

ORDINANCE NO. 613

AN ORDINANCE AMENDING THE ZONING MAP AND REZONING
PORTIONS OF THE CITY OF LAS ANIMAS, COLORADO

WHEREAS, the City of Las Animas has submitted, the issue of rezoning and a review of the current zoning map and zoning plat of the City of Las Animas; and

WHEREAS, it is the belief of the City Council that the City zoning map should be amended to reflect a rezoning of certain portions of the City; and

WHEREAS, it is the desire of the City of Las Animas that the City re-enact its Zoning Ordinance so as to update the same and to provide a useful and efficient means of dealing with land use and zoning related problems;

BE IT THEREFORE ORDAINED AS FOLLOWS:

Section 1. That Sections 1.01.01 through 13.01.01 inclusive of the Municipal Code of the City of Las Animas are repealed in their entirety.

Section 2. A new Zoning Ordinance is enacted as follows:

Chapters:

- 4.00 Planning Commission
- 4.01 General Provisions
- 4.02 Zoning Map
- 4.03 Residential Zones
- 4.04 [Intentionally left blank]
- 4.05 R-1 Rural Residential District
- 4.06 R-2 Urban Residential District
- 4.07 R-3 Urban Residential District
- 4.08 B-1 Highway Business District
- 4.09 B-2 Central Business District
- 4.10 NDS Neighborhood Shopping District
- 4.11 P.U.D. Planned Unit Development District
- 4.12 I-1 Light Industrial District
- 4.13 I-2 Heavy Industrial District
- 4.14 Mobile Home Subdivisions
- 4.15 Mobile Home Parks
- 4.16 [Intentionally left blank]
- 4.17 Airport Approach Zone
- 4.18 Supplemental Regulations
- 4.19 Multi-Use District
- 4.20 Sign Regulations
- 4.21 Nonconforming Uses
- 4.22 Amendments and Additions to Zoning Map and Zoning Regulations
- 4.23 Conditional Use Review Procedure

- 4.24 Enforcement and Administration
- 4.25 Variance and Appeals
- 4.26 Annexations

PLANNING COMMISSION

Sections:

- 4.00.000 Creation of Planning Commission
- 4.00.010 Composition
- 4.00.020 Term of Office
- 4.00.030 Powers and Duties

4.00.000 Creation of Planning Commission. A Planning Commission is created for the City of Las Animas.

4.00.010 Composition. The Planning Commission shall consist of five (5) members selected as follows:

- 1) Two (2) ex-official members consisting of the Mayor and one member of City Council selected by the Mayor, and three (3) non-council members who are citizens of the City of Las Animas, who shall be appointed by the Mayor. All members shall be bonafide residents of the City and appointed members shall hold no other municipal office, except that one of such members may be a member of the Board of Adjustments. All members shall serve without compensation.

4.00.020 Term of Office. The terms of ex-official members shall correspond to their official tenures. The term of each appointed member shall be six (6) years or until his successor is appointed; except that the terms of one-third of the members first appointed shall be for two (2) years, one-third of the members first appointed shall be for four (4) years, and one-third of the members first appointed shall be for (6) years.

4.00.030 Powers and Duties. The duties of the Planning Commission shall be such as prescribed by the laws of the State of Colorado, or as outlined in the Municipal Code of the City of Las Animas.

GENERAL PROVISIONS

Sections:

- 4.01.000 Introduction of Master Plan.
- 4.01.010 Short title.
- 4.01.020 Purpose.
- 4.01.030 Conflicting provisions.

- 4.01.040 Incorporated into comprehensive plan.
4.01.050 Definitions.

4.01.000 Introduction of Master Plan. This document shall be incorporated as a part of the City of Las Animas Master Plan. The Master Plan, while not an exact guide, can direct future development. The plan must reflect the attitudes of the citizens so as to be meaningful or effective, as circumstances change, and as attitudes change. The plan will serve as the basis to rationally plan for the physical development of the City. The plan will allow elected officials, developers, utilities, public works planners, and the many committees charged with the making decisions affecting the development of the City to make those decisions in a consistent, coordinating, and reasonable manner.

The first element of the Master Plan is land use. The goals and objectives that have been developed for future land use have served as the basis for the zoning plan, master street plan, and subdivision regulations. Those goals and objectives are:

- 1) Development of land already zoned for commercial uses should be encouraged prior to rezoning of additional land.
- 2) Expansion of business uses into or within residential areas should be permitted only if such expansion maintains or improves the desirability of that area for residential use.
- 3) Provide recreational facilities for local residents.
- 4) Provide efficient and effective public services to citizens.
- 5) Utilize educational resources and facilities to the maximum benefit of each citizen.
- 6) Protect and improve existing roadways and plan for orderly development of new streets and roadways.
- 7) Residential construction should be restricted to areas served by existing sewer, water and streets wherever possible. Provision should be made for development in other areas, but only if central water and sewer systems are constructed.
- 8) The developer of new subdivisions should pay the cost of the infrastructure in that subdivision.
- 9) Scattered development should be avoided.
- 10) Maintain the integrity of the downtown business area of Las Animas.
- 11) Provide adequate parking facilities.

- 12) Direct special attention to maintaining and improving the appearance of areas having high public visibility.
- 13) Insure all new development has adequate drainage.
- 14) To assist, orderly efficient and integrated development of the City.
- 15) Promote the health, safety, and general welfare of the residents of the City.
- 16) Ensure conformance of land subdivision plans with the public improvement plans for the City.
- 17) Encourage well planned subdivisions by establishing

- adequate standards for design and improvement.
- 18) Safeguard the interest of the public, the home and owner and the subdivider.
 - 19) Secure equitable handling of all subdivision plans by providing uniform procedures and standards.
 - 20) Restrict building on flood lands, and in other areas poorly suited for building or construction.
 - 21) Prevent the encroachment of residential or other uses in commercial or industrial zones that would prohibit the expansion or full operation of the intended commercial or industrial uses in those zones.

4.01.010 Short title. This title, as amended from time to time, together with the official zoning map of the City as amended from time to time, may be cited as the City's zoning ordinance.

4.01.020 Purpose. This regulation of zoning is necessary, designed, and enacted for the purpose of promoting the health, safety, morals, and general welfare of the present and future inhabitants of Las Animas, by lessening congestion in the streets, and roads; securing safety from fire and other damages; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provisions of transportation, water, sewage, schools, parks, and other public requirements; fostering industries; and, protecting urban and rural development.

4.01.030 Conflicting provisions. Whenever there is any conflict between this title and any other ordinance, regulation or law, the more restrictive or higher standard shall apply.

4.01.040 Incorporated into comprehensive plan. These regulations and the official zoning map shall constitute a part of the City's comprehensive master plan.

4.01.050 Definitions. The following words and terms shall be defined as follows for the purposes of this title:

"Accessory use" means a use which is subordinate to, clearly incidental to, customarily in connection with, and ordinarily located on the same premises as the permitted use. Home occupations which meet the criteria set out in Section 4.19.010 shall be considered an accessory use to a residence in all zones.

"Apartment" means a room or rooms used as a dwelling for one family unit which may do its cooking therein.

"Board of Adjustment" means the Board of Adjustment of the City of Las Animas.

"Boarding house" means a residence at which the resident provides rooms and meals to unrelated persons for compensation.

"Building inspector" means the duly authorized representative.

"Building line" means a line parallel to a property line beyond which no exposed portion of a building extends. Unroofed terraces or patios, cornices, sills, canopies, balconies, eaves, steps and other ornamental fixtures, and chimneys which extend four feet or less from the building, open fire escapes which extend six feet or less from the building, walls, rails or fences up to six

feet high, and temporary awnings, need not be considered in determining the building line.

"Building height" means the vertical height from grade at the lowest point at the foundation to the highest point of the building.

"Business or professional office" means the office of a doctor, engineer, insurance broker, architect or similar professional person and offices used primarily for accounting, correspondence, research, editing or administration.

"Cafe, restaurant or cafeteria" means a commercial eating establishment where meals or snacks are vended for consumption.

"Child day care center" means any facility providing care for five or more children between the ages of zero and fifteen years for compensation. This definition shall apply to all such activities whether profit or nonprofit in nature.

"Council" refers to the City Council and the Mayor of the City.

"Clinic" means an office for one or more physicians, surgeons, dentists or other practitioners of the healing arts.

"Conditional use" means a use which is permitted or allowed in the zone involved only by specific review by the Planning Commission, and complies with the provisions of this title and other applicable City ordinances and regulations. Conditional uses must meet the criteria set out herein.

"Day care center" means any facility, including a residence, which provides daily care and supervision of children or adults other than children or adults of any family living there.

"Duplex" means a residence with two dwelling units.

"Dwelling unit" means an area in a building containing cooking, living and sanitary facilities designed for use and used by a single family for residential purposes, including related accessory structures.

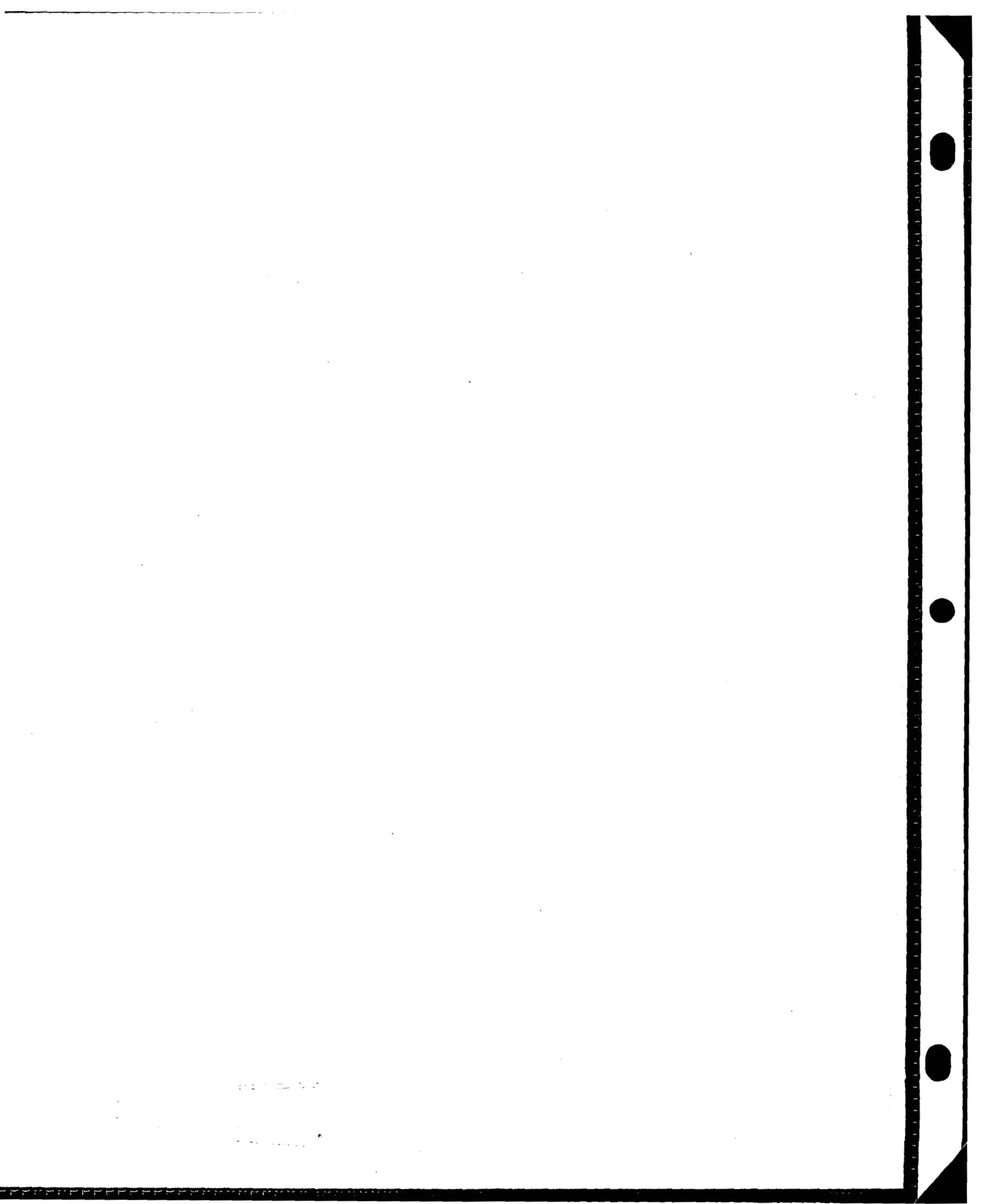
"Factory-built housing" means any structure or component thereof designed primarily for residential occupancy, either permanent or temporary, including a mobile home or travel home, which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.

"Family" means one or more individuals occupying a single dwelling unit and living as a single housekeeping unit with a maximum of eight adults.

"Finished floor space" means the gross floor area of a building which is complete with partitions, walls, ceilings, electrical, and plumbing fixtures. Garages, carports, patios, open porches, and areas used for storage except closets, shall not be included in this definition. Gross floor area shall be computed by measurement of outside foundation dimensions.

"Freestanding sign" means a sign erected upon its own support and not attached to a building.

"Garage" means any building used for the storage of motor vehicles in connection with private residences and business.



"Government buildings and facilities" means any building or facility owned and operated by the United States of America, the State of Colorado, the City of Las Animas, or any agency or political subdivision thereof.

"Hedge" means a fence or boundary formed by a dense row of shrubs or low trees.

"Home occupation" means any commercial activity, whether for profit or nonprofit, conducted within a dwelling unit.

"Homeowners' association" means any entity, whether a corporation, partnership, unincorporated association or other entity existing for the purpose of maintaining commonly owned facilities or enforcing private protective covenants whose members or shareholders are the property owners involved.

"Hospital" means a facility which makes available more than one of the following: medical, surgical, psychiatric, chiropractic, maternity, tuberculosis, and/or nursing service. This facility shall be licensed by the State Health Department as a hospital.

"Hotel/motel/lodging establishments" means a building or buildings occupied as the more or less temporary abiding place of individuals who are lodged with or without meals for compensation.

"House trailer, transient or temporary" means any vehicle designed for transport on wheels which has cooking, eating, living and sleeping facilities. Such units may or may not contain sanitary facilities. These units customarily are moved at least once per year and are licensed as vehicles.

"Livestock" means any species of animal commonly kept, bought or sold, or bearded as a herd or flock animal, or as a service for food, or for a source of income from agricultural sale. This shall include any hooved animal or rodent.

"Lot" means a subdivision of a block or other parcel of land intended as a unit for the transfer of ownership as for development of at least sufficient size to meet minimum requirements for use, coverage and area and to provide required yard and other open space. Such lot shall have frontage on an improved street.

"Lot line, front" means the line separating a lot from a street or public right-of-way upon which the principal building faces.

"Lot line, rear" means the lot line opposite and most distant from the front lot line. Triangular lots shall maintain a rear yard of not less than twenty-five feet from the point of intersection of the side lot lines.

"Lot line, side" means any lot line which is not front or rear.

"Lot width" means the distance between the side lot lines of a lot measured at right angles to the line establishing the lot depth at the established building setback line.

"Mobile home" means a movable or relocatable dwelling unit, with a living area of seven hundred twenty square feet or greater, transportable on its running gear, but not required to have a license plate pursuant to C.R.S., Article 42-3, as amended, and installed either with or without a foundation designed for permanent use as a dwelling; provided however, that modular houses

which meet the requirements of all City building codes, including the Uniform Building Code shall not be defined as a mobile home for purposes of this section.

"Mobile home park" means a single site, parcel or lot operated and used for the location of two or more mobile homes intended for use as residences.

"Multiple family residence" means any residence with three or more dwelling units in a single building, living independently of each other and individually equipped for preparation of food.

"Nonconforming use" means a use which does not comply with the use regulations, dimensional requirements or other regulations of this title.

"Planning Commission" means the officially appointed Planning and Zoning Commission of the City.

"Projecting sign" means any sign supported by a building and projecting therefrom.

"Public utility service facilities" means transmission and distribution facilities for natural gas, electricity, water, sewer, drainage, telephone and cable television as necessary to provide service to customers located in the various zones of the City, such as pipes, lines, mains, wires, transformers, valves and other related appurtenances, but not including buildings, offices, and production or generation facilities.

"Retail" means sale to the ultimate consumer for direct consumption and/or use not for resale.

"Setback" means the perpendicular distance measured from a property line to the closest building line.

"Sign" means any device, including any letters, figures or pictorial matter displayed for advertising purposes, whether placed on any natural object, upon any structure, building or surface, or freestanding, which would be visible from any public street or public right-of-way.

"Sign area" means the total exterior surface of all faces of any sign.

"Special review" means a conditional use or variance.

"Studio apartment" means a one-room living accommodation with bathroom.

"Travel home" means any movable or relocatable dwelling unit with a living area of less than seven hundred twenty square feet or which is required to have a license plate.

"Travel home park" means a park or campground for the temporary use of travel homes, including but not limited to campers, motor homes, pick-up truck campers, trailers and trailer coaches.

"Use" means the activity or purpose for which property, a building or other structure is designed, arranged, intended, occupied or maintained.

"Use by right" means a use which is permitted or allowed in the zone involved, without specific review by the Planning Commission, and complies with the provisions of this title and other applicable City ordinances and regulations.

"Variance" means the legal modification of the zone provisions

such as yard, lot and yard depth, signs, setbacks, granted due to the peculiar condition existing within a single piece of property.

"Vehicle service station" means a building or premises for which the principal use may or may not be the retail sale of gasoline, oil or other fuel for motor vehicles, which may include facilities for polishing, greasing, washing, repair of motor vehicles, and operation of such facilities and attached convenience stores and cafes.

"Wall sign" means any sign painted on or incorporated in a building wall or window, or any sign consisting of cut-out letters or devices affixed to a building wall or window with no background defined on the building wall.

"Zone" means the area or areas for which the regulations and requirements governing use of buildings and premises are uniform.

ZONING MAP

Sections:

- | | |
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| 4.02.000 | Zoning District Generally. |
| 4.02.010 | Adopted. |
| 4.02.020 | Amendments to map. |
| 4.02.030 | Zone boundaries. |

4.02.000 Zoning Districts Generally. Two types of uses are provided in each zoning district, they are: permitted uses, and special review uses. Permitted uses are those uses which are considered to be compatible with the intent of that zoning district. Special review uses are those uses that depending on the exact nature of the proposed use, may or may not meet the intent of a zoning district. To obtain a special review permit certain information must be provided to the Planning Commission for their consideration. In addition adjacent property owners shall be notified of the intended use in order to solicit their opinions regarding the appropriateness of a proposed special review use.

4.02.010 Adopted. The zoning map of the City, as such may be amended from time to time. The zoning map of the City is adopted and incorporated herein as the official zoning map of the City.

4.02.020 Amendments to map. Amendments to the official zoning map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the official zoning map by specifying the description of the property to be rezoned. A copy of the official zoning map, as amended from time to time, shall be maintained in the City Clerk's office available for public inspection. Periodically, copies of the official zoning map, as amended, may be reproduced and made available to the public.

4.02.030 Zone boundaries. The regulations for the various zones provided for in this title shall apply within the boundaries of each such zone as indicated on the official zoning map. The zone boundaries, as shown on the official zoning map, shall be construed to follow the center lines of streets and alleys, to follow platted

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lot lines or the lines of undivided parcels of property, or to follow the City limits whenever a boundary is shown as approximately in the vicinity of such lines. Distances may be determined by the scale of the map.

ZONES

Sections:

- 4.03.000 Established Purpose
- 4.04.000 [Intentionally left blank]
- 4.05.000 R-1 Rural Residential District
- 4.06.000 R-2 Urban Residential District
- 4.07.000 R-3 Urban Residential District
- 4.08.000 B-1 Highway Business District
- 4.09.000 B-2 Central Business District
- 4.10.000 N.D.S. Neighborhood Shopping District
- 4.11.000 Planned Unit Development District
- 4.12.000 I-1 Light Industrial District
- 4.13.000 I-2 Heavy Industrial District
- 4.14.000 Mobile Home Subdivision
- 4.15.000 Mobile Home Parks
- 4.16.000 [Intentionally left blank]
- 4.17.000 Airport Approach Zone

4.03.000 Established Purpose. The residential zones described below are established to promote stability in residential neighborhoods, to protect such property from incompatible land uses, to protect property values, and to encourage the appropriate use of such land and to promote the quality of life. Certain other uses are permitted which are compatible with residences. Dimensional requirements are set out in the respective sections pertaining to individual zone.

4.05.000 R-I Rural Residential District

4.05.010 Description of District. This district is designed to accommodate permanent low density residential development.

4.05.020 Permitted Uses.

1. Single-family dwelling units.
2. Schools and churches.
3. Public parks, golf courses, fair grounds, and open space.
4. Public buildings and utility installations.
5. Modular Homes.

4.05.030 Special Review Uses.

1. Multi-family dwelling units.

4.05.040 Minimum Site Area

The minimum site area of this zone shall be 1 Acre.

4.05.050 Minimum Front Yard

The minimum front yard shall be 50 Feet.

4.05.060 Minimum Rear Yard

The minimum rear yard shall be 25 Feet for residences and 5 Feet for outbuildings.

4.05.070 Minimum Side Yard

The minimum side yard shall be 15 Feet.

4.05.080 Maximum Building Height

The maximum building height shall be 35 Feet.

4.05.090 Permitted Signs

1. Two (2) signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Two (2) signs mounted flush with a building and not extending above the roof line identifying the property, its occupants, and its use, not to exceed ten (10) square feet each.

4.06.000 R-2 Urban Residential District

4.06.010 Description of District. This district is designed to accommodate primarily permanent single-family occupancy at a low density not to exceed four dwelling units per gross acre.

4.06.020 Permitted Uses.

1. Single-family dwelling units built or assembled on site on a permanent foundation.
2. Schools and churches.
3. Public parks, golf courses and open space.
4. Public buildings and utility installations.
5. Modular Homes.

4.06.030 Special Review Uses.

1. Home occupations.
2. Multi-family dwelling up to four (4) units.

4.06.040 Minimum Front Yard.

The minimum front yard shall be 25 Feet.

4.06.050 Minimum Rear Yard.

The minimum rear yard shall be 25 Feet for residential and 5 Feet for outbuildings.

4.06.060 Minimum Side Yard.

The minimum side yard shall be 7 1/2 Feet.

4.06.070 Maximum Building Height

The maximum building height shall be 35 Feet.

4.06.080 Permitted Signs.

1. Two signs advertising the property for sale, rent or lease, not to exceed ten square feet each.
2. Two signs mounted flush with a building and not extending above the roof line identifying the property, its occupants and its use, not to exceed ten square feet each.

4.06.090 Parking Requirements.

1. Two parking spaces of 180 square feet (exclusive of drives and maneuvering space) shall be provided for each occupancy unit.

4.07.000 R-3 Urban Residential District

4.07.010 Description of District. This district is designed to accommodate higher density development, and provide for a greater diversity of residential accommodations than the R-2 Urban Residential District.

4.07.020 Permitted Uses.

1. Single-family dwelling units.
2. Two-family dwellings.
3. Three-to-ten family dwellings.
4. Mobile homes within the Las Animas Urban Service Area must contain a minimum of 750 square feet of floor space, and be placed on a permanent foundation. The applicant must own the lot and hook up to city utilities. In all other areas Mobile Homes must contain a minimum of 720 square feet, be tied down, and be skirted.
5. Mobile home subdivisions and parks.
6. Schools and churches.
7. Public Parks and Open spaces.
8. Public buildings and utility installations.
9. Nursing homes, hospitals, and medical clinics.
10. Modular Homes.

4.07.030 Special Review

1. Home occupations.

4.07.040 Minimum Site Area

a) Single-family dwelling	7,000 Square Feet
b) Two-family dwellings	4,375 Square Feet per Unit
c) Three-to-ten family dwellings	3,500 Square Feet per Unit
d) Mobile Homes on single lots	7,000 Square Feet
e) Mobile home subdivisions and parks	4 Acres
f) All other uses	7,000 Square Feet

4.07.050 Minimum Front Yard.

The minimum front yard shall be 25 Feet.

4.07.060 Minimum Rear Yard.

The minimum rear yard shall be 25 Feet for residences and 5 Feet for outbuildings.

4.07.070 Minimum Side Yard.

The minimum side yard shall be 7 1/2 Feet.

4.07.080 Maximum Building Height

The maximum building height shall be 35 Feet.

4.07.090 Permitted Signs

1. One sign advertising the property for sale, rent or lease, not to exceed ten square feet.
2. One Sign mounted flush with a building and not extending above the roof line identifying the property, its occupants and its use, not to exceed four square feet.

4.07.100 Parking Requirements.

Two parking spaces of 180 square feet (exclusive of drives and maneuvering space) shall be provided for each occupancy unit.

4.08.000 B-1 Highway Business District.

4.08.010 Description of District. This district is designed to accommodate businesses that ordinarily serve customers arriving by automobile for a specific service.

4.08.020 Permitted Uses.

1. Automobile service stations and repair garages.
2. Automobile sales and service.
3. Automobile wash and polish service.
4. Agricultural equipment -- sales and service.
5. Building material and lumber sales.
6. Drive-in drinking and eating places.
7. Dance halls.
8. Bowling alleys.
9. Driving ranges and miniature golf.
10. Drive-in theaters.
11. Trucking and storage operations.
12. Equipment rental establishments.
13. Wholesale establishments.
14. Motel.
15. No new dwelling shall be constructed, except where it will be occupied by the owner, operator, or caretaker of a use permitted in this district. All existing homes in this district shall be considered non-conforming, except that owners of record at the

time of passage of this regulation may make improvements to existing structures.

4.08.030 Special Review. Any other similar use which by nature of the activity requires location adjacent to a major highway.

4.08.040 Minimum Site Area. Structure coverage shall not exceed 50 percent of the site area.

4.08.050 Minimum Front Yard. The minimum front yard shall be 30 feet from any residential property line and 25 feet from any other property line.

4.08.060 Maximum Building Height. The maximum building height shall be 35 feet.

4.08.070 Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.
3. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

4.08.080 Parking Requirements.

1. One (1) parking space of 200 square feet (exclusive of the driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area for all uses.
2. One (1) parking space of 200 square feet for each 300 square feet of office space or public service space.
3. One (1) parking space of 200 square feet for each rental unit in motels and hotels.
4. One (1) parking space of 200 square feet for each four seats in eating and drinking places and theaters and auditoriums.

4.09.000 B-2 Central Business District.

4.09.010 Description of District. This district is designed to accommodate businesses that serve the needs of the residents of Las Animas, tourists, and the surrounding community.

4.09.020 Permitted Uses.

1. Banks and savings and loan associations.
2. Public buildings and offices.
3. Furniture, mail order, cleaning, laundry, photographer, shoe repair stores.

4. Appliance sales and repair.
5. Beauty and barber shops.
6. Travel agencies and ticket offices.
7. Charitable, civic, youth, social and fraternal organizations.
8. Indoor entertainment facilities.
9. Liquor, dairy, food, department, antique, clothing, and hardware stores.
10. Medical, dental, legal, engineering, architectural, accounting and other professional services.
11. Mortuaries and funeral homes.
12. Printing, photocopying and blue-printing services.
13. Radio and television studios.
14. Hotels, motels, restaurants, bars and lounges.
15. Parking lots.
16. Sporting goods and camera stores.
17. Service stations.

4.09.030 Special Review.

1. Such other retail, personal service and professional uses which are conducted entirely within an enclosed structure and by their nature, are compatible with the uses listed above.

4.09.040 Minimum Site Area.

None; provided, that conditions of parking requirements are met.

4.09.050 Minimum Front, Side and Rear Yards

None; provided, that conditions of parking requirements are met.

4.09.060 Maximum Building Height.

The maximum building height shall be 35 Feet.

4.09.070 Permitted signs.

1. Two signs advertising the property for sale, lease, or rent not to exceed six square feet each.
2. Two signs, identifying the property, its occupants and its use, which are self-supported and which do not extend more than three feet over the public right-of-way. Such signs must be no more than ten square feet each, nor less than eight feet above the sidewalk grade..

4.10.000 NDS Neighborhood Shopping District

4.10.010 Description of District. It is the intent of the Neighborhood Shopping district to permit retail sale of convenience goods and services in a residential area for the convenience of local residents.

4.10.020 Permitted Uses

All uses permitted in the R-2 District.

4.10.30 Special Review Uses

1. Apartments on floors other than the ground floor.
2. Banks and other savings and loaning institutions.
3. Barber shops.
4. Beauty shops.
5. boarding and lodging houses (above ground floor).
6. Candy and ice cream stores (except drive-ins).
7. Churches.
8. Cleaning and laundry pick-up stations.
9. Clubs and Lodges.
10. Custom dressmaking, furrier, millinery, tailor shops (employing less than five (5) persons).
11. Drug stores and proprietor stores with not over two thousand five hundred (2,500) square feet of selling area.
12. Electric and telephone substations.
13. Fix-it shops (radio, television and small appliances).
14. Flower and gift shops.
15. Food stores (grocery, meat and delicatessen).
16. Hardware stores.
17. Laundry (self-service).
18. Key shops.
19. Medical, dental and health clinics (for people only).
20. Messenger and telegraph stations.
21. Newsstands.
22. Non-profit religious, educational and philanthropic institutions, but not penal or mental institutions.
23. Office - businesses, professional and public.
24. Parks, playgrounds, and community buildings.
25. Parking lots (customer and private).
26. Photographers studio.
27. Restaurants and tea rooms (except for drive-ins).
28. Service stations.
29. Shoe repair and shoe shine shops.
30. Children's amusement parks.
31. Drive-in theaters.
32. Miniature golf courses.
33. Bowling alleys.
34. Other uses which are compatible with the intent of this district.

4.10.040 Minimum Site Area.

The structure shall not exceed 65 percent of site area.

4.10.050 Minimum Front Yard.

The minimum front yard shall be 25 Feet from any public street right-of-way.

4.10.060 Minimum Side Yard.

The minimum side yard shall be 25 Feet from any residential property line and 7 1/2 Feet from any other property line.

4.10.070 Maximum Building Height.

The maximum building height shall be 35 Feet.

4.10.080 Permitted Signs.

1. Two signs advertising the property for sale, lease, or rent not to exceed 10 square feet each.
2. Two signs identifying the property, its occupants, and its use which are located entirely on the owners property and which contain no more than 30 square feet.
3. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

4.11.000 Planned Unit Development District

4.11.010 Description of District. This district is designed to provide for the flexible development of large sites to promote higher economic uses while protecting environmental and ecological and to allow for special residential, commercial, recreational development in which various uses are in appropriate relationships to one another, to open space, and to common facilities.

4.11.020 Permitted Uses. Any use permitted by right in the preceding listed zone districts. These uses may be separate or in combination and are permitted, in accordance with the below listed standards, requirements, and Procedures.

4.11.030 Standards and Requirements

1. General - The P.U.D. shall be designed in a manner that protects the environmental and ecological assets of the area including, but not limited to, plant and animal life, streams and storm drainage courses and scenic vistas.
2. Site - Minimum site area shall be no less than 20 acres. Public water and sanitary sewer facilities shall be available to the site or shall be provided by the developer adequate to serve both permanent and transient population. These facilities shall meet minimum standards set by the Colorado Department of Health.

4.11.040 Design and Development.

1. Usable public open space - including areas for open air recreation, courts, gardens, parks, and walk ways, shall not be less than 15 percent of the

total P.U.D. zone. (Streets and parking areas shall not be considered as any portion of the required open space.)

2. Yard dimensions and property line setbacks shall be approved by the Council.
3. Building height may not exceed 35 feet unless otherwise approved by the Council.

4.11.050 Parking Requirement.

1. Dwelling units (private and commercial) two (2) spaces of 180 square feet for each unit.
2. Churches, auditoriums and other facilities accommodating seated audiences one (1) space of 200 square feet for every four (4) seats.
3. Indoor uses including retail establishment, offices, personal service operations, and, eating and drinking places, one (1) space of 200 square-feet for each 330 square feet of floor area devoted to public use.
4. Manufacturing, fabrication, or industrial uses one (1) space of 200 square feet for each 400 square feet of gross floor area.
5. Outdoor or mixed facilities sufficient parking spaces of 200 square feet each as determined in a reasonable way by the Council.

4.11.060 Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs, identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.
3. Permitted signs may be illuminated however, no flashing or blinking signs shall be permitted.

4.11.070 Procedures. The following procedures shall be followed when a P.U.D. District zoning request is submitted for consideration.

1. Prior to the request for P.U.D. zoning, the developer shall submit a preliminary plan to the Planning Commission, which shall include the following information.
 - a) Proposed building locations, densities, and heights.
 - b) Proposed land uses, including the locations and acreage to be devoted to each use.
 - c) Proposed areas which are to be dedicated for public use, including, but not limited to street and road right-of-way, public parks and open space, and sites for schools, or other public buildings.
 - d) Proposed grading and drainage plan.

- e) Proposed method of supplying water and sanitary sewer facilities.
 - f) Proposed circulation, both vehicular and pedestrian, including parking.
 - g) Relation of P.U.D. development to the surrounding area to the Development Plan and Guide.
2. Following P.U.D. zoning district approval in accordance with the preliminary plan and prior to the issuance of any special use or building, permit, the developer shall file an official plan with the County Clerk and Recorder. The filed plan shall show all of the above listed requirements of the preliminary plan, any changes, additions, or deletions as required by the Council any economic feasibility report or market report required by the Council or any other special condition, requirement or procedure prescribed by the Council.

4.12.000 I-1 Light Industrial District.

4.12.010 Description of District. This district is designed to accommodate light industrial, wholesaling and manufacturing operations.

4.12.020 Permitted Uses.

- 1. None.

4.12.030 Special Review Uses.

- 1. Any manufacturing or fabricating use from which no volume of sound, vibration, smoke, fumes, gas, noxious odor, light, heat, glare of radio transmission is disseminated beyond the property lines of the proposed use.
- 2. Lumber and building material sales.
- 3. Fuel storage.
- 4. Heating, plumbing, and electrical contractor shops and offices.
- 5. Warehousing.
- 6. General and special contractors yards, offices and warehousing,
- 7. Public utility offices and equipment yards.
- 8. Radio and television transmitters.
- 9. Laundry, cleaning and dyeing shops.
- 10. Upholstering shops.
- 11. Sign painting.
- 12. Auto body shops.

4.12.040 Minimum Site Area.

None, provided, that conditions of parking and yard requirements are met.

4.12.050 Minimum Front, Side and Rear Yards

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Fifty feet from any residential district boundary.
Twenty-five feet from any commercial district boundary.

4.12.060 Maximum Building Height.

The maximum building height shall be 35 Feet.

4.12.070 Permitted Signs.

1. Signs advertising the property for sale, rent, or lease not to exceed ten square feet each.
2. Signs identifying the property, its occupants and its property use which are located entirely on the owner's property and which do not extend more than three feet above the roof line of the structure.
3. Permitted signs may be illuminated however, no flashing or blinking signs shall be permitted.

4.12.080 Parking Requirements.

1. One parking space of two hundred square feet (exclusive of driveways and maneuvering space) shall be provide for each four hundred square feet of gross floor area for all uses.

4.13.000 I-2 Heavy Industrial District.

4.13.010 Description of District. This district is designed to accommodate manufacturing, wholesaling, industrial, and other uses which by the nature of their activity, are excluded from the uses permitted in other districts.

4.13.020 Permitted Uses.

1. None.

4.13.030 Special Review Uses.

Any manufacturing, fabricating, or industrial use provided that:

1. No sound volumes in excess of 70 decibels measured at the property boundary lines is audible.
2. No vibration of earth shall be perceptible beyond the property boundary lines.
3. No smoke, fumes, gas, noxious order, light, heat, or glare are perceptible beyond the property boundary lines.

4.13.040 Minimum Site Area.

None, provided conditions of parking and yard requirements are met.

4.13.050 Minimum Front, Side, Rear Yards.

50 Feet from any residential district boundary. 25 Feet from any commercial district boundary.

4.13.060 Maximum Building Height.

The maximum building height shall be 35 Feet.

4.13.070 Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.
3. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

4.13.080 Parking Requirements.

1. One (1) Parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area for all uses.

4.14.000 Mobile Home Subdivisions.

4.14.010 Location and Size.

Mobile home subdivisions shall be located in a zone district where they are a permitted use by right and shall be not less than four (4) acres in size.

4.14.020 Platting Requirements.

Mobile home subdivisions shall be platted in accordance with all applicable subdivision regulations prior to the sale or transfer of any single lot as any occupancy unit.

4.15.000 Mobile Home Parks

4.15.010 Minimum criteria. Mobile home parks shall be designed in accordance with the following minimum criteria:

1. The mobile home park shall as a minimum comply with the regulations for mobile hone parks issued by the State of Colorado.
2. Each mobile home space may have only one mobile home located upon it. Each space shall be a minimum of four thousand square feet except six thousand square feet shall be required for spaces where double wide mobile homes are to be allowed. Minimum space width shall be forty feet.
3. Each mobile home space shall be served by a public water supply, a sewer system, a street, electricity and telephone. All required improvements shall comply with any applicable City standards and specifications.
4. There shall be a minimum setback of twenty-five feet from the front of the space, fifteen feet from the rear of the space and eight feet from the sides.

5. Interior roadways shall be to City standards.
6. All interior roads and walkways shall be well lighted for safe movement of pedestrians.
7. Two parking spaces shall be required within each mobile home space plus common parking area for visitors shall be provided at a ratio of one space for every two mobile home spaces.
8. Adequate areas for snow storage shall be provided.
9. There shall be common refuse collection points adequate to serve all mobile home units.
10. All utilities shall be underground.
11. No outside storage shall be permitted except in storage buildings. Storage buildings shall be located in the rear half of the space. A five-foot rear setback is required.
12. All patio awnings, covered parking, or carports shall be regulated by the Uniform Building Code and in accordance with the definitions of this code.
13. Ten percent of the total gross acreage of the park shall be provided as maintained, usable open space. The area allocated shall not include roadways, storage areas, mobile home spaces, parking and similar features.
14. All mobile homes shall be rigidly skirted within thirty days of placement.
15. The owner(s) of the mobile home park shall provide for a management staff to handle the daily enforcement and property management for the owner(s). The owner(s) shall be responsible to ensure that the mobile home park is consistently in compliance with all requirements of this code.
16. The Council may require the owner of the mobile home park to provide a common storage area for items such as boats, trailers, travel homes, etc.

4.15.020 Construction permit.

No mobile home park may be constructed or enlarged until a permit for construction has been approved by the Planning Commission. Upon approval, an application for such permit (together with the plans showing the proposed park) shall be submitted to the Director of Public Works Office. The Director of Public Works shall review the application to determine that it is in compliance with the requirements of this section. The Assistant to the Director of Public Works will assess the permit fee based on the total project cost. The City Clerk shall receive all payments. No mobile home or travel home may be placed in a mobile home park or travel home park or expansion thereto until the construction has been completed and approved by the City building inspector as complying with the plans as approved by the Planning Commission.

4.15.030 Location and Size

Mobile home parks shall be located in a zone district in which they are a permitted use by right and shall be not less than four (4) acres in size.

4.15.040 Mobile Home Site.

- A. Subject to the provisions of this chapter, a mobile home intended to be used as a rental or leased, may be allowed to be placed on a single lot in the R-1, R-2 and R-3 and MUD zones outside of a mobile home park.
- B. Conditional Use. If other than a use by right the use shall be considered a conditional use and subject to all the review procedures of Section 4.23.
- C. Mobile Home Park. Two or more mobile homes adjacent to one another on lots, parcels or sites owned by the same owner shall be considered a mobile home park and subject to the zoning and mobile home park requirements of Section 4.15.
- D. Design Criteria. Each mobile home shall be served by a public water supply, a sewer system, a street, electricity and telephone. All required improvements shall comply with any applicable City standards. All mobile homes shall be rigidly skirted. Mobile homes to be located in a mobile home site must qualify for and obtain a site permit pursuant to Section 4.15 of this code.
- E. Owner Responsibility. The owner of the lot, parcel or site shall be responsible that the site is in compliance with all requirements.
- F. Application Fee. No mobile home may be placed onto a mobile home site until a permit has been reviewed by the Director of Public Works. An approved application for such permit shall be submitted along with an application fee to be determined by a Fee Setting Resolution by the Council.
- G. Replacement of Mobile Homes. Because of the special nature of these provisions, each time a mobile home is moved off a site and replaced by another, the Planning Commission shall review the permit. The owner(s) shall inform the City of their intention to replace said mobile home, and submit a description of the proposed mobile home. The Planning Commission will review the permit at its next regularly scheduled meeting.
- H. Skirting. All mobile homes shall be rigidly skirted within thirty days of placement of the mobile home.
- I. Setbacks. Setback requirements of a mobile home park shall pertain as in Section 4.15.
- J. No outside storage shall be permitted except in a detached storage building.

4.17.000 Airport Approach Zone

4.17.010 Location

Airport approach zone shall be considered to extend beyond the end of all runways (existing or planned and approved) that are a part of a public airport facility.

4.17.020 Requirements

Primary Approach Zone - the primary approach zone shall extend from the end of a runway for a distance of one-half (1/2) mile and be one thousand (1000) feet wide (See Diagram). This zone shall be free of all structures or buildings and shall be used only for agricultural purposes.

Secondary Approach Zone - the secondary approach zone shall extend from the end of the primary approach zone for a distance of two (2) miles and shall be one thousand (1000) feet wide at its outer limits (See Diagram). The secondary approach zone shall have a vertical approach of twenty (20) horizontal feet to one (1) vertical foot and no structure or building shall be located in this zone which exceeds the height prescribed by this slope (See Appendix). Land uses in this zone shall be those permitted as a use by right in the zoning district in which the approach zone is located.

Section 4.18.000 Multi-Use District (MUD).

Description of District. This district is intended to provide for varied uses in designated areas. Such areas should have a tradition of mixed uses, or be in a state of transition.

Permitted Uses. Only a conforming use in existence at the time of the creation of this district. "Conforming use" is defined as any use permitted in an R-3 Urban Residential District, in addition to a jail, prison, detention facility, place of incarceration, rehabilitation facility, juvenile holding facility, or any similar use.

Special Review Uses. All other uses.

Minimum Site Area. The property must meet all site standards for that use as specified in other areas of these regulations where such use is listed as a permitted use.

SUPPLEMENTAL REGULATIONS

Sections:

- 4.19.010 Home occupations.
- 4.19.020 Animals.
- 4.19.030 Fences.

4.19.010 Home occupations. Home occupations may be conducted within a dwelling unit as an accessory use only if the following criteria are met:

- A. City and state sales tax licenses are obtained if taxable sales are made;
- B. The occupational activity and storage may take place only within the dwelling unit;
- C. Only residents of the dwelling unit may be proprietors engaged in the business;
- D. The home occupation activity shall not utilize more than twenty percent of the dwelling unit floor space;
- E. No unreasonable noise, dirt, odor, vibration or glare shall be observable off the premises;
- F. All above occupations shall comply with all applicable federal, state, county and City laws, statutes, regulations and ordinances.

4.19.020 Animals. Regulations pertaining to control of animals in the City are specified in this code.

4.19.030 Fences.

A. No fence may exceed six feet in height, except in the central business and commercial zone where the maximum height is eight feet.

B. No structures, shrub, bush or fence shall exceed thirty inches in height within twenty-five feet measured from the point of intersection of curb lines extended.

C. Prior to building a fence, an owner or his agent, shall file a statement with the City Clerk stating, "I have examined my property located at _____ (giving legal description) and I verify that the construction of my fence will not extend onto real property owned by the City of Las Animas." This statement shall be dated and signed. The City shall not be obligated to verify placement of fences, nor shall a building permit be required.

SIGN REGULATIONS

Sections:

- 4.20.010 General limitations.
- 4.20.020 Nonconforming and existing signs.
- 4.20.030 Structural characteristics.
- 4.20.040 Signs permitted in zones.
- 4.20.050 Permit required.

4.20.010 General limitations. No signs of any nature shall be allowed, constructed, erected or maintained, except as herein specifically provided and which are conformable to state statutes:

A. No sign, banner, streamer or pennant shall be located so it will interfere with or detract from ordinary traffic movement, obscure or impair the vision of the driver of any motor vehicle, or which is a hazard to traffic.

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B. The format of a sign shall not resemble or conflict with traffic signs or signals.

C. Signs shall be constructed in a good and workmanlike manner, shall at all times be properly maintained and kept in good repair and condition and shall be of safe and permanent construction. A sign deemed to be objectionable may be declared a nuisance and controlled under other provisions of this code.

D. No sign shall be erected or maintained or permitted to remain publicly displayed which is of a misleading, fraudulent, obscene, immoral, indecent, or unsightly character.

4.20.020 Nonconforming and existing signs. Any sign that lawfully existed at the time of the adoption of the ordinance codified in this section or any amendment thereto, or of annexation, but does not conform to the provisions hereof shall not be altered or enlarged without making the entire sign conform with the provisions of this section. This shall not be construed so as to prevent necessary maintenance of the sign to keep it in good repair.

4.20.030 Structural characteristics.

A. No sign shall project into any portion of a street used for vehicular traffic, nor shall any overhead sign project from any building beyond the dividing line of the sidewalk and the vehicular portion of the street.

B. Wall signs shall not project more than six inches from the building wall.

4.20.040 Signs permitted in zones.

A. R-1 and R-2 and MHP zones:

1. One residential identification sign per dwelling unit, being a freestanding sign, a wall sign or a projecting sign, to identify the occupants thereof or any home occupation pursued therein, not to exceed two square feet;
2. One sign advertising the sale or rent of a property, not lighted or illuminated and not exceeding ten square feet;
3. One sign of a temporary nature announcing the construction or remodeling of a building not illuminated or lighted;
4. An institutional identification sign, either projecting or wall sign on the face of any school, church or public building.

B. R-1B, R-2B and CBC zones:

1. All signs allowed under this section shall be subject to restrictions as set forth in Section 17.34.020.

4.20.050 Permit required. No sign shall be

erected, constructed, or structurally altered, until a permit therefor is obtained from the Planning Commission. Residential identification signs, signs advertising the sale or rental of property, signs advertising the construction or remodeling of a building and institutional identification signs shall not require a permit if they otherwise comply with this chapter.

NONCONFORMING USES

Sections:

- 4.21.010 Continuance of nonconforming uses.
4.21.020 Lawful nonconforming uses--Regulations.
4.21.030 Nonconforming uses other than use requirements or design and performance standards.

4.21.010 Continuance of nonconforming uses. At the time this ordinance is codified in this chapter; or any amendment thereto or at the time of annexation of if annexed subsequent to the effective date of said ordinance, any use, building or structure was lawfully existing and maintained in accordance with the previously applicable City ordinances but which does not conform or comply with all of the regulations provided for in this title, as amended, may continue to be maintained and used as a lawful nonconforming use only in compliance with the provisions and limitations imposed by this section. Uses, structures or buildings which were unlawful or illegal and not in compliance with previously applicable regulations shall remain unlawful, illegal, and shall be subject to abatement or other enforcement action.

4.21.020 Lawful nonconforming uses--Regulations. If a use, building or structure is lawfully nonconforming in that it is not a use by right, or an approved conditional use, or it does not comply with the applicable design and performance standards, the following shall apply:

- A. 1. If any factory-built housing is destroyed or damaged so that repair, replacement or reconstruction will cost more than seventy-five percent of the fair market value of the building or structure after repair, it shall no longer be lawful to use the structure except in compliance with the use regulations and design and performance standards for the zone within which it is located. All other structures, other than factory-built housing, are subject to the fifty percent damage limitation provided for herein;
2. All structures which are destroyed or damaged, may be replaced or repaired consistent with other limits of this section and the nonconforming use continued, if replacement or repair is commenced within three months and completed within twelve months.

B. If the nonconforming use is abandoned or discontinued for a period of six months other than as allowed for

repair in paragraph 1 of this subsection, then the premises may only be used in compliance with the use regulations for the zone within which it is located.

C. The use may be continued only substantially as it existed at the effective date of the ordinance codified in this chapter, or amendment thereto, or of annexation, and no material change in the type of use shall be allowed, unless the Planning Commission determines, following a hearing that the new use is a more restrictive use or less nonconforming than the existing nonconforming use and that it will not adversely affect other property in the area, or the public health, safety and welfare. Any change in use allowed pursuant to this provision shall not affect the future status of the use as a nonconforming use for all purposes of this section.

D. The extent or area of the premises utilized for or by the nonconforming use, building or structure, may not be materially extended or enlarged, or substantially structurally altered, unless the Planning Commission determines, following a hearing, that the change will not adversely affect other property in the area, or the public health, safety or welfare.

E. This section is not intended to prevent repairs and remodeling which do not materially change the type and extent of nonconforming use and building permits may be issued unless the Director of Public Works or building inspector believes such structural alterations effectively enlarge or increase the nonconforming use, in which case such requests will be referred to the planning commission.

4.21.030 Nonconforming uses other than use requirements or design and performance standards. If the use, building or structure is nonconforming with respect to provisions of this title other than the use requirements, or design and performance standards, such as dimensional requirements or general requirements, the following provisions shall apply:

A. If the nonconformity of the building, use or structure is abandoned, removed, or corrected within six months, such nonconformity may not be reestablished. A six-month extension to repair or replace may be requested in advance from the Planning Commission if it is unreasonable to expect compliance within such six-month period.

B. If the building or structure is damaged so that the cost of replacing or restoring it is greater than fifty percent of its fair market value after replacement, the building or structure may be repaired or replaced only in

compliance with this title.

C. If the building or structure is damaged in such a way as to remove the nonconformity, the nonconforming feature may not be reestablished by any repair or reconstruction, unless it is unfeasible to repair the building without reestablishing the nonconforming feature.

D. No alteration may be made to the use, building, or structure which would increase the amount or degree of the nonconforming feature. Changes in the use, building, or structure may be made which will decrease the degree or amount of deviation from the requirements of this title.

E. Buildings designated on the National Register of Historical Places shall be exempt from the limitation of this section provided they are maintained in good repair in conformity with their historic character.

F. Anything herein to the contrary notwithstanding, the Council may allow a nonconforming use to continue upon application in accordance with the requirements of a conditional use. However, the Council shall find that there is a reasonable likelihood the uses by right stated for the zone may not be met before such conditional use may be granted.

AMENDMENTS AND ADDITIONS TO ZONING MAP AND ZONING REGULATIONS

Sections:

4.22.020	Authorization.
4.22.030	Zoning map--Application.
4.22.040	Zoning map--Application recommendation.
4.22.050	Zoning map--Hearing--Notice--Time limit.
4.22.010	Decision review--Application--Right to appeal.
4.22.060	Legislative zoning.
4.22.070	Records.
4.22.080	Rezoning policy.
4.22.090	Rezoning fees.
4.22.100	Annexed territory.

4.22.010 Authorization. An amendment to the zoning map may be initiated by the Council, by the Planning Commission, or by application of an owner of a property affected thereby within the City or his authorized agent, which application shall be considered only at the regularly scheduled meetings of the Planning Commission, and which amendment may be considered and enacted pursuant to the procedures described in this chapter.

4.22.020 Zoning map--Application.

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A. An application for an amendment of the zoning map shall be made on a form provided by the City.

B. The application must be accompanied by a minimum non-refundable review and processing fee to be determined by a Fee Setting Resolution by the Council. The applicant shall also pay actual costs in excess of the established fee which are incurred by the City relative to review and processing of the amendment.

C. Description of land area to be rezoned, and requested new classification along with a sketch to scale of 1 inch = 100 feet, and shall contain boundaries of area requested to be rezoned, along with an indication of the existing zoning on all adjacent sides of the area.

D. 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 comprehensive plan for areas; or
4. Peculiar suitability of the site to a specific use.

E. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within three hundred (300) feet of the boundary of the proposed area of change, in all directions.

F. Statement of proposed water and sewer system from existing water and sewer district or plan for expansion of capacity to support the uses planned for the proposed rezoning.

G. Statement from local school board concerning the adequacy or additional needs of the school system to accommodate the proposed rezoning.

H. A description of all proposed parks, playgrounds, and other public facilities.

I. A description of proposed methods to accommodate changes in traffic patterns on existing and proposed public and private roadways.

J. Any other information or material requested by the Planning Commission, or the Council.

K. Time schedule for any contemplated new construction or uses.

L. Justification for any new business or industrial zoning.

4.22.030 Zoning map--Application recommendation.

A. The Planning Commission, within sixty days of receipt of

the application, (unless a longer time is necessary for consideration of the application for reasons specifically stated by the Planning Commission) shall recommend either approval, approval with modifications, or disapproval of the application to the Council.

B. The recommendation of the Planning Commission shall be transmitted to the Council and the applicant.

4.22.040 Zoning map--Hearing--Notice--Time limit.

A. The Council shall hold a public hearing on all proposed zoning map amendments after receiving the written report of recommendations from the Planning Commission, except as otherwise provided for variances, conditional uses and legislative zoning.

B. A notice of the hearing shall be published in a newspaper of general circulation within the city at least fifteen days prior to the hearing date.

C. A written notice of the hearing shall be sent by certified mail, at least fifteen days prior to the hearing date, to property owners within three hundred feet of the property in question.

D. The Council within thirty days of the public hearing, shall approve, approve with modifications, or disapprove the application. The decision of the Council shall be transmitted to the Planning Commission and to the applicant.

E. Amendments to these regulations may be made only by ordinance.

4.22.050 Decision review--Application--Right to appeal.

Any person applying to the court for a review of any decision made under the terms of this chapter shall apply for review within thirty days after the date of decision, and the appellant shall be required to pay the cost of preparing a transcript of proceedings.

4.22.060 Legislative zoning. Comprehensive review and reenactment of all or a significant portion of the zoning map shall be a legislative action, and shall not be required to meet any criteria set forth above.

4.22.070 Records. The City Clerk shall maintain a record of amendments to the text and map of this title in a form convenient for the use of the public.

4.22.080 Rezoning policy.

A. For the purpose of establishing and maintaining sound, stable and desirable development within the City, the rezoning of land is to be discouraged.

B. Rezoning should be considered if:

1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the City's comprehensive plan;
2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area;
3. The area for which rezoning is requested is of such a nature and so located that the proposed zone change will not adversely affect existing or anticipated uses or property values in the vicinity, and the proposed zone change will not result in land uses that are incompatible with the City;
4. The amendment is not adverse to the public health, welfare and safety.

4.22.090 Rezoning fees. Applications for rezoning shall be accompanied by fees established by a Fee Setting Resolution by the Council.

4.22.100 Annexed territory. Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of this chapter. If the zoning process is commenced prior to the effective date of the annexation ordinance, the legal protest area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without or partly within and partly without, the City limits. This section shall not otherwise alter or amend the requirements of the annexation ordinance.

CONDITIONAL USE REVIEW PROCEDURE

Sections:

- 4.23.010 Purpose.
- 4.23.020 Application--Filing information.
- 4.23.030 Notice.
- 4.23.040 Public meeting--Recommendation.
- 4.23.050 Public hearing.
- 4.23.060 Site Plans.
- 4.23.070 Review of decision--Right to appeal.
- 4.23.080 Application--Approval criteria.
- 4.23.090 Application--Imposed modifications and conditions.
- 4.23.100 Modification after approval.

4.23.010 Purpose.

A. Although each zone is primarily intended for a predominant type of use, such as dwellings in residential zones there are a number of uses which may or may not be appropriate in a particular zone, depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effect.

These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this chapter to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purposes of this title.

B. The Council may, in its discretion, review any conditional use requested. However, any non-specified conditional use within a zone shall require a public hearing by the Council and the findings by the Council that such conditional use is in the best interest of the zone, the City, and such use is not designed to avoid the purpose and effect of the zoning ordinance to approve such conditional use. These criteria shall also apply to all mobile homes and travel homes conditional uses. Non-stated conditional uses shall not be approved unless it appears that enforcing the stated uses by right or conditional uses may not be practical or beneficial to the zone or the City.

4.23.020 Application--Filing information.

A. An application for approval of a conditional use may be filed by a person having an interest in the property for which the conditional review use is requested and shall be made on a form provided by the City.

B. The application must include:

1. A non-refundable processing fee established by a Fee Setting Resolution by the Council, which shall be submitted with the application.
2. A complete site plan showing major details of the proposed development consisting of the following: location of buildings and structures, off-street parking areas, off-street loading areas, service and refuse areas, means of ingress and egress, amount of traffic generated, major landscaping or screening proposals, signs, pedestrian areas, pertinent dimensions, and drainage;
3. A time schedule for development;
4. Such other information as the Planning Commission requires; and
5. Any other information the applicant believes will support his application.

4.23.030 Notice.

A. Written notice that a conditional use application has been filed, and that it may be reviewed during regular office hours of the City hall, will be sent to owners of property within three hundred feet of the property in question.

B. If the Planning Commission decides to hold a public meeting, the owners within three hundred feet of the property will also be sent written notice of the date, time and place of the public meeting.

4.23.040 Public meeting--Recommendation.

A. Within thirty days after the Planning Commission received a completed application, the Planning Commission may, at its discretion, hold a public meeting to consider the application.

B. The Planning Commission shall, within thirty days of the public meeting, unless a longer time is necessary for consideration of the application for reasons specifically stated by the Planning Commission, either recommend approval of the application, in whole or in part, with or without modifications and conditions, or recommend disapproval of the application to the Council.

C. The recommendation of the Planning Commission shall be transmitted to the Council and to the applicant.

4.23.050 Public hearing.

A. After receiving the written report or recommendations from the Planning Commission, the Council may, at its discretion, hold an additional public hearing on any proposed conditional use. The Council may, at its discretion, grant or deny any proposed conditional use without a public hearing at a regularly scheduled public meeting.

B. A notice of a public hearing shall be published in a newspaper of general circulation within the City at least fifteen days prior to the hearing date.

C. A written notice of a public hearing will be sent by first class mail, at least fifteen days prior to the hearing date, to property owners within three hundred feet of the property in question.

D. The Council shall either approve the application, in whole or in part, with or without modifications and conditions, or disapprove the application. The decision of the Council shall be transmitted to the Planning Commission and to the applicant.

4.23.060 Site plans. All approved site plans for conditional uses, including modifications and conditions, shall be certified by the Council and made a permanent part of the zoning map by reference in the official minutes of the Council.

4.23.070 Review of decision--Right to appeal. Any person applying to the court for a review of any decision made under the terms of this chapter shall apply for review within thirty days after the date of decision and shall be required to pay the cost of preparing a transcript of proceedings.

4.23.080 Application--Approval criteria. No conditional use application shall be approved unless it is found that the application:

- A. Complies with all requirements imposed by this chapter and with all applicable written rules; and
- B. Is consistent with the objectives and purposes of this Chapter and the meaning of terms in this Chapter; and
- C. Is designed to be compatible with surrounding land uses and the area of its location.

4.23.090 Application--Imposed modifications and conditions. In considering an application for a conditional use, the Planning Commission and Council shall consider and may impose modifications or conditions concerning, by way of illustration and not limitation, the following development features, to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of this chapter:

- A. Size and location of site;
- B. Internal traffic circulation and access to adjoining public streets;
- C. Designed to be compatible with surrounding land uses and the area of its location.

4.23.100 Modification after approval. No approved special review use may be substantially modified, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to initial approval of a special review use.

ENFORCEMENT AND ADMINISTRATION

Sections:

4.24.010 Enforcement and administration.

4.24.010 Enforcement and administration.

A. The City Clerk shall be responsible for the administration of the provisions of this title, as amended, the official zoning map, as amended, and of any decisions entered by the Planning Commission, Board of Adjustment or pursuant to this section. The Director of Public Works, Code Enforcement Officer, and the building inspector shall enforce the provisions of these regulations.

B. No building permit, occupancy permit, or other permit or license shall be issued, nor shall any other action of approval be taken or allowed by the City for any property which is not in compliance with the provisions of this title, and any decision issued pursuant hereto.

C. Whenever necessary to make an inspection to enforce any of the provisions of a decision entered pursuant to this section, or whenever there is reasonable cause to believe that a violation of

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any provision of this title, or of any decision issued pursuant to this section exists, the chief of police, building inspector, or their authorized representative, shall have the right to enter upon such building or premises at all reasonable times for the purposes of inspection or to perform any other duty imposed by this section. Prior to entry, said agent shall identify himself and request permission to enter from the occupant or person in charge of the premises if they can be found by reasonable efforts. If entry is refused, he shall have recourse to any remedy provided by law to secure entry.

D. The City may maintain an action in a court of competent jurisdiction to enjoin any violation of this title or of the terms of any decision entered pursuant to this section.

E. Any action which reduces the area of any site, lot or tract in violation of the minimum dimensional requirements of this title shall be unlawful.

F. It is unlawful to violate any of the provisions of this title, or the terms of any decision entered pursuant to this section. Any person convicted of such a violation may be punished by a fine of up to three hundred dollars, or a jail sentence of up to one hundred eighty days, or by both such fine and imprisonment; provided, however, that no person under the age of eighteen years shall be subject to any term of imprisonment, except for contempt of court. Each day any violation continues shall constitute a separate violation.

G. Any property or building maintained in violation of this title is declared to be a nuisance which may be abated by the City in any lawful manner. In addition to any other or further remedies available in law or equity, the City may request an injunction to prevent or enjoin violations of this title.

VARIANCE AND APPEALS

Sections:

- 4.25.000 Board of adjustment--Authority.
- 4.25.010 Membership.
- 4.25.020 Officers.
- 4.25.030 Duties.
- 4.25.040 Appeals of Adverse Administrative Decision.
- 4.25.050 Hearings.
- 4.25.060 Fees.
- 4.25.070 Interpretation - Powers.
- 4.25.080 Variances.
- 4.25.090 Appeals from the Board.

4.25.000 Board of Adjustment--Authority. The board of adjustment shall have the power to consider appeals of administrative decision of the City Zoning Ordinance and grant variances from this title pursuant to the criteria and procedure of this code. The Board of Adjustment shall follow the procedure and criteria of the Council set forth herein.

4.25.010 Membership. The Board shall consist of six (6) members. Until otherwise provided, the members shall serve without compensation. Each member shall serve for three (3) years, provided however, that of the first appointed Board one (1) member shall serve for one (1) year, one (1) member shall serve for two (2) years, and one (1) member for three (3) years. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The Council may dismiss a board member for cause by a two-thirds (2/3) vote.

4.25.020 Officers.

A. The board shall, at its first regular meeting of each year, select a Chairman, a Vice Chairman, and a Secretary. The Secretary may or may not be a member of the Board.

B. The Chairman shall preside at meetings and shall perform all duties usual and ordinary for the presiding office of any board or group. The Vice Chairman shall perform the duties of the Chairman in the absence of the Chairman. The Secretary shall keep full and complete minutes and records of all meetings and shall have custody of all the records and shall generally perform all of the duties usually performed by the secretary of any board or group.

4.25.030 Duties.

A. The Board of Adjustment shall meet at the call of the Chairman, by his request or by the request of the Code Enforcement Officer, or by a party wishing to appeal the decision of the same.

B. The Board of Adjustment shall 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 resolution.

C. The Board of Adjustment shall vote upon the granting of any adjustment to requirements of the Zoning Resolution, which vote must require the concurrence of the members of the Board in order to revise an order of the Code Enforcement Officer.

D. The Board of Adjustment shall keep minutes of the proceedings of each meeting, which shall be filed in the office of the City Clerk, who may designate the Code Enforcement Officer to keep such files, and which shall be of public record.

E. The Board of Adjustment shall permit the public to attend

and to be heard at all of its meetings.

F. The Board of Adjustment shall permit the public to attend and to be heard at all of its meetings.

G. The Board of Adjustment shall notify, in writing the Code Enforcement Officer, the owner involved, of all decisions made, resolutions passed, hearings scheduled, or permits authorized.

4.25.040 Appeals of Adverse Administrative Decision. The Board shall hold a public hearing on all appeals of adverse administrative decisions after providing notice in an official paper or newspaper of general circulation in not less than one (1) issue to be published at least one (1) week in advance of the regular or special meeting of the Board of Adjustment at which the appeal is to be considered. Notice shall specify the meeting agenda and location of the parcel of land which shall be subject of the hearing. The Board of Adjustment shall decide the appeal within sixty (60) days of the date of the submission of the appeal.

4.25.050 Hearings. A written notice of such hearing shall be sent to adjacent property owners, at least fifteen (15) days prior to the hearing. In the event that adjacent property is held in common ownership the notice shall be sent to the appropriate homeowners of condominium association. The appellant shall supply the names of adjacent property owners at the time of filing the application.

4.25.060 Fees. A fee of \$50.00 shall be charged for each appeal to cover administrative costs of processing. The appellant shall also be required to reimburse the cost of any published notices required in consideration of this appeal under the provisions hereof.

4.25.070 Interpretation - Powers. The Board shall have the power to interpret this Ordinance including any uncertainty as to boundary, location, or meaning or wording, so long as this interpretation is not contrary to the purposes and intent of this resolution.

4.25.080 Variance. The Board of Adjustment shall have the power to grant variances from the provisions of this resolution, but only where all of the following conditions are found to exist:

1. The variance would not authorize any use other than uses enumerated as a permitted use or an approved special review use in the district where the variance is sought;
2. That an unnecessary hardship to the owner could be shown to occur if the provision of this Ordinance was literally follows;
3. 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 or are the

- result of general conditions of the district and cannot be reasonably corrected; and
4. That the variance would not be out of harmony with the intent and purpose of this Ordinance, and the Master Plan.

4.25.090 Appeals of the Board. Any further appeal from the decision of the Board may be made to the court, as provided by law, provided, however, that such appeal is made prior to thirty (30) days following the date of the notification of the Board's decision.

ANNEXATIONS

Sections:

- 4.26.010 Application--Submittal.
- 4.26.020 Application--Content.
- 4.26.030 Application--Informal review--Setting for hearing.
- 4.26.040 Hearing procedures.
- 4.26.050 Fees.
- 4.26.060 State provisions applicable when.

4.26.010 Application--Submittal. Any request for a proposed annexation shall be submitted in writing to the City Clerk, who shall notify the secretary of the Planning Commission not later than the third Monday of each month concerning the application.

4.26.020 Application--Content. The proposed annexation application shall contain the following requirements and cover the following subject matter:

- A. Name of owner or owners;
- B. Proof in writing that all owners have agreed to the annexation;
- C. Legal description of the property proposed to be annexed;
- D. Map of the property sufficient in detail to show property lines, elevations, contour lines, vegetation and any other matters which the commission may deem necessary to properly inform itself;
- E. Present existing use of the land;
- F. Proposed land use together with request for the desired zoning if the same is annexed;
- G. Availability of water, gas and other municipal or utility service;
- H. Projected cost of the services for such utility or other municipal charges;
- I. The present zoning of the land if already zoned by the county;
- J. A complete statement of intent as to the construction

of streets and alleys and the proposed method of payment for same;

K. A complete statement of intent as to construction of utilities to serve the proposed area to be annexed and zoned and the proposed method of payment for same;

L. Any other requirements which may be necessary to comply with applicable state statutes;

M. The applicant shall state in such application the name of the person or persons together with their address upon whom communications at any time shall be served.

4.26.030 Application-Informal review--Setting for hearing. The Planning Commission shall informally review the application and shall determine whether any further information is necessary or required. If such information is required, notification shall be sent concerning the same in detail by the City Clerk to the applicant at once. Such further information shall be returned to the City Clerk no later than the third Monday of each month and shall be again considered. When the application has been accepted in the form suitable to the Planning Commission, the commission shall set a date for hearing. The Planning Commission may shorten the time between acceptance of the application and the time set for hearing, which date of hearing shall be set no later than forty-five days from the date of acceptance of the application.

4.26.040 Hearing procedures.

A. The Planning Commission shall send notice of the date of the hearing to the applicant for such annexation, and shall require such applicant to post a notice on the property sought to be annexed and zoned, no smaller than four by four feet with letters no less than one inch in height. The notice shall be posted no less than fifteen continuous days on a conspicuous place on the property. Such notice shall state the date, time and place of hearing and the purpose of the hearing, including the proposed zoning. A notice containing the same information shall be placed in a local newspaper at least once, fifteen days prior to the date of hearing.

B. The hearing shall be public and all persons wishing to appear and present evidence in support of or in opposition to such proposal shall be heard after being sworn. The testimony may be taken by an electronic device unless any person in interest shall require the services of a stenographic reporter, in which case the person so requesting shall pay for the services.

C. The Planning Commission shall have no later than fifteen days from the date of hearing to approve or disapprove or make any modifications for such annexation and zoning, which decision must be in writing and must be voted upon in public according to the requirements of the applicable statutes of the state. Notice of the date that such commission vote will be had shall be announced at

the public hearing so that all interested parties may be informed of the date.

D. The finding and decision of the Planning Commission, either approving, or disapproving or modifying the proposal shall at once be transmitted to the City Clerk. The City Clerk shall transmit such finding and decision to the Council at the first regular meeting of the Council after the date of the commission decision.

E. The Council shall at such regular meeting fix a time, place and date for public hearing upon such proposal which shall be at least fifteen days, but in no event more than twenty-five days from the date of the regular Council meeting date. Thereafter, the posting of the property, publication and procedure shall be the same as set forth in subsections A and B of this section.

F. The Council after the hearing shall then render a written decision no later than the next regular meeting of the Council and the decision shall be sent by certified mail to all persons in interest at once. A "person in interest," for the purposes of this subsection, shall be only those persons who request in writing a copy of the decision and who pay for the mailing and the copy of the decision the sum per copy shall be established by a Fee Setting Resolution by the Council, giving to the City Clerk their address for said purpose.

G. At the hearing before the Council, all persons who wish to be heard may be heard either in person, by an agent or attorney, or by filing some written protest, objection or statement favoring or opposing the annexation and zoning. Persons wishing to be heard shall be sworn.

H. If the decision is favorable, an ordinance shall be at once prepared, passed and published in the form and manner provided by law. If the decision is not favorable, applicants may proceed under the applicable provisions of the statutes of the state and the applicable Rules of Civil Procedure.

4.26.050 Fees.

A. At the time of filing of the application before the Planning Commission, applicants shall pay to the City Clerk an application fee of the sum of one hundred dollars to apply on any and all costs connected with the application and processing.

B. The fee shall not be refundable.

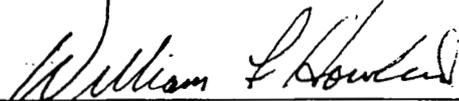
C. Cost of publication of notices and posting and cost of any transcript of hearing shall be paid by the person or persons requesting the same. The cost of publishing the ordinance and recording any necessary information concerning the same with the County Clerk and Recorder shall be paid by the City.

4.26.060 State Provisions Applicable When. If annexation is accomplished by means other than voluntary petition of all landowners requesting the same, all procedures hereunder shall be as required by the then applicable statutes of the state relative to annexation by means other than voluntary petition; provided, however, that in the event such annexation is accomplished by other than voluntary petition, any necessary zoning under the provisions of the statutes of the state or of this title shall apply insofar as such zoning is concerned.

ADOPTED on first reading this 13th day of July, 1999.

PASSED on second reading as amended this 10th day of August, 1999.

CITY OF LAS ANIMAS



William F. Howland, Mayor

ATTEST:



Leslie J. Uncel, City Clerk
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