

CHAPTER 5. USE REGULATIONS

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CHAPTER 5. USE REGULATIONS

§ 5.1 SPECIFIC USE STANDARDS

This Section contains regulations that apply to specific uses or classes of uses.

- A. **Adult Business.** All adult business uses shall be subject to special review and shall also comply with the following standards:
1. No adult business use shall be located within five hundred (500) feet of any residentially zoned or used property.
 2. No adult business use shall be permitted within five hundred (500) feet of any school, place for religious assembly, public park, playground, other adult business use or liquor store.
 3. Adult business use buildings, entries, windows and other openings shall be located, covered or screened to prevent a view into the interior from any public area, including sidewalks, bike/pedestrian paths and streets.
- B. **Bed and Breakfast Inn.** All bed and breakfast inn uses shall be subject to the following standards:
1. Structures shall not be altered in a way that changes their general residential appearance.
 2. If four (4) or more off-street parking spaces are provided pursuant to §7.11, visual screening from adjacent residential uses shall be required.
 3. Other than registered guests, no meals shall be served to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.
- C. **Commercial Recreation or Entertainment Establishments.**
1. All commercial recreation or entertainment establishments shall be subject to the following standards:
 - a. The use of firearms shall not be permitted as a part of user activities.
 - b. A traffic impact study shall be submitted that assesses the impacts of the proposed use on existing roads, intersections and circulation patterns, and that demonstrates compliance with the traffic facility standard set forth in §7.12 of this Code, and/or sets forth mitigation measures to eliminate or substantially reduce such impacts.
 2. In addition to the standards set forth in paragraph C.1 above, riding academies, livery stables and roping or equestrian areas shall be subject to the following standards:
 - a. The minimum lot or parcel size for such uses shall be five (5) acres.
 - b. The Applicant shall submit a plan for the management of odor, dust and waste as part of the application for special review or development plan approval.
- D. **Construction Storage Yards, Salvage Yards, Industrial Services (Repair or Storage).** The following standards shall apply to all salvage yards and heavy equipment and industrial storage yards that abut an arterial street, a residential use or a residential zone district boundary, unless the subject use and related activities are entirely enclosed within a building:

1. Such uses shall be screened with a solid (100% opaque) wall or fence with a minimum height of eight (8) feet.
2. No outdoor storage area shall be placed or maintained within a required building or yard setback.
3. Stored items shall not project above the fence or wall used to screen the material.
4. It shall be unlawful to store or otherwise have, maintain or allow on a single parcel of land or on contiguous parcels under common ownership more than one (1) nonfarm vehicle not having current Colorado license plates or registration unless the vehicle is in an approved auto repair garage, body shop, gas station or other similar use where vehicle storage is permitted. There shall be no limit on the number of active or serviceable agricultural vehicles on a parcel of land, regardless of whether such vehicles have current registration or license plates; however, the restrictions of one (1) vehicle per parcel of land shall apply to agricultural vehicles that are clearly abandoned or that are not, in their present condition, suitable for active agricultural use.

E. Convenience Stores.

1. If fuel is sold as part of the convenience store operation, the conditions for service stations listed in §5.1.Q below shall also apply. In addition, parking areas for retail sales and fuel service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked or evident.
2. No drive-through service shall be permitted as part of the operation of a convenience store.
3. Outdoor seating areas may be permitted; see §5.1.M "Outdoor Seating Areas or Food Service" use-specific standards below.

F. Day Care Centers and Large Family Home Day Care. Day care centers and large family home day care shall be subject to the following standards:

1. The minimum lot area for a day care center in residential zoning districts shall be twelve thousand (12,000) square feet. (Ord. 6-06 §1)
2. In approving day care centers and large family day care homes, the Decision-Making Body may impose conditions related to location, configuration and operational aspects of the center or home to ensure that the use is compatible with surrounding uses. This includes, but is not limited to, hours of operation, noise, lighting and parking. (Ord. 6-06 §1)
3. In approving day care centers and large family day care homes, the Decision-Making Body may impose conditions on the site design and structures to ensure compatibility with the character of the surrounding neighborhood in terms of building mass, scale and design. (Ord. 6-06 §1)
4. Large family day care homes shall have direct access to a paved public street. (Ord. 6-06 §1)
5. Day care centers in the E, E-1, RE and RE-1 residential zoning districts shall be adjacent to an arterial street. (Ord. 6-06 §1)

G. Eating/Drinking Establishments.

1. In the A, O and I-1 zoning districts, eating/drinking establishments may be permitted in buildings as an accessory use not occupying more than twenty-five percent (25%) of the gross floor area. See also the specific use regulations applicable to hotels in §5.1.J below.
2. For restaurants and other eating/drinking establishments with outdoor seating areas or outdoor food service, see §5.1.M below.

H. Emergency Health Care. In the CD zoning district, the emergency health care service must be small-scale (not exceeding seven thousand five hundred [7,500] square feet), and the provider must furnish sufficient proof that emergency response vehicles and other visitors and activities associated with the proposed use will not interfere with existing or anticipated surrounding uses.

- I. **Group Living Facilities, Small; Group Living Facilities, Large; Senior Institutional Living Uses.**
1. *Generally Applicable Standards.* All the above-listed uses shall be subject to the following standards:
 - a. The number of residents occupying a facility at any one (1) time, including staff and family of staff, shall not exceed one (1) person per two hundred (200) square feet of living space.
 - b. All structures shall be compatible in terms of building mass, scale and design with the character of the surrounding neighborhood.
 - c. Such use proposed to be sited in an existing structure and proposed to house more than five (5) clients or persons shall, to the maximum extent feasible, meet the requirements set forth in the current applicable Building and Fire Codes.
 2. *Standards for All Senior Institutional Living Uses and Large Group Living Facilities.* If active and continuous operations are not carried on for a period of twelve (12) consecutive months in a facility that was approved pursuant to this Code, the use shall be considered to be abandoned. As applicable, the use may be reinstated only after obtaining a new special review approval.
- J. **Hotels.** All hotel uses shall be subject to the following standards:
1. Up to fifteen percent (15%) of the gross floor area of a hotel may be in nonliving-quarter accessory uses, including management/employee offices, meeting rooms, banquet halls, retail services such as newsstands and gift shops, and similar accessory uses, provided that any incidental business is conducted primarily as a service to guests, and there is no entrance to such places of business except from inside the building.
 2. In addition to the accessory uses allowed in paragraph J.1 above, up to an additional twenty-five percent (25%) of the gross floor area of a hotel may be devoted to eating/drinking establishments as an accessory use.
- K. **Mobile Home Park.** All mobile home parks shall be subject to compliance with the regulations governing mobile home parks in §7.14 of this Code.
- L. **Outdoor Display/Sales and Storage.** All uses with outdoor displays, sales or storage shall be subject to compliance with the outdoor display/sales regulations in §7.13 of this Code. See also §4.4.D.1 for specific operation restrictions on outdoor displays and sales applicable in the CD Downtown Commercial zoning district.
- M. **Outdoor Seating Areas or Food Service (Convenience Stores or Eating/Drinking Establishments).**
1. *Outdoor Seating Areas.*
 - a. Eating and drinking establishments or convenience stores may provide outdoor seating areas, including tables and chairs, for the use of their customers.
 - b. The outdoor seating area shall not obstruct the movement of pedestrians through plazas, along adjoining sidewalks or through other areas intended for public usage.

- c. In approving outdoor seating areas, the Decision-Making Body may impose conditions relating to the location, configuration and operational aspects (such as lighting) of such outdoor seating areas to ensure that such outdoor seating areas will be compatible with surrounding uses, will be maintained in an attractive manner and will comply with applicable Building and Fire Codes. (Ord. 8-05 #1)
2. *Outdoor Food Service.*
 - a. Eating and drinking establishments may provide outdoor food service on the site of the principal use at tables provided by the establishment.
 - b. Food service shall be provided by employees of the establishment.
 - c. In approving outdoor food service, the Decision-Making Body may impose conditions relating to the location, configuration and operational aspects (such as lighting and litter control) of such outdoor food service areas to ensure that such area is compatible with surrounding uses, is maintained in an attractive manner and will comply with applicable Building and Fire Codes.
- N. **Prohibited Uses.** The following uses are specifically prohibited in all zoning districts:
1. Feedlots.
 2. Junkyards. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of junk.
 3. NAICS Subsector 324. All establishments falling within the North American Industry Classification System (NAICS) Subsector 324, Petroleum and Coal Products Manufacturing, as identified in the North American Industry Classification System United States Manual (OMB 1997).
 4. NAICS Subsector 331. All establishments falling within the North American Industry Classification System (NAICS) Subsector 331, Primary Metal Manufacturing, as identified in the North American Industry Classification System United States Manual (OMB 1997).
 5. NAICS Industry 22111. All electric power generation facilities falling within the North American Industry Classification System (NAICS) Industry 22111, Electric Power Generation, as identified in the North American Industry Classification System United States Manual (OMB 1997).
 6. NAICS Industry Group 3116. All establishments falling within the North American Industry Classification System (NAICS) Industry Group 3116, Animal Slaughtering and Processing, as identified in the North American Industry Classification System United States Manual (OMB 1997).
- O. **Religious Assembly.**
1. *Caretaker Quarters.* A single-family dwelling unit, located on the same lot as the religious assembly use, and occupied by the facility's pastor, minister, rabbi or similar leader, may be permitted as an accessory use to the facility. See §5.2.C.2.a for additional regulations applicable to accessory caretaker quarters use.
 2. *Special Review Required.* Special review shall be required for any religious assembly facility that contains five thousand (5,000) or more square feet of gross floor area.

3. *Schools and Day Care Centers as Accessory Uses:*
 - a. Special review shall be required when a religious assembly use includes a school or day care facility.
 - b. Accessory schools and day care centers must comply with the specific use standards in §5.1.F. (Ord. 6-06 §1)
- P. **Resort Lodge/Cabins.** A guest room or unit contained in a resort lodge/cabin accommodations use may contain full kitchen facilities instead of the otherwise required "limited kitchen facilities" (see definition of "guest room" in §13.3), provided that the following conditions are satisfied:
 1. The guest room/unit is contained in a freestanding, detached "cabin" structure, and such structure contains no more than four (4) such guest rooms/units.
 2. For purposes of permitted density/intensity calculations, all guest rooms/units with full kitchen facilities shall comply with a minimum five-thousand-four-hundred-square-foot land area per unit requirement, in lieu of the one-thousand-eight-hundred-square-foot requirement for accommodations units set forth in Table 4-5 of this Code.
- Q. **Vehicle Services, Limited.** All service stations, car washes and quick lubrication service uses shall be subject to the following standards:
 1. *Minimum Separation.* Such uses shall be located at least five hundred (500) feet from schools and day care uses, as measured from the outer boundaries of the sites.
 2. *Site Layout.* Conditions of development plan approval may require buffering, screening or planting areas necessary to avoid adverse impacts on properties in the surrounding areas.
 3. *Storage and Accessory Sales of Materials and Equipment.*
 - a. No outdoor displays of materials or equipment shall be allowed, except that a display rack for automobile products no more than four (4) feet wide may be maintained within three (3) feet of the principal building, subject to a limit of one (1) such display rack per street frontage.
 - b. Storage of unlicensed or inoperable vehicles shall be prohibited.
 4. *Specific Standards for Service Stations and Quick Lubrication Services.*
 - a. The use shall be located at least one hundred (100) feet from the property boundary of any residential zoning district.
 - b. All minor repair work, vehicle washing, lubrication and installation of parts and accessories shall be wholly performed within an enclosed structure.
 - c. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this provision.
 - d. All vehicles awaiting repair or service shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.

- e. Fuel pump location shall comply with the following requirements:
 - (1) Fuel pumps shall be located at least thirty (30) feet from the edge of the right-of-way of a public street.
 - (2) Subject to the setback in paragraph e(1) above, except on corner lots, fuel pumps shall be located in no more than one (1) yard. For example, if fuel pumps are located in the front yard of a lot, they may not also be located in a side or rear yard.
 - (3) On corner lots, again subject to the setback in paragraph e(1) above, fuel pumps may be located in either or both of the yards adjacent to a street lot line, provided that safe vehicular access to the fuel pumps is available from both intersecting streets.
- f. All tanks containing fuel, oil, waste oils and greases or similar substance shall be placed underground at least twenty-five (25) feet from any property line, and vented, in accordance with Colorado state health and safety requirements.
- g. All discarded materials such as tires, cans, drums and the like shall be stored in an enclosed area and under cover.
- h. A canopy over the fuel pumps may be erected, provided that the following conditions are met:
 - (1) The canopy may be either attached or detached from the principal building;
 - (2) The canopy structure shall comply with all minimum building setback standards applicable to the principal structure (See Table 4-5 in Chapter 4 above);
 - (3) The canopy structure shall not be enclosed; and
 - (4) Fifty percent (50%) of the total land area covered by such canopy shall be counted toward any maximum FAR requirement for such use.
- R. **Vehicle/Equipment Sales and Rentals.** Vehicle and equipment sales uses (including automobiles, recreational vehicles, boats, trucks and motorcycles) shall be subject to the following standards:
 - 1. Vehicle or equipment displays shall not be located within a required setback area.
 - 2. Front yard setback areas shall be landscaped to provide a buffer between the right-of-way and vehicle or equipment sales/storage areas. Side yard setback areas shall also be landscaped if the side yard abuts a public right-of-way. See §7.5 below.
 - 3. No vehicle or equipment shall be stored in a required landscape area.
 - 4. Not more than one (1) vehicle display pad, which may be elevated up to three (3) feet in height, shall be permitted per one hundred (100) feet of street frontage.
 - 5. No other materials for sale shall be displayed between the principal structure and the street.
- S. **Warehousing and Storage; Wholesale Sales and Distribution.** All warehousing and storage uses and wholesale sales and distribution uses shall be permitted subject to the following standards:

1. All wholesaling, distribution and storage of materials and equipment, except vehicles used for transporting the warehoused products, shall be conducted within a totally enclosed building.
 2. Vehicles used for transporting the warehoused products shall be screened from view from all neighboring properties and from internal and external streets with a minimum six-foot solid masonry or wood fencing and landscaping, berms and landscaping or other approved comparable screening.
- T. **Wireless Telecommunications Facilities.** All wireless telecommunications facilities shall be subject to the following standards:
1. *General.*
 - a. All telecommunications facilities shall comply with the standards of this Code, all applicable standards of the Federal Telecommunications Act of 1996 and all applicable requirements of the Federal Aviation Administration.
 - b. Building permits for a facility shall not be issued until the facility is approved through the development plan or special review process.
 2. *Microcell Antenna Towers.*
 - a. Microcell antenna towers shall be permitted by right in the zoning districts shown in Tables 4-1 and 4-4, provided that the following conditions are met:
 - (1) The tower is thirty (30) feet in height or less; and
 - (2) The tower is placed two hundred (200) feet or less from the right-of-way line of U.S. Highway 34 or 36 or Colorado Highway 7; and the tower is placed on a lot on which is located any of the following uses:
 - (a) Schools;
 - (b) Hospitals; or
 - (c) Police or fire station; or
 - (3) The tower is placed at a public utility substation or within a high-tension power line easement.
 - b. Microcell antenna towers that are higher than thirty (30) feet and/or do not satisfy the locational criteria set forth in paragraph a above shall only be permitted by special review.
 3. *Compliance with the Larimer County Wireless Facilities Siting Regulations.* All telecommunications facilities shall comply with the purpose and standards set forth in the Larimer County Land Use Code, §16, "Commercial Mobile Radio Service (CMRS) Facilities," including but not limited to the following provisions contained therein:
 - a. §16.1.2.B, "Preferred CMRS Facilities";
 - b. §16.1.2.C, "Facilities on Residential Properties";
 - c. §16.1.2.D, "Facilities at Historic Sites and Visually Sensitive Areas," except that for historic sites located within the Town of Estes Park, the Board of Trustees shall be the entity with sole authority to allow siting of facilities on a historic site or structure. In addition, to the maximum extent feasible, siting of facilities shall not occur in public open areas or parks.

- d. §16.1.2.E, "Radial Spacing";
 - e. §16.1.2.F, "Temporary CMRS Facilities";
 - f. §16.1.3, "Requirements and Performance Standards," except that the following standards shall apply in lieu of the provisions set forth therein:
 - (1) Wherever reference is made to the "B, C, I and I-1" zoning districts in §16.1.3, the standard shall be interpreted to apply to all nonresidential zoning districts established in this Code, except the A-1 Accommodations zoning district;
 - (2) Wherever reference is made to the "E, E-1, RE, RE-1, R, R-1, R-2, FA, FA-1, FO, FO-1, M, M-1, A, T, O or AP" zoning districts in §16.1.3, the standards shall be interpreted to apply to all residential zoning districts and the A-1 Accommodations zoning district established in this Code;
 - (3) Wherever reference is made to the decision-making authority of the "Planning Director" in §16.1.3, the standard or provision shall be interpreted to mean that Staff, as the term "Staff" is defined in this Code, shall have the decision-making authority at issue; and
 - (4) Wherever reference is made to Larimer County Board of County Commissioners in §16.1.3, the standard or provision shall be interpreted to mean that the Board of Trustees shall have decision-making authority if the proposed facility is located within the jurisdiction of the Town of Estes Park.
 - g. §16.1.4, "Application," which shall be required for all proposed wireless telecommunication facilities subject to development plan review or special review.
 - h. §16.1.6, "Information Disclosure and Sharing," except that wherever reference is made to the discretion or decision-making authority of the "Planning Director," the provision shall be interpreted to mean that Staff, as the term "Staff" is defined in this Code, shall have such discretion or authority.
4. *Outside Experts and Disputes.*
- a. Siting of wireless telecommunication facilities may involve complex technical issues that require review and input by outside experts. Staff may require the Applicant to pay the reasonable costs of a third-party technical study of a proposed facility. Selection of expert(s) to review the proposal shall be at the sole discretion of the Decision-Making Body.
 - b. If an Applicant for a wireless telecommunications facility claims that one (1) of more standards of this Code are inconsistent with the Federal Telecommunications Act of 1996 or would prohibit the effective provision of wireless communications within the relevant market area, the Decision-Making Body may require that the application be reviewed by a qualified engineer for a determination of whether compliance with one (1) or more standards of this Code would prohibit effective service. Any costs shall be charged to the Applicant.

(Ord. 8-05 #1, 6/14/05; Ord. 6-06 §1, 9/26/06)

§ 5.2 ACCESSORY USES (INCLUDING HOME OCCUPATIONS) AND ACCESSORY STRUCTURES

A. General Standards.

1. Permitted principal uses and approved special review principal uses shall be deemed to include the accessory uses, structures and activities as set forth in this Section, unless specifically prohibited.
2. See also §13.2, "Use Classification," wherein incidental or accessory uses are sometimes included in the description of a specific principal use. When a use classification or specific use type definition in §13.2 does include permitted accessory or incidental uses, such accessory or incidental uses shall be subject to the general standards set forth in this Section, as well as any use-specific standards set forth in §5.1 or this Section.
3. All accessory uses, structures and activities shall be subject to the general, dimensional, operational and use-specific regulations set forth in this Section, in addition to the same regulations that apply to principal uses in each district. In the case of any conflict between the accessory use/structure standards of this Section and any other requirement of this Code, the standards of this Section shall control.
4. All accessory uses and structures shall comply with the following conditions:
 - a. The accessory use or structure shall be clearly incidental and customarily found in connection with the principal use; and
 - b. The accessory use or structure shall be conducted and/or located on the same lot as the principal use; and
 - c. The principal use and accessory use shall be under the same ownership. (Ord. 15-03 #1)

B. Accessory Uses/Structures Permitted in the Residential Zoning Districts.

1. *Table of Permitted Accessory Uses and Structures.*
 - a. Listed Accessory Uses/Structures. Table 5-1 below sets forth what types of accessory uses and structures are permitted in which residential zones. If a specific accessory use or structure is permitted in a residential zoning district, the column underneath the zoning district will be marked with a "Yes." If the accessory use or structure is not permitted in a particular zoning district, the column will be marked with a "No." If there is a reference contained in the column entitled "additional requirements," please refer to the cited section(s) for additional standards that shall apply to the specific accessory use.
 - b. Unlisted Accessory Uses or Structures. If an accessory use or structure is not listed in Table 5-1 but satisfies all the conditions set forth in §5.2.A.4 above, it may be permitted subject to compliance with the general, dimensional and operational standards set forth in this Section.

**Table 5-1
Accessory Uses and Structures Permitted in the Residential Zoning Districts**

Accessory Use	Residential Zoning District								Additional Requirements
	"Yes" = Permitted				"No" = Not Permitted				
	RE-1	RE	E-1	E	R	R-1	R-2	RM	
Accessory Dwelling Unit	Yes	Yes	Yes	Yes	Yes	No	No	No	§5.2.B.2.a 1.33 times minimum lot area required
Barns and Stables	Yes	Yes	Yes	No	No	No	No	No	None (Ord. 15-03 #1)
Golf clubhouses, including space for the sale of golf or other sporting equipment, food and refreshments	Yes	Yes	Yes	Yes	No	No	No	No	As accessory uses to golf courses only
Day Care Center	No	No	No	No	No	No	No	Yes	§5.1.F; §5.1.O; as accessory to a permitted religious assembly use (Ord. 6-06 §1)
Family Home Day Care, Small (Ord. 6-06 §1)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	§5.2.B.2.d Home Occupation As accessory to a principal residential use only
Fences and Walls	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	§7.5.H
Garages, carports, and off-street parking areas used to serve the residents of the property	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	§5.2.B.2.d and §7.11
Home Occupation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	§5.2.B.2.e (Ord 18-01 #18)
Nightly Rentals	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	§5.2.B.2.g (Ord. 10-00 §1)
Private greenhouses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Private Schools	No	No	No	No	No	No	No	Yes	As accessory to a permitted religious assembly use only; §5.1.O

Table 5-1 (Cont'd)

Accessory Use	Residential Zoning District								Additional Requirements
	"Yes" = Permitted				"No" = Not Permitted				
	RE-1	RE	E-1	E	R	R-1	R-2	RM	
Satellite dish antennas 39 inches (1 meter) or less in diameter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<ul style="list-style-type: none"> •Accessory to a principal residential use only •To the maximum extent feasible, but only where there is no impairment to acceptable signal quality, such satellite dish antenna shall be located in the rear yard of the residential use
Satellite dish antennas greater than 39 inches (1 meter) in diameter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<ul style="list-style-type: none"> •Accessory to a principal residential use only •To the maximum extent feasible, but only where there is no substantial impairment to acceptable signal quality, such satellite dish antenna shall be located in the rear yard of the residential use. •To the maximum extent feasible, the satellite dish antenna shall be screened from view from adjacent public rights-of-way (including trails)
Storage or parking of trucks, cars, or major recreational equipment, including but not limited to boats, boat trailers, camping trailers, motorized homes, and house trailers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	§5.2.B.2.h
Swimming Pools/Hot Tubs	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

2. *Additional Requirements for Specific Accessory Uses/Structures Permitted in the Residential Zoning Districts.*

a. Accessory Dwelling Units.

- (1) Where Permitted. Accessory dwellings shall consist of living quarters integrated within the principal single-family detached dwelling on the lot. Mobile homes, recreational vehicles and travel trailers shall not be used as accessory dwelling units.
- (2) Size of Accessory Unit. No accessory dwellings shall exceed thirty-three percent (33%) of the size of the habitable floor area of the principal dwelling unit or eight hundred (800) square feet, whichever is less. An accessory dwelling unit may contain private sanitary facilities with hot and cold running water and cooking and food storage facilities.
- (3) Limit on Tenancy. Accessory dwelling units shall not be used as rental units.
- (4) Density Calculations. Accessory dwelling units shall not count toward any applicable maximum residential density requirement.
- (5) Limit on Number. There shall not be more than one (1) accessory dwelling unit on a lot in addition to the principal single-family dwelling.
- (6) Maximum Occupancy. The combined total number of individuals that reside in the principal and accessory dwelling units shall not exceed the number that is allowed for a single household. See definition of "Household Living" in §13.2.C.28 below.
- (7) Off-Street Parking. At least one (1) off-street parking space shall be provided for each bedroom located in an accessory dwelling unit.
- (8) Home Occupations. Home occupations shall be prohibited on the site of an accessory dwelling unit.
- (9) Lot Area. Lot area must be one and thirty-three one-hundredths (1.33) times the minimum lot area of the district.
- (10) Other Regulations.
 - (a) A permitted accessory dwelling unit shall comply with all other applicable site and building design, height, access and other standards for principal dwelling units in the zoning district in which the accessory dwelling will be located.
 - (b) In the case of any conflict between the accessory dwelling unit standards of this Section and any other requirement of this Code, the standards of this Section shall control.

b. Family Home Day Care. (Repealed by Ordinance 6-06 §1)

c. Garages and Off-Street Parking Areas.

- (1) Such accessory use shall serve only the residents of the property and shall not be used for commercial purposes. (Ord. 15-03 #1)
- (2) For garages attached to or detached from a single-family dwelling:
 - (a) No more than thirty-two (32) linear feet of garage door(s) shall be oriented towards a front lot line; and

- (b) No more than twenty-two (22) linear feet of garage wall, without architectural openings such as windows and doors, shall be oriented towards a front lot line. (Ord. 15-03 #1)

d. Home Occupations.

- (1) **Size/Area:** A home occupation shall not exceed twenty percent (20%) of the principal building floor area, excluding garage space. This size/area requirement does not apply to family home day care. (Ord. 15-03 #1; Ord. 6-06 §1)
- (2) **Location:** Home occupations shall be integrated within the principal building in all zoning districts that allow home occupations. Except that on lots equal to or greater than one-and-one-half (1.5) acres in size, home occupations may be detached from the principal building. (Ord. 15-03 #1)
- (3) **Employees:** No one other than a resident of the dwelling shall be employed on site, report to work at the site or pick up supplies or products on site in the conduct of a home occupation. This prohibition also applies to independent contractors. Family home day care home occupations are exempt from this requirement. (Ord. 15-03 #1; Ord. 6-06 §1)
- (4) **Operational:**
 - (a) There shall be no stock-in-trade other than products fabricated by artists and artisans.
 - (b) A home occupation shall be conducted entirely within a portion of a building not within a required parking area. Outdoor play areas are permitted in conjunction with family home day care. All loose play items, such as toys and games, shall be stored inside at the close of business each day. (Ord. 6-06 §1)
 - (c) Vehicle or equipment sales, rentals or repairs shall not be conducted as a home occupation.
 - (d) Personal and professional services shall be provided on an appointment-only basis.
 - (e) No home occupation shall include a sales room open to the general public, and no articles shall be exhibited, offered for sale or sold on the premises except by prior appointment.
 - (f) There shall be no advertising of the address of the home occupation that results in attracting persons to the premises.
 - (g) No kilns exceeding ten (10) cubic feet in size shall be permitted.
 - (h) All home occupations shall comply with the performance standards prescribed by §7.10 of this Code. There shall be no electrical or mechanical equipment not normally found in a residential structure.
 - (i) No home occupation shall be allowed that will create noise, dust, fumes, odors, smoke, glare, vibration, electrical hazards, fire hazards or the storage of hazardous materials or any other nuisance to a greater degree than normally experienced in the residential district in which the permit is granted.

- (j) For home occupations on lots with shared private water systems, written approval of the water association shall be required for home occupations that will increase the demand on the water system. (Ord. 6-06 §1)
- (5) Exterior Appearance and Outdoor Storage:
- (a) No changes in the exterior appearance of the dwelling to accommodate the home occupation shall be allowed, except that one (1) wall-mounted identification sign no larger than four (4) square feet in area shall be permitted.
 - (b) No outdoor storage of materials or equipment in conjunction with the home occupation shall be permitted.
- (6) Parking/Vehicles/Traffic:
- (a) Not more than one (1) truck with a maximum capacity of one (1) ton incidental to a home occupation shall be kept on the site.
 - (b) The number of parking spaces available to a dwelling unit housing a home occupation shall not be reduced to less than two (2).
 - (c) A home occupation shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount associated with residential uses in the district, i.e., ten (10) vehicle trips per day.
 - (d) The Decision-Making Body shall review the proposed home occupation to ensure that safe and adequate access is provided for customers. At a minimum, the street or shared driveway providing access to a home occupation shall have a minimum width of eighteen (18) feet if serving more than ten (10) customer trips per day. (Ord. 6-06 §1)
 - (e) For home occupations accessed via roads that are managed by a private road maintenance association, written approval of the association shall be obtained to permit customer trips generated by the home occupation. (Ord. 6-06 §1)
- e. Rentals.
- (1) Long-term rentals (lease terms of thirty [30] days or more) of a principal or accessory residential dwelling unit shall be permitted as an accessory use in all residential zoning districts.
 - (2) Short-term nightly rentals (lease terms of less than thirty [30] days) of a principal residential dwelling unit shall be permitted as an accessory use in all residential zoning districts, provided that the following conditions are met. All permitted short-term rentals of dwelling units shall be required to:
 - (a) Comply with all the conditions and requirements as set forth in the Town of Estes Park Municipal Code, Chapters 5.20 and 5.35, and
 - (b) Obtain a business license if within Town limits.
- f. Storage or Parking of Vehicles, Recreational Equipment and Recreational Vehicles.
- (1) Only vehicles, recreational equipment and recreational vehicles owned by an occupant of a principal residential building may be parked or stored. (Ord. 15-03 #1)

- (2) Parking or storage shall occur on the same lot as the principal residential use. Vehicles, recreational equipment and recreational vehicles that are on a lot are considered parked or stored. (Ord. 15-03 #1)
- (3) Recreational equipment and recreational vehicles shall have no fixed connections to electricity, water, gas or sanitary sewer facilities, nor shall they be used for dwelling, business or commercial purposes or for any accessory uses in any zoning district. (Ord. 15-03 #1)
- (4) Recreational equipment and recreational vehicles may be parked or stored outside if all of the following requirements are satisfied:
 - (a) Recreational equipment and recreational vehicles may be parked no closer to the street than behind the front setback in a side yard.
 - (b) Recreational equipment and recreational vehicles may be parked no closer than three (3) feet to a side or rear yard lot line. (Ord. 15-03 #1)
- (5) Limit on Parked or Stored Recreational Equipment and/or Recreational Vehicles on a Lot.
 - (a) Applicability. This Section applies to all recreational equipment and recreational vehicles that are not parked or stored in a fully enclosed garage.
 - (b) As Accessory to Single-Family and Two-Family Principal Uses. No more than a total of two (2) pieces of recreational equipment and/or recreational vehicles shall be parked or stored on a lot of two (2) acres or less. No more than a total of three (3) pieces of recreational equipment and/or recreational vehicles shall be parked or stored on a lot greater than two (2) acres in size, but less than five (5) acres. No more than a total of four (4) pieces of recreational equipment and/or recreational vehicles shall be parked or stored on a lot greater than five (5) acres in size.
 - (c) As Accessory to Town Home or Multi-Family Principal Uses: No more than one (1) piece of recreational equipment or one (1) recreational vehicle shall be parked or stored for every ten (10) dwelling units. (Ord. 15-03 #1)
- (6) Limit on Number of Parked or Stored Vehicles, Not Including Recreational Equipment and Recreational Vehicles, on a Lot.
 - (a) This Section applies to all vehicles that are not parked or stored in a fully enclosed garage.
 - (b) As Accessory to Single-Family and Two-Family Principal Uses. No more than a total of four (4) vehicles shall be parked or stored on a lot of two (2) acres or less. No more than a total of five (5) vehicles shall be parked or stored on a lot greater than two (2) acres in size, but less than five (5) acres. No more than a total of six (6) vehicles shall be parked or stored on a lot equal to, or greater than five (5) acres, but less than ten (10) acres. No more than a total of eight (8) vehicles shall be parked or stored on a lot equal to, or greater than ten (10) acres. (Ord. 15-03 #1)

C. Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts.

1. *Table of Accessory Uses and Structures Permitted in the Nonresidential Zoning Districts.*
 - a. Listed Accessory Uses and Structures. Table 5-2 below sets forth what types of accessory uses and structures are permitted in which nonresidential zoning districts. If a specific accessory use or structure is permitted in a zoning district, the column underneath the zoning district will be marked with a “Yes.” If the accessory use or structure is not permitted in a particular zoning district, the column will be marked with a “No.” If there is a reference contained in the column entitled “additional conditions,” please refer to the cited section for additional conditions that shall apply to the specific accessory use.
 - b. Unlisted Accessory Uses and Structures. If an accessory use or structure is not listed in Table 5-2, but satisfies all the conditions set forth in §5.2.A.4 above, it may be permitted subject to compliance with the general dimensional and operational standards set forth in this Section.

**Table 5-2
Accessory Uses Permitted in the Nonresidential Zoning Districts**

Accessory Use	Nonresidential Zoning District							Additional Conditions
	“Yes” = Permitted			“No” = Not Permitted				
	A	A-1	CD	CO	O	CH	I-1	
Barns and Stables	No	Yes	No	No	No	No	No	As accessory to a principal residential or accommodations use only.
Cafeteria, Dining Halls and Similar Food Services	Yes	No	Yes	Yes	Yes	Yes	Yes	<ul style="list-style-type: none"> •In the A district, accessory to a permitted accommodation use only. •Such facilities shall be operated primarily for the convenience of employees, clients, customers or visitors to the principal use.

Table 5-2 (Cont'd)

Accessory Use	Nonresidential Zoning District							Additional Conditions
	"Yes" = Permitted			"No" = Not Permitted				
	A	A-1	CD	CO	O	CH	I-1	
Car Wash Bay	No	No	No	Yes	No	Yes	Yes	A single-bay car wash allowed as an accessory to a permitted service station use only
Clubhouses, including space for the sale of golf or other sporting equipment, food and refreshments	Yes	No	Yes	Yes	No	No	No	As accessory uses to golf courses or indoor recreational facilities only
Employee Housing (Including Caretaker Quarters)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	§5.2.C.2.a (Ord 18-01 #19)
Family Home Day Care, Small (Ord. 6-06 §1)	Yes	Yes	Yes	No	No	No	No	§5.2.B.2.d Home Occupations As accessory to a principal residential use only
Home Occupation (Ord. 6-06 §1)	Yes	Yes	Yes	No	No	No	No	§5.2.B.2.d Home Occupations As accessory to a principal residential use only.
Meeting Rooms, Banquet Halls and similar group gathering spaces and uses	Yes	No	Yes	Yes	No	No	No	As accessory to a principal accommodations use only. Except in the A zone, shall be located inside the same building housing the principal use. Such facilities shall be operated primarily for the convenience of guests, customers or visitors to the principal use. Total gross floor area of the accessory use shall count toward any maximum FAR requirement.

Table 5-2 (Cont'd)

Accessory Use	Nonresidential Zoning District							Additional Conditions
	"Yes" = Permitted			"No" = Not Permitted				
	A	A-1	CD	CO	O	CH	I-1	
Nightly Rentals	No	Yes	Yes	No	No	No	No	<ul style="list-style-type: none"> •As accessory to a principal residential use only. •The short-term nightly rental of a dwelling unit as an <u>accessory</u> use in the A-1 and CD districts shall <u>not</u> be subject to the requirements of §5.2.B.2.g above. •See also Table 4-4 which permits short-term nightly rentals as a <u>principal</u> use of a dwelling unit in the A-1 and CD zoning districts.
Outdoor Retail Sales	No	No	No	Yes	No	Yes	Yes	§5.1.L; Accessory to a principal retail sales/service or grocery store use only
Private Greenhouses	Yes	Yes	Yes	No	No	No	No	As accessory to a principal residential use only
Private Recreational Facilities for use by residents, employees or guests	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Production of fermented malt beverages, malt, special malt and vinous and spirituous liquors (brew pub)	Yes	No	Yes	Yes	No	No	No	Accessory to permitted restaurant use only
Restaurants, bars, news stands, gift shops, clubs, managerial offices and lounges	Yes	No	Yes	Yes	No	No	No	§5.1.G; §5.1.J; Only allowed when inside the principal building containing a permitted principal hotel, motel, resort lodge or major entertainment event facility use
Swimming pools and tennis courts	Yes	Yes	Yes	No	No	No	No	Must be located on the same parcel of a permitted principal hotel or motel use.
Retail Sales as an accessory use to artist and photography studios	Yes	Yes	Yes	Yes	Yes	Yes	Yes	The works of art or photographs for sale shall be work product from the principal studio use.

Table 5-2 (Cont'd)

Accessory Use	Nonresidential Zoning District							Additional Conditions
	"Yes" = Permitted				"No" = Not Permitted			
	A	A-1	CD	CO	O	CH	I-1	
Satellite dish antennas that are 39 inches (1 meter) or less in diameter	Yes	Yes	Yes	No	No	No	No	<ul style="list-style-type: none"> •As accessory to a principal residential use only. •To the maximum extent feasible, but only where there is no impairment to acceptable signal quality, the satellite dish antenna shall be located to the rear of the principal building.
Satellite dish antennas greater than 39 inches (1 meter) in diameter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<ul style="list-style-type: none"> •As accessory to a principal residential use only. •To the maximum extent feasible, but only where there is no substantial impairment to acceptable signal quality, the satellite dish antenna shall be located to the rear of the principal building. •To the maximum extent feasible, the satellite dish antenna shall be screened from view from adjacent public rights-of-way (including trails)
Satellite dish antennas that are 78 inches (2 meters) or less in diameter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<ul style="list-style-type: none"> •As accessory to a principal nonresidential use only
Satellite dish antennas that are greater than 78 inches (2 meters) in diameter	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<ul style="list-style-type: none"> •As accessory to a principal nonresidential use only. •To the maximum extent feasible, but only where there is no substantial impairment to acceptable signal quality, the satellite dish antenna shall be located to the rear of the principal building. •To the maximum extent feasible, the satellite dish antenna shall be screened from view from adjacent public rights-of-way (including trails)

Table 5-2 (Cont'd)

Accessory Use	Nonresidential Zoning District							Additional Conditions
	“Yes” = Permitted “No” = Not Permitted							
	A	A-1	CD	CO	O	CH	I-1	
Storage of merchandise and non-hazardous materials when located in the same building as the principal use	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

2. *Additional Requirements for Specific Accessory Uses in the Nonresidential Zoning Districts.*

a. Employee Housing.

- (1) Defined. Accessory dwelling unit(s) for an owner, operator or employee of the principal use or business located on the site (shall include "caretakers quarters"). (Ord. 15-03 #2)
- (2) Standards. Employee housing shall be subject to the following development and operational standards:
 - (a) Dwelling units used for employee housing shall comply with all applicable provisions of this Code.
 - (b) Only one (1) unit of employee housing per principal use shall be allowed for the purpose of providing caretaker quarters.
 - (c) The twenty-five-percent increase in the floor area ratio permitted in §5.2.C.2.a.(3) shall only be used for employee housing.
 - (d) Except in the CD zoning district, a minimum of one (1) off-street parking space shall be provided for each employee housing unit containing eight hundred (800) square feet of gross floor area or less and two (2) off-street parking spaces for each employee unit greater than eight hundred (800) square feet, in addition to the required parking for the principal use or business.
 - (e) Employee housing shall be occupied only by the owner, operator, caretaker or an employee of the principal use, plus his or her immediate family.
 - (f) Employee housing shall not be occupied or rented for a term of tenancy less than thirty (30) days.
 - (g) Employee housing shall not be rented to the general public (nonemployees) for accommodation or residential purposes, except that where employee housing has been provided for a seasonal summer work force, such housing may be used for residential purposes only (not accommodations) during the off-season with approval of Staff. (Ord. 15-03 #2)
- (3) Formula for the Provision of Employee Housing. The amount of employee housing shall be allowed as follows:

- (a) Commercial/Retail/Industrial/Recreation Uses: One (1) unit of employee housing per the first one thousand five hundred (1,500) square feet of gross floor area of the principal use(s). One (1) additional employee housing unit per each additional two thousand two hundred fifty (2,250) square feet of gross floor area of the principal use(s).
 - (b) Accommodation Uses: One (1) unit of employee housing per seven (7) guest rooms or units.
 - (c) In no case, however, may the total actual density or intensity of the project, including the employee housing, exceed one hundred twenty-five percent (125%) of the maximum density or commercial intensity (FAR) permitted by the zoning district regulations. (Ord. 15-03 #2)
- (4) Restrictive Covenant Required.
- (a) Employee housing units provided pursuant to this Section shall be deed-restricted for a period of time no less than twenty (20) years to assure the availability of the unit for long-term occupancy only by employees of the principal business use. Such restriction shall include a prohibition of short-term rentals (less than thirty [30] days) and/or rentals to the general public of the unit(s) except as otherwise allowed by this Section.
 - (b) Removal of the covenant shall require approval of the applicable Board and shall require a finding of exceptional practical difficulties or undue hardship if the restrictions are not removed.
 - (c) The mechanism used to restrict the unit shall be approved by the Town or County Attorney.

D. **General Dimensional and Operational Requirements.** The following standards shall apply to all accessory uses and structures in all zoning districts, except for: (1) Satellite antenna dishes accessory to residential uses that are one (1) meter or less in diameter; and (2) Satellite antenna dishes accessory to nonresidential uses that are two (2) meters or less in diameter. (Ord. 15-03 #1)

1. *Time of Establishment.* No accessory use shall be established and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use or activity have been obtained. (Ord. 15-03 #1)
2. *Setbacks.* No accessory use, structure or activity, except for permitted fences or walls shall be located or take place within a required setback. On residential lots of less than one (1) acre all accessory buildings, excluding detached garages, shall be located no closer to the front property line than the residential dwelling. (Ord. 15-03 #1)
3. *Setbacks from Easements.* No accessory structure shall be located within any platted or recorded easement or over any known utility. (Ord. 15-03 #1)
4. *Maximum Building or Structure Size for Nonresidential Uses.* Except as otherwise expressly limited or allowed in this Section, and except for structures containing accessory nightly rentals and for accessory recreational facilities including swimming pools, freestanding accessory buildings and structures shall not be larger than one thousand (1,000) square feet of gross floor area. (Ord. 15-03 #1)

5. *Maximum Cumulative Gross Floor Area Allowed for all Accessory Uses in Accessory Buildings, Accessory Structures and/or Principal Buildings for Residential Uses.*

Maximum cumulative gross floor area for all accessory uses, excluding accessory nightly rentals, in accessory buildings, accessory structures and/or principal buildings shall not exceed the largest computation of the following:

- a. One thousand two hundred (1,200) square feet of gross floor area;
- b. Fifty percent (50%) of the gross floor area of the principal building, excluding the attached garage floor area;
- c. For lots with a net land area greater than one-half (½) acre and less than or equal to one (1) acre: 500+[1,000(a)]*.
- d. For lots with a net land area greater than (1) acre: 1,400+[400(a)]*.

*Where “a” = net land area in acres

ACCESSORY USES							
Maximum Square Footage Allowed for Uses Accessory to a Principal Residential Use - Based on Net Land Area and Principal Building Size							
Net Land Area (acres)	Net Land Area (sq. ft.)	Principal Building Size (Sq. Ft.) Excluding Space in Principal Building Devoted to Accessory Uses					
		1,000	2,000	3,000	4,000	5,000	10,000
0.25	10,890	1,200	1,200	1,500	2,000	---	---
0.50	21,780	1,200	1,200	1,500	2,000	2,500	5,000
1.00	43,560	1,500	1,500	1,500	2,000	2,500	5,000
1.50	65,340	2,000	2,000	2,000	2,000	2,500	5,000
2.00	87,120	2,200	2,200	2,200	2,200	2,500	5,000
2.50	108,900	2,400	2,400	2,400	2,400	2,500	5,000
3.00	130,680	2,600	2,600	2,600	2,600	2,600	5,000
3.50	152,460	2,800	2,800	2,800	2,800	2,800	5,000
4.00	174,240	3,000	3,000	3,000	3,000	3,000	5,000
5.00	217,800	3,400	3,400	3,400	3,400	3,400	5,000
7.00	304,920	4,200	4,200	4,200	4,200	4,200	5,000
9.90	431,244	5,360	5,360	5,360	5,360	5,360	5,360
10.00	435,600	5,400	5,400	5,400	5,400	5,400	5,400
15.00	653,400	7,400	7,400	7,400	7,400	7,400	7,400
20.00	871,200	9,400	9,400	9,400	9,400	9,400	9,400
40.00	1,742,400	17,400	17,400	17,400	17,400	17,400	17,400

(Ord. 15-03 #1)

6. *Maximum Number of Freestanding Accessory Buildings and Structures, Including Detached Garages, Per Single-Family Residential Lot.* No more than one (1) accessory building or structure less than or equal to one hundred twenty (120) square feet and no more than two (2) accessory buildings or structures greater than one hundred twenty (120) square feet shall be allowed on a lot of two-and-one-half (2.5) acres or less. (Ord. 15-03 #1)
7. *Building or Structure Height.* The height limitations set forth in the underlying zoning districts shall apply to all accessory buildings and structures located therein. (Ord. 15-03 #1)
8. *Dwelling Unit Prohibited.* Except as otherwise expressly allowed, no dwelling unit shall be located in any accessory structure or building.
9. *Operations.* Accessory structures, buildings and uses shall be constructed, maintained and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat or glare from artificial illumination or from reflection of natural light.
10. *Limits on Mobile Homes/RVs.* No mobile home or recreational vehicle (RV) shall be used for accessory uses.

(Ord. 13-99 §G, 11/3/99; Ord. 10-00 §1, 7/25/00; Ord. 18-01 ##17—19, 10/23/01; Ord. 2-02 #8, 2/12/02; Ord. 15-03 ##1, 2, 8/12/03; Ord. 8-05 #1, 6/14/05; Ord. 6-06 §1, 9/26/06)

§ 5.3 TEMPORARY USES AND STRUCTURES

- A. **Permit Required.** All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in §3.11 of this Code.
- B. **Permits.** A temporary use permit authorizing a temporary use shall be reviewed in accordance with the provisions of §3.11, and shall be reviewed, approved or revoked only in accordance with the regulations of this Section.
- C. **General Standards.** All temporary uses or structures shall meet the following requirements:
 1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the Comprehensive Plan and the provisions of this Code.
 2. The proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.
 3. The proposed temporary use complies with all applicable general and specific regulations of this Section and §3.11, unless otherwise expressly stated.
 4. Permanent alterations to the site are prohibited.
 5. Permanent signs are prohibited. All approved temporary signs associated with the temporary use shall be removed when the activity ends.

6. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
7. Temporary uses shall comply with building/structure setbacks established for the zone district in which the temporary use is located. Staff may waive or adjust this provision. (Ord. 18-01 #20)
8. The temporary use regulations of this Section do not exempt the Applicant or operator from any other required permits, such as health department permits.

D. Temporary Uses Allowed.

1. *Temporary Seasonal and Holiday Sales.*
 - a. Holiday or seasonal sales activities, such as sales of Christmas trees or farm produce, shall be permitted temporary uses in the following zoning districts:
 - (1) CO Outlying Commercial Zoning District.
 - (2) I-1 Restricted Industrial Zoning District.
 - b. The term of the temporary use permit shall not exceed sixty (60) days.

- c. Permitted sales activities may occur within required zone district setbacks, provided that the following conditions are satisfied:
 - (1) No activity or display shall encroach into a required setback by more than fifty percent (50%) of the required setback;
 - (2) No activity or display shall be located within twenty-five (25) feet of an abutting residential lot; and
 - (3) No activity, display or related equipment shall be located within a required intersection or driveway sight triangle.
 - d. Temporary seasonal and holiday sales shall not include retail sales of bulk household goods, such as furniture, carpets, art work/paintings or similar items, and shall not include retail sales of prepared or processed food products.
2. *Temporary Real Estate Sales Office.*
- a. Temporary real estate sales offices shall be permitted in all zoning districts when incidental to a new residential development.
 - b. Permitted temporary real estate sales offices shall be used only as temporary field offices and for storage of incidental supplies, and shall not be used as any type of dwelling.
 - c. A real estate sales office shall not be moved, erected or established on a residential development site until the date on or after which construction actually commences.
 - d. Use of the temporary real estate sales office for sales of residential sites or projects located off-site is prohibited.
 - e. All temporary real estate sales offices shall be removed within thirty (30) days after the sale of the last dwelling unit in the development, even if the temporary use permit is still valid.
3. *Contractor's Office/Temporary Construction Uses.*
- a. Permitted in all Zoning Districts. The use of construction sheds or construction trailers in connection with site construction, or an area used for the temporary storage of building materials and equipment necessary for construction of a permanent use, are permitted temporary uses in all zoning districts, subject to the following regulations and restrictions.
 - b. Term of Permit. The term of a temporary use permit for construction uses shall automatically expire thirty (30) days after completion of construction, or upon cessation of construction for more than sixty (60) days, or one (1) year after issuance, whichever occurs first. The Decision-Making Body may grant up to three (3) six-month extensions if the builder maintains active and continuous construction on the site or within the subdivision.
 - c. Site Requirements.
 - (1) A temporary construction trailer, construction shed or construction yard shall be located on the lot on which construction is progressing and shall not be located within twenty-five (25) feet of any abutting residential lot.

- (2) Siting of a temporary construction yard shall provide adequate buffering for adjacent structures and uses.
- (3) A temporary construction yard shall be maintained in good condition during the time of its use. Construction yards and sites shall be regularly mowed, and weed growth shall be controlled. Trash and rubbish barrels/receptacles shall be provided on-site and trash pick-up and removal shall occur on at least a weekly basis.
- d. Dwelling Prohibited. A temporary construction trailer or construction shed shall be used only as temporary field offices and for storage of incidental equipment and supplies, and shall not be used as any type of dwelling.
- e. Commencement of Use. A temporary construction trailer or construction shed or a temporary construction yard shall be moved, erected or established on a construction site no earlier than two (2) weeks prior to the date on which construction actually commences. If construction is interrupted and ceases for more than sixty (60) days, a construction trailer or construction shed shall be removed until actual construction commences again.
- f. Fire Hazards. No flammable materials shall be stored in a temporary construction trailer or construction shed.
- g. Trailer/Shed Requirements.
 - (1) All temporary construction trailers and construction sheds shall have at least ten (10) feet on all sides for clearance.
 - (2) Every temporary construction trailer and construction shed shall be maintained in clean and orderly condition.
- h. Completion of Temporary Use: Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.
- 4. *Natural Disasters and Emergencies*. Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. No temporary use permit or other review shall be required.
- 5. *Temporary Fireworks Sales*.
 - a. Temporary fireworks sales are permitted in the following zoning districts:
 - (1) CO Outlying Commercial Zoning District.
 - (2) CH Heavy Commercial Zoning District.
 - (3) I-1 Restricted Industrial Zoning District.
 - b. Temporary fireworks sales shall be permitted only from June 16 to July 5 of the calendar year.
 - c. Permitted fireworks sales activities shall not be permitted within the required zoning district setbacks.
 - d. No activity or display shall be located within twenty-five (25) feet of an abutting residential lot.

6. *Other Uses.* Subject to this Section, the Decision-Making Body may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

(Ord. 18-01 #20, 10/23/01)

