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TOWN OF HILLROSE ZONING REGULATIONS AND ZONING MAPS

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**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
CHAPTER 1**

ENACTING CLAUSES

1-100 Short Title

For the purposes of brevity, this resolution shall hereafter be referred to as the Town of Hillrose Zoning Regulations and Zoning Map, hereinafter referred to as “these Regulations” as amended.

1-110 Authority

The Town of Hillrose Zoning Regulations are authorized by the Colorado Revised Statutes (CRS), Title 31, Article 23, Section 202, Title 24, Article 65.1, Section 101, and Title 24, Article 67, Section 102, et. esq. as amended and are hereby declared to be in accordance with all provisions of these statutes.

1-120 Purpose

These Regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Hillrose, Colorado in full compliance with State Law by establishing zoning districts which are intended to minimize the impacts of various land use types upon each other. Such regulations have further been made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses with a view toward conserving the value of land and buildings, encouraging the most appropriate use of land throughout the Town, and protecting the Town’s tax base.

Interpretation

1-200 General

The provisions of these regulations shall be interpreted and applied to be the minimum required for the proper protection of the public health and promotion of safety and general welfare in the Town of Hillrose.

1-210 Language Clarification

For the purpose of these Regulations, words used in this section shall be interpreted in accordance with the rules set forth below:

- (A) The particular controls the general.
- (B) In case of any difference of meaning or implications between the text of these regulations and the captions for each section, the text shall control.
- (C) The word “shall” is always mandatory and not directory. The word “may” is permissive.
- (D) Words used in the present tense include the future, unless the context clearly indicates the contrary.
- (E) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.
- (F) The word “person” includes a corporation as well as an individual and all other entities.
- (G) The word “lot” includes “plot” or “parcel”.
- (H) “Occupied” or “used” shall be construed to also include intended, arranged or designed to be used or occupied.

Definitions

- 1-300 **Abutting Land:** A parcel of land that has a common property line with another parcel of land.
- 1-302 **Accessory Building:** A subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land (principal use) and which is located on the same lot with the main building or use.
- 1-304 **Accessory Use:** A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
- 1-306 **Adjacent:** Meeting or touching at some point; adjoining.
- 1-308 **Alley:** A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.
- 1-310 **Alternative Livestock:** Nontraditional domestic animals that do not, in the opinion of the Planning Administrator, pose a threat to the public or existing livestock. Examples may include but are not limited to elk, buffalo, ostriches, emus, fallow deer, peafowl, guinea bowl, game birds, alligators, snakes and pot bellied pigs.
- 1-312 **Animal Unit:** A term used to establish an equivalent density for various species of livestock.
- 1-314 **Apartment Building:** Any building containing individual living units all under a single or corporate ownership.
- 1-316 **Appeal:** A request for a review by the Town of Hillrose Board of Adjustment of the Town of Hillrose Planning Administrator's interpretation of any provision of these Regulations or a request for a variance.
- 1-318 **Applicant:** Any individual, partnership, corporation, association, company, or public body, including the federal government, or any political subdivision, agency, corporation or instrumentality of the state applying for a development permit pursuant to these Regulations.
- 1-320 **Appurtenant Facility:** Any buildings, structures, or other property which are clearly incidental to and customarily found in connection with principal uses and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such principal uses. (See also "Accessory Use.")
- 1-322 **Board of Adjustment:** A special review Board operating under the authority of these Regulations for purposes of hearing and deciding variances to these Regulations.
- 1-324 **Buffer Zone:** A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, odor, smoke or visual impact, or to provide for future public improvements or additional open space.
- 1-326 **Building:** Any permanent structure, or portion thereof, built for the shelter or enclosure of human beings, animals or property of any kind, and excluding advertising signboards and fences.
- 1-328 **Building Envelope:** The portion of a lot within applicable setback requirements where building construction will be permitted.
- 1-330 **Building Height:** The vertical distance from the average finished grade to the highest point of the roof surface. An elevation average on the perimeter of the building may be utilized to establish finished grade.
- 1-332 **Building, Principal:** A building in which is conducted the principal permitted use of the lot on which it is situated.
- 1-334 **Camper:** A unit, containing cooking or sleeping facilities, which is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use.

- 1-336 **Campground:** An area used for temporary placement and occupancy of recreation vehicles and camping tents for a period not exceeding sixty (60) days.
- 1-338 **Central Sewer (Sanitation):** A centralized wastewater collection and treatment facility approved by the local health department and the Colorado State Health Department. A central sanitation facility must include, at a minimum, secondary treatment of the wastewater and is subject to any waste discharge permits required by the State of Colorado. Such collection and treatment facility may be wholly owned by a development entity, private corporation, special district, or municipality.
- 1-340 **Central Water:** A centralized water distribution facility, which may be made up of one or more wells or other sources of water. The distribution facility may be wholly owned by a development entity, private corporation, special district, or municipality or county.
- 1-342 **Channel:** A natural or artificial watercourse of perceptible extent with definite bed and banks that confines and conducts continuously or intermittently flowing water.
- 1-344 **Communication Facilities:** Consisting primarily of communication towers and/or antennas and appurtenant facilities housing electrical equipment for television, radio and similar facilities. Does not include places of business where people work on a regular basis (e.g., radio or TV stations or studios).
- 1-346 **Community Hall:** A building used by the general public, private nonprofit groups, or service organizations as a gathering or meeting place. Casual sales of goods, which do not require the collection of sales taxes or excise taxes or require regulatory licensing and/or inspections for such sales are permitted in said halls.
- 1-348 **Comprehensive Plan:** The Town of Hillrose Comprehensive Plan.
- 1-350 **Condominium:** A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.
- 1-352 **Construction:** The actual placement and fastening of construction materials in a fixed position. If a basement is being excavated, such excavation shall be deemed to be actual construction. If demolition or removal of any existing building or structure has commenced preparatory to construction, such demolition or removal shall be deemed to be actual construction. The term construction shall apply to buildings, roadways, utilities, other structures and landscaping. (Also referred to as "start of construction.")
- 1-354 **Cul-de-Sac:** A round turning area located at the end of a local road providing limited access to a limited number of residences and/or land uses.
- 1-356 **Density:** The ratio of the number of dwelling units to gross land area. Dwelling units per acre is a common example.
- 1-358 **Density (Mobile Home):** The number of mobile home lots or spaces per acre of gross area.
- 1-360 **Detached Structure:** Any structure having no party wall or common wall with another structure. Bridges, tunnels, and other similar means of connecting one structure to another shall not be considered to constitute a party wall or a common wall.
- 1-362 **Development:** The construction or substantial improvement on land parcels of buildings or other structures for residential, institutional, commercial, industrial, agricultural, transportation, public flood control, utilities, and recreational and similar uses, in contrast to use of the land for growing crops, truck gardening, grazing of farm animals, and other agricultural production pursuits. The term also applies to vacant ground which has been or is being prepared for development by such steps as installation of water and sewer lines, construction of access streets, construction of railroad spur or branch tracks, and the construction of railroad utility facilities. Also included are other activities such as mining, lot grading, filling and bridge development.
- 1-364 **Development Permit:** A permit issued under the Guidelines and Regulations for Areas and Activities of State Interest adopted by the Town of Hillrose, as amended from time to time.
- 1-366 **Domestic Pets:** Animals kept on zone lots or in principal uses for the enjoyment of people such as dogs, cats, birds, hamsters, guinea pigs, turtles and tropical fish.

- 1-368 **Driveway:** A private vehicular access abutting a public road, for the exclusive use of the owners and occupants of the lot or project and their invitees. A driveway shall not be considered to be a street.
- 1-370 **Dwelling, Multi-Family:** A dwelling situated on one (1) lot and arranged, designed and intended for occupancy by three (3) or more families living independently of each other, but excluding there from hotels and motels.
- 1-372 **Dwelling, Single Family:** A dwelling situated on one (1) lot and arranged, designed and intended for occupancy by not more than one (1) family, and which has no more than one (1) primary kitchen and no less than one (1) bathroom.
- 1-374 **Dwelling, Two-Family:** A dwelling situated on one (1) lot and arranged, designed and intended for occupancy by two (2) families living independently of each other, wherein each dwelling unit has its own kitchen, living area, and bathrooms.
- 1-376 **Dwelling Unit:** One or more rooms connected together, constituting a separate, independent housekeeping establishment for permanent occupancy by not more than one (1) family and having not more than one (1) kitchen and not less than one (1) bathroom plus sleeping areas.
- 1-378 **Easement:** A right to use or control the property of another for a designated purpose, such as for access, drainage, utility or service, or landscaping, generally established by deed or recorded plat to permit a specific use or control of the land by the public, a corporation, or person.
- 1-380 **Encroachment:** An unauthorized placement of a building, part of a building, sign or fence upon the land or easement of another, or into required yards or setbacks.
- 1-382 **Exotic Animals:** All animals raised or boarded on any zone lot for commercial or recreational use that are not commonly classified as domestic pets or livestock. This definition shall not apply to game birds licensed through the Colorado Department of Wildlife.
- 1-384 **Expansion to an Existing Mobile, Manufactured and Factory Built Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which these types of homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of street[s]).
- 1-386 **Family:** An individual or any number of persons related by blood or marriage, or a group of such unrelated people not exceeding four (4) persons living together as a single housekeeping unit in a dwelling unit.
- 1-388 **Factory Built House:** A housing unit built in one or more sections in a factory, transported to a site for final assembly upon a permanent engineered foundation. It is built to local and uniform building standards, and in accordance with those standards established by the Housing Act of 1970, as amended, and certified by the Colorado Division of Housing. See C.R.S. 24-32-701, et seq.
- 1-390 **Foster Care Facility:** Any group home licensed by the State of Colorado as provided in article 6, title 26, C.R.S., not qualifying as a family care home, which are also licensed, or not qualifying under the definition of "family" in these Regulations for the care or boarding of small groups of foster children on a temporary or permanent basis.
- 1-392 **Green Houses:** Structures used to enclose the growing of plants, trees, flowers, or agricultural products for commercial purposes, either wholesale or retail.
- 1-394 **Group Homes:** Residential facilities housing the following groups of people as defined by relevant definitions in the C.R.S.:
- (A) Those who are developmentally disabled. The group home must be a state-licensed facility for the exclusive use of eight (8) or fewer such persons.
 - (B) Those who are aged. The group home must be an owner-occupied or nonprofit facility for the exclusive use of eight (8) or less persons who are sixty (60) years of age or older.
 - (C) Those who are mentally ill. The home must be a state-licensed facility for the exclusive use of eight (8) persons or less.

- 1-396 **Home Occupation:** Any business use which is conducted within the principal dwelling or an accessory building and by the occupants thereof, plus not more than one non-resident employee, is clearly incidental and secondary (occupying a limited amount of floor area) to the use of the property for dwelling purposes, and does not generate more than occasional and minimal vehicular and pedestrian traffic.
- 1-398 **Junk:** Scrap brass, iron, lead, tin, zinc; all other scrap metals and the alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles; old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles, farm and heavy equipment; used tires and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.
- 1-400 **Junk Yard and Salvage Yard:** A yard or enclosure with or without buildings devoted or used in any manner for the sale, storage, or display of used, non-operating, worn, and/or discarded materials of any kind which may be used as is, turned into some use or converted to another, either the same or of a different kind, including, but not limited to metals and base metals, machinery or parts of machinery, tanks and containers, appliances (with doors removed), glass and glass products including bottles, paper, and paper products of all kinds, motor vehicles and light and heavy mechanical or electrical equipment, and/or parts thereof, and aircraft and parts thereof, and all other such materials and products stored or harbored in such manner as could commonly be recognized as a junk or salvage yard.
- 1-402 **Kenel:** Any place other than a pet shop or veterinary clinic or hospital where four (4) or more household pets of one species or a total of eight (8) or more household pets of two (2) or more species are kept or maintained.
- 1-404 **Landowner:** Any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests.
- 1-406 **Livestock:** Domestic animals which are used for food, draft, profit and recreation and are found on farms, ranches, commercial feedlots or sale facilities, and residential lots consisting of horses, mules, cattle, burros, llamas, swine, sheep, goats, rabbits and poultry. Poultry consists of domestic avian species raised for food or pets, including but not limited to chickens, turkeys, geese and ducks.
- 1-408 **Lot:** A parcel of real property, as shown with a separate and distinct number or letter on a plat recorded in the Town of Hillrose Town Office, or when not so platted in a recorded subdivision, a parcel of real property abutting upon or having clear legal access to at least one public street and held under separate ownership.
- 1-410 **Lot Line, Front:** The property line dividing a lot from a street or road/highway right-of-way. On a corner lot only one street or road/highway shall be considered as a front line, and the shorter street frontage shall be considered the front line. On lots that do not abut a street, the lot line closest to the nearest accessible street is the front lot line.
- 1-412 **Lot Line, Rear:** The lot line opposite the front lot line.
- 1-414 **Lot Line, Side:** Any lot line, which is neither the front nor the rear.
- 1-416 **Lot, Width:** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at appoint midway between the front and rear lot lines; or at the rear line of the required front yard, especially on irregularly shaped lots.
- 1-418 **Manufactured Home:** A single-family dwelling unit which is partially or entirely manufactured in a factory and is not less than twenty-four feet (24') in width and thirty-six feet (36') in length. It is installed on a permanent and engineered foundation and has brick, wood, or cosmetically equivalent exterior siding and a pitched roof. It is certified pursuant to the National Manufactured Housing Construction and Safety Standard Act of 1974, 42 U.S.C. Sec. 5401, et seq., as amended. It is not a factory built home. C.R.S. 31-23-301(5A). The term "manufactured home" does not include "recreational vehicle."
- 1-420 **Mobile Home:** A detached, transportable structure used for storage, office, or residential use. If used for residential use, a one-family dwelling unit, intended for year-round occupancy that is at least twelve feet (12') in width and fifty feet (50') in length. At a minimum it must contain sleeping accommodations, flush toilet, a tub or shower bath, kitchen facilities with plumbing and electrical connections intended for

attachment to outside systems. A mobile home differs from a factory built home or manufactured home and a recreational vehicle (RV) unit by definition. However, a recreational vehicle may be treated as a mobile home pursuant to section 1-458 of these Regulations.

- 1-422 **Mobile Home Accessory Building or Structure:** A subordinate building or structure which is in addition to or supplements the facilities provided by a mobile home. Such buildings and structures include but are not limited to awnings, cabanas, decks, storage structures, carports, porches, and satellite dishes.
- 1-424 **Mobile Home Lot or Space:** A plot of ground within a mobile home park or subdivision designed for the accommodation of one (1) mobile home and its permitted accessory structures and uses.
- 1-426 **Mobile Home Pad:** The concrete base, footing or blocking which is set on or in level soil to provide support for the placement of a mobile home.
- 1-428 **Mobile/Manufactured Home Park:** A parcel of land under single or unified ownership or control within which spaces are rented for occupancy by mobile homes. Automobile or mobile home sales lots on which unoccupied mobile homes are parked for inspection or sale shall not be considered mobile home parks.
- 1-430 **Mobile/Manufactured Home Subdivision:** An area of land subdivided for occupancy by mobile homes exclusively and containing lots in divided or separate ownership designed as permanent sites for mobile homes.
- 1-432 **Net Area:** The land area of a development that remains after right-of-way, easements, parks, school sites, and other dedications or uses have been deleted from the total acreage.
- 1-434 **New Construction:** Structures for which the "start of construction" commenced on or after the effective date of these Regulations.
- 1-436 **New Manufactured Home Park of Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these Regulations.
- 1-438 **Nonconforming Building:** A building or structure, or portion thereof, conflicting with the provisions of these Regulations applicable to the zone in which it is situated.
- 1-440 **Nonconforming Use:** The use of a structure or premises conflicting with the provisions of these Regulations applicable to the zone in which it is situated. Also, for conformance or nonconformance purposes, use is distinguished by the kind of animal and its applicable animal unit density allowed on a zone lot or parcel.
- 1-442 **Public Open Space:** A parcel of land, an area of water or a combination of land and water dedicated to the public for use by the owners of a development and within a development site designed and intended primarily for the use or enjoyment of the general public for uses including, but not limited to: open landscaped areas, recreation areas and facilities, gardens, parks, walkways, paths and trails, and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. The term shall not include space devoted to buildings, rights-of-way for streets, roads and other motorized vehicle ways and parking, and storage and loading areas. Private open space as a part of an individual lot may not be included in the open space requirement calculations.
- 1-444 **Permanent Foundation:** An engineered foundation for a structure that meets the building code requirements for the Town of Hillrose.
- 1-446 **Planned Development:** A development of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, industries, and associated uses planned as a single entity and therefore susceptible to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots.
- 1-448 **Planning Commission:** The Town of Hillrose Planning Commission.
- 1-450 **Principal Use:** The main use of land or structures as distinguished from a secondary or accessory use.

- 1-452 **Property:** All real property subject to land use regulation by the Town of Hillrose.
- 1-454 **Public and Private Utility Service:** Facilities of a municipality, public utility, nonprofit corporation, or sanitation or water or other special or quasi-public district which are constructed, operated, and maintained to provide drainage, water, sewage, electricity, gas and telephone service and approved by the Colorado State Health Department or other state regulatory agencies.
- 1-456 **Ranchette:** A small ranch or farm of thirty-five acres or less where agriculture production and livestock raising are for personal use or recreation purposes and are not the main source of income for the owner.
- 1-458 **Recreational Vehicle (RV):** A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable or carried by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters, office, storage, or for recreational, camping, travel or other seasonal use. Any such vehicle placed on a site for greater than one hundred eighty (180) days or, which is skirted, which has the wheels removed, or is otherwise permanently affixed to the lot is treated as a mobile home.
- 1-460 **Rezoning:** For the purposes of these Regulations, a revision to the Town of Hillrose zoning map.
- 1-462 **Right-of-Way:** An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians, and/or facilities of a public utility.
- 1-464 **Road, Private:** A privately owned access way generally not constructed to Town specifications and not maintained by the Town.
- 1-466 **Road, Public:** A dedicated right-of-way constructed to Town specifications for a stated design classification. It includes engineered drainage, based on the 100-year storm frequency, and all traffic control devices necessary for the safe movement of traffic.
- 1-468 **Setback:** The length of any required yard measured perpendicular to the lot line from the structure footprint (including any eaves or overhangs).
- 1-470 **Sign:** Anything designed to advertise or inform or attract the attention of people, but excluding there from any flag, badge, or insignia of any government or governmental agency or of any civic, charitable, religious, or fraternal organization if less than 100 square feet in area.
- 1-472 **Single-Family House:** A dwelling unit that is built on site on a permanent foundation.
- 1-474 **Site Specific Development Plan:** A plan which has been submitted to the Town of Hillrose by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.
- 1-476 **Skirting:** Aluminum or other nonflammable material, as approved by the zoning and planning administrator, installed around the perimeter of a mobile home.
- 1-478 **Start of Construction:** Includes the substantial improvement of a structure, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a mobile, manufactured or factory built home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- 1-480 **Storage Yard:** An area of land for the purpose of keeping equipment, commodities and/or structures for individual use or by the business and related to that business for sale or resale to the same types of businesses (distinguished from “junk or salvage yard”).

- 1-482 **Street:** A public or private right-of-way for motor vehicles other than an alley or driveway that afford the principal means of access to abutting property.
- 1-484 **Structure:** A generally walled and roofed building that is primarily above ground and affixed to a permanent site. Also included but not limited to are earth sheltered structures, open pavilions, mobile, manufactured and factory built homes, septic tanks, sewage treatment facilities, utility facilities, bridges, weirs and dams. Excluded are off street parking areas, fences and walls used as fences six feet (6') in height or less, and underground public utilities.
- 1-486 **Substantial Completion:** In regard to a Planned Development (P.D.), substantial completion shall mean completion of all appropriate infrastructure such as roads, curbs, gutters, and street lighting and the installation of all necessary utilities such as water, sewer, telephone, and electricity and completion or permitting of at least forty percent (40%) of the planned structures or buildings.
- 1-488 **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- 1-490 **Substantial Improvements:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement of repair is started or, (b) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either (a) existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.
- 1-492 **Tie-down:** Any device designed for the purpose of anchoring a mobile home to the ground.
- 1-494 **Town:** The Town of Hillrose
- 1-496 **Town Board:** The Board of Trustees of the Town of Hillrose also called the "Board".
- 1-498 **Town Home:** A legal form of ownership whereby an owner gains title to the building and adjacent land where the buildings share a party wall with each other.
- 1-500 **Use:** The purpose for which any land or building is designed, arranged, intended, occupied, maintained, rented or leased. Any man-made or man-caused activity, building or structure on a parcel of land, whether temporary or permanent.
- 1-502 **Utility, Public:** Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewage, pipeline, street transportation and cellular radio system services.
- 1-504 **Utility Service Facility:** Any electric distribution lines, natural gas distribution lines, telegraph and telephone lines, neighborhood substations, gas meter stations, communication stations and cellular telephone exchanges, and accessory structures and facilities, which do not constitute a Major Facility of a Public Utility, as defined herein.
- 1-506 **Variance:** A grant of relief from the requirements of these Regulations, which permits construction in a manner that would otherwise be prohibited by these Regulations. Only the Board of Adjustment may approve variances.
- 1-508 **Vested Property Right:** The right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan and/or building permit.
- 1-510 **Watercourse:** The natural or artificial channel, depression, dry wash, slough, gulch, arroyo, stream, creek, drainage way, pond, reservoir, or lake in which water flows either continuously, intermittently, or periodically.

- 1-512 **Yard:** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except for unenclosed steps to porches or as otherwise provided in these Regulations.
- 1-514 **Yard, Front:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
- 1-516 **Yard, Rear:** A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
- 1-518 **Yard, Side:** A yard extending from the front to the rear yard between the side lot and the nearest line or point of the building or accessory building attached thereto.

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
CHAPTER 2**

APPLICATION AND IMPLEMENTATION OF REGULATIONS

APPLICABILITY

2-100 Land Use and Development

Except as hereinafter provided no building, or other structure, or land shall be used, and no building or other structure shall be erected, reconstructed, or structurally altered without a building permit, except in conformance with the regulations herein specified for the district in which such building is located, nor shall a yard or lot area be reduced in dimensions to an amount less than the minimum requirements specified by these Regulations.

2-105 Restrictions on erecting or altering a structure.

No building or structure shall hereafter be erected or altered so as to:

- (A) Exceed the height limits;
- (B) Accommodate or house a larger number of families;
- (C) Occupy a greater percentage of the lot; or
- (D) Have narrower or smaller rear yards, side yards, or other open spaces.

2-110 Yards

No part of a yard or loading area, or open space needed by any building or structure to meet the requirements of these Regulations shall be included in whole or in part in meeting the requirements of any other building or structure.

2-115 Reduction of Yards

No yard or lot which comes under the jurisdiction of the Town of Hillrose Subdivision Regulations, existing at the time of adoption of these Regulations shall hereafter be reduced below the minimum dimensions or areas required unless by formal variance being granted by the Board of Zoning Adjustment. This also applies to structural design standards such as height and/or uses specifically allowed as a use after special review approval.

2-120 Entities

The provisions of this title shall apply to all persons, entities, corporations, governmental agencies, state government, federal government, local governments, and municipal and quasi municipal corporations.

2-130 Effect of Previous Denial

No application for any permit of any type, use, rezone, variance, or any other action shall be accepted if the same or substantially similar application has been denied within the previous twelve (12) months.

JURISDICTION

2-200 Applicability

The provisions of these Regulations and accompanying Maps apply to the incorporated lands of the Town of Hillrose, Colorado.

2-205 Construction Permits Required

A building permit or mobile home placement permit shall be required prior to structural construction or set up in all zone districts in the Town of Hillrose. All applications for building permits will require a site or plot plan as defined in these Regulations or as required by the Planning Administrator. The Administrator may require that building applications shall be accompanied by a drainage plan depicting how runoff in excess

of historical flows will be contained on the site after construction is complete. The preparation of a drainage plan and its contents will be required at the discretion of staff.

COORDINATION WITH OTHER PLANS AND REGULATIONS

2-210 Subdivision Regulations

The provisions of these Regulations are not intended to eliminate or replace the requirements applicable to the subdivision of land or airspace, as defined in State statutes and the subdivision regulations of the Town of Hillrose. If the land included within a proposed District is to be subdivided, the landowner must comply with the Subdivision Regulations concerning platting in the Town before development may occur.

2-215 Town of Hillrose Comprehensive Plan

It is the intention of the Town of Hillrose Board of Trustees that these Regulations implement the Town of Hillrose Comprehensive Plan covering the incorporated lands of the Town. Requests for zoning amendments will be judged for their conformity with the Plan, among other criteria.

2-220 Drainage Requirements

(A) All users of land in all Zones shall provide and maintain storm water retention facilities designed to retain the storm water runoff in excess of historic flow from the undeveloped site. The storm water retention facility on a developed site shall be designed for a 100 year storm. The storm water retention facility shall be designed and operated to release the retained water at a quantity and rate not to exceed the quantity and rate of a five year storm falling on the undeveloped site.

(B) Buildings, hard surfacing or construction of any non-percolating surface requiring a building permit shall not be constructed until drainage plans for such improvements are approved by Town staff.

(C) Drainage plans are to be included with submittal documents for site specific development plan approval.

2-225 Processing Fees

- (A) Minimum processing fees for zoning amendments, map changes, special use permits, variances, sign permits, site permits, planned development reviews, building permits, mobile home placement permits and other permits required by these Regulations will be established and be subject to change from time to time upon approval of the Town of Hillrose Board of Trustees.
- (B) The Town may charge such additional fees as are necessary to recover its costs and expenses and review in excess of the minimum fees, including and not limited to staff time, consulting fees, attorneys fees, special meeting fees and all out-of-pocket expenses. The Town may require periodic retainer deposits in the amount set at the discretion of the Planning Administrator from time to time to cover anticipated additional costs.
- (C) All fees will be paid to the Town Planning Department and deposited with the Town Clerk/Treasurer and drawn upon as needed.
- (D) Any application, which is submitted after the start of construction or commencement of the act for which the permit, variance, or exemption is sought shall be, assessed a surcharge of 100% of the regular fee. This surcharge may be waived by the Board of Trustees. If the Board of Trustees find, after a public hearing at which the applicant shall be notified at least five days in advance and may testify under oath, that failure to apply prior to the start of construction or commencement of the act for which a permit, variance, or exemption is sought was willful or intentional, an additional surcharge of up to 10% of the cost of the applicant's project may be assessed by the Board of Trustees.
- (E) Should any remaining funds exist in excess of the minimum fee, then those funds will be returned to the applicant at the conclusion of all proceedings.

CONFORMANCE AND NON-CONFORMANCE

2-230 Intent

Within the districts established by these Regulations or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before these Regulations were passed or amended, but which would be prohibited, regulated, or restricted under the

terms of these Regulations or future amendments. It is the intent of these Regulations to permit these non-conformities to continue unless provided otherwise below, until they are removed, but not to encourage their survival. It is further the intent that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2-235 Non-conforming Lots

Where an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved prior to the effective date of these Regulations or any amendment thereto applicable to such lot, such lot may be occupied according to the permitted uses provided for the district in which such lot is located. Any lot conforming in size immediately prior to the adoption of these Regulations shall not be denied usage for lot size non-conformance.

No lot of less than 3 acres that is conforming in size at the time of the adoption of these Regulations may be subdivided or reduced in size in such a way that would become non-conforming, nor cause any building, space or use to become non-conforming.

2-240 Non-conforming Uses of Land (or Land with Minor Structures Only)

Where at the time of passage of these Regulations lawful use of land exists which would not be permitted by the regulations imposed, the use in the strictest sense may be continued so long as it remains otherwise lawful, provided:

- (A) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of these Regulations.
- (B) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of these Regulations.
- (C) If any such non-conforming use of land ceases for any reason for a period of more than 180 consecutive days, any subsequent use of such land shall conform to the regulations specified for the district in which such land is located. Upon request, extensions may be granted by the Planning Administrator under any unusual circumstances defined by the case in question.
- (D) No additional structure or accessory use not conforming to the requirements of these Regulations shall be erected in connection with such non-conforming use of land.

2-245 Non-conforming Structures

(A) To avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of these Regulations and upon which actual building construction has been carried on diligently, if such building would have been in compliance with existing regulations immediately prior to adoption of these Regulations and properly permitted.

(B) Where a lawful structure exists at the effective date of adoption or amendment of these Regulations that could not be built under the terms of these Regulations by reason of location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

2-250 No Increase in Nonconformity

No such non-conforming structure may be enlarged or altered in a way, which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

2-255 Partial Destruction

Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than fifty percent (50%) of its fair market value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these Regulations.

2-260 Moving of Nonconforming Structure

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

2-265 Non-conforming uses of structure or of structures and premises in combination

If a lawful use involving individual structures, or of structure and premises in combination, exists at the effective date of adoption of these Regulations that would not be allowed in the district under the terms of these Regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

2-270 No Enlargement of Nonconforming Structure

No existing structure devoted to a use not permitted by these Regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located or in conformance with subsection 2-255 above.

2-275 Interior Extensions

Any non-conforming use may be extended by permit throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption of these Regulations. No such use shall be extended to occupy any land or other structures outside the building in which it is housed. Extension of uses within a building requires the approval of a permit by the Board of Adjustment. The extension must meet site development requirements for the Zone District in which it is located.

2-280 Changes in Nonconforming Uses

If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception, be changed to another non-conforming use provided that the Board of Zoning Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of these Regulations.

2-285 Elimination by Destruction

Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land as long as the land in its undeveloped state conforms to the bulk requirements of the zone district in which it is located. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50%) of the fair market value at time of destruction.

2-290 Repairs and Maintenance of Non-conforming Structures

- (A) On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done for ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, in any twelve (12) consecutive months, to any extent not exceeding 50 percent (50%) of the current fair market value of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.
- (B) If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- (C) Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

2-295 Uses Permitted Under Special Review Provisions Are Not Non-conforming Uses

Any use which is permitted as a special review in a district under the terms of these Regulations (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall upon special use approval be considered a conforming use.

2-300 Determination of Status

- (A) Any landowner, or authorized agent thereof, within the Town of Hillrose, Colorado, may seek a determination of status from the Planning Administrator of the Town of Hillrose, Colorado, as to the existence of a legal non-conforming use, structure, lot, or structure and premises in combination ("Use to be Determined"). In order to obtain such a determination, the landowner shall file application with the Planning Administrator, which shall include:

- (1) An application form;
 - (2) A narrative describing the Use to be Determined as presently utilized;
 - (3) A sketch plan of the Use to be Determined which is drawn to scale and contains a legal description for the real property where the Use to be Determined is located;
 - (4) Proof of ownership, which shall be a title insurance policy, commitment or attorney's title opinion which is dated within the previous five years;
 - (5) Affidavits from the landowner and at least three disinterested persons concerning the Use to be Determined which are specific as to the location, size, and scope of the Use to be Determined as it has existed in the period determined to be relevant for the determination sought;
 - (6) Such other information as the Planning Administrator may request or accept as probative; and
 - (7) An application fee.
- (B) After evaluation of the information submitted, the Planning Administrator shall issue a written determination, which shall be deemed to be an administrative decision appeal able to the Board of Adjustments within 30 days after the date of such decision. Such decision, once final, shall be conclusive and binding upon the Town as to the conformity or nonconformity of the Use to be Determined.

ZONING AMENDMENTS AND PERMITS

2-305 Zoning Regulation Text Amendments

The Board of Trustees of the Town of Hillrose, may upon its own motion or upon petition of the Planning Commission, amend the text of the Official Town of Hillrose Zoning Regulations. Such amendments shall be made in compliance with Colorado Statutes. At a minimum, a public hearing thereon shall be held by the Board of Trustees and at least fifteen (15) days' notice of the time and place of such hearing with a general notice thereof shall be given by at least one publication in the official newspaper as appointed by the Board of Trustees. The text of the proposed amendments shall be available to the general public at the Town of Hillrose Clerk's Office for at least fifteen (15) days prior to the public hearing, and the published notice shall so advise.

2-310 Drafting of Amendments

The planning staff shall draft all language amendments as either requested by the Board of Trustees in consultation with the Town Attorney.

2-315 Legal Notice

Legal notice of all proposed changes shall be made as per the noticing requirements of Section 2-305 and following of these Regulations and copies of proposed amendments made available to the public by the planning staff for the required number of days in the noticing procedure.

2-320 Amendment Criteria

Amendments proposed must satisfy the following general criteria:

- (A) That an existing Regulation is in need of revision as proposed.
- (B) That the proposed amendment will be consistent with the future goals and needs of the Town as set out in the Town of Hillrose Comprehensive Plan.
- (C) That the proposed amendment will be consistent with the overall intent of the Town of Hillrose Zoning Regulations.

Zoning Map Amendments (Rezoning)

2-325 Policy

For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this chapter. This policy is based on the opinion of the Board of Trustees that the Town's zoning map is the result of a detailed and comprehensive appraisal of the Town's present and future needs regarding land use allocation and other zoning considerations and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area or the town in general.

2-330 Initiation of Rezoning

A zoning map amendment is also called a "rezoning". Rezoning requests may be initiated by the Board of Trustees, the Planning Commission or the owner(s) of a parcel of land where a zone map change is desired. Such amendments shall be made in compliance with Colorado Statutes and with procedures in Section 2-405 of these Regulations.

2-335 Legal Notice

Legal notice of all proposed zoning changes shall be made as per the noticing requirements of Section 2-435 of these Regulations. Copies of proposed map changes shall be posted for viewing in a convenient place in the Town of Hillrose Town Hall the required number of days prior to the Planning Commission and Board of Trustees public meetings or hearings. Rezoning initiated by property owners must have their properties posted as per the requirements of Section 2-440 of these Regulations.

2-340 Criteria

A proposed rezoning will be granted only if it,

- (A) Is consistent with the provisions of the Town of Hillrose Comprehensive Plan, and
- (B) Is compatible with surrounding zone districts, and
- (C) Development, economic, or social conditions in the area of the proposed rezoning or the town have changed or are changing to such a degree as to warrant the rezoning, or
- (D) The property was zoned in error at the time of the adoption of the current zoning map provided the provisions of the paragraphs 2-340 (A) and (B) are satisfied.
- (E) Any proposed rezoning shall be granted if it is in the best interests of or furthers the health, safety, or general welfare of the citizens of the Town of Hillrose.
- (F) A proposed rezoning shall not be granted if it is "spot zoning."

2-345 Spot Zoning

Criteria for determining whether a proposed rezoning is a "spot" zone may include but are not limited to the following:

- (A) The rezoned area is not consistent with the Town of Hillrose Comprehensive Plan.
- (B) The rezoning has as its' purpose only the economic gain or benefit of the applicant and does not further the health, safety, or welfare of the immediate area or the town in general.
- (C) The rezoning has as its sole purpose the relief of a particular property owner from the restrictive provisions of the present zoning.
- (D) Whether the rezoned area will be compatible with the surrounding area.

2-350 Zoning Permits

All uses-by-right require a permit for use or operation. These permits may take the form of the following:

- (A) A check off box for zoning compliance on a building permit application; or

- (B) Completion of a zoning permit form signed off by the Planning Administrator; or
- (C) Application for a business license should this requirement be instituted by the Town of Hillrose.

2-355 Rights-of-Way

All uses-by-right must be adequately served by public or private utilities and have clear access to a public right-of-way.

2-360 Authority of Planning Administrator

The Planning Administrator has the discretionary authority to require a survey and/or site plan to accompany a zoning permit when applicable. Site plans must conform to those items included in Section 2-505(B) of these Regulations as deemed necessary by the Planning Administrator. Approved site plans may qualify for vesting of rights as per Section 2-460 and following of these Regulations.

Special Use Permit Review

2-370 General

Zone districts may contain a list of special uses that require review of a site plan prior to approval. Submittal requirements for site plans are listed in Section 2-485 and following of these Regulations. The Town reserves to the Planning Administrator the right to add to or alter submittal requirements commensurate with the type and scale of the special use application requested. Special Use site plans, when approved, qualify for vesting of development rights as outlined in Section 2-520 and following of these Regulations.

2-375 Procedure

Review of special uses will follow the basic procedure of Section 2-395 and following.

2-380 May Apply for Building Permit

The approval of a Special Use Permit by the Board of Trustees allows the applicant to apply for a Building Permit.

2-385 Special Performance Standards

The Board of Trustees may adopt special performance standards for any special use requested prior to review of that use as it determines necessary to protect the public health, safety and welfare of Town residents.

2-390 Special Use Permit Criteria

The following criteria will be used by the Planning Commission and the Board of Trustees when reviewing an application for a Special Use Permit:

- (A) The use and its location as proposed are in conformance with the Town of Hillrose Comprehensive Plan;
- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within the Town of Hillrose;
- (C) The Site Plan conforms to the district design standards of these Regulations.
- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures;
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the Town.
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state, county or town regulation, which ever is the strictest.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel; and
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information, and adequate financial resources to implement it, and has paid all fees and review costs levied by the Town for application processing and review.

BASIC PROCEDURE FOR AMENDMENT AND USE PERMIT REVIEW

2-395 General

Applications for amendments and use permits will follow a three step review process composed of the following: (1) A pre-application conference with staff; (2) review by the Town of Hillrose Planning and Zoning Board at a public meeting and (3) a public hearing before the Board of Trustees. Some exceptions to this procedure will apply and are listed by amendment or permit type.

2-400 Pre-application Conference

(A) Prior to actual submission of a rezoning or use by special review permit application and prior to any site improvements the applicant will confer with the staff and if need be with other Town departments and referral agencies in connection with the preparation of the application submittal documents. Submittal documents necessary for this conference are listed in Section 2-485 and following in these Regulations.

(B) Any materials prepared by the applicant to be used in discussions with the staff are to be submitted to the Town five (5) days in advance of the meeting date the discussion is to take place. A minimum number of copies, as determined by staff, of all materials need to be submitted for this conference and appropriate fees paid before discussions can take place. Subsequent to staff review, a brief comment sheet will be prepared and forwarded to the applicant. This review report is to be inserted in the review file for the Planning Commission.

2-405 Planning Commission Review

Any proposed rezoning, text amendment or use by special review permit shall be referred to the Planning Commission as required for an advisory report thereon after the pre-application conference.

2-410 Criteria

Before submitting a written advisory report to the Board of Trustees on any proposed text amendment, rezoning or use by special review permit, the Planning Commission shall first consider the amendment, rezoning, or permit at a regular meeting. The amendment or permit application shall be filed with the Town staff (30) days prior to the Planning Commission meeting which may be reduced to fifteen (15) days by the Planning Administrator. Any additional amount of time in excess of thirty (30) days may be required by the Planning Administrator for proper review in advance of the Planning Commission meeting where it is scheduled to be reviewed. In its review the Planning Commission shall consider the following issues:

- (A) Conformance to specific review criteria by amendment or permit type;
- (B) Completeness of the submittal package;
- (C) The relationship of the surrounding zone districts to the subject property;
- (D) The intent of the Town of Hillrose Comprehensive Plan for the area in question;
- (E) The degree of contiguity of similar and adjacent zone districts; and
- (F) The relationship of the request for zoning amendment to existing conditions both on and surrounding the area in question. Review of the existing conditions may include the changing nature of the area, land use, densities and structure scale and height.

2-415 Publication

Prior to the review meeting the staff shall have caused to be published in a newspaper of general circulation, a public notice of the Planning Commission review of the zoning amendment or permit request as an agenda item. This meeting notice is to be published at least fifteen (15) days in advance of the review meeting as required by Colorado statute. In addition, the staff shall prepare and send notices by first class mail at least seven (7) days prior to the meeting of the Planning Commission to verified property owners within three hundred and sixty feet (360') or 3 lots, whichever is greater, from the perimeter of the property to be permitted to be rezoned. It is the applicant's responsibility to prepare an ownership list and submit it to the Town for verification.

2-420 **Referral Agency Review**

Referral agencies will be sent copies of the zoning amendment or use permit review materials for comment. The comment period is a total of fifteen (15) days and failure to comment is to be viewed as a favorable review. At the discretion of the planning staff and given unusual circumstances, some referral agencies may be contacted for referral comments on permits. The referral agencies and individuals include but are not limited to the following:

- (A) Town Attorney;
- (B) Public Works Director or his/her designee
- (C) Local Department of Health
- (D) Fire Protection District
- (E) Public School District
- (F) Municipalities and counties located within three (3) miles of the re-zone or use permit area or, in the case of a municipality, where the proposed re-zoning or permit lies within its current three (3) mile planning area;
- (G) Colorado Department of Transportation where a state or federal highway is within or adjacent to the re-zone area;
- (H) Others as deemed necessary by the staff.

2-425 **Review and Public Hearing Before the Board of Trustees**

Within twenty (20) days of the conclusion of the Commission review, the Staff shall schedule a public hearing before the Board of Trustees. This hearing is to take place after fifteen (15) days of property posting time and public notice of general description in a newspaper of general circulation. Noticing of the Board of Trustees may not run concurrently with noticing of the Planning Commission review.

2-430 **Property Posting Requirements**

- (A) The applicant shall be required to post notice on the property for which the use by special review permit or re-zoning is requested at least fifteen (15) days prior to a public hearing before the Board of Trustees. Such notice shall consist of at least one (1) sign facing each adjacent public right-of-way. Such sign(s) shall measure not less than three feet by four feet (3'x4'). The size of the letters should be a minimum of three inches (3") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A (Forms).
- (B) Signs advertising the rezoning of property in the Town of Hillrose must be photographed by the applicant and submitted to the Planning Administrator's Office as per the following requirements;
- (C) Photographs of the signs posting the property shall be submitted to the Planning Administrator's Office at least five (5) days prior to the date of the Board of Trustees hearing date. These photographs shall be accompanied by a sworn affidavit that signs were posted at least fifteen (15) days prior to the date of the Board of Trustees hearing.
- (D) Posted sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board and returned to the Planning and Zoning Department.

2-435 **Notice of Hearing Requirements**

At least fifteen (15) days prior to a public hearing before the Board of Trustees, notices of the hearing shall be published in a newspaper of general circulation in Hillrose. Publication of said notices shall be the responsibility of the applicant and shall read as shown in Appendix A (Forms).

2-440 **Public Hearing**

The public hearing before the Board of Trustees is quasi-judicial in nature and the Board is to consider evidence presented and make findings in regard to the zoning permit or amendment. Findings are to be made in regards to the criteria listed for zoning amendment or permit types. Testimony may be required to be given under oath.

2-445 **Decisions Rendered**

On the same day of the hearing or within fifteen (15) days of the closing of a public hearing on a proposed permit or amendment, the Board shall render a decision on the petition or proposal. The Board shall consider all evidence presented and make findings in regards to the above conditions. A vote for approval is to be followed by insertion of language amendments and/or boundary changes on the Official Map within fifteen (15) days of the decision and/or the issuance of a use permit by the Town staff.

2-450 **Appeals of the Board of Trustees Decisions**

Decisions of the Board of Trustees are final. Appeals of the Board's decisions shall be made to the appropriate court of law pursuant to Colorado State Law.

2-455 **Applications for Same Property**

Rezoning petitions or permit applications for the same piece of property where an earlier petition for the same action was denied may be reintroduced for consideration by the Town no sooner than one (1) year after the original decision is rendered. All rezoning or permit reintroductions must follow the same procedure as original petitions.

VESTED PROPERTY RIGHTS

2-460 **Creation of Vested Property Rights**

- (A) A vested property right shall be deemed established upon the approval, or conditional approval, of a site specific development plan as per Section 2-465 of these Regulations, following notice and hearing by the Board of Trustees as authorized by Section 24-68-101 and following C.R.S. Such vested property rights shall attach to and run with the applicable property. The Board of Trustees may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such approval or conditional approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights. A site specific development plan shall be deemed approved upon the effective date that the Board of Trustees has done so by the resolution relating thereto, and the Mayor of the Board of Trustees signing the approval upon the site plan triggers such vesting so identified at the time of its approval. Such approval shall be subject to all right of referendum and judicial review; except the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation in Hillrose, Colorado, setting forth that the Board of Trustees has granted such approval. Such publication shall occur no later than fifteen (15) days following approval.
- (B) Rezoning that does not include an approved site specific development plan shall not result in the creation of a vested property right.

Terms and Conditions of Vested Property Rights

2-465 **Site Specific Development Plan**

A plan which has been submitted to the Town by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such approved plan may be in the form of, but need not be limited to, any of the following:

- (A) A Planned Development District Plan;
- (B) A Final Subdivision Plat for Single-Family Detached Residential Use;
- (C) A Special Use Permit Site Plan accompanying approvals of said permits; or
- (D) A Zoning or Rezoning approval that is accompanied by an approved site development plan. In addition, this approval must be accompanied by a resolution that specifically vests property development rights;
- (E) A Development Agreement that includes a site specific development plan as defined herein; and
- (G) Any other land use site plan approval designation as may be utilized by the Town of Hillrose in the future.

2-470 Duration and Termination of Vested Property Rights

- (A) A property right, which has been vested as provided herein, shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the Town.
- (B) Notwithstanding the provisions of the foregoing subsection (A), the Town is hereby authorized to enter into a development agreement with landowners providing that property rights shall be vested for a period exceeding three years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.
- (C) Following approval or conditional approval of a site specific development plan, nothing herein shall exempt such a plan from subsequent reviews and approvals by the Town to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

2-475 Subsequent Regulation Prohibited: Exceptions

- (A) A vested property right, once established, precludes any zoning or land use action by the Town of Hillrose or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the site specific development plan, except:
 - (1) With the consent of the affected landowner;
 - (2) Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of site specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or
 - (3) To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, after approval by Hillrose, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is cause by such action.
- (B) The vested status of a property shall not preclude other regulations which are general in nature and applicable to all property subject to land use regulations, including but not limited to building, fire, plumbing, electrical, and mechanical codes.

2-480 Miscellaneous Provisions

- (A) A property which has vested rights under the jurisdiction of Town or a part of the property included within a site specific development plan which has been vested shall be effective against any other local government which may subsequently obtain or assert jurisdiction over such property.
- (B) Nothing in this section shall preclude judicial determination, based on common law principles, that a vested property right exists in a particular case or that a compensable taking has occurred.
- (C) A vesting of rights signature block must appear on the Site Plan face sheet as shown in Appendix A (Forms).

REZONING AND USE PERMIT SUBMITTAL REQUIREMENTS

General Requirements

- 2-485 The Planning staff will inform the applicant of the number of copies necessary for each submittal item during each stage of the rezoning or use permit process.

Rezoning (Map Amendments)

- 2-490 **Pre-application Conference Requirements At the pre-application conference, the applicant shall present for discussion the following items:**

- (A) A completed Town application form;

- (B) A general description of the rezoning request and the reasons for it; and a description of any future development plans;
- (C) Names, addresses and phone numbers of the property owner(s)/applicant(s) and any representative;
- (D) A discussion of how the rezoning request may impact adjacent uses and integrate with existing zone districts;
- (E) A listing of type and availability of utilities and services; including sewer, water, electrical, and fire protection to the rezoned area; and
- (F) A statement as to whether rights, upon rezoning approval, are desired to be vested or not.

2-495 **Site Map**

In addition to the materials indicated in Section 2-490, the applicant shall submit at the pre-application conference a sketch drawing or map of sufficient size and scale showing the following:

- (A) The area proposed for rezoning in a dark outline and labeled as "Proposed Rezoning _____ to _____". The plan shall label and show existing zoning on the proposed rezone area and surrounding adjacent properties.
- (B) Existing uses on the rezoned area and surrounding and adjacent areas;
- (C) Existing easements on the site and provide owner names and Town recording reference;
- (D) Existing public access to and in the rezoned area and all existing roads;
- (E) A vicinity map inset to show the rezoning location; and
- (F) Existing site features such as lakes, waterways and ditches, areas of geologic or soil hazards, areas of steep slopes and other prominent natural features.

2-500 **Planning Commission Review Submissions**

The following materials shall be submitted for review by the Planning Commission:

- (A) All materials from the pre-application conference with necessary modifications.
- (B) A list of names and addresses of all surface owners in the rezoned area.
- (C) Letters of commitment from providers of utilities and services serving the site or proof of service.
- (D) A discussion of how the rezone complies with the criteria for review of Rezoning (Section 2-340).
- (E) Names and addresses of property owners within three hundred sixty feet (360') or 3 lots, whichever is greater, from of the rezone area perimeter.
- (F) If vesting of rights is desired, the following additional submissions are required in order for the rezoning to qualify as a site specific development plan.
 - (1) A Development Guide which describes the character of proposed uses and developments in the rezoned area, the goals and objectives of the project, and the proposed development time line. If subdivision of the property is to be involved, include an explanation of when subdivision is anticipated.
 - (2) A table or chart which lists the uses contemplated in the rezoned area.
 - (3) A general description of the circulation and road patterns and a generalized trip generation study for the entire rezoned area and its subparts. For small projects, the trip generation study may be waived by Planning Administrator. This narrative needs to describe how existing and proposed roads will accommodate increased traffic as a result of development after the rezoning.

(4) Any general physiographic and environmental studies of the proposed rezoned area that are available. This requirement may be waived by the Planning Administrator.

(5) Any other pertinent factors concerning the development as required by the Planning Administrator.

2-505 **Application Maps**

(A) Sheet #1 - Rezoned Area Map shall contain the following information:

- (1) A clear and legible surveyed mylar at an appropriate scale to clearly show all of the information required below. Sheet size shall be 24" x 36" and contain title blocks, date of preparation, north arrow, and scale designation in numerical and graphic form. The sheet is to be titled "Rezone Amendment - (old zone) to (new zone). Town of Hillrose, Colorado at the top of the sheet.
- (2) Show the rezoned area in a dark outline on the sheet face and label as "Rezoning from (old zone) to (new zone)."
- (3) Indicate the surveyed legal description of the rezone area on the plan sheet. Use subsequent sheets if necessary.
- (4) Clearly show and label the following features in relation to the rezone area and adjacent lands:
 - existing zoning (adjacent lands only)
 - existing uses
 - existing easements - label ownership and type of easement and Morgan County Clerk's record of reference
 - existing public accesses
 - natural features of the site identified in the pre-application discussion.

(5) A vicinity map that shows the rezone area within two (2) mile vicinity.

(6) Include the signature blocks show in Appendix A ([Form 5](#)):

(B) Sheet #2 - Site development Plan (required only if rezoning rights are to be vested by the applicant pursuant to (Section 2-500(F).

The Site Plan is prepared to show future development plans for the Rezoned Area. This sheet is prepared to satisfy the site specific development plan requirement for vesting of development rights. Preparing the site plan requires a degree of detail from a rezoning applicant that is normally prepared to move forward with subdivision and/or subsequent construction of allowed uses.

(1) The drawing shall be clear and legible and of appropriate scale to clearly show all of the information required below. Sheet size shall be 24" x 36" and if more than one sheet is used, designate each sheet as sheet x of y sheets. All sheets shall contain title blocks, date of preparation, preparer's name, north arrow, and scale designation in numerical and graphic form. The first sheet is to be titled "Site Plan - Rezone Area, Case # _____, Town of Hillrose, Colorado" at the top of the page. Include underneath: "A portion of (quarter/quarter location), Section _____, Range _____, Township _____ of _____ PM."

(2) Show the rezoned area in a dark outline on the sheet face.

(3) Clearly show, label and dimension the planned uses, their locations and approximate building envelope outlines.

(4) Show topographic contour lines at two (2) foot intervals.

(5) Show the existing and planned circulation pattern external and internal to the rezone area. Designate the road classifications as to arterial, collector and local and designate right-of-way widths.

(6) Show which existing uses will remain and which will be removed upon development within the rezone area.

(7) Show all setback distances to building envelopes as prescribed by the Zone District. Show other special setbacks planned on perimeters, next to road ROWs, etc.

(8) Schematically show the landscaping and any open space for the project on this sheet or a subsequent sheet.

(9) Note on the plan any unique natural features such as land forms, historical features, views, etc.

(10) List in the chart form the proposed specific uses by plan area subtotal or part, number of units and approximate square footages of uses proposed.

(11) Show the parking plan for the project and correlate the parking requirements of the Zone District for the uses proposed and the land areas assigned to parking.

(12) Show a schematic utility plan for sewer and water service for the plan area. Show connection points to existing utilities. Use a subsequent sheet if necessary for clarity.

(13) Include the following signature blocks on the face sheet (for format reference see Section [Form 5](#), Appendix A).

- Planning Commission Certificate: Substitute the words: "Site Plan" for "Rezoning Application".
- Town of Hillrose Board of Trustees Certificate.
- Clerk and Recorder's Certificate.

2-510 **Board of Trustees Review Submissions**

- (A) All documents required in Section 2-500 and any revisions to these documents required by the Planning Commission.
- (B) Proof of property posting.
- (C) Proof of ownership of all parties in the rezone area consisting of a title commitment or an abstract opinion by an attorney at law.

2-515 **Board of Trustees' Hearing Maps**

- (A) All revised maps required for Planning Commission Review. Final mylar sheets must not contain stick-ons, sticky backs, graphic tape or other materials but must be a photographic reproduction. All signatures are to be in black, permanent ink.
- (B) If development rights are desired to be vested through the process outlined in Section 2-500, the vesting signature block may be added to the Site Plan mylar at this time.

Special Use Permits

2-520 **Pre-Application Conference**

All special use applicants shall have a pre-application conference with the Town of Hillrose Planning Staff. At the pre-application conference, the applicant shall present the same materials and maps required of a rezoning use applicant (Section 2-495) plus descriptions of types of easements required for the project, widths and other pertinent information.

Pre-application conference fee payment.

2-525 **Planning Commission Review Submissions**

All special use applications to the Planning Commission shall contain the following materials:

- (A) All materials from pre-application conference with any necessary modifications
- (B) Proof of ownership consisting of a title commitment or attorney's title opinion.

- (C) Letters of commitment from providers of public utilities and services serving special use facilities requiring these services or proof of existing service such as paid utility statements.
- (D) Discussion of any environmental impacts the special use will have on existing vegetation, land forms, water resources, air quality and wildlife. If impacts exist, a discussion of how the applicant plans to mitigate these impacts will be necessary. This requirement may be waived by the Planning Administrator.
- (E) List of property owners within three hundred sixty feet (360') or three (3) lots, whichever is greater, from the perimeter of the project site.
- (F) A discussion of how the project complies with the criteria for review for special Use Permits (Section 2-390).
- (G) Discussion of any public improvements required to complete the project.
- (H) Narrative submittals may be modified from the above list at the discretion of the planning staff depending on the type of project concerned. Such submittal must maintain the intent and content of these Regulations.

2-530 **Map Exhibits (24" x 36")**

- (A) All drawings will have a north arrow, scale utilized, drawing preparer, date of preparation, title block and borders.
- (B) Sheet contents can be modified at the description of the planning staff.
- (C) Existing Conditions Sheet

(1) Show site area overlaid on drawing of existing conditions including land areas within three hundred sixty feet (360') or three (3) lots, whichever is greater, from the perimeter of the site.

(2) Show existing land use, zoning, contours at two (2) foot intervals, easements, water bodies and courses, significant environmental features, roads and other transportation facilities, utility lines and the like; and

(3) Show a vicinity map at an appropriate scale that clearly shows the location of the project.

- (D) Site Plan Sheet

The Site Plan Sheet is prepared to show future development of the site and the project. Preparing the site plan requires a degree of detail from developers who are prepared to move forward with construction of the project. The plan sheet submittal requirements are similar to those required for rezoning Section 2-505(B).

(1) Same as Section 2-505(B)(1). Title should read: "Site Plan - Special Use Permit, Case # _____, Town of Hillrose, Colorado."

(2) Same as Section 2-505(B)(3)

(3) Same as Section 2-505(B)(5)

(4) Same as Section 2-505(B)(7)

(5) Same as Section 2-505(B)(8). Also show how uses are to be screened from public view and all containment features for any hazardous chemicals stored or used in the project.

(6) Same as Section 2-505(B)(10).

(7) Same as Section 2-505(B)(11).

(8) Prepare an engineered drainage plan for the project. Show how the drainage plan conforms with the floodplain requirements if the project is located in a flood plains. All drainage runoff is to be contained on

the site that is in excess of historical flows prior to development. In the use of re-developed property where drainage was previously not contained, the plan should assume no development as the base for historical flow measurements.

(9) Same as Section 2-505(B)(13). The signature block for the Planning Commission should be changed to substitute the words: "Site Plan - special Use Permit, Case #_____." for "Rezoning Application." If the special permit is for a parcel of land or for a use on a parcel of land, the parcel shall be surveyed and the surveyor's certification and signature shall appear on this sheet also.

2-535 Board of Trustees Review Submissions.

All Special Use Permit applications submitted to the Board of Trustees shall contain:

- (A) Resubmission of all revised documents required for the Planning Commission Review.
- (B) Proof of property posting.

2-540 Maps submitted to the Board of Trustees

- (A) Resubmission of all revised documents required for Planning Commission Review. Final mylar sheets must not contain stick-ons, sticky backs, graphic tape or other materials but must be a photographic reproduction. All signatures are to be in black, permanent ink. If development rights are desired to be vested through the process outlined in Section 2-500(F), the vesting signature block can be added to the Site Plan mylar at this time.

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
CHAPTER 3**

ESTABLISHMENT OF ZONING MAPS AND ZONING DISTRICTS

OFFICIAL ZONING MAP

3-100 General

The location of the zoning districts established are shown on the map entitled “[Official Zoning District Map and Zoning Inset Maps \(Official Zoning Maps\) of the Town of Hillrose](#)”, dated _____, 2000, which was adopted by this Ordinance #____. The official map is filed at the office of the Planning Administrator and the Town Clerk and shall be kept current at all times. All amendments to the map made in conformity with Section 2-305 of these Regulations shall be recorded promptly after adoption, showing general location, effective date, and nature of any changes. Each map amendment shall be supplemented by a file and shall contain a legal description of the area changed, a description of the nature of the change and all pertinent documents such as application submittal materials, legal notices and meeting minutes, and record of proceedings.

No changes shall be made to the Official Zoning Map except in the manner described above and except for technical changes needed to clarify zoning district boundaries. Any unauthorized change to the Official Zoning Map by any person or persons shall be deemed a violation of these Regulations.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning map which shall be located in the above Town office shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town except in cases where inadvertent mistakes are found.

The Official Zoning Map shall be certified by the signature of the Mayor and the Town Clerk under the following words: “This is to certify that this is the Official Zoning Map referred to in Section 3-100 of the Town of Hillrose Zoning Regulations, Ordinance # _____ of the Town of Hillrose, Colorado’, together with the date of the adoption of these Regulations.

3-105 Boundaries

The boundaries of zoning districts are established as shown on maps entitled “Official Zoning District Maps and Zoning Inset Maps: of the Town of Hillrose, Colorado, which maps and all future amendments thereto are hereby made a part of these Regulations.

Unless otherwise defined on the Official Zoning Maps, district boundary lines are lot lines; the center lines of streets, roads, highway rights-of-way, or such lines extended; section lines; municipal corporate lines; center lines of stream beds; or other lines drawn to scale on the Zoning District Maps.

3-110 Interpretation

In the interpretation and application of the provisions of these Regulations, they are not intended to abrogate or annul any permits issued before the effective date of these Regulations, or any easement, covenant, or any other private agreement.

Zoning Districts

3-115 General

In order to carry out provisions of these Regulations, the Town of Hillrose, Colorado, is hereby and in the future may be, divided into the following zoning districts:

- ER** Estate Residential District
- R** Residential District
- MDR** Moderate Density Residential Zone
- C** Commercial District
- LI** Light Industrial District
- MH** Mobile Home District

3-120 Use Categories

Uses of property are categorized and allowed in each of the zoning districts in accordance with the the Zoning Districts Use Table, Appendix B, [Table 5](#).

3-125 Uses-by-Right

Uses-by-right include the use of land, structures or both which are authorized by the district zoning classification. These uses may not require prior review and approval by the Planning and Zoning Commission or the Board of Trustees unless otherwise contained herein.

A use-by-right is the principal use(s) permitted in any given zone district. The design standards of any given zone district comprise the essential site plan requirements for the placement of a use on a parcel or in a structure. To construct a use-by-right on a parcel, a building permit is needed. The building permit will require that the use is properly served by access and utilities and that a plot plan be submitted which is used to check the setbacks and other design standards of the district. Plot plan reviews and approvals are a function of the staff.

3-130 Accessory Uses and Structures

These uses are naturally and normally incidental to a use-by-right and comply with all the following conditions:

- (A) Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use by right;
- (B) Is operated and maintained under the same ownership as the use-by-right on the same zone lot;
- (C) Includes only those structures or structural features consistent with the use-by-right;
- (D) The gross floor area utilized by all accessory uses, except a private garage, shall not exceed 10 percent (10%) of the total floor area of the use-by-right on the same property or parcel; and
- (E) May include home occupations, as defined by the zoning regulations and/or by zone district.

Accessory uses must meet setback and other design standard requirements in each zone district. Construction of accessory uses may or may not require a building permit. If a permit is required, a map showing the location of the accessory use on the zone lot will be required.

3-135 Use by Special Review

A specific use of land or building or both described and permitted within a zone district is subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a use-by-right or conditional use. Special uses require review before the Planning Commission and a public hearing before the Board of Trustees. These uses are usually extraordinary in nature, and a complete site plan and impact mitigation plan will be required to be reviewed and approved. Special use review criteria will be used to judge the acceptability of a particular special use proposed in a specific zone district. Procedures and submittal requirements for special review uses are found in Chapter 2.

3-140 Temporary Uses

3-145 Intent

The intent of this section is to provide for the regulation of temporary structures and uses. These Regulations shall apply to temporary residences, temporary construction offices and temporary signs. For the purposes of this section, the term "temporary" shall mean a period of up to six (6) months.

3-150 General Requirements and Procedures

Prior to the establishment and use of a temporary structure, the applicant shall be required to provide the following:

- (A) Submit a plot plan or map showing location of the use, setbacks and any other pertinent information to the Planning Administrator for review. The plan must conform with all applicable zoning requirements of the district in which the use is to be located.

- (B) Upon favorable review by the Planning Administrator, the applicant may obtain a building permit for the requested use.
- (C) The permit granted by the Planning Administrator shall expire six (6) months from the date of issuance. A maximum of three (3) permits shall be granted per use. All temporary uses shall be removed at the expiration of the third permit.
- (D) All written requests for renewal shall be submitted to the Planning Administrator a minimum of fifteen (15) working days prior to expiration date.
- (E) The applicant must meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as determined by the Planning Administrator.

3-155 **Permitted Temporary Structures**

- (A) **Temporary Residence**
Upon obtaining a building permit for a permanent residence, a permit for utilizing a temporary structure on the premises for temporary living quarters by the property owner may be obtained in the ER, R, MDR and MH districts.
- (B) **Temporary Construction Structures**
A temporary structure for construction activities may be utilized in all districts, which may be a construction office to be used for managing a construction job, a structure for the storage of construction materials, or a structure for the temporary manufacture of construction materials including but not limited to a concrete, asphalt, or mortar batching plant, subject to the following restrictions;
 - (1) The unit is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, and others working on the job.
 - (2) The structure must be located within the area of a recorded final plat or an approved site plan.
 - (3) No structure may be used as living quarters for a caretaker, property owner, contractor, or others except in approved cases where security necessitates such occupancy.
 - (4) All on-site or off-site impacts, including but not limited to dust, noise, discharges into the air or water, other forms of nuisance, and protection of the character of the vicinity where the temporary structure is located, shall be mitigated.
 - (5) No permanent changes to the site where the temporary structure is located shall be permitted without express prior approval.
- (C) **Temporary Offices**
 - (1) **Residential Sales Offices**
Temporary residential sales offices for the sale of units in an area shall be permitted in the ER, R, MDR and MH districts with the following restrictions:
 - (a) Sales shall be limited only to those units within the platted subdivision in which the office is located.
 - (b) The temporary structure shall be located within the area of a recorded final plat.
 - (c) The use of a temporary residential sales office shall require obtaining a temporary permit with the Planning Administrator.
 - (2) **Commercial, Business and Industrial Offices**
Temporary nonresidential offices used for sales or business operation purposes shall be permitted in the LI district with the following restrictions:
 - (a) Upon obtaining a building permit for a permanent nonresidential structure a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.
 - (b) The temporary office shall be located within the area of a recorded final plat and an approved site plan.
- (D) **Temporary Signs**
All temporary signs shall be in conformance with Town of Hillrose Sign Regulations.

- (E) **Other Temporary Structures**
Tents or other temporary structures used for bazaars, religious functions, festivals or other group activities are allowed in all zone districts except the ER, MDR, RR and MH zone districts. All permits are to be obtained from the Planning Administrator and must expire in a maximum of three (3) months within any calendar year.
- 3-160 **Uses Not Itemized**
- (A) On its own initiative, the Town Planning Commission may, by resolution, recommend to the Board of Trustees additions to the uses permitted and/or uses permitted by special review section of any zoning district, any other similar use which conforms to the conditions set forth in this section. The recommendation of the Planning Commission is then forwarded to the Board of Trustees for their actual pursuant to Section 2-305 of these Regulations. The criteria to be considered when adding to the zone district use list are:
- (1) Such use is more appropriate in the use group to which it is added;
 - (2) Such use conforms to the basic characteristics of the use group to which it is added; and
 - (3) Such use does not create any more offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.
- (B) Any use not specifically listed or under consideration by the Planning Commission for addition at the time of application must be approved as an addition and/or reviewed as a special use permit within an appropriate zone district under the regulations of Chapter 2 of these Regulations.
- (C) When any use has been added to; any use group in accordance with this Section such use shall be deemed to be listed in the appropriate Section of that use group and shall be added thereto in the published text of these Regulations at the first convenient opportunity.

Zones Described

Estate Residential Zone (ER)

3-165 **Purpose of the Estate Residential Zone**

This zone comprises land for very low-density single-family residential uses and country estates on large lots.

Residential Zone (R)

3-170 **Purpose of Residential Zone**

This zone district consists of land for low-density single-family residential uses on moderately sized lots located in the Town of Hillrose.

Moderate Density Residential Zone (MDR)

3-175 **Purpose of Moderate Density Residential Zone (MDR)**

This zone district provides areas for moderate density residential development and allows for multi-family housing units.

Commercial Zone (C)

3-180 **Purpose of Commercial Zone (C)**

Areas for retail, wholesale, and service related commercial uses with minimal assembly or manufacturing activities.

3-185 **Commercial Zone Additional Requirements**

Same as Section 3-230 plus applicable requirements of Sections 3-315 through 3-755.

Light Industrial Zone (LI)

3-190 **Purpose of Light Industrial Zone (LI)**

Land areas to be used primarily for research and development, mini warehousing, small product assembly and manufacturing and other service, distribution, and industrial uses that produce no off-site impacts as a result of the operations on-site.

3-195 Light Industrial Zone Additional Requirements

Same as Section 3-230 plus applicable requirements of Sections 3-210 through 3-310.

Mobile Home Zone (MH)

3-200 Purpose of Mobile Home Zone (MH)

The Mobile Home (MH) Zone provides a residential zone for mobile home parks and mobile home subdivisions within Hillrose. Regulations governing individual mobile homes as principal dwelling units or as accessory, conditional, or temporary uses in other zones can be found elsewhere in other Regulations.

3-205 Mobile Home Zone Additional Requirements

See Sections 4-260 through 4-375

Zone District Bulk Requirements and Design Standards

3-210 General Bulk Requirements and Exceptions Intent

General Requirements and exceptions contained herein are applicable to special case considerations covered by these Regulations.

3-215 Minimum Area and Width of Lot

- (A) No part of the area or width of a lot required for the purpose of complying with the provisions of these Regulations shall be included as part of the area or width required for another lot.
- (B) The minimum area and width limitations in these Regulations shall not apply to utility service facilities.
- (C) Where an individual lot was held in separate ownership from adjoining properties or was platted prior to the effective date of these Regulations, in a recorded subdivision approved by the Town of Hillrose and has less area, less width, or less frontage than required in other sections of these Regulations, such lot may be occupied according to the permitted uses provided for the district in which the lot is located.
- (D) Portions of legal lots or parcels under lease agreement do not constitute a subdivision. Uses and appurtenances to uses on lease portions must meet the bulk and lot requirements for the zone district in which they are situated.

3-220 Minimum Yards

- (A) Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features may extend into a required yard setback not more than three feet (3').
- (B) Open fire escapes may extend into a required yard setback not more than six feet (6'); enclosed fire escapes not more than three feet (3').
- (C) Open, unenclosed, uncovered porches at ground level may extend into a required front or rear yard setback not more than four feet (4'). All side yard requirements must be met.
- (D) Open, unenclosed, uncovered patios, decks and porches greater than two feet (2') above ground level shall not extend into a required front or rear yard setback more than three feet (3'). All side yard setback requirements must be met.
- (E) The side yard along the street side of a reverse corner lot shall be not less than the front yard requirements for the district in which the lot is located.
- (F) No part of a yard required for a building shall be included as part of a yard for another building.
- (G) The minimum yard along all Federal and State Highways, County Roads and Town Streets shall not be less than thirty-five feet (35') from the existing right-of-way line or, in the case of new development, the setback shall not be less than thirty five feet (35') from the proposed right-of-way line as approved by the Town. Where this requirement may conflict with a yard otherwise required in a district, the larger yard shall be required.

3-225 Maximum Height of Buildings and Structures

- (A) The height limitation of these Regulations shall not apply to church spires, belfries, cupolas, penthouses or domes not used from human occupancy, to chimneys, ventilators, attached solar collectors, skylights, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level. However, the height of towers used for non commercial purposes, such as ham radio, television or citizen bands, shall be neither greater than the

distance from the base of the tower to the nearest property line nor more than two (2) times the height limit for the zone district.

- (B) It shall be unlawful to construct, build, establish or continue to maintain any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a publicly used airport under the regulation of the appropriate United States Civil Aeronautics Authority.

3-235 Other

- (A) All dwellings and structures shall be constructed in accord with all applicable Town regulations.
- (B) Underground housing may be allowed subject to meeting all applicable Town regulations and site plan approval. No underground construction shall be allowed to encroach within designated easements or required setbacks from adjoining property lines without Town approval.

3-240 Bulk Lot Requirements

All bulk requirements (acreages), setbacks, lot size, minimum frontage, maximum building height, fence height, gross residential density, minimum floor area, maximum lot coverage, and open space requirements are show by [Table 1](#), Appendix B (Tables).

3-245 Sewer and Water Requirements

The owner of any structure where people live, work or congregate shall ensure that the structure contains an adequate, convenient and sanitary toilet and sewage disposal system in good working order. Under no conditions shall sewage or effluent be allowed to be discharged upon the surface of the ground or into waters of the State.

Central sewer and water service are required for all residential, business, commercial and industrial developments. Septic systems and private wells are allowed in the existing Beaver Creek Addition and in that part of the original town west of Highway 6 as long as they comply with the construction design and minimum lot area requirements of the local health department. Existing business, commercial and industrial subdivisions not having public sewer and/or water must continue to meet the minimum lot area requirements of the health department.

3-250 Site Specific Development Plan Review Required

A site specific development plan (site plan) will be required to be reviewed for all multi-family structures and all classes of uses in the LI and MH zones. Automobile oriented uses-by-right in the C district on parcels greater than one (1) acre in size will require site specific development plan approval by the Town. Site specific development plan submittal requirements and procedures are found in Section 2-495 and following of these Regulations.

3-255 Streets and Access

- (A) Zone lots in all districts shall have clear and safe access to an approved public or private street. Access points must be approved by the Town.
- (B) Acceleration/deceleration lanes may be required to be constructed to provide safe and efficient access to county roads and state highways. This requirement maybe imposed as part of site plan reviews.
- (C) Street and road development in all districts will comply with the Town Road Standards.
- (D) All intersections, driveways, etc. shall be designed to permit vision of oncoming traffic for four hundred feet (400') unless restricted by topography. All plants, trees, bushes, grass or any other vegetation which restricts the above vision requirement at all intersections shall be kept trimmed to thirty inches above ground level or any lesser height needed to keep the above vision standard clear.

3-260 Noise

Uses and structures in the C and LI zones shall be located, designed and operated in accordance with the noise standards as established in 25-12-101 C.R.S. Uses in the residential district must confine site-generated noise to the zone lot.

3-265 Air Quality

Uses in all Zones shall be located, designed and operated in accordance with the latest air quality standards established by the Colorado Air Pollution Control Commission and the Federal Environmental Protection Agency.

3-270 Water Quality

Uses in all Zone Districts shall be located, designed and operated in accordance with the latest water quality control standards established by the Colorado Water Quality Control Commission and the Federal Environmental Protection Agency.

3-275 Radiation and Radioactive Materials

The handling, use, storage and processing of radioactive materials shall be in accordance with the applicable regulations of the State of Colorado and the United States Government in all Zone Districts except the ER, R, MDR & MH zones where they are not allowed except for medical purposes involving individual use.

3-280 Heat

Uses located within all Zones shall not emit heat in such an amount sufficient to raise the temperature of the air or of material at or beyond the lot line.

3-285 Light

In all Zone Districts, any lighting, including light from high temperature processes such as welding or combustion, shall be designed, located and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto adjacent properties; neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on public or private streets; no colored lights may be used which may be confused with or construed as traffic control devices.

3-290 Property Maintenance

Property located within all Zones shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than six inches (6"). In no event shall the property owner allow the growth of noxious weeds.

Off-Street Parking and Loading Requirements

3-300 Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any residential commercial, or industrial district in the Town, off-street parking spaces shall be provided as specified in these Regulations. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this chapter. Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of property and exclude stairwells; elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment; and space devoted to off-street parking or loading. The number of employees of a new or expanding business shall be estimated in a manner approved by the Planning Board, and the number of employees of an established business shall be determined from an examination of its actual or projected payroll. Specific parking requirements are shown in [Table 2](#), Appendix B (Tables).

3-305 Off-Street Loading

(A) Passengers

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

(B) Merchandise, Materials, or Supplies Buildings or structure to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and sizes to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of these Regulations shall not be used for loading and unloading operations except during those periods of the day when they are not required to accommodate parking needs. Loading space shall not occupy or intrude into any fire line. Off-street loading spaces shall be located in such a manner that when such spaces are being used to load or unload a vehicle, no part of the vehicle will occupy an adjacent street, sidewalk, and alley or fire lane.

3-310 General Provisions - Off-Street Parking and Loading

- (A) The provisions and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by these Regulations. Use of property in violation hereof shall be a violation of these Regulations. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of these Regulations to be in or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with. Variances to parking requirements may be made by the Board of Adjustments after a favorable recommendation from the Planning Administrator based on factual information and parking needs related to the use proposed.
- (B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Board of Adjustment, after a report and recommendation from the Town Planning Administrator based upon the requirements of comparable uses listed.
- (C) In the event several uses occupy the single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. An exception to this requirement may be made by the Planning Administrator for a mixed use project where a detailed parking study has determined fluctuating parking needs for various segments of a twenty-four (24) hour period.
- (D) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, providing that satisfactory evidence is presented to the Planning and Zoning Administrator in the form of deeds, leases, contracts and hours of operation to establish the joint use.
- (E) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than three hundred feet (300') from the building or use they are required to serve, measured in a straight line from the building.
- (F) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business of use.
- (G) Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side or rear yard.
- (H) Off-street parking spaces for compact cars may occupy up to forty percent (40%) of the required parking area. Such plans will be reviewed on a case-by-case basis by the planning staff.
- (I) Adequate handicap parking spaces shall be provided and clearly marked for institutional and commercial uses, as determined on a case-by-case basis by the planning staff. Handicapped spaces shall be located at the closest or most convenient location to the entrance.
- (J) A plan, drawn to scale, indicating how the off street parking and loading requirements are to be fulfilled shall accompany an application for a building permit when appropriate, as determined by the Planning Administrator. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:
 - (1) Delineation of individual parking and loading spaces;
 - (2) Circulation are necessary to serve spaces;
 - (3) Access to streets and property to be served;
 - (4) Curb cuts;
 - (5) Dimensions, continuity, and substance of screening or landscaping;
 - (6) Grading, draining, surfacing and sub grading details;
 - (7) Delineation of obstacles to parking and circulation in finished parking area;
 - (8) Specifications as to signs and bumper guards; and
 - (9) Other pertinent details.
- (K) Design requirements for parking lots shall be as follows:

- (1) Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks.
- (2) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four feet (4') from the property line or by a bumper rail or other approved means.
- (3) Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.
- (4) Access aisles shall be sufficient width for all vehicle turning and maneuvering.
- (5) Except for dwellings, parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way or alley.
- (6) Off-street parking spaces shall be a minimum of ten feet (10') in width and twenty feet (20') in length, except that a percentage of small car spaces (eight feet [8'] by sixteen feet [16']) may be provided upon approval of the planning staff.

- (L) **Completion time for parking lots:**
 Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Town Planning Administrator. An extension of time may be granted providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Administrator provided the parking space is not required for immediate use. In the event the improvements are not completed within one (1) year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the Town.

3-315 Animal Unit Net Densities

Livestock will be permitted in the ER zone only with the animal unit equivalents and density requirements as shown in [Table 3](#), Appendix B.

3-320 Fences, Hedges, Trees and Walls

Fences, hedges and walls may be permitted in the required yard areas of any district subject to the following conditions and requirements:

- (A) No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owners. It shall be the responsibility of the property owner to locate all property lines.
- (B) No fence, hedge or wall shall be placed outside of the property boundary lines or nearer than 12 inches from a public sidewalk.
- (C) No barbed wire, sharp pointed or electrically charged fence shall be permitted, with the exception of the ER and that in the Industrial zones only, up to three strands of barbed wire may be attached to the top of a minimum six-foot high fence for security purposes.
- (D) Fences, hedges or walls shall not exceed six feet in height except in the Industrial Districts. The height shall be measured at the finished grade on the side of the fence nearest to the street, alley or abutting property.
- (E) Fences located within the required front yard setback shall not exceed four feet in height. In addition, on corner lots, any obstruction of any nature whatsoever over 48" inches in height shall not be allowed within the height triangle established for the adjacent intersection except for trees with branches and foliage removed to a height of seven feet above the ground and open wire fencing that does not obscure more than 10%.
- (F) **Removal of Fences Required Up Notice.** After this Ordinance was in effect any person who shall have possession or control of private or public grounds upon or within which any illegal fence shall exist, and who may have constructed or caused to be constructed such fence, shall, upon notice given or served, remove any such fence and abate the nuisance, and be subject to a penalty for violation upon the failure so to do.
- (G) **Removal by Town.** When any illegal fence shall be found within the Town existing contrary to the provisions of this ordinance, the Administrator or Code Enforcement officer of the Town shall cause any such fence to be removed and thereby abate the nuisance, and any such officer shall have authority to engage the necessary assistance and incur the necessary expenses, such expenses to be recovered under abatement procedures of the Town.

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
CHAPTER 4**

SUPPLEMENTARY REGULATIONS

CAMPGROUND REQUIREMENTS

4-100 Applicability and Permit

Campgrounds (including recreation vehicle or RV parks) shall be allowed as a special review use in the LI zone district. Applications for a campground shall follow submission requirements as set forth in Section 2-380 & 2-410 and following of these Regulations.

It shall be unlawful to allow any recreational camping unit (camper, motor home, recreational vehicle, tent, travel trailer, etc.) to be occupied in a campground or RV park for which there are no available spaces conforming to the provisions of these Regulations.

Standards

4-105 Site Selection Criteria

Existing zoning and health regulations must be considered prior to selection of the site for a campground. Sites providing shade trees are advantageous. The campground shall be on a well-drained site and shall be located so that its drainage will not cause adverse effects on surrounding areas. Existing streams and creeks shall be preserved. Campgrounds shall not be subject to flooding, fire or safety hazards, and shall not be exposed to chronic nuisances such as noise, smoke or fumes. The topography shall be favorable to minimum grading and ease of maintenance. Submission of a site-specific development plan per Section 2-495 and following of these Regulations is required for any proposed campground use, and shall include a landscape plan detailing any necessary landscape buffers and screening.

4-110 Minimum Site Area

The site shall contain a minimum of two (2) acres of land.

4-115 Density

A campground shall have a gross density of not more than fifteen (15) units per acre.

4-120 Setbacks – Perimeter

Each campground shall set aside along the perimeter of the park the following setbacks, which shall be landscaped and used for no other purpose:

- A) Abutting a State or Federally designated highway or City designated major arterial – fifty feet (50’).
- B) Abutting any public right-of-way other than (a) above including alleys – twenty-five (25’).
- C) Abutting any exterior boundary other than (a) or (b) above – fifteen feet (15’), except that the minimum setback when abutting a residential district shall be fifty feet (50’).

4-125 Campground Space Requirements

(A) Space Area

All campground spaces shall be a minimum of one thousand two hundred fifty (1,250) square feet and not less than twenty-five feet (25’) wide.

(B) Interior Setbacks

- (1) Side setback of camping unit – not less than seven and one-half feet (7-1/2’) from the side lot lines.
- (2) Front setback of camping unit – not less than ten feet (10’) from the front lot lines.
- (3) Rear setback of camping unit – not less than five feet (5’) from the rear lot lines.

(C) Surfaced Area

Each campground space shall contain a surfaced area of not less than ten by forty feet (10’ x 40’). Surfacing shall consist of asphalt or concrete. A camping unit shall be parked entirely on the surfaced area. It shall be unlawful to park a camping unit so that any part of such camping unit

obstructs any roadway or walkway within the campground. A gravel surface patio area shall be provided adjacent to the surfaced parking area for the camping unit. A suitable ground cover must be provided on unsurfaced portions of the campground space.

(D) **Tent Camping Areas**

Tent camping areas shall be separate from those spaces used for vehicular campers (RVs, travel trailers, etc.). One (1) picnic table for each tent space and a minimum of one (1) barbecue stand for every two (2) tent spaces shall be provided.

4-130 **Access and Interior Roadways**

- (A) The site shall have at least one (1) direct access to a public road or highway, which shall be at least thirty-two feet (32') in width. Access points to a Town road shall be subject to review and approval by the Town. Access roads shall be provided to each campground space.
- (B) Interior roadways shall not be less than twenty-four feet (24') in width, with minimum fifty-foot (50') radius cul-de-sacs. No on-street parking shall be permitted.
- (C) Roadways shall be surfaced with gravel, asphalt, or concrete.

4-135 **Walks and Lighting**

- (A) Walkways shall be a minimum of four feet (4') wide and shall have a minimum two-inch (2") gravel surface.
- (B) Streets and walkways shall be lighted with lights spaced a maximum of five hundred feet (500') apart.

4-140 **Open Space and Recreation Areas**

Each campground shall provide an amount not less than fifteen percent (15%) of the gross campground area for private recreation and/or open space. The area allowed for recreation or open space shall not include any area designated as a roadway, campground space, storage area, nor any area required for setback as set forth in Section 4-125(B). All open space areas shall be maintained so that no weed or grasses grow taller than six inches (6").

4-145 **Service Buildings**

Every campground shall be provided with one or more service buildings adequately equipped with flush-type toilets, lavatories, showers, and laundry facilities meeting minimum health department standards. Such building(s) shall be well lighted and well ventilated, with screened openings.

4-150 **Maximum Residency**

- (A) No camper, motor home, recreational vehicle, travel trailer, tent or other type of recreational camper shall be allowed to occupy space within the campground for periods exceeding sixty (60) days, unless otherwise approved by the Board of Trustees.
- (B) Campgrounds are designed for short-term residency, and it is the intent of these provisions to ensure that occupancy within a campground will not be perpetuated beyond the time limits set forth in subsection (A) above. Movement of vehicles in or out of spaces during the specified time limits is allowed.

4-155 **Water Supply**

Connection to the Town's water system will be required. The number of spaces to be occupied in a campground shall be limited to the quantity of water available to supply each space with the minimum requirements. All plumbing in the campground shall comply with the State and County plumbing laws and regulations.

4-160 **Sewage Disposal – Sanitary Stations**

Connection to the Town's sewage system will be required. Each campsite shall provide sufficient facilities for the sole purpose of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner. The State Department of Health and the local health department shall approve sanitary sewage hookups.

4-165 **Electricity and Phone**

- (A) All spaces in a campground shall be provided with an electrical outlet supplying at least 110 volts, or 110/220 volts. The installation shall comply with all State and County electrical regulations.
- (B) At least one (1) public telephone shall be provided at the service building(s).

4-170 **Solid Waste Disposal**

The storage, collection, and disposal of solid wastes in the campground shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident hazards, or air pollution. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or holders shall be provided at permanent locations to campground spaces, in areas screened by appropriate landscaping features.

4-175 **Dedication of Easements and Public Lands**

The developer must submit warranty deeds or file a site plan of a new campground or recreational vehicle park covering the dedication of all easements and public lands, if any, prior to or at the time of final approval of the proposed campground or recreational vehicle park.

4-180 **Building Permits**

All buildings and utilities to be constructed in the campground or RV park must comply with all applicable codes of the State of Colorado, Morgan County and the Town of Hillrose.

4-185 **Tie-Downs**

Recreational vehicles, which are self-propelled, are not required to be tied down while located within campgrounds or RV parks. All such vehicles must be adequately blocked while stationary.

HOME OCCUPATIONS

4-200 **Intent**

To provide for the operation of limited commercial activities within established residential zone districts.

4-205 **General Provisions**

A home occupation shall be allowed as a permitted use in all residential districts provided that:

- (A) Such use shall be conducted only by the occupants thereof plus not more than one (1) non-related (by family) non-resident employee. Such use shall be conducted only within the principal dwelling.
- (B) Such use shall be clearly incidental and secondary to the use of the dwelling as a dwelling unit and shall not change the character thereof.
- (C) The total area utilized for such purposes shall not exceed one-half (1/2) of the first floor area of the principal dwelling.
- (D) Exterior advertising of the home occupation shall consist of a maximum of one (1) two-sided sign no more than six (6) square feet in size.
- (E) There shall be only limited and incidental sale of products made by the residents and conducted on the premises.
- (F) There shall be no outside storage on the premises of materials or equipment use in connection with the home occupation.
- (G) There shall be no excessive or offensive noise, vibration, smoke, dust, odors, health hazardous materials, heat, glare or light noticeable or extending beyond the property.
- (H) Home occupations shall not generate traffic which significantly affects the residential character of an area.
- (I) The Board of Trustees shall determine which activities other than those listed are compatible with this Section.
- (J) Home occupations housed in accessory structures will require a conditional use permit for that use.

4-210 **Uses Permitted**

Those uses falling generally within the definition of home occupation of Section 1-410 including but not limited to:

- (A) Tutoring Lessons
- (B) Day care home (no more than six (6) children)
- (C) Artist studio
- (D) Accounting service
- (E) Personal skills lessons (no more than six (6) people per lesson)
- (F) Individual professional office
- (G) Small appliance repair or sharpening service
- (H) Secretarial service

4-250 **Junkyards**

Junkyards desiring to locate adjacent to a state highway or interstate highway must obtain a state permit as per 43-1-501 of the C.R.S. in addition to County and Town permits.

MOBILE HOME PARK REQUIREMENTS

4-260 **Authority**

These Regulations establish minimum standards governing necessary utilities and facilities and other physical improvements and conditions required to make mobile home parks and subdivisions safe, sanitary, and fit for human habitation; articulate the responsibilities and duties of owners and operators of mobile home parks; authorize the inspection of mobile home parks; and fix penalties for violations, adopted pursuant to authority conferred within Article 23 of Title 31 of the Colorado Revised Statutes.

4-265 **Application**

The provisions and regulations of this Section shall apply to the construction, alteration, extension, location, installation, use, and maintenance of all mobile homes in the Town of Hillrose. It shall be unlawful for any person to place, construct, alter, extend, install, use or maintain in a mobile home park or subdivision within the Town of Hillrose, except in compliance with this Section. All of the regulations in this Section and following apply to mobile home parks and selective regulations apply to mobile home subdivisions.

4-270 **Mobile Home Park Development Permit**

An applicant for a mobile home park permit shall obtain a Mobile Home Park Development Permit in accordance with these Regulations. Before issuance of placement permits, the applicant shall submit all necessary plans and supplemental information for the proposed mobile home park in accordance with the site plan review process under Section II of these Regulations. When necessary, a request for rezoning to Mobile Home (MH) Zone must also comply with the submittal requirements of this section. The application for a Mobile Home Park Development Permit shall be accompanied by any necessary fees as specified by the Town of Hillrose and by plans for operation and maintenance of the Mobile Home Park, including tenant rules and regulations.

Any permit for construction, alteration, or extension of any individual mobile home or a mobile home in a mobile home park or subdivision shall not be issued until the use has been approved as required by the zoning regulation and compliance with all conditions of approval has been guaranteed, either by actions of the applicant prior to issuance of the permit or by written agreement signed by the applicant and approved by the Town.

4-275 **Dedication of Easements and Public Lands**

The developer must submit warranty deeds or file a site plan of the mobile home park covering the dedication of all easements and public lands prior to or at the time of final approval of the mobile home park.

4-280 **Building Permits**

All buildings and utilities to be constructed, altered, or repaired in a mobile home park shall comply with all applicable codes of the Town of Hillrose and the State of Colorado.

4-285 **Mobile Home Placement Permit – All Zone Where Allowed**

A placement permit shall be required for the installation of mobile homes in a mobile home park or subdivision in all zone districts where they are allowed in the Town of Hillrose, for the tying down of previously installed mobile homes, and for the construction of any accessory structures on individual mobile home lots or spaces.

Said placement permit shall be obtained from the Town of Hillrose Planning Administrator, who shall issue a permit to place a mobile home upon compliance by the applicant with these Regulations with any other information as may be requested by the Planning Administrator to enable him/her to determine that the proposed mobile home will comply with all applicable requirements. After placement is complete, the Town will inspect the mobile home for compliance with these Regulations prior to issuing a Certificate of Occupancy (C.O.) for the mobile home. Placement permit holders may not occupy a mobile home until the C.O. is issued.

4-290 **Standard and Improvements – Additional Requirements**

The following additional standards and requirements shall apply to mobile home parks within a MH Zone. The design standards of the Town of Hillrose Subdivision Regulations also apply to the development of mobile home park site plans and are to be used in addition to the standards of this Section unless otherwise specified herein. All mobile homes placed in the Town of Hillrose must meet National Manufactured Housing Construction and Safety Standards Act of 1974.

4-300 **Nonresidential Uses**

- (A) A mobile home or unit may be used for office or other nonresidential purposes, on a temporary basis during construction or remodeling activities connected with a use permitted on the lot, provided that a placement permit is obtained and a use time limit is determined and that the use and location of the mobile home complies with all applicable zoning and building regulations of the Town of Hillrose. In addition, such mobile home shall be removed from the site within thirty (30) days when the construction or remodeling has been completed. Such mobile home shall be adequately secured against damage and overturning by winds as per these Regulations.
- (B) Where a mobile home is proposed to be used for nonresidential purposes not connected with construction or remodeling activities, a variance permitting such use shall be required to be granted by the Board of Adjustment in accordance with the procedure provided in Section V.
- (C) Nothing contained herein shall be deemed as prohibiting the sale of a mobile home located in a mobile home park and connected to the required utilities.

4-305 **Site Area**

The site for a mobile home subdivision or park shall contain a minimum of ten (10) acres of land.

4-310 **Density**

The total density of a mobile home park or subdivision shall not exceed six (6) units per gross acre.

4-315 **Perimeter Setbacks**

Each mobile home park or subdivision shall provide the following setbacks along the perimeter, which shall be landscaped and maintained except for those portions used for ingress and egress:

- (A) Abutting a State or Federally designated highway or County designated major arterial or Town of Hillrose major arterial – fifty feet (50');
- (B) Abutting any public right-of-way other than (1) above – twenty-five feet (25');
- (C) Abutting any exterior boundary other than (1) or (2) above – fifteen feet (15');

4-320 **Internal Setbacks**

- (A) There shall be a minimum of twenty-foot (20') setback from any service or mobile home park or subdivision permanent building.
- (B) Enclosed additions or porches shall be considered a part of the mobile home in measuring required setback distances. The required area for each mobile home space shall not include that additional area required for access roads, service buildings, recreation areas, office, and similar mobile home park or subdivision needs.
- (C) No double wide mobile home shall be placed on a single lot.

4-325 **Access and Interior Roadways**

- (A) The mobile home park site shall have at least two (2) direct accesses to a public road or highway by a roadway, each of which shall be at least forty feet (40') wide. Access points to these roads shall be subject to review and approval by the Town, Morgan County and the Colorado Highway Department where necessary.
- (B) Access to every mobile home space shall be from internal streets and roads. The mobile home park shall be designed so that all mobile home spaces and community buildings face onto an interior roadway.

4-330 **Minimum Street Width**

Minimum interior street widths in mobile home parks shall be as follows, measured from flow line to flow line:

- (A) No on street parking: twenty-four feet (24')
- (B) Parking on one side only: thirty feet (30')
- (C) Parking on both sides: forty feet (40')

4-335 **Walkways**

Paved walkways at least three feet (3') wide shall be provided from all mobile home spaces to service buildings and other community areas, and along all access roads, when the number of units in the mobile home park or subdivision is equal to or exceeds forty (40) units. Walkways shall be hard-surfaced with concrete or asphalt. Off-street parking or fences shall not obstruct walkways. Gravel may be used in mobile home parks and subdivisions of less than forty (40) units.

4-340 **Storage**

Storage facilities shall be provided on or conveniently near each mobile home space for the use of the mobile home occupants.

- (A) There shall be a minimum of one hundred forty-four (144) cubic feet provided for occupant storage for each mobile home space.
- (B) Storage facilities shall be provided on the mobile home space. Storage facilities shall be no closer to streets or drives than the mobile home itself, and shall be designed in a manner that will enhance the appearance of the park or subdivision and shall be constructed of suitable weather-resistant materials.
- (C) Storage underneath a mobile home is not permitted.
- (D) A separate centralized storage area(s) for campers, trailers, RVs, boats, motor homes, etc. is required in the mobile home park or subdivision at an amount equal to one hundred (100) square feet per each mobile home space. Such area(s) shall be hard surfaced and be screened with a six-foot (6') high solid fence or suitable opaque landscaping.

4-345 **Skirting**

All mobile home units in all zones shall be skirted as defined in Section 1-492. Such skirting must be in place within thirty(30) days after the mobile home is set on the mobile home space or lot. All skirting shall have one (1) or more openings constructed and located to allow convenient access to all points of utilities connections.

4-350 **Blocking and Tie-Downs**

- (A) Every owner or occupant of a mobile home within the Town or subject to Town Regulations shall secure the mobile home against wind and flood (when required) damage in accordance with the regulations of this Section.
- (B) In case of mobile home parks constructed prior to the effective date of these Regulations, the Town of Hillrose building official shall have the authority to reduce the number of required tie-down sets upon presentation of adequate evidence that certain spaces are not subject to the wind forces upon which these requirements are based.

4-355 **Tie-Downs**

- (A) Each mobile home shall be provided with tie-downs to the main framing members of the mobile home as show in [Table 6](#) Appendix B.
- (B) All ties shall be fastened to an anchorage as described below and shall be drawn tight with one-half inch or larger galvanized, drop-forged turnbuckles or other equivalent tightening device as approved by the building official. Turnbuckles shall be ended with jaws or forged or welded eyes. Turnbuckles with hood ends are prohibited.
- (C) All cable ends shall be secured with at least two (2) U-bolt type cable clamps or other fastening device as approved by the building official.
- (D) Cable used for ties shall be either galvanized steel or stainless steel. It shall be either 3/8 inch diameter (7 x 7-7 wires each) steel cable, or 3/8 inch diameter or larger (7 x19 – 7 strands of 19 wires each) "aircraft" cable.
- (E) When flat steel strapping is used, is shall be in accordance with Federal Specifications QQ-S-781; i.e., 1-1/4" inch x .035 inch, Type 1, Class B, Grade 1. Zinc coating shall be a minimum of .030 ounces per square foot of surface. Breaking strength shall be a minimum of 4,750 pounds. (See paragraphs 1.2.1.1, 1.2.1.2, 3.10.2, 6.1.7, and Table II of QQ-S-781). Any other material shall be at least equal to the above specifications in tensile strength and weather resistance.
- (F) Steel bands used for ties shall terminate with a D-ring, bolt or other device that will not cause distortion of the band with a tensioning device attached.
- (G) A thimble or other device that will prevent such cutting shall protect sharp edges of the mobile home that would tend to cut the cable when the home is buffeted by the wind.

- (H) Connection to the I beam may be by a 5/8 inch drop forged closed eye, bolted through a hole drilled through the beam. A washer, or equivalent, shall be used so that the beam is sufficiently fish-plated through the hole.
- (I) Other connectors, or means of securing the cable to the beam, of equivalent holding power and permanence are acceptable if approved by the building official.
- (J) The length of the mobile home shall dictate the number of tie downs necessary.
Fifty (50) to seventy (70) foot mobile homes will require 4 tie down sets
Seventy foot (70') and over will require 5 tie down sets

4-360 Anchorage

- (A) Ground anchors shall be aligned with piers required below the outer wall if they are to accommodate over-the-home ties if this placement allows for sufficient angle for the anchor-to-frame connection.
- (B) Steel rods shall be of 5/8 inch minimum diameter with a forged or welded eye at the top. For dead man anchors the bottom of the rod shall be hooked into the concrete.
- (C) Augers shall be of minimum diameter of six inches (6") (arrowheads eight inches [8"]) and be sunk to a depth of at least five feet (5').
- (D) Dead man anchors shall be sunk to a depth of five feet (5'), with a minimum vertical dimension of two feet (2') and a diameter of six inches (6"). Celled concrete blocks are prohibited.
- (E) In lieu of the above, anchors to reinforced concrete slabs shall be of strength comparable to the above as may be approved by the building official. If this method is used, the weight of the mobile home must rest on the slab.

4-365 Piers and Footings

- (A) All piers shall be placed on footers of concrete with minimum dimensions of sixteen inches by sixteen inches by four inches (16" x 16" x 4"), or equivalent thereof as approved by the building official.
- (B) Piers shall be constructed of standard eight inches by eight inches by sixteen inches (8" x 8" x 16") celled concrete blocks placed over the foundation with the long dimension crossways to the main frame members and centered under them, with cells vertical. Pier heights shall be such that the mobile home will maintain a minimum crawlspace height of two (2) feet .
- (C) Piers shall be topped with a concrete cap eight inches by sixteen inches by four inches (8" x 16" x 4").
- (D) Hardwood shims shall be driven tight between the cap and the main frame to provide uniform bearing. They shall be four inches (4") or less in thickness and be side enough to provide bearing over the top cap.
- (E) Other types of piers and foundations of equivalent permanence and weight bearing ability may be approved by the building official. The use of a heavy metal adjustment column, anchored to both frame and foundation, is recommended.
- (F) Required piers shall be centered under each main frame (or chassis) member within five feet (5') of anchorage. The end piers shall be no farther than five feet (5') from the ends of the mobile home.

4-370 Cabanas and Awnings

Cabanas and awnings, and similar accessory structures, shall be secured by a row of support bars with a maximum spacing of twelve feet (12') at the outer edge. The posts shall be adequately secured to the roof and to the concrete patio or equivalent footing. Other adjacent structures such as storage bins, antennas, refuse containers, etc., shall also be secured and approved by the building official.

4-375 Alternative Tie-Down and Blocking Methods Permitted

In the event that a mobile homeowner or mobile home park developer wishes to use different tie-down, blocking and anchorage systems than those specified above, he/she shall comply with the following:

- (A) The method and materials for tie-down pads and for securing the mobile homes to the tie-down pads must be designed by a professional engineer licensed by the state of Colorado and must be approved by the Town of Hillrose Planning Administrator both for typical tie-downs and for each individual space as it is shown on the proposed final site plan. The entire mobile home tie-down design must meet or exceed the standards set out in these regulations.
- (B) This approval by the building official must occur prior to the approval of any final mobile home park site plan by the Hillrose Zoning Board.

4-380 **Manufactured Homes**

A manufactured home is a home used for a single family dwelling that is partially or entirely manufactured in a factory. A manufactured home

- (A) Must be at least twenty four feet (24') in width and thirty six feet (36') in length.
- (B) Must be certified pursuant to the "national Manufactured Housing Construction and Safety Standards Act of 1974" as amended.
- (C) Must have brick, wood or cosmetically equivalent exterior siding and a pitched roof.
- (D) Must be on an engineered permanent concrete foundation with an eight inch by sixteen inch (8" x 16") concrete footing and an eight inch by thirty two inch (8" x 32") high concrete wall on top of the footing with a minimum thirty two inch (32") crawl space under the house.

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
CHAPTER 5**

BOARD OF ADJUSTMENT – APPEALS PROCEDURE

5-100 INTENT

The Board of Adjustment will be the duly elected Board of Trustees of the Town of Hillrose. The purpose of the Board of Adjustment shall be to provide for, in appropriate cases and subject to additional conditions and safeguards, the ability to make special exceptions to the terms of these Regulations in conformance with their general purpose and intent.

5-105 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment has the following powers:

- (A) To hear and act upon requests for appeals from the administrative decisions of the Planning Administrator; and interpretive decisions of the Administrator regarding Zone District Boundaries;
- (B) To hear and grant variances from the standards of these regulations regarding:
 - a. Minimum area of lot;
 - b. Minimum width of lot;
 - c. Maximum height of structures and fences;
 - d. Minimum front yard;
 - e. Minimum side yard;
 - f. Minimum rear yard;
 - g. Minimum off-street parking requirements; and
 - h. Where, by reason of exceptional shape, sizes, or topography of the lot, or condition of the building or land, practical difficulty or unnecessary hardship would result to the owner of said property from a strict application or enforcement of these Regulations.
 - i. Number of residences per parcel
 - j. Height of structures
 - k. Sign set back requirements from Town of Hillrose Ordinance.

5-110 Majority Needed

- (A) The concurring roll call vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or agency or to decide in favor of the applicant any matter upon which it is required to pass under any such zoning regulations or to effect any variation in such zoning regulations.
- (B) No appeals from the Planning Administrator's action shall be granted by the Board of Adjustment when, in the opinion of said Board, the applicant has not provided reasonable and adequate evidence justifying the request presented, or when the request is determined to be a self-imposed hardship which can be rectified by means other than an appeal.

GENERAL PROVISIONS

5-115 Membership of the Board of Adjustment

The Board of Trustees shall be the Board of Adjustment and shall serve for a term concurrent with the term of the office of trustee and mayor.

5-120 Internal Rules

The Board of Adjustment shall adopt such rules and regulations governing its proceedings, as it may consider necessary or advisable; such rules and regulations shall be consistent with the guidelines of this section and appropriate State statutes.

5-125 Meetings

The Board of Adjustment shall meet as often as necessary to hear and act upon applications and other appropriate requests submitted.

5-130 Special Meetings

The Board of Adjustment may call special meetings for special projects and other important topics for review, discussion and/or recommendation. Alternate hearing dates due to weather conditions and other scheduling difficulties may be considered by the Chairperson of the Board of Adjustment.

5-135 **Planning Administrator – Duties**

The Planning Administrator shall serve as a secretary to the Board of Adjustment and shall be present at all regular and special meetings of this Board. The minutes shall be made a matter of public record within a practical time after the official meeting of the Board of Adjustment. Anyone wishing to have a transcript of the proceedings may have a court reporter present at their own expense.

PROCEDURE FOR APPEALS AND VARIANCES

5-150 **Preapplication Procedure**

The applicant shall discuss the appeals and variances informally with the Planning Administrator to learn what materials and what steps are necessary for the application.

5-155 **Decision of Administrator – Appeal**

A formal application shall be submitted to the Planning Administrator and he shall render a decision based on the criteria in Section 5-190 within ten (10) days of submittal of the application. Appeals of this decision can be subsequently made to the Board of Adjustment. All decisions of the Planning Administrator are to be written and filed with the Board of Adjustment and reported to them at their next hearing as a business item.

5-160 **Variance Applications**

Variance applications shall consist of the following:

- (A) A completed application form
- (B) Proof of ownership of the land on which the appeal is requested.
- (C) Application fee.
- (D) A written description of the grounds for the appeal related to the criteria of Section 5-190 and the reasons held by the appellant for the favored interpretation of these Regulations.
- (E) A site plan drawn to appropriate scale showing the location of existing structures, fences, natural features, streets and right-of-way, boundary lines, and lot lines. The site plan will graphically display the design standards, such as setbacks, which are the subject of variance or disagreement. Drawing sheet size shall be a minimum of eighteen by twenty-four inches (18" x 24").
- (F) Any other information determined to be necessary by the Planning Administrator or the Board of Adjustment that will aid in making a decision, which will not impair the intent and purpose of these Zoning Regulations.
- (G) A statement that demonstrates that special conditions and circumstances exist which are peculiar to the lot, structure, or building involved and which are not applicable to other lots, structures, or buildings in the same zoning district.
- (H) A statement that demonstrates that literal interpretation of the provisions of these Regulations would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district under the terms of these Regulations.
- (I) A statement that demonstrates that the special conditions or circumstances do not result solely from the actions of the appellant.
- (J) Evidence that demonstrates that the variance requested is the minimum variance that will make possible the reasonable use of the lot, building or structure.
- (K) A list and a map showing all surface property owners within three hundred and sixty feet (360') or three (3) lots, whichever is greater, from the perimeter of the property in question.

5-165 **Appeal of Administrative Decision**

All appeals of the Planning Administrator's decision shall consist of the following:

- (A) All application requirements of Section 5-160 above.
- (B) Citation of the Section of the Zoning Regulations subject to the disagreement.
- (C) Any written statements desired by the appellant.

5-170 **Publication of Notice**

Planning Administrator shall be responsible for publishing a notice of public hearing in at least one issue of the Official Town Newspaper at the time and in the Town's Newsletter, at least fifteen (15) days prior to said hearing before the Board of Adjustment. Said notice shall read as show on [Form 7](#), Appendix A:

5-175 **Notification**

At least fifteen (15) days prior to the Board of Adjustment hearing the Planning Administrator shall mail a notice of said hearing by first class mail, to owners of property adjacent and within three hundred and sixty feet (360') or three (3) lots, whichever is greater, from the perimeter of the property under consideration for the appeal or variance.

5-180 **Action of the Planning Administrator**

The Planning Administrator shall review the application for the hearing and determine that it is complete. Also, the Administrator shall prepare comments, for use by the Board of Adjustment, addressing all aspects of the appeal or variance, its conformance with sound land use planning practices, the effect of granting or denying the appeal and its conformance with the Town of Hillrose Comprehensive Plan. The comments are to be forwarded to the members of the Board of Adjustment along with the application contents. The Administrator shall present these comments at the hearing.

5-185 **Actions of the Board of Adjustment**

- (A) The Board shall conduct the public hearing in a controlled manner, hearing presentations of application materials by the applicant, comments from the Administrator and entertaining public testimony. The Board shall make its decision based on the information presented and on findings related to the criteria in Section 5-190. The Board may convene the hearing only if quorums of four (4) members are present.
- (B) The Board shall make its decision at the meeting and instruct the Administrator to prepare a memorandum of decision.

5-190 **Criteria for Reviewing Appeals**

The Board of Adjustment shall make decisions concerning appeals regarding application of the Zoning Regulations from the testimony presented utilizing the following review criteria.

- (A) Relief from the provision of these Regulations may not be granted when the hardship is brought about through the actions of the appellant.
- (B) Nor may relief be granted when the result of granting the requested relief is detrimental to the public good or when relief is contrary to the purpose and intent of these Regulations.
- (C) In granting any variances, the Board of Adjustment may prescribe appropriate conditions, safeguards and permit time limits in conformity with these Regulations. Violations of such conditions, safeguards, and time limits when made part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under Chapter 6 of these Regulations.
- (D) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of these Regulations in the district involved, or any use expressly or by implication prohibited by the terms of these Regulations.
- (E) No nonconforming use of neighboring lots, structures, or buildings in the same district, and no permitted or nonconforming use of lots, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (F) The appellant has prepared a complete and well-documented application.

5-200 **Implementation of Variances**

Upon the granting of a variance by the Board of Adjustment, the successful applicant shall have six (6) months from the date of issuance of the variance to commence implementation of the variance allowed. The Planning Administrator shall inspect all variances implementation projects to determine that they conform to the intent of the variance. Should a variance not be implemented in the time period allowed, the variance will become null and void upon the action of the Planning Administrator. A one-time extension of the implementation period for a maximum of six (6) months may be granted by the Planning Administration at the request of the variance holder.

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
CHAPTER 6**

ENFORCEMENT

6-100 Intent

These Regulations shall be enforced by the Town of Hillrose Board of Trustees, the Zoning Board, the Planning Administrator, and their authorized representatives in regard to the erection, construction, altering, placement, occupancy or use of any building, structure, or land in the incorporated are of the Town of Hillrose. The Administrator shall also consult with the local health department on matters involving health and sanitation.

6-105 Violations and Penalties

It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation in, or of any provision of, these Regulations, or any amendment thereof. Any person, firm or corporation violating any such regulation, provision or amendment, or any provision of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined at least twenty five dollars (\$25) and not more than three hundred dollars (\$300). Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used, or any land is or is proposed to be used, in violation of any regulation or provision of these Regulations, or amendment thereof, the Board of Trustees, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, placement, maintenance or use within a building or on a piece of land.

6-110 Inspections and Duties of the Planning Administrator

The Board of Trustees authorizes the Planning Administrator to perform the following enumerated duties.

- (A) Respond to zoning complaints and make regular inspections of properties in the Town of Hillrose. The procedure for responding to zoning complaints and processing by the Town Planning Administrator shall be developed by the Administrator and then reviewed and approved by the Town Attorney. In general, these procedures will involve letters of potential violation to the property owner by the Planning Administrator, issuing of a summons by the Code Enforcement Officer and eventual appearance of the violator in a court of law to defend the charges should corrections not be made.
- (B) To enter and inspect any building, structure, or tract of land in the unincorporated area of the Town to determine compliance with these Regulations.
- (C) To issue written notices to alleged zoning violators that they are alleged to be in violation of these Regulations and that the alleged violators have thirty (30) days or such other period of time required by statute or these Regulations in which to correct the alleged violation, after which time the alleged violators may be issued a summons and complaint as permitted by the laws of the State of Colorado.
- (D) In cases where it is determined that the public health and safety may be endangered, a twenty-four (24) hour notice to cease and desist may be given to the violator.
- (E) To perform other such duties as may be necessary and appropriate to permit such agents to detect zoning violations, to give alleged violators statutory notice, and to enforce compliance with these Regulations. The Planning Administrator may request in writing, from the property owner, the remedy of any such violation(s).

6-115 Building Permits

- (A) It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure, including surface and subsurface structures, or to move a structure from one property to another within the incorporated area of the Town of Hillrose without first obtaining a building permit from the Town Planning Administrator.
- (B) The Administrator shall not issue any building permit unless the plans for the proposed erection, construction, reconstruction, movement, alteration, or use fully conforms to all applicable provisions of these Regulations.
- (C) All building permits shall be issued in conformance with the provisions of these Regulations and shall be valid for a period of time not exceeding twenty-four (24) months from the date issued.

- (D) A fee shall be charged in conjunction with issuing the building permit and shall be set by the Board of Trustees.

6-120 **Nonliability of Officials**

Any Town of Hillrose official, employee or designated representative charged with enforcement of this Zoning Regulation, acting in good faith and without malice on behalf of said Town in the discharge of this person's official duties, shall not thereby be rendered personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties.

6-125 **Nonliability for Injury**

These Regulations shall not be construed to hold the Town of Hillrose in any manner responsible for any injury to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of court action as hereinabove set forth or the forbearance by the Town of Hillrose to so proceed.

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
CHAPTER 7**

VALIDITY and REPEALS

VALIDITY

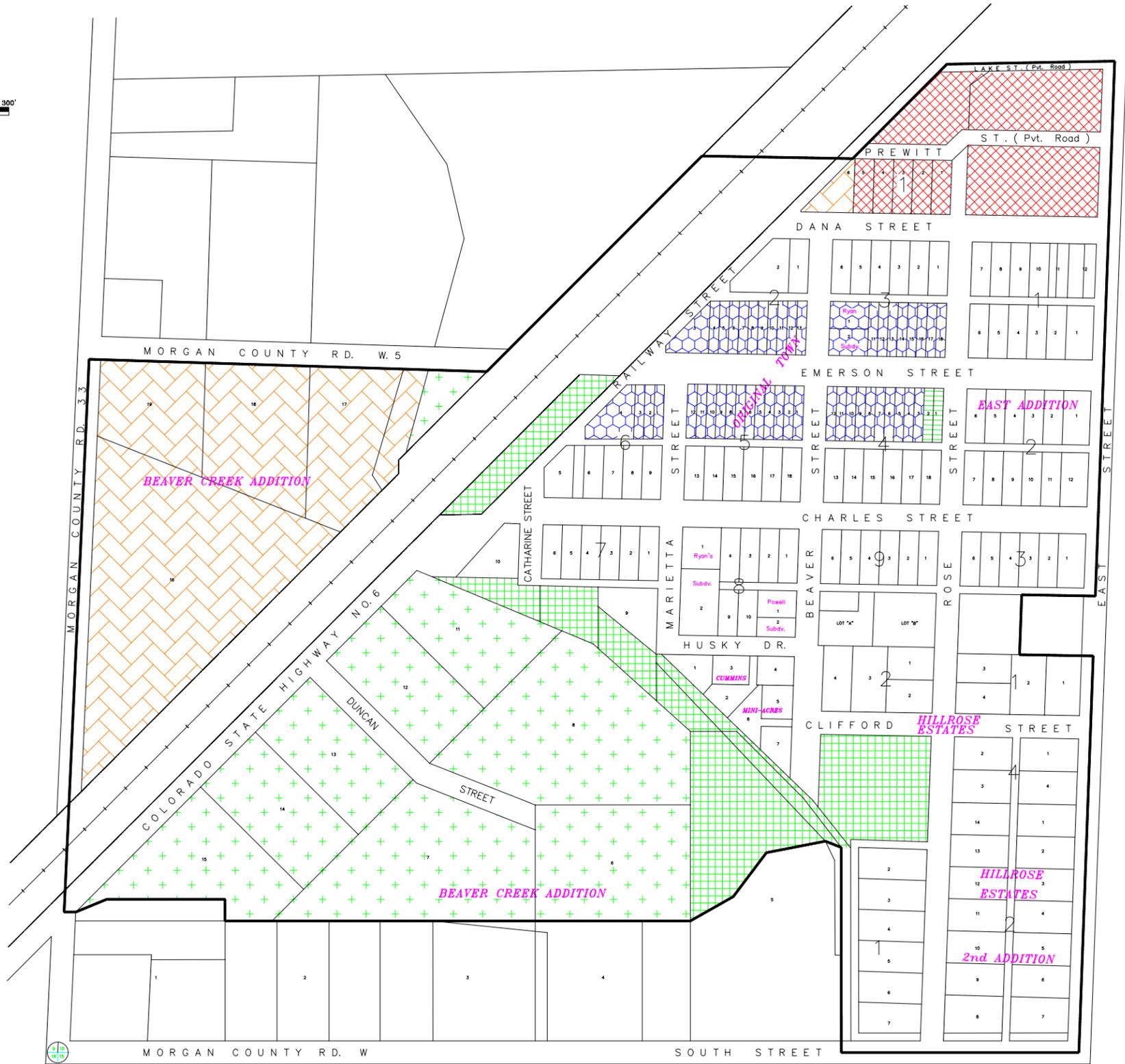
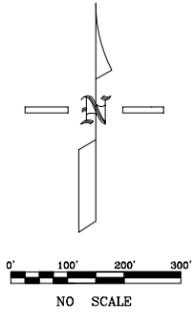
7-100 Should any section, clause, provision, sentence or word of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be invalid.

REPEALS

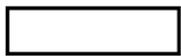
7-200 All prior resolutions or ordinances of the Town of Hillrose, State of Colorado, inconsistent herewith, to the extent of such inconsistency and no further, are hereby repealed.

TOWN OF HILLROSE, COLORADO

ZONING MAP



KEY



RESIDENTIAL



MOBILE HOME



ESTATE RESIDENTIAL



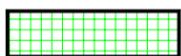
COMMERCIAL



RESIDENTIAL MEDIUM DENSITY



LIGHT INDUSTRIAL



PARKS AND OPEN SPACE

*** IMPORTANT NOTICE ***

GIS REPRESENTATION ONLY

GENERAL PURPOSE

NOT ALL PORTIONS OF THIS MAP WAS CONSTRUCTED UNDER THE SUPERVISION OF A COLORADO REGISTERED LAND SURVEYOR. EVERY EFFORT HAS BEEN MADE TO ENSURE THAT THE DATA PROVIDED IS AS ACCURATE AS POSSIBLE FROM THE SOURCES AVAILABLE AT THE TIME OF PRINTING. WITH THE USE OF THE INFORMATION CONTAINED ON THIS MAP, YOU ARE ACCEPTING THE FOLLOWING TERMS AND CONDITIONS:

THIS MAP IS PROVIDED ON AN "AS IS" BASIS. THE TOWN OF HILLROSE MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, AS TO ITS ACCURACY. THE TOWN RESERVES THE RIGHT TO UPDATE, REVISE, OR CHANGE ANY INFORMATION CONTAINED HEREIN WITHOUT ANY OBLIGATION TO NOTIFY ANY PERSON, ORGANIZATION OR ENTITY. IN NO EVENT SHALL THE TOWN OF HILLROSE BE HELD LIABLE FOR DAMAGES ARISING FROM THE USE OF ANY INFORMATION CONTAINED HEREIN.

**APPENDIX A
(Form No. 1)**

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES, TOWN OF HILLROSE

“Notice is hereby given that the property upon which this sign is posted shall be considered for a change in zoning from _____ to _____ pursuant to the current Town of Hillrose Zoning Regulations. Further information may be obtained by calling the Town of Hillrose, Town Hall at (970) 847-3761. The public hearing is to be held on (date), in the Town Hall, 315B Emerson Street, Hillrose, Colorado, at (time), or as soon there after as possible.”

Name of Proposal: _____

Project Number _____

Date of Posting _____

EXAMPLE

**APPENDIX A
(Form No. 2)**

[Picture of Sign on Property]

I, certify, under penalty of perjury, that the above sign was posted on (date), pursuant to the Town of Hillrose Zoning Regulations by (name of applicant or agent).

Project name and number: _____

Signature of Applicant/Representative: _____

Signed and sworn to before me this date: _____

Notarized by: _____

Address: _____

Seal:

**APPENDIX A
(Form No. 3)**

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES, TOWN OF HILLROSE

“Notice is hereby given that on (date of week), (month and date), 20___ at (time – a.m./p.m.), or as soon as possible thereafter, in the Town Hall at Hillrose, Colorado, or at such other time and place as this hearing may be adjourned, a public hearing will be held upon the application on file with the Town Planning Administrator, 315B Emerson Street, Hillrose, Colorado, 80733, (970) 847-3761, by (name of applicant) for a change in zoning pursuant to the current Town of Hillrose Zoning Regulations. Said property is located approximately (distance and direction from nearest major intersection or lot and block).”

From: _____ To: _____

Reason: _____

Project Name and No. _____

Legal Description of
Property: _____

Date of Application: _____

Published in: _____ (Name of Newspaper)

Documents pertaining to the above-identified matters are on file in the Zoning Administrator's Office and may be examined during regular office hours.

At time of hearing, opportunity will be given for presentation of evidence in support of or in opposition to the application.

**APPENDIX A
(Form No. 4)**

VESTING OF RIGHTS

This Site Plan is approved for format and content and development rights are hereby vested for the described property according to the terms of Section _____ of the Town of Hillrose Zoning Regulations this _____ day of _____, 20____, by the Board of Trustees of the Town of Hillrose, Colorado.

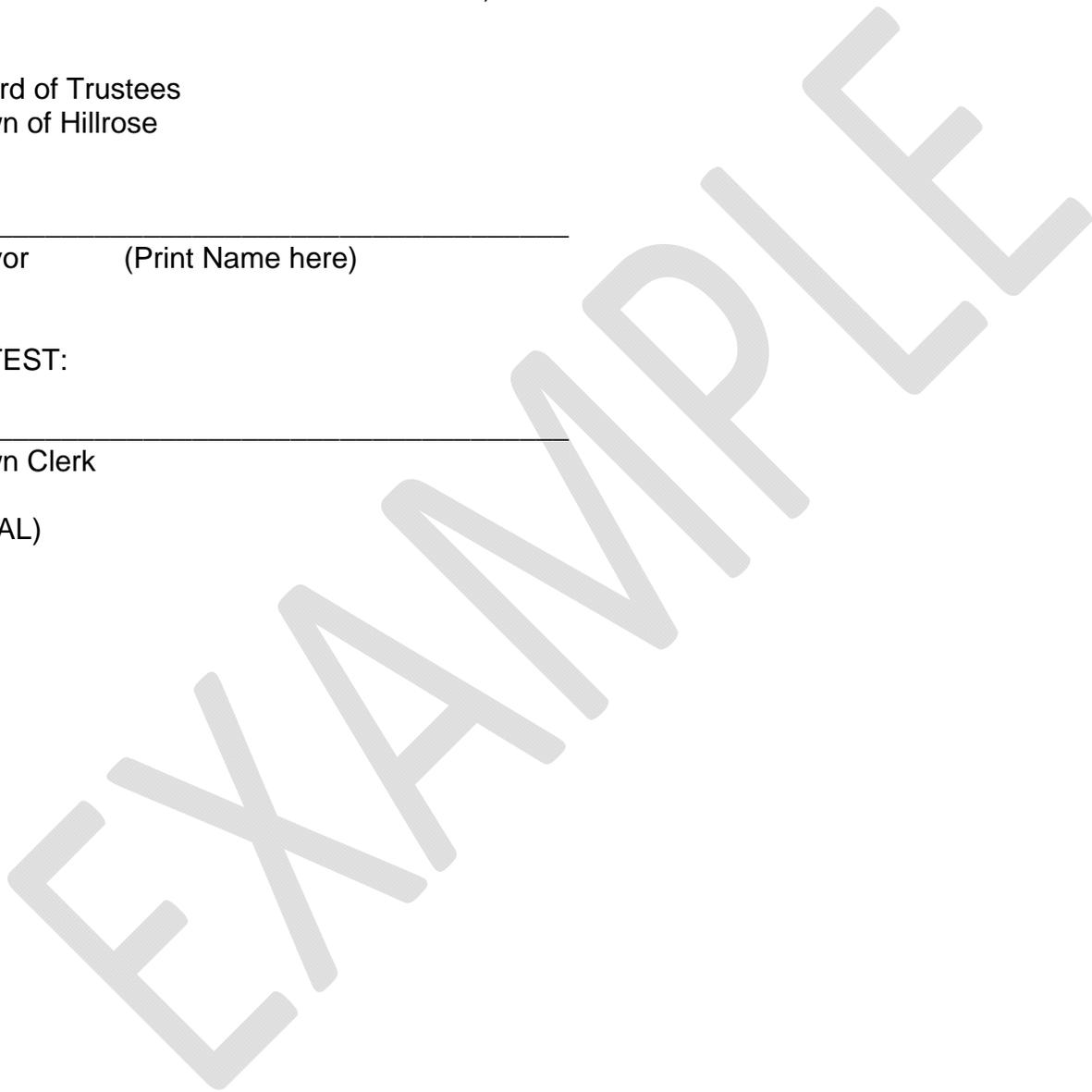
Board of Trustees
Town of Hillrose

Mayor (Print Name here)

ATTEST:

Town Clerk

(SEAL)



**APPENDIX A
(Form No. 5)**

Signature Blocks for Rezoning Maps

(a)

SURVEYOR'S CERTIFICATE

I, (surveyor name), a duly registered land surveyor in the State of Colorado, do hereby certify that this drawing of the Rezone Area truly and correctly represents the results of a survey made by me or under my direct supervision.

(date)

(Surveyor)

(Surveyor's seal & number shall appear with this certificate)

(b)

PLANNING COMMISSION CERTIFICATE

The Town of Hillrose Zoning Board has hereby reviewed the Rezoning Application No. _____ on this _____ day of _____, 20_____.

Signature:

Chairman (print name here)

Attest: _____
Secretary (print name here)

(c)

BOARD OF TRUSTEES CERTIFICATE

Approved this _____ day of _____, 20_____, Board of Trustees,
Town of Hillrose, Colorado

Attest: _____
Town Clerk

Mayor, (print name here)

Seal

(d)

CLERK AND RECORDER'S CERTIFICATE

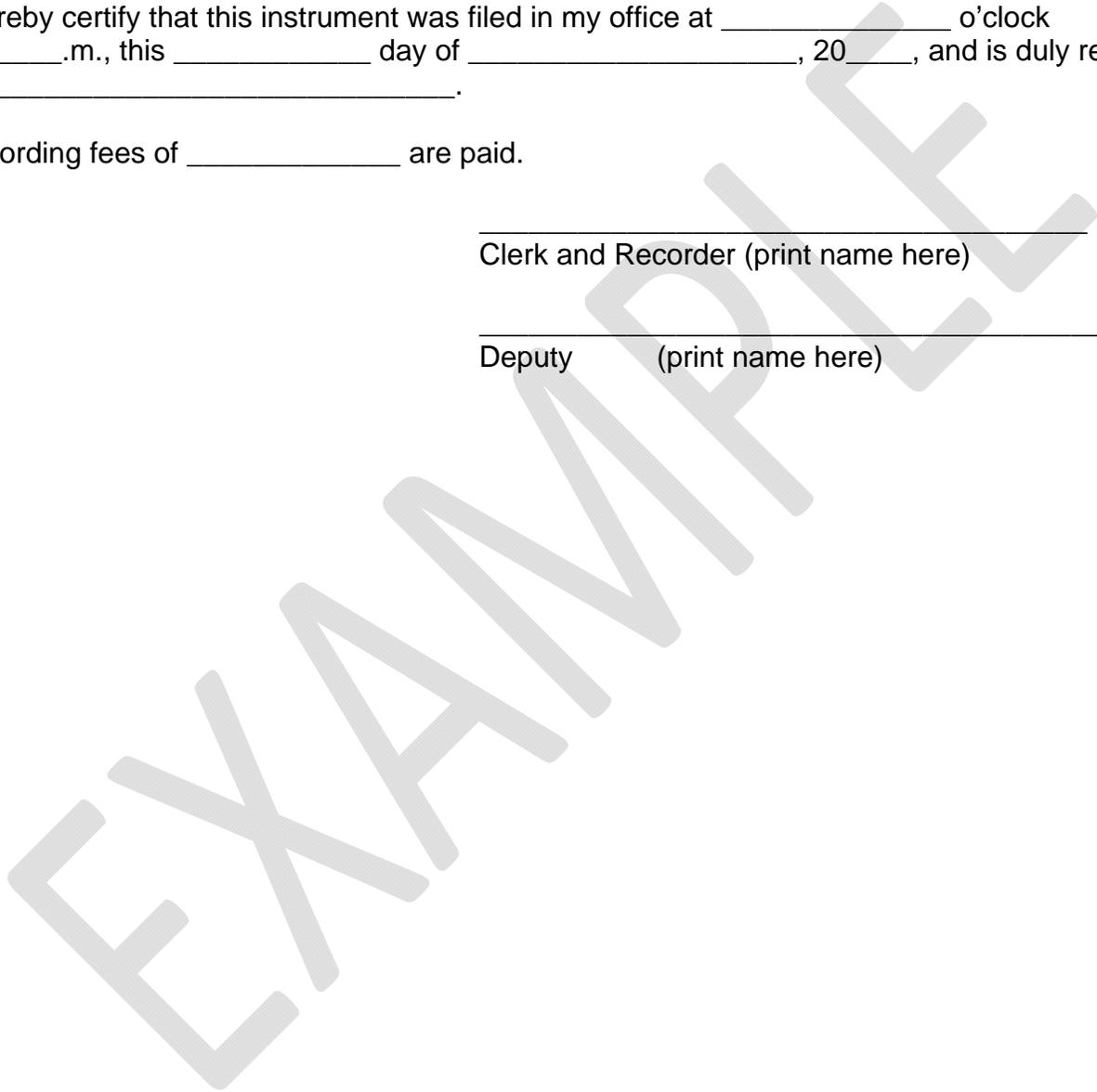
State of Colorado)
) ss
County of Morgan)

I hereby certify that this instrument was filed in my office at _____ o'clock
_____.m., this _____ day of _____, 20____, and is duly recorded
in _____.

Recording fees of _____ are paid.

Clerk and Recorder (print name here)

Deputy (print name here)



**APPENDIX A
(Form No. 6)**

**PUBLIC NOTICE OF HEARING BEFORE THE BOARD OF TRUSTEES –
TOWN OF HILLROSE**

“Notice is hereby given that on (date of week) , (month and date) , at (time – a.m./p.m.) , or as soon as possible thereafter, in the Town Hall of the Town of Hillrose at Hillrose Colorado, or at such other time and place as this hearing may be adjourned, a public hearing will be held upon the application on file with the Town of Hillrose Planning Administrator, 315B Emerson Street, Hillrose, CO 80733, (970) 847-3761, by (name of applicant) , for an appeal pursuant to the current Town of Hillrose Zoning Regulations.

Project Name and No.

Legal Description of the Property:

Reason for appeal

Date of Application:

Published in (name of newspaper) on (date of publication) .

Documents pertaining to the above identified matters are on file in the Zoning Administrator's Office and may be examined during regular office hours.

At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

**APPENDIX A
(Form No. 7)**

**PUBLIC NOTICE OF HEARING BEFORE THE BOARD OF TRUSTEES –
TOWN OF HILLROSE**

“Notice is hereby given that on (date of week) , (month and date) , at (time – a.m./p.m.) , or as soon as possible thereafter, in the Town Hall of the Town of Hillrose at Hillrose Colorado, or at such other time and place as this hearing may be adjourned, a public hearing will be held upon the application on file with the Town of Hillrose Planning Administrator, 315B Emerson Street, Hillrose, CO 80733, (970) 847-3761, by (name of applicant) , for a variance request pursuant to the current Town of Hillrose Zoning Regulations.

Project Name and No.:

Legal Description of the Property:

Reason for Variance:

Date of Application:

Published in (name of newspaper) on (date of publication) .

Documents pertaining to the above-identified matters are on file in the Zoning Administrator’s Office and may be examined during regular office hours.

At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
APPENDIX B**

Table 1

Zone District Bulk Requirements and Special Design Standards Chart

Zone District Code Letter:	ER	R	MDR c.	C	LI	MH
Design Standard						
1. Minimum Lot Size for lots platted before 2/3/02 For lots platted after 2/4/02 If exemption granted	1 acre a.	7000 sq ft a. 10,000 sq ft	7000 sq ft a. 10,000 sq ft	3500 sq ft	4000 sq ft	5,000 sq ft
2. Principal Structure Setbacks in feet see note e						
a. Front	30	25	25	0	30	15
b. Side	20	10	10	0	10	10
c. Rear	20	20	15	25	15	10
4. Accessory Structure Setbacks in feet						
a. Front	30	30	25	30	30	15
b. Rear or side without street or alley access from rear of lot	20	5	5	5	10	10
c. Rear or side with street or alley access	20	20	25	25	15	10
5. Minimum Lot Frontage Width in feet	75	50	50	25	50	50
6. Maximum Building Height in feet						
a. Single Family Unit	35	35	35	n/a	n/a	30
b. Others	35	35	45	50	50	30
9. Minimum Floor Area per Unit / SF	864	864	864	n/a	n/a	720
10. Maximum Lot Coverage by Structures %	25	30	40	75	75	35

Notes:

a. Minimum of .75 acres with only public water service; 2.5 acres minimum without public water or sewer service in subdivisions - see Health Department Requirements

b. Lot size minimums assume public sewer and water service when expressed in square feet (sq ft).

c. Minimum distances between multi family structures is 15 feet; other structure is 20 feet.

e. On corner lots principal structure must meet the front setbacks on both the street front and street side.

* All PD District bulk requirements specified as per approved development plans.

As amended with Ord. 83 on March 4, 2002.

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
APPENDIX B
Table 2**

PARKING REQUIREMENTS

<u>Type of Use</u>	<u>Parking Requirements</u>
(A) <u>Residential Uses</u>	
(1) Dwellings	Two (2) spaces per dwelling unit
(2) Rooming or boarding house	Four (4) spaces per every five (5) guest accommodation rooms
(3) Housing restricted to aged, disabled, etc.	One-half (1/2) space to aged, disabled, etc. per unit
(4) Mobile Homes	Two (2) spaces per each mobile home space plus one (1) guest parking space for every two (2) mobile home spaces, in a common area. Guest spaces must be within three hundred feet (300') of units served. (Guest spaces may be reduced depending upon available on-street parking capacity).
(B) <u>Commercial Residential Uses</u>	
(1) Hotel, Motel	One (1) space per each guest room, plus one (1) space per each two (2) employees and/or owners.
(2) Club or Lodge	Spaces to meet the combined requirements of the uses being conducted, such as a hotel, restaurant, auditorium, etc.
(C) <u>Institutions</u>	
(1) Convalescent hospital, nursing home, sanitarium, rest home, or home for the aged	One (1) space per each two beds for patients or residents and visitors.
(2) Hospitals and similar facilities	One (1) space per each four hundred (400) square feet of floor area
(D) <u>Places of Public Assembly</u>	
(1) Churches or places of worship	One (1) space per each three (3) fixed seats or one (1) space per each one hundred fifty (150) square feet of floor area, whichever is greater.
(2) Library or Reading Room	One (1) space per each four hundred feet (400') of floor area plus one (1) space per each two (2) employees.
(3) Post Office and Public Building	One (1) space per three hundred (300) square feet of building floor area plus one (1) space for each agency owned vehicle.
(4) Preschool, nursery or kindergarten	Two (2) spaces per each teacher.

(5)	Elementary or intermediate school	One (1) space per each classroom plus one (1) space per each administrative employee plus one (1) space for each fifteen (15) students
(6)	High School	One (1) space per each classroom plus one (1) space per each administrative employee plus one (1) space for each ten (10) students
(7)	Vocational school for adults	One (1) space per every two (2) students plus one (1) space per teacher and administrator
(8)	Other auditoriums or meeting rooms	One (1) space per each three (3) fixed seats or five feet (5') of bench space
(E) <u>Commercial Amusements</u>		
(1)	Arena, stadium or theater	One (1) space per each three (3) fixed seats or five feet (5') of bench length
(2)	Bowling alley	Five (5) spaces per each alley plus one (1) space per each two (2) employees
(3)	Dance hall or skating rink	One (1) space per each one hundred (100) square feet of floor area plus one (1) space per each two (2) employees
(4)	Golf Courses (9 hole or 18 hole)	Two (2) per hole plus one (1) per employee
(F) <u>Commercial</u>		
(1)	Drive-in restaurant (excluding drive-up windows)	One (1) per each one hundred (100) square feet of floor area
(2)	Drive-up windows (food, liquor, bank, etc.)	Four (4) stacking spaces per window, plus standard parking as required for inside uses
(3)	Lumber yards	One (1) per each two hundred (200) square feet of floor area in main sales building
(4)	Motor vehicle sales	Ten percent (10%) of the total lot sales area is to be reserved for customer parking
(5)	Retail store, except as provided below in (6)	One (1) space per each one hundred twenty-five (125) square feet of floor space
(6)	Service or repair shop or retail store handling exclusively bulky merchandise, such as furniture, large appliances, floor coverings, etc.	One (1) space per each four hundred (400) square feet of floor area
(7)	Bank or office (except medical and dental)	One (1) space per each four hundred (400) square feet of floor area plus one (1) space per each two (2) employees
(8)	Medical or dental clinic	Three (3) spaces for each doctor plus one (1) space per each two (2) employees
(9)	Eating or drinking establishments	One (1) space per each one hundred (100) square feet of floor area

(10) Mortuaries and funeral parlors One (1) space per each three (3) seats or five feet (5') of bench length in chapels

(G) Industrial

(1) Storage warehouse, manufacturing establishment, or air, rail or trucking freight terminal One (1) space per each employee

(2) Wholesale establishment One (1) space per each employee plus one (1) space per each seven hundred (700) square feet of patron-serving area

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
APPENDIX B
Table 3**

Maximum Number of Animal Units per Acre of Confinement or Pasture Area

Zone	ER
	1

Maximum Number of Animals Independent of Area

Zone	ER
Poultry/Fowl Game Birds/ Rabbits/Furbearing Animals	10

**TOWN OF HILLROSE ZONING REGULATIONS
AND ZONING MAPS
APPENDIX B
Table 4**

<u>Type</u>	<u>AU</u>	Animal Units
<u>Cattle</u>		
Cow, with or without unweaned calf at side, or heifer 2 years old or older	1.00	
Bull, 2 years old or older	1.30	
Young cattle, 1 to 2 years old	0.80	
Weaned calf to yearling	0.60	
<u>Equines</u>		
Horse, mature	1.30	
Horse, yearling	1.00	
Weanling colt or filly	0.75	
Mule, mature	1.20	
Donkey, mature	0.60	
<u>Sheep</u>		
Mature ewe, with or without unweaned lamb at side	0.20	
Ram, 2 years old or older	0.25	
Yearling	0.15	
Weaned lamb to yearling	0.12	
<u>Goats</u>		
	0.14	
<u>Swine</u>		
Sow	0.4	
<u>Boar</u>		
Pit up to 200 pounds	0.20	
<u>Elk</u>		
	0.5	
<u>Buffalo</u>		
	1.3	
<u>Llamas and Alpacas</u>		
Mature llama, with or without unweaned young at side	0.5	
<u>Weaned young llama to yearling</u>	0.25	
Alpaca	0.25	
<u>Ratite Birds (ostriches, emus, rheas)</u>		
	0.2	

Unlisted species shall be considered to equal one animal unit per 1100 pounds live animal weight.
Multiple animals may be aggregated to determine an animal unit or weight.

TOWN OF HILLROSE
ZONING DISTRICTS USE TABLE
Appendix B Table 5

USES	ZONING DISTRICTS											
	ER	ER	R	R	MDR	MDR	C	C	LI	LI	MH	MH
	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review
Accessory buildings and uses such as garages	X		X		X							X
Accessory buildings greater than eight hundred fifty (850) square feet		X										
Amusement and general recreational facilities							X					
Animal feeding or boarding operations which do not exceed the animal unit densities		X										
Apartment buildings						X						
Assembling and light manufacturing plants									X			
Auto and truck repairs and sales							X		X			
Automobile service stations with gasoline pumps and retail gift and sundry sales							X		X			
Bakeries							X					
Bakeries - wholesale and retail									X			
Banks, financial institutions and services including drive-in facilities							X					
Barber and beauty shops							X					
Bars and lounges							X					
Bed and breakfast homes		X		X		X						
Boat sales and storage									X			
Bottling plants									X			
Bowling alleys							X					
Building materials - wholesale and retail							X		X			
Campgrounds and recreation vehicle (RV) parks										X		
Car washes							X		X			
Carpentry, including woodworking or furniture making							X		X			
Churches and church schools		X		X		X	X					X
Communication facilities		X		X		X	X		X			X

TOWN OF HILLROSE
ZONING DISTRICTS USE TABLE
Appendix B Table 5

USES	ZONING DISTRICTS											
	ER	ER	R	R	MDR	MDR	C	C	LI	LI	MH	MH
	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review
Communication facilities and businesses								X	X			
Communication facilities where height limits are exceeded								X		X		
Concrete and mortar batching plants										X		
Contractor's office with outside storage of construction materials or equipment								X	X			
Contractor's offices and storage							X		X			
Dry cleaning & dyeing establishments							X					
Electrical, heating, painting, plumbing, roofing, or ventilating shops							X		X			
Equipment rental								X	X			
Factory built and manufactured housing on permanent and engineered foundations	X		X		X			X				X
Farm equipment and heavy equipment sales - new & used								X	X			
Feed mills										X		
Fire stations and other emergency response facilities		X		X		X		X		X		X
Flea markets; farmers markets		X						X				
Food and beverage processing plants									X			
Fresh or frozen food lockers							X		X			
Full service truck stores									X			
Garden shops, greenhouses and wholesale plant nurseries								X	X			
Gardens	X		X		X						X	
General merchandise wholesale business; retail sales allowed							X		X			
Golf courses		X										

TOWN OF HILLROSE
ZONING DISTRICTS USE TABLE
Appendix B Table 5

USES	ZONING DISTRICTS											
	ER	ER	R	R	MDR	MDR	C	C	LI	LI	MH	MH
	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review
Group homes, foster family care homes		X		X		X						X
Heavy equipment, truck and farm implement repair shop							X		X			
Home occupation	X		X								X	
Home occupations conducted in an accessory building		X		X		X						
Home repair centers - wholesale and retail							X		X			
Hospitals, nursing and convalescent homes, and other extended care facilities						X	X					
Hotels & motels, including other incidental business uses located inside the principal building, such as restaurants							X					
Junk, scrap metal, auto wrecking and equipment storage and salvage yards										X		
Laundries and laundromats							X					
Livestock barns up to 850 square feet each		X										
Livestock, poultry and fowl - non-commercial - domestic less than or equal to defined animal unit densities	X											
Machine shop							X		X			
Medical and dental clinics							X					
Membership clubs, public or private								X				
Mini-warehouse, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit							X		X			

TOWN OF HILLROSE
ZONING DISTRICTS USE TABLE
Appendix B Table 5

USES	ZONING DISTRICTS											
	ER	ER	R	R	MDR	MDR	C	C	LI	LI	MH	MH
	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review
Miniature golf courses, golf driving ranges								X				
Mobile home subdivisions											X	
Mobile homes											X	
Mortuaries and funeral homes							X					
Motor vehicle and motorized equipment sales, service and repair								X	X			
Multi-family dwellings		X				X						
Multiple family subdivisions (condominiums or town homes) platted according to requirements and procedures set forth in the Town of Hillrose Subdivision Regulations.						X						
Music, radio, television and video stores							X					
Offices - general, medical, dental, including all professional and governmental offices							X					
Offices for business and governmental activities							X		X			
Oil and gas storage yards and offices										X		
Open space	X		X		X		X		X		X	
Optometrist shops							X					
Parking areas to service the industrial operation									X			
Photographic studios		X					X					
Pre-schools, nursery schools, day care centers and child care centers		X		X		X		X				X
Printing or publishing establishments							X		X			
Product distribution and storage facilities (warehouses)									X			
Public and private parking lots						X	X		X			
Public and private schools		X		X		X						X

TOWN OF HILLROSE
ZONING DISTRICTS USE TABLE
Appendix B Table 5

USES	ZONING DISTRICTS											
	ER	ER	R	R	MDR	MDR	C	C	LI	LI	MH	MH
	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review
Public parks and playgrounds	X		X		X						X	
Public parks, playgrounds & other public recreation areas		X		X		X						
Radio & TV stations and other communication businesses								X				
Recreational vehicle storage yards									X			
Rental Equipment stores							X		X			
Restaurants and other eating facilities							X					
Retail firewood sales								X		X		
Retail sales facilities							X		X			
Satellite dish antennas without towers	X		X		X		X		X		X	
Satellite dish antennas without towers; ham radio towers		X		X		X		X		X		X
Scientific research facilities										X		
Sign Painting							X		X			
Signs unlighted up to 6 sq ft	X		X		X						X	
Signs over 6 sq feet or lighted		X		X		X		X		X		X
Single family factory built & manufactured homes on permanent and engineered foundations.	X		X		X			X			X	
Single family house (one per parcel)	X		X		X			X				
Small wind energy conversion systems		X								X		
Storage and sale of commercial fertilizer and farm chemicals										X		
Storage and warehousing facilities									X			
Storage areas - commercial rentals								X		X		
Storage buildings for equipment										X		
Storage or warehousing of any dangerous or toxic chemicals or products, fertilizers, farm chemicals, etc.											X	
Tack, feed and grain stores							X		X			

TOWN OF HILLROSE
ZONING DISTRICTS USE TABLE
Appendix B Table 5

USES	ZONING DISTRICTS											
	ER	ER	R	R	MDR	MDR	C	C	LI	LI	MH	MH
	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review	By Right	Special Review
Temporary construction offices							X		X			
Temporary office							X		X			
Theaters, indoor							X					
Tire supply and repair stores							X		X			
Travel agencies							X					
Two family dwellings that are framed and constructed on site		X		X	X							
Upholstery supply and repair shops							X		X			
Utility - Public collection offices							X		X			
Utility - Public distribution mains and lines which are underground facilities		X		X		X		X		X		X
Utility generation facility having less than 50 megawatts of power production										X		
Utility service facilities and storage operations										X		
Utility service facilities where height limits are exceeded										X		
Veterinary clinics and hospitals								X		X		