



# OFFICIAL ZONING ORDINANCE

## Sedgwick, Colorado

July 31, 2020

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## SECTION 1 - TITLE, AUTHORITY, PURPOSES, AND GENERAL PROVISIONS

### A. TITLE

An ordinance establishing zoning districts comprising all the Incorporated area within the Town of Sedgwick, Colorado, adopting maps of said area and zoning districts therein; regulating the location, height, bulk, and size of buildings and other structures, the percentage of a lot which may be occupied, the size of lots, courts, and other open space, the density and distribution of population, and the location and use of land for agriculture, industry, recreation, or other purposes; defining certain terms used herein; prescribing methods for granting variances, and for amendment, enforcement, Interpretation, separability, and repeals; and prescribing penalties for the violation of its provisions.

### B. SHORT TITLE

These regulations shall be known and may be cited as the zoning Ordinance of Sedgwick, **Colorado."**

### C. AUTHORITY

This ordinance is authorized by Article 23, Title 31 of the Colorado Revised Statutes, 1973, as amended,

and is hereby declared to be in accordance with all provisions of these statutes.

### D. PURPOSES

The purposes of these regulations are:

1. To prevent congestion in streets and roadways;
2. To secure safety; from fire, crime, panic, floodwaters, and other dangers;
3. To provide adequate light and air;
4. To prevent the overcrowding of land and avoid undue concentration of population;
5. To facilitate the efficient and economical provision of water, sewerage, educational, recreational, and other public services;
6. To preserve and stabilize the value of property;
7. To encourage the most appropriate and esthetic use of land throughout the Town;
8. To facilitate the orderly, efficient, economical, environmentally sound and equitable development of the Town; and in general,
9. To promote the public safety, morals, and general welfare of the Town.

## E. JURISDICTIONAL AREA

These zoning regulations shall apply to all land and buildings within the Incorporated limits of the Town of Sedgwick, Colorado.

## F. APPLICATION

Except as here in after provided or by a variance granted by the Board of Adjustment:

1. No building, structure, or land shall hereinafter be occupied or used, and no building or structure or part thereof shall be erected, moved, or structurally altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building or structure shall hereinafter be erected or altered:
  - a. To exceed the height restrictions;
  - b. To accommodate or house a larger number of families;
  - c. To occupy a greater percentage of the lot;
  - d. To have narrower rear yards, front yards, side yards, or other open spaces than is herein permitted in the district in which the building or structure is located.
3. No part of a yard or loading area, or open space needed by any building or structure to meet the requirements of this ordinance may be included in whole or in part in meeting the requirements of any other building or structure.
4. No yards or lots existing at the time of the adoption of this ordinance shall hereinafter be reduced below the minimum dimensions or area required by this ordinance.

## G. DESCRIPTION OF DISTRICTS

For the purpose of carrying out the provisions of this ordinance, the Town of Sedgwick, Colorado, is hereby divided into the following zoning districts:

### 1. Low Density Residential (R-LD)

This district is primarily for low- density residential housing, not to exceed a gross density of five (5) dwelling units per acre. The regulations for this district are designed to stabilize and protect the property values and lifestyle of the residents of the district and adjoining districts.

### 2. Mobile Home (R-MH)

This district is designed to provide quiet, safe, low-density residential areas in which mobile homes will be allowed on Individually owned lots, and mobile home parks will be accommodated as conditional uses. The regulations for this district are designed to stabilize and protect the property values and lifestyle of the residents of the district and adjoining districts.

**3. Commercial 1 (C1)**

This district is designed to provide for business and commercial uses that are compatible with the lifestyle of local residents and that contribute to the economic base of the Town.

**4. Commercial Zoning Highway Business (C2)**

**5. Flood Plain (EP)**

This district is an overlay zone established to permit only those uses, structures, and construction techniques that will not endanger life, health, public safety, or property in areas subject to Inundation by the intermediate regional flood. The regulations for this overlay district apply in addition to the provisions of the appropriate primary zoning district.

**H. ZONING MAP**

The location of the zoning districts hereby established are shown on the map entitled, "Town of Sedgwick, Colorado, Zoning Map," dated February 2, 1976, and is hereby made, along with explanatory matter thereon, a part of this ordinance. The official map shall be filed at the office of the Town Clerk and shall be kept current at all times. All amendments to the map made in conformity with this ordinance shall be recorded on the map within one (1) week of its adoption, showing general location, effective date, and nature of the change. Unless otherwise specified on the official zone map and except as may be required to delineate flood area boundaries, zone boundaries shall be constructed to lie on the center line of streets and alleys; on the boundary lines of zoning districts or incorporated areas; or on section lines.

## SECTION 2 - DISTRICT REGULATIONS

### A. USES PERMITTED UNCONDITIONALLY

The following uses are permitted unconditionally in the districts in which they are enumerated:

1. **Low Density Residential (CR-LO)**
  - a. Single-family dwellings, including modular homes.
  - b. Public, parochial, private, or related schools.
  - c. Churches and Sunday schools.
  - d. Community centers and group care facilities.
  - e. Recreational facilities.
  - f. Temporary parking of Farm Equipment not to exceed 72 hours.
2. **Mobile home (R-MH)**
  - a. Individual mobile homes, providing they meet all current, local, and state statutes.
  - b. Recreational facilities.
3. **Commercial 1 (C1)**
  - a. Any use, other than single-family dwellings, modular or mobile homes, permitted unconditionally in the Residential District, R-LD.
  - b. Business services.
  - c. Clubs.
  - d. Convenience businesses.
  - e. General businesses.
  - f. Professional businesses.
  - g. Public buildings and uses.
4. **Commercial Zoning Highway Business (C2)**
  - a. Any uses under C1.

### B. CONDITIONAL USES PERMITTED

The Board of Trustees and the granting of a conditional use permit, as prescribed in Section 3, shall allow the following uses in the applicable districts subsequent to approval:

1. **Low Density Residential (R-LD)**
  - a. Public utility stations.
  - b. Multi-family dwellings.
  - c. Cluster housing developments.
  - d. Convenience businesses.
  - e. Rooming or boarding houses.
  - f. Professional activities.
  - g. Cemeteries.
  - h. Mobile homes.

2. **Mobile Home (R-MH)**
  - a. Mobile home parks.
  - b. Convenience businesses.
  - c. Public utility stations.
3. **Commercial 1 (C1)**
  - a. Public utility stations.
  - b. Rooming or boarding houses.
  - c. Wholesale businesses.
  - d. Campgrounds.
  - e. Transient mobile home parks.
  - f. Cemeteries.
4. **Commercial Zoning Highway Business cc,)**
  - a. Any uses under CL

### C. ACCESSORY USES PERMITTED

The following accessory uses are permitted in the following districts, provided that they are incidental to and on the same premises as a permitted use.

1. **Low Density Residential (R-LD) and Mobile Home (R-MH)**
  - a. Garage only for the storage of automobiles, recreational vehicles, and/or two (2) commercial vehicles.
  - b. Automobile parking and loading space, as required in Section 4-G.
  - c. Home occupations or professional activities. (See Section 10-C.
  - d. Definitions.)
  - e. Any accessory buildings, structures, or uses required in addition to and in conjunction with any unconditionally permitted use in the district.
2. **Commercial 1 (C1)**

Any building or structure incident to and necessary for the operation of an unconditionally permitted use in the district.
3. **Commercial Zoning Highway Business (C2)**

### D. TEMPORARY USES

Upon application to the Board of Trustees, a temporary use permit may be Issued for the following uses, In the following zones, and for the following periods of time. Such permits shall be valid only for the period of time specified, and only one (1) renewal of the temporary permit may be granted. Failure to terminate such temporary use by the specified time shall be considered a misdemeanor and is punishable under Section 7-D.

of this ordinance.

1. Use: Construction office incidental to construction on the premises; Zones: All zones; Period: Nine (9) months.
2. Use: Carnival, circus, bazaar, or fair; Zones: Business and Industrial; Period: Two (2) weeks.
3. Use: Tent meetings or crusade; Zones: Business and Industrial; Period: Two (2) weeks.
4. Use: Parking for another temporary use; Zones: Same as temporary use for which it is required; Period: same as temporary use for which it is required.
5. Use: Non-commercial concrete batching plant; Zones: Business and Industrial; Period: Six (6) months.
6. Use: Roadside stand; Zones: Business only; Period: Two (2) weeks.

## E. SPECIAL USES

1. No development, use occupancy, fill, construction, reconstruction, or alteration shall be allowed in a Flood Protection district until the appropriate property owner or a duly authorized agent first obtains a special permit from the Town Trustees. Application for a special permit shall follow the same procedures as those required for the issuance of a conditional use permit as described in Section 6 of this ordinance.
2. Under no circumstances, except those specified in Section 2-E. 3., shall a permit be granted for any use, occupancy, fill, construction, reconstruction, or alteration in a Flood Protection district that would cause or result in any of the following:
  - a. The storage or processing of materials that in the event of a flood are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal, or plant life.
  - b. The disposal of garbage or other solid waste materials.
  - c. Construction, reconstruction, or alteration of structures, either fixed or mobile, for residential, commercial, or industrial purposes, either permanent or temporary.
  - d. Substantial solid debris being carried downstream by floodwaters.
  - e. Any obstruction that would impair the flow of floodwater so as to cause foreseeable damage to others, wherever located.
3. Except as prohibited elsewhere in this ordinance, the Town Trustees may issue a special permit for the construction, reconstruction, or alteration of structures, either fixed or mobile, for residential, commercial, industrial, or related purposes, either permanent or temporary, provided that:
  - a. Such use shall not cause a measurable enlargement of a flood plain or Inundate lands other than those owned by the user.

- b. Such use shall comply with all applicable state regulations including the Model Flood Plain Regulation adopted by the Colorado Water Conservation Board on February 26, 1975 and must meet or exceed the U.S. Army Corps of Engineers standards for flood-proofing of structures located in areas subject to inundation.
- c. Owners or their authorized agents seeking a special use permit must submit to the Zoning Administrator prior to occupancy or use of any structure for which a special permit is required, a certificate by a registered professional engineer attesting that the flood-proofing methods utilized in the construction, reconstruction, or alteration of a structure can reasonably be expected to provide protection from the flood waters to which the structure might periodically be subjected as the result of an intermediate regional flood or one hundred year flood. Such certificate shall also attest that the proposed development, use, occupancy, fill, construction, reconstruction or alteration shall not result in any of the conditions enumerated in Section 2-E 2. a., b., d., or e., in the event of an intermediate regional flood.
- d. The lowest floor of any such building or structure shall be not less than one foot above the maximum water elevation of the computed intermediate regional flood, unless such building or structure has been adequately flood-proofed to over one foot above said maximum water elevation.

## SECTION 3 - SPACE REQUIREMENTS

### A. MINIMUM LOT AREA

The minimum lot area in the Low Density Residential, R-LD, and Mobile Home, R-MH, districts shall be not less than five thousand (5,000) square feet per dwelling unit.

### B. MINIMUM LOT WIDTH

The minimum lot widths in the Low Density Residential, R-LD, and Mobile Home, R-MH, districts shall be not less than fifty (50) feet for one dwelling unit, and fifty (50) feet for each additional dwelling unit on that lot.

### C. SETBACK REQUIREMENTS

#### 1. Front Yard Setbacks

All sides of a lot which abut a street shall be treated as frontage and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures. All buildings and structures shall be set back a minimum of the following distances from the front property line:

- a. Low Density Residential district, R-LD, and Mobile Home district, R-MH: Twenty-five (25) feet
- b. Commercial district, C: Eight (8) feet
- c. Industrial district, I: Twenty-five (25) feet

#### 2. Side Yard Setbacks

All buildings shall be set back from the side property line a minimum of the following distances in the following zones:

- a. Low Density Residential district, R-LD: Five (5) feet for residences and residential accessory uses; ten (10) feet for all other uses
- b. Mobile Home district, R-MH: Five (5) feet for mobile homes and accessory uses
- c. Commercial district, C: None
- d. Industrial district, I: Five (5) feet, except that when adjacent to a residential or mobile home district, the setback shall be equal to two (2) times the height of the building, or twenty-five (25) feet, whichever is greater

**3. Rear Yard Setbacks.**

All buildings shall be set back from the rear lot line a distance not to exceed the following, except that where a street abuts to the rear, a distance of not less than one-half (1/2) of the front setback requirement may be used:

- a. Low Density Residential, R-LD, and Mobile Home districts, R- MH: Twenty (20) feet; except where an alley abuts, the minimum setback shall be five (5) feet
- b. Commercial district, C: Ten (10) feet; except where alley abuts, five (5) feet
- c. Industrial district, I: Ten (10) feet

**D. MAXIMUM BUILDING HEIGHTS**

No building shall hereafter be built or structurally altered to exceed the following heights in the following districts:

- 1. Low Density Residential, R-LD, and Mobile Home, R-MH, districts Thirty-five (35) feet for a dwelling unit
- 2. Commercial district, C: Fifty (50) feet
- 3. Industrial district, I: No restriction

**E. MAXIMUM LOT COVERAGE**

The total area of building coverage including main and accessory buildings shall not exceed the following percentages of area of the lot on which the buildings are located in the following zones:

- 1. Low Density Residential, R-LD, and Mobile Home, R-MH, districts: Thirty per cent (30%)
- 2. Commercial district, C: Ninety per cent (90%)
- 3. Industrial district, I: Sixty per cent (60%)

**F. EXCEPTIONS TO HEIGHT AND SETBACK REQUIREMENTS**

Exceptions to Height Requirements. The following uses may be exempted from the maximum height requirements, provided written approval is granted by the Town Council, who shall have determined that the use would not injure the value of, use of, or prevent the proper access of light and air to adjacent properties, nor would be out of harmony with the intent and purposes of this ordinance:

- 1. Radio and television towers and antennae
- 2. Church towers
- 3. Water tanks and towers
- 4. (4) Elevators;

5. Parapets;
6. Public utility poles and towers;
7. Public Monuments;
8. Chimneys.
9. Buildings for Municipal Use.

**G. OFF-STREET PARKING REQUIREMENTS**

For every building hereafter erected, off-street parking spaces shall be provided. Each space shall measure at least eight (8) feet by eighteen (18) feet and shall be provided with proper ingress and egress. Areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking space requirements. Parking requirements shall apply to all districts. Uses not listed shall require the same parking spaces as the nearest similar use as may be determined by the Planning Commission.

<b>USE</b>	<b>NO. OF SPACES</b>
Dwelling, each unit	1
Motels, hotels, tourist courts, per rental unit	1
Owner or manager's unit	1
Auditoriums, churches, stadiums, theaters, or other places of assembly with fixed seats, per eight (8) seats	1
Without fixed seats, per 100 square feet	1
Offices, per three hundred (300) square feet	1
Restaurants, eating or drinking places, per four (4) seats	1
Retail sales establishments, including groceries, dry goods, etc., per one hundred (100) square feet of area devoted to sales and display	1
Hospitals, nursing homes, sanitariums, per three (3) beds	1
Per staff member	1
Schools: elementary, nursery, junior high, per classroom	5
Plus per three hundred (300) square feet of office.	1
Schools: high, university, college, business, per classroom	1
Plus per three hundred (300) square feet of office.	1
Plus per three (3) dormitory rooms	1
Plus as required above for auditoriums	1
Industries, warehouses, per four hundred (400) square feet of gross floor area	1

#### H. OFF-STREET LOADING SPACE REQUIREMENTS

For the purpose of providing space off the street for loading or unloading goods of any type, one space shall be required in all districts for any use with a gross floor area of ten thousand (10,000) square feet or more, including outside storage of goods, but excluding single• or two-family dwellings. Each loading space shall measure at least ten (10) feet high by thirty-five (35) feet long by fourteen (14) feet wide. Furthermore, each industrial, business, or commercial use shall provide an additional space for each fifteen thousand (15,000) square feet or fraction thereof of gross floor area over and above the first ten thousand (10,000) square feet.

## SECTION 4 - NON-CONFORMING USES

### A. INTENT

Within the districts established by this ordinance or amendments that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts.

### B. NON-CONFORMING LOTS

Non-conforming lots of record at the time of the passage of this ordinance may be built upon or used after the passage of this ordinance, but only with an unconditionally permitted use in the district in which the lot is located, and by approval of the Planning Commission. No lot conforming in size at the time of the passage of this ordinance shall be subdivided or reduced in size in such a way that would become non-conforming.

### C. ALTERATIONS AND/OR EXTENSIONS

No building or use that is non-conforming as of the effective date of this ordinance shall be structurally altered or expanded in any way that would increase the degree or area of non-conformance. The following changes or alterations may be made to a non-conforming building:

1. Repair to a building or structure that is ordered by any public official to make it safe.
2. Maintenance repairs that are needed to keep the building in good condition.
3. Any structural alteration that would not increase the degree of non-conformance or that would change the use to a conforming one.

### D. RESTORATION

Any non-conforming building or structure that is destroyed by fire, accident, or natural causes to the extent of more than fifty (50) per cent of its valuation, may not be rebuilt except to serve a conforming use. If less than fifty (50) per cent of the replacement cost at the time of destruction, the building may be rebuilt, but not to allow for any expansion of the non-conforming use.

#### **E. ABANDONMENT**

If any non-conforming use of land, building, or structure is abandoned for a period exceeding one (1) year, no non-conforming use may be re- established upon such land or within such building or structure.

#### **F. PREVIOUSLY APPROVED USES**

Any building, use, or structure that had been officially approved by the Board of Trustees prior to the passage of this ordinance may proceed to construct or use such building, structure, or land, providing that the structural members of such building or structure are completed within one

1. Year of the effective date of this ordinance.

#### **G. CHANGES IN NON-CONFORMING USES**

No non-conforming use of a building or structure may be changed to another non-conforming use, except when the new non-conforming use is of a more restrictive nature, as may be determined by the Planning Commission.

## SECTION 5 - SIGNS

### A. INTENT

These regulations shall govern and control the erection, remodeling, enlarging, moving, operation, and maintenance of all signs by permitted uses within all zoning districts established by this ordinance. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs.

Signs located in areas governed by several ordinances and/or applicable regulations shall comply with the most restrictive of such ordinances and regulations.

### B. CLASSIFICATION OF SIGNS

#### 1. Functional Types

- a. **Advertising Sign.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, or to which it is affixed.
- b. **Bulletin Board Sign.** A sign that indicated the name of an institution or organization of whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such signs may also present a greeting or similar message.
- c. **Business Sign.** A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or an entertainment offered, on the premises where the sign is located or to which it is affixed.
- d. **Construction Sign.** A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.
- e. **Identification Sign.** A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
- f. **Nameplate Sign.** A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.

- g. Real Estate Sign.** A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof located thereon.

## 1. Structural Types

- a. Awning, canopy and Marquee Sign.** A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by this ordinance. No such sign shall project above, below, or beyond the physical dimensions of the awning, canopy or marquee.
- b. Ground Sign.** Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. Signs on accessory structures shall be considered ground signs.
- c. Pole Sign.** A sign that is mounted on a freestanding pole, the bottom edge of which sign is six (6) feet or more above ground level.
- d. Projecting Sign.** A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.
- e. Wall Sign.** A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than twelve (12) inches from such building.

## C. GENERAL STANDARDS

- 1. Gross Surface Area of Sign.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which does not form an integral part of the display. The gross area of a sign shall be measured on only one side of such sign unless both sides thereof are utilized as a sign. When two or more signs are located on a lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface area set by the applicable district regulations. For computing the area of any wall sign that consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure that can encompass all of the letters.

2. **Height of Sign.** Sign height shall be measured from ground level at the base of or below the sign to the highest part of the sign.
3. **Building and Electrical Codes Applicable.** All signs must conform to the regulations and design standards of applicable building codes. Wiring of all electrical signs must conform to applicable electrical codes.
4. **Illuminated Signs.** Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Any illuminated sign located on a lot adjacent to or across the street from any residential district, which is visible from such residential district, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
5. **Flashing or Moving Signs.** No flashing signs, rotating or moving signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in any district. A sign whereon the current time and or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every fifteen (15) seconds.
6. **Access way or Window.** No sign shall block any required access way or window.
7. **Signs on Trees or Utility Poles.** No sign shall be attached to a tree or utility pole whether on public or private property.
8. **Metal Signs**
  - a. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to a grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of nine (9) feet to the ground.
  - b. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.
9. **Traffic Safety.** No sign shall be maintained at any location where by reason of Its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
10. **Location.** No sign, except those exempted in Section 5-D 1-6, shall be permitted to project over public rights-of-way.

#### D. SIGNS NOT SUBJECT TO PERMIT

The following signs shall be exempt from the requirements of this Ordinance:

1. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
2. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
3. Memorial signs and tablets displayed on private property.
4. Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the signs do not exceed the requirements of such law, order, rule or regulation.
5. Small signs, not exceeding five (5) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one way drives, rest rooms, freight entrances, and the like.
6. Scoreboards with no advertising in athletic stadiums.

#### E. SIGNS SUBJECT TO PERMIT

Upon application to and issuance by the Zoning Administrator of a permit thereof, the following signs, but no other, may be erected and maintained in the enumerated zoning districts:

##### 1. Residential Districts (R-LD and R-MH).

- a. Functional Types Permitted.
  - 1) Nameplate signs
  - 2) Identification Signs
  - 3) Real Estate signs
  - 4) Construction signs
- b. Structural Types Permitted.
  - 1) Ground signs
  - 2) Pole signs
  - 3) Wall signs
- c. Number of Signs Permitted.
  - 1) Two (2) for each permitted use
- d. Maximum Gross Surface Area

- 1) Nameplate signs: two (2) square feet.
  - 2) Identification and bulletin board signs: forty (40) square feet.
  - 3) Real estate signs: six (6) square feet per lot, provided that one sign not more than one hundred (100) square feet in area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed at the end of three (3) years from the date of issuance of permit, or when seventy-five (75) per cent of the lots in the subdivision have been sold, whichever occurs sooner.
  - 4) Construction signs: forty (40) square feet
- e. Maximum Height. Fifteen (15) feet.
  - f. Required Setback. Fifteen (15) feet from the front line.
  - g. Illumination. No sign shall be illuminated except that bulletin board signs may be indirectly illuminated with incandescent or fluorescent light.

## **2. Commercial District (C)**

- a. Functional Types Permitted. Any type listed in Section 5-B 1. 02(A) except advertising signs.
- b. Structural Types Permitted. Any type listed in Section 5-B 2. except roof signs.
- c. Number of Signs Permitted. Two (2) for each permitted use.
- d. Maximum Gross Surface Area. Fifty (50) square feet per business.
- e. Maximum Height. Thirty (30) feet.
- f. Required Setback. The same setback that is required for principal structures, but in no case shall a sign project over public right-of-way's.
- g. Illumination. Indirectly illuminated signs shall be permitted.

## **3. Industrial District (I).**

- a. Functional Types Permitted. Any type listed in Section 5-B 1. except advertising signs.
- b. Structural Types Permitted. Any type listed in Section 5-B 2. except roof signs.

- c. Number of Signs Permitted. Two (2) for each permitted use.
- d. Maximum Gross Surface Area. Two hundred (200) square feet.
- e. Maximum Height. Thirty (30) feet.
- f. Required Setback. Ten (10) feet.
- g. Illumination. Indirectly illuminated signs shall be permitted.

#### F. NON-CONFORMING SIGNS

1. Maintenance. All signs in all districts that become non-conforming at the time of the passage of this ordinance shall be maintained and kept in a state of good repair. Such signs shall not be relocated, replaced or structurally altered. No sign shall be permitted to exist in a condition of disrepair. Should, in the opinion of the Zoning Administrator, a sign exists in a condition of disrepair, the Board of Adjustment shall have authority to compel the repair or removal of the sign, at the expense of the owner of the sign, within thirty (30) days of their decision.
2. Removal, ALL signs that are non-conforming as to setback, type, number, or illumination shall be made to conform with this ordinance within five (5) years after the passage thereof, or shall be removed.

#### G. FEES FOR SIGN PERMITS

A fee of one dollar (\$1.00) plus twenty cents (.20) per square foot of signage shall be charged for issuance of any sign permit.

## SECTION 6 - CONDITIONAL USE REVIEW

### A. PURPOSE

The purpose of conditional use review is, first, to recognize that some uses may or may not be appropriate in a particular district depending upon the circumstances of the individual case, and, second, to allow review of such cases so that the Town is assured that these uses are compatible with their sites and surrounding land uses and will further the purposes of this ordinance.

### B. AUTHORITY

Conditional uses shall be permitted by the Board of Trustees provided that prior to the granting of such permission they refer the application to the Planning Commission for their review and recommendation. The basis of Planning Commission review and the granting of permission for a conditional use by the Board of Trustees shall be, among other considerations, that such use complies with and meets all the conditions and safeguards indicated for that particular use in this ordinance. Upon satisfactory demonstration that all such conditions have been met, the Board of Trustees shall grant permission for a conditional use, subject to additional conditions as may be imposed by the Board of Trustees in order to comply with the purposes and intent of this ordinance.

In the absence of a Planning Commission, the Board of Trustees shall assume the responsibilities of said Commission.

### C. PROCEDURE FOR CONDITIONAL USE REVIEW

1. Application for a conditional use permit shall be submitted in writing to the Board of Trustees along with such evidence as may be necessary to demonstrate compliance with the conditions and requirements set forth for the particular use according to this ordinance.
2. The Board of Trustees shall study and review the application and accompanying evidence before taking action on the application. In addition, before ruling of the application, they shall:
  - a. Submit a copy of the application and accompanying data to the Planning Commission for study and review. As a part of the review and recommendation process by the Planning Commission, the applicant for any conditional use shall post his property with a sign notifying the general public of the time and place of a meeting before the Planning Commission at which said property shall be reviewed for a conditional use. The sign shall be posted on the property at least fifteen (15) days prior to the scheduled meeting

date, and shall be of a size three (3) feet by four (4) feet, posted four (4) feet above natural grades, with lettering not less than two (2) inches in size. Said sign shall be placed in a conspicuous location visible from the public rights-of-way.

- b. Hold a public hearing on the matter and notice of such hearing shall be published at the expense of the applicant in a newspaper of general circulation at least fifteen (15) days prior to the hearing date. In addition, written notice of the hearing shall be mailed at least fifteen (15) days prior to the hearing date to the applicant and to owners of properties adjacent to the property in question. The applicant shall furnish at least twenty (20) days prior to the anticipated date of the public hearing a list of the owners of properties adjacent to the property in question.

3. The Board of Trustees' study of the application shall include consideration of all of the following:
  - a. Information submitted by or for the applicant.
  - b. Information submitted for the public hearing.
  - c. Comments by the Planning Commission, and any additional qualified opinions.

#### **D. FEES FOR CONDITIONAL USE PERMITS**

Permit fees shall be paid at the time of the granting of the permit and prior to its receipt by the applicant. The fee shall be in the amount of ten dollars (\$10.00). The permit shall be in force indefinitely provided, however, that the operation of the conditional use has complied with all the terms and conditions of the original permit.

#### **E. RECESS OF THE HEARING BY THE BOARD OF TRUSTEES**

The Board of Trustees may recess a hearing on a request for a conditional use permit in order to obtain additional information or to serve further notices upon other property owners or persons whom it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Board of Trustees shall announce the time and date when the hearing will be resumed.

#### **F. NOTIFICATION OF ACTION**

The Town Clerk shall notify the applicant for a conditional use permit in writing of the Board of Trustees' action within seven (7) days after a decision has been rendered.

## SECTION 7 - ADMINISTRATION AND ENFORCEMENT

### A. THE ZONING ADMINISTRATOR

This ordinance shall be administered and enforced by the Town Zoning Administrator. The Zoning Administrator, or his deputy, shall have authority to issue building permits and certificates of occupancy. He shall have authority to make inspections and to make all decisions necessary for the proper enforcement of this ordinance. No oversight or dereliction on the part of the Zoning Administrator shall legalize, authorize, or excuse the violation of any of the provisions of this ordinance.

### B. BUILDING PERMITS

1. No building shall be erected, moved, or structurally altered unless a permit thereof has been issued by the Zoning Administrator, and no permit shall be issued unless the building or structure proposed is in full conformance with this ordinance, except in those instances where a permit has been granted for a variance by the Board of Zoning Adjustment.
2. All applications for building permits must be accompanied by drawings to scale showing plot plan and location, floor plan height, and size of all proposed buildings, and the location and dimensions of fences, signs and parking and loading areas.
3. A fee for the examination and administration of this permit shall be payable to the Town of Sedgwick upon receipt of the application as set by the Board of Trustees.

### C. CERTIFICATES OF OCCUPANCY

1. No land or building shall hereafter be changed in use, nor shall any new structure, building or land be occupied or used without first having obtained a Certificate of Occupancy from the Zoning Administrator.
2. Such Certificate of Occupancy shall be Issued within five (5) days of the time of notification that the building is completed and ready for occupancy.
3. All Certificates of Occupancy shall be filed with the Zoning Administrator and shall be available for examination by the Public.

## D. NOTIFICATION, VIOLATIONS, AND PENALTIES

1. Whenever the Zoning Administrator shall find a violation of any of the provisions of this ordinance, he shall notify the person responsible for the violation in writing and shall order the necessary correction within a period of from not less than thirty (30) to no more than sixty (60) days.
2. Failure to comply with the provisions of this ordinance, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor and upon conviction is punishable by a fine of three hundred dollars (\$300.00) for the first day of the violation and one hundred dollars {\$100.00) for each day the violation continues to exist, or imprisonment for a period of not more than thirty (30) days, or both. Each day that such a violation continues to exist shall be considered as a separate offence. The offender will be responsible for any and all expenses incurred by the town.

## E. Complaints

Any resident aggrieved by a violation or apparent violation of the provisions of this ordinance may file a written complaint with the Zoning Administrator, who shall immediately investigate such complaint and take legal action to have those responsible for the violation penalized and the violation removed, if such violation is found to exist.

## SECTION 8 - BOARD OF ADJUSTMENT

### A. CREATION

A Board of Adjustment is hereby created which shall consist of five (5) members and which shall be appointed by the Board of Trustees. All further reference to the Board of Adjustment in this section shall hereafter be made to "the Board."

### B. MEMBERSHIP AND ORGANIZATION

1. Members. The Board shall consist of five (5) members appointed by the Board of Trustees. Members shall be resident taxpayers of the Town.
2. Terms of Office. One (1) member shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. Thereafter, all appointments to the Board shall be made for terms of three (3) years each. When vacancies occur prior to the expiration of a regular term they shall be filled in the same manner as regular appointments but shall serve only until the expiration of the term in which the vacancy occurred.
3. Chairman. The members of the Board shall elect from among their number a Chairman to serve for a term of one (1) year.
4. Expenses. In the performance of its duties, the Board may incur such expenses as shall be authorized by the Board of Trustees, but no member shall receive any compensation for his services.
5. Removal of Members. The Board of Trustees shall have the power to remove any member from the Board for just cause after public hearings.

### C. DUTIES AND POWERS

1. To meet at the call of the chairman, by his request or by the request of the Zoning Administrator, or by any party wishing to appeal the decision of the same.
2. To adopt any rules necessary to transact the Board's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of this ordinance.

3. To vote upon the granting of an adjustment to requirements of the zoning ordinance, which vote must require the concurrence of four (4) or more members of the Board in order to revise an order of the Zoning Administrator.
4. To keep minutes of the proceedings of each meeting, which shall be filed in the office of the Board, who may designate the Zoning Administrator to keep such files, and which shall be of public record.
5. To permit the public to attend and to be heard at all of its meetings.
6. To notify in writing the Zoning Administrator, the owner involved, and the Planning Commission of all decisions made, resolutions passed, hearings scheduled or permits authorized.
7. To publish notice of or cause to be published or cause the property to be posted at least fifteen (15) days prior to the date of hearings, where such hearings are deemed necessary by the Board.
8. The Board shall have the power to interpret this ordinance, including any uncertainty as to boundary location, or meaning of wording so long as this interpretation is not contrary to the purpose and intent of the ordinance.
9. The Board shall have the power to grant variances from the provisions of this ordinance, but only where all of the following conditions are found to exist:
  - a. The variance would not authorize any use other than uses enumerated as unconditionally permitted uses in the district;
  - b. That an unnecessary hardship to the owner could be shown to occur if the provisions of the ordinance were literally followed;
  - c. That the circumstances found to constitute a hardship either were not created by the owner, or were in existence at the time of the passage of this ordinance, are not due to nor are the result of general conditions in the district, and cannot reasonably be corrected;
  - d. That the variance would not injure the value, use of, or prevent the proper access of light and air to the adjacent properties;
  - e. That the variance would not be out of harmony with the
  - f. Intent and purpose of this ordinance.
10. The Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and Sedgwick County. All appeals to the Board shall be in writing and on such a form as shall be prescribed by the Board. Every appeal shall indicate what provision of this ordinance is involved, what relief from these provisions is being sought as required in Section 8-C-6. The Chairman of the Board shall then within ten (10) days call a meeting of the Board for the purpose of the review of the requested appeal. At the same time, a copy of the requested appeal shall be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board before the date set for hearing the appeal. Failure of the Planning Commission to return the requested opinion shall be considered as its approval of the Board's granting of the requested appeal. Notification of the decisions of the Board shall then be made in accordance with Section 8-C-6.

#### **D. APPEALS FROM THE BOARD**

Any further appeal from the decision of the Board may be made to the courts, as provided bylaw, provided, however, that such appeal is made prior to sixty (60) days following the date of the notification of the Board's decision.

#### **E. ABSENCE OF BOARD OF ADJUSTMENT**

In the absence of a Board of Adjustment for any reason, all duties and responsibilities of said Board shall be administered by the Town Board of Trustees. The Zoning Administrator and/or the Deputy zoning Administrator will enforce any decisions made by the Trustees.

## SECTION 9 - SUPPLEMENTARY REGULATIONS

### A. AMENDMENTS

1. Amendments, supplements, changes or repeal of this ordinance or any section thereof, or to the official zoning map may be initiated by application of:
  - a. Any citizen, group of citizens, firm, or corporation residing on, owning or leasing property In the Town;
  - b. The Planning Commission; or,
  - c. The Board of Trustees of the Town.
  
2. Application for an amendment to this ordinance shall be made on such a form as the Planning Commission shall prescribe and shall be filed with the Town Clerk. Applications for an amendment to the Official Zoning Map shall obtain all of the following information:
  - a. Description of land area to be rezoned, and requested new classification along with a sketch to scale showing boundaries of area requested to be rezoned, along with an indication of the existing zoning on all adjacent sides of the area.
  - b. A statement of justification for the rezoning, including one of the following conditions:
    - 1) Changing area conditions;
    - 2) Error in original zoning;
    - 3) Conformance to Master Plan for area;
    - 4) Peculiar suitability of the site to a specific use; or,
    - 5) Supplemental zoning for flood hazard areas.
  - c. Description and sketches, if available, of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within two hundred (200) feet of the boundary of the proposed area of change, in all directions.
  - d. Time schedule for any contemplated new construction or uses.
  - e. Justification for any new business or industrial zoning.
  - f. Effect that the new zoning would have on adjacent uses.
  
3. All applications for changes to the zoning ordinance or map shall be referred by the Town Clerk to the Planning Commission, which commission shall return are commendation either recommending for or against the proposed change to the Board of Trustees within fifteen (15) days of the receipt thereof.
4. Before any amendment to this ordinance or map is enacted, a public hearing shall be held; fifteen (15) days advance notice of the time and place of which

shall be published in a newspaper having general circulation within the County. Cost of publishing said notice shall be the responsibility of the applicant.

5. The adoption of any amendment, supplement, change, modification, or repeal shall require the favorable vote of a majority of the Board of Trustees, except that under the following circumstances a favorable vote of not less than three-fourths (3/4) of the voting members shall be required:
  - a. Whenever a protest against such changes is filed with the Town Clerk, the protest shall be signed by the owners of twenty per cent (20%) or more either of the lots included in such proposed change, or of those immediately adjacent extending one hundred (100) feet in any direction; or,
  - b. Whenever the Planning Commission has not recommended approval of such change.

## B. MINIMUM SIZE OF NEW DISTRICTS

1. No amendment to the official Zoning Map shall be made that would create or allow to remain a zoned area of less than the following gross area for the following districts:
  - a. Low Density Residential, R-LD: Two (2) acres
  - b. Mobile Home, R-MH: Two (2) acres
  - c. Commercial, C1: Two (2) acres
  - d. Commercial 2, C2: Two (2) acres

## C. PARKING AND STORAGE OF ABANDONED AUTOMOBILES

1. Abandoned motor vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
2. The Board of Trustees shall have authority, following an investigation by the Zoning Administrator, to compel the removal of the abandoned motor vehicle(s) at the expense of the owner within thirty (30) days of their decisions. Vehicles will be towed by a licensed contractor at the owner's expense.

#### D. Design Requirements- Mobile Home District. R-MH

Application for the creation of a Mobile Home District, R-MH, or a request for the establishment of a mobile home park in an existing district shall include a site design plan prepared by a registered engineer, architect or other qualified person, showing:

1. Location and legal description of the proposed park.
2. Entrances to and exits from the court.
3. Vehicular roadways, driveways and pedestrian walks. All roads shall be designed and built to Town specifications.
4. Plans, showing size and arrangement of mobile home lots, location of roadways, service and utility buildings.
5. Topography map showing original and final contours at two (2) feet intervals.
6. Provisions for drainage.
7. Area set aside for recreation, clothes washing and drying, storage, and off-street parking.
8. Fencing, screening and planting of vegetation on the premises.
9. Plans for water supply and distribution.
10. Plans for sewage collection and disposal.
11. Provisions for trash and garbage storage and removal.
12. Plans for gas, electric, and phone service connections to each space.
13. Typical lot plan with specifications of the concrete pads.
14. For each mobile home lot and for each four (4) truck camper or travel trailer lots there shall be provided:
  - a. Recreational area in the amount of three hundred (300) square feet;
  - b. Space for mechanical washing and clothes drying facilities in the amount of twenty-five (25) square feet; and
  - c. Two (2) off-street parking spaces for each lot, except for truck camper or travel trailer lots.
15. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewage provisions must meet with the approval of the Colorado Department of Public Health and the local health authority.
16. The applicant shall consult with the appropriate school district officials and secure a written statement to be submitted with the application regarding the impact on the local school district(s) caused by the increased number of school children resulting from the proposed mobile home court.
17. A statement of conformance with the Federal Housing Administration's Minimum Property Standards for Mobile Home Courts. Toe Zoning Regulations will govern where more restrictive.
18. Review of the site design plan shall take place within ninety (90) days following action by the Board of Trustees on an application for the creation of a Mobile Home District, R-MH, if such application is required, or within

ninety (90) days after the submission of a request for the establishment of a mobile home park in an existing Mobile Home District R-MH.

19. Review and approval of the site design plan should be undertaken by the Board of Trustees following review and recommendation by the Planning Commission.

#### **E. VISION CLEARANCE**

Vision clearance areas shall be provided at all intersections In all districts in order to facilitate the safe passage of vehicular, bicycle and pedestrian traffic through Intersections.

No privately owned shrubbery, vegetation, crops or fencing shall be permitted on public rights-of-way nor shall such shrubbery, vegetation, crops, or fencing be located in a fashion that blocks visual clearance at street and alley intersections.

The Zoning Administrator shall determine what constitutes adequate vision clearance; his decisions shall be appealed, as the need arises, to the Board of Adjustment.

## SECTION 10 - INTERPRETATION AND DEFINITIONS

### A. Interpretation

The provisions of this ordinance shall be interpreted and applied to be the minimum required for the proper protection of the public health and morals, and the promotion of safety and general welfare.

### B. Conflict with Other Laws

Whenever these requirements are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is the most restrictive or which requires the higher standard shall apply.

### C. Definitions

1. For the purposes of this resolution, certain terms or words used herein shall be interpreted as follows:
  - a. The word "resident" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  - b. The present tense includes the future tense, the singular number includes the plural and plural number included the singular.
  - c. The word "shall" is a mandatory requirement, the word "may" is a permissive action, and the word "should" is a preferred action.
  - d. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
  - e. The word "lot" includes the words "plot" and "parcel."
2. The following words and phrases shall be interpreted as having the meaning stated below:

**Accessory Building or Structure.** A building or structure on the same lot with the building or structure housing the principal use, but housing a use customarily incidental and subordinate to and customarily associated with the principal use.

**Accessory Use.** A use customarily associated with, but subordinate to the principal use on the same lot.

**Apartment House.** See Dwelling, Multi-Family.

**Automobile, Abandoned.** Any motor vehicle, or portion thereof, which when operated on a highway is required to be registered by the State of Colorado, and whose registration has been expired for a period of one (1) month or more. Notwithstanding the foregoing definition, a motor vehicle or portion thereof stored within a permitted building or structure shall not be considered to be an abandoned automobile.

**Automotive, Mobile Home, Trailer, and Farm Implement Sales.** The sale or rental of new and used motor vehicles, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

**Automotive Wrecking Business.** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Building.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building - Height.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**Business- Convenience.** Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than ten thousand (10,000) square feet in floor area. Uses in this classification tend to serve a day to day need in the area.

**Business - General.** Commercial uses which generally require locations on or near major thoroughfares and/or intersections, and which tend, in addition to serving day today needs of the area, to also supply the more durable and permanent needs of the area. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

**Business- Highway.** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include such activities as filling stations which also provide light service to trucks and automobiles which are currently licensed and insured; restaurants and motels; and commercial recreation.

**Business Services.** Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**Business-Wholesale.** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. The commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**Campground.** Any plot of improved property utilized for camping and parking of camping units as herein defined for a period not to exceed thirty (30) days.

**Camping Unit.** Any pick-up camper, motor home, travel trailer, tent trailer or similar mobile unit not exceeding either eight (8) feet in body width or thirty-two (32) feet in body length and designed specifically for recreational and vacation purposes.

**Cemetery.** Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Club.** Any membership organization including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating, and recreational uses, and further, whose activities are not conducted principally for monetary gain.

**Conditional Use.** A use permitted within a district other than an unconditionally permitted use, requiring a conditional use permit and approval of the Board of Trustees.

**Conditional Use Permit.** A permit issued by the Zoning Administrator upon approval by the Board of Trustees to allow a use other than an unconditionally permitted use to be established within a district.

**Density.** A unit of measurement; the number of dwelling units per acre of land.

1. Gross Density-The number of dwelling units per acre of total land to be developed.
2. Net Density- The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**Dwelling. Mobile Home.** A structure designed to be transported after fabrication and exceeding either eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built, whether or not such structure is placed on a permanent foundation. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating and electrical facilities.

**Dwelling. Modular Home.** Any structure, or component thereof, designed primarily for single family residential occupancy, not including a mobile home, which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Each modular home shall be certified by the Colorado Division of Housing, and shall have attached thereto, in a visible location, an insignia of approval containing the following information:

1. Date of manufacture
2. Insignia serial number beginning with the letters "FB."

**Dwelling. Multi-family.** A building consisting of three (3) or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

**Dwelling. Single-family.** A building consisting of a single dwelling unit only; separated from other dwelling units by open space.

**Dwelling. Two-family.** A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

**Dwelling Unit.** Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities; all used by only one family and its household employees.

**Family.** One (1) or more persons occupying a common household, but not including boarding or rooming houses, lodges, clubs, hotels, or fraternities.

**Flood.** See Intermediate Regional Flood.

**Flood Plain.** An area in or adjacent to a stream, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

**Flood proofing.** One (1) or more structural provisions, changes or adjustments to lands, properties and structures subject to flooding primarily for the reduction or elimination of flood damage to lands, properties, structures, and contents of buildings in a flood hazard area.

**Home Occupation.** Any activity which results in a product or service not used in its entirety by the family group, which is carried on in a residence, meeting all of the following criteria:

1. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
2. The use is conducted entirely within a dwelling and is carried on by the inhabitants thereof and not more than one (1) employee.
3. The use does not substantially change the character of the dwelling or adversely affect the uses permitted in the residential district; and no home occupation shall be permitted which is objectionable, due to noise, dust, smoke, odor, or other causes.
4. Not more than one-third (1/3) of the area of one (1) floor of the principal structure is used for such use.
5. The entrance to the space devoted to such use is from within the building and there is no external evidence of the home occupation.
6. No sign not in conformity with the provisions of the sign regulations is used.
7. No commercial type vehicle shall be parked on the property, other than one (1) pickup or van type truck of not more than one and one-half (1½) ton rated capacity.
8. Not more than one (1) single axle trailer is permitted with the weight of the trailer not to exceed one-half (1/2) ton.

**Hotel.** A building containing sleeping rooms designed to be rented for short-term occupancy, and which may or may not have eating or drinking facilities as an accessory use.

**Intermediate Regional Flood.** A type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with a statistical one (1) percent chance of being equaled or exceeded during any one (1) year. The term is used interchangeably with a one hundred (100) year floods.

**Junk Yard.** A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials and including the sale of whole or parts thereof.

**Kenel.** Any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six (6) or more animals that are over four (4) months old.

**Loading Area.** A parking space other than a public street or alley for the parking of commercial vehicles for the purpose of loading or unloading materials or merchandise.

**Lot.** A parcel of land occupied or designed to be occupied by one (1) or more buildings, structures or uses, arranged so as to meet all of the requirements of this ordinance, and facing upon a public street. A lot may or may not coincide with plots on a subdivision plot.

**Lot Area.** The number of square feet Included within a lot as measured within the boundaries of the lot, measured on a horizontal plane upon which the boundaries have been vertically projected.

**Lot Length.** The average distance from the street to the rear of the lot, measured perpendicularly from the street line upon which the lot faces.

**Lot Width.** The average distance between two (2) side lot lines, measured perpendicularly from one (1) of the sides.

**Mobile Home Park.** Any plot of ground upon which two (2) or more mobile homes, occupied or intended to be occupied for dwelling or sleeping purposes, are located for periods of longer than ninety (90) days, regardless of whether or not a charge is made for such accommodation.

**Mobile Home Subdivision.** A residential subdivision designed exclusively for and occupied only by mobile homes, in which the homes and the land are owned by the occupants. Such a subdivision shall not be included in the definition of "Mobile Home Park " and shall be regulated under the Mobile Home Ordinance.

**Modular Home.** See Dwelling, Modular Home.

**Motel.** A building or groups of buildings containing individual rooms for sleeping or living, designed and used for temporary rental occupancy and with automobile parking space adjacent to or within the proximity of each rental unit.

**Non-Conforming Use.** A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**Parking Area.** An open space or an enclosed structure or building used exclusively for the temporary storage of registered automobiles.

**Parking Space.** That part of a parking area, exclusive of drives, turning areas, or loading spaces, devoted to parking for one (1) automobile or vehicle.

**Parking, Off Street.** Any parking area located wholly within the limits of one (1) or more lots.

**Planning Commission.** The Planning Commission appointed by the Board of Trustees of the Town of Sedgwick.

**Professional Activities.** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

**Public Building or Use.** Any building open to the general use, participation or enjoyment of the public and owned by the Town, County, State or Federal Government or by a public utility corporation.

**Public Utility.** For the purpose of this ordinance only: an electric substation, a gas regulator station, a telephone exchange, a water or sewer pumping station, or a water reservoir.

**Recreational Facilities.** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**Right-of-way.** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Roadside Stand.** A temporary' structure designed or used for the display or sale of agricultural and related products.

**Rooming or Boarding House.** A building, or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

**Seat.** An individual chair designed to seat one (1) person, or part of a bench designed to seat one (1) person but measuring at least eighteen inches (18') in width.

**Service Station.** Automobile. A facility to supply motor fuel and oil to motor vehicles, and including a grease rack, minor tire and battery servicing, and sales of motor vehicle accessories.

**Set Back.** The distance required by this ordinance between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots, curved streets, etc., exist, the setback shall be taken as an average distance.

**Sign.** Any structure, poster, banner, insignia, billboard, trademark, or other device used to indicate directions, advertise, announce or attract attention; except that flags and banners of any country, state, city or non-profit organization shall not be included. For a more complete definition of types of signs, see Section 6-02 of this ordinance.

**Structural Alteration.** Any addition to, or subtraction of parts of a building, including walls, columns, beams, girders, foundations, doors and windows.

**Structure.** Anything constructed or erected upon the ground, except utility poles, flag poles or walls and fences less than four feet (4') high.

**Transient Mobile Home Park.** Any plot of ground upon which two (2) or more mobile homes and/or camping units are located and occupied, or intended to be occupied, for dwelling or sleeping purposes for periods of ninety (90) days or less regardless of whether or not a charge is made for such accommodation.

**Trucking Terminal.** Any lot, structure or premises used for the parking or storage of capital equipment such as trucks, trailers, or other similar equipment over three-fourths (3/4) ton capacity.

**Use.** The purpose for which any land, structure or building is designed, maintained or occupied.

**Unconditionally Permitted Use.** Any use listed as an unconditionally permitted use in this ordinance in any given zone district.

**Variance.** A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Yard.** The space on the same lot as a building or structure that is unoccupied and open to the sky.

**Yard Front.** That portion of a yard between the street line and the building, and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.

**Yard Rear.** That portion of a yard between the rear of a building and a rear lot line, and between two (2) side lot lines, the depth of which shall be the least distance between the building and the rear lot line.

**Yard Side.** All the yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and the building.