

**Chapter 17.42**  
**Downtown Overlay District**

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**17.42.010 Purpose and intent.**

The purpose of the Downtown Overlay District (DOD) is to establish architectural, landscaping, design, building, and use and site development regulations that encourage compatible land uses, ensure higher quality development and function in order to protect property values and provide safe and efficient pedestrian and automobile access. These architectural, landscaping, design, building, use and site development criteria can encourage quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development opportunities. The term Board as used in this Chapter shall mean the Design Review Board, as established under Section 17.42.090.

**17.42.020 Certain regulations inapplicable.**

The DOD is intended to encourage mixed-use within the same structure or block and/or high intensity commercial development. Accordingly, a structure or development within the DOD that interfaces with another structure or development within the DOD shall not be required to comply with the provisions of Chapter 17.50, Residential/Non-Residential Interface Regulations; however, such regulations shall be applied to structures or development within the DOD which interface with structures or development outside the DOD.

**17.42.030 Relationship to underlying zoning district/sign code/planned development.**

A. In the event of a conflict between the entitlements, regulations or standards established in this Chapter and the equivalent provisions in the underlying Zoning Districts, the provisions of this Chapter shall govern. Except in the event such preemption by this Chapter, the underlying Zoning District provisions and all other provisions of the CRMC shall be applicable and enforced within the DOD.

B. For the purpose of applying the Sign Code regulations under Title 19, CRMC in the DOD, the underlying Zoning District classification shall be utilized within the DOD to differentiate between residential and business area regulations.

C. The DOD shall have no application to those properties zoned PD until and unless such properties are rezoned.

**17.42.040 Permitted uses.**

The uses permitted in the DOD are outlined in Section 17.28.030. These permitted uses shall be allowed on all properties within the DOD in addition to the permitted and accessory uses allowed in the underlying Zoning District:

**17.42.050 Prohibited uses.**

A. The following uses are not permitted in the DOD even if permitted in the underlying Zoning District:

1. Freestanding radio, television and cell antenna towers. (Such facilities may be incorporated into the design of a building if approved by the Board.)
2. Towing services, trash removal operations, wrecked, junked or abandoned vehicle storage or similar uses.
3. Vehicle, RV, boat and equipment sales and leasing.
4. Automobile body shop/Vehicle, RV, boat and equipment service.
5. No new single-family residential construction is permitted. Existing single-family detached homes are classified as legal nonconforming uses. Structures that were originally constructed as single-family residential units may convert back to single-family residential use.
6. Outdoor storage of merchandise as defined in Section 17.52.150.
7. Uses that involve hazardous processes or emit noxious noise, odors, fumes, or particulates.

**17.42.060 Development standards.**

The following development standards shall apply within the DOD:

- A. Maximum lot coverage: 100% of lot area.
- B. Minimum side yard: zero feet.
- C. Minimum front yard: zero feet.
- D. Minimum rear yard: zero feet.
- E. Maximum building setback: A minimum of 25% percent of a building's linear footage facing a public roadway must have a setback of zero- to 20-feet with a direct pedestrian connection.

F. Maximum fence height: 10-feet.

G. Multifamily residential units must each be a minimum of 500-square feet in size and must each have an individual kitchen and individual bathroom.

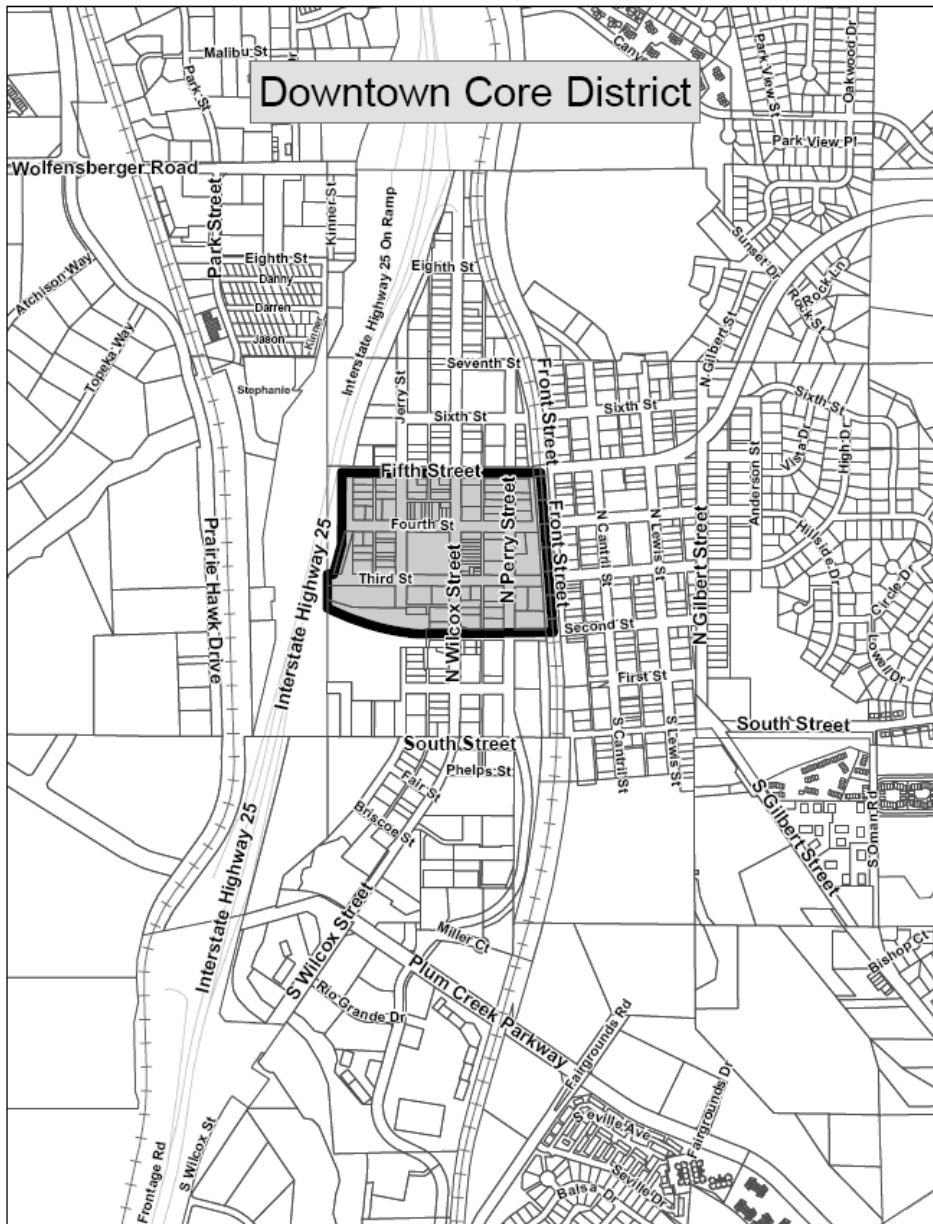
**17.42.070 Crown design and building height.**

A. A building's crown design shall be reviewed by and is subject to approval of the Board based aesthetic design, conformity with the Downtown Master Plan, and the need to maintain appropriate view sheds. The crown of a building is defined as the area of the structure that is above the top floor, and may include angled roofs, decorative elements, towers and other similar construction.

B. Maximum building heights within the DOD are regulated as follows:

1. Downtown Core District: The Downtown Core District is defined as that area depicted on Figure 1 below.

**Figure 1**



a. Building height in the Downtown Core District is limited to four stories, with a maximum height of 60-feet. A building's crown cannot exceed the sixty-foot building height limitation.

2. North and South Districts: The North District is defined as the area depicted on Figure 2 below. The South District is defined as the area depicted on Figure 3 below.





C. A landowner may request one additional floor (with the corresponding increase in building height) in the Downtown Core District, or two additional floors in the North and South Districts through the Board. The Board, at its discretion, may grant an additional floor request after considering the following criteria:

1. Whether the project developer has committed to restore or fund the restoration of a Landmarked structure (as defined in Section 15.64.060, CRMC).
2. The project will incorporate a Landmarked structure into its design.
3. The impacts of the increased building height on adjacent properties are taken into consideration.

**17.42.080 Design standards.**

A. Prior to the issuance of a structural building permit within the DOD, all projects must be reviewed by the Board for compliance with the standards set forth in this Section.

B. All project design should be based on the Castle Rock Design (see Resolution No. 2003-64) and the Downtown Master Plan (see Resolution No. 2008-38).

1. Window or transparency. The main front elevation shall provide at least 35% percent window or transparency at the pedestrian level. Side elevations that face a public roadway shall provide at least 30% window or transparency at the pedestrian level. The window or transparency is measured in lineal fashion. (For example, a 100-foot long building elevation shall have at least 35% transparency in length.) The height of the glass or Plexiglas must be a minimum height of 5-feet.

2. Accessory structures. The design of accessory structures should incorporate design elements of the primary structure and should not become a dominant feature on the property.

3. Rooftop equipment. All rooftop equipment shall be screened from view on all sides visible to the general public, by building parapet walls or other building elements that appear as integral elements of the overall building.

4. Service station. All service stations will be required to develop the site following a backwards service station design. This will require the convenience store to be located along the sidewalk/public roadway with pedestrian connectivity. The gas pump facilities shall be located on the side or rear of the project.

5. Outdoor storage, repair, rental and servicing areas shall be:

a. Set back 15-feet from the front lot line;

b. Screened by an opaque wall or fence with a height of 10-feet. An opaque wall or fence must completely screen the property beyond the fence and can include stockade fences or walls. Chain-link fences with slat, cloth or other similar measures are not considered to be opaque fences. An opaque berm and/or landscaping that provide the equivalent screening as a required opaque fence may be used.

6. Landscaping. All developments shall adhere to the following landscaping requirements with a focus on the pedestrian space and sidewalk areas. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site. One (1) large canopy tree will be required for every twenty-two (22) linear feet (on center) or one (1) small canopy tree will be required for every fifteen (15) linear feet (on center) of property fronting along a public roadway. Seventy-five percent (75%) of the tree plantings must be large canopy trees. The landscaping plan is subject to approval by the Utilities and Public Works Departments. Routine tree maintenance, such as trimming, thinning, watering and, if necessary, tree replacement, may be needed to ensure the quality of the streetscape. The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of trees required. All shrubs plants must be a minimum size of five (5) gallons at planting and all flowering perennial plants must be a minimum of one (1) gallon at planting. For every required tree, a corresponding number of plantings or trees, from either Subparagraph a., b. or c. below, will be required for each site plan:

- a. Shrubs: five (5) per required tree.
- b. Perennial plants: seven (7) per required tree.
- c. Trees: one (1) per required tree.

7. Parking requirements:

- a. No parking space requirements.
- b. Parking lots located along public roadways will be required to provide a landscaping buffer that is four (4) feet or greater in width, between the parking area and the public sidewalk.
- c. No on-site parking is allowed in front of any structure. All parking must be on the side or rear of a structure.

8. Sidewalk requirements: All sidewalks must be designed and built to meet the Town's sidewalk construction and design regulations with a minimum width of eight (8) feet.

- a. All buildings will be required to have a minimum of one sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure.

#### **17.42.090 Design Review Board.**

A. The Board shall consist of seven members appointed by the Town Council, one member from the Planning Commission, two members from the Downtown Development Authority Board, two members from the Historic Preservation Board, and two from owners of property within the Downtown Development Authority boundary that are not members of the aforementioned boards and commission. If at any time a Board member loses his or her qualification for appointment, such Board member shall concurrently lose his or her seat on the Board.

B. The members of the Board shall serve without compensation. Board terms of office are three years with staggered terms. Appointments made in 2010 to fill the terms to expire in 2013 shall begin on September 1, 2010, and shall end August 31, 2013. Terms scheduled to expire in 2012 shall end July 31, 2012. Thereafter, all terms shall run from September 1 through August 31 of the third year. Members of the Board shall serve at the pleasure of the Town Council, and may be removed with or without cause by a majority vote of the Town Council.

C. Prior to filling a vacancy for the property owner positions on the Board, public notice shall be given regarding the selection process in the same manner as other Town boards and commissions. Representatives from the Planning Commission shall be residents of the Town. Representatives from the Historic Preservation Board and the Downtown Development Authority shall be residents of the County. The Planning Commission, Downtown Development Authority and Historic Preservation Board shall recommend to the Town Council their respective candidates for Board appointments; however, appointments to the Board will be at the discretion of Town Council.

D. To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two (2) continuous months, no Board member shall miss more than two (2) meetings in any twelve-month period. Upon any third absence within twelve (12) months, other than for an emergency, medical condition or military leave of less than two (2) months, as determined by the Chair, the Board member shall be deemed to have resigned from the Board, and the Town Council shall appoint a replacement. Nothing herein prohibits the Town Council from reappointing the resigning member under this Subsection. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.

E. The members of the Board shall select a Chair. The Board shall adopt such rules and regulations necessary to carry into effect the provisions of this Title. Meetings shall be held at such times as may be necessary and shall be open to the public and held in compliance with the Colorado Open Meetings Act, as amended. The Board shall keep minutes of its proceedings. Board members shall be subject to the same code of conduct and ethics as other Town boards and commissions.

#### **17.42.100 Powers and duties of Design Review Board.**

The Board shall have the following powers and duties, all of which shall be exercised consistent with the purpose and intent of this Chapter:

A. Review all development applications that require a Site Development Plan — Downtown under Chapter 17.38 for compliance with this Chapter, including but not limited to setbacks (Section 17.42.060), building height and crown (Section 17.42.070), design standards (Section 17.42.080), outdoor display of merchandise in Section 17.52.150, accessory structures and uses, and variance requests.

B. Upon a written finding that, by reason of exceptional shape or topography of a lot or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this Chapter, or an effort to achieve the overall vision and goals of the Downtown Master Plan and/or the Historic Preservation Plan, the Board may grant a variance for the following:

1. Minimum width of lot;

2. Minimum front yard;
3. Minimum side yard;
4. Minimum rear yard;
5. Minimum landscape requirements;
6. Design standards in Section 17.42.080 above;
7. Maximum front yard;
8. Maximum fence height;
9. Outdoor display of merchandise in Section 17.52.150; and
10. Accessory structures and uses.

C. The process for consideration of a variance is prescribed in Section 17.42.110, subject to the following requirements:

1. Before any variance is granted or denied, the Board shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties or unnecessary hardship involved and why there is or is not any adverse effect on public health, safety and welfare.

2. Unless otherwise stated in the Board resolution, the applicant shall have six months to apply for a building permit in accordance with the approved variance, and all new construction shall be completed within two years from the date such building permit is issued.

3. If the Board, or the Town Council on appeal, determines that a variance should be approved or approved with conditions, it shall grant only such relief as is necessary to carry out the intent of this Chapter, and may grant a different form of variance than that requested by the applicant.

**17.42.110 Procedure for Board review, approval and appeals.**

A. A Site Development Plan – Downtown shall be submitted in compliance with the Development Procedures Manual and application fees as defined in the Development Services Fee Schedule.

B. The Board shall hold a public hearing on all applications submitted under this Chapter. The public notice for such hearing shall be governed by Chapter 17.04 of this.

C. The Board shall approve, approve with conditions or deny an application based on the criteria in this Chapter and the review and approval criteria set forth in Section 17.38.040.

D. The applicant for a Site Development Plan – Downtown that is denied by the Design Review Board may appeal to the Town Council within 30 days of the Board’s action. The Town Council shall review and consider the Site Development Plan – Downtown following the notice and public hearing procedures in Chapter 17.04, CRMC and the review and approval criteria set forth in Section 17.38.040 and Chapter 17.42.

**17.42.120 Demolition requirement, process and removal of landmarking status.**

Any application for a demolition permit within the DOD shall comply with the provisions and criteria set forth in Section 15.64.090, CRMC.

**17.42.130 Violation and penalties.**

A. No person shall violate any of the provisions of the ordinances of the Town, including the provisions of this Chapter. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town or this Chapter shall be punished by a fine of not more than \$1,000.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

**Chapter 17.28**  
**Business/Commercial/Industrial Districts**

**17.28.010 Description and purpose**

**17.28.020 Definitions**

**17.28.030 Uses**

**17.28.040 Development standards – Business/Commercial (B)**

**17.28.050 Development standards – Light Industrial (I-1)**

**17.28.060 Development standards – General Industrial (I-2)**

**17.28.010 Description and purpose.**

A. Business/Commercial (B). The primary use within the B District is intended to allow for appropriately located groups of retail stores, office buildings, service establishments and civic uses serving the needs of the neighborhood, of such character, scale, appearance, and intensity to be compatible with the surrounding areas.

B. Light Industrial (I-1). The I-1 District is intended to allow industrial development with minimal impact to residential and commercial areas. Such zones will require setbacks and landscaping to ensure compatibility with any abutting residential areas. The regulations of this District are intended to provide structural standards, standards of intensity of use and standards of external effects compatible with the surrounding or abutting residential districts. To these ends, development is limited to low intensity, external effects are limited and permitted uses are limited to those manufacturing and wholesaling activities which can be operated in a clean and quiet manner.

C. General Industrial (I-2). The I-2 District intended to allow a less restrictive type of industrial development where the necessary characteristics of industrial operation will not adversely affect nearby residential and business uses. The purpose of the District is to permit the normal operation of almost all industries, subject to those regulations necessary for mutual protection of nearby property owners in the lawful use of their respective properties, and the public health, safety and general welfare.

**17.28.020 Definitions**

For the purpose of this Chapter, certain words or phrases are defined as follows:

A. Agriculture:

*Nursery or greenhouse (wholesale or retail)* means an enterprise that conducts the retail and/or wholesale sale of plants grown on the premises. The term also includes, as an accessory use, the sale of a limited selection of items (e.g., soil, planters, pruners, mulch, lawn or patio furniture, garden accessories, etc.) that are directly related to the care and maintenance of landscapes.

B. Commercial:

*Alcoholic beverage sales* means the retail sale of beer, wine, or other alcoholic beverages

for on- or off-premises consumption, including but not limited to liquor store, microbrewery, distillery and/or winery.

*ATM/kiosk* means a small stand-alone device or structure, permanent or temporary, providing information, products, and services.

*Automobile, motorcycle and ATV sales and leasing* means the sale and/or leasing of automobiles, light trucks, motorcycles, and all-terrain vehicles, including storage of inventory for sales and incidental maintenance and repair.

*Automobile service/fuel station/wash/rental.* This use does not include auto body (e.g., collision repair), paint or upholstery services. This use includes, but is not limited to:

- a. Fuel service station (including a fuel service station that is associated with a grocery store and/or warehouse club);
- b. Fuel convenience mart (a gasoline service station with a convenience store);
- c. Auto repair, quick service oil, tune-up, brake, and muffler shops not including auto body (e.g., collision repair), paint or upholstery services;
- d. An establishment engaged in the retail sale of vehicle fuel, tires, lubricants, parts and accessories;
- e. Businesses that exclusively rent vehicles;
- f. Self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles.

*Bed and breakfast* means a place of lodging that provides rooms for short-term rental and is the owner's personal residence.

*Drive-through facility means* an establishment that by design, service or by packaging procedures encourages or permits customers to receive services, and obtain goods while remaining in their motor vehicles.

*Hotel/motel:* means a place that offers overnight accommodations for short-term rental, including hotels and motels. The phrase "hotel/motel" also includes convention facilities and/or meeting rooms.

*Kennel/doggy daycare:* means premises where any combination of dogs, cats or other household pets are kept, cared for, boarded or bred for the intention of profit, subject to Title 6, CRMC. A dog grooming facility without an overnight boarding facility is classified as retail.

*Office* means a designated area in which commercial or professional activities take place including but not limited to: accounting, advertising, bank, counseling service, medical and dental facilities, studios for television and radio broadcasting, and research and development that does not include manufacturing.

*Retail* means commercial and retail uses and ancillary outdoor storage uses subject to requirements of Section 17.52.150, including but not limited to art galleries and studios, bakeries, pharmacies and dog grooming facilities (without an overnight boarding facility of animals).

*Restaurant* means an establishment that serves prepared meals to customers for consumption on-site or off-site, may include designated parking spaces for "curbside pickup" of food ordered in advance. This use includes, but is not limited to:

- a. Full-service restaurant;
- b. Food service and drinking place where meals, snacks, and beverages are prepared to customer order for immediate on-premises and off-premises consumption;
- c. Special food service; or
- d. Catering facility.

*Services, commercial* means non-medical service that is typically provided to the general public without the requirement of an appointment or membership, including, but not limited to copy center and parcel service drop-off locations with mail box service.

*Services, personal* means non-medical personal service including, but not limited to, beauty and barber shop, nail and skin care, tanning and day salon, drycleaner and tailoring, sports instruction, tattoo and body piercing salon, massage, music instruction and tutoring service.

*Services, repair* means repair service and shop, except automobile, truck, large appliance, and heavy equipment repair; this use involves scheduled maintenance and preventative maintenance on any sort of mechanical, plumbing or electrical device.

*Sexually oriented business* means an adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, nude model studio, adult motel, adult motion picture theater, or sexual encounter center subject to Chapter 17.56.

*Vehicle, RV, boat and equipment sales and leasing* means the sale and/or leasing of vehicles, RVs, boats, and equipment, including storage of inventory for sale and incidental maintenance and repair. This use includes tractors and other large vehicles.

*Veterinary clinic* means a clinic and/or hospital that provide medical care for animals. This use does not include *kennel/doggy day care*.

### C. Industrial

*Auto body/vehicle equipment and repair* means collision repair, paint, or upholstery services for vehicles. Repair of automobile, trucks, motorcycles, mobile homes, recreational vehicles, and other vehicles except general automobile repair, including the sale, installation, and servicing of related equipment and parts.

*Asphalt/concrete plant* means a plant used for the manufacture of asphalt, concrete, macadam and other forms of coated road stone.

*Commercial warehousing and logistics* means indoor warehousing, distribution or logistics facilities; retail distribution centers; order fulfillment centers; and moving and storage services (including full-service moving and storage and indoor storage of shipping containers).

*Disposal services* means commercial waste disposal sites and/or a landfill site (also known as tip, dump or rubbish dump) for the disposal of waste materials by burial. This use includes waste transfer stations.

*Heavy industry* means industry which is capital- and/or labor-intensive, such as the manufacture of industrial machinery, steel, rubber, rendering or petroleum processing. This use includes automobile manufacturing and crematoriums.

*Light industry, manufacturing, processing and fabrication* means industrial operations that have less impact and are less offensive to neighboring properties than those classified as heavy industry. *Light industry* is a manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Examples of light industries include the manufacture of clothes, shoes, furniture, consumer electronics and home appliances. This use includes wholesale sales.

*Mini-storage* means self-storage or mini-warehousing, with or without an ancillary on-site caretaker unit for security.

*Mineral extraction* means uses that involve extraction of minerals from the ground, including surface and subsurface mining and quarrying.

*Oil and gas production* means the process of exploration, extraction, transporting and marketing petroleum products.

*Recycling drop off* means a facility at which recoverable resources, such as newspapers, magazines, glass, metal, plastic materials, tires, grass and leaves, and similar items, except hazardous waste and medical waste, are collected.

*Recycling center and salvage* means any land or structure used for collection, sorting, aggregation and re-sale (or transfer) of recyclable materials or for the aggregate storage of inoperable equipment, machinery, scrap or other used or discarded materials. This use includes facilities where the materials are actually recycled into raw materials, but does include recycling center, composting facility, collection, dismantlement, storage and salvage of inoperable vehicles and boats, and scrap metal processing. *Recycling center and salvage* does not include waste transfer stations, (even if they include a separate space for collection of recyclable materials).

*Storage yard* means outdoor storage of operable equipment and/or vehicles and building or infrastructure construction materials for off-site projects. *Storage yard* does not include outdoor storage areas that are associated with an on-site heavy industrial use.

*Towing and inoperable vehicle storage, small towing lot* means an area used to store eight (8) or fewer wrecked, junked, abandoned or inoperable vehicles.

*Towing and inoperable vehicle storage, large towing lot* means an area used to store more than eight (8) wrecked, junked, abandoned or inoperable vehicles.

*Utilities, public* means buildings, structures or other facilities used or intended to be used by any private or governmental utility. This definition includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, natural gas or electricity services. This use also includes water storage tanks; electric or gas substations, water or wastewater pumping stations or similar structures used as an intermediary switching, boosting, distribution or transfer station of electricity, natural gas, water or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage or other similar services on a local level.

*Vehicle storage* means the storage of operable vehicles.

#### D. Institutional/Public

*Assisted living/memory care* means facilities designed to provide residents with assistance for activities of daily living and medication assistance for individuals with a level of cognitive impairment.

*Cemetery* means any place, including a mausoleum, niche or crypt, in which there is provided space either below or above the surface of the ground for the internment of the remains of human bodies.

*College/university/vo-tech.* This use includes, but is not limited to, colleges, universities, vocational/technical schools, trade schools, business schools, training centers, beauty schools, culinary schools, private high schools and comparable education facilities.

*Day care center facilities* means facilities that are maintained for the any portion of a day for the care of children and adults who are not related to the owner, operator or manager thereof, whether the facility is operated with compensation for such care and with or without stated educational purposes. This use includes, but is not limited to, school-aged day care center, nursery and pre-school, adult day care, center for developmentally disabled persons and facilities for children under the age of six (6) years operated in conjunction with a public private or kindergarten. This use does not include overnight care.

*Hospitals/clinics/medical labs* means hospitals, walk-in clinics, birthing centers and medical laboratories, including general medical and surgical hospitals and specialty hospitals. The use does not include alcohol or drug rehabilitation facilities or medical offices where patients are generally seen by appointment.

*Institutional care* means housing where residents are assigned to the facility and are under protective care. This use includes jails or prisons; work release; psychiatric hospitals; and alcohol and drug rehabilitation centers.

*Place of worship* includes, but is not limited to, church, synagogue, temple or mosque.

*Private club* means organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

*Public facilities* means civic, public and public assembly uses which include, but are not limited to, community centers, courthouses, museums, libraries, public safety facilities, police, fire or EMS stations, cultural arts centers, parks and public educational facilities.

*Commercial amusement, indoor* means uses that provide commercial amusement indoors and includes, but is not limited to, bowling alleys, pool rooms, indoor sports arenas, movie theaters, live theaters, indoor skating rinks and arcades. This use does not include sexually oriented businesses and indoor shooting ranges.

*Commercial amusement, outdoor* means uses that provide commercial amusement outdoors, including but not limited to outdoor arenas or stadiums, amusement or theme parks, fairgrounds, miniature golf establishments, golf driving ranges, water slides and batting cages. This use does not include sexually oriented businesses and indoor shooting ranges.

*Recreation, indoor* means uses that provide recreation opportunities indoors for the public. The phrase *recreation, indoor* includes, but is not limited to, recreation centers, gymnasiums, indoor swimming pools and tennis, racquetball or handball courts. This use does not include health and exercise clubs and commercial amusement facilities.

*Recreation, outdoor* means uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature (except for golf courses, which may be commercial in nature). The phrase *recreation, outdoor* includes public areas for active or passive recreational activities, including but not limited to jogging, cycling, playing fields, outdoor swimming pools, tennis courts, golf courses, arboretums, community gardens, wildlife sanctuaries, and other natural areas used for walking or hiking and other passive recreation oriented parks.

*Shooting range, indoor* means specialized facilities designed for firearms practice.

*Live-work unit* means a dwelling unit that provides space designed for one or more commercial uses that are permitted in the Zoning District. Access between the dwelling unit and the commercial space is provided within the unit.

*Multifamily* means buildings that contain three or more dwelling units, which are accessed from interior elevators or hallways, or from individual exterior entrances; and are separated by interior walls and/or floors. *Multifamily* does not include boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, single-family attached dwellings, or hotels and motels.

## E. Transportation

*Airport* means aircraft take-off and landing fields and flight training schools; or airstrips for personal aircraft for the private use of an individual. The term airport also includes the term *heliport*, which is any area used for the take-off and landing of helicopters that also includes passenger and cargo facility, fueling and emergency service facility.

*Helistop/heliport* means an area used for the take-off and landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. The use of the helistop is restricted to specific users or purposes (e.g., tenants of a corporate park; a hospital trauma center; etc.), and the term does not include facility for general helicopter aviation use.

*Multi-modal transit facility* means terminals used for the ticketing, loading and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

*Parking (stand-alone lot/structure)* means parking that is not accessory to a specific use, where a fee is typically charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a *parking facility*. This includes small structures intended to shield attendants from the weather. (Ord. 2012-18 §1, 2012)

**17.28.030 Uses**

A. Uses permitted by right (P), allowed by Use by Special Review (UBSR), or disallowed (N) in each of the respective Business/Commercial, Industrial, and Overlay Zoning Districts are as follows:

<b>Zone District</b>	<b>B</b>	<b>I-1</b>	<b>I-2</b>	<b>WNZOD</b>	<b>DOD</b>
	Business/ Commercial	Light Industrial	General Industrial	Wolfensberger Overlay	Downtown Overlay
<b>Agriculture</b>					
Nursery or greenhouse	UBSR	P	P		P
<b>Commercial</b>					
Alcoholic beverage sales	P	P	P	P	P
Automobile, motorcycle, and ATV sales & leasing	UBSR	P	P		
Automobile service / fuel station / wash / rental	P	P	P		
ATM/kiosk (stand-alone)	P	P	P	P	P
Bed and breakfast	P	N	N	P	P
Hotel/motel	P	N	N	P	P
Kennel/doggy daycare	UBSR	UBSR	UBSR	P	
Office	P	P	P	P	P
Restaurant	P	P	P	P	P
Retail	P	P	P	P	P
Services, commercial	P	P	P	P	P
Services, personal	P	N	N	P	P
Services, repair	P	P	P	P	
Sexually oriented business	N	P	P		
Vehicle, RV, boat, and equipment sales & leasing	UBSR	P	P		N
Veterinary clinic	P	P	P	P	

<b>Industrial</b>					
Auto Body / vehicle, RV, boat and equipment services	UBSR	P	P		N
Asphalt/concrete plant	N	N	P		
Commercial warehousing and Logistics	N	P	P	P	
Disposal services	N	N	N		
Heavy industry	N	N	UBSR		
Light industry, wholesale, manufacturing, processing and fabrication	N	P	P	P	
Mini-storage facility	N	P	P	UBSR	
Mineral extraction	N	N	N		
Oil and gas production	UBSR	UBSR	UBSR		
Recycling drop off	P	P	P		
Recycling center and salvage	N	N	P		
Storage yard	N	P	P		
Towing and storage of inoperable vehicles, small scale	N	UBSR	P		
Towing and storage of inoperable vehicles, large scale	N	N	UBSR		
Utilities, public	UBSR	UBSR	UBSR		

Vehicle storage	N	UBSR	P	P	
<b>Institutional/Public</b>					
Assisted living/memory care	UBSR	UBSR	UBSR		P
Cemetery	UBSR	UBSR	UBSR		
College/university/vo-tech	P	P	N	P	P
Day care center	UBSR	UBSR	UBSR	P	P
Hospitals/clinics/medical labs	P	P	P	P	P
Institutional care	N	UBSR	UBSR	N	N
Places of worship	P	UBSR	UBSR	P	
Private club	P	P	UBSR		P
Public facilities	P	P	P	P	P
<b>Recreation/Amusement</b>					
Commercial amusement, indoor	P	P	UBSR	P	P
Commercial amusement, outdoor	UBSR	UBSR	UBSR		
Recreation, indoor	P	P	UBSR	P	P
Recreation, outdoor	P	P	UBSR	P	P
Shooting Range, indoor	UBSR	P	P	P	
<b>Residential</b>					
Live-work unit	P	N	N		P
Multi-family	UBSR	N	N	P	P

<b>Temporary</b>					
Commercial event/public interest or special event	T	T	T		
Temporary buildings & storage	T	T	T		
<b>Transportation</b>					
Airport	N	N	N		
Helistop/heliport	UBSR	UBSR	UBSR		
Multi-modal transit facilities	UBSR	UBSR	UBSR		P
Parking (stand-alone lot/structure)	P	P	P		

B. Uses that are not permitted by right (P) or allowed by Use by Special Review (UBSR) or authorized under Subsection C below are prohibited.

C. Uses determined by the Town Manager that are functionally equivalent to the enumerated uses in Subsection A above, shall be treated in a like manner.

**17.28.040 Development standards – Business/Commercial.**

The following development standards for the B District shall apply:

A. Minimum front yard: a minimum front yard of 15 feet from the property line shall be required; 25 feet if abutting an arterial street;

B. Maximum height: 35 feet (50 feet by special review);

C. Maximum building coverage: 35% of lot area;

D. In no event shall wrecked, junked or abandoned motor vehicles be stored on any property in the B District unless within a fully enclosed building.

**17.28.050 Development Standards – Light Industrial I-1.**

The following development standards for the I-1 District shall apply:

A. Maximum lot coverage: 40% of lot area;

- B. Minimum side yard: 5 feet;
- C. Minimum front yard: 15 feet from the front property line;
- D. Minimum rear yard: 20 feet;
- E. Maximum height of buildings: 35 feet.

**17.28.060 Development Standards – General Industrial I-2**

The following development standards for the I-2 District shall apply:

- A. Maximum lot coverage: as limited by applicable standards for development, parking, landscaping and other requirements;
- B. Minimum side yard: zero feet except where the side yard abuts an adjoining zoning of a lesser intensity, then the side yard setback of the lesser Zoning District shall apply for that side;
- C. Minimum front yard: 15 feet from the front property line;
- D. Minimum rear yard: zero feet except where rear yard abuts an adjoining zoning of a lesser intensity, then the rear yard setback of the lesser Zoning District shall apply;
- E. Maximum height of buildings: 50 feet.