

ORDINANCE NO. 742-22

AN ORDINANCE AMENDING CHAPTER 16 OF THE BENNETT MUNICIPAL CODE REGARDING GENERAL PROVISIONS AND ZONING

WHEREAS, the Board of Trustees of the Town of Bennett (the “Town”) previously adopted Chapter 16 of the Bennett Municipal Code, which regulates land use and development in the Town; and

WHEREAS, the Board is authorized to adopt general provisions and zoning standards within the Town pursuant to state law, including but not limited to, Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers) and Section 31-15-103, C.R.S. (concerning municipal police powers); and

WHEREAS, the Board of Trustees desires to amend Chapter 16, Articles I and II of the Bennett Municipal Code regarding general provisions and zoning; and

WHEREAS, the Bennett Planning and Zoning Commission after notice and hearing has recommended the Board of Trustees adopt the amendments set forth in this Ordinance; and

WHEREAS, the Board of Trustees has provided notice of a public hearing on this Ordinance by publication as provided by law and held a public hearing as provided in said notice.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO, AS FOLLOWS:

Section 1. Section 16-1-50 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-1-50. – Purpose.

- (1) Implement the Town's goals, policies, plans and programs to preserve and enhance the quality of life of its citizens and to promote the economic vitality of its businesses;
- (2) Promote superior land use, design and design flexibility;
- (3) Support the development of Bennett as a model healthy community of interconnected employment and neighborhood centers;
- (4) Maintain and enhance a quality residential environment in the Town;
- (5) Provide a diversity of housing types at various densities;
- (6) Enhance the sales tax and employment base of the Town by attracting and retaining commercial and industrial development;
- (7) Provide adequate services and facilities to support existing and projected areas of population and growth;

- (8) Promote logical extensions and efficient use of the Town's infrastructure;
- (9) Protect and preserve the rural nature of open lands;
- (10) Provide a safe, efficient and connected multi-modal transportation network;
- (11) Ensure that the fiscal impact of subdivision and development is borne by those parties who receive the benefits therefrom;
- (12) Support programs and help provide facilities that meet the recreational, cultural, public safety and educational needs of the community;
- (13) Promote cooperation and coordination in planning and growth management between the Town and neighboring jurisdictions;
- (14) Promote sustainable and resilient development practices that assure a high quality of life for current and future generations;
- ~~(15)(14)~~ To regulate such other matters as the Planning Commission and Town Board may deem necessary in order to protect the best interest of the public and of private property ownership.

Section 2. Section 16-1-90 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-1-90. – Conformity with Comprehensive Plan.

All applications for development approval, including, but not limited to, site plans, conditional use permits and subdivision plats, shall be evaluated in relation ~~to to its~~ conformance with the policies ~~and~~ embodied within the Comprehensive Plan and all applicable special area plans or master plans.

Section 3. The following definitions in Section 16-1-210 of the Bennett Municipal Code are hereby amended or added (words to be added are underlined; words and graphics to be deleted are ~~stricken through~~):

Sec. 16-1-210. – Definitions.

Applicant Guide means a document ~~adopted by resolution of the Board of Trustees~~ that details the application requirements for submittals associated with this Chapter.

Architectural features ~~mean means~~ any physical projection or feature that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including cornices, eaves, sills, box or bay windows, fireplaces, roof overhangs, mansards, unenclosed exterior balconies, marquees, canopies, pilasters and fascia, but not including signs.

Block means a group of lots existing within well-defined and fixed boundaries within a subdivision and usually being an area surrounded by streets or other features such as parks, rights-of-way or municipal boundary lines. See Figure 1-1.

Figure 1.1

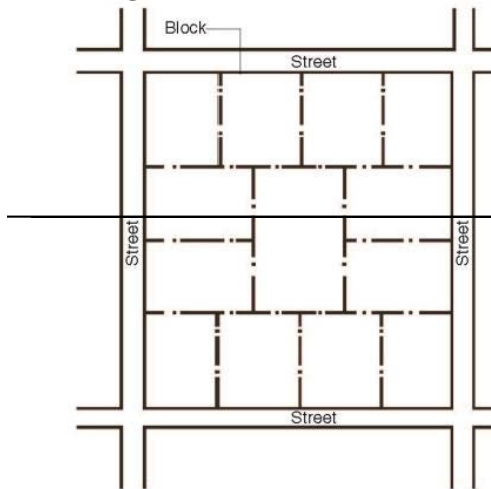
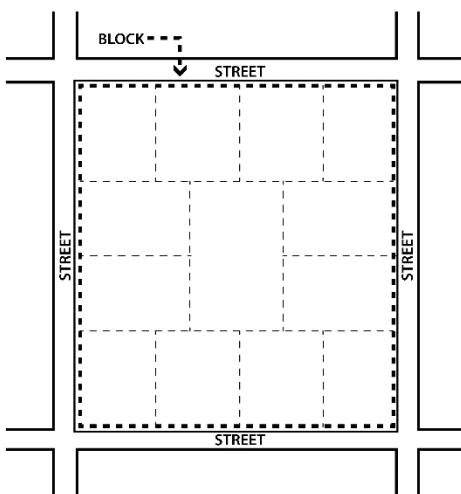


Figure 1.1



Building Official means the officer or other designated authority charged with the administration and enforcement of the currently adopted Building Code ~~Chief Building Inspector for the Town, as defined in the currently adopted edition of the Building Code.~~

Development agreement means a contract between a developer and the Town in connection with any discretionary development approval, including, but not limited to ~~without limitation,~~ rezoning, subdivision and/or PD approval. See subdivision agreement for agreements associated with platting and subdivision development improvements.

Drainage improvements mean all facilities used for collecting and conducting drainage and/or stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, ditches, streams, gulches, gullies, swale flumes, culverts, bridges, streets, curbs, gutters, works and pumping stations.

~~Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.~~

Public improvements mean ~~means~~ rights-of-way, easements, access rights and physical improvements associated with a subdivision or development. Unless otherwise provided by this Chapter, public improvements include, but are not limited to, the following: curb and gutter, asphalt pavement, concrete pavement, streets of all types, alleys, survey monuments, pavement striping, sidewalks, pedestrian/bike paths and trails, landscaping, traffic signals, street lights, highways, greenways, rights-of-way, easements, access rights, construction plans, medians, bridges, acceleration and deceleration lanes, culverts, storm drainage facilities, including necessary structures, channels, water lines, sanitary sewer lines, parks and all other improvements which are deemed necessary and appropriate by the Town.

Subdivision agreement means a contract between a developer and the Town that provides for the construction and/or provision of public improvements associated with a subdivision plat.

Section 4. Sections 16-1-315 (a) and (c) of the Bennett Municipal Code are hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-1-315. – Review process.

- (a) Table 1.1, the Review Process Chart, outlines ~~establishes~~ the required review steps applicable to different application types ~~forms of approval~~. Applicants should refer to the chart to determine which one (1) or more application types in "APPROVAL REQUESTED" ~~under~~ the left-hand column of the chart applies to their proposed development request. The required stages of review and the respective approval authority for each application ~~approval~~ type are shown in the columns on the lines to the right. Submission requirements and the specific review process for each application type ~~stage~~ are set out in various applicant guides provided by Town staff in detail in this Chapter, as referenced. Unless otherwise indicated, amendment or modification of a prior approval follows the procedure for review of the original application.
- (c) For certain applications where the Zoning Administrator has administrative approval authority (see Table 1.1), a majority of the Board of Trustees may "call up" the application for review of the Zoning Administrator's decision at the next regularly scheduled Board of Trustees meeting or soon thereafter. The Zoning Administrator may also choose to "push up" the decision making authority for any administrative action to the Planning Commission and/or the Board of Trustees.

Section 5. Section 16-1-315, Table 1.1. Review Process Chart of the Bennett Municipal Code is hereby replaced in its entirety with the following:

Sec. 16-1-315. – Review process.

Table 1.1
Review Process Chart

Key:

BOA - Board of Adjustment

CU - Call up on request of the TB

H - Public Hearing

M - Public meeting

PC - Planning and Zoning Commission

PD - Planned Development

TB - Town Board of Trustees

TE - Town Engineer

ZA - Zoning Administrator (Town
Administrator or designee)

Application Type	Pre-App	Preliminary Review			Final Review and Decision				Reference/Notes
	Staff	Staff	PC	TB	Staff	PC	TB	BOA	
Annexation	ZA	ZA		M			H		See Article I, Division 4
Chapter 16 Code amendment		ZA				H	H		See Sec. 16-1-360
Conditional use	ZA	ZA				H	H		See Sec. 16-2-330
Development or Subdivision agreement		ZA					M		See Sec. 16-5-710
Development review fee waiver					ZA		CU		See Sec. 16-1-325
PD-ODP	ZA	ZA				H	H		See Sec. 16-2-350
PD-FDP	ZA	ZA					H		See Sec. 16-2-350
PD amendment (ODP/FDP) - Minor					ZA				See Sec. 16-2-350
PD amendment (ODP) - Major	ZA	ZA				H	H		See Sec. 16-2-350
PD amendment (FDP) - Major	ZA	ZA					H		See Sec. 16-2-350
Rezoning	ZA	ZA				H	H		See Sec. 16-2-360
Service plan	ZA						H		See Sec. 16-5-815
Sexually oriented business license (A & B) and manager's license		ZA			ZA				See Sec. 16-6-305
Sign permit					ZA				See Sec. 16-3-310
Sign permit - Revocable (R.O.W.)					ZA/TE				See Sec. 16-3-310
Site plan	ZA				ZA		CU		See Sec. 16-2-310; appeal to TB
Subdivision: admin. adjustment	ZA				ZA				See Sec. 16-4-330; appeal to TB
Subdivision: boundary line adjustment	ZA				ZA				See Sec. 16-4-340; appeal to TB
Subdivision: major	ZA	ZA	M			H	H		See Sec. 16-4-360
Subdivision: minor	ZA					H	H		See Sec. 16-4-350
Temporary use permit					ZA		CU		See Sec. 16-2-340; appeal to TB
Variance/appeal		ZA						H	See Sec. 16-2-370
Vested rights/site specific development plan	ZA						H		See Article I, Division 5

Section 6. Section 16-1-330 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-1-330. – Pre-application conference.

Applicants requesting annexation, rezoning, subdivision, planned development, site plan approval, vested rights or a conditional use permit are required to attend a pre-application conference with ~~the Zoning Administrator and/or other~~ Town staff prior to submitting a formal application, unless waived by the Zoning Administrator. See Table 1.1 for the specific application types that require a pre-application conference. The purpose of the pre-application conference is:

- (1) To acquaint the applicant with the Bennett Comprehensive Plan, Land Use Code, design and construction manuals and other pertinent documents.
- (2) To inform the applicant of the submittal requirements necessary for the application.
- (3) To inform the applicant of any associated fees or charges that may be associated with the application.

Section 7. Section 16-1-340 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-1-340. – Public hearing notice requirements.

- (a) {Applicability of Section.} The requirements of this Section apply only to public hearings required by this Chapter and as shown on the Review Process Chart in Table 1.1. Where that chart indicates that a public meeting (in contrast to a public hearing) is required, this Section does not apply and notice of such meeting is subject only to the requirements of the Colorado Open Meetings law, Section 24-6-401, et seq., C.R.S. The requirements for public notice are shown below on Table 1.2, except that notice requirements for site specific development plans shall be as provided in Section 16-1-520.
- (b) Published Notice. At least fifteen (15) days prior to any public hearing which requires published notice (thirty (30) days for annexation petition hearing - see Section 31-12-108, C.R.S.), the Zoning Administrator shall cause to be published in the legal section of a newspaper of general circulation within the Town a notice of such public hearing. The notice shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by at least two (2) of the four ~~three~~ (4 ~~3~~) following methods:
 - (1) Street address;
 - (2) County parcel identification number;
 - (3 ~~2~~) General description, such as proximity to intersecting streets; or
 - (4 ~~3~~) A legal description.

~~The applicant shall reimburse the Town for the cost of publication of the notice of the hearing.~~

- (c) Posted Notice. At least fifteen (15) days prior to any public hearing which requires posted notice, the applicant shall post signs upon the parcel under consideration which provide notice of the kind of action requested; the hearing authority; the time, date and location of the hearing; and the location of the parcel under consideration by at least two (2) of the four ~~three~~ (4 ~~3~~) following methods:

(1) Street address;

(2) County parcel identification number;

(~~3~~ 2) General description, such as proximity to intersecting streets; or

(4 ~~3~~) A legal description.

The signs shall be of a size and form prescribed by the Zoning Administrator and shall consist of at least one (1) sign facing, and reasonably visible and legible from, each adjacent public right-of-way. The applicant shall place the signs on the property (near the property boundary) facing all public roadways, with a maximum of four (4) signs. The applicant shall be responsible for checking the signs during the posting period. If a sign has been moved, been destroyed or fallen, the sign shall be replaced by the applicant. The fact that a parcel was not continuously posted the full period shall not, at the sole discretion of the hearing authority, constitute grounds for continuance where the applicant can show that a good faith effort to meet this posting requirement was made. Within ten (10) days after final Town action on the application, the applicant shall remove the posted signs ~~and return any Town signs to the Town~~. Property posting is not required where zoning exclusively involves public right-of-way only.

- (d) Mailed Notice. At least fifteen (15) days prior to any public hearing which requires notification by mail, the applicant shall mail notice of the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by at least two (2) of the four ~~three~~ (~~4~~ 3) following methods:

(1) Street address;

(2) County parcel identification number;

(~~3~~ 2) General description, such as proximity to intersecting streets; or

(4 ~~3~~) A legal description.

The notice shall be of a form approved by the Zoning Administrator. The Zoning Administrator may require that the notice of such hearing also be hand-delivered to the entities intended to be notified. A map with a list of ownership by parcel identification number and mailing address shall be provided by the applicant to the Zoning Administrator at least twenty five (~~20~~ 5) days prior to the scheduled public hearing. Failure of a property owner to receive a mailed notice will not necessitate the delay of a hearing and shall not be regarded as constituting inadequate notice. The notice and a vicinity map shall be mailed by the applicant, via the United States Postal Service using first-class mail (~~certified mail for subdivision plats~~), to:

(1) Owners of property included within the application;

(2) Owners of property ~~abutting the subject property~~ within three hundred (300) feet of the subject property, or which is separated from the subject property only by a public right-of-way, railroad right-of-way or water course;

- (3) The board of directors of any owners' association existing with respect to any adjoining property; and
- (4) Owners of mineral estate. The applicant shall be solely responsible for preparing and mailing notice to mineral estate owners in the manner as codified at Section 24-65.5-101, C.R.S., as amended from time to time. The legislation generally requires that notice of the public hearing be sent to the mineral estate owners not less than thirty (30) days before the date scheduled for the hearing.
- (e) Public Notice Time Requirements. Unless otherwise provided in this Chapter, public notice time requirements include the day the notice is posted, appears in the newspaper or is mailed, and shall not include the day of the public hearing.
- (f) ~~Table 1.2, Public Notice Requirements chart, identifies when public notice is required by publishing, posting or mailing:-~~

Table _____ 1.2
Public Notice Requirements

Approval Request	Notice Required		
	Publish	Post	Mail
Conditional use permit	X	X	X
PD ODP	X	X	X
PD FDP	X	X	X
Rezoning [*]	X	X	X
Subdivision final plat	X	X	X
Variances and appeals (unless otherwise specified in this Chapter)	X	X	X
Vested rights/site specific development plan	X		

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Key: PD—Planned Development

^{*} For legislative zonings, as defined in Section 16-2-210 of this Chapter, notice shall be provided by publication and mailed notice to the property owners whose property is being rezoned. Mailed notice to adjacent property owners and by posting shall not be required.

Section 8. Section 16-1-410 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-1-410. – Scope.

This Article contains procedures and requirements for all annexations to the Town using ~~utilizing~~ the petition method to ensure that petitions are processed in an orderly manner, that municipal services are or can be made adequate and available to the property and that all statutory requirements relating to annexation per Section 31-12-101, et seq., C.R.S., are fulfilled.

Section 9. Section 16-1-420(c) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-1-420. – Required dedications.

- (c) As a condition of annexation, and except as may be specifically provided in an annexation agreement, the petitioners may be required to dedicate ~~land and/or~~ water rights, pursuant to Section ~~13-4-10~~ 16-5-405 of this ~~Code Chapter~~ and land for public purposes pursuant to Section 16-5-510, or cash in lieu thereof, in accordance with the provisions of this Chapter or as otherwise adopted by ordinance.

Section 10. Section 16-1-650 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-1-650. – Nonconforming signs.

Whenever one (1) of the following conditions occurs or exists, a sign which is nonconforming to the regulations of this Chapter shall be brought into conformance or the use thereof shall terminate:

- (1) Whenever an alteration of face size or sign height ~~of the sign~~ is made or sought to be made that is not permitted pursuant to Section 16-3-540.
- (2) Whenever there is a request made for a permit to change the sign.
- (3) When any such sign or nonconforming portion thereof is destroyed by any means to an extent of more than fifty percent (50%) of its value.

Section 11. Section 16-2-20 (e) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-20. - Applicability.

(e) The uses and occupancies permitted in this Article shall also be subject to the regulations in Chapter 18 of this Code ~~of the International Building Code, the International Fire Code~~ and other ordinances of the Town, except as provided in this Article; and provided, however, whenever the regulations in this Article require a greater size of yards or lots, or require a lower height of building or less number of stories, or impose other higher standards than required by other applicable ordinances or laws, the provisions of this Article shall govern.

Section 12. The following definitions in Section 16-2-210 of the Bennett Municipal Code are hereby amended (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-210. - Definitions.

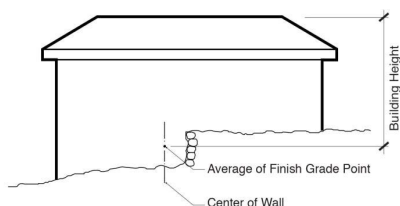
Agriculture or agricultural means the keeping or maintenance for sale, lease or personal use of plants and animals, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; cattle, sheep, swine, horses and goats; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation program.

Alley means the public or private right-of-way or easement within a block upon which the rear of a building lot generally abuts. Its use is for secondary access to the lot and/or service purposes. An alley shall not be considered a street.

Bar/tavern means an eating/drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products, such as sandwiches and light snacks, is secondary (~~also known as a tavern~~). A bar/tavern may include provision of live entertainment and/or dancing; however, a bar/tavern shall not include any sexually oriented business use.

Building height means the vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes and similar apparatus. See Figure 2-2.

Figure 2.2



Conditional use means the use of land that is permitted in a zoning district with possible imposition of special conditions to mitigate possible adverse impacts, as provided for in Section 16-2-3303330 of this Chapter.

~~*Courier services* means an establishment primarily engaged in the delivery of individually addressed letters, parcels and packages.~~

Day care center, child means ~~an institutional~~ a state licensed facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) six (6) or more children who are eighteen (18) years of age or younger and under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children, but specifically excludes any home day care as defined below. Child day care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades.

Day care, home means a state-licensed facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child or children away from their primary residence for less than twenty-four (24) hours per day. ~~A day care home shall provide care, protection and supervision to no more than six (6) children at one (1) time, including the children of the provider. Care may also be provided for no more than two (2) additional children of school age (five (5) to eighteen (18) years of age) attending full day school.~~ Operation of a day care home is subject to the Child Care Licensing Act, Section 26-6-101, et seq., C.R.S., and considered for purposes of this Chapter to be a home occupation.

Detention facility means and includes:

- a. Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under twenty-four-hour supervision by sworn officers, except when on an approved leave; or
- b. Group homes, halfway houses or alternatives to incarceration for individuals previously convicted of sexual assaults, sexual abuse or other sex-related criminal offenses; or
- c. Group homes, halfway houses or alternatives to incarceration containing any individual who will be subject to the issuance of an arrest or escape warrant if he or she leaves the facility.

Provided that the use otherwise complies with this definition, a detention facility may include, by way of illustration, a prison, jail, probation or detention center or juvenile detention home. Detention facilities, except for group homes for juvenile offenders, do not qualify as either a household living or group living facility, and are not allowed in any zoning district.

On occasion, the entities with which the Town contracts for law enforcement services may be required to detain, on a temporary basis, a person who is in violation of the law. Such temporary detention shall not be considered a detention facility under this Chapter. Temporary detention within the Town is restricted to the specific criteria outlined within an agreed upon contract and shall be used only when absolutely necessary for the safety of Town residents.

Family means and includes:

- a. One (1) or more persons related by blood, marriage or adoption, living together as a single household unit; or
- b. A group of not more than five (5) persons not related by blood, marriage or adoption, living together as a single household unit; or
- c. A family foster home, licensed by the State, or certified by the Arapahoe County Department of Human Services or Adams County Department of Social Services, or a state-licensed child placement agency, and having no more than four (4) foster children, shall also be considered a *family*.
- d. A *family* shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., unless related by blood, marriage or adoption.

Financial services means establishments that provide retail banking services, mortgage lending and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. This classification also includes Automated Teller

Machines (ATMs), a device that dispenses cash and conducts limited banking transactions for customers using a credit card, bank card, or other similar personal banking card. These devices may be part of a bank office, a drive-up banking center or may be freestanding units in retail centers or within other buildings located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

Group home means a group living facility in which six (6) or more individuals can live together and receive supportive services and are supervised by persons who live in the residence. A group home shall not have more than twelve (12) residents, including supervisory personnel, except as otherwise provided by this Code. Except for group homes for juvenile offenders, group homes shall not include detention facilities, which are not allowed in any zoning district. In addition, a group home shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., except as otherwise provided in this Code. In the event a group living facility for disabled ~~handicapped~~ persons does not meet the definition of *group home* as contained herein, but requires reasonable accommodation pursuant to the Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601, et seq.), such group living facility shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., as amended, except as otherwise provided herein.

Group home for persons with developmental disabilities ~~*developmentally disabled*~~ means a state-licensed group living facility serving not more than eight (8) persons exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, ~~Division for Developmental Disabilities Services, and the Colorado Department of Public Health and Environment.~~ A group home for persons with developmental disabilities ~~developmentally disabled persons~~ shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.

Group home for the aged ~~*elderly*~~ means a group living facility of up to eight (8) persons sixty (60) years of age or older who do not require medical attention associated with a residential health care facility. Group homes for the aged ~~elderly~~ persons shall be either:

- a. Licensed as an assisted living residence or alternative care facility by the Colorado Department of Human Services ~~Public Health and Environment~~; or
- b. Certified as an adult foster care facility by the Arapahoe County Department of Human Services or Adams County Department of Human Services ~~Social Services~~. A group home for the aged ~~elderly persons~~ shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.

Group home for juvenile offenders means a group living facility licensed or certified by the State, housing residents placed by the Arapahoe County Department of Human Services, ~~or Adams County Department of Human Services~~ Human Services ~~Social Services~~ or the Colorado Department of Human Services, ~~Division of Youth Corrections~~, for purposes of rehabilitation, special care, supervision or treatment for social, behavioral or disciplinary problems. A group home for juvenile offenders shall not have more than fourteen (14) residents, plus additional required staff, and shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.

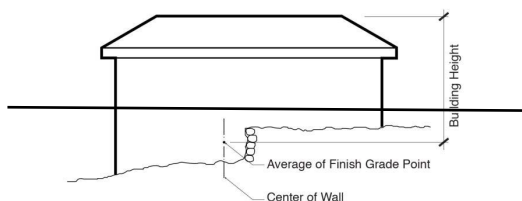
Group home for persons with behavioral or mental health disorders ~~*mentally ill*~~ means a state-licensed group living facility serving not more than eight (8) persons exclusively for the care

of ~~persons with behavioral or mental health disorders~~ mental illness, as defined and regulated by the Colorado Department of ~~Human Services~~ Public Health and Environment. A group home for ~~persons with behavioral or mental health disorders~~ mentally ill persons shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.

Group living facility means a residential occupancy of all or part of a structure by a group of people that does not meet the definition of household living, motel/hotel or detention facility. In group living facilities, tenancy is arranged on a monthly or longer basis, there is generally a common eating area and the size of the group may be larger than a household. *Group living facilities*, by way of illustration, may include assisted living facilities, group homes, group homes for juvenile offenders, group homes for persons with development disabilities, group homes for the aged, group homes for persons with behavioral or mental health disorders and nursing homes. *Group living facility* shall not include detention facilities for adult offenders (persons eighteen (18) years old and older), and *group living facility* shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S., except as otherwise provided herein.

~~*Height, building* means the vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes and similar apparatus. See Figure 2-2.~~

Figure 2.2



Home occupation means any business use which is conducted principally within a dwelling by the occupants thereof, ~~and no others~~, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or create, ~~excluding therefrom such uses as a medical clinic, hospital, barber shop, beauty parlor, tea room, animal hospital, retail sales, repair services or any similar use generating more than occasional and minimal vehicular and pedestrian traffic.~~

Landfill means a site where the collection of discarded food waste, or any other unwanted or useless material is disposed of by burying it in natural or excavated holes or depressions.

Marijuana means all parts of the plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate. *Marijuana* or *marihuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product shall have the same meaning as in Section 6-4-20 of this Code.

Medical marijuana ~~means shall mean~~ marijuana that is cultivated and sold for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution.

Microbrewery means an establishment, licensed by the appropriate state and/or federal authorities, where malt liquors are manufactured, and packaged and distributed on- or off-premises, with manufacturing not to exceed 15,000 barrels of malt liquor on its licensed premises each calendar year. May include food for consumption as an accessory use.

Microdistillery means a business, licensed by the appropriate state and/or federal authorities, typically known as a craft or designer distillery that manufactures spirituous liquors on site for distribution on- or off-premises in quantities not to exceed 200 barrels of finished product per year. May include food for consumption as an accessory use.

Microwinery means a facility, licensed by appropriate state and/or federal authorities, for the production of wine not to exceed 1,000 cases per year for distribution on- or off-premises. May include food for consumption as an accessory use.

Mini-storage or self-storage ~~means a and warehousing mean~~ provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces.

Parking lot or parking area means an area, other than a street or alley, designed or used primarily for the temporary parking of vehicles.

Patient ~~means a person who has a debilitating medical condition as defined in shall have the same meaning as in~~ Article XVIII, § 14(1)(c) of the Colorado Constitution.

Primary caregiver means a natural person, other than the patient and the patient's physician, who is eighteen (18) years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition as defined shall have the same meaning as in Article XVIII, § 14(1)(f) of the Colorado Constitution.

Primary residence ~~means shall mean~~ the residential structure that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person shall have only one primary residence within the Town.

Recreational vehicle park means a parcel of land providing space and facilities for motor homes or other recreational vehicles for recreational use of transient lodging.

Refuse transfer station means a collection facility, resource recovery center, building or processing site for the temporary deposition, consolidation and aggregation of waste ~~collection facilities means a site where the collection of discarded food waste, or any other unwanted or useless material is disposed of by burying it in natural or excavated holes or depressions.~~

Rental services means a retail business that rents to the general public merchandise, such as furniture, equipment, tools, appliances and similar goods, that are housed inside and outside a building.

Research and development, general means ~~includes~~ research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard as specified herein.

Restaurant means an eating/drinking establishment where the principal business is the sale of food and beverages in a ready-to-consume state where fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use. See also restaurant, fast food ~~restaurant~~.

Restaurant, fast food means an eating/ drinking establishment that may be either a freestanding operation, or a non-freestanding operation incorporated into a building within which one (1) or more other compatible and complementary uses exist, and whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes two (2) or more of the following characteristics:

- a. The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled;
- b. The food is usually served in edible containers or in paper, plastic or other disposable containers;
- c. The facilities for on-premises consumption of food are insufficient for the volume of food sold by the establishment;
- d. The restaurant may provide ~~provides~~ a drive-up facility for placing and receiving food orders.

Special event means and includes:

- a. Any organized event, specifically including, but not limited to, a circus, carnival, fair, party or celebration which reasonably may be expected to attract more than one hundred (100) persons at any one (1) time., ~~or which otherwise may reasonably be expected to increase the risk of:-~~
 1. ~~Damage to public or private property, beyond normal wear and tear;~~
 2. ~~Injury to persons;~~
 3. ~~Public or private disturbances or nuisances;~~
 4. ~~Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;~~
 5. ~~Significant additional police, fire, trash removal, maintenance or other public services demands; or~~
 6. ~~Other significant adverse effects upon the public health, safety or welfare.~~
- b. Exclusions. The term special event shall not include any event sponsored in whole or in part by the Town or another political subdivision of the State, or any organized activities conducted

at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not necessarily limited to, sporting events such as golf, soccer, softball and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services and funeral services conducted at places of worship; or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multifamily residential development.

~~*Trash transfer station* means a facility or site at which the exchange or deposit of trash is made for ultimate transfer to a landfill.~~

Temporary moving or storage containers means a storage container associated with a temporary use, such as building renovation or the process of moving into or out of a dwelling unit. Temporary moving or storage containers, as hereby defined, do not include cargo containers as defined in this Article.

Utilities, major include generating plants, electrical substations, switching buildings and water or wastewater treatment plants. *Major utilities utility* also includes overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 kV of power. *Major utilities utility* does not include uses more specifically defined in this Chapter, including telecommunications facilities.

Utilities, minor means above- and below-ground electrical transmission lines (except as included in the definition of *major utilities utility* above); above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such minor utility facilities generally do not have employees on-site, and the services may be publicly or privately provided. *Minor utilities utility* does not include uses more specifically defined in this Chapter, including telecommunications facilities.

Warehousing and distribution means a permanent facility for the storage of products, supplies, and equipment offered for distribution (not for direct sale to the general public). Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking and maintenance areas.

Xeriscape means a landscaping method employing predominantly live, low-water-consuming plant materials that require little or no irrigation.

Section 13. Section 16-2-310 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-310. - Site plan requirement.

- (a) A site plan is a detailed development plan for a property, which generally provides the opportunity to evaluate ~~permits an evaluation~~ of the intended use, and such design elements as circulation, parking and access; open space and landscaping; building location and configuration; grading and drainage; setbacks and screening; public improvements; and other

elements, which ~~determines~~ determine if the proposal has been planned consistently with the intent of this Chapter. A site plan shall be required for:

- (1) All permitted and conditional uses located in all zoning districts with the exception of individual, detached single-family and two-family dwelling units.
 - (2) Any change in ~~is~~ use.
 - (3) Any site that has been vacant, or for a use that has not been operational, for six (6) months or longer.
- (b) The Zoning Administrator shall have the authority to waive the requirement for a site plan upon a determination that such site plan is not necessary.
- (c) The Zoning Administrator shall have the authority to specify which criteria of this Chapter shall apply to each site plan application.
- (d) An applicant for site plan approval shall submit copies of the required application materials in accordance with the Applicant Guide.
- (e) The Zoning Administrator may elect to send the materials out for referral in accordance with the Applicant Guide. The comment period shall not exceed twenty-one (21) days.
- (f) Upon completion of the application review, the Zoning Administrator shall approve, approve with conditions or deny the application and inform the applicant in writing as to the decision and criteria for the decision. All review criteria and conditions shall be based on requirements of this Chapter, other published Town ordinances, technical criteria and Town policies. ~~Without limiting the generality of the foregoing, the~~ The Zoning Administrator shall consider the following criteria to the extent applicable:
- (1) Zone district standards for setbacks, building heights, lot area and lot coverage.
 - (2) Parking, lighting and landscaping standards unless otherwise waived by the Zoning Administrator in accordance with the applicable zone district standards.
 - (3) Bennett Design Standards for the applicable zone district.
 - (4) Infrastructure standards, including but not limited to Roadway Design and Construction and Water and Wastewater Standards, as required by the Town Engineer.
 - (5) Bennett-Watkins Fire Rescue standards for the proposed use and structures.
 - (6) Applicable requirements of ~~the~~ utility and other service providers.
- (g) Within fifteen (15) days after the Zoning Administrator's denial of a site plan application or approval with conditions, the applicant may appeal the decision to the Board of Trustees by filing a written notice of appeal with the Town Clerk. The notice shall state the basis for the appeal. Upon receipt of such notice of appeal, the site plan application shall be scheduled for de novo review before the Board of Trustees at a public hearing. Notice of the public hearing shall be in accordance with Section 16-2-130 of this Chapter. Upon completion of the public hearing, the Board of Trustees may approve, deny or approve with conditions the site plan application, and the Board of Trustees' decision shall be final.

Section 14. Sections 16-2-340 (a) and (g) of the Bennett Municipal Code are hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-340. - Temporary uses.

- (a) Temporary uses of land are permitted in any zoning district (unless restricted to particular zoning districts herein), subject to the specific regulations and time periods listed in Table 2-1, and to the other applicable regulations of the zoning district in which the use is permitted and other temporary use standards as established by the Town.

Table 2.1
Temporary Uses

Use	Zone Districts	Period
(1) Contractor's office/temporary construction uses	All	Time to be specified; must be concurrent with Building Permit; must be terminated within thirty (30) days of issuance of project Certificate of Occupancy for all types of construction
(2) Temporary real estate sales office	RE, R-1, R-2, R-3 and MH	Not to exceed twelve (12) months
(3) Seasonal or off-site retail sales, which include, but are not limited to: sale of seasonal fruits and vegetables; sale of fireworks; and sale of Christmas trees.	A, C, EC and P	Not to exceed thirty (30) days, and provided that any permits required by law are obtained
(4) Circuses, carnivals, festivals and other special events, which include, but are not limited to: concerts, athletic events, rodeos, and parades .	<u>All A, C, EC and P</u>	Not to exceed <u>seven (7)</u> three (3) days, and provided that any permits required by law are obtained
(5) Flea markets, farmers and artisans markets, and farm-life activities and entertainments	A, C, EC and P	Not to exceed one (1) event per week during a single continuous six-month time period in any calendar year and provided that any permits required by law are obtained
<u>(6) Mobile Food Vendor</u>	<u>All</u>	<u>Time to be specified. Subject to procedures and requirements as established by the Zoning Administrator.</u>
<u>(7) Temporary Moving or Storage Containers</u>	<u>All</u>	<u>Moving storage pods and containers as an accessory structure or storage use, provided such storage facilities are associated with a valid temporary use, such as building renovation or the process of moving into or out of a dwelling unit. Such pods</u>

		<u>and containers may be situated on the property for a period not to exceed 180 days in association with activities related to a valid temporary use permit. In the absence of a valid temporary use permit, such containers are permitted to be situated on the property for periods not exceeding 30 consecutive days or more than 45 days in any consecutive 12-month period. No more than two such containers shall be located on the property at any one time. In the event, there is not an appropriate area for storage on private property, the Zoning Administrator may consider placement on public right-of-way.</u>
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- (g) Upon the approval of an application for a temporary use, a majority of the Board of Trustees may "call up" the application for review of the Zoning Administrator's decision at the next regularly scheduled Board of Trustees meeting or soon thereafter. The Zoning Administrator may also choose to "push up" the temporary use application to ~~the Planning Commission and/or~~ the Board of Trustees to either approve or deny the application.

Section 15. Section 16-2-350 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-350. - Planned developments.

- (a) As provided for in Section 16-2-475, an applicant has the opportunity to establish a PD zoning district for the purpose of creating a planned development.
- ~~(b) — Where applicable, it is the intent of this Chapter that subdivision review under the subdivision regulations in Article IV of this Chapter be coordinated with and carried out simultaneously with the review of a PD under this Article.~~
- ~~(b)(c)~~ The initial zoning for a PD District is established by an Outline Development Plan (ODP). Site planning for development within a PD District is established by one (1) or more Final Development Plans (FDP).
- (1) An ODP, which reflects the overall concept of the Planned Development, shall include ODP maps and drawings, a written textual statement and such other forms as required by the Applicant Guide.
 - (2) An FDP, which may reflect the entire development as delineated on the ODP or any logical portion thereof, shall be submitted following the approval of the ODP. The FDP shall include FDP maps and drawings, a written textual statement and such other forms as required by the Applicant Guide.
- ~~(c)(d)~~ The Planning Commission and the Board of Trustees may approve a PD application if it meets the intent of this Article and complies with this Chapter and other controlling regulations and documents. The Planning Commission and Board of Trustees shall consider

the following in making their decision for approval, approval with conditions or denial of a PD:

- (1) The proposed PD District is compatible with present development in the surrounding area and will not have a significant, adverse effect on the surrounding area;
- (2) The proposed PD District is consistent with the public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;
- (3) The proposed PD District is consistent with the overall direction and intent of this Article and the intent and policies of the Comprehensive Plan and other pertinent policy documents of the Town;
- (4) The proposed PD District provides for a creative and innovative design which could not otherwise be achieved through other standard zoning districts.
- (5) The exceptions from the zoning regulations requested in the proposed PD are warranted by virtue of innovative design and amenities incorporated in the PD District.
- (6) The PD provides adequate circulation in terms of the internal street circulation system, designed for the type of traffic generated, for separation from living areas, convenience, safety, access and noise and exhaust control. Proper circulation in parking areas has been provided in terms of safety, convenience, separation and screening. The PD provides for buffering from collector and arterial streets through earthen berms, landscaping and other methods.
- (7) The PD provides functional open space in terms of practical usability and accessibility, and optimum preservation of natural features, including trees and drainage areas, recreation, views, natural stream courses, bodies of water and wetlands.
- (8) To the extent practicable, the PD provides variety in terms of housing types, housing size, densities, facilities and open space.
- (9) The PD provides for pedestrian and bicycle traffic in terms of safety, separation, convenience, access, destination and attractiveness. If possible, there shall be an internal pedestrian circulation system separate from the vehicular system that allows access to adjacent parcels, parks, open space or recreational facilities within the PD, as well as links to trail systems of the Town.
- (10) Building types in terms of appropriateness to density, site relationship and bulk.
- (11) Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting.
- (12) Landscaping of the site in terms of purpose, such as screening, types and materials used, maintenance suitability, water demands and effect on the area.
- (13) Services, including utilities, fire, police protection and other such services are available or can be made available to adequately serve the development.
- (14) No structures in the PD shall encroach on a floodplain except as permitted by the Town's floodplain ordinance.
- (15) No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved by the Town.

- (16) Visual relief and variety of ~~views~~ ~~visual sightings~~ shall be incorporated ~~located~~ within the PD through building placement, shortened or interrupted street vistas, visual access to open space and other design methods.
- ~~(d)~~(e) Upon approval of a PD application by the Board of Trustees, the applicant shall within one hundred and eighty (180) days revise the PD application to meet any conditions of approval and submit final documents to the Zoning Administrator; ~~including the signed development agreement and improvement guarantee.~~ Upon a written request from the applicant filed at least thirty (30) days prior to expiration of the one-hundred-eighty-day deadline to submit final documents, the Board of Trustees may grant a single extension not to exceed an additional ninety (90) days. If final documents are not recorded within the time required, the PD zoning shall survive but no development can occur until an ODP and FDP are approved ~~approval of the PD application shall lapse and be of no further force or effect.~~
- ~~(e)~~(f) Approval of an ODP shall be valid for three (3) years.
- (1) A one-year extension of approval time may be applied for in writing to the Board of Trustees. No more than three (3) such one-year extensions shall be approved.
 - (2) The approval of an ODP shall not result in the creation of any vested property rights. Such approval shall allow the applicant to proceed to the next development plan stage, subject to the time limits set forth in this Section and the other requirements of this Chapter.
 - (3) An approved ODP that does not proceed to the next development plan stage within three (3) years, or after one (1) or more approved extensions, shall be deemed expired. A property with an expired ODP shall be required to apply for a new ODP and FDP or rezone the property prior to any site development.
- ~~(f)~~(g) An amendment to the ODP shall follow the same procedures set forth in this Chapter ~~is a change in zoning district classification and shall follow the same procedures set out in this Chapter~~ pertaining to the approval of an ODP. The Zoning Administrator may authorize minor changes in the ODP that do not:
- (1) Alter the basic relationship of the proposed development to adjacent property;
 - (2) Change the uses permitted;
 - (3) Increase the height of building or structures; or
 - (4) Decrease the amount of required off-street parking; ~~or~~
 - ~~(5) Reduce the minimum yards required at the boundary of the site.~~
- ~~(g)~~(h) An amendment to an FDP is a change in site planning, and shall follow the same procedures set out in this Chapter pertaining to the approval of an FDP. The Zoning Administrator may approve an amendment to a FDP, provided that the amendments are only:
- (1) Architectural. Minor changes in the color; exterior appearance; lot coverage; screening of outdoor storage areas; signage; or location of buildings, structures or divisional walls if required for engineering reasons or other circumstances not foreseen at the time the FDP was approved. No change authorized by this Paragraph may increase or decrease the dimensions of any building or structure by more than twenty-five percent (25%) or

permit an accessory structure whose size is greater than ten percent (10%) of the area of the principal building or structure.

- (2) Landscaping and site features. Changes in plant materials, minor alterations in the location of plantings, changes in plant quantities or sizes, changes to the location of internal sidewalks or changes in location of parking spaces if required for engineering reasons or other circumstances not foreseen at the time the FDP was approved. No change authorized by this Paragraph may increase landscaping by twenty-five percent (25%), or decrease landscaping or sidewalks by more than ten percent (10%).

~~(h)(i)~~ Any administrative amendments authorized by the Zoning Administrator for an ODP or FDP shall be transmitted to the Planning Commission and Board of Trustees for their information by written communication from the Zoning Administrator.

~~(i)(j)~~ Any changes which are approved for an ODP or FDP shall constitute an amendment thereto and must be on file with the Town and noted as amendments to the ODP or FDP.

~~(j)(k)~~ After the planned development has been approved, the use of land and the construction, modification or alteration of any buildings or structures within the planned development will be governed by the approved ODP and FDP in addition to any other provisions of this Code unless such provisions were waived or modified during the ODP or FDP approval process. The approved ODP shall constitute the zoning document for the planned development, and the approved FDP shall govern land development within such PD zone. However, property that is zoned within a PD may be rezoned in accordance with the procedures in Sec. 16-2-360 of this Code.

~~(k)(l)~~ Where a PD was established as PD Overlay prior to the adoption of this Chapter, the property retains its original zoning classification subject to the provisions of the approved ODP or FDP.

Section 16. Section 16-2-370 (a) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-370. - Variances.

(a) Variances from the provisions of this Chapter on individual lots ~~from the provisions of this Chapter, except for use variances,~~ may be granted when the Board of Adjustment finds that all of the following conditions exist:

(1)The existence of extraordinary conditions or circumstances, such as size, shape, location, topography or surroundings of the land, structure or building involved, which deprive the applicant of privileges enjoyed by other properties in the same zone district and in the vicinity;

(2)The extraordinary conditions or circumstances did not result from the present or prior actions or inactions of the applicant;

(3)Granting of the variance will be in harmony with the general purpose, intent and character of the zone district, will not substantially or permanently injure the appropriate use of adjacent property, and is not otherwise detrimental to the public health, safety and welfare;

(4)The variance requested is the minimum action needed that will permit the reasonable use of the land, building, or structure with the least modification possible to the requirements of this Chapter;

(5)The variance will not permit a use that is prohibited in the zone district; and

(6)No other relief is available through the application of alternative development standards or an alternative development configuration that is allowed by this Chapter.

~~(1) That peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of this Chapter are strictly enforced.~~

~~(2) That the circumstances creating the hardship were created through no fault of the applicant.~~

~~(3) That the property for which a variance is requested possesses exceptional narrowness, shallowness, shape or topography or another extraordinary and exceptional situation or condition which does not occur generally in other properties in the same zoning district.~~

~~(4) That the variance will not substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district.~~

~~(5) That the variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.~~

~~(6) That the variance will not alter the essential character of the district in which the property for which the exception is sought is located.~~

~~(7) That the variance will not weaken the general purposes of this Chapter or the regulations established herein for the specific zoning district.~~

~~(8) That the variance will be in harmony with the spirit and purposes of this Chapter.~~

~~(9) That the variance will not adversely affect the public health, safety or welfare.~~

Section 17. Section 16-2-405 (d) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-405. – Official Zoning Map.

(d) Unless otherwise defined on the Zoning Map, district boundary lines follow:

- (1) Lot lines;
- (2) Centerlines of streets, alleys, railroad rights-of-way or such lines as extended; or ~~and~~
- (3) Town boundary lines.

Section 18. The title of Section 16-2-410 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-410. – Standard ~~Standards~~ zoning districts.

Section 19. Section 16-2-426 of the Bennett Municipal Code is hereby added in its entirety:

Sec. 16-2-426. R-1A – Alternate Low Density Residential District.

- (a) The R-1A District is intended to provide for the development of areas containing alternative low density single-family residential dwellings.
- (b) This zone district can be achieved through planning efforts and review of density and/or limitations on the number of units.
- (b) Land uses are permitted as shown in the Land Use Table in Section 16-2-470.
- (c) Lot and building requirements shall be as shown in Table 2.4.1.

Table 2.4.1
Alternate Low Density Residential District Standards

Standard	R-1A – Alternate Low Density Residential District
Minimum Lot Area/Dwelling Unit	5,000 square feet
Minimum Lot Width	50 feet
Maximum Lot Coverage	70%
Minimum Floor Area/Dwelling Unit	800 square feet
Minimum Front Yard Setback (Principal Structure)	10 feet, w/ max. setback not to exceed an average of adjacent principal structures
Minimum Front Yard Setback (Accessory Structure)	10 feet
Minimum Side Yard Setback (Principal Structure)	5 feet
Minimum Side Yard Setback (Accessory Structure)	5 feet
Minimum Rear Yard Setback (Principal Structure)	10 feet
Minimum Rear Yard Setback (Accessory Structure)	5 feet
Maximum Height (Principal Structure)	35 feet
Maximum Height (Accessory Structure)	12 feet, except detached garages, 18 feet

Section 20. Sections 16-2-465(d) and (i)(1)(a) of the Bennett Municipal Code are hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-465. - Lot and building requirements.

(d) Accessory Structures shall be limited as follows:

(1) The maximum number of accessory structures is limited to two (2) buildings per residential lot. A detached garage is included in the maximum number, if present.

~~(2)(4)~~ No accessory structure shall be located within any platted or recorded easement of the Town or over any utility except as otherwise expressly agreed to in writing by the Town or utility provider, as applicable.

~~(3)(2)~~ Accessory buildings are not permitted in front yards. Accessory buildings in residential districts, excluding detached garages, shall not exceed a height of twelve (12) feet and shall not exceed two hundred fifty (250) square feet of floor area. Accessory structures shall meet the minimum setback requirements in Division 4 of this Article 2.

~~(4)(3)~~ The maximum cumulative lot coverage of all accessory buildings, including detached garages, shall not exceed the building footprint of the principal building.

~~(5)(4)~~ Only one (1) detached garage is permitted per residentially zoned lot or parcel. The maximum square footage shall be one thousand (1,000) square feet or eighty percent (80%) of the square footage of the building footprint of the principal residential dwelling, whichever is less.

~~(6)(5)~~ The minimum residential dwelling building footprint and minimum residential floor area square footage required for any residential zoning district shall be exclusive of any garage area.

~~(7)(6)~~ Accessory structures shall resemble the principal structure on the lot. Without limiting the generality of the foregoing, such resemblance shall be with respect to roof pitch, roof material, building material siding, and color.

~~(8)(7)~~ Truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies and similar prefabricated items and structures are not permitted to be used as accessory buildings or structures.

(i) Cargo containers.

(1) Cargo containers are allowed as accessory buildings or structures in the C, EC, P, A and I Zone Districts only, subject to the following conditions:

a. A diagram depicting the lot layout ~~site plan~~ is required prior to the placement of a cargo container in any of the allowed zone districts.

Section 21. Section 16-2-470 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-470. - Land uses.

- (a) Land uses permitted within each standard zoning district are designated by symbols in Table 2.12, Land Use Table. The listed symbols are defined as follows:

P = Use permitted by right.

C = Conditional use, permitted pursuant to Section 16-2-330.

- (b) Land uses permitted within a PD District shall be listed on the approved plan.

- (c) Accessory buildings, structures and uses, as defined in Section 16-2-210, are allowed in all zone districts.

- ~~(d)~~(e) No land, building or structure shall be used for any purpose other than as provided for among the uses listed in the zoning district in which such land, building or structure is located.

- ~~(e)~~(d) Any use not permitted in a zone either specifically or by interpretation by the Zoning Administrator is hereby specifically prohibited from that zone. Uses that are similar to, but not specifically listed as, a permitted use may be approved by the Zoning Administrator.

- (f)~~(e)~~ All uses are subject to the performance standards contained in Section 16-5-505 of this Article, any applicable Use Standards provided in Division 5 of this Article; and all applicable special area plans, master plans and design guidelines adopted by the Town.

**Table 2.12
Land Use Table**

	Zone Districts										
Land Use Categories	A	RE	R-1	<u>R-1A</u>	R-2	R-3	MH	C	EC	I	P
A. AGRICULTURAL USE											
(1) Auction arena or livestock sales	C									C	
(2) Crop production, pasture grazing land or private ranching	P										P
(3) Greenhouse/nursery	P									C	P
(4) Poultry hatcheries, fish hatcheries, commercial ranching and dairy farms or animals raised or kept for profit or production, except as allowed in Section 7-7-30	C										C
B. ANIMAL SERVICES											
(1) Animal boarding (kennels) and training	C							C		C	
(2) Animal hospital, large	C									C	

(3) Animal hospital, small	C							C		P	
(4) Riding academies and stables	C										
(5) Veterinary offices or clinics	C							P		P	
C. EDUCATIONAL USES											
(1) Day care center, adult or child		C	C	<u>C</u>	C	C		C			P
(2) Elementary and secondary education school	P	P	P	<u>P</u>	P	P	P	C			P
(3) Postsecondary colleges and universities								C	P	P	P
(4) Private business, trade and vocational school								C	P	P	P
D. INDUSTRIAL USES											
(1) Commercial steam cleaning/laundry operations								C		C	
(2) Commercial trash removal companies without trash storage or <u>refuse</u> trash transfer operations										C	
(3) Concrete or asphalt products production										C	
(4) Custom crafts (such as ceramics, furniture making and stained glass production)								P		P	
(5) General machine shops										P	
(6) General research and development									P	P	
(7) Laboratory: medical, dental, optical, scientific								C	P	P	
(8) Light trade and technical uses								C	P	P	
(9) Manufacturing, assembly, finishing or fabrication; primary										C	
(10) Manufacturing, assembly, finishing or fabrication; secondary									C	P	
(11) Meat processing plant										C	
(12) Outdoor storage, except self-storage/mini-storage										C	
(13) Publishing plant									C	P	
(14) Recycling facilities										C	C
(15) Refining or initial processing of										C	

basic raw materials											
(16) Refuse <u>transfer station</u> collection-facilities										C	C
(17) Self-storage, mini-storage								C		P	
(18) Soil amendments packaging and processing such as peat moss, top soil and composted manure; but excluding raw manure or chemical fertilizers										C	
(19) Warehousing and distribution									P	P	
(20) Waste-related uses, <u>refuse</u> trash transfer station										C	C
(21) Wholesale establishments, including accessory offices									P	P	
E. PUBLIC/INSTITUTIONAL USES											
(1) Cemetery	C		C	<u>C</u>							
(2) Charitable institutions								P	P	P	P
(3) Clubs and lodges								P		P	P
(4) Cultural facilities, including a library or museum	C							P	P		P
(5) Events or recreation center								C	P		P
(6) Fire or police station	C	C	C	<u>C</u>	C	C	C	P	P	P	P
(7) Hospitals								C	P	P	
(8) Post office								P			P
(9) Religious institutions	P	P	P	<u>P</u>	P	P	P	P	P	P	P
(10) Town Hall, <u>Public Works facility</u> , or governmental office and facility-municipal building											P
(11) Zoos, arboretum, botanical gardens, community gardens	P							C			P
F. RECREATION USES											
(1) Golf course and driving range	C	C	C	<u>C</u>	C	C					C
(2) Indoor commercial recreation or entertainment, including bowling alleys, movie theaters								P	P	P	
(3) Outdoor commercial recreation <u>or entertainment</u> , including miniature golf, amusement parks								P	C	C	

(4) Outdoor playing fields	C	C	C	<u>C</u>	C	C	C	P	P	P	P
(5) Parks, both active and passive, and trails	<u>P</u> C	<u>P</u> C	<u>P</u> C	<u>P</u>	<u>P</u> C	<u>P</u> C	<u>P</u> C	<u>P</u> C	P	P	P
(6) Recreation facilities owned or operated by the Town or other government organization with supporting accessory uses, whether publically or privately owned or operated but in no event shall accessory uses occupy more than 10% of the gross floor area of the facility		C	C	<u>C</u>	C	C					P
(7) Shooting range, indoor										C	
(8) Shooting range, outdoor	C										
(9) Recreational vehicle park	C					C	C			C	
G. RESIDENTIAL USES											
(1) Assisted living facility or nursing home					C	P					
(2) Bed and breakfast establishments	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>					
(3) (2) Group home for the aged, persons with developmental disabilities, and persons with behavioral or mental health disorders in compliance with all state and federal law elderly, developmentally-disabled or mentally ill persons.	P	P	P	<u>P</u>	P	P					
(4)(3) Group home for juvenile offenders						C					
(5) Group home, other	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>					
(4)(6) Home occupations	P	P	P	<u>P</u>	P	P	P		P		
(7) Hotels and Motels								<u>P</u>	<u>P</u>		
(5)(8) Manufactured homes	P	P	P	<u>P</u>	P	P	P				
(6)(9) Mobile homes							P				
(7)(10) Multifamily dwelling						P			C		
(9)(11) Rooming, lodging or boarding houses						P			C		
(8)(12) Single-family dwelling	P	P	P		P	C	P				
(9)(13) Two-family dwelling					P	C					
(10)(14) Townhome dwelling					C	P					
H. FOOD AND BEVERAGE SERVICE											
(1) Bar, tavern, nightclub								P	C	C	

(2) <u>Microbrewery, microdistillery, microwinery with taproom or tasting room</u> Brewery with tap room									C	C	P	
(3) <u>Restaurant, fast food</u>									P	<u>PE</u>	C	
(4) <u>Restaurant, fast food with drive-up thru</u>									<u>P</u> <u>E</u>	<u>PE</u>	C	
(5) <u>Restaurant, other</u>									P	<u>PE</u>	C	
I. RETAIL USES												
(1) Building materials supply	C								C	C	P	
(2) Outdoor retail display and sales	C								C		C	C
(3) Pawnshops									C		C	
(4) Retail business, other (<5,000 sq. ft.)									P	P		
(5) Retail business, other (>5,000 sq. ft. <25,000 sq. ft.)									P	<u>PE</u>		
(6) Retail business, other (>25,000 sq. ft.)									<u>P</u> <u>E</u>	<u>PE</u>		
(7) Sexually oriented business									C		P	
J. SERVICES AND VISITOR ACCOMMODATION												
(1) <u>Bed and breakfast establishment</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>					
(2) (1) Dry cleaning									P		P	
(3) (2) Financial services (such as banks, savings and loan and brokerages) with drive-in facilities									P	P		
(4) (3) Financial services (such as banks, savings and loan and brokerages) with no drive-in facilities									P	P		
(5) (4) Funeral homes and mortuaries									P			
(6) Crematory									<u>C</u>		<u>C</u>	
(7) Hotel and Motels									<u>P</u>	<u>P</u>		
(8) (5) Limited equipment rental									P		P	
(9) (6) Offices; administrative business and professional, except health-related									P	P	P	
(10) (7) Offices; medical, dental or other health-related, including urgent care facilities									P	P	C	

(11) (8) Personal services, other (<5,000 sq. ft.)								P	P	P	
(12) (9) Personal services, other (>5,000 sq. ft. <25,000 sq. ft.)								C	P		
(13) (10) Personal services, other (>25,000 sq. ft.)								C	P		
(14) (11) Repair, furniture and major household appliance								P	P	P	
(15) (12) Repair, other except vehicle-related repair								P	P	P	
K. TRANSPORTATION FACILITIES											
(1) Ambulance service	C	C	C	<u>C</u>	C	C	C	C	C	P	
(2) Heliports/helistops									C	C	C
(3) Overnight campground and travel trailer parking	C							C			
(4) Passenger terminal and transit facilities								P	P		P
(5) Private automobile parking lots or parking garages as a principal use								C	C	C	C
(6) Public automobile park 'n ride (commuter) lots								C	P	P	P
L. UTILITIES AND TELECOMMUNICATIONS											
(1) Overhead electric transmission lines and distribution feeder lines over 110 kV	C	C	C	<u>C</u>	C	C	C	C	C	C	C
(2) Public utilities, major	C								C	P	P
(3) Public utilities, minor	P	P	P	<u>P</u>	P	P	P	P	P	P	P
(4) Telecommunications facilities, including towers	C	C	C	<u>C</u>	C	C	C	C	C	C	C
(5) Eligible telecommunications facilities request	P	P	P	<u>P</u>	P	P	P	P	P	P	P
M. VEHICLE-RELATED SALES AND SERVICE											
(1) Automobile rentals								C	P	P	
(2) <u>Freestanding</u> automobile washing facility								<u>C</u> P	C	<u>C</u> P	
(3) Major vehicle/equipment repair (includes auto body repair, paint shops								C		C	

and incidental sales of parts)											
(4) Minor vehicle repair (includes minor repair where vehicles are not stored in an inoperable condition)								P	C	P	
(5) Motor vehicle dealer/sales, new and used (includes RVs, trailers, mobile homes)								C	C	C	
(6) Service station, <u>fueling station</u> (minor repairs <u>or integrated carwash</u> included)								P	C	P	
(7) Truck stops								C		C	
(8) Vehicle/equipment sales and rentals (other than motor vehicles)								C	C	P	
(9) Vehicle or automobile wrecking or salvage yard, including outdoor storage of inoperable vehicles										C	
(10) Vehicle storage <u>including outdoor recreational vehicle storage</u> (operable vehicles only)										C	
(11) Vehicle towing services										P	

Section 22. Section 16-2-475(b) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-475. - PD - Planned Development District.

- (b) The PD District is a distinct zoning district that provides a means by which development standards and permitted land uses can be customized for a specific site. The PD District is intended to:
- (1) Provide flexibility in land use regulations by allowing for the creation of standards different from those in this Chapter, while maintaining the intent of this Chapter consolidation of the platting and rezoning procedures.
 - (2) Permit an applicant ~~a developer~~ to propose a land use ~~total development~~ plan which can be considered as to its overall merits under a unified procedure;
 - (3) Encourage imaginative uses of open space, and special consideration of property with outstanding natural or topographical features;
 - (4) Encourage a diversity of housing types while maintaining high quality living environments;
 - (5) Provide a mix of retail, office, employment, civic and recreation uses conveniently located to housing;

- (6) Provide for more efficient use of land including the reduction of land area disturbed for utility lines and motor vehicle access;
- (7) Facilitate use of the most appropriate design and construction techniques in the development of land; and
- (8) Advance the guiding principles contained within the Comprehensive Plan.

Section 23. Section 16-2-490(a) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-490. - CMU - Old Town Commercial Mixed Use District.

- (a) The CMU District is intended to promote safe environments for both the pedestrian and vehicular travel. Unlike the Main Street District, this environment incorporates SH-79 and Colfax Avenue regional travel of large tractor trailers, as well as local residents in and adjacent to the CMU District. The CMU District promotes a pedestrian-active street where buildings are oriented to the street with standards allowing flexibility in building, circulation and parking lot layout.

Section 24. Section 16-2-495(a) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-495. - MS - Main Street - Downtown District.

- (a) The MS District is intended:
 - (1) to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along ~~Palmer Avenue, E. Colfax Avenue and~~ the designated portion of First Street (~~future Main Street~~);
 - (2) to promote an urban, mixed-use environment with commercial, residential and civic activities; and
 - (3) to promote safe, active and pedestrian-scaled commercial streets through the use of storefront-style designs with horizontal and vertical mixed use building forms that clearly define and activate the public street edge.

Section 25. Section 16-2-510 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-510. - Home occupations.

(a) Home occupations are permitted uses in all residential districts, subject to the following standards:

- (1) The use must be conducted entirely within a dwelling or accessory building.
- (2) The use may employ a maximum of one (1) person other than those members of the immediate family residing on the premises.
- (3) The home occupation must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.

- (4) The total area used for home occupations shall not exceed twenty-five percent (25%) of the total floor area within the lot. The area used for the home occupation shall be considered to include all storage areas and work spaces clearly utilized or essential in the operation of the home occupation.
- (5) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, ~~including advertising signs displays or advertising that solicits or directs persons to the address.~~
- (6) On-site retail sales are not permitted.
- (7) Storage on the premises of material or equipment used or serviced as a part of the home occupation must be completely enclosed within a building. No storage of hazardous materials is permitted.
- (8) Home occupations shall not create any glare, fumes, odors or other objectionable conditions detectable to the normal senses beyond the boundaries of the zone lot.
- (9) Persons operating home occupations shall grant the Town reasonable access for the purpose of verifying compliance with this Chapter.

(b) Home occupations shall not be interpreted to allow any of the following businesses:

- (1) The onsite display or sale of any merchandise or articles except as may be produced by members of the household residing in the dwelling unit.
- (2) Service, repair, painting, or modification, for compensation or gain, of any motorized vehicles, or parts or accessories for any motorized vehicles, including, but not limited to, motor vehicles, trailers, boats, personal watercraft, recreation vehicles, and snowmobiles. This prohibition shall not apply to work on a vehicle as a hobby.
- (3) Animal hospital or kennel.
- (4) Restaurant.
- (5) Licensed home daycare exceeding the limits defined in Section 16-2-210.
- (6) Repair of equipment having a combustion engine of the use of any equipment having a combustion engine in the process of conducting any home occupation.

Section 26. Section 16-2-515 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-515. - Group homes.

- (a) Group homes allowed as a use permitted by right are identified in Table 2.12. Group homes ~~that are identified as conditional uses in Table 2.12~~ may be approved as conditional uses ~~in all residential districts~~ subject to the requirements set forth below. In conducting the hearing for the conditional use permit, the Planning Commission and Board of Trustees shall consider an analysis of the following:
 - (1) Building height and setbacks;
 - (2) Building coverage of the lot;
 - (3) Traffic and parking;

- (4) Compatibility of building design with the character of the surrounding area; and
 - (5) Whether the types of treatment activities or the services proposed to be conducted upon the premises are in a manner substantially consistent with the activities otherwise permitted in the zoning district.
- (b) A group home may not be located closer than seven hundred fifty (750) ~~one thousand (1,000)~~ feet to any other group home.
 - (c) No permanent certificate of occupancy will be issued for a group home until the person applying for the group home has submitted a valid license from a governmental agency having jurisdiction.
 - (d) If active and continuous operations are not carried on in a group home for twelve (12) consecutive months, the group home use shall be considered to have been abandoned and no longer allowed. The group home use can only be reinstated after obtaining a new approval from the Planning Commission.

Section 27. Section 16-2-535(6) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-535. - Mining.

- (6) Any necessary traffic improvements, identified through any requirement of the Town, ~~or~~ County or other local jurisdictions (as appropriate), that are needed for safety and proper circulation shall be constructed. Mining activity traffic will not lower the level of service of the public roadway providing access lower than the level of service "B".

Section 28. Section 16-2-545 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-545. - Commercial marijuana cultivation and sale.

- (a) The use of property as a medical marijuana ~~store center~~, medical marijuana cultivation facility, medical marijuana products manufacturer ~~optional premises cultivation operation or marijuana infused products manufacturer~~ are all land uses prohibited in any zone district, including in any PD zone district. For purposes of this Section, *medical marijuana store center*, *medical marijuana optional premises cultivation facility operation* and *medical marijuana-infused products manufacturer* shall have the meanings set forth in Section 6-3-20 of this Code. Nothing in this Section shall be construed to prohibit, regulate or otherwise impair the protections of the use of medical marijuana by patients as provided in Article XVIII, § 14 of the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with Article XVIII, § 14 of the Colorado Constitution, Title 12, Article 43.3, C.R.S., Section 25-1.5-106, C.R.S., and the rules promulgated thereunder.
- (b) The use of property as a retail marijuana cultivation facility, retail marijuana product ~~manufacturer manufacturing facility~~, retail marijuana testing facility or retail marijuana store are all land uses prohibited in any zone district, including in any PD zone district. For purposes of this Subsection, *retail marijuana cultivation facility*, *retail marijuana product*

manufacturer manufacturing facility, retail marijuana testing facility and retail marijuana store shall have the meanings set forth in Section 6-4-20 of this Code. Nothing in this Section shall be construed to prohibit, regulate or otherwise impair the protections for the personal use of marijuana as provided in Article XVIII, § 16(3) of the Colorado Constitution.

Section 29. Section 16-2-550(d) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-550. – Residential marijuana cultivation.

- (d) Condition precedent to Challenge. It is a condition precedent to any legal challenge to any portion of this Section, or the application of any portion of this Section to any specific property, that the person initiating such challenge shall have first given the Town written notice of intent to bring such challenge not less than ninety days before filing any legal proceeding. Such notice shall be sent to the Board of Trustees of the Town of Bennett by certified mail, return receipt requested, at 207 Muegge Way ~~355 Fourth Street~~, Bennett, CO 80102, and shall set forth: (i) the name and address of the claimant and the claimant's attorney, if any; and (ii) a concise statement of the factual and legal basis for the claimant's challenge to this Section or the application of this Section to the claimant's property. To the extent that the provisions of this section conflict with the notification requirements of section 24-10-109, C.R.S., or any other applicable law, the provisions of such statute or other applicable law shall control.

Section 30. Section 16-2-565(a)(b) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-565. - Recreational vehicle parks.

- (a) The purpose of this section is to minimize potential negative impacts of recreational vehicle parks, while promoting the quality of life in Bennett and serving as a tourism base camp for visitors to Colorado. ~~The purpose of this section is to minimize potential negative impacts of recreational vehicle parks, while promoting the quality of life in Bennett and advancing the goals of providing a magnet for visitors, and serving as a tourism base camp for visitors to Colorado.~~
- (b) Any recreational vehicle (RV) park shall be subject to the following standards:
- (1) ~~RVs shall not be visible from adjacent or surrounding arterial streets or highways. Screening shall be accomplished through site selection, landscaping, buffering and fencing shall be used to minimize the visual impact of RVs on adjacent or surrounding arterial streets or highways.~~
 - (2) Park entrances shall be located such that vehicles have convenient and direct access to arterials. Routes to the park shall not pass through residential neighborhoods.
 - (3) The RV park shall be landscaped in accordance with the standards and provisions of Chapter 16, Division 7 of the Bennett Municipal Code, subject to the following additional requirement.

- a. Perimeter buffer widths of recreational vehicle parks shall be minimum of twenty (20) feet at the front entrance and ten (10) feet on the side and rear lot lines.
- (4) A minimum of forty-five percent (45%) of the RV park shall be open space. This may include natural areas, landscaped perimeter buffers, landscaped areas between camping areas, trails and walks, the landscaped portions or RV sites, active recreation areas and any other landscaped portions of the site. Open space for RV park uses is defined for purposes of this section as those areas that are landscaped or left in a natural state. Open space shall not include the vehicular area of RV sites, parking, roadways, buildings or other similar improvements.
- (5) Vehicular areas of each RV site shall be a minimum of fifteen (15) feet by sixty-five (65) feet and shall be separated from any other RV site by a landscaped area a minimum of ten (10) feet in width extending the full length of the adjacent RV sites. These areas will be covered with crushed asphalt, crushed concrete, asphalt or concrete following the road design standards for the Town of Bennett.
- (6) Each ten (10) ~~foot feet~~ landscaped area between RV sites shall provide a minimum of one (1) deciduous shade tree (two and one-half (2½) inch caliper minimum) and five (5) shrubs (five (5) gallon minimum) and shall be seeded with native grasses at a minimum.
- (7) Two (2) RV sites may be combined with no landscaped area between provided that utility services for both sites occupy the space between the sites, the recreational vehicles have a minimum separation of ten (10) feet, and a landscaped area on both sides of the combined spaces is provided which is a minimum width of eighteen (18) feet and extends the full length of the adjacent RV spaces.
- (8) Utility connections, associated equipment and site amenities shall not be located within required landscaped areas. Any slide-outs, stairs or similar items shall be contained within the vehicular area of the site.
- (9) Additional vehicular parking shall be required at all common facilities including check in station, recreation area, comfort stations, maintenance building or other similar facilities at a rate of two (2) spaces per one thousand (1,000) square feet of building area. Guest parking may occur within the vehicular area of an RV site, on roadways built to allow parking or in common parking areas.
- (10) No more than one recreational vehicle shall be permitted at any individual site. Vehicles which tow or are towed by the recreational vehicle shall also be parked in the same portion of the site as the recreational vehicle.
- (11) A system of pedestrian links shall be provided throughout the park which link all sections of the park with other sections, and result in the ability of pedestrians to avoid traveled roadways. This system may include both sidewalks and trails, and shall be convenient to all RV sites and link all areas with all facilities including the entry station. The pedestrian system shall continue to the street from which park access is taken.
- (12) Recreational vehicle parks shall have a full time manager on site at all times or shall provide alternative security measures for park residents acceptable to the Town.
- (13) Guest stays shall be limited to one hundred eighty (180) days per year. Long term occupancy is limited to park managers, one maintenance employee and their immediate

families. An exception to the one hundred eighty-day stay limit shall be made to accommodate medical emergencies involving registered guests or their family members within one degree of kinship by either blood or marriage. Proof of such a medical emergency shall require the guest to produce for the manager a physician's note stating a medical condition requires the guest to remain for their own health or to attend to a family member's health. If such a note is produced the manager may allow the guest to remain an additional sixty (60) days for a total stay of two hundred forty (240) days. Managers shall be required to retain the notes in their records for one (1) year and to produce them to Town personnel on demand.

- (14) The park shall keep a record of registered guests and their length of stay to be available for Town inspection at any time.
- (15) Services and amenities within the park shall be restricted to use by registered campers and their guests, and the Town may require at a minimum water, sewer and electricity for each site, water and sewer facilities for common buildings common bathrooms and showers in the camping area, laundry facilities, a management office and an active recreational area depending on the park size, anticipated lengths of stays and proposed uses within the park.
- (16) Dump stations shall be required. The number and size of such dump stations shall be determined based on the park size, anticipated lengths of stays and proposed uses within the park.
- (17) If a tent area will be provided in the park, toilets and showers shall be required. Guest stays in tents shall be limited to no more than ten (10) days per year unless approved by the conditional use permit process.
- (18) Vans which have been modified as campers, commercial tractor-trailers and sleeping in other vehicles not designed as a recreational vehicle shall not be permitted.
- (19) No blocking or skirting of RVs is permitted.
- (20) No outdoor storage by park guests is permitted.

Section 31. A new Section 16-2-570 shall be added in its entirety to the Bennett Municipal Code as follows (words to be added are underlined):

Sec. 16-2-570. - Outdoor Storage.

(a) Outdoor storage is permitted as an accessory use in all zone districts, subject to the following standards:

(1) In no case shall the storage or parking of trailers, semi-trailers, cargo containers or shipping containers outdoors, or the warehousing of goods in such containers, be permitted as a principal use. Cargo and shipping containers shall only be allowed in accordance with Section 16-2-465(2) Commercial and industrial outdoor storage areas shall be incorporated into the overall site design and shall have screening, which is complementary in design to the primary structure on the site.

(2) If the outdoor storage area is covered, then the covering shall be designed to be complementary to the primary structure on the site.

(3) Goods stored in an outdoor storage area shall be limited to storage of materials associated with the business on the lot and shall be displayed for the purpose of sale, rental or lease, business of vehicle storage or storage of businesses' vehicles and equipment.

(4) No materials may be stored in areas intended for vehicular or pedestrian circulation including emergency access.

(5) Outdoor Storage for construction shall be allowed on a temporary basis and shall be removed within thirty (30) days of the last Certificate of Occupancy being issued within the filing and the site shall be restored to its original state.

Section 32. Section 16-2-610 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-610. - Parking space requirements.

- (a) Unless otherwise provided, land uses are required to have off-street vehicle parking spaces in accordance with the standards of this Division. The number and type of spaces is determined by the use of the property. Table 2.13 identifies the number of off-street parking spaces required with the construction of or addition to any building, or the implementation or expansion of the use of a site.

Table 2.13
Off-Street Parking Requirements

Use	Parking Spaces Required
Residential	
Single-family dwelling	2.0 per dwelling unit
Multifamily dwelling:	
Studio	1.25 per dwelling unit
1 bedroom	1.5 per dwelling unit
2 or more bedrooms	2.0 per dwelling unit
Assisted living facility	0.5 per dwelling unit
Motel or hotel	1.25 per guest room, plus 1 per 100 square feet of restaurant/lounge, plus 2.5 per 100 square feet of meeting/banquet room
Group or nursing home	1 per room
Hospital	1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per

	student/faculty/staff
Food and Beverage	
Restaurant (without bar)	1.6 <u>1.2</u> per 100 0 square feet of gross floor area
Restaurant (with bar)	2.25 <u>1.5</u> per 100 0 square feet of gross floor area
Fast food restaurant	1.5 <u>1.0</u> per 100 0 square feet of gross floor area
Retail/Service	
Animal hospital/veterinary clinic	1 per 300 square feet of gross floor area
Furniture, appliance or building material store	1 per 300 square feet of gross floor area
General retail (not in shopping center)	1 per 300 square feet of gross floor area
Grocery stores and discount superstores/clubs (freestanding)	1 per <u>250</u> 475 square feet of gross floor area
Home improvement superstores	1 per 200 square feet of gross floor area
Shopping center	1 per 250 square feet of gross floor area
Motor vehicle sales and service	1 per 500 square feet of gross floor area, plus 1 per 6,000 square feet of outdoor vehicle display area, plus 2 per service bay
Motor Vehicle wash facility cleaning facility (car wash)	1 <u>2</u> per employee max shift plus vehicle stacking
Personal service	1 per 300 <u>200</u> square feet of gross floor area
Office/Business Services	
Bank	1 per 250 <u>200</u> square feet of gross floor area
Business or professional office	1 per 300 <u>250</u> square feet of gross floor area
Medical office, dental office or clinic	1 per 200 square feet of gross floor area
Wholesale establishment or warehouse	<u>1 per 400 square feet of retail, wholesale and office area, plus 1 space per 1,000 square feet of other floor area</u> 1 per 2 employees
Industrial use (excluding office) not mentioned specifically under another use in this Section	1 per 500 square feet of gross floor area
Cultural/Recreational/Entertainment	
Public assembly	.25 per person in permitted capacity
Library	1 per 225 square feet of gross floor area
Museum	<u>1 per 300 square feet of gross floor area</u> 1.5 per 1,000 annual visitors
Religious institutions	0.6 per seat

Cinemas	Single screen: 0.5 per seat; up to 5 screens: 0.33 per seat; 5 to 10 screens: 0.3 per seat; over 10 screens: 0.27 per seat
Theaters (live performance)	0.4 per seat
Arenas and stadiums	0.33 per seat
Recreational facilities and health clubs	1 per 3 persons permitted capacity
Educational	
Day care center or preschool	0.35 per person (licensed capacity)
Elementary or secondary school	0.35 per student
College or university	Determined by parking study
Governmental	As determined by Zoning Administrator

Note— When determining the number of parking spaces to be required, fractions of spaces shall be rounded to the nearest whole number.

(b) Accessible (ADA) Parking Requirements

a. Residential Uses

- i. Handicapped-accessible parking for residential uses shall be provided pursuant to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the Federal Fair Housing Act.

b. Non-Residential Uses

- i. Handicapped-accessible parking spaces shall be provided pursuant to the ADAAG.

~~(c)(b)~~ When one (1) building is planned to include a combination of different uses, the minimum parking required will be determined by applying the above requirements based upon the floor area for each use. The maximum number of parking spaces required for the building shall be the sum of the requirements for each separate use.

~~(d)(e)~~ Off-street parking areas may be located to jointly serve two (2) or more buildings or uses, provided that the total number of spaces is not less than that required for the total combined number of buildings or uses. However, this number may be reduced based on the results of a shared parking demand analysis based on recognized standards and methodologies.

~~(e)(d)~~ For specific land uses not listed, the Zoning Administrator shall determine the appropriate number of parking spaces required, based upon the type of activity, similarity to listed uses, expected parking demand to be generated and other information from appropriate traffic engineering and planning criteria.

Section 33. Sections 16-2-640(c) and (g) of the Bennett Municipal Code are hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-640. - Parking area design standards.

- (c) Landscaping around off-street parking areas with two (2) or more spaces shall conform to the Town of Bennett Development Design Guidelines ~~be screened from any adjoining residentially zoned lot by landscaping or solid fencing.~~
- (g) The minimum width of traffic aisles in parking lots shall be as listed in Table 2.15.

Table 2.15
Parking Dimensions

Parking	Curb	Stall	Aisle Width		Bay Width	
Angle	Length	Length	One Way	Two Way	One Way	Two Way
A	B	C	D	D	E	E
<u>90 degrees</u>	<u>9 feet</u> <u>10 feet</u>	<u>19 feet</u>	<u>24 feet</u>	<u>26 feet</u>	<u>64 feet</u>	<u>64 feet</u>
<u>60 degrees</u>	<u>10.5 feet</u>	<u>21 feet</u>	<u>18 feet</u>	<u>22 feet</u>	<u>60 feet</u>	<u>64 feet</u>
<u>45 degrees</u>	<u>13 feet</u>	<u>20 feet</u>	<u>13 feet</u>	<u>20 feet</u>	<u>53 feet</u>	<u>60 feet</u>
<u>30 degrees</u>	<u>18 feet</u>	<u>18 feet</u>	<u>12 feet</u>	<u>20 feet</u>	<u>46 feet</u>	<u>55 feet</u>
<u>Parallel</u>	<u>23 feet</u>	<u>8 feet</u>	<u>12 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>36 feet</u>

Parking Stall Standards

Parking Stall Angle- (degrees)-	Direction of- Traffic-	Minimum Traffic Aisle and Driveway Width- (feet)-
<u>0 (parallel)</u>	<u>One-way traffic</u>	<u>12</u>
<u>0 (parallel)</u>	<u>Two-way traffic</u>	<u>24</u>
<u>30</u>	<u>One-way traffic</u>	<u>14</u>
<u>45</u>	<u>One-way traffic</u>	<u>16</u>
<u>60</u>	<u>One-way traffic</u>	<u>18</u>
<u>90</u>	<u>One-way traffic</u>	<u>24</u>
<u>90</u>	<u>Two-way traffic</u>	<u>24</u>

Section 34. Sections 16-2-790(e) of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 16-2-790. – Fences and walls.

- (e) ~~Maintenance. Failing to maintain fences and walls in accordance with the requirements of this Section shall be declared a public nuisance, and may be abated in the manner provided in Article I of Chapter 7 of this Code. Sections 7-1-210 and 7-1-220 of this Code concerning the~~

~~non-exclusivity of the nuisance abatement procedure apply with respect to the enforcement of this Section as well. All fences shall meet the following maintenance requirements:-~~

- ~~(1) Fences and walls regulated by this Section shall be maintained in a safe manner perpendicular to the ground. Should a fence or wall lean or sag more than fifteen (15) degrees to either side, perpendicular to the ground, it shall be considered to be a nuisance or a hazard and must be removed or repaired.~~
- ~~(2) Fences and walls no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing and/or protruding pickets, sagging or leaning more than fifteen (15) degrees to either side, extending into a traveled walkway or creating a hazard for a pedestrian or motor vehicle.~~

Section 35. This Ordinance and the amendments to the Bennett Municipal Code set forth herein shall take effect thirty days after publication.

Section 36. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 37. The repeal or modification of any provision of the Municipal Code of the Town of Bennett by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 38. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ AND ADOPTED THIS 14th DAY OF JUNE 2022.

TOWN OF BENNETT, COLORADO

Whitney Oakley, Trustee

ATTEST:

Christina Hart, Town Clerk