

Zoning Ordinance/Land Development Code

with

Most Current Revision Date

**MUNICIPAL CODE  
MONUMENT, COLORDAO**

**Codified through  
Ord. No. 16-2010, passed May 3, 2010.  
(Supplement No. 15)**

Applicable Zoning District  
showing  
Permitted/Conditional Land Uses  
and  
Bulk Regulations

## Chapter 17.36 C-1 GENERAL COMMERCIAL DISTRICT\*

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**\*Editor's note:** Ord. No. 07-2009, adopted March 2, 2009, amended Ch. 17.36, in its entirety, to read as herein set out in §§ 17.36.010--17.36.040. Prior to inclusion of said ordinance, Ch. 17.36 pertained to similar subject matter. See also the Code Comparative Table and Disposition List.

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### Sections:

- 17.36.010 Purpose.
- 17.36.020 Permitted uses.
- 17.36.030 Uses by special review.
- 17.36.040 Development standards.

### 17.36.010 Purpose.

This district is established for the purpose of providing for the retailing of consumer goods and the provision of services to consumers.

(Ord. No. 07-2009, 3-2-2009)

### 17.36.020 Permitted uses.

Uses permitted in the C-1 general commercial district shall be as follows:

1. Accessory uses (see Sections 17.48.180 through 17.48.210);
2. Bakery; up to twenty (20) percent wholesale;
3. Banks/financial institutions;
4. Catering services;
5. Child care centers;
6. Churches, synagogues, places of worship;
7. Clinics;
8. Clubs, lodges and service organizations;
9. Confectionery shop;
10. Essential services;
11. Fine arts gallery and/or fine arts studio;
12. Government and public facilities;
13. Hospital;
14. Hotel/motel;
15. Indoor/outdoor recreation facilities;
16. Laboratory except those which involve any hazardous process or emit noxious noise, dust and odor;
17. Laundry, coin-operated; collection station;

18. Museum;
19. Offices;
20. Personal service shops, such as barber, beauty parlor;
21. Pharmacy;
22. Post office;
23. Printing/copy shops;
24. Private/public schools;
25. Public utilities;
26. Repair, rental, service of any item retailed in the B - general business district;
27. Restaurants, cafes and other places serving food and beverages;
28. Retail business stores;
29. Small animal clinics;
30. Studios, including television and radio broadcasting stations, but excluding antenna towers and microwave dishes;
31. Tailoring;
33. Theaters;
34. Upholstering;
35. Utilities office;
36. Vehicle parking lots;
37. Vehicle repair garage and/or convenience service station; provided, that outside storage must be screened as directed by the Director of Development Services and further provided, that wrecked, junked or abandoned motor vehicles shall not be stored on the property except as permitted pursuant to Chapter 8.12;
38. Vehicle sales and service; and
39. Internet or catalog sales office.

(Ord. No. 07-2009, 3-2-2009)

#### **17.36.030 Uses by special review.**

A. Uses permitted by special review in the C-1 general commercial district shall be as follows:

1. Ambulance service;
2. Amusement center;
3. Caretaker's residence;
4. Essential services;
5. Kennel;
6. Mortuary, including cremation facilities;
7. Radio and television antenna towers;

8. Single-family and multifamily dwellings;
  9. Wholesale business and warehouse;
  10. Any use selling, utilizing, storing or generating toxic materials; and
  11. Medical marijuana dispensaries.
- B. All uses by special review shall meet the requirements of Chapter 17.72.
- C. Medical Marijuana Dispensaries shall meet the following requirements:
1. Location. No medical marijuana dispensary shall be located within one thousand (1,000) feet of the following:
    - (a) The exterior boundary of any residential zone district;
    - (b) The exterior boundary of any existing or occupied mobile home;
    - (c) The exterior boundary of any lot on which there is located a single-family or multifamily residence, whether located within or outside of the Town;
    - (d) Any church or religious institution;
    - (e) Any educational institution or school, either public or private;
    - (f) Any licensed child care facility;
    - (g) Any alcohol or drug rehabilitation facility;
    - (h) Any public community center, park, designated recreation trail, library, fairground, hotel, or recreation center, or any publicly owned or maintained building open for use to the general public;
    - (i) Any existing medical marijuana business whether such business is located within or outside of the Town; or
    - (j) Any halfway house or correctional facility.
  2. Advertisements. Advertisements, signs, displays or other promotional material depicting medical marijuana uses or symbols shall not be shown or exhibited off the premises or in any manner which is visible to the public, from roadways, pedestrian sidewalks or walkways, or from other public areas. No signage associated with a medical marijuana dispensary shall use the word "marijuana", "cannabis," or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical".
  3. Indoor Use. All business related to, medical marijuana shall be conducted indoors, and all building openings, entries, and windows shall be located, covered, or screened in such a manner as to prevent a view into the interior; and for new construction, the building shall be constructed so as to prevent any possibility of viewing the interior from the exterior of such structure.
  4. Security. Medical marijuana dispensaries shall provide adequate security on the premises. At a minimum, such security shall include:
    - (a) Security surveillance cameras installed to monitor the main entrance and the exterior of the premises to discourage and to facilitate the reporting of criminal acts as well as nuisance activities. Security video shall be preserved for at least seventy-two (72) hours.
    - (b) Robbery and burglary alarm systems which are professionally monitored and maintained in good working condition.

5. Additional Limitations. Medical marijuana dispensaries shall be subject to the following additional requirements:

- (a) The business may only be open for the sale of medical marijuana during the hours of 9:00 a.m. to 7:00 p.m.
- (b) No on-site consumption of marijuana is allowed.
- (c) No on-site cultivation of marijuana is allowed.
- (d) All dispensaries shall be equipped with a secure safe that is utilized for the purposes of storing marijuana when the business is not open.
- (e) A business license is required.
- (f) No mobile structure may be used to dispense medical marijuana.
- (g) No alcohol sales or consumption shall be permitted on site.
- (h) No sales of drug paraphernalia shall be permitted on site.

6. Application. Prior to the establishment of any medical marijuana dispensary, each of the following requirements shall be met:

- (a) A business plan must be submitted for the dispensary to ensure compliance with the Town Code. The business plan must contain the following items:
  - i. All items required for a Use by Special Review Application;
  - ii. A description of the security provisions and systems;
  - iii. Hours of operation;
  - iv. Number of employees;
  - v. A description of the ventilation system for the premises.
- (b) Criminal background check. No approval will be issued to an applicant whose criminal history reflects a prior conviction for a felony offense. In the case where applicant is a business entity, the applicant shall provide the name(s) of each natural person who has any ownership interest in the entity and no approval shall be issued if any such person has a criminal history that reflects a prior conviction for a felony offense. All fees for background checks performed by the Town shall be paid for by the applicant prior to the issuance of a business license. If there is any change in ownership, a background check must be performed on the new owners. Ownership has thirty (30) days in which to report any change of ownership.
- (c) The applicant(s) must provide a State Sales Tax Number to the Town at the time of business license application.

(Ord. No. 07-2009, 3-2-2009; Ord. No. 27-2009, §§ 2, 3, 11-2-2009)

**17.36.040 Development standards.**

Development standards for the C-1 general commercial district shall be as follows:

- A. Minimum front yard: zero feet from the front property line unless at least thirty (30) percent of the lots in the affected block are built upon, in which case the average front yard of the existing buildings shall apply.
- B. Maximum height of buildings: thirty-five (35) feet.

C. Off-Street Parking. Off-street parking is required for any new business use.

D. Minimum landscape requirement: ten (10) percent of the gross lot area.

(Ord. No. 07-2009, 3-2-2009)

**Applicable Off-Street Parking Requirements**

## Chapter 17.60 PARKING

### Sections:

- 17.60.010 Purpose.
- 17.60.020 Minimum standards.
- 17.60.030 Applicability.
- 17.60.040 Size of spaces.
- 17.60.050 Garages and carports.
- 17.60.060 Location of parking spaces.
- 17.60.070 Exclusive use for parking spaces.
- 17.60.080 Joint use of parking spaces.
- 17.60.090 Unloading area within business commercial and industrial districts.
- 17.60.100 Access.
- 17.60.110 Paving.
- 17.60.120 Design of parking areas.
- 17.60.130 Amount of off-street parking required.
- 17.60.140 On street parking.

### **17.60.010 Purpose.**

The purpose of this chapter is to ensure that safe and convenient off-street parking in adequate numbers is provided to serve the requirements of all land uses in the Town and to avoid congestion in the streets.

(Ord. 13-97 (part): prior code § 13.15.010)

### **17.60.020 Minimum standards:**

The requirements of this chapter concerning off-street parking spaces and areas are minimum requirements only, except where specifically noted otherwise. The owner or developer may install facilities exceeding the minimum standards in this chapter, except that the provisions concerning the maximum number of access ways to and from parking areas shall not be altered.

(Ord. 13-97 (part): prior code § 13.15.020)

### **17.60.030 Applicability.**

The off-street parking requirement of this chapter shall apply to new and expanded buildings. Requirements shall not apply to buildings lawfully repaired or improved where no change in use or increase in floor area results.

(Ord. 13-97 (part): prior code § 13.15.030)

### **17.60.040 Size of spaces.**

Each standard off-street parking space shall cover an area not less than nine feet wide and eighteen (18) feet long except that up to thirty (30) percent of the number of off street parking spaces provided may be eight feet wide and sixteen (16) feet long, which spaces shall be marked for use by compact cars.

(Ord. 13-97 (part): prior code § 13.15.040)

**17.60.050 Garages and carports.**

Parking requirements may be met by garages and carports covering or enclosing spaces measuring nine feet by eighteen (18) feet or greater which comply with the provisions of this chapter.

(Ord. 13-97 (part): prior code § 13.15.050)

**17.60.060 Location of parking spaces.**

A. For single-family dwellings and multifamily dwellings with two, three or four dwelling units, off-street parking spaces shall be located on the same lot as the dwelling. Parking of vehicles is permitted only on the driveway, parking lot, or other paved surface on the property which is specifically designed for parking use.

B. Off-street parking spaces may be located on any part of the lot occupied by the buildings or uses for which such parking space is required; however, no parking space or aisle width shall be established in a minimum front yard setback except in the single-family and attached single-family residential use areas.

(Ord. 13-97 (part): prior code § 13.15.060)

**17.60.070 Exclusive use for parking spaces.**

A. No off-street parking space shall be used for any purpose other than parking of vehicles or motor vehicles and no obstruction shall be placed on any off-street parking space which may interfere with its utility as a parking space. If an off-street parking space is converted to another use or can no longer be used for off-street parking space, it shall be replaced immediately by another off-street parking space meeting all of the requirements of this chapter.

B. In residential districts no truck exceeding two and one-half ton capacity, no truck-tractor or semi-trailer, earth moving equipment or other similar vehicle, object or machine which conflicts with the residential character of a neighborhood shall be parked or stored on any lot.

C. The on-site parking of recreational vehicles in a residential zone district is allowed subject to the following restrictions:

1. No recreational vehicle may be stored or parked on the property closer than eighteen (18) inches to the sidewalk or other nearest public right-of-way line.
2. No recreational vehicle shall be parked in the sight triangle defined in Section 17.60.120.
3. No parked recreational vehicle may be used for the conduct of business or for living or housekeeping purposes.
4. The recreational vehicle must be secured such that the vehicle is not moved by high winds.
5. No recreational vehicle shall be stored out-of-doors on a residential lot unless it is in a safe, working condition.

(Ord. 13-97 (part): prior code § 13.15.070)

**17.60.080 Joint use of parking spaces.**

Where an owner or developer can document that two separate uses do not require parking during the same hours and that adequate provisions have been made to ensure that the uses will not

require parking during the same hours, by special review permit to allow parking spaces which otherwise comply with the provisions of this chapter to fulfill the requirements for both uses. Permission for such joint use of parking spaces may be granted subject to such conditions as the board of trustees finds necessary to carry out the purpose of this chapter.

(Ord. 13-97 (part): prior code § 13.15.080)

#### **17.60.090 Unloading area within business commercial and industrial districts.**

For buildings in excess of three thousand (3,000) square feet in area, an unloading area of at least twelve (12) feet by thirty (30) feet shall be provided on the lot; however, this requirement can be waived if a portion of the off-street parking area is designed to function in a safe and attractive manner as the unloading area. The area used for unloading shall not be used to meet the off-street parking requirements.

(Ord. 13-97 (part): prior code § 13.15.090)

#### **17.60.100 Access.**

A. Unobstructed, direct and convenient access for vehicles to and from a street shall be provided for all off-street parking spaces. Entry and exit points should be located in order to provide the least number of access points and to maximize storage space and maximum distance from intersections and/or alleys. The location, spacing and design of all proposed curb cuts to the public right of way shall be approved by the public works director or his or her appointee.

B. All necessary accesses, driveways and other paved portions of parking areas shall not be located within required front yard setbacks except that driveways may cross setbacks by traversing the width of the setback but not generally traveling the length thereof.

C. See the Town's Roadway Standards for additional information and requirements for access.

(Ord. 13-97 (part): prior code § 13.15.100)

(Ord. No. 09-2010, § 6, 4-19-2010)

#### **17.60.110 Paving.**

All access ways between a public street and off-street parking spaces or areas, and all off-street parking spaces, driveways and aisles shall be surfaced with asphalt or concrete.

(Ord. 13-97 (part): prior code § 13.15.110)

#### **17.60.120 Design of parking areas.**

The following design standards of this chapter shall be met for all parking areas provided, whether or not the parking area is required by the Monument Municipal Code, except where the parking area is to serve single-family and attached single-family residential uses.

A. Access. Each access way between a public street and the area containing the off-street parking spaces shall be not less than fifteen (15) feet nor more than thirty (30) feet wide at the intersection of the access way with the public street. Access from any parking area to public street shall be designed to permit user vehicles to enter and exit in forward drive.

- B. **Parking Area Layout.** Every parking area shall be designed according to Figure 1.
- C. **Lighting.** Security lighting shall be provided in all parking areas used or designed for use from sunset to sunrise. The lighting shall not be directed towards any adjacent residential zoned areas or public streets.
- D. **Drainage Plans.** A drainage plan in conformance with the Town's regulations shall be submitted for review to the Town. Such drainage plan or system shall be approved by the Town prior to the construction of any off-street parking.
- E. **Snow Storage.** All off-street parking areas shall include space for snow storage and removal of snow. Up to fifteen (15) percent of the required parking spaces may be designed for snow storage and removal.
- F. **Striping.** All parking spaces within business, commercial and industrial districts are required to be striped.
- G. **Handicapped Spaces.** Parking spaces for the physically handicapped should have a stall width of twelve (12) feet unless the space is parallel to a pedestrian walk. Other dimensions should be the same as those for standard vehicles. Any such spaces should be designated as being for the handicapped with a raised standard identification sign. There shall be provided the following amount of off-street parking spaces per site for disabled persons:  

There shall be at least one such parking space for disabled persons where twelve (12) or more spaces are required or provided.
- H. **Screening.** Where abutting a legal, conforming residential use or zoning district, commercial parking areas shall be screened utilizing coniferous vegetation, opaque fencing, or similar visual barrier of a minimum five foot height.

(Ord. 13-97 (part): prior code § 13.15.120)

Parking Angle Space Dimensions (in feet)

TABLE INSET:

A Parking Angle	B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Over- hang
0	9	9	12	23	0
20	9	15	11	26.3	0.7
30	9	17.3	11	18	1
40	9	19.1	12	14	1.3
45	9	19.8	13	12.7	1.4
50	9	20.4	12	11.7	1.5
60	9	21	18	10.4	1.7
70	9	21	19	9.6	1.9
80	9	20.3	24	9.1	2
90	9	19	24	9	2

**GRAPHIC LINK:** [Click here](#)

### **17.60.130 Amount of off-street parking required.**

A. Table 1, set out in Section 17.60.140, contains the requirements for the minimum amount of off-street parking required for specific uses of land. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a similar use which is mentioned, as determined by the planner shall apply.

B. When any lot or combination of lots is used for more than one type of use as described in Table 1, off-street parking spaces and area shall be provided according to the sum of the standards for all various uses, except where appropriate for joint-use consideration.

C. When the computations for off-street parking spaces result in a fraction, the next highest integer shall apply, and off-street parking spaces shall be provided in a number equal to such integer.

Effective from July 15, 2002 until December 31, 2004, the following are exempt from the minimum parking requirement if within the general business district ("B" zone):

1. Buildings constructed prior to 1950;
2. Restaurant outdoor decks and patios; where (in either case) the planning director has determined the applicant has made a reasonable good faith effort to provide parking that does not require the removal of buildings over fifty (50) years old or the removal of mature healthy trees.

D. Within the general business district (B zone), the minimum parking requirements of this section may be satisfied in any one, or combination thereof, of the following ways:

1. On-site parking within the subject property boundaries to meet the requirements of Section 17.60.140 of this chapter;
2. On-street parking within one-block radius of the subject property;
3. Shared parking (joint use of parking spaces) within the subject property boundaries pursuant to the requirements of Section 17.60.080 of this chapter;
4. Off-site parking, provided that the location of the off-site parking area is within a one-block radius of the property, and providing that a written agreement between the owner of the off-site parking facility property and the owner of the subject property is executed and presented to the Town prior to issuance of a certificate of occupancy for any use within the subject property.

The appropriate combination of parking types for a particular development or use will be determined by the Director of Development Services, or designee, whose decision shall be final.

(Ord. 05-2006 § 1; Ord. 01-2004 § 1 (part); Ord. 18-2002 § 1; Ord. 13-97 (part): prior code § 13.15.130)

### **17.60.140 On street parking.**

All persons shall comply at all times with all parking regulations promulgated by the Town by ordinance or as found in Articles I and II, inclusive, of the 1995 Edition of the Model Traffic Code for Colorado Municipalities (See Section 7-1-1). In addition, no person shall keep, maintain, store or park any trailer of any type, boat, or detached pickup camper on public right-of-way or private roadway within any zoned district for a period of more than twenty-four (24) hours.

Table 1

## TABLE INSET:

Use Classification	Parking Space Requirement
1. Banks/financial institutions	1 space per 200 square feet of gross floor area, plus additional spaces as required for any drive-through component.
2. Beauty-barber shops or other personal service establishments	2 spaces per operator station/chair plus 1 space per 2 employees.
3. Bowling alleys	2 spaces per lane plus 1 space per employee. Additional spaces may be required for other on-premise uses such as a restaurant and/or lounge.
4. Churches	1 space for each 4 seats in the main chapel or assembly room. Additional spaces may be required for day care, private school or other on-premise uses.
5. Construction and sales offices (temporary use)	1 space for each 300 feet of gross floor area.
6. Convenience stores	A minimum of 6 spaces per establishment up to 1,000 square feet gross leasable area. Over 1,000 square feet, an additional 1 space per 200 square feet of gross leasable area.
7. Day care centers	2 spaces per 3 employees plus 1 off-street passenger loading space for every 6 children enrolled on a maximum day basis.
8. Drive-thru facilities	In addition to other off-street parking requirements, sufficient stacking spaces must be provided to accommodate the normally anticipated number of vehicles waiting in line at a drive-thru window. For drive-thru bank facilities, a minimum of 3 stacking spaces per window is required. For drive-thru fast food establishments, a minimum of 8 stacking spaces per window is required.
9. Fraternity and sorority houses, dormitories, roominghouses or boarding houses	1 space for each bedroom.
10. Funeral homes, mortuaries, crematoriums	1 space for each 4 seats in the main chapel or assembly room.
11. Grocery stores	1 space per 200 square feet gross leasable area, plus 1 space per

	employee.
12. Hospitals	1 space per 2 beds, plus 1 space per 5 outpatients plus 1 per employee on the maximum shift. Bassinets shall not be counted as beds for the purpose of computing parking.
13. Hotels, motels and bed and breakfast establishments	1.2 spaces for each unit, plus such additional spaces as may be required for other uses on the property.
14. Libraries	1 space for each 600 square feet of gross floor area
15. Medical offices and clinics (including animal hospitals or clinics)	1 space for each 200 square feet of gross floor area
16. Offices: business, professional and public offices	1 space for each 300 square feet of gross floor area
17. Places of public assembly, including private clubs, lodges, auditoriums, dance halls, poolrooms, theaters, stadiums, gymnasiums, swimming pools, amusement parks, armories, community centers and all similar places of public assembly	1 space for each 4 seats provided for patron use, plus 1 space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats
18. Recreational uses such as:	
a. Driving ranges	1 1/2 spaces for each tea area
b. Miniature golf or pitch and putt	1 1/4 spaces for each hole
c. Tennis or other court games without fixed seating	3 spaces for each court
d. Golf courses	3 spaces per hold, plus 1 space per 2 employees on the maximum shift. Additional spaces may be required for other on-premises uses such as restaurants, lounges, retail stores and other recreational uses
19. Residential dwellings:	
a. Single-family (including mobilehomes and townhomes)	2 spaces per dwelling unit (spaces can be accommodated in garage or driveway)
b. Residential dwellings, multifamily	1 space for each efficiency unit; 1 1/2 spaces for each 1-bedroom unit; 2 spaces for each 2 - and 3 - bedroom unit. Any 1 - bedroom with den, office or loft shall be classified as a 2 - bedroom unit for these purposes
c. Group homes	1 space per employee on maximum shift plus 1 space per 2 beds. If residents may not own vehicles: 1 space per 600 square feet gross floor area
d. Housing for senior citizens	1/2 space for each efficiency and 1 - bedroom unit; 1 space for 2 - bedroom units; 2 spaces for each unit of 3

	bedrooms or more
20. Rest or convalescent homes	1 space per 6 beds, plus 1 space per employee on maximum shift
21. Restaurants, nightclubs, taverns and lounges	1 space for each 100 square feet of gross floor area, plus additional spaces as required for any drive-thru component
22. Public and private schools:	
a. Elementary and junior schools	1 space per classroom, plus 1 space per 1.5 employees, plus adequate off-street loading areas for school buses and cars. Additional parking may be required for auditorium or gymnasium
b. Senior high schools	1 space for each 4 students for whom the school was designed, plus 1 space for each classroom and administrative office plus off-street loading areas for school buses
c. Colleges and universities	1 space for every 3 employees and members of the staff plus 1 for every 3 full-time students not residing on campus
d. Trade schools or proprietary	1 space for each 2 students based on the design capacity of the building, plus 1 space per teacher or other employee
23. Self-service storage facilities (mini-warehouse, mini-storage)	1 space per employee, plus 2 spaces per resident manager, plus 1 space per 100 units or fraction thereof
24. Shopping centers:	
a. Less than 15,000 net square feet	5 spaces minimum, 5.5 spaces maximum per 1,000 square feet
b. 15,000 to 400,000 net square feet	4 spaces minimum per 1,000 square feet
c. 400,000 to 600,000 net square feet	4 spaces minimum, 5 spaces maximum per 1,000 square feet
d. Greater than 600,000 net square feet	5 spaces per 1,000 square feet (minimum and maximum)
25. Retail sales or services	1 space for every 200 square feet of gross floor area
26. Commercial uses such as retail stores displaying and selling principally furniture, floor coverings, appliances, electronics or other retail use with a high percentage of onsite storage or showroom use	1 space for every 300 square feet of gross floor area
27. Manufacturing, warehousing, wholesaling and other industrial uses	1 space per 1.5 employees on maximum shift or 1 space per 1,000 square feet of gross floor area, whichever is greater
28. Vehicle-related uses:	
	2 spaces per bay/stall for stacking and/or

<p>a. Car wash establishment: Self service: Full service:</p>	<p>drying 1 space per employee, plus sufficient area for 8 stacking spaces per bay/stall</p>
<p>b. Drive-in vehicle service</p>	<p>1 space per employee, plus 3 spaces per bay</p>
<p>c. Service station, self-serve gas</p>	<p>1 space per employee, plus additional spaces as may be required for on-premises use such as convenience stores and car washes</p>
<p>d. Vehicle parts store</p>	<p>1 space per 400 square feet of gross leasable area plus 1 per employee</p>
<p>e. Vehicle repair establishment</p>	<p>1 space per employee plus 3 spaces per service bay. The service bay does not count as a required parking space.</p>
<p>f. Vehicle sales establishment</p>	<p>1 space for each 1.5 employees on the maximum shift, plus 1 space for each 150 square feet of repair or maintenance area, plus 1 space for each 600 square feet of gross floor area of showroom. The site plan must indicate the location of any and all customer parking, vehicular storage and outdoor display area.</p>

See the Town's Roadway Standards for additional requirements and restrictions.

The entirety of the document entitled "Town of Monument Roadway Standards" is hereby adopted by reference.

Minor revisions to any portion of the standards may be made administratively as deemed necessary by, and with the approval of, the director of development services, who shall consider the intent and purpose of the regulations, and only make those changes which do not alter the basic intent and purposes of the standards as approved by the board of trustees.

(Ord. 13-97 (part): prior code § 13.15.140)

(Ord. No. 09-2010, § 7, 4-19-2010)

## Provisions for Noncompliance/Nonconformities

## Chapter 17.68 NONCONFORMING USES

### Sections:

- 17.68.010 Continuance.
- 17.68.020 Unsafe buildings.
- 17.68.030 Repairs and maintenance.
- 17.68.040 Restoration.
- 17.68.050 Abandonment.
- 17.68.060 Changes in use.
- 17.68.070 Extensions.
- 17.68.080 Displacement.
- 17.68.090 Completion.

### **17.68.010 Continuance.**

Except as provided in this chapter, the lawful pre-existing use of any building may be continued even though such use, building or lot does not conform to the requirements of this section or any amendments hereto.

(Ord. 13-97 (part): prior code § 13.18.010)

### **17.68.020 Unsafe buildings.**

Any nonconforming building or portion thereof declared unsafe by the regional building inspector may be strengthened or restored to a safe condition.

(Ord. 13-97 (part): prior code § 13.18.020)

### **17.68.030 Repairs and maintenance.**

Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming use or building and shall be permitted.

(Ord. 13-97 (part): prior code § 13.18.030)

### **17.68.040 Restoration.**

A nonconforming building which has been damaged by fire or other natural cause or accident may be restored to its original condition, provided such work is commenced within one hundred eighty (180) days of such event.

(Ord. 13-97 (part): prior code § 13.18.040)

### **17.68.050 Abandonment.**

Whenever a nonconforming use has been discontinued for a period of one hundred eighty (180) days, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this title.

(Ord. 13-97 (part): prior code § 13.18.050)

**17.68.060 Changes in use.**

A nonconforming use shall not be changed to a use of higher, or less restrictive classification; such nonconforming use may, however, be changed to another use of the same or lower classification, and when so changed to a use of a lower classification shall not thereafter be changed to a use of a higher classification. Residential uses are the lowest and industrial uses are the highest classification.

(Ord. 13-97 (part): prior code § 13.18.060)

**17.68.070 Extensions.**

A nonconforming use shall not be extended, but the extension of a conforming use to any portion of a nonconforming building shall not be deemed the extension of such nonconforming use.

(Ord. 13-97 (part): prior code § 13.18.070)

**17.68.080 Displacement.**

No nonconforming use shall be altered, extended or restored so as to displace any conforming use.

(Ord. 13-97 (part): prior code § 13.18.080)

**17.68.090 Completion.**

Any building or structure for which a building permit has been issued prior to the date of adoption of the ordinance codified in this chapter may be completed and used in accordance with the plans, specifications and permits on which the building permit was granted.

(Ord. 13-97 (part): prior code § 13.18.090)

## General Definitions

### **17.04.050 Definitions.**

For the purpose of this chapter, certain words or phrases are defined as set out in this chapter. When not inconsistent with the content, words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number; and the masculine includes the feminine.

"Accessory apartment" means an apartment attached to the principal dwelling or in a freestanding structure, such as an apartment over a garage. An accessory apartment shall be incidental and subordinate to the principal dwelling unit and either the principal dwelling unit or the accessory dwelling unit shall be owner occupied.

"Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.

"Accessory use" means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

"Batch plant" means heavy industrial use, a facility for mixing or combining of materials to produce concrete or asphalt.

"Bed and breakfast inn" means a dwelling, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

"Board of trustees" means the elected board of trustees of the Town of Monument.

"Boarding and rooming house" means a building or portion thereof which is used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" includes compensation in money, services or other things of value.

"Building" means any structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and not including advertising signboards or fences.

"Building height" means the vertical distance from the grade to the uppermost point of the roof structure.

"Club" means an association of persons, whether incorporated or unincorporated, for some common purpose but not including groups organized primarily to render a service carried on as a business.

"Day care center" means the commercial use of property as a business for the care and education of pre-school and school age children in accordance with the licensing requirements of the state of Colorado.

Day Care, In-Home, Large. "In-home day care, large" means the care and/or education for periods of less than twenty-four (24) hours of between seven and twelve (12) children, plus two additional school age children, unrelated to the residents by blood or adoption, subject to the licensing requirements of the state of Colorado.

Day Care, In-Home, Small. "In-home day care, small" means the care and/or education for periods of less than twenty-four (24) hours of not more than six children, plus two additional school age children, unrelated to the residents by blood or adoption, subject to the licensing requirements of the state of Colorado.

#### **Density, Gross and Net.**

1. "Gross density" means the resultant figure in a residential development area when the total number of dwelling units is divided by the total acres of the development area; in a commercial or industrial development area, it is the resultant figure when the total

square footage of buildings is divided by the total acres of the development area.

2. "Net density" is a similar calculation as gross density, except that all public and private streets and all public land dedication is excluded from the total acres of the development area.

"Driveway" means a private access way which is open to the general public, including but not limited to business invitees and patrons of the owner of such access way or such owner's tenant. Driveway does not include private access ways to be used for emergency access and maintenance purposes only, to which access by the general public is prohibited.

"Dwelling" means any building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, tourist courts, clubs, hospitals, or similar uses.

Dwelling, Multifamily. "Multifamily dwelling" means a building, or portion thereof, designed for or occupied by three or more families living independently of each other, which may include condominium or townhouse units.

Dwelling, One-family. "One-family dwelling" means a building designed exclusively for occupancy by one family, including attached residences.

Dwelling, Two-family. "Two-family dwelling" means a detached building designed exclusively for occupancy by two families living independently of each other, which may include condominium or townhouse units.

"Dwelling unit" means one or more rooms in a dwelling, apartment house or apartment hotel designed for occupancy by one family for living or sleeping purposes and having not more than one kitchen.

"Elderly assisted care living facility" means a residential facility for four or more elderly persons (sixty (60) years of age or older) within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services such as transportation and medical assistance and rooms occupied by resident staff personnel.

"Essential permitted services" means services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground gas, electrical, and telephone service. They include stormwater drainage including drains, pipes, catch basins, culverts, detention ponds, and appurtenant structures. They include sanitary sewage including mains, drains, vaults, and treatment facilities. They include municipal water system facilities including water wells, water storage tanks, treatment facilities, mains, pumps, lift stations, hydrants, and appurtenant structures. They include communications systems and accessories thereto including underground wires. They also include traffic signals, police call boxes, fire alarm boxes, and appurtenant structures.

"Essential services by special review" means communications towers and above ground wires or poles and electrical transmission lines except as the same may be permitted by applicable state or federal regulation.

"Family" means an individual or two or more persons related by blood or marriage, or a group of not to exceed five unrelated persons (excluding servants) living together as a single housekeeping unit in a dwelling unit.

"Fence" means an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails. Walls serving as such made out of materials such as concrete, stone, stucco, etc., shall also be considered to function as a fence and shall be subject to the fence regulations. Temporary vinyl fencing for erosion control or to delineate a construction site or other similar materials or fencing as determined by the Director of Development Services shall not be classified as fencing that requires a permit.

"Final site approval" means approval by the Town of all site-related improvements as shown on

approved plats, final site plans, PD site plans, construction documents, and all other applicable Town and other agency standards.

"Floor area ratio" shall be determined pursuant to the applicable provisions of the Uniform Building Code currently adopted by the El Paso County Regional Building Department.

"Foster family care" means the full-time care of not more than four children unrelated to the residents by blood or adoption subject to the licensing requirements of the state of Colorado.

"Garage/yard sale" means a retail sale conducted by the occupant of a single-family residence or the owner/manager of a multifamily dwelling.

"Grade" (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

"Gross floor area" means the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor, including the walls of roofed porches having more than one wall. Gross floor area includes the floor area of every building on the same lot, measured the same way. In computing gross floor area there shall be excluded the following:

1. Any floor area devoted to mechanical equipment serving the building;
2. Any floor area used exclusively as parking space for motor vehicles; and
3. Any floor area which serves as a pedestrian mall or public access way to shops and stores.

"Group home" means a residence operated as a single dwelling, licensed or approved by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical conditions or illness, mental condition or illness, social, behavioral or disciplinary problem; provided, that authorized supervisory personnel are present on the premises. This category would include, but not be limited to, the following types of facilities: personal care boarding homes, juvenile group homes and halfway houses, residential facilities for the handicapped and/or developmentally disabled, alcohol and drug dependency residential facilities and homes operated especially for persons with mental health problems.

Group Home, Limited. "Limited group home" means a state licensed residential facility with appropriate staff where lodging, meals, supervision, and other types of support are provided for not more than five physically handicapped and/or developmentally disabled adults who are not related to the owner. The terms "handicapped and developmentally disabled" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "limited group home" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

"Heavy industrial" means uses engaged in the basic processing of and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions or commonly recognized offensive conditions. "Heavy industry" also means those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals and container storage.

"Home occupation" means any use conducted principally within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

"Hospital" means any building or portion thereof used for the accommodation and medical care

of the sick, injured or infirm persons and including sanitariums, but not including clinics, rest homes, and convalescent homes.

"Hotel" or "motel" means a building designed for occupancy as the temporary abiding place of vacationers, travelers or other transient persons, for a fee or compensation, in which there are two or more guest rooms which may include other amenities on the premises for the guests such as a swimming pool, a recreation room, or minimal kitchen facilities in the rooms.

"Household pets" means animals that are customarily kept for personal use or enjoyment within the home, not to include livestock or other hoofed animals, dangerous and other nondomestic species, poultry, or the keeping of more than four animals of over four months of age.

"Junkyard and dumping grounds" shall be defined and regulated pursuant to the provisions of Chapter 8.12 of this Code.

"Kennel" means any premises, building or structure in which four or more animals of more than four months of age are harbored, and which is not a small animal clinic.

"Lot" means a parcel of real property as shown and described upon a plat duly accepted by the Town and recorded with the Clerk and Recorder of El Paso County.

1. "Lot area" means the area of land enclosed within the boundaries of a lot.
2. "Flag lot" means a lot which the front lot line abuts one or more rear or side lot lines of adjacent lots. Primary access is by a private or privately shared drive leading to a street. The front lot line of a flag lot is that property line most parallel to the street from which access is gained.
3. "Front lot line" means the property line dividing a lot from a street. On a corner lot the planning director may declare one front lot line to be a side lot line.
4. "Rear lot line" means the line opposite the front lot line.
5. "Reversed corner lot" means a corner lot of which the side street line is substantially a continuation of the front lot line of the first lot to its rear.
6. "Side lot line" means any lot lines other than front lot lines or rear lot lines.

#### TYPES OF LOTS/TYPICAL ZERO LOT LINE

#### GRAPHIC LINK:[Click here](#)

"Manufactured housing" means a single family dwelling which:

1. Is partially or entirely manufactured in a factory;
2. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
3. Is installed on an engineered permanent continuous foundation;
4. Has brick, wood, or cosmetically equivalent exterior siding and a four on twelve (12) minimum pitched roof;
5. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended;
6. Is certified pursuant to the Department of Housing and Urban Development (HUD) Codes and Town building codes; and
7. Has a permanent perimeter enclosure at its base, in like material as the structure.

All components and subsystems will perform to meet health, safety and functional requirements to the same extent as required for other single-family housing

units.

**Provision Applicable to Manufactured Homes.** In all zoning districts and permitted use designation, the term "single-family dwelling" shall include a manufactured home as previously defined under this section, and a manufactured home shall be subject to all applicable zoning requirements, including but not limited to setbacks, side yards, height restrictions and other provisions applicable to single-family dwellings.

"Medical marijuana dispensary" shall mean and include the use of any property or structure to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner, in accordance with Section 14 of Article XVIII of the Colorado Constitution.

"Mobilehome" means a dwelling for one or more persons designed to be transported on streets and highways on its own wheels, a dolly, flatbed or other trailers, and arriving at the site where it is to be occupied and is ready for occupancy after incidental unpacking and connection to utilities, etc. The primary use of a mobilehome is for living quarters.

"Mobilehome park" means any lot or parcel used for the storage or living purposes of more than one mobilehome.

"Modular home" means a mobilehome that meets all the specifications under the Uniform Building Code, as adopted by the Town, and is placed on a permanent foundation.

**Motor Vehicle, Abandoned, Junked or Wrecked.** "Abandoned, junked or wrecked motor vehicle" shall be defined and regulated as provided in Chapter 8.12 of this Code.

"Nonconforming building" means a building or structure or portion thereof conflicting with the provisions of this title applicable to the zone in which it is situated.

"Nonconforming use" means the use of a structure or premises conflicting with the provisions of this title.

"Nursing home" means an establishment, other than a hospital, licensed by the state, which operates and maintains continuous day and night facilities providing room and board, personal service, and skilled nursing care.

"Occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

"Parking" means the standing or placement of a vehicle, whether occupied or not, for any purpose other than briefly loading or unloading passengers or property.

"Person" includes association, firm, partnership or corporation.

"Planner" means the Town planning director or duly authorized representative.

"Planning commission" means the Town planning commission.

"Planning department" means the Town planning department.

"Planning director" means chief administrative officer of the planning department as appointed by the Town manager. Nothing contained in this title shall prevent the Town manager from appointing himself or herself as planning director.

"Professional office" means an office for a professional person such as a physician, dentist, lawyer, architect, engineer, artist, musician, designer, realtor, teacher, accountant and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists.

"Public sewer and water facilities" means those facilities of a municipality or district used for the purposes of distribution, collection, treatment, storage and other necessary purposes for the health, protection and welfare of the citizens of the Town.

"Recreational vehicle" means a vehicle used for recreational purposes including such vehicles as travel trailer, tent trailer, detached pickup camper or coach, motorized dwelling, boat and boat trailer, snow vehicle, cycle trailer, utility trailer, horse trailer, or similar vehicular equipment.

"Room" means an unsubdivided portion of the interior of a dwelling unit or building, excluding bathrooms, kitchens, closets, hallways, and service porches.

Schools, Public. "Public schools" means those schools administered by a legally organized school district.

Schools, Nonpublic. "Nonpublic schools" means all private, parochial, cottage and independent schools which provide education of compulsory school age pupils comparable to that provided in the public schools of the state. This does not apply to schools which operate in private residences where parents or legal guardians provide instruction to their own children in their homes.

"Schools, colleges or universities" means such education institutions under charter or license from the State of Colorado.

Schools, Proprietary. "Proprietary schools" means schools such as art schools, business colleges, trade schools and secretarial colleges.

"Setback" means the minimum required distance between a building or other structure and a property line.

"Sexually oriented businesses" shall be defined and regulated pursuant to the provisions of Chapter 5.16 of this code.

"Small animal clinic" means a building and its appurtenant structures where veterinary practice is being conducted by or under the direct supervision of a veterinarian licensed by the state.

When used, the term "storage" has its common or generally accepted meaning, which shall not be construed to include parked vehicles scheduled for service, being serviced, or awaiting pick-up after being serviced.

"Street" means a public right-of-way which affords the principal means of access to abutting property.

"Structure" means anything constructed or erected, which requires a location on the ground or is attached to something having a location on the ground, but not including fences (or walls used as fences) less than six feet in height, poles, line, cables, or other transmission or distribution facilities of public utilities. All signs shall be considered structures.

"Toxic materials" shall mean toxic materials as defined in applicable federal regulations promulgated by the United States Environmental Protection Agency.

"Use" means the purpose for which land or a building is designed, arranged or intended, or for which it either is or may be occupied or maintained.

"Vehicle" means and includes, but not limited to, area used for the parking, storage, loading/unloading and access route for motorized vehicles.

"Wind driven generator" means any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

#### Yard.

1. "Yard" means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.
2. "Front yard" means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
3. "Rear yard" means a yard extending across the full width of the lot between the rear

lot line and the nearest line or point of the building.

4. "Side yard" means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

(Ord. 08-2008 (part); Ord. 32-2004 § 1 (part); Ord. 25-2004 § 1 (part); Ord. 14-99; Ord. 13-97 (part); prior code §§ 13.03.010--13.03.700)

(Ord. No. 05-2009, 3-2-2009; Ord. No. 22-2009, 9-8-2009; Ord. No. 27-2009, § 1, 11-2-2009)