhere in this code.

202.3.6.2. Interpretation. In the interpretation and application of the provisions of this code, they are not intended to abrogate or annul any permits issued before the effective date of this code or any easement, covenant, or any other private agreement.

202.3.6.3. Uses Permitted by Right:

- manufactured homes
- modular or factory built homes
- single-family, two-family, multi-family and factory built housing on permanent foundations
- accessory uses, buildings, and structures

- mobile home subdivisions
- open space
- public parks and playgrounds
- public utility mains, lines, and underground facilities

- satellite dish antennas without towers
- home occupations
- childcare homes

202.3.6.4. Conditional Uses:

- mobile home parks
- churches and church schools
- fire or police stations
- golf courses
- group homes
- hospitals, nursing homes, and extended care

facilities

- public and private schools
- communication facilities not exceeding height

limits

- recreation vehicle (RV) park

202.3.6.5. Special Review Uses:

- central collection sewage treatment facilities
- major facilities of a public utility water tanks, water treatment facilities, utility substations and regulator stations, water reservoirs
- childcare center

202.3.7. Commercial Business District (CBD)

(Amended by Ordinance No. 601 on March 2, 2017)

202.3.7.1. Purpose. This zone district is designed to accommodate a wide variety of commercial activities including businesses, housing where appropriate, the municipal center and parking. The CBD zone will serve as the primary commercial core of the Town, have overall design integration, and be pedestrian-oriented, resulting in the intensive and attractive use of the Town's downtown area.

202.3.7.2. Uses-By-Right:

202.3.7.2.1. Retail and business uses such as:

- attorney-at-law/legal services
- antique shops
- artist supply stores
- auto and truck parts store
- banks (drive-in facilities are allowed)
- barber and beauty shops
- book and stationery stores
- childcare centers and nursery schools
- churches and church schools
- clothing stores

- limit
 - communication facilities up to the height
 - copy centers
 - CPA/bookkeeping services
 - craft stores
 - drug stores
 - dry cleaning and dyeing establishments
 - dry goods and variety stores
 - electrical and household appliance stores
 - florists
 - furniture stores
 - gift shops
 - grocery stores
 - hardware stores
 - hospitals, nursing and convalescent homes, and other extended care facilities
- uses
 - hotels, including other incidental business
 - insurance agencies
 - jewelry stores
 - laundromats
 - libraries
 - medical and dental clinics
 - membership clubs, public or private
 - mortuaries and funeral homes
 - music, radio, television, and video stores
 - newspaper publications
 - newsstands
 - office supply stores
 - offices for business and governmental
- activities
 - optometrist shops
 - parking lots for customers and employee
- parking (off-premise lots)
 - package liquor stores
 - paint stores
 - pet shops
- supply stores
 - photographic studios, equipment, and
 - post offices
 - printeries
 - public utility collection offices
 - radio and TV stations and other
- communication businesses
 - realty/land offices
- establishments without drive-in facilities
 - restaurants and other eating and drinking
 - senior centers
 - shoe stores
- stores
 - sporting goods and athletic equipment
 - theaters (indoors)
 - toy stores
 - travel agencies
 - video rentals

202.3.7.2.2. Utility service facilities

202.3.7.2.3. Accessory buildings and uses

202.3.7.3. Conditional Uses:

- gasoline stations
- auto and truck repair shops
- bed and breakfast homes
- car dealerships
- health club/gym
- restaurants with drive-in facilities
- school facilities
- veterinary clinics and hospitals
- utility service facilities where height limits are

exceeded

202.3.7.4. Special Review Uses:

- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- major facilities of a public utility communication facilities where height limits are exceeded

• Dwellings including Single-Family, Two-Family, and Multi-family which meet current building code requirements as approved following evaluation pursuant to the following criteria:

202.3.7.4.1. Dwelling Criteria

202.3.7.4.1.1. Single Family Dwellings

- Shall not be considered a standalone structure, but shall be incorporated into existing or new commercial buildings within the core downtown area along E Avenue between Main Street and Civic Center Drive, 1st Street between D Avenue and F Avenue, 2nd Street between D Avenue and F Avenue or Main Street between C Avenue and F Avenue.

- An approved Site Plan pursuant to Section 403 -- Site Plan/Architectural Review Criteria.

202.3.7.4.1.2. Two-Family Dwellings

- An approved Site Plan pursuant to Section 403 -- Site Plan/Architectural Review Criteria.

202.3.7.4.1.3. Multi-family Dwelling

- An approved Site Plan pursuant to Section 403 -- Site Plan/Architectural Review Criteria.

202.3.7.4.2. Accessory Buildings

202.3.7.4.2.1. May be approved pursuant to Section 404 – Accessory Buildings.

202.3.8. Commercial Business and Residential District (CBD-R)

202.3.8.1. Purpose. This zone district is intended to provide the same commercial and office business activities as the Commercial Business District in the downtown area while providing some additional single family residential uses.

202.3.8.2. Uses-By Right:

• uses-by-right allowed in the Commercial Business District (CBD), Section **2.3.7.2.**

- single family houses
- childcare homes
- home occupations

202.3.8.3. Conditional Uses:

• conditional uses allowed in the Commercial Business District (CBD), Section **2.3.7.3.**

- Fire Station

(Added December 7, 2000 by Ordinance No. 459)

202.3.8.4. Special Review Uses:

• special review uses allowed in the Commercial Business District (CBD), Section **2.3.7.4.**

202.3.9. Highway Commercial District (CH-1)

202.3.9.1. Purpose. Areas for commercial retail and service related commercial uses requiring intensive vehicle access and parking located at highway intersections and on the edges of the CBD.

202.3.9.2. Uses-By-Right:

202.3.9.2.1. Places for the conduct of commercial and service activities, not of an industrial nature, including, but not limited to, the following:

• Uses-By-Right allowed in Commercial Business District (CBD) in Section **202.3.7.2.1.**

- amusement and general recreational facilities
- auto and truck repairs
- auto and truck sales — new and used
- bowling alleys
- building materials, farm and ranch materials center
- car washes
- department stores
- electrical, heating, painting, plumbing, roofing, or ventilating shops
- fresh or frozen food lockers
- gas stations/food stores
- grocery and liquor stores
- laundries
- miniature golf courses, golf driving ranges

- printing or publishing establishments
- storage facilities — household goods
- sign painting
- radio and TV stations, telephone exchanges and other communications facilities such as towers, antennas and buildings where people work
- rental equipment stores
- restaurants and other eating and drinking establishments with drive-up facilities
- tack, feed and grain stores
- theaters (outdoor)
- tire supply and repair stores
- full service truck stores
- upholstery supply and repair stores
- utility service facilities
- veterinary clinics and hospital

202.3.9.2.2. Utility service facilities

202.3.9.2.3. Accessory buildings and uses

202.3.9.3. Conditional Uses:

- greenhouses and wholesale plant nurseries
- contractor's office with outside storage of construction materials or equipment
- firewood sales and storage
- farm equipment and heavy equipment sales — new and used
- feed mills
- flea markets; farmers' markets
- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- communication facilities exceeding the height limit

202.3.9.4. Special Review Uses:

- recreational vehicle (RV) parks
- commercial storage areas
- major facility of a public utility
- storage and sale of commercial fertilizer and farm chemicals

202.3.10. Mixed Commercial District (CH-2)

202.3.10.1. Purpose. Areas for commercial retail and service related commercial and mixed use residential uses.

202.3.10.2. Uses-By-Right: commercial retail, businesses, and residences listed as Uses-by-Right under Mixed Residential District, Section **202.3.5.2.(R-4)**; Commercial Business District, Section **202.3.7.2.1.(CBD)**; and Highway Commercial District, Section **202.3.9.2 (CH-1)**.

202.3.10.3. Conditional Uses:

- greenhouses and wholesale plant nurseries
- contractor's office with outside storage of construction materials or equipment
- firewood sales and storage
- farm equipment and heavy equipment sales — new and used
- feed mills
- flea markets; farmers' markets
- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- communication facilities exceeding the height limit
- manufactured homes
- apartment buildings
- public and private schools
- churches and church schools
- group homes, nursing homes
- preschools, nursery schools, childcare centers
- fire stations
- hospitals

202.3.10.4. Special Review Uses:

- recreational vehicle (RV) parks
- commercial storage areas
- major facility of a public utility
- storage and sale of commercial fertilizer and farm chemicals

202.3.11. Highway Commercial and Residential District (CH-3)

202.3.11.1. Uses-by-Right:

- uses-by-right under Highway Commercial District (CH-1), Section **202.3.9.2.**
- single-family houses
- childcare homes
- home occupations

202.3.11.2. Conditional Uses: conditional uses under Highway Commercial District (CH-1), Section **202.3.9.3.**

202.3.11.3. Special Review Uses:

- special review uses under Highway Commercial District (CH-1), Section **202.3.9.4.**
- two-family houses
- multi-family housing

202.3.12. Light Industrial (LI)

202.3.12.1. Purpose. Land areas to be used primarily for research and development, mini warehousing, small product assembly and manufacturing and other service, distribution, and industrial uses that are

relatively non-polluting and have few off-site impacts as a result of the operations on-site.

202.3.12.2. Uses-By-Right:

- assembling and light manufacturing plants
- automobile service stations with gasoline pumps and retail gift and sundry sales
- bakeries — wholesale and retail
- banks, financial institutions and services, including drive-in facilities
- bars and lounges
- boats sales and storage
- bottling plants
- bowling alleys
- building materials — wholesale and retail
- carpentry and woodworking shops
- contractor's offices and storage
- dairy products processing plants
- equipment rental
- emergency response facilities
- food and beverage processing plants
- food lockers
- garden shops, greenhouses and wholesale plant nurseries
- general merchandise wholesale business; retail sales allowed
- heavy equipment, truck and farm implement sales and repair
- home repair centers — wholesale and retail
- machine shops
- mini-warehouses, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit
- motor vehicle and motorized equipment sales, service and repair
- offices — general, medical, dental, including all professional and governmental activities
- product distribution and storage facilities (warehouse)
- public and private parking lots
- public and private recreation areas
- recreational vehicle storage yards
- restaurants and other eating and drinking establishments
- scientific research facilities
- sexually oriented business
(added by Ordinance No. 475 on July 6, 2000)
- storage and warehousing facilities
- temporary construction office
- temporary office
- upholstery supply and repair shops
- utility service facilities and storage operations

- oil and gas well drilling service operations, storage yards and offices
- communication facilities and businesses (TV, radio and telephone, etc.)

202.3.12.3. Accessory Uses:

- storage buildings for equipment
- below ground utility mains
- parking areas to service the industrial operation

202.3.12.4. Conditional Uses:

- utility generation facility having 50 megawatts or less of power production
- above ground utility transmission lines – on site
- water storage reservoirs less than or equal to 65 acre-feet in size
- water tanks, water and sewage treatment facilities
- communication facilities where height limits are exceeded
- utility service facilities where height limits are exceeded

202.3.12.5. Special Review Uses:

- commercial airports and heliports
- crop dusting operations and associated chemical storage and airstrips
- animal sales yard
- storage or warehousing of any dangerous or toxic chemicals or products, fertilizers, farm chemicals, etc.
- above ground utility transmission lines – off site
- concrete, asphalt and mortar batching plants
- aircraft related recreational facilities
- rendering plants, slaughter houses and meat packing facilities
- major facilities of a public utility

202.3.13 Commercial District (C-1)

(Added by Ordinance No. 569 on January 2, 2014)

202.3.13.1 Purpose. Areas for mixed commercial and industrial uses that allow less intensive industrial uses to be developed alongside certain commercial activities.

202.3.13.2 Uses-By-Right: Places for the conduct of mixed commercial and industrial uses, including, but not limited to, the following:

- assembling and light manufacturing plants

- electronic, electrical, communication equipment manufacturing/assembly
- warehouse and distribution facilities
- manufacturing, assembly, and distribution of secondary and basic goods
- truck terminals and loading areas
- oil and gas drilling service operation and storage areas
- commercial storage areas and warehouses used to store or distribute goods and commodities
- commercial storage (indoor)
- processing plants
- emergency response facilities
- public safety facilities
- utility service facility
- utility generation facilities greater than or equal to 50 megawatts of power

202.3.13.3 Conditional Uses:

- manufacturing (food)
- manufacturing (machinery)
- manufacturing (metal)
- manufacturing (non-metallic mineral)
- manufacturing (textile)
- manufacturing (wood product)
- carpentry and woodworking shops
- food and beverage processing plants
- food lockers
- recreational vehicle storage lots
- crop dusting and associated chemical storage and airstrips
- aircraft related recreational activities
- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- communication facilities exceeding the height limit

202.3.13.4 Special Review Uses:

- manufacturing (oil and gas)
- outdoor commercial storage areas
- commercial and general aviation airports and heliports
- concrete, asphalt and mortar batching plants
- temporary batch plants
- warehouse (flammable materials)
- aircraft related commercial facilities
- major facility of a public utility

202.3.13.5 Accessory Uses:

- airplane hangars

202.3.14. Heavy Industrial District (HI)

202.3.14.1. Purpose. Reserved for land areas to be used primarily for manufacturing, assembly and distribution of basic goods. In addition, uses that involve resource extraction operations and recycling, storage and disassembly of all types of used products and related support uses are included within this category. Other uses that pose significant off-site impacts may be located in this district under special conditions, which mitigate those impacts.

202.3.14.2. Uses-By-Right:

- manufacturing, assembly, and distribution of secondary and basic goods
- rendering plants, slaughter houses and meat packing plants
- commercial storage areas and warehouses used to store or distribute goods and commodities (food stuffs, grains, etc.)
 - concrete, asphalt, or mortar batching plants
 - private and public storage areas
 - public safety facilities
 - truck terminals and loading areas
 - utility service facility
 - oil and gas drilling service operation and storage areas

202.3.14.3. Accessory Uses:

- below ground utility mains
- parking and loading areas to service the industrial operations
- water storage reservoirs less than or equal to 65 acre-feet in size

202.3.14.4. Conditional Uses:

- those uses-by-right and conditional uses in the LI District that are not listed as uses-by-right or conditional uses in this district
 - storage and sale of commercial fertilizer and farm chemicals
 - utility generation facilities greater than or equal to 50 megawatts of power
 - above ground utility transmission lines on-site
 - junk, scrap metal, auto wrecking and equipment storage and salvage yards
 - water tanks, water and sewer treatment facilities

202.3.14.5. Uses By Special Review:

- airports, heliports
- crop dusting operations and airstrips
- sand and gravel mining and other mineral extraction operations
- commercial synthetic fuel plants
- storage of toxic chemicals and fuels

- above ground utility lines off-site
- sanitary landfills

202.3.15. Planned Development District (PD)

202.3.15.1. Purpose. The PD, Planned Development district is established to encourage innovations in residential, commercial, industrial, and recreational development by allowing for mixed land uses, variations in development densities, and variety in the type, design, and layout of buildings in a manner not allowed under nontraditional zoning. The PD district provides a means for clustering development and allowing for the preservation of open space, more effective land utilization, and for more cost-effective and efficient extensions of infrastructure. The PD district is intended to provide a means for developing tracts of land into building and use complexes with a continuity of design and development.

202.3.15.2. PD Requirements

202.3.15.2.1. The PD shall be consistent with the intent and policies of the Comprehensive Plan.

202.3.15.2.2. The PD shall be designed in a manner such that it protects the environmental assets of the area including considerations of elements such as plant and wildlife, streams and storm drainage courses and scenic vistas.

202.3.15.2.3. The planned development's relationship to and compatibility with its surroundings shall be considered in order to avoid adverse effects caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy.

202.3.15.2.4. The PD design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards, in a manner intended to protect the health, safety, and welfare of potential users of the PD. These aspects of the plan must be accompanied by a detailed soil engineering report on the suitability of the area for the intended use and the necessary precautions needed to bring the area to a state of structural soundness before building permits may be issued.

202.3.15.2.5. Design and construction of the PD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking, and loading space.

202.3.15.2.6. The mixture of uses and densities in a PD is negotiable. The applicant must demonstrate the positive benefits to the Town of the PD

district classification versus a traditional single-district zone classification.

202.3.15.2.7. The plans for the proposed planned development shall indicate the particular portions of the project that the developer intends to develop under various use categories. Densities, averages, and permitted uses shall be detailed for all development areas within the PD. A summary chart indicating development standards applicable to entire PD and/or separate areas within the PD will be required.

202.3.15.2.8. The total parking requirements of the PD will not exceed the sum of the parking that would be required for each use. However, all the parking required for each district does not have to be provided within that district, and total parking requirements may be reduced, if the developer demonstrates to the Town using industry standards that the total number of spaces are not needed within the PD.

202.3.15.2.9. Planned open spaces within the PD, including those spaces being used as public or private recreation sits, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

202.3.15.2.10. A minimum of twenty-five percent (25%) of the total PD area shall be devoted to open-air recreation or other usable open space (public or quasi-public). "Usable open space" shall be defined as open area designed and developed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, gardens, parks and walkways. The terms shall not include space devoted to streets, parking and loading areas. Open space percentages within separate land use areas of a PD may vary from the 25% figure, but the total amount of open area must equal 25% of the overall acreage. This amount of open space may include any publicly dedicated land for parks and open space.

202.3.15.2.11. Traffic circulation shall be determined by review of each Planned Development. The PD must have an adequate internal street circulation system. Public streets must serve all planning areas, and meet minimum Town construction standards for use by police and fire department vehicles for emergency purposes. Each nonresidential structure or use in the PD must provide off-street loading spaces, loading berths, service courts, or accesses for delivery and service vehicles.

202.3.15.3. PD Approval Process

202.3.15.3.1. Where PD zoning already exists on a parcel, the development shall conform to all standards and restrictions specified in the Official Development Plan (ODP). Subdivision of the property

may be required, as well as an approved improvements agreement with the Town. If the PD consists of a Preliminary PD Plan, final PD approval (ODP) must be obtained prior to commencement of development and issuance of building permits.

202.3.15.3.2. Where a PD zoning does not exist on a lot or lots and the PD designation is desired, the developer must first apply for an amendment to the zoning map per Section 203. Consideration of the zoning amendment request (rezoning) can occur simultaneously with consideration of the proposed PD preliminary plan. Sketch plan approval is necessary prior to preliminary PD approval. In approving the zoning amendment to a PD district, the Planning Commission and Town Board must find that (1) the PD as described in the preliminary plan conforms to the policies and intent of the Limon Comprehensive Plan, (2) the application is complete, (3) the project is in the best interest of the residents of Limon, (4) the project does not place an extraordinary financial burden on the Town, and (5) the intent of applicable ordinances in the Town are met.

202.3.15.3.3. Review Bodies:

202.3.15.3.3.1. Sketch Plan – Town Manager

202.3.15.3.3.2. Preliminary PD – Town Manager, public hearing before the Planning Commission, public hearing before the Town Board. Approval of the preliminary PD establishes the PD Zone District.

202.3.15.3.3.3. Final PD – Town Manager, Planning Commission public hearing, Town Board review.

NOTE: All public hearings must be duly noticed according to standard noticing procedures. The property must be posted at the Preliminary PD or PD District stage. Formats for posting are found in Appendix 4.

202.3.15.3.3.4. Amendments to PD Plans. Amendments to PD plans may be made under the following conditions:

202.3.15.3.3.4.1. Minor changes in locations, siting, bulk of structures; height or character of building may be authorized by the Planning Commission if required by circumstances not foreseen at the time the final plan was approved.

202.3.15.3.3.4.2. All other changes in use, any rearrangement in lots, or changes in the provision of open space must be approved by the Town Board, subject to the procedure for PD amendments.

202.3.15.4. Submission Requirements. The materials listed in Appendix 5 and 6 must be submitted, at minimum, to the Town for review of the PD. The Town Manager will detail the submission requirements for each submittal stage. The Town may request additional items at each stage of the process.

202.3.15.5. Enforcement and Modifications of PD Provisions

202.3.15.5.1. To further the mutual interest of the residents, occupants, and owners of a planned development and of the public in the preservation of the integrity of the plan, the provisions of the plan relating to the use of land and the location of common open space shall be in the best interests of the Town and shall be enforceable in law or in equity by the Town without limitation on any powers or regulation otherwise granted by law.

202.3.15.5.2. All provisions of the PD shall run in favor of the residents, occupants, and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and, to that extent, said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or in equity by residents, occupants, or owners acting individually, jointly, or through an organization designated in the plan to act on their behalf. However, no provisions of the plan shall be implied to exist in favor of residents, occupants, and owners except as to those portions of the plan, which have been finally approved.

202.3.15.5.3. All those provisions of the plan authorized to be enforced by the Town may be modified, removed, or released by the Town, subject to the following:

202.3.15.5.3.1. No modification, removal, or release of the provisions of the plan by the Town shall affect the rights of the residents, occupants, and owners of the planned development to maintain and enforce those provisions at law or equity as provided above.

202.3.15.5.3.2. No substantial modification, removal, or release of the provisions of the plan by the Town shall be permitted except upon a finding by the Town, following a public hearing called and held in accordance with the provisions of this code, that the modification, removal, or release is consistent with the efficient development and preservation of the entire planned development, does not affect in a substantially adverse manner either the enjoyment of land adjacent from the planned development or the public interest, and is not granted solely to cover a special benefit upon any person.

202.3.15.5.3.3. Residents and owners of the planned development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.

202.3.16. Open Space and Recreation District (OS-R)

202.3.16.1. Purpose. The OS-R District is established to preserve the environment and natural character of the landscape within the district. Land within the district may be protected from development, but may also be used for trails, buffering between developed land uses, and preserving valuable natural features. In addition, this district is to provide open space areas for passive, active, and developed recreation activities.

202.3.16.2. Uses-By-Right:

- cemetery
- public and private parks, open space areas and natural features
- trails
- public utility distribution mains, lines, etc., which are underground facilities

202.3.16.2. Conditional Uses:

- recreation facilities, ball fields, etc.
- public and private golf courses
- fairgrounds
- fishing ponds
- parking areas for all uses in this district
- concession stands, clubhouses, and commercial sales related to recreational uses locate inside or attached to clubhouses, fairgrounds buildings, and other similar uses.

202.3.16.3. Special Review Uses: major facilities of a public utility

202.3.17. Floodplain Overlay District (O-FP)

(Amended by Ordinance No 567 on January 2, 2014)

202.3.17.1 Title and Purpose

202.3.17.1.1 Statutory Authorization. The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees of Town of Limon, Colorado, does hereby adopt the following floodplain management regulations:

202.3.17.1.2 Findings of Fact

202.3.17.1.2.1 The flood hazard areas of Town of Limon are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

202.3.17.1.2.2 These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

202.3.17.1.3 Statement of Purpose. It is the purpose of this ordinance to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

202.3.17.1.3.1 Protect human life and health;

202.3.17.1.3.2 Minimize expenditure of public money for costly flood control projects;

202.3.17.1.3.3 Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

202.3.17.1.3.4 Minimize prolonged business interruptions;

202.3.17.1.3.5 Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;

202.3.17.1.3.6 Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

202.3.17.1.3.7 Insure that potential buyers are notified that property is located in a flood hazard area.

202.3.17.1.4 Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance uses the following methods:

202.3.17.1.4.1 Restrict or prohibit uses that are dangerous to health, safety or property in times of

flood, or cause excessive increases in flood heights or velocities;

202.3.17.1.4.2 Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

202.3.17.1.4.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

202.3.17.1.4.4 Control filling, grading, dredging and other development which may increase flood damage;

202.3.17.1.4.5 Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

202.3.17.2 Definitions. Unless specifically defined below, words or phrases used in this Section 202.3.17 shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

202.3.17.2.1 100-Year Flood: A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

202.3.17.2.2 100-Year Floodplain: The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

202.3.17.2.3 500-Year Flood: A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent chance annual flood). The term does not imply that the flood will necessarily happen once every five hundred years.

202.3.17.2.4 500-Year Floodplain: The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

202.3.17.2.5 Addition: Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

202.3.17.2.6 Alluvial Fan Flooding: A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

202.3.17.2.7 Area Of Shallow Flooding: A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

202.3.17.2.8 Base Flood Elevation (BFE): The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

202.3.17.2.9 Basement: Any area of a building having its floor sub-grade (below ground level) on all sides.

202.3.17.2.10 Channel: The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

202.3.17.2.11 Channelization: The artificial creation, enlargement or realignment of a stream channel.

202.3.17.2.12 Code of Federal Regulations (CFR): The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty titles that represent broad areas subject to Federal regulation.

202.3.17.2.13 Community: Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

202.3.17.2.14 Conditional Letter of Map Revision (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus

result in the modification of the existing regulatory floodplain.

202.3.17.2.15 Critical Facility: A structure or related infrastructure, but not the land on which it is situated, as specified in 202.3.17.5.8, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 202.3.17.5.8.

202.3.17.2.16 Development: Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

202.3.17.2.17 DFIRM Database: Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

202.3.17.2.18 Digital Flood Insurance Rate Map (DFIRM): FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

202.3.17.2.19 Elevated Building: A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

202.3.17.2.20 Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

202.3.17.2.21 Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

202.3.17.2.22 Federal Register: The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

202.3.17.2.23 FEMA: Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

202.3.17.2.24 Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

202.3.17.2.24.1 The overflow of water from channels and reservoir spillways;

202.3.17.2.24.2 The unusual and rapid accumulation or runoff of surface waters from any source; or

202.3.17.2.24.3 Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

202.3.17.2.25 Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

202.3.17.2.26 Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

202.3.17.2.27 Floodplain or Flood-Prone Area: Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

202.3.17.2.28 Floodplain Administrator: The community official designated by title to administer and enforce the floodplain management regulations.

202.3.17.2.29 Floodplain Development Permit: A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community

including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

202.3.17.2.30 Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

202.3.17.2.31 Floodplain Management Regulations - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

202.3.17.2.32 Flood Control Structure - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

202.3.17.2.33 Flood proofing - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

202.3.17.2.35 Freeboard: The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

202.3.17.2.36 Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

202.3.17.2.37 Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

202.3.17.2.38 Historic Structure: Any structure that is:

202.3.17.2.38.1 Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

202.3.17.2.38.2 Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

202.3.17.2.38.3 Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

202.3.17.2.38.4 Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a. By an approved state program as determined by the Secretary of the Interior or; b. Directly by the Secretary of the Interior in states without approved programs.

202.3.17.2.39 Letter of Map Revision (LOMR): FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

202.3.17.2.40 Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

202.3.17.2.41 Levee: A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

202.3.17.2.42 Levee System: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

202.3.17.2.43 Lowest Floor: The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

202.3.17.2.44 Manufactured Home: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

202.3.17.2.45 Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

202.3.17.2.46 Mean Sea Level: For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

202.3.17.2.47 Material Safety Data Sheet (MSDS): A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health

effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

202.3.17.2.48 National Flood Insurance Program (NFIP) – FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

202.3.17.2.49 New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

202.3.17.2.50 No-Rise Certification: A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

202.3.17.2.51 Physical Map Revision (PMR): FEMA’s action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or plan metric features.

202.3.17.2.52 Recreational Vehicle: means a vehicle which is:

202.3.17.2.52.1 Built on a single chassis;

202.3.17.2.52.2 400 square feet or less when measured at the largest horizontal projections;

202.3.17.2.52.3 Designed to be self-propelled or permanently towable by a light duty truck; and

202.3.17.2.52.4 Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

202.3.17.2.53 Special Flood Hazard Area: The land in the floodplain within a community subject to a one

percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

202.3.17.2.54 Start of Construction: The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

202.3.17.2.55 Structure: A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

202.3.17.2.56 Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

202.3.17.2.57 Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

202.3.17.2.57.1 Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

202.3.17.2.57.2 Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

202.3.17.2.58 Threshold Planning Quantity (TPQ) – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

202.3.17.2.59 Variance - A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

202.3.17.60 Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

202.3.17.2.61 Water Surface Elevation - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

202.3.17.3 General Provisions

202.3.17.3.1 Lands to Which This Ordinance Applies. Section 202.3.17 shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Town of Limon, Colorado.

202.3.17.3.2 Basis for Establishing the Special Flood Hazard Area. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Town of Limon," dated May 1, 1984, with accompanying Flood Insurance Rate Maps (FIRM) dated November 1, 1984 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the Board of Trustees. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, and/or FIRMs on file and available for public inspection.

202.3.17.3.3 Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

202.3.17.3.4 Compliance. No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this section and other applicable regulations. Nothing herein shall prevent the Board of Trustees from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

202.3.17.3.4 Abrogation and Greater Restrictions. This Section 202.3.17 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section 202.3.17 and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

202.3.17.3.5 Interpretation. In the interpretation and application of this Section 202.3.17, all provisions shall be:

202.3.17.3.5.1 Considered as minimum requirements;

202.3.17.3.5.2 Liberally construed in favor of the governing body; and

202.3.17.3.5.3 Deemed neither to limit nor repeal any other powers granted under State statutes.

202.3.17.3.6 Degree of Flood Protection

202.3.17.3.6.1 The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

202.3.17.3.6.2 This ordinance does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

202.3.17.4 Administration

202.3.17.4.1 Designation of the Floodplain Administrator. The Town Manager is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

202.3.17.4.2 Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

202.3.17.4.2.1 Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any flood proofing certificate required by Section 202.3.17.4.3.

202.3.17.4.2.2 Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.

202.3.17.4.2.3 Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

202.3.17.4.2.4 Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

202.3.17.4.2.5 Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.

202.3.17.4.2.6 Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

202.3.17.4.2.7 When Base Flood Elevation data has not been provided in accordance with Section 202.3.17.3.2, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a

Federal, State, or other source, in order to administer the provisions of Section 202.3.17.5.

202.3.17.4.2.8 For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

202.3.17.4.2.9 Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

202.3.17.4.2.10 Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

202.3.17.4.2.11 Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

202.3.17.4.3 Permit Procedures.

202.3.17.4.3.1 Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

202.3.17.4.3.1.1 Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

202.3.17.4.3.1.2 Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

202.3.17.4.3.1.3 A certificate from a registered Colorado Professional Engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B(2);

202.3.17.4.3.1.4 Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

202.3.17.4.3.1.5 Maintain a record of all such information in accordance with 202.3.17.4.2.

202.3.17.4.3.2 Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

202.3.17.4.3.2.1 The danger to life and property due to flooding or erosion damage;

202.3.17.4.3.2.2 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

202.3.16.4.3.2.3 The danger that materials may be swept onto other lands to the injury of others;

202.3.17.4.3.2.4 The compatibility of the proposed use with existing and anticipated development;

202.3.17.4.3.2.5 The safety of access to the property in times of flood for ordinary and emergency vehicles;

202.3.17.4.3.2.6 The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

202.3.17.4.3.2.7 The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

202.3.17.4.3.2.8 The necessity to the facility of a waterfront location, where applicable;

202.3.17.4.3.2.9 The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

202.3.17.4.3.2.10 The relationship of the proposed use to the comprehensive plan for that area.

202.3.17.4.4 Variance Procedures

202.3.17.4.4.1 The Board of Trustees shall be the Appeals Board and shall hear and render judgment on requests for variances from the requirements of this ordinance.

202.3.17.4.4.2 The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

202.3.17.4.4.3 Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

202.3.17.4.4.4 The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

202.3.17.4.4.5 Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 202.3.17.4.3 of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

202.3.17.4.4.6 Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in 202.3.17.1.3.

202.3.17.4.4.7 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

202.3.17.4.4.8 Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

202.3.17.4.4.9 Prerequisites for granting variances:

202.3.17.4.4.9.1 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

202.3.17.4.4.9.2 Variances shall only be issued upon:

202.3.17.4.4.9.2.1 Showing a good and sufficient cause;

202.3.17.4.4.9.2.2 A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

202.3.17.4.4.9.2.3 A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

202.3.17.4.4.9.3 Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

202.3.17.4.4.10 Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

202.3.17.4.4.10.1 The criteria outlined in Section 202.3.17.4.4.1 and 202.3.17.4.4.9 are met, and

202.3.17.4.4.10.2 The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

202.3.17.4.5 Penalties For Noncompliance

202.3.17.4.5.1 No structure or land shall hereafter be constructed, located, or altered substantially without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be subject to all enforcement and review described in Section 115 of this Land Development Code.

202.3.17.5 Provisions for Flood Hazard Reduction

202.3.17.5.1 General Standards. In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

202.3.17.5.1.1 All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

202.3.17.5.1.2 All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

202.3.17.5.1.3 All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

202.3.17.5.1.4 All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

202.3.17.5.1.5 All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

202.3.17.5.1.6 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

202.3.17.5.1.7 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

202.3.17.5.1.8 On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

202.3.17.5.2 Specific Standards. In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in (i) Section 202.3.17.3.2 (ii) Section 202.3.17.4.2.7, or (iii) Section 202.3.17.5.7, the following provisions are required:

202.3.17.5.2.1 Residential Construction.

New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

202.3.17.5.2.2 Nonresidential Construction

202.3.17.5.2.2.1 With the exception of Critical Facilities, outlined in Article 5, Section H, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

202.3.17.5.2.2.2 A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 202.3.17.4.3.

202.3.17.5.2.3 Enclosures

202.3.17.5.2.3.1 New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

202.3.17.5.2.3.2 Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

202.3.17.5.2.3.2.1 A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

202.3.17.5.2.3.2.2 The bottom of all openings shall be no higher than one foot above grade.

202.3.17.5.2.3.2.3 Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

202.3.17.5.2.4 Manufactured Homes

202.3.17.5.2.4.1 All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

202.3.17.5.2.4.2 All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

202.3.17.5.2.4.2.1 The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or

202.3.17.5.2.4.2.2 The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

202.3.17.5.2.5 Recreational Vehicles

202.3.17.5.2.5.1 All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

202.3.17.5.2.5.1.1 Be on the site for fewer than 180 consecutive days,

202.3.17.5.2.5.1.2 Be fully licensed and ready for highway use, or

202.3.17.5.2.5.1.3 Meet the permit requirements of Section 202.3.17.4.3, and the elevation and anchoring requirements for "manufactured homes" in 202.3.17.4.3.4.

202.3.17.5.2.5.2 A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

202.3.17.5.2.6 Prior Approved Activities.

Any activity for which a Floodplain Development Permit was issued by Town of Limon or a CLOMR was issued by FEMA prior to January 2, 2014, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

202.3.17.5.3 Standards For Areas Of Shallow Flooding (AO/AH Zones). Located within the Special Flood Hazard Area established in Section 202.3.17.3.2 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

202.3.17.5.3.1 Residential Construction.

All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

202.3.17.5.3.2 Nonresidential Construction.

202.3.17.5.3.2.1 With the exception of Critical Facilities, outlined in 202.3.17.5.8, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 202.3.17.4.3, are satisfied.

202.3.17.5.3.2.2 Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

202.3.17.5.4 Floodways. Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 202.3.17.2). Located within Special Flood Hazard Area established in Section 202.3.17.3.2, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

202.3.17.5.4.1 Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.

202.3.17.5.4.2 If Section 202.3.17.5.4.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 202.3.17.5.

202.3.17.5.4.3 Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

202.3.17.5.5 Alteration of a Watercourse. For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

202.3.17.5.5.1 Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

202.3.17.5.5.2 Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

202.3.17.5.5.3 Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

202.3.17.5.5.4 Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

202.3.17.5.5.5 All activities within the regulatory floodplain shall meet all applicable Federal, State and Town of Limon floodplain requirements and regulations.

202.3.17.5.5.6 Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section 202.3.17.4.

202.3.17.5.5.7 Maintenance shall be required for any altered or relocated portions of

watercourses so that the flood-carrying capacity is not diminished.

202.3.17.5.6 Properties Removed from the Floodplain by Fill. A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

202.3.17.5.6.1 Residential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

202.3.17.5.6.2 Nonresidential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

202.3.17.5.7 Standards for Subdivision Proposals

202.3.17.5.7.1 All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

202.3.17.5.7.2 All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 202.3.17.3.3, Section 202.3.17.4.3 and the provisions of Section 202.3.17.5.

202.3.17.5.7.3 Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 202.3.17.3.2 or Section 202.3.17.4.2.

202.3.17.5.7.4 All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

202.3.17.5.7.5 All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

202.3.17.5.8 Standards for Critical Facilities.

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

202.3.17.5.8.1 Classification of Critical Facilities. Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services. It is the responsibility of the Board of Trustees to identify and confirm that specific structures in their community meet the following criteria:

202.3.17.5.8.1.1 Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:

202.3.17.5.8.1.1.1 Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

202.3.17.5.8.1.1.2 Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);

202.3.17.5.8.1.1.3 Designated emergency shelters;

202.3.17.5.8.1.1.4 Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

202.3.17.5.8.1.1.5 Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power

and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

202.3.17.5.8.1.1.6 Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

202.3.17.5.8.1.1.7 Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

202.3.17.5.8.1.1.8 Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

202.3.17.5.8.1.2 Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

202.3.17.5.8.1.2.1 These facilities may include:

202.3.17.5.8.1.2.1.1 Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

202.3.17.5.8.1.2.1.2 Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

202.3.17.5.8.1.2.1.3 Refineries;

202.3.17.5.8.1.2.1.4 Hazardous waste storage and disposal sites; and

202.3.17.5.8.1.2.1.5 Above ground gasoline or propane storage or sales centers.

202.3.17.5.8.1.2.2 Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a

facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

202.3.17.5.8.1.2.2.1 Specific exemptions to this category include:

202.3.17.5.8.1.2.2.1.1 Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

202.3.17.5.8.1.2.2.1.2 Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

202.3.17.5.8.1.2.2.1.3 Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

202.3.17.5.8.1.2.2.2 These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

202.3.17.5.8.1.3 At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

202.3.17.5.8.1.3.1 Elder care (nursing homes);

202.3.17.5.8.1.3.2 Congregate care serving 12 or more individuals (day care and assisted living);

202.3.17.5.8.1.3.3 Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

202.3.17.5.8.1.4 Facilities vital to restoring normal services including government operations.

202.3.17.5.8.1.4.1 These facilities consist of:

202.3.17.5.8.1.4.1.1 Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

202.3.17.5.8.1.4.1.2 Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

202.3.17.5.8.1.4.2 These facilities may be exempted if it is demonstrated to the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

202.3.17.5.8.2 Protection for Critical Facilities All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

202.3.17.5.8.2.1 Location outside the Special Flood Hazard Area; or

202.3.17.5.8.2.2 Elevation of the lowest floor or flood proofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

202.3.17.5.8.3 Ingress And Egress For New Critical Facilities. New Critical Facilities shall, when practicable as determined by the Board of Trustees, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

202.3.18. Airport Overlay District (O-A)

202.3.18.1. Purpose. The O-A, Airport Overlay District, is established to minimize exposure of residential and other sensitive land uses to critical and uncontrollable airport noise areas, to avoid danger from aircraft accidents and to discourage traffic congestion within the area.

202.3.18.2. Intent

202.3.18.2.1. To provide for specific areas within the Town of Limon which recognize benefits and potentially adverse impacts which may occur within certain distances from a public or private airport or heliport facility, and to provide regulations that minimize these impacts as well as protect the safety and efficiency of aircraft operations, as prescribed in CRS 43-10-113, "Safe operating areas around airports - establishment" as amended.

202.3.18.2.2. To recognize the efforts of other agencies (Limon Municipal Airport, U.S. Department of Defense, and Federal Aviation Administration), and to coordinate with these agencies in the administration of these regulations.

202.3.18.2.3. To serve as additional regulations for development requests, in addition to specific submittal and procedural requirements found in this code.

202.3.18.2.4. To minimize exposure of residential and other sensitive land uses from critical and uncontrollable aircraft noise, minimize risks to public safety from potential aircraft accidents, to discourage traffic congestion within these areas by regulating land use densities, and to restrict incompatible land uses within an approved airport influence area.

202.3.18.3. Nature of District. These Airport Influence Overlay Area regulations are to be applied on existing zoned areas contiguous to public and private airports and heliports. This provision also discourages residential uses within the designated area. The Airport Influence Overlay Area is superimposed on the existing zoning and the restrictions and requirements contained herein are in addition to those of the underlying zones. The Regulations set forth in this section for the airport influence area shall apply to those lands within and around all public or private aviation facilities mapped and

designated by the Limon Municipal Airport in conjunction with the Federal Aviation Administration and other public and private airport authorities and groups. Any underlying zoning or regulations shall remain in full force and effect to the extent that such provisions are more restrictive.

202.3.18.4. General Provisions

202.3.18.4.1. These regulations reinforce specific provisions in the Limon Comprehensive Plan.

202.3.18.4.2. The boundary of any officially recognized "Airport Influence Area" shall be as it appears on the Limon Airport Land Use Plan Map and/or other documents approved by the Planning Commission and/or Board of Trustees.

202.3.18.4.3. No use may be made of land within designated airport influence areas in such a manner as to create electrical interference with radio communication between an Air Traffic Control (ATC) facility and an aircraft, make it difficult for pilots to distinguish between airport lights and other lights, cause glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft at the airport or in the vicinity of the airport. Noise attenuation in building design should be included in proposals within the airport influence area.

202.3.18.4.4. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section provided, however, that when the nonconforming structure is destroyed or damaged to the extent of over 75% of the appraised value of the nonconforming structure (as may be determined by the Limon Building Department), any reuse, reconstruction or replacement shall be deemed a new use and shall be subject to the applicable provisions of these Regulations.

202.3.18.4.5. The owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the appropriate aviation authority and/or the Board of Trustees to indicate to the operators of aircraft in the vicinity of the airport the presence of such nonconforming structures or objects of natural growth.

202.3.18.4.6. Warning and Disclaimer of Liability: The degree of protection provided by these Regulations is considered reasonable for regulatory purposes and is based on planning, engineering and scientific methods of study and in coordination with aviation and defense agencies. This Section does not

imply that areas outside of the "Airport Influence Area" will be totally free from aircraft hazards, and, therefore, shall not create a liability on the part of the Town of Limon, or any of its officers or employees, for any damages resulting from reliance on this Section.

202.3.18.5. Limon Municipal Airport.

202.3.18.5.1. Intent. To recognize the "Land Use Plan" prepared by the Limon Municipal Airport, and to implement its recommendations as minimum requirements for development within the Limon Municipal Airport Influence Area in order to promote compatible land uses and densities within areas affected by airport operations.

202.3.18.5.2. Specific Provisions.

202.3.18.5.2.1. Within the Limon Municipal Airport Influence Area, the following areas exist and have distinctive qualities, which can be associated with aircraft operations:

- Airport Influence Area
- Traffic Pattern Area
- Approach Zone
- Clear Zone
- 65 Ldn Noise Zone

202.3.18.5.2.2. Specific regulations for the areas outlined above are as follows (parcels may lie within two or more areas, in which case each area's restrictive guidelines shall apply):

202.3.18.5.2.2.1. Limon Municipal Airport Influence Area.

202.3.18.5.2.2.1.1. Require "aviation easement" document signed by the landowner which acknowledges flight operations above property; easement shall be recorded in the office of the County Clerk and Recorder. A standard reference note indicating the Book and Page of the recorded easement shall be required on all Preliminary and Final Development Plans and Preliminary and Final Plats which the Town processes.

202.3.18.5.2.2.1.2. Height limitations within the Airport Influence Area, except as otherwise provided in this section, are subject to the limitation of the zone district within which the property is located, recommendations of any public or private airport authority, and other appropriate referral agencies. No structure or object of natural growth shall be constructed, erected, altered, allowed to grow, or to be maintained in excess of height limits and zones herein established.

202.3.18.5.2.2.1.3. Require FAR Part 77 study to determine compliance with FAA Part 77

Regulations at time of rezoning request, and require standard note on all Preliminary and Final Development Plans and Preliminary and Final Plats regarding compliance with Part 77 criteria. The Board of Trustees may require additional height restrictions be placed on any proposal within the Influence Area.

202.3.18.5.2.2.1.4. Surface limitations within the Airport Influence Area include all land and air space within the area which would be hazardous to air navigation within the Airport Influence Area. These limitations represent areas above an imaginary surface and are designed to regulate the height of structures and trees in the airport vicinity. The FAA in the Federal Aviation Regulations sets them forth.

202.3.18.5.2.2.2. Traffic Pattern Area.

202.3.18.5.2.2.2.1. Requires compliance with Section **202.3.18.5.2.2.1.**

202.3.18.5.2.2.2.2. Prohibit new residential and other noise sensitive development. Minimizes density of previously approved residential development and require multi-family structures in order to minimize building coverage and maximize open space. Restrict building height to a maximum of 100'.

202.3.18.5.2.2.3. Approach Zone.

202.3.18.5.2.2.3.1. Requires compliance with Section **202.3.18.5.2.2.1.**

202.3.18.5.2.2.3.2. Prohibit new residential and other noise sensitive development. Require a minimum 200' wide by 2,500' long clear strip (no building) along the runway centerline extended (measured from the clear zone/approach zone boundary). Restrict building height to a maximum of 50'.

202.3.18.5.2.2.4. Clear Zone.

202.3.18.5.2.2.4.1. Requires compliance with Section **202.3.18.5.2.2.1.**

202.3.18.5.2.2.4.2. Contained within Airport property boundaries. No non-aeronautical structures permitted.

202.3.18.5.2.2.5. 65 Ldn Noise Zone.

202.3.18.5.2.2.5.1. Requires compliance with Section **202.3.18.5.2.2.1.**

202.3.18.5.2.2.5.2. Prohibit residential and other noise sensitive development regardless of density.

202.3.18.6. Private Landing Strips and Heliports. Compliance with Section 202.3.18.5.2.2.1.2. above is not required for private landing strips and heliports providing all other conditions of this section are complied with and including:

202.3.18.6.1. A Use By Special Review is approved in those zone districts where private landing strips and heliports are so designated.

202.3.18.6.2. The applicant owns a minimum of thirty-five (35) contiguous acres on which the landing strip (or a minimum of five [5] contiguous acres for the heliport site) is located.

202.3.18.6.3. No residential dwelling unit(s) (other than one [1] dwelling unit owned by the applicant) is located within one-half (½) mile from either end of the proposed runway.

202.3.18.6.4. Runways will be so oriented that aircraft take-offs or landings will not pass within one

thousand (1,000) feet of a school, dwelling or place of public assembly.

202.3.18.6.5. The applicant provides evidence that the Federal Aviation Administration has been notified regarding application and approval of airspace rights.

202.3.18.6.6. The applicant grants an aviation easement to the Town of Limon and/or the appropriate authority.

202.3.19. Zone District Schedule of Requirements.

The Schedule of Requirements includes basic bulk, setback, density, intensity and open space requirements for each zone district. Additional requirements are listed for uses permitted by special review on the next few pages:

(Amended on May 1, 2003 by Ordinance No. 481; Amended by Ordinance 516 on September 7, 2006; Amended by Ordinance 530 on August 6, 2009; Amended by Ordinance No. 589 on March 3, 2016; Amended by Ordinance No. 609 on October 5, 2017)

202.3.19.1 SCHEDULE OF REQUIREMENTS

RESIDENTIAL DISTRICTS (see note #1)						
Standard	E-R	R-1	R-2	R-3	R-4	R-MH
Minimum lot area (square feet)	43,560	7000	5,000	5,000	6,000	3,750
Minimum dwelling space (square feet) (see note #2,3)	1,200	1,000	700	600	600	600
Maximum building or structure height (feet) (see notes #4,5)	50	40	65	65	65	40
Maximum height of accessory uses	25	20	20	20	20	20
Maximum number of stories (see note #4)	3	3	3	4	3	3
Minimum lot width (feet)	150	50	50	50	50	37.5
<i>Yard requirements (feet):</i>						
· Front yard setback (principal and accessory uses): (see notes #6,7)						
- Arterial	50	20	20	20	20	20
- Major collector	35	20	20	20	20	20
- Local	25	20	15	15	20	15

RESIDENTIAL DISTRICTS (see note #1)						
Standard	E-R	R-1	R-2	R-3	R-4	R-MH
· Side yard (principal and accessory uses): (see note #8)	20	5	5 ⁹	5 ⁹	5 ⁹	5 ⁹
· Rear yard (principal uses):	35	25	25	25	25	20
· Rear yard (accessory uses):	35	0	0	0	0	0
Maximum lot coverage	20%	—	—	—	—	—
Minimum landscaped open space	—	20%	30%	45%	35%	30%

202.3.19.2. Notes:

202.3.19.2.1. All requirements subject to Uniform Building Code standards for specific type of construction.

202.3.19.2.2. Dwelling space as measured by interior walls.

202.3.19.2.3. For R-3 or R-4 districts, minimum dwelling space for an efficiency apartment, as defined in the Uniform Building Code, is 320 square feet

202.3.19.2.4. Subject to Uniform Building Code restrictions regarding type of construction.

202.3.19.2.5. For R-4 districts, mobile home maximum height shall be equal to R-MH district limitations.

202.3.19.2.6. Where lots comprising 25% or more of the frontage of any block are developed with buildings having

a predominate setback, no building hereafter erected shall project beyond the predominate setback so established; provided that no setback shall be greater than 50 feet.

202.3.19.2.7. On corner lots the front of the building shall comply with the setback requirement of the street upon which the front of the building faces.

202.3.19.2.8. For R-1 corner lots, the side of the building shall be setback as per the requirements for the setback for the front of the building.

202.3.19.2.9. In Zone Districts allowing multi-family and two-family residential as a Use by Right, Conditional Use or Special Use Review, the side yard setback requirement shall be waived when each residential space within a contiguous building has a certificate of occupancy dated prior to February 4, 2016, or is separated by a common wall compliant with the requirements of the building code for Fire Wall Fire Resistant Ratings for future construction.

202.3.19.3. SCHEDULE OF REQUIREMENTS

COMMERCIAL DISTRICTS (see note #1)					
Standard	CBD	CBD-R ⁶⁵	CH-1	CH-2	CH-3 ⁵
Minimum lot area (square feet):					
· Nonresidential	3,125	3,125	10,000	10,000	10,000
· Residential	3,125	6,000	10000	6,000 ³	6,000 ³
· Combined residential/commercial	3125	6,000	10000	10,000	10,000
Maximum building or structure height (feet)	50	50	50 ²	50	50
Minimum lot width	25	50	50	50	50
Maximum number of stories	4	3	3	3	3

COMMERCIAL DISTRICTS (see note #1)					
Standard	CBD	CBD-R ⁶⁵	CH-1	CH-2	CH-3 ⁵
Maximum floor area ratio:					
· Nonresidential	1.5	1.5	0.75	0.75	0.75
· Residential	1.5	0.5	.75	0.5	0.5
· Combined residential/commercial	1.5	2	.75	1.25	1.25
Yard requirement (feet):					
· Front yard setback:					
- Arterial	—	20	—	50	50
- Collector	—	20	—	40	40
- Local	—	20	—	25	25
· Side yard (see Note #7)	—	5 ^{3,7}	—	5 ⁷	5 ⁷
· Rear yard	—	25	—	25	25
Minimum landscaped open space	15% ⁴	20%	20%	20%	20%

202.3.19.4. Notes:

202.3.19.4.1. All requirements subject to Uniform Building Code standards for specific type of construction.

202.3.19.4.2. Business Signs in a Highway Commercial (CH-1) Zone District are excluded from this requirement.

202.3.19.4.3 In the CH District, the minimum side yard shall be ten (10) feet for the first twenty-five (25) feet of building height. Buildings in excess of twenty-five (25) feet shall increase the side yard setback one (1) foot for each two (2) feet of building height over twenty-five (25) feet to a maximum of 60 feet.

202.3.19.4.4 The requirement of fifteen percent (15%) minimum landscaped open space may be waived, subject to the approval of the Planning Commission, if acceptable improvements are made within

the public right-of-way such as pedestrian improvements, street furniture, etc. are installed.

202.3.19.4.5. Rear yard requirement is 10 feet where adjoining property is zoned CBD and 25 feet where adjoining property is not zoned CBD.

202.3.19.4.6. Minimum lot area of 6,000 square feet and minimum dwelling space of 600 square feet for Residential Use.

202.3.19.4.7. In Zone Districts allowing multi-family and two-family residential as a Use by Right, Conditional Use or Special Use Review, the side yard setback requirement shall be waived when each residential space within a contiguous building has a certificate of occupancy dated prior to February 4, 2016, or is separated by a common wall compliant with the requirements of the Building Code for Fire Wall Fire Resistant Ratings for future construction. (Amended by Ordinance No. 516 on September 7, 2006.)

202.3.19.5. SCHEDULE OF REQUIREMENTS

(Amended by Ordinance No 569 on January 2, 2014)

INDUSTRIAL ZONE DISTRICTS (see note #1)			
Standard	LI	HI	C-1
Minimum lot area (square feet)	6,000	14,000	6,000
Maximum building or structure height (feet)	60	65	60
Maximum number of stories	3	4	3
Maximum floor area ratio	2:1	2.5:1	2:1
Minimum lot width	50	100	50
Yard requirements (feet):			
· Front yard setback:			
- Local street	20	30	20
- Other streets	25	35	25
· Setback from zone district boundaries (landscaped	20	30	20
· Side yard setback (other than from LI, HI, or C-1 District boundaries) (feet)	10 ²	10 ²	10 ²
· Rear yard setback (other than from LI, HI or C-1 District boundaries) (feet)	10 ²	10 ²	10 ²
Minimum landscaped open space	10%	10%	10%

202.3.19.6. Notes:

202.3.19.6.1. All requirements subject to Uniform Building Code standards for specific type of construction.

202.3.19.6.2. Variable side and rear yard setbacks may be permitted, that would allow a zero lot line development, provided that the following conditions are met: that a minimum of 20 feet be maintained between buildings unless common wall construction is proposed, that the lot line shall not abut a public right-of-way or private access easement, that all zero lot line developments shall provide a maintenance easement of 3 feet adjacent to the lot line with a zero setback, and that the variable setback shall be allowed only where all the lots involved are part of a platted subdivision of a PD with unified ownership of the lots adjacent to the property line with the reduced setback.

202.3.19.7. SCHEDULE OF REQUIREMENTS

OPEN SPACE DISTRICTS (see note #1)	
Standard	OS-R
Minimum lot area (acres)	0.25
Maximum building or structure height	25
Maximum number of stories	2
Minimum lot width	75
Maximum lot coverage	35%
Yard requirements (feet):	
· Front yard setback	50
· Side yard	25
· Rear yard	30

202.3.19.8. Notes: All requirements subject to Uniform Building Code standards for specific type of construction.

203. Zoning Amendments (Rezoning).

Amendments to the text of this code or to the zoning map are made according to the provisions of this section.

203.1. Initiation of Amendments.

Amendments to either the text of this code or to the zoning map may be initiated by the Town or by citizen petition to the Town Board.

203.1.1. Requests to amend this code initiated by the Town Board or Planning Commission, or by Town staff, will be prepared as a draft ordinance by the Town attorney and planning staff, after review and recommendation by the Planning Commission and presented to the Town Board for the scheduling of a public hearing.

203.1.2. Any citizen of the Town may petition the Town Board to amend this code by filing a petition with the Manager. If the petition is to amend the text of this code, then one (1) typewritten copy of the text is to be submitted to the Manager. If the petition is to amend the zoning district classification, the petitioner must be the owner of the affected property, or accompany the amendment request with a petition signed by owners of a majority of the land affected by the amendment request. This petition shall include items listed in Appendix 6 as well as other information deemed relevant by the Manager or required by this code.

203.1.3. Upon receiving said application, the Manager shall schedule a date for Planning Commission review at a public hearing and a date for a public hearing before the Town Board.

203.2. Planning Commission Consideration.

203.2.1. The Planning Commission will review the proposed amendment ordinance in a timely manner so as to have recommendations to present to the Board at the public hearing. However, the Planning Commission can also ask the Board to delay its final decision if the Commission is not ready to make recommendations at the public hearing.

203.2.2. The Town Board is required to have the recommendations of the Planning Commission before making a decision, but it is not bound by any recommendation of the Commission.

203.2.3. The Planning Commission shall review the proposed amendment relative to the goals and policies of the Town Comprehensive Plan, and any other appropriate approved plans. In particular, the Planning Commission shall advise the Town Board if the adoption of the proposed amendment would necessitate a comprehensive plan amendment, and evaluate the amendment according to the criteria and procedure outlined in the comprehensive plan.

203.3. Notice of Hearing Required.

203.3.1. No amendment to this code may be adopted until a public hearing has been held on the proposal.

203.3.2. All amendments shall follow the public notice requirements of Chapter V.K – Public Notice Requirement. If the Town initiated the amendment request, the Town shall be responsible for meeting the public notice requirements, but not any mailing requirements. The newspaper notice period is fifteen (15) days and mailing notice period is fifteen (15) days.

(Amended July 6, 2000 by Ordinance No. 455)

203.4. Town Board Action on Amendments

203.4.1. The Town Board is not required to take final action on a proposed amendment within any specific period of time, but shall proceed as expeditiously as practical.

203.4.2. In deciding whether to adopt a proposed amendment to this code, the central issue before the Town Board is whether the change advances the public health, safety and welfare. The Board must consider all potential uses that may result from a change in zoning and whether these uses are more appropriate than the range of uses allowed in the existing classification.

203.5. Protests to Zoning District Changes

203.5.1. If a valid petition opposing a change in zoning classification is filed with the Town, the proposed amendment may then only be adopted by a favorable vote of two-thirds of all the members of the Town Board.

203.5.2. To be valid, the petition in opposition must:

203.5.2.1. Be signed by the owners of either twenty (20) percent or more of the land subject to the proposed change; or by twenty (20) percent or more of the

area of land extending a radius of three hundred (300) feet from the boundaries of the land which is subject to the proposed change, disregarding intervening public streets and alleys;

203.5.2.2. Be received by the Town at least 24 hours prior to the Board's vote on the change; and

203.5.2.3. Be on a form provided by the Town and containing all the information requested on the form.

203.6. Vesting. Properties that are rezoned and have an approved site-specific development plan (SDP), the substance of which is outlined in section **206**, are eligible for vesting of property rights as specified in this section. Submittal requirements for SDPs are found in Appendix **8**.

203.7. Submittal Requirements.

Submittal requirements for zoning amendments are found in Appendix **2**.

204. Zoning Map.

204.1. Official Zoning Map.

204.1.1. There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.

204.1.2. The Official Zoning Map dated June 2, 1994 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section **204.3.** below.

204.1.3. Should the Official Zoning Map be lost, destroyed, or damaged, the Manager may have a new map drawn on acetate or other durable material from which prints can be made. No further Town Board authorization or action is required so long as no district boundaries are changed in this process.

204.2. Interpretations of the Zoning Map.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

204.2.1. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

204.2.2. Boundaries indicated, as approximately following lot lines, town limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

204.2.3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;

204.2.4. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map; and

204.2.5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

204.3. Amendments to Official Zoning Map.

204.3.1. Amendments to the Official Zoning Map are accomplished using the procedures that apply to other amendments to this code, as set forth in Section **203**. Map areas changed to PD shall be numbered sequentially and identified by their case reference number on the map.

204.3.2. The Manager shall update Official Zoning Map as soon as possible after the Town adopts amendments to it. Upon entering any such amendment on the map, the Manager shall change the date of the map to indicate its latest revision. New prints of the update map may then be issued.

204.3.3. No unauthorized person may alter or modify the Official Zoning Map.

204.3.4. The planning department shall keep copies of superseded prints of the zoning map for historical reference.

205. Board of Adjustment Appeals, Variances, Interpretations of Activities Administered by Staff.

205.1. Appeals

205.1.1. Any aggrieved person may appeal a final order or decision of the Manager with the Board of Adjustment where there is an alleged error in the resulting requirement, decision or approval determination appropriate for Board of Adjustment review. Filing with the Town a written notice of appeal specifying the reasons for the appeal makes an appeal. A notice of appeal shall be

considered filed with the Manager and the Board of Adjustment when delivered to the town offices, and the date and time of filing shall be entered on the notice by the town staff.

205.1.2. An appeal must be made within 30 days after the date of the decision or order appealed from.

205.1.3. Whenever an appeal is filed, the Manager shall forthwith transmit to the Board of Adjustment all records relating to the action appealed from.

205.1.4. An appeal stays all actions by the Manager seeking enforcement of or compliance with the order or decision appealed from, unless the Manager certifies to the Board of Adjustment the belief that due to the facts contained in the certification, a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, and after notice to the Manager.

205.1.5. The Board of Adjustment may reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

205.2. Variances.

205.2.1. An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Manager. Applications shall be complete. A staff report shall accompany the application to the Board.

205.2.2. A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the code would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the code will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

205.2.2.1. If the applicant complies strictly with the provisions of the code, he can make no reasonable use of his property and,

205.2.2.2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public and,

205.2.2.3. The hardship relates to the applicant's land, rather than personal circumstances and,

205.2.2.4. The hardship is unique and unusual, or nearly so, rather than one shared by many surrounding properties and,

205.2.2.5. The hardship is not the result of the applicant's own actions, and

205.2.2.6. The variance requested is the minimum that will afford relief and the least possible modification of the requirements of this code.

205.2.2.7. Additionally, the variance will neither result in the extension of a nonconforming situation in violation of Section **205** of this code, nor authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the Comprehensive Plan.

205.2.3. In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

205.2.4. A variance may be issued for an indefinite duration or for a specified duration only.

205.2.5. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this code.

205.3. Appeals and Variances of Floodplains and Floodway Requirements.

(Deleted by Ordinance No. 567, January 4, 2014 pursuant to Section 3; See Section 202.3.16.4.4)

205.4. Map Interpretations.

205.4.1. The Manager interprets the official zoning map. The Board of Adjustment is authorized to hear appeals on the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions.

205.4.2. An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Manager. The application shall contain sufficient information to enable the Board to make the necessary interpretation.

205.4.3. Interpretations of the zoning map shall follow the guidelines of Section **204.2.** of this code.

205.4.4. Interpretations of the location of floodway and floodplain boundary lines may be made by the

Manager as provided in Section 206.2 of this code. and may be appealed to the Board of Adjustment.

205.5. Requests to be Heard Expeditiously.

As provided in Section 202.2., the Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations consistent with the need to follow regularly established agenda procedures, provide notice and obtain the necessary information to make sound decisions.

205.6. Burden of Proof in Appeals and Variances.

205.6.1. When an appeal is taken to the Board of Adjustment, the Manager shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision under appeal. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

205.6.2. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach any conclusions, as well as the burden of persuasion on relevant issues, remains with the applicant seeking the variance.

205.7. Board of Adjustment Action on Appeals

205.7.1. The Board of Adjustment, before deciding requests for appeals or variances, shall hold a public hearing following standard hearing procedures.

205.7.2. All motions to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, to the extent practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four votes necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by a majority of the board's membership present

205.7.3. Before granting a variance, the board must take a separate vote and vote affirmatively (by four of the regular Board members on the required findings stated in Sections 204.2.2. and 204.3.1.

205.7.4. A motion to deny a variance may be made on the basis that more than one of the criteria set forth in Sections 204.2.2. and 204.3.1. are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board's decision if supported by a majority of the board's membership present.

206. Nonconforming Situations

206.1. Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this section.

206.1.1. Dimensional Nonconformity: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

206.1.2. Effective Date of this code: Whenever this article refers to the effective date of this code, the reference shall be deemed to include the effective date of any amendments to this code if the amendment, rather than this code as originally adopted, creates a nonconforming situation.

206.1.3. Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

206.1.4. Nonconforming Situation: The situation when, on the effective date of this code, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum square footage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this code, or because land or buildings are used for purposes made unlawful by this code.

206.2. Continuation of Nonconforming Situations and Completion of Nonconforming Projects.

206.2.1. Unless otherwise specifically provided in this code and subject to the restrictions and qualifications set forth in Sections 206.3. and 206.8., nonconforming situations that were otherwise lawful on the effective date of this code may be continued.

206.2.2. Nonconforming projects may be completed only in accordance with the provisions of Section 206.8.

206.3. Undeveloped Nonconforming Lots.

206.3.1. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except for the required lot minimums, then the lot may be used as proposed. However, no use (e.g., a two-family residence) requiring a lot size greater than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

206.3.2. When the use proposed for a nonconforming lot is one that is conforming in all respects but the applicable setback requirements, then the Town may allow deviations from the applicable setback requirements if it finds that:

206.3.2.1. The property cannot reasonably be developed for the use proposed without such deviations.

206.3.2.2. These deviations are necessitated by the size or shape of the nonconforming lot, and

206.3.2.3. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

206.3.3. For purposes of Section **206.3.2.** above, compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

206.3.4. Adjacent nonconforming lots under the same ownership at the date this code becomes effective may not utilize the provisions of this subsection, nor may the successors in interest of these lots. The interest of this section is to require undeveloped nonconforming lots to be combined with adjacent like lots to create conforming lots.

206.4. Extension or Enlargement of Nonconforming Situations

206.4.1. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

206.4.1.1. An increase in the total amount of space devoted to a nonconforming use, or

206.4.1.2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

206.4.2. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this code, was manifestly designed or arranged to accommodate such use. However, subject to Section **206.8.** (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

206.4.3. Subject to Section **206.8.** a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use involving the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of its existing permit within the lot.

206.4.4. Notwithstanding Section **206.4.1.**, whenever: (i) there exists a lot with one or more structures involving nonconforming uses on it, and (ii) a change to a conforming use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking or loading requirements of Section **207** of this code that would be applicable as a result of the proposed change cannot be satisfied on such lot because insufficient area is available on the lot practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Section **506.** if: (i) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (ii) such satellite parking is reasonably available.

206.5. Repair, Maintenance and Reconstruction.

206.5.1. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than 50 percent of the appraised valuation of the structure to be renovated may be done only in accordance with a zoning permit issued pursuant to this code.

206.5.1.1. The only exception to Section **206.5.1.** shall be in the case of rebuilding following fire or natural disaster, which causes more than 50% of the appraised valuation of the structure to need rebuilding.

206.5.1.2. This exception must be approved by the Board of Trustees with the following findings:

206.5.1.2.1. The structure was in use at the time of the fire or natural disaster.

206.5.1.2.2. The owner of the structure at the time of the fire or natural disaster must be wishing to rebuild the structure.

206.5.1.2.3. No change of use is taking place.

206.5.1.3. Any change in size or type of structure must be approved by the Board of Trustees.

206.5.2. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 50 percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section.

206.5.3. For purposes of Sections **206.5.1.** and **206.5.2.:**

206.5.3.1. The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement, as reflected in the plans submitted for a building permit, or other materials supplied by the applicant.

206.5.3.2. The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Sections **206.5.1.** or **206.5.2.** by doing such work incrementally.

206.5.3.3. The "appraised valuation" shall mean the valuation determined by a professionally recognized property appraiser.

206.5.4. The Manager shall issue the zoning permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:

206.5.4.1. No violation of Subsection 4 above will occur, and

206.5.4.2. The permittee will comply to the extent reasonably possible with all provisions of this code applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use).

206.5.5. Reasonably possible compliance does not include increasing the size of a lot or moving a substantial structure sited on a permanent foundation.

Mere financial hardship caused by the cost of meeting such requirements, as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

206.6. Change in Use of Property Where a Nonconforming Situation Exists

206.6.1. A change in use of a nonconforming situation sufficiently substantial to require a new zoning, special-use, or conditional-use permit may only be made in accordance with Sections **206.6.2.** through **206.6.4.**

206.6.2. If the intended change in use is to a principal use permissible in the district where the property is located, and all other requirements of this code can be complied with.

206.6.3. If the intended change in use is to a principal use permissible in the district where the property is located, but not all requirements of this code can reasonably be complied with, provided that the proposed change does not add additional nonconformities or increase the extent of nonconformity.

206.6.4. If the intended change in use is to another principal use that is also nonconforming, then the permit issuing board must find that the proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the current use.

206.7. Discontinuation and Termination of Nonconforming Situation

206.7.1. When a nonconforming use is discontinued or abandoned for a consecutive period of one (1) year, future uses may be for conforming purposes only.

206.7.2. The following uses must meet all the requirements of this code except those specific to that particular nonconformity if it cannot be reasonably eliminated. The permit shall specify which nonconformities need not be corrected.

206.7.3. For the purposes of this section, all of the buildings, activities, and operations maintained on a lot are generally considered as a whole. For example, failing to rent one apartment in a nonconforming apartment building for one (1) year shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. However, discontinuing an accessory nonconforming use for the required period shall terminate the right to maintain it thereafter.

206.7.4. When a structure or operation made nonconforming by this code is vacant or discontinued at the effective date of this code, the one (1) year period for purposes of this section begins to run on the effective date of this code.

206.7.5. When a formal complaint is filed against a nonconforming use or the Manager determines that a nonconforming use is having an adverse impact on surrounding properties or the Town, then the Board of Adjustment shall hold a public hearing on these complaints. This hearing shall determine if a demonstrated adverse impact exists to the development, use or enjoyment of the surrounding properties or the Town. If such a finding is made, the Board shall establish a termination date for the nonconforming use, including an amortization schedule if appropriate.

206.8. Completion of Nonconforming Projects

206.8.1. Only nonconforming projects which have received vested property rights by the effective date of this code may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction or with vested rights.

206.8.2. Except as provided in 8.1 above, all projects may begin or may be continued only pursuant to a variance, zoning, special-use, conditional-use, or sign permit issued in accordance with this code by the Town.

206.8.3. The Manager shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by mail not less than 15 days before the effective date of this code.

207. Sexually Oriented Businesses.

(Entire sub-section added by Ordinance No. 457 on July 6, 2000; Entire section deleted by Ordinance No. 497 on January 6th, 2005. See Municipal Code Chapter 760)

208. Medical Marijuana.

(Added by Ordinance No. 541, on October 7, 2010)

208.1. Findings under C.R.S. 12-43.3-101, et. seq.

280.1.1. The Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution (Article XVIII, Section 14).

208.1.2. C.R.S. 12-43.3-310 of the Colorado Medical Marijuana Code specifically authorizes a municipality in part to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses, based on local government zoning, health, safety, and public welfare laws.

208.1.3. The Board of Trustees of the Town of Limon has carefully considered the provisions of the Colorado Medical Marijuana Code, Article XVIII, Section 14 of the Colorado Constitution, and the impact of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses on the health, safety, and welfare of the Town and the town inhabitants, and has determined as an exercise of its local land use authority that such medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses should be prohibited and not be located within the corporate limits of the Town.

208.2. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

208.2.1. Medical Marijuana: marijuana that is grown and sold for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution.

208.2.2. Medical Marijuana Center: a person authorized to be licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

208.2.3. Medical Marijuana-infused products manufacturer: a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business known as a Medical Marijuana-Infused Products Manufacturing License, and which a municipality is authorized to prohibit as a matter of law.

208.2.4. Optional premises cultivation operation: a person licensed pursuant to the Colorado medical Marijuana Code to operate a business known as an optional premises grow facility in order to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.

208.2.5. Person: a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, agent, or employee thereof.

208.3. Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses Prohibited.

It is unlawful for any person to operate, cause to be operated, or permit to be operated a medical marijuana center, optional premises cultivation operation, or facility for which a medical marijuana-infused products manufacturers' license could otherwise be obtained, within the Town, and all such uses are hereby prohibited in any location within the Town, or within any area hereinafter annexed to the Town.

208.4. Penalties and Remedies for Violations.

In addition to those remedies set forth in Section 201.15.4., the Town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove the violation.

