

Chapter 17.04 GENERAL PROVISIONS

17.04.010 Purpose.

The ordinance codified in this title shall be for the purpose of implementing the comprehensive plan of the City, as defined in Section 17.08.015.

(Ord. 3-96 (part), 1996).

17.04.020 Conflicting provisions.

Whenever the provisions of the ordinance codified in this title are found to be inconsistent with any other ordinances, the ordinance imposing the more restrictive standards shall control. The provisions of this title do not preclude imposition of more restrictive standards by agreement or by law.

(Ord. 3-96 (part), 1996).

17.04.030 Adherence to provisions required.

No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except in conformity with the ordinance codified in this title herein prescribed for the zoning district in which such building or land is located. No building permit shall be issued unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conforms to all zoning regulations then in effect. If the City Building Inspector or any authorized official of the City issues a building permit in violation of this chapter or in conflict with any of the provisions herein such permit shall be deemed null and void.

(Ord. 3-96 (part), 1996).

17.04.040 Major activity notice CRS 31-23-225.

When a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the governing body of the municipality in which the activity is proposed shall send notice to the Colorado Land Use Commission, the State Geologist, and the Board of County Commissioners of the county in which the improvement is located of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity. Such notice shall be in a standard form, shall be promulgated as a rule and regulation prescribed by the Colorado Land Use Commission, and shall contain such information as the Land Use Commission prescribes.

(Ord. 3-96 (part), 1996).

17.04.050 Planning Commission to serve as Zoning Commission.

The City of Florence Planning Commission shall also act as the Zoning Commission.

(Ord. 3-96 (part), 1996).

17.04.060 Severability.

If any section, clause, provision or portion of this title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this title shall not be affected thereby.

(Ord. 3-96 (part), 1996).

17.04.070 Application deadlines.

Applications for the following shall be submitted no later than thirty (30) days prior to the regularly scheduled Planning Commission meeting:

1. Accessory dwelling unit.
2. Board of Zoning adjustments.
3. Conditional use permit.
4. Manufactured home parks.
5. Parking plans.
6. Rezoning of property.
7. Special use review.

(Ord. No. 01-18-2022A, Exh. A, 2-7-2022)

Chapter 17.08 DEFINITIONS

17.08.005 Interpretation of language.

The words and terms used, defined, interpreted or further described in this title shall be construed as follows:

- A. The particular controls the general.
- B. The word "shall" is always mandatory and not directory. The word "may" is permissible.
- C. Words used in the present tense include the future unless the context clearly indicates the contrary.
- D. Words used in the singular include the plural, and words used in the plural include the singular unless the context clearly indicates the contrary.

(Ord. 11-2005 (part), 2005).

17.08.010 Words and terms.

- A. The list of specific words and terms set out in this chapter are defined as set out in this chapter.
- B. Further clarification of words and terms can be obtained by referring to the topic in which they are explained within the context of this title.

(Ord. 11-2005 (part), 2005).

17.08.015 Definitions.

As used in this chapter:

"Abutting or adjacent" means contiguous to and sharing a common boundary without being separated by a street, alley, or other public property.

"Accessory structure or use" means a structure or use incidental or subordinate to the main use of the property, including a home occupation which is located on the same lot or contiguous lot in the same ownership with the main use.

"Adult use" means a "sexually oriented business" as defined in this chapter.

"Airport" means a place on land or water where aircraft land to discharge or receive cargo and passengers, make repairs or take on fuel.

"Alley" means a minor right-of-way dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

"Altered" means any alteration to a building or structure which will change any one (1) or more of the external dimensions of such building or structure, or to make any change in the supporting members to the type of construction of the exterior wall or roof thereof. When used in reference to use, it shall mean to discontinue and replace the existing use with a use which is defined in this chapter as being distinct from the discontinued use.

"Animal clinic" means any veterinary office in which veterinary medicine is practiced by or under the direct supervision of a Colorado licensed veterinarian, and does not include overnight boarding of animals.

Animal Hospital. See "Veterinary hospital."

"Apartment" means a part of a building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or single-family and located in a multiple-family dwelling or other structure meeting the requirements of this title.

"Applicant" means the owner or duly designated representative of land for which a special review, amendment, variance, planned unit development, building permit or certificate of occupancy has been requested.

"Attached building" means a building which is connected to another building by a roof which exceeds six (6) feet between opposite open ends.

Auto Storage Yard. See "Vehicle storage yard."

"Automobile parking garage" means a structure used for parking or storage of cars or light trucks (one and one-half (1½) tons or less), and open to the general public, customers or employees. All vehicles must be licensed and in legal operating condition.

"Automobile parking lot" means a portion of one (1) or more contiguous parcels used for parking or storage of cars or light trucks (one and one-half (1½) tons or less), and open to the general public, customers or employees. All vehicles must be in legal operating condition.

"Backyard poultry" means the keeping or sheltering of female chickens and ducks.

Bank, Drive-In. "Drive-in bank" means a financial institution, including structures designed to contain an automatic teller machine, designed to provide financial services to patrons.

"Bed and breakfast home" means an owner occupied and operated, single-family residence where no more than three (3) guest bedrooms are rented to the general public on a nightly basis and where a breakfast meal is provided only to registered guests. (See Section 17.64.030, Bed and breakfast performance standards.)

"Boardinghouse/roominghouse" means a building other than a hotel, motel, bed and breakfast or restaurant where, for compensation, lodging and meals are provided for boarders and roomers, usually for an extended period of time. One (1) on-site parking space shall be provided for each lodging room, plus one (1) space for each employee. (See Chapter 17.68, Off-Street Parking and Loading for additional requirements.)

"Building" means a roofed structure with any portion more than thirty (30) inches above original ground surface built for the shelter of persons, animals, property or substances of any kind, excluding fences.

"Building area" means that portion of the lot that can be occupied by the principal use, excluding the front, rear and side yards.

"Building coverage" means any area or portion of a lot which is covered by all buildings on that lot.

"Building height" means the vertical distance above a reference datum measured to the highest point of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in subsection 1 of this definition is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

"Bulk regulations" mean regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

1. Maximum height;
2. Maximum lot coverage;
3. Minimum yard size and setback.

"Bush" means a shrub or low woody plant with branches near the ground level.

"Business support/sales/rental service shops" mean a business such as a bank, credit union, mortgage lender, insurance provider, stock brokerage, answering service, provider of temporary employees, office equipment rental or repair enterprise, copy shop, or similar business that provides support to other businesses.

"Car wash" means a site where motor vehicles trucks and other vehicles and trailers are washed on a fee paid basis by self-serve or on-site employees.

"Cemetery" means land used for the interment of dead humans or animals, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and located on the same premises as the cemetery.

"Child care center" means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for developmentally disabled children and those facilities which give twenty-four (24) hour care for dependent and neglected children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system or at least six (6) grades or to any preschool established pursuant to the provisions of Article 28 of Title 22, CRS, which is maintained in connection with a public school systems of at least six (6) grades

so long as the school systems is not also providing extended day services. The term shall not include any facility licensed as a family care home or employer-sponsored on-site child care center under the provisions of state statutes. (Source: CRS 26-6-102(1)(a), as amended).

"City Manager" means the City Manager of the City of Florence or his or her designee.

"Cleaning and laundry plant" means an establishment that provides bulk cleaning services for laundry and fabric.

"Cold storage locker" means an establishment that provides protected on-site storage of items prone to damage by uncontrolled temperature, insects, or environmental elements.

Colorado Revised Statutes (CRS). Such abbreviation refers to the Colorado Revised Statutes, as amended.

"Commercial vehicles" mean and include, but is not limited to trucks with a rated capacity of over one and one-half (1-½) tons, semi-trailers and mobile machinery of more than one-half (½) ton gross weight.

"Comprehensive plan" means the Master Plan for the City of Florence, 1992 revised edition, as adopted by Resolution No. 22-92, and as may be amended from time to time, which provides long-range development policies for the City and which includes, among other things, the plan for land use, transportation and public facilities. All references to "comprehensive plan" within this title shall refer exclusively to this definition.

"Conditional uses" mean uses of a special nature as to make impractical their predetermination as a principal use in a district. Uses defined as a "conditional use" are allowed subject to compliance with specified conditions as set forth in this chapter.

"Condominium" means a separate estate in an individual air-space unit of a multiunit property together with an interest in the common elements appurtenant to such units.

"Contractor's yard" means a yard used by a general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified in this chapter. For the purposes of this definition it does not include wholesale or retail sales.

"Convenience store" means a small retail store selling diversified goods most commonly used daily or while traveling; usually in combination with the sale of motor vehicle fuel.

"Corner lot" means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street and where in either case, the interior angle formed by the intersection does not exceed one hundred thirty-five (135) degrees.

"Density" means any number of dwelling units per acre of land devoted to housing in proportion to the usable open space.

"Detached building" means a building which is separate from another building on the same lot. Buildings connected only with a roof not more than six (6) feet wide between opposite ends shall be deemed to be detached.

"Disposition" means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; and option to purchase an interest in subdivided land; or a lease or an assignment of an interest in subdivided land which is not made pursuant to one (1) or the foregoing.

"District" means an area or areas within the limits of the City for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

"Double-frontage lot" means a lot which runs through a block from street to street and which has two (2) nonintersecting sides abutting on two (2) or more streets.

"Drive-in establishment" means an establishment which is designed to provide wholly or in part, service to customers while they remain in their vehicles parked upon the premises.

"Duplex" means a detached residential structure containing two (2) dwelling units separated by a building code-compliant common wall. A duplex dwelling unit may have a side-by-side or stacked configuration.

"Dwelling unit" means any room or group of rooms forming a single habitable unit with facilities which are used or intended to be used by one (1) family and/or their resident domestic servants for its living, sleeping, cooking and eating needs. The term "dwelling unit" shall not include "mobile home" or "manufactured home single wide" as defined in this chapter. The term "dwelling unit" shall include conventional stick built housing, accessory dwelling unit, modular homes and a manufactured home as defined in this chapter.

"Easement" means authorization by a property owner for the use by the public, a corporation, or persons, of any designated part of his property for specific purposes.

"Eating and drinking establishment" means a diner, cafe, restaurant, tavern, or bar generally open to the public, with on-site preparation or serving of food and beverages. This type of establishment does not include membership clubs, welfare kitchens, or similar facilities that serve free, or below cost meals on-site, and that do not pay city sales taxes on the prepared meals. This type of establishment does not include "sexually oriented businesses."

"Efficiency dwelling unit" means an attached dwelling unit containing only one (1) habitable room, a separate closet, a kitchen sink, cooking appliance, refrigeration facilities, and a separate bathroom containing a water closet, lavatory and bathtub or shower.

"Employees" mean all persons, including proprietors, working on the premises, the number of which shall be calculated upon (during) the largest shift at peak season.

"Enlarged or expanded" means any change to one (1) or more of the external dimensions of such building or structure. When used in reference to use it shall mean the addition of acreage to be used in connection with the existing use.

"Family" means an individual or any number of individuals related by blood, marriage, or legal adoption, or a group of not more than four (4) individuals not so related, living together as a single household unit in a dwelling unit, plus servants or not more than two (2) care providers.

"Family care home" means a facility for child care in a place of residence of a family or person for the purpose of providing family care and training for a child under the age of sixteen (16) years who is not related to the head of such home. The term also includes any family foster home receiving a child for regular twenty-four (24) hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency. (Source: CRS 26-6-102(4), as amended.)

"Feedlots" mean the confined feeding of food, for commercial purposes, by dairy, fur, or pleasure animals in buildings, lots, pens, pools, or ponds which normally are not used for raising crops or for grazing animals.

"Fence" means a freestanding structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, used for confinement, screening, or partition purposes.

"Floor area" means the area included within the outside walls of a building or portion thereof, including habitable tenant houses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

"Front lot line" means the property line dividing a lot from the right-of-way line, off of which right-of-way line the principal structure occupying the lot is addressed.

"Front yard" means the yard between side lot lines measured horizontally at right angles to the front lot line to the nearest point of the main building.

"Frontage" means that portion of a lot, parcel, tract or block abutting upon a street.

"Funeral home" means a building where ceremonies are held in connection with the burial or cremation of the dead.

"Gasoline service station" means a building or premises on or in which the principal use is the dispensing of gasoline, oil, or other fuel for motor vehicles by self serve or assisted service which may include as incidental use only, facilities for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but may not include liquefied petroleum gas distribution facilities, facilities for major repairs for motor vehicles, or rental operations.

"Group home" means a state licensed residential facility for the disabled, mentally ill, or aged.

"Guesthouse" means a structure which is physically detached from a single-family dwelling unit, does not contain cooking facilities and is intended for occupancy by a guest(s) of the family residing in the single-family dwelling unit for a short period of time. Although detached from the single-family dwelling, a guesthouse is considered to be part of that dwelling for the purpose of this title and is subject to all regulations applicable to that dwelling.

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

"Home occupation" means an occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling with no servant, employee or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy peaceful occupancy of their homes. (For home occupation regulations see Section 17.64.100, Home occupations.)

"Homeowner's association clubhouse" means a structure and its accessory structures and exterior facilities on the same parcel. Said parcel, structures and facilities must remain under direct ownership of a formally established homeowner's or tenant's association. All structures and facilities must be primarily for the benefit and use of the local Florence resident members of the association. The primary structure may include meeting spaces, association offices, sales or rental office for local Florence property under ownership of the association or the property's initial developer. Accessory facilities may include sports fields and courts, playgrounds, swimming pools and spa, exercise rooms, and limited kitchen/dining facilities. Accessory structures and facilities may include a contractor's yard, as defined in this title, but only for the benefit of the association's property or for the initial developer of the subdivision or tenant dwellings.

"Hospital" means, as a primary use, any building or portion thereof used for diagnosis, and which may include as an accessory use, medical clinics, convalescent homes, nursing homes and retirement homes.

"Hotel" means an establishment that provides temporary lodging in guestrooms, and in which entertainment and various personal services for the public may or may not be provided. This category does not include "sexually oriented business."

"Household pets" means animals and fowl permitted in the house as a custom in the community and kept for company or pleasure, such as dogs, cats or birds, providing that such creatures are not kept to supplement food supplies, or for any other purpose whatsoever other than offering for sale of one (1) litter, brood or offspring of a household pet domiciled on the premises.

"Indoor amusements and entertainment establishment" means an entirely enclosed facility providing a source of amusement, entertainment or recreation, which is operated as a commercial venture. Indoor amusements may include video arcades, coin or token operated machine arcades, monitored table game parlors, pool/billiard/foosball/air-hockey/darts parlors, bowling alleys, athletic courts, indoor swimming pools, movie or live performance theaters, play houses, indoor golf centers, indoor batting cages, indoor skating facilities, indoor radio or remote controlled vehicle tracks, dance studios, membership or nonmembership exercise facilities, or any

other similar use. Such facilities that house the above activities as a minor part of their business operations, and those facilities that are regulated by state license requirements and periodic reviews by the City Council, such as those with liquor licenses, are not considered included in this definition. Facilities with less than five (5) percent of the building story's floor area devoted to such activities are not included in this definition. Floor area devoted to such activities includes the needed buffer space and player travel area required to engage in such activities.

Industry Heavy. "Heavy industry" means any manufacturing or industrial processing which by nature of the material, equipment and process utilized produces objectionable levels of noise, fumes, light or smoke which may, or may not have hazardous effects.

Industry Light. "Light industry" means any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process which is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, or vibrations, whose waste products are not allowed to emerge to accumulate where they will cause discomfort or be unsightly to adjoining property owners or to the public generally, and which operated independently of railroad sidings, extensive loading docks and team generation as prime power.

"Interior lot" means a lot other than a corner lot.

"Interior side lot line" means a property line other than a front or rear property line which does not abut a public right-of-way, but is a common property line between adjoining lots.

"Junkyard" means an area of land, with or without buildings, used for or occupied by a deposit, collection or storage, of used or discarded materials such as wastepaper, rags or scrap materials, house furnishings, machinery, vehicles or parts thereof, outside a completely enclosed building, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

"Kennel" means a lot or building in which four (4) or more dogs or cats at least six (6) months of age are kept commercially for board, propagation or sale. (See Section 6.04.070, Kennels.)

"Landfill" means a site and facility for the deposit and final treatment of solid waste.

"Lot area" means the area of a horizontal plane bounded by the front, side and rear lot lines.

"Lot coverage" means that percentage of a lot which, when viewed directly above, would be covered by a structure or structures, or any part thereof, excluding projecting roof areas.

"Lot depth" means the distance between the midpoints of the front lot line and the midpoint of the rear lot line.

"Lot" or "parcel" means a place, plot or area of land, of contiguous assemblage as established by survey, plat or deed occupied or to be occupied by a building and/or accessory buildings thereto or for other uses, together with such open spaces as may be required under these regulations and having its frontage on a street or officially approved place.

"Lot width" means the distance on a horizontal plane between the side property lines of a lot, measured at right angles to the line establishing the lot depth at the building setback line.

"Manufactured home" means a dwelling unit which is a structure that:

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 foundation;
4. Has brick, wood or cosmetically equivalent exterior siding on all exterior walls, which provides a consistent facade from the bottom of the soffit (top of wall section), downward to the top of the

exposed perimeter wall, foundation, or to finished grade, whichever is applicable, and has a pitched roof; and

5. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building Code as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.
6. Receives on-site final inspection and insignia affixed by an inspector or installer certified by the State of Colorado, Division of Housing.

"Manufactured home park" means a residential development intended primarily for manufactured homes, including single wide, arranged for operation by management. The property is under a single ownership with utility hookups provided and rent paid.

"Manufactured home single wide" means a single-family dwelling which is a structure that:

1. Is partially or entirely manufactured in a factory;
2. Is a minimum size of two hundred fifty-six (256) square feet;
3. Has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and
4. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building Code as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.
5. Receives on-site final inspection and insignia affixed by an inspector or installer certified by the State of Colorado, Division of Housing.

"Manufactured home subdivision" means a residential development primarily for mobile homes, in all respects designed under the mobile home park standards, except lots can be under separate ownership and common areas can be placed under multiple ownership.

"Manufacturing" means the process and converting of raw unfinished materials of products, or any of these into an article or substance of different character or purpose.

"Medical and dental clinic" means a facility staffed by state licensed medical personnel that treat human clients and human patients only on an out-patient basis.

"Membership club" means an establishment that provides food or beverage service, entertainment, exercise facilities, meeting space, or similar services to dues paying members. This category does not include any "sexually oriented business."

"Milling" means an act or process of grinding (especially grain into flour or meal), the operation of cutting, shaping, finishing or working metal, cloth or any other similar product.

"Mineral" means an inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or capable of conversion into a usable form as a metal, a metallic compound, a chemical, an energy source, or a material for manufacturing or construction material.

"Mineral resource area" means an area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools, or otherwise. It includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining rights are

held by mineral patent or for which valid mining claims exist with the intention of mining. The term also includes an area of oil and gas or geothermal resource development if such area has been identified by the State Oil and Gas Conservation Commission for designation.

"Mining" means the act of exploring for or recovering minerals and sand and gravel whether above or below ground. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging, hauling or removal from the site. Mining shall not include removal of loose surface stone, or preparation of individual building sites.

"Mini-storage" means a building, or group of buildings on one (1) lot or contiguous lots used with such building or portion thereof dividable into separate compartments which are individually rented or leased for the purpose of storing the renter's or lease holder's property. Goods stored within the building shall not be offered or displayed for sale on-site. Accessory uses may include the exterior storage of camping trailers, motorized homes, boats, etc., in areas designated for such storage.

"Mobile home" means a structure that is a detached, single-family housing unit that may not meet the definition of "dwelling unit" set forth in this chapter, and which has all of the following characteristics:

1. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, and which has plumbing and electrical connections provided for attachment to outside systems;
2. Designed to be transported after fabrication, on its own wheels, or on flatbed or other trailers or on detachable wheels;
3. Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;
4. Exceeding eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers;
5. Is without motive power; and
6. Is constructed prior to January 1, 1975.
7. Receives on-site final inspections and insignia affixed by an inspector or installer certified by the State of Colorado Division of Housing.

"Modular home" means a dwelling constructed that:

1. Is partially or entirely manufactured in a factory;
2. Is not less than fourteen (14) feet in width;
3. Is designed to be placed on a permanent foundation;
4. Has brick, wood, or cosmetically equivalent siding on exterior walls which provides a consistent facade from the bottom of the soffit (top of wall section), downward to the top of the exposed perimeter wall, foundation, or to finished grade, whichever is applicable, and has a pitched roof; and
5. Is built to building codes adopted by the Housing Board of Colorado.
6. Such definition excludes container and tiny homes.

"Mortuary" means a building where pet or human remains are prepared for cremation or burial.

"Motel" means a building or group of buildings on the same lot containing guest units with separate entrances, and consisting of individual sleeping quarters, detached or in connecting rows, with or without cooking facilities, for short-term rental.

"Multiunit or multifamily dwelling" means a building used by two (2) or more families living independently of each other in separate dwelling units but not including hotels, motels or resorts. This includes townhouses, apartments, and condominiums.

"Museum" means a building for the display of natural, scientific, literary, or artistic objects of general, historic, or other special interest.

"Nonconforming bulk" means that part of a building, structure, or nonbuilding use which does not conform to one (1) or more of the applicable bulk regulations in this title.

"Nonconforming structure" means a structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

"Nonconforming use" means an existing use of structure or land which does not comply in some respect with the use regulations applicable to new uses in the district in which it is located.

"Nonconformity" means a nonconforming use, a nonconforming structure, or a nonconforming lot.

"Nursing home facility" means a facility which provides skilled nursing home services or intermediate care nursing home services. (Source: CRS 25-1-002, as amended).

"Off-street parking" means parking of motor vehicles off the public right-of-way.

"Park, playfield or playground" means open space lands whose primary purpose is recreation.

"Parking space" means a rectangular area with all-weather surface containing not less than two hundred (200) square feet with maneuvering and access space required for a standard American automobile to park within the rectangle.

"Person" means every natural person, firm, partnership, association, or corporation.

"Planned unit development" means a development of land in a manner which allows, in conformance with the provisions of this title, the following: a variety of uses and/or densities in addition to those ordinarily allowed by right or by condition in the designated zone district, for which land may be developed in order to allow for uniqueness and overall flexibility of development in special instances as may be approved by the City.

"Plaza" means an open area usually located near urban buildings and often features walkways, trees and shrubs, places to sit and sometimes shops.

"Principal building" means any structure used or intended for supporting or sheltering the principal use of the lot on which such building is situated.

"Principal structure" means a structure in which the principal use of the lot on which the structure is located is conducted.

"Principal use" means the main use of land or structure, as distinguished from a subordinate or accessory use.

"Private garage" means an accessory building or accessory portion of the main building designed for the shelter or storage of motor vehicles or personal property owned or operated by occupants of the main building only.

"Professional office" means private business or government office, office for community service organization that is registered with the Colorado Secretary of State, medical or dental clinic, legal, engineering, architect, real estate or other similar professional office, administrative or headquarters office for wholesaling or manufacturing operation, and offices for research and development.

"Property line" means the boundary of any lot, parcel, or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the lot, parcel, or tract may abut.

"Public garage" means a garage other than a private garage, used for housing or care of motor vehicles or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

"Public hearing" means a meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions.

"Public library" means a not-for-profit entity that provides a collection of printed or other resource material for reading, reference, and lending to the public for the purpose of enjoyment, study or research.

"Public meeting hall" means a structure, or portion of a structure, used for occasional meetings, lectures, or indoor events, with or without a fee charged, and with or without food or beverage service. Public meeting hall does not include indoor amusements and entertainment establishments, eating and drinking establishments, or homeowners' association clubhouse, as defined elsewhere in this section, and does not include facilities with less than five (5) percent of the building story's floor area devoted to such activities.

"Public or essential government utility services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, steam, water transmission systems, water distribution systems, collection, communication, supplier-disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities, municipal departments, or commissions for the public health, safety or general welfare.

"Public right-of-way" means all streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, and as a matter of right for the purpose of vehicular or pedestrian travel and utility access.

"Rear lot line" means, except on a double frontage lot, the property line opposite the front lot line and further located by an imaginary line drawn perpendicular to the real projection of the structure and through the center of the structure.

"Rear yard" means the yard extending between side lot lines and measured horizontally at right angles to the rear lot lines, from the real lot line to the nearest point of the principal structure.

"Recreational and social facility" means and includes parks and playgrounds, tennis, racquetball and golf clubs; swimming pools, health spas, fraternal or service organizations, and membership associations; for health, recreation, sharing of common interests and fellowship, and may include incidental retail sales.

"Recreational vehicle" means vehicles used for recreational occupancy to include motor homes and travel trailers designed and constructed to permit sleeping or housekeeping or both, for one (1) or more persons which does not require for its use a hookup to permanent utility services (water, sewer, gas) and is mobile or can be transported on public rights-of-way.

"Recycling facility" means that part of a solid waste disposal facility or a part of a general disposal facility at which recyclable materials may be separated from other materials for further processing. Not to include automobile graveyards and junkyards.

"Religious institution" means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

"Residential child care facility" means a facility licensed by the Colorado Department of Social Services pursuant to state statutes, to provide twenty-four (24) hour group care and treatment for five (5) or more children operated under private or nonprofit sponsorship. (Source: CRS 6-102 (8); as amended.)

"Rest home, nursing home, or retirement home" means a building or group of buildings where elderly or infirm residents are housed and provided long-term medical care and assisted living services.

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

"Rooming unit" means a room providing minimal housing accommodations for a roomer, arranged primarily for sleeping and study, in which may be included a private bath but which shall not include any kitchen equipment such as refrigerator, sink, or cooking device.

Salvage Yard. See "Junkyard."

"Screening" means decorative fencing, evergreen hedges, or earth berms maintained for the purpose of concealing from view the area behind such screening.

"Setback line" means a line or lines designating the area outside of which buildings may not be erected.

"Sexually oriented business" shall have the same meaning as is ascribed to it in Section 5.34.020(A) of this code.

"Shrub" means a bush or any type of hard-wooded plant or smaller and thicker growth than a tree or a dwarf tree.

"Side yard" means the yard between a building and the side lot line, measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building.

"Single-family dwelling" means a detached principal building designed for or used as a dwelling unit exclusively by one (1) single-family as an independent living unit.

"Site plan" means a scale drawing showing the relationship between the lot or property lines and their uses housed on the property, buildings or structures, existing or proposed on the lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, utility lines, or a special or particular use.

"Street" means the entire width between the boundary lines of every way provided for public use, for the purpose of vehicular and pedestrian traffic and placement of utilities, and including the terms listed under the definition of "Street" in the City of Florence subdivision regulations, or other similar designations. For right-of-way and paving width see the subdivision regulations design and construction standards. For the proposed major street plan see the comprehensive plan.

"Street side lot line" means the secondary property line of a corner lot which is abutting the public right-of-way but is not the right-of-way off which the principal structure occupying the lot is addressed.

"Structural alteration" means any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof.

"Structure" means anything constructed, erected or placed, the use of which requires a more or less permanent location on the ground or which is attached to something located on the ground; including, but not limited to, building as defined hereunder and manufactured home, as defined hereunder; but not including earthworks, corrals, ditches, canals, dams, reservoirs, pipelines, telephone or telegraph or electric power lines, walks, driveways, curbs, signs, antennas, towers or other similar uses.

"Townhouse" means a housing design where the dwelling unit and some land are owned separately from interests in common property.

"Trash transfer station" means a facility at which refuse, awaiting transportation to a disposal site, is transferred from one (1) type of collecting vehicle and placed into another.

"Tree" means a perennial plant having a trunk, or woody stem with branches, or any plant resembling a tree.

"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

"Variance" means a devise which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

"Vehicle storage yard" means a yard used for the storage of assembled vehicles, either operable or nonoperable, but not for the storage of vehicle parts; provided, that vehicle storage yard shall not include any yard wherein there occurs a dismantling, demolition or sale of vehicles or parts thereof.

"Veterinary hospital" means a place where pets and animals of all types are given medical or surgical treatment. Use as a kennel shall be limited to short time boarding which is incidental to such hospital use.

"Vision clearance area" means a triangular area on a lot at the intersection of two (2) streets or a street and a railroad, or a street and an alley, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures or temporary or permanent obstructions exceeding two and one-half (2 ½) feet in height, measured from the top of the curb or existing street grade.

"Yard" means an open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this title.

"Zero-lot line" means a type of development in which side yards are not set back and common walls may be used. This concept can be found in townhouse and condominium developments as well as central business districts.

(Ord. 2-2008 § 1, 2008; Ord. 26-2006 § 1, 2006; Ord. 13-2006, 2006; Ord. 16-2005 § 1, 2005; Ord. 11-2005 (part), 2005).

(Ord. No. 10-2009, 4-20-2009; Ord. No. 5-2012, § 3, 6-4-2012; Ord. No. 8-2012, § 1, 9-17-2012; Ord. No. 11-2013, §§ 1, 2, 10-21-2013; Ord. No. 12-2013, § 1, 10-21-2013; Ord. No. 03-01-2021B, § 1, 3-15-2021; Ord. No. 09-20-2021A, Exh. A, 10-4-2021)

Chapter 17.12 USE DISTRICTS AND ZONING MAP

17.12.010 Districts designated.

The zoning districts of the City are as follows:

- A. A-T — Agricultural-transitional;
- B. R-E — Residential estates;
- C. R-1 — Low density residential;
- D. R-2 — Low-medium density residential;
- E. R-3 — High density residential;
- F. MH — Manufactured home district;
- G. RVP — Recreational vehicle park district;
- H. C — General commercial district;

-
- I. CB — Central business district;
 - J. I-1 — Light industrial;
 - K. 1-2 — Heavy industrial;
 - L. PUD — Planned unit development.

(Ord. 3-96 (part), 1996).

17.12.020 Zoning map designated.

- A. The location and boundaries of the districts as designated in Chapters 17.14 through 17.56 are established as shown on the map entitled Zoning District Map of the City of Florence, dated and signed by the City Manager and attested by the City Clerk.
- B. The zoning maps are made part of this chapter.
- C. Copies of the official zoning maps of the City of Florence shall be kept in the City Hall and in the office of the City Clerk.
- D. Amendments or changes shall be ordered entered on the zoning map by the City Manager promptly after the amending ordinance has been approved.
- E. All zone district boundary lines shall be construed to be on the centerline of streets or alleys, on lot lines of platted subdivisions, or on boundaries of the corporate limit lines of incorporated cities and towns.

(Ord. 3-96 (part), 1996).

Chapter 17.14 A-T—AGRICULTURAL-TRANSITIONAL ZONE

17.14.010 Description and purpose.

The agricultural-transitional zone district is applied in areas not yet ready for urban development, in areas available for public and semipublic use, and where agricultural uses will not be detrimental to the adjacent urban areas. This zone district provides a transitional zone to allow the City to control land uses at its periphery.

(Ord. 3-96 (part), 1996).

17.14.020 Permitted uses.

Uses permitted in the agricultural-transitional zone district are as follows:

Accessory uses and structures;

Cultivation, storage, and sale of crops, vegetables, plants, flowers, and nursery stock produced on the premises including both irrigated and nonirrigated agriculture;

Dwelling units (single-family);

Group homes;

Home occupations (see Section 17.64.100);

Livestock only as pets, show animals, or limited agricultural use. All buildings and corrals shall not be constructed closer than one hundred (100) feet from any property line. All uses must comply with other City ordinances relating to keeping animals in the City (refer to Section 17.64.020, Animals);

Parking incidental to uses permitted in this zone, provided all parked vehicles are in operative condition (refer to Chapter 17.68);

Public and private outdoor recreational facilities such as public and private parks, forest preserves, recreational lakes, golf courses, and associated driving ranges, and other similar open-type recreational facilities;

Public libraries;

Religious institutions, schools, libraries, community centers, and other public buildings;

Research, religious, and philanthropic institutions, but not including penal or mental institutions;

Scenic areas;

Storage of a camping unit or boat.

(Ord. 16-2005 § 2(part), 2005; Ord. 3-96 (part), 1996).

17.14.030 Conditional uses.

The following uses are permitted in this zone, but only if they comply with the conditions specified for use:

Campground containing a minimum gross area of ten (10) acres;

Cemetery, including columbarium, mausoleum, or crematory, providing that any site for a new cemetery shall contain at least ten (10) acres;

Colleges, universities, and other institutions of higher learning, public and private, offering courses in general, technical, or religious education, and not operated for profit, are subject to the following conditions:

1. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area.
2. All ingress and egress from said site shall be directly on to a major highway, major or arterial street, or collector street having an existing or planned right-of-way of at least eighty (80) feet.
3. No building or other structure shall be closer than fifty (50) feet to any property line;

Guest ranch and incidental facilities including bunk houses, cabins, stables, corrals, dining areas, incidental retail sales and services, and personal services providing such ranch is located on a site containing not less than twenty (20) acres;

Hunting, fishing, and recreational resorts, including incidental facilities, providing such uses are located on sites containing not less than twenty (20) acres;

Private boat launches located on a site of at least one (1) acre in size;

Real estate sales office, not exceeding one thousand five hundred (1,500) square feet of floor space, used in connection with a specific development, for a period of not more than three (3) years.

(Ord. 3-96 (part), 1996).

17.14.040 Special uses.

The following uses may be allowed in this zone, but only if a special use permit is obtained according to the provisions of Chapter 17.60 of this code:

Child care centers;

Commercial recreational facilities other than those specifically mentioned as conditional uses allowed above;

Country clubs;

Family care homes;

General aviation facilities (no private airports allowed);

Hospitals, sanatoriums, nursing homes, convalescent homes;

Independent amusement enterprise, provided any lighting shall be so located, screened, or shaded as not to reflect off the premises, and provided the following conditions are met:

1. Baseball batting or archery range, provided the area shall be fenced or otherwise designed to prevent any balls or arrows from going off the premises,
2. Circus, carnival, bazaar, fair, tent meeting, crusade or enterprise of similar type, provided it be located at least three hundred (300) feet from any dwelling which is a conforming use. Such enterprise shall be permitted at one (1) location for a period of not more than seven (7) days,
3. Golf driving range, including commercial activities specifically related to the operation of the use, such as a pro shop for the sale or rental of golf equipment, and the usual concession stands, provided the site contains at least six (6) acres and that fencing shall be provided, or the use so designed as to prevent balls from being driven off the premises,
4. Cart track, including "go-cart" track and similar facility, provided that the site contains at least five (5) acres; the track shall be located at least one thousand (1,000) feet from any dwelling and at least one hundred (100) feet from any public way; the spectator area shall be protected from the vehicular area by suitable fencing, bumpers, or other protective devices; any off-street parking area shall be subject to the off-street parking requirements specified in Chapter 17.68 of this code; the facility shall also comply with CRS Title 25, Articles 7, 11 and 12 pertaining to air, noise and pollution control;

Kennels, animal hospitals, or the breeding, boarding, or sale of domestic animals;

Mining (see Section 17.64.120, Mineral and natural resource extraction operations);

Penal and mental institutions;

Planned unit developments;

Private golf courses (membership only);

Public utility substations, regulation stations, or aboveground facilities;

Water storage tanks and reservoirs;

Youth activity camps.

(Ord. 10-97, 1997; Ord. 3-96 (part), 1996).

17.14.050 Yard and bulk requirements.

Yard and bulk requirements in the agricultural-transitional zone are as follows:

Minimum lot area	1 acre
Minimum lot area per principal structure	1 acre
Minimum lot width	50 feet
Maximum lot coverage	10% of total acreage (maximum of 4 buildings)
Minimum front yard setback—Residential	Principal structure: 50 feet Accessory structure: 50 feet
Minimum front yard setback—Nonresidential	Principal structure: 50 feet Accessory structure: 50 feet
Minimum side yard setback—From streets and interior lot lines	All structures: 50 feet
Minimum rear yard setback	Principal structure: 50 feet Accessory structure: 25 feet
Maximum height	Principal structure: 45 feet Accessory structure: 25 feet

Maximum height regulations lesser than those provided herein may be set forth by special regulations for buildings in an airport approach zone.

(Ord. 3-96 (part), 1996).

(Ord. No. 07-01-2019A, § 1, 7-15-2019)

17.14.060 Off-street parking.

See Chapter 17.68 for parking requirements within agricultural-transitional zone district.

(Ord. 3-96 (part), 1996).

17.14.070 Minimum size of dwelling units.

See supplementary provision Section 17.64.130, Minimum dwelling unit requirements.

(Ord. 3-96 (part), 1996).

Chapter 17.16 R-E DISTRICT—RESIDENTIAL ESTATES

17.16.010 Generally.

The R-E district, residential estates, is comprised of areas which are primarily for large lots, single-family residential development and other necessary and compatible uses. This is intended to provide a purely residential environment for estate type development maintaining large lots.

(Ord. 3-96 (part), 1996).

17.16.020 Permitted uses.

Uses permitted in the R-E district are as follows:

Accessory building and uses;

Animal production and husbandry (see Section 17.64.020, Animals);

Crop production;

Dwelling units (single-family);

Flower production;

Forest land;

Group homes;

Guesthouses;

Home occupation (see Section 17.64.100);

Orchards;

Public libraries;

Public service and utility uses.

(Ord. 16-2005 § 2(part), 2005; Ord. 3-96 (part), 1996).

17.16.030 Special uses.

Uses permitted through special use review in the R-E district are as follows:

Cemeteries;

City, county, state and federal facilities, uses, building, colleges, and universities;

Commercial greenhouses;

Child care centers;

Family care homes;

Grazing lands;

Hospitals;

Nursery schools;

Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);

Pastures;

Plant nurseries;

Public elementary, junior high, and senior high schools;

Recreational and social facilities, parks, playfields, tennis clubs, swimming clubs and golf courses, health spas of two (2) acres or larger.

(Ord. 3-96 (part), 1996).

(Ord. No. 12-2009, § 1.A, 7-6-2009)

17.16.040 Yard and bulk requirements.

Yard and bulk requirements in the R-E district are as follows:

Minimum lot area	2 acres
Minimum lot area per principal structure	2 acres
Minimum lot width	100 feet
Maximum lot coverage	10% main building plus 10% each accessory building
Minimum front yard setback	Principal structure: 50 feet
	Accessory structure: 50 feet
Minimum side yard setback—From streets and interior lot lines	All structures: 25 feet
Minimum rear yard setback	Principal structure: 25 feet
	Accessory structure: 15 feet
Maximum height	Principal structure: 45 feet
	Accessory structure: 20 feet

(Ord. 3-96 (part), 1996).

17.16.050 Off-street parking.

For off-street parking space requirements in the R-E district, see Chapter 17.68.

(Ord. 3-96 (part), 1996).

17.16.060 Minimum size of dwelling units.

See supplementary provision Section 17.64.130, Minimum dwelling unit requirements.

(Ord. 3-96 (part), 1996).

Chapter 17.20 R-1 DISTRICT—LOW DENSITY RESIDENTIAL SINGLE-FAMILY

17.20.010 Generally.

The R-1 district, low density residential single-family, is comprised of areas primarily for quiet, single-unit residential development, and other necessary and compatible uses.

(Ord. 3-96 (part), 1996).

17.20.020 Permitted uses.

Uses permitted in the R-1 district are as follows:

Accessory buildings and uses, private garages, tool and storage sheds, private greenhouses, dog houses;

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Crop production;
Dwelling units (single-family);
Elementary schools;
Flower production;
Home occupation (see Section 17.64.100);
Group homes;
Household pets;
Orchards;
Public services, utilities (distribution elements only);
Religious institutions.
(Ord. 3-96 (part), 1996).

17.20.030 Special uses.

Uses permitted only through special use review in the R-1 district are as follows:

Antique shops;
Bed and breakfast accommodations (see Section 17.64.030);
Cemeteries;
Child care centers;
City, county, state and federal facilities, uses, buildings, colleges and universities;
Duplexes;
Family care homes;
Homeowner's association clubhouse;
Hospitals (allowed only in PUD's, see Chapter 17.56);
Junior and senior high schools;
Nurseries (plant);
Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);
Professional offices;
Public libraries.
(Ord. 26-2006 §2, 2006; Ord. 16-2005 §2(part), 2005; Ord. 3-96 (part), 1996).
(Ord. No. 12-2009, § 1.B, 7-6-2009; Ord. No. 03-01-2021B, § 2, 3-15-2021)

17.20.040 Yard and bulk requirements.

Yard and bulk requirements in the R-1 district are as follows:

Minimum lot area	6,000 square feet
Minimum lot area per principal structure	6,000 square feet
Minimum lot width	50 feet
Maximum lot coverage	50% if lot is less than 4,000 square feet; 40% if lot is more than 4,000 square feet
Minimum front yard setback	All structures: 25 feet
Minimum side yard setback — From a street	All structures: 15 feet
Minimum side yard setback — From an interior lot line	5 feet
Minimum rear yard setback	Principal structure: 25 feet
	Accessory structure: 10 feet
	Patio cover structure open on at least 2 sides and attached to the principal structure: 12 feet
Maximum height	Principal structure: 45 feet
	Accessory structure: 20 feet

(Ord. 3-96 (part), 1996; Ord. No. 2-2012, § 1, 2-21-2012; Ord. No. 03-06-2017A, § 1, 3-20-2017; Ord. No. 10-1-2018A, § 1, 10-15-2018).

17.20.050 Off-street parking.

For off-street parking requirements in the R-1 district, see Chapter 17.68.

(Ord. 3-96 (part), 1996).

17.20.060 Minimum size of dwelling units.

See supplementary provision Section 17.64.130 for minimum dwelling unit requirements.

(Ord. 3-96 (part), 1996).

Chapter 17.24 R-2 DISTRICT—LOW MEDIUM DENSITY RESIDENTIAL (ONE TO FOUR UNITS)

17.24.010 Generally.

The R-2 district, low medium density residential (one (1) to four (4) units), is comprised of areas primarily for quiet, residential development. One (1) to four (4) unit structures are allowed in this district.

(Ord. 3-96 (part), 1996).

17.24.020 Permitted uses.

Uses permitted in the R-2 district are as follows:

- Accessory buildings and uses;
- Crop production and orchards;

Dwelling units (one (1) to four (4) units per structure);
Elementary schools;
Flower production;
Group homes;
Home occupation (see Section 17.64.100);
Household pets;
Public libraries;
Public service and utilities uses (distribution elements only; substations, lift stations, etc., must be one hundred (100) feet from residential units);
Religious institutions.

(Ord. 16-2005 § 2(part), 2005; Ord. 3-96 (part), 1996).

17.24.030 Special uses.

Uses permitted only through review in the R-2 district are as follows:

Antique shops;
Bed and breakfast accommodations (see Section 17.64.030);
Child care centers;
City, county, state and federal facilities, uses, buildings, colleges and universities;
Family care homes;
Homeowner's association clubhouse;
Hospitals;
Junior and senior high schools;
Nursing homes;
Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);
Personal services;
Plant nurseries;
Professional offices;
Recreational and social facilities, parks, playfields, playgrounds, tennis clubs, swimming clubs, golf courses and health spas of two (2) acres or more;
Residential auto parking lots;
Residential parking garages;
Retailing goods (in PUD only);
Retirement homes.

(Ord. 26-2006 §3, 2006; Ord. 13-2000 §1, 2000; Ord. 3-96 (part), 1996).

(Ord. No. 12-2009, § 1.C, 7-6-2009)

17.24.040 Yard and bulk requirements.

Yard and bulk requirements in the R-2 district are as follows:

Minimum lot area	5,000 square feet
Minimum lot area per principal structure	1 unit — 5,000 square feet
	2 unit — 9,000 square feet
	3 unit — 11,000 square feet
	4 unit — 13,000 square feet
Minimum lot width	50 feet
Maximum lot coverage	50% if lot is less than 4,000 square feet; 40% if lot is more than 4,000 square feet
Minimum front yard setback	All structures: 25 feet
Minimum side yard setback — From a street	All structures: 15 feet
Minimum side yard setback — From an interior lot line	5 feet
Minimum rear yard setback	Principal structure: 25 feet
	Accessory structure: 10 feet
	Patio cover structure open on at least 2 sides and attached to the principal structure: 12 feet
Maximum height	Principal structure up to 3 stories: 45 feet
	More than 3 stories: 65 feet
	Accessory structure: 20 feet

(Ord. 3-96 (part), 1996; Ord. No. 2-2012, § 2, 2-21-2012; Ord. No. 03-06-2017A, § 1, 3-20-2017; Ord. No. 10-1-2018A, § 2, 10-15-2018; Ord. No. 1-2024, § 1, 3-18-2024)

17.24.050 Off-street parking.

For off-street parking space requirements in the R-2 district, see Chapter 17.68.

(Ord. 3-96 (part), 1996).

17.24.060 Minimum size of dwelling units.

See supplementary provision Section 17.64.130 for minimum dwelling unit requirements.

(Ord. 3-96 (part), 1996).

Chapter 17.28 R-3 DISTRICT—HIGH DENSITY RESIDENTIAL (FIVE OR MORE UNITS PER STRUCTURE)

17.28.010 Generally.

The R-3 district, high density residential, is comprised of residential areas primarily intended for residential development containing five (5) or more units per structure, including townhouses, condominiums, and apartments.

(Ord. 3-96 (part), 1996).

17.28.020 Permitted uses.

Uses permitted in the R-3 district are as follows:

Boarding and lodginghouses;

Crop production;

Dwelling units (five (5) or more per structure);

Elementary schools;

Flower production;

Forest lands;

Group homes;

Home occupation (see Section 17.64.100);

Household pets;

Nursery schools;

Nursing homes;

Orchards;

Public libraries;

Public service and utility uses (distribution elements only; substations, lift stations, etc., must be one hundred (100) feet from residential units);

Religious institutions.

(Ord. 16-2005 §2(part), 2005; Ord. 3-96 (part), 1996).

17.28.030 Special uses.

Uses permitted only through special use review in the R-3 district are as follows:

Accessory buildings consistent with the primary use;

Child care centers;

City, county, state and federal facilities, uses and buildings, colleges and universities;

Dwelling units (two (2) to four (4) units per structure);

Family care homes;

Homeowner's association clubhouse;

- Hospitals;
- Junior and senior high schools;
- Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);
- Personal services;
- Professional offices;
- Recreational and social facilities, parks, playfields, playgrounds, tennis clubs, swimming clubs, golf courses, and health spa (two (2) acres or more);
- Residential auto parking garages;
- Residential auto parking lots;
- Retailing goods (as part of PUD only).

(Ord. 26-2006 §4, 2006; Ord. 3-96 (part), 1996).

(Ord. No. 12-2009, § 1.D, 7-6-2009)

17.28.040 Yard and bulk requirements.

Yard and bulk requirements in the R-3 district are as follows:

Minimum lot area	9,000 square feet
Minimum lot area per principal structure	2 unit — 9,000 square feet
	3 unit — 11,000 square feet
	4 unit — 13,000 square feet
	5 unit—15,000 square feet
	6 unit—17,000 square feet
	More than 6 unit: 17,000 square feet plus an additional 2,000 square feet per unit
Minimum lot width	Up to 40 units: 75 feet
	41 to 90 units: 80 feet
	91 to 100 units: 90 feet
	101 or more: 100 feet
	Maximum lot coverage
Minimum front yard setback	Principal structure: 25 + 2n feet (n = number of stories over 1 story)
	Accessory structure: 25 feet

Minimum side yard setback—From a street	All structures: 15 feet
Minimum side yard setback—From an interior lot line	All structures: 6 + 2n feet (n = number of stories over 1 story)
Minimum rear yard setback	Principal structure: 25 + n feet (n = number of stories over 1 story)
	Accessory structure: 10 feet
Maximum height	Principal structure up to 3 stories: 55 feet
	More than 3 stories: 100 feet
	Accessory structure: 20 feet

(Ord. 3-96 (part), 1996).

17.28.050 Off-street parking.

For off-street parking space requirements in the R-3 district, see Chapter 17.68.

(Ord. 3-96 (part), 1996).

17.28.060 Minimum size of dwelling units.

See supplementary provision Section 17.64.130 for minimum size of dwelling unit requirements.

(Ord. 3-96 (part), 1996).

Chapter 17.32 MH DISTRICT—MANUFACTURED HOME DISTRICT

17.32.010 Generally.

The MH district, manufactured home district, is established for the purpose of ensuring and promoting an acceptable living environment for the occupants of a manufactured home subdivision and manufactured home park.

(Ord. 3-96 (part), 1996).

17.32.020 Permitted uses.

Uses permitted in the MH district are as follows:

- Accessory buildings;
- Crop production;
- Dwelling units (single-family);

- Household pets;
- Mobile homes (in mobile home park only);
- Orchards and flower production;
- Public libraries;
- Public service and utility uses (distribution elements only; substations, lift stations, etc., must be one hundred (100) feet from residential units);
- Religious institutions.

(Ord. 16-2005 § 2(part), 2005; Ord. 3-96 (part), 1996).

17.32.025 Reserved.

Editor's note(s)—Ord. No. 09-20-2021A, Exh. A, adopted Oct. 4, 2021, repealed § 17.32.025, which pertained to conditional use—manufactured home park, and derived from Ord. No. 16-2000, § 2, adopted in 2001; and Ord. No. 5-2003, § 1, adopted in 2003.

17.32.030 Special uses.

- Uses permitted only through special use review in the MH district are as follows:
- City, county, state and federal facilities, uses and buildings, colleges and universities;
 - Elementary schools;
 - Junior and senior high schools;
 - Personal services;
 - Professional offices;
 - Recreation and social facilities (parks, playfields, playgrounds, tennis clubs, swimming clubs and golf courses);
 - Residential automobile parking lots and garages;
 - Retailing goods serving only residents of its vicinity.

(Ord. 3-96 (part), 1996).

17.32.040 Yard and bulk requirements.

Yard and bulk requirements in the MH district are as follows (see Section 17.32.025 for manufactured home parks):

Minimum development size	2 acres
Minimum lot area	6,000 square feet
Minimum lot area per principal structure	6,000 square feet
Minimum lot width	50 feet
Maximum lot coverage	35%
Minimum front yard setback	All structures: 25 feet
Minimum side yard setback—From a street	All structures: 15 feet

Minimum side yard setback—From an interior lot line	All structures: 7 + n feet (n = number of stories over 1 story)
Minimum rear yard setback	Principal structure: 25 feet
	Accessory structure: 10 feet
Maximum height	Principal structure: 45 feet
	Accessory structure: 20 feet

(Ord. 3-96 (part), 1996).

17.32.050 Off-street parking.

For off-street parking space requirements in the MH district, see Chapter 17.68.

(Ord. 3-96 (part), 1996).

17.32.060 Minimum dwelling unit size requirement.

See supplementary provision Section 17.64.130 for minimum dwelling unit size requirement.

(Ord. 3-96 (part), 1996).

Chapter 17.34 MHP DISTRICT—MANUFACTURED HOME PARK DISTRICT

17.34.010 Generally.

The MHP district, manufactured home park district, is established for the purpose of ensuring and promoting an acceptable living environment for the occupants of manufactured home parks.

(Ord. 4-2005 § 1(part), 2005).

17.34.020 Permitted uses.

Uses permitted in the MHP district are as follows:

Accessory buildings;

Crop production;

Dwelling units (single-family, one (1) dwelling unit per land parcel, and only as caretakers quarters for an on-site manufactured home park);

Household pets;

Manufactured homes without engineered permanent foundation (in manufactured home park only);

Manufactured homes single wide without engineered permanent foundation (in manufactured home park only);

Orchards, greenhouses, and flower production;

Public libraries;

Public service and utility uses (distribution elements only; substations, lift stations, etc., must be one hundred (100) feet from residential units);

Religious institutions.

This district does not permit "adult uses" or "sexually oriented businesses" as defined in Chapter 5.34 of the Florence Municipal Code.

(Ord. 16-2005 § 2(part), 2005; Ord. 4-2005 § 1(part), 2005).

17.34.030 Special uses.

Uses permitted only through special use review in the MHP district are as follows:

Business support/sales/rental service shops;

Child care centers;

City, county, state and federal facilities, uses and buildings;

Colleges and universities;

Elementary schools;

Financial institutions;

Indoor eating and drinking establishments, including those with outdoor patio seating not exceeding fifty (50) percent of adjacent indoor seating floor area of same establishment;

Junior and senior high schools;

Membership clubs;

Mini-storage (only for park residents);

Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);

Personal services, including but not limited to: barber and beauty shops, dry cleaning outlets, self-service laundry, shoe and leather repair, saddle repair, bicycle upholstery, drapery shops;

Professional offices;

Recreation and social facilities (parks, playfields, playgrounds, tennis clubs, swimming clubs and golf courses);

Residential automobile parking lots and garages;

Retail sales, indoor merchandise and stock only, sales and stock area not to exceed one thousand (1,000) square feet floor area.

This district does not permit "adult uses" or "sexually oriented businesses" as defined in Chapter 5.34 of the Florence Municipal Code.

(Ord. 4-2005 § 1(part), 2005).

(Ord. No. 12-2009, § 1.E, 7-6-2009)

17.34.035 Yard and bulk requirements—General.

General yard and bulk requirements in the MHP district are as follows (see Section 17.34.040 for manufactured home parks):

Minimum development size	2 acres
Minimum lot area	6,000 square feet
Minimum lot width	50 feet
Maximum lot coverage	35%
Minimum front yard setback	All structures: 25 feet
Minimum side yard setback from a street	All structures: 15 feet
Minimum side yard setback from an interior lot line	All structures: 6 + n feet (n = number of stories over 1 story)
Minimum rear yard setback	Principal structure: 25 feet
	Accessory structure: 10 feet
Maximum height	Principal structure: 45 feet
	Accessory structure: 20 feet

(Ord. 4-2005 § 1(part), 2005).

17.34.040 Yard and bulk requirements—Manufactured home parks.

Yard and bulk requirements for a dwelling unit or manufactured home in a manufactured home park are as follows:

Minimum space area per manufactured home	Single wide: 4896 square feet
	Double wide: 6,120 square feet
Minimum space width per manufactured home	Single wide: 48 feet
	Double wide: 60 feet
Maximum space coverage	50%
Minimum front yard setback	All structures: 15 feet
Minimum side yard setback from a street	All structures: 15 feet
Minimum side yard setback from an interior lot line	All structures: 6 feet
Minimum rear yard setback	All structures: 6 feet
Maximum height	All structures: 20 feet

Manufactured homes and dwelling units may be replaced in manufactured home parks existing prior to December 2000 with the following requirements in lieu of the yard and bulk requirements listed in this section:

- A. Front setback may be reduced to six (6) feet;
- B. Side setback may be reduced to three (3) feet for accessory structures and permitted structural additions. Original walls of the manufactured home must be no closer than six (6) feet from the interior side property line, and no closer than twelve (12) feet from the original exterior walls of the neighboring manufactured or mobile home on the adjacent property;
- C. Rear setback may be reduced to six (6) feet for all structures when rear yard abuts alley or utility corridor with lots on both sides, such that twelve (12) feet minimum separation is maintained between structures on opposing sides of the alley;

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- D. Maximum space coverage may be increased to allow placement of larger homes on existing lots, as long as all lot line setbacks for the individual manufactured home space and the adjacent spaces are met; and
 - E. Individual space (lot) lines in manufactured home parks may be adjusted by the park owner, as needed, to meet the requirements of this section only for manufactured home parks that existed prior to December 2000. Any such line adjustment must not cause the adjacent structure to be in violation of the requirements listed in this section.

(Ord. 4-2005 § 1(part), 2005).

17.34.045 Design standards—Manufactured home parks.

Design standards for manufactured home parks are as follows:

- A. Original walls of the manufactured home must be no closer than six (6) feet from the interior side property line, and no closer than twelve (12) feet from the original exterior walls of the neighboring manufactured home on the adjacent property;
- B. Minimum roadway width in a manufactured home park shall be paved for: parking on both sides, forty-four (44) feet; no on-street parking, thirty-two (32) feet;
- C. Sidewalks shall be provided adjacent to both sides of all streets on interior street systems, and shall be four (4) feet minimum in width;
- D. Manufactured home park streets shall be maintained by the owner of the park in a satisfactory and safe condition with access to dedicated streets provided. Parks over fifty (50) units shall be required to provide additional access points for emergency purposes, including ambulance, fire and police services;
- E. Parking space requirements for a manufactured home park are as required in Chapter 17.68 of this title;
- F. No manufactured home park office or service accessory building shall be located closer than twenty-five (25) feet to a street right-of-way or other property line;
- G. Camper and boat storage in a manufactured home park shall be provided either adjacent to the park homes or in a central location, and in their arrangement shall be placed such that they do not distract from the orderly appearance of the residential atmosphere. One hundred (100) square feet per manufactured home space shall be provided for camper and boat storage in a manufactured home park. All other storage units shall be designed as an integral part of the manufactured home unit lot design;
- H. The frame, axles, wheels, crawl space, storage area and utility connections of all manufactured homes shall be concealed from view by skirting. Skirting shall be of durable, all-weather construction as manufactured specifically for the purpose of covering the undercarriage area of the manufactured home. Skirting shall be fastened according to manufacturer's instruction, providing for adequate ventilation;
- I. Supports, anchors and tie-downs shall be placed to resist the design wind pressures, and shall be installed in compliance with local codes and the Colorado Manufactured Home Inspection Program. Wheels shall not be used for bearing pressures;
- J. Trash collection receptacles shall be provided and properly screened from view;
- K. Lighting in a manufactured home park shall be provided with a minimum of 0.3 footcandles on all driveways and walks;

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- L. The boundary of the manufactured home park shall be landscaped including hedges, evergreens, shrubbery or a six (6) foot screening wall which will serve as a buffer. Such landscaping, fences, or walls and the setback areas adjacent thereto shall be properly maintained by the park owner or owners;
 - M. Minimum of eight (8) percent of the total park shall be set aside for recreational purposes.

(Ord. 4-2005 § 1(part), 2005).

17.34.050 Off-street parking.

For off-street parking space requirements in the MHP district, see Chapter 17.68 of this title.

(Ord. 4-2005 § 1(part), 2005).

17.34.060 Manufactured home park—Application, reconfiguration and approval.

- A. New manufactured home parks and manufactured home parks that are proposed for lot/space reconfiguration with three (3) spaces or less shall be reviewed and approved in accordance with the City of Florence Subdivision Regulations as a Minor Subdivision, including collection of the corresponding fees, but excluding additional land dedications for municipal and school purposes.
- B. New manufactured home parks and manufactured home parks that are proposed for lot/space reconfiguration with more than three (3) spaces shall be reviewed and approved in accordance with the City of Florence Subdivision Regulations as a Major Subdivision, including collection of the corresponding fees, but excluding additional land dedications for municipal and school purposes.

(Ord. 4-2005 § 1(part), 2005).

17.34.070 Screening.

For additional screening requirements in the MHP zone district, see Chapter 17.64.150 of this title.

(Ord. 4-2005 § 1(part), 2005).

Chapter 17.36 RVP DISTRICT—RECREATIONAL VEHICLE PARK DISTRICT

17.36.010 Generally.

The RVP, recreational vehicle park district, is intended to provide commercial rental parking spaces and sites for recreational vehicles (RVs), including motor homes, travel trailers, pick-up campers, tents and tent trailers; to provide goods and services customarily needed by occupants of the park; and to assure reasonable standards for the development of facilities for the occupancy of recreational vehicles on a temporary basis, ranging from short overnight stops to longer destination-type stays. RV parks must maintain a live-in, on-site manager, have a maximum length of stay of one (1) year, unless otherwise agreed to by the City, and all recreational vehicles and occupants thereof are staying at the RV park on a temporary basis only. RV park owners and RV park operators are responsible for ensuring compliance with the provisions of this chapter within the RV park. Notwithstanding any other provision, pickup campers and tent trailers are limited to stays of twenty-eight (28) days. Tents are allowed a maximum stay of five (5) days. All RVs must be occupied.

(Ord. 3-96 (part), 1996).

(Ord. No. 03-01-2021A, § 1, 3-15-2021)

17.36.020 Permitted uses.

Uses permitted in the RVP district are as follows:

Accessory building and uses;

Convenience store;

Management headquarters (permanent occupancy);

Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);

Public libraries;

Recreational building;

Restroom facilities;

Shower and bath facilities;

Travel trailers, recreational vehicles, and tents.

(Ord. 16-2005 § 2(part), 2005; Ord. 3-96 (part), 1996).

(Ord. No. 12-2009, § 1.F, 7-6-2009)

17.36.030 Development standards.

Development standards in the RVP district are as follows:

- A. Minimum Park Area. The minimum size of an RV park shall be two (2) acres.
- B. Rental Space Size. Minimum rental space size for those spaces having utility hookups shall be one thousand five hundred (1,500) square feet. Minimum rental space size for those spaces not having hookups shall be nine hundred (900) square feet. Minimum rental space size shall not include any area required for access roads, off-street parking, service buildings, recreation areas, office, and similar RV park needs.
- C. Rental Pads. A minimum of eighty (80) percent of all spaces shall be equipped with a surfaced area of not less than ten (10) feet by forty (40) feet, containing hookups for water, sewer, and electricity. Surfacing shall consist of gravel, asphalt, or concrete. Where gravel surfacing is used, the design of the gravel pad shall be approved by the City Manager to maintain proper drainage and minimize dust. Where provided, each RV unit shall be parked entirely on the surfaced area so that no part thereof obstructs any roadway or walkway within the RV park. Those spaces not equipped with such a surfaced area, intended for occupancy by recreational vehicles not having self-contained toilet, lavatory, or bathing facilities, shall be equipped with a gravel pad, the design of which shall be approved by the City Manager, of not less than ten (10) feet by twenty-five (25) feet for RV unit parking and a hookup for water. Spaces equipped with such a gravel pad shall not exceed twenty (20) percent of the total number of spaces in the RV park.
- D. Setback Requirements. Each rental space shall meet the following setback requirements:
 1. Fifty (50) feet when abutting a state or federal highway or designated major arterial;

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2. Twenty-five (25) feet when abutting a public right-of-way other than subsection (D)(1) of this section;
 3. Fifteen (15) feet when abutting any property line other than subsection (D)(1) or (D)(2) of this section;
 4. There shall be a minimum distance of ten (10) feet provided between RV units parked side-by-side;
 5. There shall be a minimum distance of ten (10) feet between RV units parked end-to-end;
 6. There shall be a minimum distance of twenty (20) feet between any RV space and any building.
- E. Streets. Streets or roadways and parking areas within the RV park shall be designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and shall be graded to drain and surfaced with gravel.
- F. Frontage. All spaces shall have a minimum frontage of twenty (20) feet along an interior roadway.
- G. Sanitary Facilities. Every RV park shall be provided with one or more service buildings equipped with flush toilets, lavatories, showers and laundry facilities meeting minimum State Health Department standards. Such facilities shall be conveniently located at a distance of not more than three hundred (300) feet from any RV served. Such facilities shall be kept in a clean and sanitary condition, and plumbing fixtures shall be maintained in good working order. All such facilities shall be adequately lighted at all times of the day and night and shall be well ventilated. Portable fire extinguishers of a type approved by the Uniform Fire Code shall be kept in the service buildings and at all locations designated by the Florence fire protection district, and shall be maintained in operating condition.
- H. Sanitary Disposal Stations.
1. Every RV park shall contain at least one sanitary disposal station for the sole purpose of removing and disposing of wastes from all holding tanks in a clean, efficient and convenient manner.
 2. Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.
 3. The disposal hatch of sanitary station units shall be connected to the wastewater disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the RV park water supply system.
 4. Each sanitary station shall have a sign posted stating "Danger—Not to be used for drinking or domestic purposes."
 5. Sanitary stations shall be approved by the State Department of Health.
- I. Utilities. All utilities shall be placed underground.
1. Water Supply. An accessible, adequate, safe and potable supply of water under pressure shall be provided in every RV park. The water supply system shall be designed, constructed and maintained in compliance with the State Health Department standards and applicable City standards. All plans and specifications shall be submitted with the zoning or rezoning request. Each rental space equipped with sewer and electrical hookups shall also be equipped with two (2) water outlets, to provide connection for the RV and a garden hose. All other rental spaces shall be equipped with one (1) water outlet.
 2. Sanitary Sewer. A minimum of eighty (80) percent of all rental spaces shall be equipped with a hookup to a public wastewater system by way of a branch line and riser pipe at least four (4) inches inside diameter. The riser pipe shall be capped with a water-tight cap or plug when not in

use. Sanitary wastewater systems shall be installed in compliance with the State Health Department standards and the rules and regulations of the Fremont sanitation district or other such governing authority. All plumbing in the RV park shall comply with state and local plumbing laws and regulations.

3. Electricity. A minimum of eighty (80) percent of all rental spaces shall be equipped with an electrical outlet supplying at least one hundred ten (110) volts, or one hundred ten (110)/one hundred twenty (120) volts, installed in accordance with applicable state electrical codes.
- J. Refuse Disposal. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. All refuse shall be stored in durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids. Such containers shall be provided at the rate of at least one (1) thirty (30) gallon container, secured in a rack or holder, for each rental space, or an equivalent storage capacity in centralized storage facilities. Adequate refuse collection and removal shall be the responsibility of the park owner.
- K. Landscaping. A landscape plan, to be approved by the City Manager, shall be required for all RV parks. Landscaping shall be designed to perform the following functions:
1. Screen the RV park visually and audibly from adjacent properties as completely as possible;
 2. Provide an attractive entrance and street frontage;
 3. Provide dust and erosion control;
 4. Provide a neat, attractive, and aesthetically pleasing appearance.
- Grass and ornamental landscaping shall be required in all RV parks, together with adequate water outlets to maintain all landscaping. The RV park shall be screened from adjacent properties by means of fences or walls, six (6) feet in height, or by means of hedges or other landscaping.
- L. Open Space. Open space for common areas, playgrounds and other recreational uses shall be provided at the rate of at least eight (8) percent of the gross area of the RV park, and shall be of sufficient size and distribution as to be a functional part of the entire development plan. Open space shall not include any area designated as a roadway, RV rental space, storage area, swimming pool, yard area surrounding the caretaker's or manager's residence, or any area required for setbacks as set forth in subsection D of this section.
- M. Fire Protection. A fire protection plan shall be submitted to the local fire protection agency and such agency shall approve, such plan prior to the beginning of any site development. The local fire official may require any and all improvements deemed necessary to meet the Uniform Fire Code and provide adequate fire safety measures for the property.
- N. Structural Additions. Temporary structures such as canvas awnings, screened enclosures, or platforms, which are normal camping equipment, may be erected but must be removed when the rental space is vacated. No other structural additions shall be built onto or become a part of any RV.
- O. Storage Sheds. No storage sheds shall be allowed within an RV rental space.
- P. Fires. Fires shall be made only in stoves and other equipment intended for such purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires are allowed.
- Q. Tents. Tents shall be permitted, and their number shall be limited to one (1) tent per rental space. Areas for group tent camping may be established, with the following provisions:
1. The area set aside for such group use is not a part of any designated open space;
 2. An adequate number of parking spaces is provided;

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3. The area is served by one (1) or more water outlets; and
 4. The area is located no further than three hundred (300) feet from a service building.
- R. Registration of Occupants. It shall be the responsibility of the owner or manager of the RV park to keep a current record of the names and addresses of the occupants of each RV space, the make, model, year and license number of each RV and motor vehicle by which it is towed, the state, territory or country issuing such licenses, and the arrival and departure dates of each occupant. This record must be made available for inspection to all appropriate agencies whose duties necessitate acquisition.
- S. Swimming Pools. Swimming pools and natural swimming areas shall be operated, maintained and used in compliance with recommendations and requirements of the Colorado Department of Health's Regulations and Standards Governing Swimming Pools and Swimming Areas.
- T. Inspection. The City will coordinate with all RV parks within the City to conduct an inspection for compliance with this code, including this chapter. Such inspections will be conducted twice per year, at least four (4) months apart. If the inspection results in noncompliance with this chapter or any provision of this code, owners of the RV park will be given a reasonable time to come into compliance. If after such reasonable time, the RV park is still not in compliance, the matter shall be set for a hearing before the City Council to further address the matter. The City Council will have broad discretion in addressing the noncompliance issues. Nothing herein shall be deemed to limit in any way the City's ability to enforce any of the provisions of this code, but instead provide for inspection for those RV parks authorized by this chapter.

(Ord. 3-96 (part), 1996).

(Ord. No. 03-01-2021A, §§ 2, 3, 3-15-2021)

17.36.040 Where established.

A recreational vehicle (RV) park may be established on any tract of land held in single ownership or unified control provided that the applicant shall show, and the Planning Commission and the City Council shall find:

- A. That the site is in conformance with sound planning principles and the land use plan for that area, as set forth in the comprehensive plan;
- B. That the site has an acceptable relationship to the major thoroughfare plan of the City, and is accessible to recreational vehicles without causing disruption to residential areas; and
- C. That the proposed recreational vehicle park will not overload utility and drainage facilities.

(Ord. 3-96 (part), 1996).

17.36.050 Application requirements and procedures.

The developer of a proposed recreational vehicle park will be required to obtain a zoning or rezoning to RVP—Recreational Vehicle Park district, and shall comply with the requirements of Chapter 17.76 of the Florence Municipal Code, Procedures for Amendments to the Zoning Ordinance and Zoning Map. Developers of a recreational vehicle park must also submit a complete and comprehensive development plan, which shall include the following:

- A. Detailed land use plan, drawn to a scale of one (1) inch equals one hundred (100) feet, unless larger scale is necessary, including the dimensions and location of each RV rental space, service buildings, common and recreation areas;

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- B. Typical street cross sections;
 - C. Location and widths of roadways, sidewalks and pedestrian ways;
 - D. Topography of site, at two (2) foot contours;
 - E. Grading and drainage plans;
 - F. Utility plans;
 - G. Landscaping, screening and fencing plans;
 - H. Fire protection plan;
 - I. Acreage and percentage of land to be set aside as open space;
 - J. Density of RV rental spaces per acre;
 - K. Location of all areas subject to inundation or stormwater overflow and the location, area and direction of flow of all watercourses, including the one hundred (100) year floodplain boundaries;
 - L. Location and principal dimensions of all existing or proposed easements, water course boundaries, public utilities, monuments, pins, benchmarks and other significant features;
 - M. Proposed surface treatment and design of all interior roadways and rental pads.

(Ord. 3-96 (part), 1996).

Chapter 17.40 C DISTRICT—GENERAL COMMERCIAL

17.40.010 Generally.

The C district, general commercial district, is comprised of areas to provide for a selective range of offices, sales, services, and limited residential uses.

(Ord. 5-2005 § 1(part), 2005).

17.40.020 Permitted uses.

Uses permitted in the C district are as follows:

- Accessory structures and uses;
- Automobile parking garages;
- Automobile parking lots;
- Business support/sales/rental service shops;
- Cleaning and laundry plants;
- Cold storage lockers;
- Financial institutions;
- Hotels and incidental commercial;
- Indoor/outdoor/drive-in eating and drinking establishments;
- Medical and dental clinics;

Membership clubs;

Mini-storage, including multiple storage buildings per parcel;

Motels and incidental commercial;

Museums;

Outdoor sales, services and repair;

Personal services, including but not limited to: barber and beauty shops, dry cleaning outlets, self-service laundry, shoe and leather repair, saddle repair, bicycle upholstery, drapery shops;

Professional offices;

Public libraries;

Retail sales, indoor and/or outdoor merchandise and stock, to include retail sales of transient merchants and pushcart vendors as defined in Section 9.16.010;

Storage, sales, rental or repair of automobiles, trucks, manufactured homes, boats, motor homes, trailers, motorcycles, farm implements, and construction equipment;

Trade and repair shops;

This district does not permit "adult uses" or "sexually oriented businesses" as defined in Chapter 5.34 of the Florence Municipal Code.

(Ord. 16-2005 § 2(part), 2005; Ord. 5-2005 § 1(part), 2005).

(Ord. No. 22-2008, § 1, 12-1-2008)

17.40.030 Special uses.

Uses permitted only through special use review in the C district are as follows:

Apartments and efficiency dwelling units subordinate to another permitted use in an existing building, and comprising not more than one-half (½) of the floor area of the entire structure;

Boarding homes;

Car washes;

Gasoline filling stations/convenience stores;

Indoor and outdoor amusements and entertainment establishment, but not including "adult uses" as defined herein;

Mortuaries and funeral homes;

Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);

Parks, playfields, and playgrounds;

Public utility uses and facilities;

Schools—including public, vocational, business, and private;

This district does not permit "adult uses" or "sexually oriented businesses" as defined in Chapter 5.34 of the Florence Municipal Code.

(Ord. 5-2005 § 1(part), 2005).

(Ord. No. 12-2009, § 1.G, 7-6-2009)

17.40.040 Yard and bulk requirements.

Yard and bulk requirements in the C district are as follows:

Minimum lot area	5,280 square feet
Minimum lot width	44 feet
Maximum lot coverage	75%
Minimum front yard setback all structures	25 feet
Minimum side yard setback from a street	All structures: 15 feet
Minimum side yard setback from an interior lot line	6 + n feet (n = number of stories over 1 story)
Minimum rear yard setback all structures	Without loading dock: 10 feet
	With loading dock: 20 feet
Maximum height	Principal structure: 45 feet
	Accessory structure: 25 feet

(Ord. 5-2005 §1(part), 2005).

17.40.050 Off-street parking.

For off-street parking space requirements in the C district, see Chapter 17.68 of this title.

(Ord. 5-2005 §1(part), 2005).

17.40.060 Screening.

For screening requirements in the C district, see Chapter 17.64.150 of this title.

(Ord. 5-2005 §1(part), 2005).

Chapter 17.42 BP DISTRICT—BUSINESS PROFESSIONAL DISTRICT

17.42.010 Generally.

The BP district—Business professional district, is comprised of areas to provide for a selective range of offices, sales, services, and limited residential uses.

(Ord. 14-2006 §1(part), 2006).

17.42.020 Permitted uses.

Uses permitted in the BP district—Business professional district are as follows:

Accessory buildings and uses;

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Automobile parking garages;
Automobile parking lots;
Business support/sales/rental service shops;
Financial institutions (without drive-through lanes);
Personal services, including but not limited to: barber and beauty shops, dry cleaning outlets, self-service laundries;
Professional offices;
Retail sales, indoor merchandise and stock only, sales and stock area not to exceed one thousand (1,000) square feet floor area;
Trade and repair shops in which all goods are stored indoors and all services and activities are performed indoors. (Does not include vehicle or heavy equipment sales or repair, or automotive body or paint shops or repair or sales of vehicles or equipment with internal combustion engine greater than twenty-five (25) horsepower. Does not include any private or commercial activity producing, or with potential of producing, visible smoke, noxious fumes or odors, or noise exceeding the City's nuisance ordinances);

This district does not permit "adult uses" or "sexually oriented businesses" as defined in Chapter 5.34 of the Florence Municipal Code.

(Ord. 14-2006 §1(part), 2006).

17.42.030 Special uses.

Uses permitted only through special use review in the BP district—Business professional district are as follows:

Apartments and efficiency dwelling units subordinate to another permitted use in an existing building, and comprising not more than one-half (½) of the floor area of the entire structure;
Bed and breakfast homes;
Boarding houses/rooming houses;
Financial institutions (with drive-through lanes);
Mortuaries and funeral homes (without crematory);
Museums;
Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);
Parks, playfields, and playgrounds;
Plazas;
Public meeting hall;
Public utility uses and facilities (distribution only);
Rest homes, nursing homes, and retirement homes;
Schools (including public, vocational, business, and private), performing arts studios, training centers (same limitations as "trade and repair shops" apply in this category also);

This district does not permit "adult uses" or "sexually oriented businesses" as defined in Chapter 5.34 of the Florence Municipal Code.

(Ord. 14-2006 §1(part), 2006).

(Ord. No. 12-2009, § 1.H, 7-6-2009; Ord. No. 5-2012, § 1, 6-4-2012; Ord. No. 12-2013, § 2, 10-21-2013)

17.42.040 Yard and bulk requirements.

Yard and bulk requirements in the BP district—Business professional district are as follows:

Minimum lot area	5,280 square feet
Minimum lot width	37.5 feet
Maximum lot coverage	45%
Minimum front yard setback	25 feet
Minimum side yard setback from a street	15 feet
Minimum side yard setback from an interior lot line	6 feet
Minimum rear yard setback all structures	20 feet
Maximum height	25 feet

(Ord. 14-2006 §1(part), 2006).

17.42.050 Off-street parking.

For off-street parking space requirements in the BP district—Business professional district, see Chapter 17.68.

(Ord. 14-2006 §1(part), 2006).

17.42.060 Screening.

For screening requirements in the BP district—Business professional district, see Section 17.64.150.

(Ord. 14-2006 §1(part), 2006).

Chapter 17.44 CB DISTRICT—CENTRAL BUSINESS DISTRICT COMMERCIAL

17.44.010 Generally.

The CB district, central business district commercial, is comprised of areas to provide for a full range of retail sales and services in the designated Florence central business district, which includes opportunities for a complete variety of comparative shoppers' goods and supportive services.

(Ord. 3-96 (part), 1996).

17.44.020 Permitted uses.

Uses permitted in the CB district are as follows:

(Supp. No. 34, 8-25)

Accessory buildings and uses;
Automobile parking garages;
Automobile parking lots;
Boarding and lodging houses;
Business services shops;
Financial institutions;
Hotels;
Indoor eating and drinking establishments;
Medical and dental clinics;
Membership clubs;
Motels;
Parks, playfields and playgrounds;
Personal services including, but not limited to: beauty shops, dry cleaning outlets, self-service laundry, shoe repair, barber shops and similar shops;
Professional offices;
Public libraries;
Public utility uses, offices, services and buildings;
Retail of convenience goods;
Retail of shoppers' goods;
Retail sales of transient merchants and pushcart vendors as defined at Section 9.16.010;
Trade and repair shops.

(Ord. 16-2005 § 2(part), 2005; Ord. 4-2002 (part), 2002; Ord. 3-96 (part), 1996).

(Ord. No. 22-2008, § 2, 12-1-2008)

17.44.030 Special uses.

Uses permitted only through special use review in the CB district are as follows:

Apartments and efficiency dwelling units subordinate to another permitted use in an existing building, and comprising not more than one-half (½) of the floor area of the entire structure;
Indoor amusements and entertainment establishments, but not including "adult uses" as defined herein;
Light industrial in conjunction with retail sales (Uses in compliance with "Light Industrial and Commercial Zone" pursuant to Title 25, Articles 7, 11, and 12, Colorado Revised Statutes);
Miniature golf courses;
Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);
Outdoor amusement and entertainment establishments;

Outdoor eating and drinking establishments;
 Religious institutions;
 Vocational, business and private schools.

(Ord. 4-2002 § 3 (part), 2002; Ord. 15-2001 § 8, 2001; Ord. 3-96 (part), 1996).

(Ord. No. 12-2009, § 1.1, 7-6-2009)

17.44.040 Yard and bulk requirements.

Yard and bulk requirements in the CB district are as follows:

Minimum lot area	5,280 square feet
Minimum lot area per principal commercial structure	5,280 square feet
Minimum lot area per principal residential structure	2 unit—9,000 square feet
	3 units—11,000 square feet
	4 units—13,000 square feet
	5 units—15,000 square feet
	6 units—17,000 square feet
	More than 6 units—17,000 square feet plus an additional 2,000 square feet per unit
Minimum lot width—Commercial structures	44 feet
Minimum lot width—Residential structures	Up to 40 units—75 feet
	41 to 90 units—80 feet
	91 to 100 units—90 feet
	101 or more units—100 feet
Minimum front yard setback	All structures: 0 feet
Minimum side yard setback	Principal structure abutting residential uses and zones: 7 feet
	Principal structure abutting non-residential uses and zones: 0 feet
	Accessory uses: 0 feet
Minimum rear yard setback	Abutting street/alley: 0 feet
	Abutting or across alley from residential uses and zones: 15 feet
Maximum height	Principal structure: 100 feet
	Accessory structure: 25 feet

(Ord. 3-96 (part), 1996).

17.44.050 Off-street parking.

For off-street parking space requirements in the CB district, see Chapter 17.68.

(Ord. 3-96 (part), 1996).

Chapter 17.45 CHB DISTRICT—CENTRAL HISTORIC BUSINESS DISTRICT

17.45.010 Generally.

The CHB district, central historic business district, is comprised of areas to provide for specialty retail sales and services in the designated Florence Central Historical Business District, which includes opportunities for a selected variety of retail sales goods, historic and art related shopper's goods, and supportive services.

(Ord. 2-2005 § 1(part), 2005).

17.45.020 Permitted uses.

Uses permitted in the CHB district are as follows:

Accessory buildings and uses;

Apartments and efficiency dwelling units subordinate to another permitted use in an existing building, and comprising not more than one-half (½) of the floor area of the entire structure, and limited to the rear one-half (½) of the street/ground level footprint.

Automobile parking lots;

Business support/sales/rental service shops;

Financial institutions;

Indoor eating and drinking establishments, including those with outdoor patio seating not exceeding fifty (50) percent of adjacent indoor seating floor area of same establishment;

Membership clubs;

Personal services, including but not limited to: barber and beauty shops, dry cleaning outlets, self-service laundry, shoe and leather repair, saddle repair, bicycle upholstery, drapery shops;

Plazas;

Public libraries;

Retail sales, including outdoor display and sale of merchandise, said merchandise must be similar to, or related to merchandise regularly offered for sale inside the store on the same site (parcel);

Retail sales of transient merchants and pushcart vendors as defined at Section 9.16.010;

Trade and repair shops in which all goods are stored indoors and all services and activities are performed indoors (does not include vehicle or heavy equipment sales or repair, or automotive body or paint shops);

This district does not permit "adult uses" or "sexually oriented businesses" as defined in Chapter 5.34 of the Florence Municipal Code.

(Ord. 6-2007 §§ 1, 2, 2007; Ord. 16-2005 § 2(part), 2005; Ord. 2-2005 § 1(part), 2005).

(Ord. No. 22-2008, § 3, 12-1-2008; Ord. No. 5-2012, § 2, 6-4-2012; Ord. No. 1-2016, §§ 1, 3, 3-21-2016)

17.45.030 Special uses.

Uses permitted only through special use review in the CHB district are as follows:

Automobile parking garages;

Indoor amusements and entertainment establishment, but not including "adult uses" as defined in this chapter;

Hotels, boarding houses, rooming houses;

Museums;

Oil and gas exploration and extraction operations (for additional requirements, see section 17.64.120 and chapter 15.41);

Professional offices;

Trade or repair businesses including heavy equipment and truck repair, or automobile body or paint shops, provided work is conducted indoor, and only a limited, temporary amount of storage is provided outdoors in screened areas;

This district does not permit "adult uses" or "sexually oriented businesses" as defined in Chapter 5.34 of the Florence Municipal Code.

(Ord. 2-2005 § 1(part), 2005)

(Ord. No. 12-2009, § 1.J, 7-6-2009; Ord. No. 1-2016, §§ 2, 4—6, 3-21-2016)

17.45.040 Yard and bulk requirements.

Yard and bulk requirements in the CHB district are as follows:

Minimum lot area	3,500 square feet
Minimum lot width	25 feet
Minimum setback, all lot lines	0 feet
Maximum height, principal structures	50 feet
Maximum height, accessory structures	25 feet

(Ord. 2-2005 § 1(part), 2005).

17.45.050 Off-street parking.

Any residential uses in the CHB Zone District, initiated or altered after enactment of this section must provide one (1) on-site parking space for each dwelling unit, or obtain written legal rights to use or possess equivalent suitable parking spaces. Any motel, hotel or short-term rental unit in the CHB Zone District, initiated or altered after enactment of this section must provide on-site parking spaces as required in Table 17.68.010.F, or obtain written legal rights to use or possess equivalent suitable parking spaces.

(Ord. 2-2005 § 1(part), 2005).

(Ord. No. 5-2023, Exh. A, 8-21-2023)

17.45.060 Screening.

For screening requirements in the CHB Zone District, see Chapter 17.64.150 of this title.

(Ord. 2-2005 § 1(part), 2005).

(Supp. No. 34, 8-25)

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Chapter 17.48 I-1 DISTRICT—LIGHT INDUSTRIAL

17.48.010 Generally.

The I-1 district, light industrial, is comprised of development which is primarily nonoffensive types of industry, processing, assemblage and light manufacturing.

(Ord. 9-2005 § 1(part), 2005).

17.48.020 Permitted uses.

Uses permitted in the I-1 district are as follows:

Accessory buildings and uses;

Assembly plants;

Automobile parking garages;

Automobile parking lots;

Bottling plants;

Blacksmith, welding and machine shops and structural steel fabrication;

Compounding;

Crematory;

Distribution center;

Dry cleaning service;

General research facilities;

Greenhouse, commercial;

Heavy equipment/commercial truck repair;

Mini-storage facility;

Painting, repairing, upholstering, rebuilding, reconditioning, body fender works, overhauling, tire recapping, and retreading;

Processing, assemblage, light manufacturing and attendant services;

Professional office;

Public libraries;

Public utilities (distribution elements only) not including regulators and substations;

Retail sales and services, warehousing and storage, operated on the same property and in conjunction with a use specifically permitted in this district;

Vocational schools and training facilities;

Warehousing, wholesale and retail sales, service and storage;

Building structures and uses accessory and customarily incidental to any of the above enumerated uses.

Storage, sales, rental or repair of automobiles, trucks, manufactured homes, boats, motor homes, trailers, motorcycles, farm implements and construction equipment.

(Ord. 16-2005 § 2(part), 2005; Ord. 9-2005 § 1(part), 2005).

(Ord. No. 7-2014, § 1, 5-19-2014)

17.48.030 Special uses.

Uses permitted only through special use review in the I-1 district are as follows:

Convenience store;

Correctional facility;

Dwelling, single-family or efficiency unit, but only as a watchman's quarters to another permitted use, and only one (1) dwelling unit per premise;

Eating and drinking establishments;

Fire and police stations;

General aviation facilities (no private airports allowed);

Landfills, minimum of thirty-five (35) acres required;

Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41);

Parking lot or garage;

Public utility buildings, regulators and substations;

Salvage yards;

Sexually oriented businesses;

Transfer station.

(Ord. 9-2005 § 1(part), 2005).

(Ord. No. 12-2009, § 1.K, 7-6-2009)

17.48.040 Yard and bulk requirements.

Yard and bulk requirements in the I-1 district are as follows:

Minimum lot area	10,000 square feet
Minimum lot area per principal structure	10,000 square feet
Minimum lot width	100 feet
Maximum lot coverage	50%
Minimum front yard setback—All structures	25 feet
Minimum side yard setback—All structures	Abutting residential zones: 25 + n feet (n = number of stories over 1 story)
	Abutting commercial zones and streets: 15 feet

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	Abutting industrial zones: 10 feet
Minimum rear yard setback—All structures	Abutting residential zones: 20 feet
	Abutting street/alley: 25 feet
	Abutting industrial/commercial zones: 20 feet
Maximum height—All structures	Within 100 feet of residential zones: 40 feet
	Not within 100 feet of residential zones: 100 feet

(Ord. 9-2005 § 1(part), 2005).

17.48.050 Off-street parking, sidewalks and paving.

For sidewalks, loading areas, and off-street parking space requirements in the I-1 district, see Chapter 17.68 of this title.

(Ord. 9-2005 § 1(part), 2005).

17.48.060 Performance standards.

- A. No noises due to intermittence, beat frequency or shrillness shall exceed the limits specified in the City of Florence noise ordinance at any point on the boundaries of the property.
- B. No use shall emit odorous gases or other odorous matter in such quantities beyond the property boundaries that is not in compliance with applicable Colorado Department of Health Regulations.
- C. No use shall produce a strong, dazzling light at any point or beyond the boundaries of the property.
- D. No observable smoke shall be emitted.
- E. No dust, dirt or fly ash shall be emitted beyond the outer boundaries of the property.
- F. No vibrations shall be discernable at the outer boundaries of the property.
- G. No activity shall be conducted which creates a public nuisance. No material of hazardous characteristics shall be stored, deposited, or transmitted which creates a public nuisance.
- H. No outdoor fabrication or manufacturing shall be permitted.
- I. Industrial uses which cause adverse impacts to the environment, street, utility and drainage systems, adjoining neighborhoods, or the utility's ability to provide adequate levels of service shall be prohibited.
- J. There shall be no commercial signs other than one (1) freestanding sign for each street frontage announcing the name and insignia of the company on the property and one (1) flush wall sign, or window sign. The freestanding sign shall not exceed thirty-two (32) square feet in area and the flush wall sign or window sign shall not exceed one (1) square foot in area per one (1) linear foot of exterior wall.
- K. All landscaping shall be adequately maintained.
- L. No weeds shall be allowed to grow in excess of twelve (12) inches in height.
- M. No trash shall be stored on the site unless it is stored in covered trash containers or secure "dumpster" type containers manufactured for that purpose.
- N. Travel and parking areas of the lot shall be surfaced with asphalt or concrete, in accordance with Chapter 17.68 of this title.
- O. No activity shall create any danger to safety in surrounding areas nor cause water and/or air pollution.

(Ord. 9-2005 § 1(part), 2005).

17.48.070 Landscaping and screening.

For landscaping and screening requirements in the I-1 district, see Chapter 17.64.150 of this title.

(Ord. 9-2005 § 1(part), 2005).

Chapter 17.52 I-2 DISTRICT—HEAVY INDUSTRIAL

17.52.010 Generally.

The I-2 district, heavy industrial, is comprised of areas primarily developed for manufacturing and processing uses and extractive industries. See Section 17.64.120 of this title for mineral extraction requirements and regulations.

(Ord. 10-2005 § 1(part), 2005).

17.52.020 Permitted uses.

Uses permitted in the I-2 district are any and all uses except the following:

- A. Residential;
- B. Uses requiring special use review as listed in Section 17.52.030 of this chapter.

(Ord. 10-2005 § 1(part), 2005).

17.52.030 Special uses.

Uses permitted only through special use review in the I-2 district are as follows:

- A. Commercial recreational facilities;
- B. Correctional facility;
- C. General aviation facilities (no private airports allowed);
- D. Hospitals, sanitariums, nursing homes, convalescent homes;
- E. Independent amusement enterprise, provided any lighting shall be so located, screened, or shaded as not to reflect off the premises, and provided the following conditions are met:
 - 1. Baseball batting or archery range, provided the area shall be fenced or otherwise designed to prevent any balls or arrows from going off the premises.
 - 2. Circus, carnival, bazaar, fair, tent meeting, crusade or enterprise of similar type, provided it be located at least three hundred (300) feet from any dwelling which is a conforming use. Such enterprises shall be permitted at one (1) location for a period of not more than seven (7) days.
 - 3. Golf driving range, including commercial activities specifically related to the operation of the use, such as a pro shop for the sale or rental of golf equipment, and the usual concession stands, provided the site contains at least six (6) acres and that fencing shall be provided, or the use so designed as to prevent balls from being driven off the premises.

- 4. Cart track, including "go-cart" track and similar facility, provided that the site contains at least (5) acres; the track shall be located at least one thousand (1,000) feet from any dwelling and at least one hundred (100) feet from any public way; the spectator area shall be protected from the vehicular area by suitable fencing, bumpers, or other protective devices; any off-street parking area shall be subject to the off-street parking requirements specified in Chapter 17.68 of this code; the facility shall also comply with CRS Title 25, Articles 7, 11 and 12 pertaining to air, noise, and pollution control.
- F. Junkyards, salvage yards, landfills, solid waste transfer stations;
- G. Kennels, animal hospitals;
- H. Mining mineral and gravel extraction or processing;
- I. Planned unit developments;
- J. Public utility substations, regulation stations, or above ground facilities;
- K. Residence for watchman, or caretakers quarters, but only one (1) dwelling unit per lot or parcel;
- L. Religious institutions;
- M. Water storage tanks and reservoirs;
- N. Oil and Gas Exploration and Extraction Operations (for additional requirements, see section 17.64.120 and chapter 15.41).

(Ord. 10-2005 § 1(part), 2005).

(Ord. No. 12-2009, § 1.L, 7-6-2009)

17.52.040 Yard and bulk requirements.

Yard and bulk requirements in the I-2 district are as follows:

Minimum lot area	10,000 square feet
Minimum lot area per principal structure	10,000 square feet
Minimum lot width	100 feet
Maximum lot coverage	50%
Minimum front yard setback	All structures: 25 feet
Minimum side yard setback—All structures	Abutting residential zones: 25 + n feet (n = number of stories over 1 story)
	Abutting commercial zones and streets: 15 feet
	Abutting industrial zones: 10 + n feet (n = number of stories over 1 story)
Minimum rear yard setback—All structures	Abutting residential zone: 25 feet
	Abutting street/alley: 25 feet
	Abutting industrial/commercial zone: 20 feet
Maximum height	Structure within 100 feet of residential zone: 40 feet
	Structure not within 100 feet of residential zone: 100 feet

(Ord. 10-2005 § 1(part), 2005).

17.52.050 Off-street parking, sidewalks and paving.

For sidewalks, loading areas, and off-street parking space requirements in the I-2 district, see Chapter 17.68 of this title.

(Ord. 10-2005 § 1(part), 2005).

17.52.060 Performance standards.

- A. No noise due to intermittence, beat frequency or shrillness shall exceed the limits specified in the City of Florence noise ordinance at any point on the boundaries of the property.
- B. No use shall emit odorous gasses or other odorous matter in such quantities beyond the property boundaries that is not in compliance with applicable Colorado Department of Health regulations.
- C. No use shall produce a strong, dazzling light at any point or beyond the boundaries of the property.
- D. No observable smoke shall be emitted.
- E. No dust, dirt or fly ash shall be emitted beyond the outer boundaries of the property.
- F. No vibrations shall be discernable at the outer boundaries of the property.
- G. No activity shall be conducted that creates a public nuisance. No material or hazardous characteristics shall be stored, deposited, or transmitted which creates a public nuisance.
- H. Industrial uses which cause adverse impacts to the environment, street, utility and drainage systems, adjoining neighborhoods or the utility's ability to provide adequate levels of service shall be prohibited.
- I. There shall be no commercial signs other than one (1) freestanding sign for each street frontage announcing the name and insignia of the company on the property and one (1) flush wall sign or window sign. The freestanding sign shall not exceed thirty-two (32) square feet in area and the flush sign shall not exceed one (1) square inch in area per one (1) square foot of exterior wall.
- J. All landscaping shall be adequately maintained.
- K. No weeds shall be allowed to grow in excess of twelve (12) inches in height.
- L. No trash shall be stored on the site unless it is stored in covered trash containers or secure "dumpster" type containers manufactured for that purpose.
- M. Travel and parking areas of the lot shall be surfaced with asphalt or concrete, unless waived by City Council action.
- N. No activity shall create any danger to safety in surrounding areas nor cause water and/or air pollution.

(Ord. 10-2005 § 1(part), 2005).

17.52.070 Landscaping and screening.

For landscaping and screening requirements in the I-2 district, see Chapter 17.64.150 of this title.

(Ord. 10-2005 § 1(part), 2005).

Chapter 17.54 P DISTRICT—PARKS AND OPEN SPACE DISTRICT

17.54.010 Generally.

The P district, parks and open space district, is comprised of areas dedicated for use as public parks and open space whose primary use is for recreation.

(Ord. 9-2004 § 1(part), 2004).

17.54.020 Permitted uses.

Uses permitted in the parks and open space district are as follows:

Accessory structures and uses;

Facilities for activities such as field games, court games, crafts, playgrounds, playfields, skating, picnicking, swimming, walking, viewing, bicycling and sitting;

Public libraries.

(Ord. 16-2005 § 2(part), 2005; Ord. 9-2004 § 1(part), 2004).

17.54.030 Special uses.

Uses permitted only through special use review in the parks and open space district are as follows:

Motorized activities with motors in excess of one-quarter ($\frac{1}{4}$) horsepower.

(Ord. 9-2004 § 1(part), 2004).

17.54.040 Yard and bulk requirements.

Yard and bulk requirements in the parks and open space district are as follows:

Minimum lot area	3,500 square feet
Minimum lot width	25 feet
Minimum front yard setback	25 feet
Minimum side yard setback	15 feet
Minimum side yard setback, from a street	15 feet
Minimum side yard setback, from an interior lot line	6 feet
Minimum rear yard setback	15 feet
Minimum height, principle structure	50 feet
Maximum height, accessory structure	25 feet

(Ord. 9-2004 § 1(part), 2004).

17.54.050 Off-street parking.

For off-street parking space requirements in the parks and open space district, see Chapter 17.68 of this code.

(Ord. 9-2004 § 1(part), 2004).

Chapter 17.56 PUD DISTRICT—PLANNED UNIT DEVELOPMENT

17.56.010 Purpose.

To promote more efficient use of land to preserve and enhance the natural characteristics and unique features of a development; to improve the design, character, and quality of new development; to encourage integrated planning to achieve the objectives of the City of Florence comprehensive plan; to preserve open areas; to facilitate the adequate and economical provision of streets and utilities, and to reduce the burden on existing streets and utilities by more efficient development; and to conserve the value of land; planned unit developments (PUD) as authorized by CRS 24-67-101 et seq., as amended, may be permitted in any zone district subject to the provisions of this chapter and the conditions set forth in a development plan which has been reviewed by the Florence Planning Commission and reviewed and approved by the Florence City Council.

(Ord. 3-96 (part), 1996).

17.56.020 PUD zoning requirements.

The minimum zoning requirements which shall be met by a planned unit development are as follows:

- A. The uses approved in a planned unit development shall be limited to those uses permitted by right or by special use review in the zoning district(s) contained within the development.
- B. The planned unit development shall include an area of not less than three (3) acres.
- C. The density, distribution, and rear yard requirements of the zoning district(s) in which the planned unit development is located may be altered, with the following conditions:
 1. Density. The total number of units within the planned unit development shall not exceed that number which would otherwise be permitted within the development area under the respective zoning district(s) requirements of this title.
 2. Distribution. The distribution of units within the planned unit development, including minimum lot area, front yard, side yard, and rear yard requirements, need not conform to the boundaries of the zoning districts contained therein so long as such distribution can be accomplished in conformance with the planned unit development standards set forth in this chapter.
 3. Rear Yard Requirement. The rear yard requirements of such zoning district(s) shall be met along the boundaries of the planned unit development.
- D. The minimum amount of functional open space (exclusive of parking or streets) shall be twenty-five (25) percent of the total acreage.
- E. The maximum allowable total number of units permitted within the planned unit development under the respective zoning district requirements of this title shall be calculated by:
 1. Multiplying the area of the property within each zoning district by the gross density specifications found in the zoning district; or
 2. Where no such applicable density specifications exist for the zoning district, by dividing the area within the zoning district by the applicable minimum lot area requirements of such zoning district; and

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3. Totaling the number of units in all districts of the planned unit development; and
 4. Rounding down to the nearest whole number of units to be permitted within the planned unit development.
- F. In measuring the area of the property within each zoning district, one-half (½) of the area of adjacent public rights-of-way may be included provided such measured public rights-of-way do not exceed ten (10) percent of the property.

(Ord. 3-96 (part), 1996).

17.56.030 Coordination with other provisions.

- A. In cases where special use approval is required for a proposed use, review of the planned unit development application under this chapter shall be carried out simultaneously with special use review as provided for at Chapter 17.60 of this code.
- B. As subdivision review and approval will always be necessary, review of planned unit development application under this chapter shall be carried out simultaneously, and under the same application, referral, notice, and public meeting procedural requirements as is provided for preliminary plan review within the City of Florence subdivision regulations. Tentative approval of the planned unit development application by the City Council, subject to modifications through the subdivision review process, shall be obtained prior to application for preliminary plan or final plat. In making their decision, the Commission shall take into consideration among other things the size, complexity, and potential hazards of the proposed development. Final City Council approval of the planned unit development shall occur at the same time as final plat approval of the development.

(Ord. 3-96 (part), 1996).

17.56.040 Procedural requirements.

- A. Application for planned unit development approval shall be filed on forms available through the City of Florence and shall be accompanied by the following:
1. A site plan displaying significant topographic features, proposed land uses, the basic road and pedestrian access scheme, land survey data, recorded easements/rights-of-way, existing physical features, and external features that may influence the proposal;
 2. A development report including a description of site features, soil and geologic characteristics, adequate evidence of a sufficient water supply and sanitation system, an evaluation of any potential radiation hazards; evaluation of the effect of the development on identified environmental resources and any necessary mitigation measures; needed storm drainage and flood control facilities, fire control, road improvements, available service facilities; remedial measures to counteract any hazard; estimated cost of all required improvements and method of financing, construction schedules, proposed maintenance and performance guarantees, a list of individuals responsible for preparation of the development report, and other factors essential for a complete evaluation of the proposal;
 3. Such other additional relevant information as the City Manager or a designated representative may deem necessary.
- B. The Planning Commission shall review and make recommendations to the City Council on the application for a planned unit development following a public hearing, notice of which shall be given as follows:

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1. A notice of said hearing shall be published (cost of publication shall be paid by applicant) in the official newspaper of the City of Florence at least fifteen (15) days prior to the hearing date. Said notice shall include the time, place, and purpose of said hearing; the address and telephone number where materials relating to the proposal may be reviewed prior to the meeting; the names of the landowner and applicant; the proposed uses; the zoning; and a general location description of the land. Said general location description shall consist of section, township and range, together with a road address or location by road mileage.
 2. The subject property shall be posted in a conspicuous manner at least fifteen (15) days prior to the hearing and shall note the time, place, and purpose of the hearing; the names of the landowner and applicant; the proposed uses; the zoning; and a general location description of the land. Said general location description shall consist of section, township and range, together with a road address or location by road mileage.
 3. A written notice shall be transmitted at least fifteen (15) days prior to the hearing, by first class mail, to adjacent property owners within three hundred (300) feet of the subject property.
- C. At the hearing, the Commission may table the request but shall take action to recommend approval, conditional approval, or disapproval of the planned unit development not later than ninety-five (95) days after the date of the hearing. The Commission may table a proposal to provide the applicant or staff the proper time to review new technical or other information that was made available without reasonable opportunity for review. At the applicant's request, action by the Commission may be delayed for up to ninety-five (95) additional days.
- D. A planned unit development application shall be tentatively approved, conditionally approved, or denied by the City Council within one hundred eighty (180) days of the date the complete application is submitted, unless an extension has been consented to by the applicant and the City Council or their designated appointees.

(Ord. 3-96 (part), 1996).

17.56.050 Standards and conditions for approval.

The planned unit development shall be approved only if the City Council finds that the development meets the following standards and conditions:

- A. Fully complies with the minimum zoning requirements set forth in the City of Florence zoning ordinances (as applicable) and complies with all applicable requirements of the City of Florence subdivision regulations;
- B. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
- C. Will be in accordance with the City of Florence comprehensive plan;
- D. Will not result in an over-intensive use of land;
- E. Will not require a level of community facilities and services greater than that which is available;
- F. Will not result in undue traffic congestion or traffic hazards;
- G. Will not cause significant air, water, or noise pollution;
- H. Will be adequately landscaped, buffered, and screened;
- I. Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the City of Florence and Fremont County;
- J. Shall be under unified development control;

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- K. The reasonable preservation of natural and cultural features;
 - L. The reasonable preservation and utilization of agricultural lands;
 - M. Will not result in any significant negative impacts on the surrounding agricultural land and attendant agricultural uses.

If the PUD is granted, the City Council shall impose such conditions as are necessary to insure compliance with the above standards. These conditions shall be made a part of the subdivision improvements agreement.

(Ord. 3-96 (part), 1996).

17.56.060 Modifications.

No substantial modification, removal, or release of the provisions of the planned unit development shall be permitted by the City Council except upon a finding, following review and a public hearing called, that the modification, removal or release is consistent with the standards and conditions of this title, is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a road from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(Ord. 3-96 (part), 1996).

17.56.070 Variances.

Variance from the "special development standards" of an established PUD, including maximum lot coverage, minimum lot width property line setbacks, building height, and parking requirements for any single lot, or group of lots within a single contiguous block may be permitted by the City Council following review and a public hearing. At least fifteen (15) days prior to the scheduled hearing, the City Manager shall cause notice of the proposed variance to be published in the official city newspaper, and to be mailed to each property owner within a three hundred (300) feet radius of the subject property, by first class mail. No such variance shall be approved unless the following requirements are satisfied:

- A. That there are unique physical circumstances or conditions, such as the irregular shape, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;
- B. That the unusual circumstances or conditions do not exist throughout the neighborhood in which the property is located;
- C. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the "special development standards" of the PUD;
- D. That such unnecessary hardship has not been created by the applicant;
- E. That the variance, if granted, will not alter the essential character of the neighborhood or PUD in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property;
- F. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provision which is in question.

(Ord. 6-2006 §1(part), 2006).

17.56.080 Reapplications.

Reapplications for variances shall not be accepted within one hundred eighty (180) days from the date of final decision of the City Council, if such decision covered the same property or subject matter as that in the prior application. Applications will be accepted after this one hundred eighty (180) day period and will be subject to all requirements of this chapter.

(Ord. 6-2006 §1(part), 2006).

Chapter 17.57 HPO DISTRICT—HISTORIC PROPERTY OVERLAY DISTRICT

17.57.010 Generally.

The HPO district, historic property overlay district, is a particular type of zoning overlay that does not reduce the requirements of the property's underlying zone district. The HPO district allows property owners to petition the City for inclusion of any property within the Florence City limits into the HPO district. The City should allow inclusion of those properties that the City and property owner agree are of a historically or architecturally significant nature sufficient to warrant protection from demolition or exterior visual change without following established guidelines. The process to place property in the HPO district shall be the same as the City uses for property rezoning as described in Chapter 17.76.

(Ord. 12-2006 §1(part), 2006).

17.57.020 Permitted uses.

Uses permitted in the HPO district are uses listed for the underlying zone district of the property.

(Ord. 12-2006 §1(part), 2006).

17.57.030 Special uses.

Uses permitted only through special use review in the HPO district are uses listed by special use for the underlying zone district of the property.

(Ord. 12-2006 §1(part), 2006).

17.57.035 Architectural review.

After placement of a property into the HPO district, all changes to the exterior appearance of the property and any building or structure on that property, including but not limited to remodel, full or partial demolition, addition, texturing, siding, roof shape and roofing changes, color change, resurfacing, sidewalk changes, landscape changes, lighting, relocation, and door/window changes must meet the requirements of the City's historic preservation ordinance known as Chapter 15.60 of the Florence Municipal Code.

(Ord. 12-2006 §1(part), 2006).

17.57.040 Yard and bulk requirements.

Yard and bulk requirements in the HPO district are the yard and bulk requirements listed for the underlying zone district of the property.

(Ord. 12-2006 §1(part), 2006).

17.57.050 Off-street parking.

For off-street parking space requirements in the HPO district, see the requirements listed for the underlying zone district of the property.

(Ord. 12-2006 §1(part), 2006).

Chapter 17.58 MU DISTRICT—MULTIPLE USE OVERLAY DISTRICT

17.58.010 Generally.

The MU district, multiple use overlay district, is comprised of selected areas that may also be included within portions of the C district, I-1 district, R-3 district and MH district. Owners of parcels within the multiple use overlay district may request rezoning of those parcels into any of the C district, I-1 district, R-3 district or MH district by following the procedures required in Chapter 17.76 of this code.

(Ord. 7-2004 §1(part), 2004).

17.58.020 Permitted uses.

Uses permitted in the multiple use overlay district are uses listed for the appropriate zone district upon successful rezoning of a parcel into the C district, I-1 district, R-3 district or MH district. See Section 17.58.035 for modifications.

(Ord. 7-2004 § 1(part), 2004).

17.58.030 Special uses.

Uses permitted only through special use review in the multiple use overlay district are uses listed for the appropriate zone district by special use upon successful rezoning of a parcel on the C district, I-1 district, R-3 district or the MH district. See Section 17.58.035 for modifications.

(Ord. 7-2004 § 1(part), 2004).

17.58.035 Modifications to permitted and special uses within each zone district.

Subject to the provisions for nonconforming uses discussed in Chapter 17.72 of this code, the following uses are not permitted within the multiple use overlay district:

Dwelling units (single-family), unless as a watchman's quarters to another permitted use, and only one (1) such dwelling unit per parcel; or unless a manufactured home within a manufactured home park.

(Ord. 7-2004 § 1(part), 2004).

17.58.040 Yard and bulk requirements.

Yard and bulk requirements in the multiple use overlay district are the yard and bulk requirements listed for the zone district upon successful rezoning of a parcel into the C district, I-1 district, R-3 district or MH district.

(Ord. 7-2004 § 1(part), 2004).

17.58.050 Off-street parking.

For off-street parking requirements in the multiple use overlay district, see requirements listed for the applicable zone district upon rezoning, and Chapter 17.68 of this code.

(Ord. 7-2004 § 1(part), 2004).

Chapter 17.59 S1 DISTRICT—GOVERNMENTAL USE DISTRICT

17.59.010 Generally.

The standards of this district are designed to retain and provide land areas held, used or controlled for governmental purposes by or for any department or branch of government, federal, state, county, municipal, school or special district, either as owner or under contract or lease with another person, and to place the public and all elected officials and public agencies on notice of proposed changes in the use and development of such public lands.

(Ord. No. 03-05-2018A, § 1, 3-19-2018).

17.59.020 Definitions.

"Governmental purpose" means and includes any use or activity which is reasonably necessary in the discharge of a public or governmental function, whether it is performed by a governmental entity or another person for or on behalf of the governmental entity. Nothing herein shall prevent a governmental entity, including the city, from leasing said zoned property to tenants for purposes deemed appropriate by the City Council.

(Ord. No. 03-05-2018A, § 1, 3-19-2018).

17.59.030 Permitted uses.

Prior to any property zoned S-1 being developed or redeveloped, a development plan shall first be submitted for review by the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be made after notice and a public hearing held in the manner required for a zoning map amendment. The Planning and Zoning Commission may recommend approval, disapproval, or approval with conditions. After receiving the Planning and Zoning Commission's recommendation regarding the proposed development or redevelopment, the City Council shall hold a public hearing. After holding a public hearing, the City Council may approve, disapprove, or approve with conditions the application for development or redevelopment.

(Ord. No. 03-05-2018A, § 1, 3-19-2018).

17.59.040 Special uses.

Property zoned S-1 may be used for a nongovernmental purpose only upon issuance of a special use permit by the Planning and Zoning Commission after notice has been given and a public hearing has been held in the manner required for a zoning map amendment. Before any special use permit is issued, the Planning and Zoning Commission shall hold a public hearing to determine that the proposed use is in compliance with satisfactory provisions and arrangements have been made concerning the matters set forth as elsewhere provided in this code. After the hearing, the Planning and Zoning Commission shall recommend approval, denial, or approval with conditions to the City Council. The City Council shall then hold a public hearing to determine the length of time for which a special use permit may be granted, schedule review hearings on the permit at specified time intervals if needed, and to approve, deny, or approve with conditions the application.

(Ord. No. 03-05-2018A, § 1, 3-19-2018).

17.59.050 Yard and bulk requirements.

Yard and bulk requirements in the S-1 governmental use district zone are as follows:

Minimum lot area	Minimum allowed by state statute
Minimum lot area per principal structure	Minimum allowed by state statute
Minimum lot width	1 foot
Maximum lot coverage	50% of total acreage (maximum of 4 buildings)
Minimum front yard setback—Residential	Principal structure: 25 feet Accessory structure: 25 feet
Minimum front yard setback—Nonresidential	Principal structure: 25 feet Accessory structure: 25 feet
Minimum side yard setback—From streets and interior lot lines	All structures: 5 feet
Minimum rear yard setback	Principal structure: 15 feet Accessory structure: 15 feet
Maximum height	Principal structure: 45 feet Accessory structure: 25 feet

(Ord. No. 07-01-2019A, § 2, 7-15-2019)

Chapter 17.60 SPECIAL USE REVIEW

17.60.010 Purpose.

Although each zoning district is primarily intended for a predominate type of use (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this chapter to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purposes of this title.

(Ord. 3-96 (part), 1996).

17.60.020 Permitted uses and uses permitted by special review.

Permitted uses and uses permitted by special review may be located in the same building.
(Ord. 3-96 (part), 1996).

17.60.030 Authorization to apply for special use review.

An application for approval of a special use review may be filed by a person having an interest in the property for which the special use review use is requested. When applications are filed by a lessee, the owner of the property must co-sign the application.
(Ord. 3-96 (part), 1996).

17.60.040 Application—When required.

A special use review application shall be required when a proposed use is listed as a "special use" under the appropriate zone district regulations.
(Ord. 3-96 (part), 1996).

17.60.050 Application procedures.

The application for a special use permit shall be made on such a form as provided by the City of Florence and shall be submitted to the City Manager or City Planner in timelines set forth in Section 17.04.070.
(Ord. 3-96 (part), 1996).

(Ord. No. 01-18-2022A, Exh. A, 2-7-2022)

17.60.060 Action on the application.

After the City Manager determines that a complete application has been submitted, and fees paid, he shall set a date for a Planning Commission public hearing on the application.
(Ord. 2-98 § 1, 1998; Ord. 3-96 (part), 1996).

17.60.070 Public notice requirements.

- A. At least fifteen (15) days prior to the scheduled public hearing, the City post on a sign a notice declaring that special use review is being requested. The sign shall be placed along the part thereof fronting a street. The sign shall be of adequate size to relay the following information:

NOTICE OF PUBLIC HEARING
FLORENCE PLANNING COMMISSION

For a special use review for (description/use)

Current zoning of the property

Applicant name

Signs placed off site shall contain one (1) of the following: Assessor schedule number, address of the property, or legal description.

The posting of the sign shall be verified by the City Manager.

- B. At least fifteen (15) days prior to the scheduled public hearing, the City Manager shall notify all property owners within a three hundred (300) foot radius of the subject property, by first-class mail, that a special use review application has been submitted, and the date of the public hearing. Those wishing to comment on the proposed special use shall be asked to submit comments in writing to the City Manager and/or attend the public hearing.
- C. At least fifteen (15) days prior to the scheduled public hearing, the City Manager shall cause notice of the proposed special use to be published in the official city newspaper.

(Ord. 3-96 (part), 1996).

(Ord. No. 09-20-2021A, Exh. A, 10-4-2021)

17.60.080 Action and procedure of the City Manager.

- A. The City Manager shall review each application to determine if it is consistent with the standards set forth in this chapter and shall investigate the relationship between the proposed land use and the City of Florence comprehensive plan and zoning ordinances.
- B. Upon completion of review, the City Manager shall present a report and recommendations to the Planning Commission and the applicant.

(Ord. 3-96 (part), 1996).

17.60.090 Planning Commission action.

At a public hearing, the Planning Commission shall consider the application and apply relevant land use principles, including the comprehensive plan and the provisions of this title. The Commission's consideration of the application may include on site inspections of the property involved in the special use application.

(Ord. 2-98 § 2, 1998).

17.60.100 Planning Commission public hearing.

- A. It is a requirement of the Planning Commission that either one (1) applicant or a representative be present at the public hearing to present the application.
- B. The Chair shall open the hearing.
- C. The City Manager shall present an advisory report to the Planning Commission which shall include a complete review of the item. Other city staff may present information.
- D. The applicant or a representative shall make a presentation.
- E. Other proponents of the item shall be heard.
- F. Opponents of the item shall be heard.
- G. Additional comments by the City Manager or other City staff shall be allowed for clarification or in response to new evidence or questions from Planning Commission.

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- H. The applicant may respond but only to rebut new evidence.
 - I. Questions from Planning Commission may be directed at any time to the applicant, staff, or public to clarify evidence presented in the hearing.
 - J. No proponent or opponent of an item shall be permitted to speak more than once with the exception of the rebuttal allowed the applicant and with the exception that anyone may speak in response to questions from Planning Commission. Responses to questions from Planning Commission shall be limited to the answer to the question as stated.
 - K. When the Planning Commission has no additional questions, the Chair shall close the hearing and the Planning Commission shall act on the item. Action of the Planning Commission shall be in the form of a recommendation to the City Council. The Planning Commission may recommend approval, approval subject to certain conditions, disapproval, or make suggestions. All actions and proceedings shall be recorded in the minutes of the Planning Commission.
- (Ord. 2-98 § 3, 1998: Ord. 3-96 (part), 1996).

17.60.110 Action of City Council, general criteria, conditions and modifications.

- A. The City Council may approve, approve subject to certain conditions, or disapprove the application. No special review use application shall be approved unless the City Council finds that the application:
 - 1. Complies with all requirements imposed by this chapter and with all applicable rules of the Planning Commission;
 - 2. Is consistent with the purposes of this title; and
 - 3. Is designed to be compatible with surrounding land uses and the area of its location.
- B. In considering an application for a special review use, the City Council shall consider and may impose modifications or conditions concerning by way of illustration, the following development features, to the extent such modifications or conditions are deemed necessary:
 - 1. Size and location of site;
 - 2. Internal traffic circulation and access to adjoining public streets;
 - 3. Location and amount of off-street parking;
 - 4. Fencing, screening and landscaped separations, including open space;
 - 5. Building bulk and location; and
 - 6. Noise, vibration, air pollution and other environmental influences.
- C. Final approval of the special use application shall be in the form of a City Council resolution.

(Ord. 3-96 (part), 1996).

17.60.120 Reapplications.

Reapplications for special use review shall not be accepted within one hundred eighty (180) days from the date of final decision of the City Council, if such decision covered the same property or subject matter as that in the prior application. Applications will be accepted after this one hundred eighty (180) day period and will be subject to all requirements of this chapter.

(Ord. 3-96 (part), 1996).

Chapter 17.64 SUPPLEMENTARY PROVISIONS

17.64.010 Access.

All lots, parcels, and tracts of land shall border a dedicated public street for a length of at least twenty-five (25) feet.

(Ord. 3-96 (part), 1996).

17.64.015 Accessory buildings and structures.

- A. General Provisions. All accessory structures shall comply with the following general conditions:
1. Be clearly incidental and customarily used in connection with the principal use;
 2. Be located on the same parcel as the principal use and structure;
 3. Except as specifically provided, no accessory structure shall be built or placed within any required front, side or rear yard setback;
 4. No accessory structure shall be placed upon land within any recorded easement, including all deeded and dedicated easements, or be permitted to encroach into any public right-of-way;
 5. All roofed or covered accessory structures shall be subject to lot coverage maximums in combination to the principal structure of the zone district in which the accessory structure is located;
 6. No accessory structure shall be built or placed on any lot before the principal structure to which it is an accessory has been completed and issued a certificate of occupancy or equivalent approval from the city building department unless the principal structure and accessory structure are being constructed at the same time; and
 7. No accessory structure shall allow residential occupancy except as specifically authorized in other sections.
- B. Attached accessory structures, including but not limited to private garages, carports, porches and decks, built as an integral part of the principal structure shall not be subject to size limitations provided it is smaller than the habitable portion of the principal structure. Attached accessory structures shall be attached to and architecturally compatible with the principal structure, and shall not exceed the height of the principal structure.
- C. Unless otherwise specified, all detached accessory structures shall comply with the following:
1. No detached accessory structure or combination of structures shall exceed twenty-five (25) percent of the lot area, up to a maximum of one thousand (1,000) square feet, or one hundred (100) percent of the foot print of the principal structure, whichever is smaller.
 2. Only two (2) detached accessory structures larger than one hundred sixty (160) square feet shall be permitted for each principal structure on the lot.
 3. Only one-story detached accessory structures sixteen (16) feet or lower in height may be placed as close as five (5) feet to the rear or side property lines. The Planning Director with concurrence of the City Public Works, may allow a detached accessory structure to be placed up to two and one-half (2.5)

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- feet from a deeded or dedicated alley at the rear property line if the prevailing development pattern of the neighborhood historically allowed for the placement of similar accessory structures.
4. Any detached accessory structure more than one-story or higher than sixteen (16) feet shall comply with the minimum setback requirements of the zone district.
 5. Any detached accessory structure larger than two hundred (200) square feet or higher than seven (7) feet at the highest point shall be architecturally compatible with the principal structure. For the purposes of this section, compatibility shall mean construction of similar material and details and shall specifically exclude prefabricated metal structures and open pole barns, or the use of corrugated metal panels as a siding material. The Zoning Board of Appeals may grant exceptions to this architectural compatibility requirement for agricultural buildings on conforming agriculturally zoned lots as a use by review as provided in Chapter 17.
 6. More than the allowed two (2) detached accessory structures may be located on conforming lots within the R-E zone district as a use by review as provided in Chapter 17.
- D. Exceptions from accessory building and structure provisions:
1. Uncovered accessory structures such as patios and decks fewer than thirty (30) inches in height from adjacent finished grade.
 2. Swimming pools are not subject to the size limitations in this chapter provided no part of the structure is placed in front of the building setback established by the principal structure.
 3. Removable playhouses and children's play equipment lower than eight (8) feet in height.
 4. Detached accessory structures are allowed in side and rear yards provided:
 - a. The projected roof area of the structure does not exceed seventy-five (75) square feet;
 - b. The maximum height of the structure at the highest point does not exceed seven (7) feet;
 - c. The structure is not placed on a permanent aggregate foundation; and
 - d. No part of the structure may be placed in front of the building setback established by the location of the principal structure.
 - e. All accessory structures, regardless of size, must provide for drainage of runoff other than onto a neighboring property.
 5. Prefabricated metal carports will be allowed on a single-family residential lot provided the following conditions are met:
 - a. The property contains a single-family residence that does not have an attached or detached garage, carport, carriage house or similar parking structure;
 - b. The lot is located in a subdivision created before February 1, 1972;
 - c. The structure is maintained in a manner that does not detract from the aesthetics of the neighborhood;
 - d. The carport is built behind the principal structure and not in any setbacks; and
 - e. If the property owner later applies for a building permit to construct any garage or parking accessory structure, the prefabricated metal carport shall be removed from the property before such permit is issued. Owners may erect a second non parking structure such as a shop, in addition to the existing prefabricated carport.
- E. Appeal Procedures; Variances. To obtain a variance from the requirements of this section, the property owner must prove a variance is needed to avoid unnecessary hardship and will not undermine the purpose

and intent of the zoning ordinances. The alleged hardship cannot be self-imposed and must be of a type unique to the property owner, that is, a hardship not generally shared by other property owners in the zone district. The Board of Zoning Appeals shall not have the authority to grant variances for accessory structures larger than the area requirements established in this section.

(Ord. No. 10-16-2017A, § 1, 11-6-2017).

17.64.020 Animals.

- A. The housing, keeping or sheltering of any animal or livestock (excluding household pets) shall be allowed in the A-T and R-E residential districts, provided that:
 - 1. Cattle, horses, mules, goats, fowl and other livestock shall not be kept on lots having an area of less than one (1) acre, exclusive of the residence or other buildings located on the lot and under no circumstances shall they be kept for a commercial use. Animals kept for 4-H projects or similar education-related purposes are deemed noncommercial use.
 - 2. For agricultural purposes (commercial) excluding animal kennels, clinics, hospitals, or any similar use, cattle, horses, mules, goats, fowl and other livestock shall not be kept on lots having an area of less than five (5) acres.
 - 3. Fencing of the lot wherein the animals are located must be constructed and maintained so that the animals shall be kept twenty-five (25) feet from a residence building located on a lot adjoining the lot where the animals are located.
 - 4. Fencing must be so constructed and maintained as to prevent the animals from damaging any crop, flower, vegetable, grass, structure, or object located on any lot adjoining the lot where the animals are located.
 - 5. No structure or building or any part thereof used for the shelter of an animal shall be located thirty-five (35) feet from any property line.
- B. The keeping or sheltering of any animal or livestock (including household pets) in a C commercial district at clinics and/or hospitals is permitted. However, these types of uses must always be located six hundred sixty (660) feet or further from any residential district. The use of a guard dog at a business within a C commercial district or I industrial district shall be allowed only through compliance with the City dog ordinance.
- C. Number of Animals Allowed.
 - 1. The term "animal unit" shall mean a term and number used to establish an equivalency for various species of livestock (e.g., one (1) cow is equivalent to twenty-five (25) rabbits). All livestock shall have the following bulk requirements:

<u>Type of Animal</u>	<u>Number of Animals Per Animal Unit</u>
Cow	1
Horse	1
Llama	2
Swine	2
Ostriches	4
Emus	5
Alpacas	5
Sheep	5
Goats	5
Poultry	25

Offspring for a cow, horse, llama, swine, ostrich, emu, alpaca, sheep and goats will not count against the number of permitted animal units for a period of time not to exceed one (1) year; all others six (6) months.

2. There shall be fifteen thousand (15,000) square feet for each such animal unit of permitted livestock on the premises. A minimum of fifteen thousand (15,000) square feet required for first animal unit; thereafter, every portion of land which calculates into more than one-half (½) animal unit allowed on the property, will be considered as one (1) for determining total number of animals.

(Ord. 13-98, 1998; Ord. 3-96 (part), 1996).

17.64.021 Backyard poultry.

The keeping or sheltering of female chickens and ducks shall be permitted in the rear or side yard of a single-family dwelling in any zone district under the following conditions:

- A. A license issued by the City Manager is required to keep or shelter chickens and ducks within the City of Florence. The backyard poultry license shall be valid for a specific property indefinitely, unless revoked for cause, and shall be non-transferable. The application for license shall be submitted on the form provided, including any supporting information required. The following requirements must be met for each license:
 1. No more than eight (8) female chickens and/or ducks combined are permitted at each single-family dwelling.
 2. No rooster or drake may be kept.
 3. There must be at least sixteen (16) square feet of permeable land area available for each chicken or duck, plus adequate enclosed shelter space for all chickens and ducks.
 4. Adequate shelter must be provided to protect the chickens and ducks from the elements, and to prevent wildlife or other predators from gaining entry.
 5. Adequate fencing shall be provided to prevent the chickens and ducks from escaping when not in their shelters. Confirmed reports of escaped chickens or ducks from the licensed property on two (2) or more occasions will be a cause for revocation of the license.
 6. The enclosed shelter space for the chickens and ducks shall be located in the rear yard or side yard of the parcel.
 7. Feed shall be kept within the residence or fully enclosed accessory building so that it can be secured from rodents and other wildlife.
 8. No slaughtering of chickens or ducks may occur outside of the residence or fully enclosed accessory structure.
 9. Enclosures and areas for keeping and sheltering chickens and ducks shall be maintained in a clean fashion to prevent odors, and manure shall be removed as needed and composted, stored in closed containers, or removed from the property.
- B. A fee, set by resolution of the Florence City Council, shall be charged for each new license.

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- C. A backyard poultry licenses may be revoked at any time by the City Manager, should he received verification that the use is not being operated in a safe and clean manner, or is not in compliance with the Florence Municipal Code.

(Ord. No. 8-2012, § 2, 9-17-2012)

17.64.030 Bed and breakfast performance standards.

- A. Administration. Any person wishing to operate a bed and breakfast home shall, upon a form provided by the City, give the following information to the City Manager:
 - 1. Proof of ownership;
 - 2. Building layout showing locations of guest bedrooms, common areas, and owner/resident's living quarters;
 - 3. Proposed parking;
 - 4. Proof of compliance with all applicable state and City health, building, and fire codes;
 - 5. Special use review application fee.
- B. Regulations.
 - 1. Bed and breakfast homes shall be allowed pending the issuance of a special use permit in the R-1 and R-2 zone districts. The special use permit may be reviewed by the City Council within twelve (12) months of approval at the discretion of the Council. The permit may later be reviewed by the Council on a complaint basis as determined by the City Manager.
 - 2. The operator shall provide and maintain a guest register. Such register shall be available for inspection by the City Manager and law enforcement authorities.
 - 3. The owner of a bed and breakfast home shall provide one (1) on-site paved parking space for each guest unit in addition to the required parking for the zone district in which the home is located. Such parking shall preserve the residential character of the property and surrounding neighborhood. The City Traffic Engineer shall review and approve the parking layout submitted with the application.
 - 4. A bed and breakfast home shall be restricted to two (2) nonilluminated signs limited to no more than four (4) square feet for each sign. The sign(s) shall be limited to the name, address, and telephone number of the bed and breakfast home. The location and design of any sign must be approved by the City Manager.
 - 5. The bed and breakfast home shall be in compliance with all applicable health, fire, building, and safety regulations, as determined by the proper authorities.
 - 6. No cooking shall be permitted in guest rooms.
 - 7. The bed and breakfast home shall acquire and maintain a valid sales tax license.
- C. Restrictions. All bed and breakfast homes shall:
 - 1. Be owner occupied in a detached, single-family residence with at least one thousand six hundred (1,600) square feet of net usable floor area;
 - 2. Have no more than three (3) guest units in the principal structure only;
 - 3. Have no exterior alterations to accommodate its use, such as additions or additional entries;
 - 4. Have no other commercial functions allowed such as meetings, receptions, and similar functions. Home occupations shall not be permitted;

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5. Have only a breakfast meal served only to registered guests and their immediate guests. Dining and other facilities shall not be open to the public;
 6. Shall have a refuse area screened from the view of persons from adjacent properties and public rights-of-way.
- D. Other Factors and Consideration for Planning Commission Recommendation and Approval by the City Council. All bed and breakfast homes:
1. Shall not constitute an annoyance or nuisance to surrounding residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises;
 2. Shall not create an adverse impact on the residential character of the surrounding neighborhood;
 3. Shall be compatible and harmonious with surrounding land uses.

(Ord. 3-96 (part), 1996).

17.64.040 Building on the same lot.

Generally, only one (1) principal building shall be permitted on any lot unless approved as part of a planned unit development under Chapter 17.56. A property owner may have up to two (2) primary structures on a single lot, provided that:

1. The parcel meets the minimum zone district standards;
2. The parcel is at least twice the minimum lot size required for the district; and
3. The parcel could be divided into two (2) separate conforming lots; and
4. Before any subsequent sale of either primary structure, the lot be subdivided into separate lots so that each primary structure has its own conforming lot.

(Ord. No. 03-05-2018B, § 1, 3-19-2018; Ord. 3-96 (part), 1996).

17.64.050 Drive-in facilities.

Any use permitted in a zoning district which intends to conduct a portion or all of its business with persons desiring to remain in their automobiles or which allows products to be consumed on the premises outside the principal building, and which is not subject to the special review provisions of Chapter 17.60 or is not a part of a planned unit development under Chapter 17.56, must submit a site plan including screening to be reviewed and approved by the Planning Commission, which must be satisfied that the traffic circulation on and adjacent to the site conforms to the following criteria:

- A. Arranged so that internal pedestrian and vehicular movements are compatible and traffic hazards are minimized;
- B. Arranged to avoid hazardous or adverse effects on adjacent sites and streets.

(Ord. 3-96 (part), 1996).

17.64.060 Exceptions to yard requirements.

If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwelling. If there is a dwelling on

one (1) abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth one-half ($\frac{1}{2}$) way between the depth of the abutting lot and required front yard depth.

(Ord. 3-96 (part), 1996).

17.64.070 Fences, walls, and hedges.

Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that within any required front yard no fence, wall or hedge over three (3) feet in height shall be closer than fifteen (15) feet from a public right-of-way. The only exception to the foregoing shall be that fences of a woven wire type or at least eighty (80) percent open may be erected to forty-two (42) inches in height closer than fifteen (15) feet to any property line parallel or perpendicular to a public right-of-way. Fences, walls and hedges on corner lots at the intersection of public alleys and streets must also meet the vision clearance area as defined herein.

(Ord. 4-2002 § 5(part), 2002; Ord. 3-96 (part), 1996).

17.64.080 General exception to building height limitations.

Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, ranch and farm accessory uses, and other similar vertical projections, are not subject to the building height limitations of this title.

(Ord. 3-96 (part), 1996).

17.64.090 Group residences.

In districts where permitted, the densities for the following uses shall be computed as follows:

- A. Accommodations for two (2) occupants in any roominghouse or dormitory shall be considered to be one (1) dwelling unit.
- B. Three (3) rooming units in any hotel or motel shall be considered to be one (1) dwelling unit.
- C. Six (6) occupants in any residential institution such as a nursing home, retirement home, convalescent home, or children's home shall be considered to be one (1) dwelling unit.

(Ord. 3-96 (part), 1996).

17.64.100 Home occupations.

Within residentially zoned districts, home occupations shall be allowed as a permitted accessory use governed by the following regulations and limitations:

- A. "Home occupation" means an occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

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- B. Home occupations must be clearly secondary to the use of the building and shall not occupy more than twenty (20) percent of the total floor area of the main building or if located in an accessory building, shall not occupy more than ten (10) percent of the total lot area.
 - C. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of materials, equipment, or products.
 - D. The only evidence of a home occupation shall be an unlighted sign (maximum two (2) square feet area) installed flat against the wall of the principal or the accessory building, but not on both buildings.
 - E. The operation shall not generate objectionable traffic in area and off-street parking must be provided to accommodate all needs created by the home occupation.
 - F. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

(Ord. 3-96 (part), 1996).

17.64.110 Maintenance of minimum space and setback requirements.

- A. No lot area, yard or other open space, or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension, or size below the minimum required by this title.
- B. No amendment changing the zoning classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel, or tract can meet the minimum frontage and lot area requirements for the requested zoning district; or unless it abuts on a lot, parcel, or tract of land that has the same zoning classification as that which is proposed for the property which is subject to the proposed amendment.

(Ord. 3-96 (part), 1996).

17.64.120 Mineral and natural resource extraction operations.

- A. General Requirements.
 - 1. A mineral and natural resource extraction operation shall only be allowed in those zone districts where such use is permitted by special use review.
 - 2. A special use application for approval of a mineral and natural resource extraction operation shall not be accepted for review and processing unless it includes copies of the complete documentation required by all appropriate state agencies as part of their permitting processes, and copies of supplemental reports and plans specified in this section are provided to the City.

If required by state law, the applicant shall also provide written notice to the City of the filing of an application for a reclamation permit to the appropriate state agency concurrent with the filing of a copy of such application or renewal for public inspection at the office of the Fremont County Clerk and Recorder.

The applicant shall provide copies of proof of notice of publication as required by state law.
 - 3. Any special use approval of a mineral and natural resource extraction operation by the City Council is conditioned upon the issuance of valid permits by all appropriate state agencies.
 - 4. The public hearing required on an application for special use review as required under this section shall be conducted in accordance with Chapter 17.60. The applicant shall meet the requirements of both Chapter 17.60 and this section before a special use review permit issues.

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- B. Additional Standards. The applicant for a proposed special use of a mineral and natural resource extraction operation shall demonstrate the following to the satisfaction of the City Council:
1. The use is consistent with the goals, policies, and procedures of the comprehensive plan.
 2. The use will not have an adverse long-term visual impact from either adjacent and adjoining properties or from major transportation corridors.
 3. The site can be reclaimed to a use and character compatible with surrounding uses and zoning.
 4. The operation will result in an efficient use of the mineral deposit.
 5. The use will not substantially disturb uniquely sensitive environmental features including wetlands, riparian habitats, other critical wildlife habitats, and rare or unusual natural features.
 6. The use will not substantially disturb identified historical, archaeological, and paleontological sites.
 7. The site and associated special use operations will be adequately buffered from surrounding properties and uses, in accordance with Section 17.64.150, Screening.
 8. Adequate water supplies will be available for drinking, dust control, landscaping, general operations, and reclamation.
 9. Adverse impacts to adjacent properties, motorists, and pedestrians from vibration, noise, glare, blowing or flowing materials, or odors will be minimal.
 10. Site security and safety plans are adequate.
 11. Hours of operation will be compatible with neighboring uses, traffic volumes, affected transportation corridors and school bus operations. Compatibility should be projected over the lifetime of the operation. The City shall have the right to impose time restrictions on the operation.
 12. Reclamation of adverse and other environmental impacts will take place within a specified time frame, in accordance with state regulations.
- C. Report Guidelines.
1. Visual impact analysis including, but not limited to:
 - a. Graphic depiction of all off-site properties which will be visually impacted during each of the proposed phases and upon completion of the operation,
 - b. Depiction of the approximate number of existing and anticipated future residences, businesses, and institutions which will be visually impacted,
 - c. Identification of major transportation corridors from which any part of the proposed operation will be visible,
 - d. Temporal aspects of the visual impact,
 - e. Night lighting and glare,
 - f. Textual and graphic description of measures proposed to mitigate visual impacts;
 2. Mining Operations Plan, which may be referenced from applicant's state permit application.
 - a. Complete legal description of the permit area and pertinent mineral rights supplemented by geographic descriptions of the location of separate phasing areas, haul roads, utilities, buffer areas, improvements, and major equipment within the permit area,
 - b. Description of the overall operation to include all relevant aspects including, but not limited to, site preparation, excavation methods, nature of crushing or screening activities,

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- stockpiling, hauling plan and dust suppression activities, and grading plan for completed mining activity,
- c. Description of the overall period of operation,
 - d. Description of seasons, days, and times of operation supplemented with additional limitations for specified activities such as blasting, hauling, crushing, or screening,
 - e. Description of maximum number of employees and/or contractors and independent haulers who will be on site during various phases of operations,
 - f. Description of available water and sanitation facilities,
 - g. Description of emergency services facilities and plans to include fire and police protection, available emergency medical facilities, and an emergency response plan,
 - h. Plans for site security and safety,
 - i. List of all major equipment and location of equipment to be used on site,
 - j. Description of environmental monitoring which will be conducted on or off the site,
 - k. Descriptions of procedures to log and address complaints related to the operation,
 - l. Modifications to the reclamation plan which may be made to satisfy City of Florence special use standards,
 - m. Drainage, erosion, and sedimentation control plans acceptable to responsible local regulatory agencies,
 - n. Copy of any required air or water quality permits;
 3. Traffic impact analysis including, but not limited to:
 - a. Description and depiction of functional classification, capacity, condition and maintenance responsibility of all roadways connecting the proposed operation to the regional roadway network,
 - b. Traffic generation described and depicted by average and maximum hourly, daily, and monthly vehicle mix by specific vehicle type,
 - c. Proposed distribution of traffic generated as a result of the operation, with an evaluation of alternatives, if appropriate,
 - d. Specific consideration of traffic, noise, or dust related impacts,
 - e. Description of plans to mitigate vehicular and pedestrian traffic impacts;
 4. Analysis of impacts to sensitive or significant features, including:
 - a. Identification of historic, archaeological, or paleontological resources which might be impacted by the proposed activity,
 - b. Identification of sensitive or hazardous environmental features which might impact or be impacted by the proposed activity. These features may include wetlands, floodplains, geologic hazards, wildlife habitat, and vegetation,
 - c. Means proposed to mitigate these impacts;
 5. Analysis of other potential impacts, including:

- a. Description of off-site impacts generated as a result of the operation, including light or glare, noise, vibration, blowing material from the site, trucks or haul roads, dust and other air and water quality impacts,
 - b. Means proposed to mitigate these impacts;
6. Geologic report, including:
- a. Description of the overall geology of the site, including identification of soil types, deposits, and rock units which will be exposed during the life of the activity,
 - b. Identification of natural or man-made geological hazards before, during, and after mining;
7. Ultimate land use analysis, including:
- a. A description and depiction of the ultimate land use for the property following the completion of the mining operation, which will reflect and be consistent with the reclamation plan prepared in accordance with CRS § 34-32-116(1)(j),
 - b. The review by the City Council of applicant's proposed ultimate land use will not ensure that the land use will be permitted at the time that mining is completed.
- D. The City Council retains the discretion to deny mineral and natural resource extraction operations if, after consideration of the requirements of this section, the City Council deems that the effects of the location of such operations threaten the public health, safety or welfare.

(Ord. 3-96 (part), 1996).

(Ord. No. 12-2009, §§ 2—8, 7-6-2009)

17.64.130 Minimum dwelling unit requirements.

Each dwelling unit hereafter erected, shall have a minimum gross floor area as follows:

Efficiency dwelling unit	300 square feet
Mobile Home (min. 8x32)	256 square feet
Apartment	350 square feet
Dwelling: Single family and modular 14 feet minimum width	400 square feet
Manufactured home (min. 24x36)	864 square feet
Accessory dwelling unit	300 square feet minimum

(Ord. 4-2002 §6(part), 2002; Ord. 3-96(part), 1996).

(Ord. No. 09-20-2021A, Exh. A, 10-4-2021)

17.64.140 Projections from buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may not project more than three (3) feet into a required yard or into required open space as established by other requirements of this title, whether attached or freestanding.

(Ord. 3-96 (part), 1996).

17.64.150 Landscaping and screening.

Prior to initiating use or changing use of any vacant area larger than two hundred (200) square feet, or obtaining any building permit for new construction or any structural addition that increases the ground floor area of any existing structure by more than twenty-five (25) percent in any zone district in the City of Florence, the property owner and permit applicant shall obtain written approval from the City Manager of a landscaping and screening proposal demonstrating compliance with this section. The landscaping and screening proposal may be included with the sidewalk and parking plan required under Section 17.68.030 of this title.

Industrial Site Screening—All storage and industrial activities, outside of fully enclosed buildings, and located on properties within the I-1 light industrial zone district or I-2 heavy industrial zone district shall be screened by means of evergreen plant materials, earth mounds, walls, or opaque fencing to provide a continuous unpierced visual and aural separation between such activities and adjacent properties, alleys, and streets, unless a variance is granted by the Board of Zoning Adjustments. Minimum height of the screen at time of installation or planting shall be six (6) feet.

Multifamily and Manufactured Home Park Screening—The perimeter boundary of all multifamily housing projects and manufactured home parks within the R-3 high density residential zone district and MHP manufactured home zone district shall be screened by means of evergreen plant materials, earth mounds, walls, or opaque fencing to provide a continuous unpierced visual and aural separation between such activities and adjacent properties, alleys, and streets, unless a variance is granted by the Board of Zoning Adjustments. Minimum height of the continuous screen at time of installation or planting shall be six (6) feet.

Commercial Screening—Except for vehicle and equipment sales lots, temporary parking lots sales, sidewalk sales, or seasonal retail sales, all storage and commercial activities, outside of fully enclosed buildings, and located on properties within the C general commercial, CB central business, CHB central historic business, or BP business professional zone districts shall be screened by means of evergreen plant materials, earth mounds, walls, or opaque fencing to provide a continuous unpierced visual and aural separation between such activities and adjacent properties, alleys, and streets, unless a variance is granted by the Board of Zoning Adjustments. Minimum height of the continuous screen at time of installation or planting shall be six (6) feet.

In addition to the screening described in this section, landscaping shall be provided around all buildings and in any perimeter area between the screening and the property lines to control dust and to provide a visually pleasant buffer zone at the property lines. Such landscaping shall consist of, but not be limited to, shrubs, vines, trees, lawn areas, fences, walls and nonliving materials such as wood chips, gravel, brick, rock, pavement, and ornamental features. Xeriscaping is encouraged as a water conservation measure.

All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All landscaping in any site development phase shall either be installed, or the installation shall be secured with a letter of credit, escrow or performance bond for one hundred twenty-five (125) percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.

Trees and vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease, pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition.

Any landscape element that dies, or is otherwise removed, shall be promptly replaced based on the requirements of this section.

Healthy, mature trees that are removed by the property owner or by anyone acting on behalf of or with the approval of the property owner shall be replaced with not less than one (1) replacement tree sufficient to mitigate the loss of landscape value of the removed tree. This tree replacement policy shall apply to all properties in all zone districts in the City of Florence except the A-T agricultural transitional, R-E residential estates, R-1 low density residential, or R-2 low medium density residential zone districts.

(Ord. 29-2006 §1, 2006; Ord. 7-2005 §1, 2005).

17.64.155 Side yard setbacks.

Side yard setback requirements shall be calculated by measuring from the farthest extension of the exterior wall of a structure to either the interior lot line or right-of-way line of a street, whichever is applicable.

(Ord. 3-96 (part), 1996).

17.64.160 Storage and parking of commercial vehicles and mobile homes.

- A. Commercial vehicles shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district, except in accordance with the following provisions:
 - 1. Not more than one commercial vehicle, not to exceed one and one-half (1.5) tons rated capacity for each family living on the premises shall be permitted, and
 - 2. In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.
- B. Mobile homes as defined in Section 17.08.015 shall not be parked or stored on any lot in the City of Florence, except in accordance with the following provisions:
 - 1. A mobile home may be placed and used in a mobile home park within the manufactured home district in compliance with the mobile home provisions of Chapter 17.32;
 - 2. A mobile home may be placed and used as a temporary, on-site construction office only in commercial or industrial zone districts, and only after compliance and approval as a special use under the provision of Chapter 17.60, Special Use Review, and
 - 3. No mobile home may be placed and used on any lot in the City of Florence as an accessory structure, including, but not limited to, a shed, shop, storage building, or office.

(Ord. 16-2000 § 3, 2001).

17.64.170 Swimming pools.

A swimming pool may be permitted in any district as an accessory use provided:

- A. No swimming pool may be located in a setback zone.
- B. Every swimming pool must be completely surrounded by a fence or wall not less than five (5) feet in height with no openings large enough to permit children to pass through other than gates or doors that can be fastened to protect against entry. A dwelling house or accessory building may be used as part of such required enclosure.
- C. All gates or doors opening through such enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

(Ord. 3-96 (part), 1996).

17.64.180 Vision clearances.

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

- A. In a residential district, the minimum distance shall be twenty-five (25) feet, or at the intersection of a street and an alley, ten (10) feet.
- B. In all other districts, the minimum distance shall be fifteen (15) feet; or at the intersection of a street and an alley, ten (10) feet, except when the angle of intersection between streets is less than sixty (60) degrees, the distance shall be twenty-five (25) feet.
- C. The planting, trimming, spraying, removal or destruction of street trees shall be in accordance with Chapter 8.40, Hazardous Trees.

(Ord. 3-96 (part), 1996).

17.64.190 The Florence sign code.

Editor's note(s)—Ord. No. 09-08-2020, § 1(Exh. A), adopted Sept. 8, 2020, set out provisions intended for use as §§ 17.64.181—17.64.181.13. To preserve the style of this Code, and at the editor's discretion, these provisions have been included as §§ 17.64.190—17.64.190.12.

17.64.190.01 Declaration of intent; findings and purposes.

- A. Findings. The City finds with respect to the display of signs:
 1. That the time, place and manner in which signs are displayed on property within the City's jurisdiction has a significant impact on the public health, safety and welfare.
 2. That signs serve many important functions in the efficient operations and economic vitality of the City, including communication, identification and direction.
 3. That the number, location, size, relative scale, design and construction of signs for public display has a significant impact on the community's aesthetics and beauty.
 4. That poorly designed, constructed, installed or maintained signs can present a significant danger to traffic and public safety and a harmful impact on the aesthetics and economic vitality of the City.
 5. That, because legitimate and necessary interests of each zone district are different, each district requires the application of different time, place and manner regulations to achieve the purposes furthered in the sign code.
 6. That the cumulative impacts that would accrue if every member of a residential neighborhood chose to display a sign could be harmful to the best interests of the City and its residents.
 7. That the reasonable regulation of signs can protect the aesthetic appeal of the national register historic district which gives Florence a sense of character and place.
- B. Purpose. The purpose of this chapter is to promote the public health, safety and welfare, by providing uniform standards for the times, places, and manners in which all signs within each zone in the City shall be displayed. This chapter advances the following legitimate and necessary public purposes:

(Supp. No. 34, 8-25)

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1. Communication, Identification and Direction. To allow the reasonable display of signs for the purposes of communication, identification and direction, while protecting the public from the display of signs that are unsafe, unattractive, obsolete, out-of-scale or incompatible with surrounding property uses.
 2. Transportation Safety. To protect the public, including motorists, bicyclists and pedestrians, by prohibiting the display of signs in a manner that results in visual distractions, impaired visibility or other dangerous conditions that impair transportation safety.
 3. Safety. To protect the public by prohibiting the display of signs that are designed, constructed, installed or maintained in a dangerous manner.
 4. Aesthetics. To protect, enhance and preserve the visual beauty and aesthetic character of the City by prohibiting the display of signs in a manner that detracts from the beauty and character of their particular location, adjacent buildings and uses and the surrounding neighborhood.
 5. Economic Vitality. To support the economic vitality of commercial enterprises and investments while providing uniform standards that allow equal opportunity in the competition to attract and inform customers.
 6. Equal Opportunity. To divide and allocate the cumulative benefits and impacts realized through the display of signs so that each member of the community possesses an equal opportunity to communicate, or not communicate, through the display of signs.
 7. Privacy. To protect the privacy of the community members who do not wish to be overwhelmed by unsolicited communications displayed on signs visible to the public.
 8. Historic Preservation. The preservation of the historic downtown shopping district and National Register of Historic Places section of Florence is an area of concern to City Council and preserving the unique character and historic architecture of downtown was ranked as overriding objective in the 2016 Master Plan update by citizens.

(Ord. No. 2014-05, 5-6-2014; Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.02 Applicability.

This chapter shall apply to all signs or attention-attracting devices located within the City. Signs or attention-attracting devices shall only be allowed as permitted by this chapter. The provisions of Section 17.64.190.11, nonconforming signs, also apply to signs within the City.

(Ord. No. 2014-05, 5-6-2014; Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.03 Sign permits and administration.

- A. Purpose. The purpose of the sign permit requirement is to assure compliance with the sign code, prevent waste and provide for the orderly, fair and uniform application of the sign code to all individuals and situations. This section only addresses which signs require permits prior to installation.
- B. Permit Required. A sign permit is required prior to the installation of any sign or group of signs, whose total aggregate square footage equals more than nine (9) square feet per property. In multiple-tenant nonresidential buildings or developments with an approved comprehensive sign plan, a separate permit shall be required for each business entity's signs. Any multiple-tenant nonresidential buildings or development existing at the time of adoption of this code that do not have a comprehensive sign plan shall be required to create a comprehensive sign plan at the time of application pursuant to the requirements of Section

17.64.190.10 [sic] of this chapter. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis.

- C. Additional permits may be require for signs located along state highways. The applicant is solely responsible for obtaining those additional permits and provided proof of approval to City staff.
- D. Exempt Signs. A sign permit is not required for the display of a sign or group of signs, whose total square footage equals nine (9) square feet or less per property.
- E. Application for Sign Permit. The application for a sign permit shall include the following information:
 - 1. Applicant's name, mailing address and phone number.
 - 2. Location of the property where the sign will be installed.
 - 3. Sign Type. Identification of the type of signs proposed.
 - 4. Sketch. A sketch showing the proposed sign, including dimensions and any other information needed to calculate permitted sign area, sign height and type of illumination. A certification by a structural engineer may be required for a pole sign or projecting sign.
 - 5. Location. A site plan which identifies the proposed location of the sign on the property, and the location and size of all other existing signs on the building or parcel.
 - 6. Consent. A letter of consent from the owner of the building or property, if the applicant is not the owner.
 - 7. Form. Any other information required on the form provided by the Administrator.
 - 8. Nonrefundable permit fee.
- F. Determination of Sufficiency. After receiving the permit application, the Administrator shall determine whether it is complete. If the application is not complete, the Administrator shall notify the applicant within three (3) business days following receipt of the application and take no further action until the deficiencies are remedied.
- G. Issuance of Permit.
 - 1. Compliance with Standards. If the application is complete, the Administrator shall determine whether the application complies with the standards of this chapter. The Administrator shall be authorized to issue the permit, issue the permit with conditions or deny the permit application.
 - 2. Review. Review of the application shall be completed and notice sent to the applicant within ten (10) business days from the date the application was deemed complete.
 - 3. Inspections Generally. All signs shall be subject to inspection to determine that the sign is being installed and/or maintained in accordance with the terms of this chapter.
- H. Expiration. Whenever the construction of any sign has not been completed within one hundred eighty (180) days after its approval, the permit shall expire and be of no further force of effect.

(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.04 Types of signs.

- A. Awning Sign. An awning sign is a type of wall sign that is painted, stitched, sewn or stained onto the surface of an awning. An awning is a shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

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- B. Canopy Sign. A canopy sign is a type of wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.
 - C. Externally Illuminated Sign. An externally illuminated sign is a sign that is lighted from an external source.
 - D. Electronic Variable Message Signs (EVMs) EVMs are signs that use electronic methods to display sign content.
 - E. Ghost Signs. These are painted signs representing a previous historic tenant of the building or product not generally sold at the property location anymore. Nothing in this code shall prohibit owners or organizations to restoring and repainting the existing dimension of the previous ghost signs.
 - F. Ground Sign. A ground sign is a freestanding sign where the entire bottom is in contact with the ground. Ground signs are also referred to as "monument signs."
 - G. Internally Illuminated Sign. An internally illuminated sign is a sign that is lighted from an internal source, including signs that are lighted from fixtures attached to the structure of the sign such as light tubes or exposed neon tube lighting. Signs in commercial districts shall be illuminated no longer than 11:00 p.m. Signs on property that is adjacent to residential uses shall be turned off by 10:00 p.m.
 - H. Mural. A mural is a painted image located on a building wall. Murals that have a commercial message are allowed although the logo or message counts toward wall signage allowance, other area of the mural does not. In no case may murals or signs be painted over unpainted brick or stone on any contributing building in the Florence Downtown National Register of Historic Places Historic District.
 - I. Neon Sign. A neon sign is an internally illuminated sign that utilizes gas-filled tubes.
 - J. Nonconforming Sign. A nonconforming sign is a sign that was lawfully established pursuant to the sign codes in effect at the time of its erection, but which does not conform to the standards of this chapter.
 - K. Pole Sign. A pole sign is a freestanding sign being supported by a pole or poles and otherwise separated from the ground by air. Pole signs shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way.
 - L. Projecting Sign. A projecting sign is any sign structurally supported by a building wall and projecting from the surface of the building or wall. Projecting signs shall not be higher than the eave line or parapet wall of the building, shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way and shall not extend more than four (4) feet six (6) inches from the building wall. When two (2) sign faces are placed back to back and are at no point more than two (2) feet from each other, the area of the sign shall be counted as the area of a single face if both faces are of equal area, or the area of the larger face if the faces are not of equal area.
 - M. Sidewalk Sign. A sidewalk sign is an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Sidewalk signs are also referred to as "sandwich board signs."
 - N. Temporary Sign. A temporary sign is a sign, attention-attracting device or advertising display constructed of cloth, vinyl, canvas, fabric, plywood or other light material that is intended for display for less than ninety (90) days per calendar year.
 - O. Window Sign. A window sign is a sign that is painted on, applied or attached to a window that can be read through the window.
 - P. Wall Sign. A wall sign is a permanent sign that is painted on, incorporated into, hanging from or affixed to the building wall, in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. Wall signs shall not be higher than the eave line or parapet wall of the building, and no sign part, including cut-out letters, shall project more than six (6) inches from the building wall.

17.64.190.05 Time, place and manner for display of signs.

- A. Residential Zones (R-1, R-2, R-3). Each dwelling unit on a lot with a nonresidential use in a residential zone may display up to the total sum of nine (9) square feet of signs. The display of signs in residential zones is limited to pole or ground signs that do not exceed five (5) feet in height, wall signs and window signs. Signs in residential zones may not be illuminated, except special nonresidential uses such as churches which may have illuminated signs as special use permits. Multiunit buildings in residential zones follow section [sic]:
- B. Residential Uses in Commercial Zones. Each lot with a residential use in a commercial zone may display up to the total sum of nine (9) square feet of sign area per dwelling unit. The display of signs related to residential uses shall be limited to a wall signs.
- C. Subdivisions and Planned Developments. Each subdivision or planned development may display one (1) pole or ground sign not to exceed sixteen (16) square feet per street entrance. Each final plat of a subdivision or final plan of a planned development must have an approved comprehensive sign plan for the display of signs on property owned or utilized in common by the lot owners or tenants of the subdivision or planned development. Up to thirty-two (32) square feet of sign area may be displayed at each entrance to a subdivision or planned development for no more than two (2) years from the beginning of the physical development process for the purposes of advertising the development and advertising property sales.
- D. Nonresidential Uses in Commercial Zones. An owner or tenant of a lot used for nonresidential purposes in a commercial zone may display the following types of signs. No individual sign may exceed one hundred (100) square feet in area. In no event shall the total amount of sign area displayed exceed two hundred fifty (200) [sic] square feet.
 - 1. Wall, Pole, Ground or Projecting Signs. The owners or tenants of a lot used for nonresidential purposes in a commercial zone may display an aggregate sign area totaling no more than the larger of thirty-two (32) square feet or one (1) square foot of sign area for each linear foot of lot frontage on a street. If there is more than one (1) floor of nonresidential use, an additional one-half (0.5) square foot of sign area for each linear foot of building frontage on a street is available for each additional floor above the first.
 - 2. Sidewalk Signs. As regulated in Section 12.04.050 [sic].
 - 3. Temporary Signs. The owners of businesses operating in a building in a commercial zone may display no more than one (1) temporary sign at any given time. The total size of a temporary sign shall not exceed sixteen (16) square feet. The total number of days in which signs may be displayed shall be seven (7) days before and after special events and sales; in no case shall temporary signs be displayed for more than sixty (60) days in a calendar year. Temporary signs shall be of professional quality and displayed in a safe manner. Temporary signs may not be affixed to public property or infrastructure. Temporary signs do not require a sign permit and do not count toward total area allowed.
 - 4. Window Signs. Window signs do not require a permit and do not count toward total area allowed. Window signs must meet all other requirements and standards for the display of signs under this code.

TABLE 1
Time, Place and Manner for the Display of Signs

Zone District	Sign Type Permitted	Maximum Sign Area
Residential (R-1, R-2, R-3, R-E, MH)	Wall, pole or ground	9 sq. ft. per dwelling unit.

Commercial Use in a Residential Zone	Wall	9 sq. ft. per dwelling unit, or as otherwise permitted by special use.
Commercial Historic Business Zone (CHB)	Wall	1 sq ft. per linear ft. of building maximum 50 sq. ft. New pole or ground signs approved by the special use permit.
All other Commercial and Industrial Zones	Wall, pole, ground or projecting	First floor: Up to 1.0 times the linear footage of lot frontage, no more than 100 sq. ft. per frontage. Secondary street frontage may use half sq. ft. of the primary frontage with a total of 200 sq. ft. per property. Additional floors: Up to 0.5 times the linear footage of building frontage for different uses from first floor. Pole or ground signs not to exceed 50 sq. ft.

Notes:

**TABLE 2
Illumination and Height of Signs**

Zone District	Illumination	Maximum Sign Height
Residential (R-1, R-2, R-3, R-E, MH)	Nonresidential uses as special use permits	5 feet for pole and ground signs
Commercial Use in a Residential Zone	Only by special use permit	5 feet for pole and ground signs
Commercial Historic Business District (CHB)	Externally illuminated	On building wall, not to exceed roofline
Commercial (C-1) and Industrial	Externally or internally illuminated	20 feet for pole signs and 8 feet for ground signs

Electronic Variable Message Signs: 40 sq. ft. allowed in C and I zones, 60 sq. ft. along Highway 50, special use permit required in all other zones.

(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.06 Prohibited signs.

The following signs are inconsistent with the policy, purposes and standards in this chapter and are prohibited in all zoning districts.

1. Off-Premises Signs. The right to display signs on a property is limited to the actual residents of the property where the sign is displayed or to commercial entities actually doing business on the property where the sign is displayed, with the exception that a nonresident owner may display signs on a property for the purpose of promoting the sale or lease of the property where the sign is displayed limited to forty (40) square feet. The City Council may allow off-premises signs to be displayed following a finding that the proposed sign promotes a legitimate and necessary public interest in public safety, traffic safety, wayfinding, location identification, public information or other economic vitality of a commercial district. The City Council shall review sign permit applications for off-premises signs and approval shall be by resolution. The City Council shall determine at that time whether the sign area requested would apply toward the square footage of sign area permitted on the site. Applicants

requesting off premise signage shall fill out application forms and pay all fees as designated by City Council, City Manager and the Planning Director.

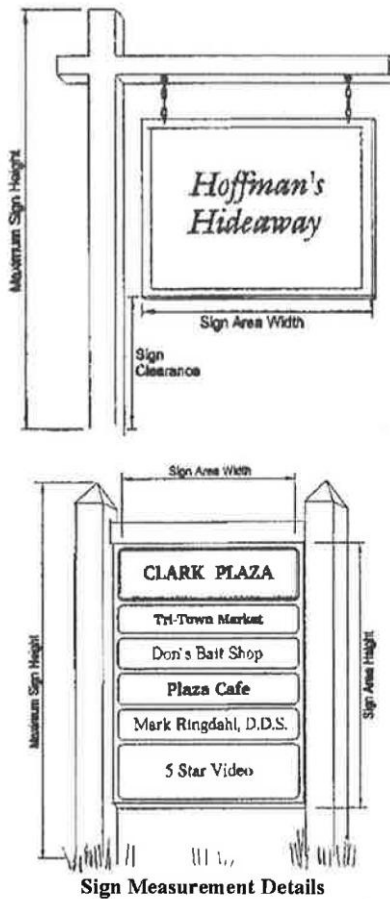
2. Signs on Public Property. Unless otherwise provided for in the code, no sign shall be displayed on public property or within the right-of-way of any road or highway without the written approval of the City Council and following a finding that the proposed sign promotes a legitimate and necessary public interest in public safety, traffic safety, wayfinding, location identification, public information, cultural/civic celebration, or the economic vitality of a commercial district.
3. Moving Signs. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices, are prohibited.
4. Hazardous Signs. No sign shall be displayed that is erected in such a manner or location as to cause visual obstruction or interference with a motor vehicle, bicycle, pedestrian traffic or traffic-control devices, including any sign that obstructs clear vision in any direction from any street intersection or driveway.
5. Dangerous Signs. No sign shall be displayed that poses a danger due to poor design, construction, installation or maintenance.
6. Decrepit Signs. No sign shall be displayed that is in a state of disrepair, wear or ruin due to age or neglect. All signs, including signs exempt from these regulations with respect to permits and fees, shall be maintained in good condition and in compliance with all building and electrical codes.
7. Roof Signs. A roof sign is a sign which is erected, placed or maintained, in whole or in part, upon, against or directly above the roof, or which projects above the eaves of a pitched roof or above the walls of a flat roof. Signs which are manufactured into the material of awnings shall not be considered roof signs.
8. Obsolete Signs. An obsolete sign is a sign or sign structure, excluding murals, which advertises an activity, product or business, which no longer occupies the premises on which the sign is located. Obsolete signs shall be removed by the legal owner of record of the property within a period of ninety (90) days after the business, product or service is no longer located upon the premises where the sign is located. Obsolete signs that are an integral part of the façade or which are determined to be historically significant by the Administrator but which do not advertise a business or product on the site, are permitted. Owners can request in writing to the City Manager extensions to remove obsolete signs. The City Manager may grant thirty (30) days extension in writing citing the reason for the delay.
9. Attention-Attracting Devices. Attention-attracting devices in general are prohibited, unless otherwise approved under this chapter.
10. Uncivil Signs. There shall be no signs or pictures of an obscene, indecent or immoral character such as will offend morals or decency in accordance with constitutional standards.

(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.07 Sign measurement.

- A. All Signs Counted. The aggregate area allowed for signs shall include all signs displayed on the site.
- B. Sign Surface Area. Sign area shall be the area within the outer boundaries of standard geometrical shapes which encompasses the sign facing, including copy, insignia, background and borders.
- C. Sign Support. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

- D. Cut-Out Letter Signs. The area of cut-out letter signs shall be considered to be that of a single rectangle or square encompassing all of the letters used to convey the message of the sign and shall include the open space between letters of words within that rectangle or square. The height of letters will be measured on the uppercase letters.
- E. Multi-Face Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from a single point, unless otherwise specified in this chapter. When two (2) sign faces are placed back to back and are at no point more than two (2) feet from each other, the area of the sign shall be counted as the area of a single face.
- F. Sign Height. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.



(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.08 Sign location and appearance standards.

- A. Creative Design. Creative designs are encouraged. Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The City encourages imaginative and innovative sign design. The creative sign application procedure (Section 17.64.190.09 [sic] below) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.

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- B. Externally Lit Signs. Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and the vision of motorists, bicyclists or pedestrians. Lighting shall be placed so as to light downward onto a sign and be fully shielded. Fixtures used to illuminate signs shall be aimed so as not to project their light beyond the sign.
 - C. Internally Lit Signs. Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and the vision of motorists, bicyclists or pedestrians. To reduce glare and increase the ability to read signs at night, it is recommended that internally lit signs use white lettering against a dark background color.
 - D. Location of Signs. The following setbacks for signs shall be met for street and driveway intersections: No sign shall be located within a "clear sight triangle" between the height of two (2) and ten (10) feet above the ground.
 - E. Architectural Elements. Signs should not be placed so that they cover essential, character-defining architectural details of a building.
 - F. Construction. All signs shall be made by a commercial sign manufacturer or be of similar professional quality. All signs shall be completed and erected in a professional manner and in accordance with this chapter.
 - G. Right-of-Way. Any sign which projects over a right-of-way in such a manner that it may cause a danger to the public shall have supports, hangers or fasteners certified by a Colorado-licensed structural engineer.

(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17-64-190.09 Creative signs.

- A. Policy and Purpose. It is the policy of the City to encourage the use of creative signs that exhibit a high degree of thoughtfulness, imagination and inventiveness. The purpose of the creative sign process is to establish standards and procedures for the design review and approval of creative signs which, due to their unique design and construction, will make a significant contribution to the aesthetic beauty, historic character and cultural identity of the community, yet due to their creative qualities or site constraints would not be otherwise allowed under this code.
- B. Applicability. An applicant may only request the approval of a sign permit under the creative sign section for a sign that employs design standards that differ from the provisions of Sections 16.10.50 [sic] and 16.10.60 [sic] above, and otherwise comply with all other provisions of the sign code.
- C. Approval Authority. A sign permit application for a creative sign shall be subject to approval by the Planning Commission.
- D. Procedure.
 - 1. Submittal of Application. The applicant shall submit a complete application including all of the materials required in Subsection 16.10.30(d) [sic] above.
 - 2. Staff Review. The Administrator shall review the application to determine whether it is complete. The Administrator shall forward a report to the Planning Commission, which summarizes the application's compliance with the review standards contained in subsection E. below and other applicable provisions of this chapter. The technical comments and professional recommendations of other agencies, organizations and consultants may be solicited in drafting the report.
 - 3. Public Notice. Public notice that the Planning Commission will conduct a public hearing to consider the application for a creative sign shall be provided as specified in Section 16.2.30 [sic] of this chapter.
 - 4. Public Action by Planning Commission. The Planning Commission shall conduct a public hearing to review the conformance of the application with all applicable provisions of this chapter. The Planning

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(Supp. No. 34, 8-25)

Commission shall approve, approve with conditions or deny the application, or remand it to the applicant with instructions for modification or additional information or action.

E. Review Standards.

1. Impact Review Standards. No sign shall be approved under the creative sign process that the Planning Commission finds:
 - a. Will have a significant adverse impact on adjacent properties. The sign shall not adversely affect neighboring property owners, businesses or residents and should be compatible with the uses, character and identity of the area in which it is displayed;
 - b. Creates a dangerous condition. Granting the creative sign permit will not adversely affect public safety. The use of signs or attention-attracting devices should not significantly distract traffic on adjacent streets; or
 - c. Distracts from the important architectural, natural or historic features of the building or neighborhood in which the sign is displayed.
2. Design Review Standards. In addition to the impact review standards, to approve a sign under the creative sign process, the Planning Commission must find that the unique and creative design of the sign will meet Standards a., b. and c. or Standard d.:
 - a. Constitute a substantial aesthetic improvement to the site and have a positive visual impact on the surrounding area that justifies departure from the parameters of Section 16.10.50 [sic] and/or 16.10.60 [sic] above.
 - b. Utilize and/or enhance the architectural or historic elements of the building or location where it is displayed in an historic, unique and/or creative manner that justifies departure from the parameters of Section 16.10.50 [sic] and/or 16.10.60 [sic] above.
 - c. Provide strong artistic character through the imaginative use of design, graphics, color, texture, quality of materials, scale and proportion uses, character and identity of the area in which it is displayed.
 - d. A creative sign may be appropriate to provide reasonable visibility of a business's main sign in some rare situations where topography, landscaping, existing buildings or unusual building design may substantially block visibility of the applicant's existing or proposed signs from multiple directions. Despite the possibility of a creative sign permit, visibility of a sign or attention-attracting device may not be possible.

(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.10 Comprehensive sign plan.

Every multi-tenant building or coordinated development, such as office parks, recreational vehicle park, civic uses, shopping centers and business parks, shall have a comprehensive sign plan approved. Any multiple-tenant nonresidential buildings or development existing at the time of adoption of this code that do not have a comprehensive sign plan shall be required to create a comprehensive sign plan at the time of application for a new sign at the site. Where a comprehensive sign plan is required for an existing development with multiple owners, all such owners shall be given notice and have the opportunity to participate in development of the comprehensive sign plan or provide written approval of said plan. In the event any affected owner fails to participate in the development of the comprehensive sign plan or provide written approval therefor within fifteen (15) days of notice, that owner will be deemed to have consented to the plan's adoption. Planned developments shall include a

comprehensive sign plan at the final development plan stage. Applications for final subdivision plat shall include a comprehensive sign plan application.

- (1) Purpose. The general purpose of the comprehensive sign plan is to ensure proper business identification while enhancing the quality, harmony and consistency of a project by aesthetically integrating signage into the architecture of each building as well as the development as a whole. The sign scheme must comply with the basic requirements for signs established for the project's uses by this chapter. The comprehensive sign plan shall address the following topics and demonstrate the following characteristics:
 - a. Identification Signs. Designation of the size and location of identification signage proposed for individual tenants. Specifications should anticipate minimum and maximum height. Sign locations should anticipate impact of pad buildings and landscaping, as well as the provision of adequate spacing between façade signs for effective readability.
 - b. Permitted Area, Height, Illumination and Number of Signs. The permitted amount of sign area, height, illumination and similar restrictions should follow the total area permitted in Tables 16-K [sic] and 16-L [sic] of this chapter for each site within the development. In planned developments, the permitted area, height and illumination should be proposed in relation to the types of uses in each portion of the development. The applicant shall designate how much sign area of the total permitted signage should be apportioned to each tenant space for both individual identification signs and common freestanding signs.
 - c. Appearance. Signs shall be durable, attractive and designed to complement and reinforce the design of the project buildings.
 - d. Consistency. Sign design within a development should be generally consistent between tenants and buildings so that the design continuity of the project is maintained. However, it is not necessary for every sign within a particular development to be identical.
 - e. Exempt Signs. Signs not requiring a permit under this chapter shall still be permitted in a development with a comprehensive sign plan unless stated otherwise in the comprehensive sign plan.
- (2) Approval of Comprehensive Sign Plans. Proposed comprehensive sign plans shall be submitted on the forms or in the format prescribed by the Administrator.
 - a. Submittal of Application. The applicant shall submit a complete application to the Administrator meeting the requirements of Subsection 16.10.30(d) [sic] for each project requiring comprehensive sign plan approval at the time of final development plan application, final plat application or prior to issuance of any certificate of occupancy if no final development plan or plat was required.
 - b. Compliance with Standards. If the application is complete, the Administrator shall determine whether the application complies with the standards of this chapter. The Administrator shall be authorized to issue the permit, issue the permit with conditions or deny the permit application.
 - c. Review. Review of the application shall be completed and notice sent to the applicant concurrent with the approval of a final development plan or building permit application.
- (3) Comprehensive Sign Plan Modifications. Minor modifications to a sign scheme that are still within the overall concept and intent of the approved plan may be approved by the Administrator. Major modifications or a new comprehensive sign plan will require a new application, including a plan to bring any existing signs in the development into conformance with the new plan.

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- (4) Permits Required for Individual Signs Within the Comprehensive Sign Plan. In multiple-tenant commercial buildings or developments with an approved comprehensive sign plan, a separate permit shall be required for each business entity's signs.

(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.11 Nonconforming signs.

- A. Authority to Continue. Any sign legally established on the effective date of this sign code or any amendment thereto which does not conform with any provisions of the land use code shall be allowed to remain and to be maintained in good repair, subject to the discontinuance provisions below.
- B. Discontinuance. A legal nonconforming sign shall be removed if any one (1) of the following conditions occurs. In all such cases of discontinuance, if a replacement sign is proposed it shall be constructed in accordance with the provisions of this land use code.
 - 1. If a change of use occurs, regardless of ownership, such that the new use would be a different classification under Table 16D [sic];
 - 2. The principal use with which the sign is associated terminates for ninety (90) days or longer;
 - 3. The principal building with which the sign is associated is demolished or destroyed;
 - 4. The nonconforming sign is destroyed or damaged as a result of either an intentional act of the owner (other than for maintenance which shall not exceed two (2) weeks), an unintentional act of another or an act of nature, the replacement sign shall be constructed in conformance with the provisions of this land use code if the estimated cost of restoration to its condition before the occurrence exceeds fifty (50) percent of the value of the sign structure prior to being damaged;
 - 5. The building official determines that the sign is an immediate hazard to the public health, safety and welfare because of disrepair, unsafe mounting, imminent dislodging or other safety factors.

(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

17.64.190.12 Historic nonconforming signs.

Any historic sign thirty (30) years or older that does not meet the dimensional characteristic of this code and is located on any listed or eligible for the national, state or local historic register, building in the City of Florence may continue use or be repaired or be returned to use (with pictorial evidence) with a certificate of appropriateness (COA) by the Florence Historic Preservation Commission or City Council.

(Ord. No. 09-08-2020, § 1(Exh. A), 9-8-2020)

Chapter 17.68 OFF-STREET PARKING, LOADING AND SIDEWALKS

17.68.010 Off-street parking requirements.

- A. At the time of erection of a new structure, addition to or enlargement of an existing structure, or a change in use, within any district in the City, excluding the CB - Central Business District, or the CHB - Central Historic Business district, off-street parking spaces shall be provided according to the minimum standards in this chapter. Any residential uses in the CB - Central Business district or the CHB - Central Historic Business district, initiated or changed after enactment of this section must provide one (1) on-site parking space for

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each dwelling unit, or obtain written legal rights to use or possess equivalent suitable parking spaces that are satisfactory to the City. Any motel, hotel, or short-term rental unit in the CB - Central Business district, or the CHB - Central Historic Business district, initiated or changed after enactment of this section must provide on-site parking spaces as required in Table 17.68.010.F, or obtain written legal rights to use or possess equivalent suitable parking spaces that are satisfactory to the City.

- B. 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 required by this title.
- C. Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of property and shall exclude stairwells, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment, and space devoted to off-street parking and loading.
- D. The number of employees full or part-time of a new or expanding business shall be estimated in a manner reflecting realistic needs in terms of shifts, parking space turnover rates, etc.
- E. The City Council may establish greater off-street parking requirements than those listed in this chapter if it is determined that the off-street parking needs of a particular use, due to its unique character, will exceed the provisions of this chapter.
- F. The following are the minimum required parking spaces for the described activity:

<u>Facility</u>	<u>Parking Spaces</u>
<u>Agricultural-Transitional</u>	2 spaces per dwelling unit
	1 space per employee
	1 space for every 4 expected visitors, clients, customers—up to 50 spaces
	Special review cases to be determined by City Council
<u>Residential Dwellings</u>	
Dwelling, single-unit	2 spaces per unit
Dwelling, two-unit	2 spaces per unit
Dwelling, multi-unit	2 spaces per unit
Manufactured home park and subdivision	2 spaces per unit
<u>Commercial Residential</u>	
Dwelling, single-unit	2 spaces per unit
Dwelling, two-unit	2 spaces per unit
Dwelling, multi-unit	1.5 spaces per unit
Hotels and motels	1 space per unit, plus 1 space per employee

Dormitories, student	1 space per first 10 beds plus 1 per each additional 2 beds
<u>Institutions</u>	
Family care home, group home, nursing home	1 space per 2 beds
<u>Business</u>	
Child care centers, preschool, nursery	2 spaces per employee
Elementary school, kindergarten	3 spaces per classroom, plus 1 space per administrative employee or 1 space per 3 seats in auditorium or gymnasium, whichever is greater
Post-elementary school	3 spaces per classroom, plus 1 space per administrative employee or 1 space per 3 seats in auditorium or gymnasium, whichever is greater
Colleges, universities	10 spaces per classroom minimum plus additional if required through special use review
Trade, training, vocational, or commercial school	1 space per 3 seats in classroom plus 1 space per staff, or 1 space per 50 square feet, whichever is greater
Community building, auditoriums	1 space per 3 fixed seats or 1 space per 50 square feet if seats are not fixed
Religious institutions, funeral home	1 space per 3 seats
Library	1 space per 1,000 square feet
Museum	1 space per 1,000 square feet
Park, stadium, arena, theater (not drive-in), recreational facilities	1 space per 4 seats, plus 1 space per employee
Amusements, recreational indoor bowling alley, billiard and pinball arcades, membership clubs	1 space per 150 square feet, plus 1 space per employee
Lounge	1 space per 75 square feet
Restaurant	1 space per 125 square feet
Restaurant, fast food	1 space per 75 square feet
Golf course	4 spaces per hole
Golf driving range	1 space per tee

Miniature golf	1 space per hole
Tennis/handball/ racquetball court	3 spaces per court
Amusements, recreational outdoor	30 spaces per developed acre
Recreational vehicle park	1 space per campsite/trailer
Retail, general	1 space per 250 square feet
Retail, low density (sale of boats, equipment, furniture, appliances, etc., often with showroom sales)	1 space per 500 square feet
Personal services (laundry and dry cleaners, beauty shop, travel agency, shoe repair, etc.)	1 space per 200 square feet
Office, professional, administrative, insurance, banks, savings and loan, financial institutions	1 space per 250 square feet
Automobile service and repair	1 space per 200 square feet, or 3 spaces per service bay door
Ambulance and taxi service	1 space per vehicle plus 1 space per employee principal shift
Convenience store	1.5 spaces per 200 square feet of store area
<u>Medical</u>	
Medical and dental office/clinic	1 space per 200 square feet
Veterinary premises	1 space per 200 square feet
Hospital	1 space per each bed, plus loading and emergency access
<u>Industrial</u>	
Manufacturing and industry:	
A. One eight (8) hour shift	1 space per employee plus 1 visitor space per 10 employees
B. Two or three eight (8) hour shifts	2 spaces per 3 employees, including supervisory and administrative personnel
Mini-storage building	1 space per 3 units
Warehouses, storage buildings, yards, public utility buildings, contractor's equipment yards and lumberyards, research labs, business service establishments such as blueprinting,	1 space per each employee or 1 per 500 square feet, whichever is greater

printing, engraving, binding, publishing, issuing newspapers or other reading matter, soft drink bottling establishments, laundry and dry cleaning plants, fabricating plants and all other structures devoted to similar mercantile or industrial pursuits	
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G. Parking Spaces for Individuals with Disabilities. All parking facilities shall comply with the Americans with Disabilities Act Accessibility Guidelines for Facilities and Buildings (ADAAG) (28 CFR Part 36, Public Law 101-336). Except as noted, the required number of accessible spaces is:

Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

Parking spaces for disabled people and accessible passenger loading zones that serve a particular building shall be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall not be obscured by a vehicle parked in the space.

One (1) in every eight (8) accessible spaces but not less than one (1) shall be served by an access aisle of ninety-six (96) inches wide minimum and shall be designated "Van accessible."

For outpatient medical offices and treatment facilities, ten (10) percent of the total spaces shall be handicap accessible.

At units or facilities that specialize in treatment or services for persons with mobility impairments, twenty (20) percent of the total number of spaces shall be accessible.

(Ord. 4-2002 § 7(part), 2002; Ord. 3-96 (part), 1996).

(Ord. No. 2-2014, §§ 1, 2, 2-3-2014; Ord. No. 5-2023, Exh. A, 8-21-2023)

17.68.020 Off-street loading.

General provisions for off-street loading are as follows:

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- A. Passengers. Hotel, convention centers, auditoriums, high-rise housing projects, theaters, movie houses and other places of assembly shall have a passenger unloading zone of three (3) to five (5) cars and handicapped accessibility, for new construction and (if technically feasible) when existing structures are altered. The reasonability of these features shall be determined by the Building Inspector.
 - B. Merchandise, Materials or Supplies. Buildings or structures 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 size:
 - 1. Loading berth capacity shall not be reduced nor eliminated during alteration or adding to an existing use when such facilities are needed.
 - 2. Discontinuance of loading berths by a previous use shall not prevent the Building Inspector from requiring a new occupant to provide them if the new use requires such facilities.
 - 3. Off-street parking areas used to fulfill the requirements of this title shall not be used for loading operations except during periods of the day when not required to take care of parking needs.
 - 4. Loading operation shall be arranged to avoid blockage of streets and alleys.

(Ord. 3-96 (part), 1996).

17.68.025 Sidewalk requirements.

In addition to any other requirements or provisions for sidewalks, pedestrian walkways, or bike trails in other sections of the Florence Municipal Code or Secondary Codes, the following minimum requirements must be followed:

- A. At the time of erection of a new structure, addition to or enlargement of an existing structure (if the addition or enlargement exceeds fifty (50) percent of the floor area of the structure), or a change in use, within any district in the City, an adequate sidewalk must be provided at the sole cost of the developer of the parcel.
- B. The sidewalk(s) must be shown on the site plan or parking plan as outlined in Section 17.68.030(G) of this chapter.
- C. If there is an existing sidewalk on the property, or between the street surfacing and the parcel's front property line, or front and side property lines if a corner lot, the developer must obtain written approval from the City's Public Works Director to verify the adequacy of that sidewalk. Adequacy will be determined based on the existing sidewalk width, concrete surface quality, and location.
- D. If no adequate sidewalk will remain after completion of the project, then prior to final inspection of the project by the Building Inspector, the developer must provide an adequate new sidewalk. The adequate sidewalk must be located on the property, or between the street surfacing and the parcel's front property line, or between the street surfacing and both the front and side property lines if a corner lot.
- E. Any portion of the adequate sidewalk located on private property must remain unfenced and open to public use at all times. Temporary closures during limited construction periods are allowed with written approval from the City's Public Works Director.
- F. All new, repaired, and replacement sidewalks must meet the sidewalk provisions of the City's street standards, subdivision regulations, and other provisions of the Florence Municipal Code.

(Ord. 8-2005 § 2, 2005).

17.68.030 Supplementary requirements.

- A. Requirements of off-street parking and loading shall be as follows:
1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner, his heirs and assigns. No building permit or occupancy permit shall be issued until plans are presented that show property 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 this title.
 2. Should the owner or occupant of any lot or building change the use of said lot or building, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this chapter to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
- B. Parking requirements for any use or building not listed shall be determined upon similarity (use or estimated traffic counts) to listed uses and requirements as determined by the Planning Commission.
- C. In the event several uses occupy a 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.
- D. If approved by the City Council, owners of two (2) 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, provided that satisfactory legal evidence is presented to the Building Inspector in the form of deeds, leases, or contracts to establish the joint use.
- E. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. For uses other than dwelling units required parking spaces shall be located not farther than three hundred (300) feet 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 or use.
- G. A plan, drawn to a scale of one (1) inch equals two hundred (200) feet, indicating how the sidewalk and off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including but not limited to the following:
1. Delineation of adequate sidewalks and individual parking and loading spaces, including pavement/surfacing type;
 2. Circulation area necessary to serve spaces;
 3. Access to streets and property to be served;
 4. Curb cuts;
 5. Turning radii;
 6. Designation of handicapped spaces;
 7. Existing top of curb elevation;
 8. Proposed grades on paving (existing and proposed).
- H. The parking plan for all commercial, industrial and multifamily projects shall be approved by the Planning Commission. The plan shall not be deemed approved until signed by the Planning Commission and City

Manager. Paring plans submitted for residential building permits for one (1) single-family or one (1) duplex dwelling unit will not require approval by the Planning Commission. Projects proposing to use a platted alley for ingress, egress and loading areas will require a notice to all property owners immediately adjacent to the alley proposed for use as access. Notification shall be done by U.S. Mail not later than seven (7) days prior to the Planning Commission meeting when such parking plan shall be reviewed.

I. Design requirements for parking lots:

1. A minimum of two hundred (200) square feet (e.g., ten (10) feet by twenty (20) feet) shall be provided for each vehicle within an off-street parking space.
2. Areas used for parking and maneuvering of vehicles must be paved with concrete or asphalt unless a variance is granted by the Florence Board of Zoning Adjustments. The Board may waive concrete or asphalt paving for projects in the I-1 and I-2 industrial zone districts, or if the public street fronting on the property is unpaved and is not projected for paving within five (5) years from the date of the project's completion. A drainage plan prepared and sealed by a Colorado-registered engineer shall be submitted with the parking plan for all on-site areas proposed for paved surfacing. The engineered drainage plan shall include the following minimum items:
 - a. A site plan, drawn to scale, that shows the parcel boundaries, surrounding and on-site streets and drainage facilities, existing and proposed structures, parking, loading and travel areas, with dimensions;
 - b. A narrative report stating the pertinent assumptions, design criteria, dimensions and volume of all detention and retention basins, slope and flow area of drainage features, and historical and design discharge rates;
 - c. Supporting information and calculations;
 - d. The booklet entitled "Storm Drainage Design Criteria and Drainage Policies for City of Pueblo, Colorado" is an acceptable standard of quality for the engineered drainage plan;
 - e. Stormwater runoff shall not be released from developments at a rate greater than the five-year historic runoff. The amount of runoff to be detained on-site shall be the difference between the one hundred-year runoff under developed conditions and the five-year historic runoff. This includes runoff from the crown of adjacent streets whether they are existing or proposed streets. In all cases it should be assumed that detention is required unless proven otherwise, such as when adequate outfall to a major drainageway is available to discharge one hundred-year flows;
 - f. The drainage plan shall not be deemed approved until written approval is granted by the City Manager, based upon review comments from the City Engineer;
 - g. Engineered drainage plans are not required for one (1) single-family dwelling or one (1) duplex dwelling unit for any commercial or industrial paved area of one thousand (1,000) square feet or less.

J. 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 City Manager. An extension of time may be granted by the Building Inspector providing a performance bond, an irrevocable letter of credit, or its equivalent, is posted equaling one and one-half (1.5) times the cost to complete the improvements as estimated by the City Manager, or his designated agent, 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 irrevocable letter of credit, the bond, or its equivalent shall be forfeited and the improvement thenceforth constructed under the direction of the City.

(Ord. 21-2005, 2005; Ord. 20-2005, 2005; Ord. 8-2005 § 3, 2005; Ord. 3-96 (part), 1996).

(Ord. No. 9-2009, 4-20-2009; Ord. No. 02-22-2022, Exh. A, 3-7-2022)

Chapter 17.72 NONCONFORMING USES, STRUCTURES AND LOTS

17.72.010 Continuation of nonconforming uses or structures.

Subject to the provisions of this chapter, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended, except as provided for elsewhere in this chapter. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of adoption of the ordinance codified in this title is not an extension of a nonconforming use.

(Ord. 3-96 (part), 1996).

17.72.020 Nonconforming structure.

A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension does not result in a violation of this title.

(Ord. 3-96 (part), 1996).

17.72.030 Expansion or enlargement.

A nonconforming structure to be extended or enlarged shall conform with the provisions of this chapter; a nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the enactment of the ordinance codified in this title.

(Ord. 3-96 (part), 1996).

17.72.040 Repairs and maintenance.

The following changes or alterations may be made to a nonconforming building or to a conforming building or to a conforming building housing a nonconforming use:

- A. Maintenance repairs that are needed to maintain the good condition of a building, except that if a building has been officially condemned, it may not be restored under this provision;
- B. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use.

(Ord. 3-96 (part), 1996).

17.72.050 Restoration or replacement.

- A. If a nonconforming use or structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the cost of reconstructing the entire activity, it shall be restored only if such use complies with the requirements of this title.
- B. Where a conforming structure devoted to a nonconforming use or a nonconforming structure is damaged less than fifty (50) percent of the cost of reconstructing the entire structure, either may be repaired or

(Supp. No. 34, 8-25)

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restored, provided any such repair or restoration is started within twelve (12) months and is completed within eighteen (18) months from the date of partial destruction.

- C. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or use devoted to a nonconforming use.
- D. Subject to the provisions of this title, a nonconforming single-family dwelling unit or its nonconforming accessory structure, existing as of the effective date of the ordinance codified in this chapter, and located in any zone district shall be subject to the provisions of this chapter, with the following exception: Should the nonconforming single-family dwelling unit or its nonconforming accessory structure be destroyed or damaged in any manner, the nonconforming structure may be reconstructed, and its use as a dwelling unit or accessory structure may be continued without regard to the extent of the damage or destruction; provided, that the lot coverage of the reconstructed unit shall not exceed the lot coverage of the nonconforming structure prior to the event that caused the damage or destruction. The reconstructed nonconforming single-family dwelling unit or its nonconforming accessory structure shall not increase the degree of nonconformance of yard and bulk requirements of the applicable zone district. The exception in this subsection shall not apply to mobile homes.

(Ord. 22-2005 § 1, 2005).

17.72.060 Discontinuance.

- A. Whenever a nonconforming use has been discontinued for a period of six (6) months, it shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this title.
- B. A nonconforming use of a building or lot may not be changed to another nonconforming use.

(Ord. 22-2005 § 2, 2005).

17.72.070 Construction prior to ordinance passage.

Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued and construction of which shall have been diligently prosecuted within three (3) months of the date of such permit or approval.

(Ord. 3-96 (part), 1996).

17.72.080 Special exceptions to provisions on expansion of nonconforming uses.

The Board of Adjustment may authorize, upon appeal, an exception permitting an increase in the land area or the floor area, or both, on a structure or structures occupied by a nonconforming use, subject to terms and conditions fixed by the Board. No exception shall be authorized hereunder unless the Board shall find that all the following conditions exist:

- A. That the use is in full compliance with all requirements applicable to nonconforming uses;
- B. That literal enforcement of the provisions of this title will result in unnecessary hardship;
- C. That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in any zone district;
- D. That the exception will not alter the essential character of the district in which the property is located for which the exception is sought;

E. That the exception will not adversely affect the public health, safety or welfare.

(Ord. 3-96 (part), 1996).

17.72.090 Nonconforming lots of record.

In any district, permitted structures and customary accessory buildings may be erected on any single lot or parcel of land which exists as a single lot or parcel of land of record at the time of the adoption of the ordinance codified in this title, notwithstanding limitations imposed by other provisions of this title, if the requirements of this section are satisfied. The provisions of this section shall apply even though such lot or parcel of land fails to meet the requirements for area or width, or both, that are applicable in the district in which it is located; provided, that yard dimensions and requirements other than those applying to area or widths, or both, of the lot or parcel of land shall conform to the requirements of this title for the district where located. Variance of yard requirements shall be granted only through action of the Board of Zoning Adjustment of the City of Florence.

(Ord. 3-96 (part), 1996).

Chapter 17.76 PROCEDURES FOR AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP

17.76.010 Authorization to initiate amendments.

An amendment to the text of this title may be initiated by the City Council, the Planning Commission, or any interested citizen or citizens. An amendment to the Official Zoning Map of the City of Florence may be initiated by the City Council, the Planning Commission, or by application of the property owner or his authorized agent.

(Ord. 3-96 (part), 1996).

17.76.020 Application—When required.

A zoning application shall be required to zone any property within the incorporated areas which are not presently zoned, to change the zoning of any property within the incorporated areas of the City of Florence, or to amend the text of this title.

(Ord. 3-96 (part), 1996).

17.76.030 Compliance and minimum parcel size.

No zoning amendment request shall be granted which violates or will result in a violation of any provision of this title. No amendment changing the zoning classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract can meet the minimum frontage and lot area requirements for the requested zoning district, or unless it abuts on a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the property which is subject to the proposed amendment.

(Ord. 3-96 (part), 1996).

17.76.040 Application procedures.

The application for amendment to the zoning ordinance or the Official Zoning Map shall be made on such a form as provided by the City of Florence and shall be submitted to the City Manager or City Planner in timelines set forth in Section 17.04.070.

- A. Applications for an amendment to the Official Zoning Map shall contain all of the following information:
1. The legal description and the deed by which title was taken of the land to be rezoned;
 2. A site plan, drawn to scale of one (1) inch equals two hundred (200) feet, to include the following:
 - a. Title, scale and north arrow. (Name) (Zone Change Request from _____ Zone District (existing) to _____ Zone District (proposed),
 - b. A vicinity map to locate the development in relation to surrounding area, streets, etc.,
 - c. Location and size of all existing and proposed buildings and structures on the property to be rezoned,
 - d. Location and size of all parking areas and spaces and all off-street loading areas on or adjacent to the property,
 - e. Location and size of access from a public right-of-way,
 - f. Location and size of all drainage ways or other natural features which would affect or would have an effect on property to be zoned,
 - g. Zoning classification for all adjoining lots, parcels, or tracts,
 - h. Such other additional information required by the City Manager;
 3. Provide a statement of justification for the rezoning, including at least one of the following conditions (please explain answer):
 - a. Evidence that the property was not properly zoned when existing zoning was imposed,
 - b. Evidence that the proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the City's comprehensive plan, and that such rezoning will be consistent with the policies and goals of the comprehensive plan,
 - c. Provide evidence that there has been a material change in the neighborhood which justifies the requested zone change,
 - d. Provide evidence that the proposed zone change will be in conformance to the comprehensive plan for the area;
 4. Provide evidence that there is a public need and that it will tend to preserve and promote property values in the neighborhood;
 5. Provide a time schedule for any contemplated new construction or uses;
 6. Explain what effect the proposed rezoning will have on existing traffic. If no change is expected please explain;
 7. Explain what effect the proposed rezoning would have on adjacent uses, if any.
- B. Applications for amendments to the zoning ordinance shall contain the following information:

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1. A specific reference to the provision of this title that is proposed to be amended;
 2. The language that is proposed to be added to or deleted from this title;
 3. A brief explanation as to why the amendment is being proposed.

(Ord. 3-96 (part), 1996).

(Ord. No. 01-18-2022A, Exh. A, 2-7-2022)

17.76.050 Action on the application.

After the City Manager determines that a complete application has been submitted, and fees paid, he shall set a date for a public hearing on the application.

(Ord. 3-96 (part), 1996).

17.76.060 Public notice requirements.

- A. At least fifteen (15) days prior to the scheduled public hearing, the City post on a sign a notice declaring that a zone change is requested. The sign shall be placed along the part thereof fronting a street. The sign shall be of adequate size to relay the following information:

NOTICE OF PUBLIC HEARING
FLORENCE PLANNING COMMISSION

For a zone change

Current zoning of the property

Proposed zoning of the property

Applicant

Signs placed offsite shall contain one (1) of the following: Assessor schedule number, address of the property, or legal description.

The posting of the sign shall be verified by the City Manager.

- B. At least fifteen (15) days prior to the scheduled public hearing, the City Manager shall notify all property owners within a three hundred (300) foot radius of the subject property, by first-class mail, that a rezoning application has been submitted, and the date of the public hearing. Those wishing to comment on the proposed rezoning shall be asked to submit comments in writing to the City Manager and/or attend the public hearing.
- C. At least fifteen (15) days prior to the scheduled public hearing, the City Manager shall cause notice of the proposed rezoning or zoning ordinance amendment to be published in the official city newspaper.
- D. Exceptions for General Revisions and Text Amendments. When the zoning district map is in any way to be changed or amended incidental to or as a part of a general revision of this title, whether such revision is made by repeal of this title and enactment of a new zoning ordinance, or otherwise, or when an amendment to the text of this title is proposed, a notice of posting shall not be required.

(Ord. 3-96 (part), 1996).

(Ord. No. 09-20-2021A, Exh. A, 10-4-2021)

(Supp. No. 34, 8-25)

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17.76.070 Action and procedure of the City Manager.

- A. The City Manager shall review each application to determine if it is consistent with the standards set forth in this chapter and shall investigate the relationship between the proposed land use and adopted plans.
- B. Upon completion of review, the City Manager shall present a report and recommendations to the Planning Commission and the applicant within ten (10) working days of the Planning Commission public hearing, as set forth in Section 17.76.080.

(Ord. 3-96 (part), 1996).

17.76.080 Planning Commission public hearing and action.

- A. It is a requirement of the Planning Commission that either one (1) applicant or a representative be present at the public hearing to present the application.
- B. The Chair shall open the hearing.
- C. The City Manager shall present an advisory report which shall include a complete review of the item. Other city staff may present information.
- D. The applicant or a representative shall make a presentation.
- E. Other proponents of the item shall be heard.
- F. Opponents of the item shall be heard.
- G. Additional comments by the City Manager or other City staff shall be allowed for clarification or in response to new evidence or questions from the Planning Commission.
- H. The applicant may respond but only to rebut new evidence.
- I. Questions from the Commission may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.
- J. No proponent or opponent of an item shall be permitted to speak more than once with the exception of the rebuttal allowed the applicant and with the exception that anyone may speak in response to questions from the Commission. Responses to questions from the Commission shall be limited to the answer to the question as stated.
- K. The Planning Commission may recess a hearing in order to obtain additional information pertaining to the amendment.
- L. When the Commission has no additional questions, the Chair shall close the hearing and the Commission shall act on the item. Action of the Planning Commission shall be in the form of a recommendation to the City Council. The Planning Commission may recommend approval, approval subject to certain conditions, disapproval, or make suggestions. All actions and proceedings shall be recorded in the minutes of the Planning Commission.

(Ord. 3-96 (part), 1996).

17.76.090 Action of City Council.

- A. The City Council may approve, approve subject to certain conditions, or disapprove the application. The Council's decision should be based on policies and conditions set forth in Section 17.76.100.

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- B. In case of a protest against changes in regulations or restrictions, or changes in the zone district applicable to particular land, which protest is filed with the Municipal Clerk or the Planning Commission on or before the hearing before the Planning Commission and is signed by the owners of twenty (20) percent or more of the area of land which is subject to the proposed change or twenty (20) percent or more of the area of land extending a radius of one hundred (100) feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, such changes shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the City Council. (Source: CRS 31-23-305)
- (Ord. 8-2000 §1, 2000; Ord. 3-96 (part), 1996).

17.76.100 Rezoning—Policy and conditions.

- A. For the purpose of establishing and maintaining sound, stable and desirable development within the City, the rezoning of land is to be discouraged. Rezonings should only be considered if:
1. The land to be rezoned was zoned in error or, as presently zoned, is inconsistent with the policies and goals of the City's comprehensive plan; or
 2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area; or
 3. The proposed rezoning is necessary in order to provide land for a community-related use which was not anticipated at the time of the adoption of the City's comprehensive plan, and that such rezoning will be consistent with the policies and goals of the comprehensive plan.

(Ord. 17-2006 §1, 2006; Ord. 3-96 (part), 1996).

17.76.110 Public dedications.

In granting an amendment to the zoning map, the City Council may require the dedication of land where it is beneficial to the health, safety, and welfare of the citizens of the City of Florence. The City Council may also require the dedication of additional street right-of-way where an officially adopted street plan indicates a need for increased width or where the nature of the proposed development warrants increased street width, and the Council may require permanent screen strips or other devices to minimize conflict with residential land use.

(Ord. 3-96 (part), 1996).

17.76.120 Annexed territory.

Zoning of land in the process of annexation may be done in accordance with the procedure and notice requirements of the Colorado Revised Statutes 31-12-115.

(Ord. 3-96 (part), 1996).

17.76.130 Reapplications.

Reapplications for amendments to the Official Zoning Map or the zoning ordinance shall not be accepted within one hundred eighty (180) days from the date of final decision of the City Council, if such decision covered the same property or subject matter as that in the prior application. Applications will be accepted after this one hundred eighty (180) day period and will be subject to all requirements of this chapter.

(Ord. 3-96 (part), 1996).

Chapter 17.80 ANNEXATION PROCEDURES AND ZONING OF NEWLY ANNEXED LAND

17.80.010 Purpose and scope.

The purpose of this chapter is to set forth the procedure for processing voluntary annexation petitions pursuant to Colorado annexation law.

(Ord. 3-96 (part), 1996).

17.80.020 Authorization to initiate annexation proceedings.

The authority to initiate voluntary annexation proceedings is made pursuant to CRS 31-12-107 (as amended), which is incorporated herein by reference.

(Ord. 3-96 (part), 1996).

17.80.030 Pre-submittal conference.

Prior to submitting an annexation petition, the petitioner(s) shall meet with the City Manager to discuss the proposed annexation, the criteria required, and annexation procedures, including an agreement for annexation.

(Ord. 3-96 (part), 1996).

17.80.040 Petition for annexation.

The petition for annexation shall be made on such a form as provided by the City of Florence. The petition shall be submitted to the City Manager at least fifteen (15) working days prior to a regularly scheduled City Council meeting. In addition to any information required by state annexation law, petitions for annexation shall contain the following information:

- A. A signed and notarized annexation petition for the land to be annexed, including the legal description and the deed showing proof of ownership. The petition shall include a statement that the petitioner(s) will be responsible for preparing an annexation impact report, pursuant to CRS 31-12-108.5 (as amended);
- B. An annexation plat, which shall be an eleven (11) by seventeen (17) inch reduced print of a twenty-four (24) by thirty-six (36) inch matte mylar drawn in black ink or a blackline positive mylar of the same, prepared by a professional land surveyor licensed to practice in the state of Colorado, suitable for recording with the Fremont County Clerk and Recorder's Office, containing the following information:
 1. Title: "(Name) Annexation," name of the County (Fremont) and state (Colorado), and the location and legal description of the property to be annexed referenced to section, township, and range,
 2. North arrow, scale (one (1) inch equals two hundred (200) feet), dates of original drawing, and subsequent revisions and sheet number,
 3. Vicinity map showing the property to be annexed in relation to government section lines and major roads or highways within one (1) mile,

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4. The surveyor's certificate of survey, his or her seal, and the date of the survey,
 5. Boundary of the property to be annexed in a heavy solid line with a small circle at each change of direction,
 6. Property owner(s) and Mayor of the City of Florence signature blocks, and the Fremont County Clerk and Recorder's book and page line,
 7. The total acreage of the property to be annexed,
 8. The location and description of all section corners and permanent survey monuments in or near the property to be annexed and all survey data shall be as specified in The Manual of Instruction for the Survey of Public Lands, 1977, except as modified by Colorado Revised Statutes 38-51-101 through 103 (as amended),
 9. Evidence that one-sixth ($\frac{1}{6}$) of the perimeter of the land proposed to be annexed is contiguous with current City limit boundaries,
 10. Location and width of access from a public right-of-way,
 11. Zoning classification for all adjoining lots, parcels, or tracts,
 12. A note disclosing that there is an annexation agreement, running with the land, recorded with the Fremont County Clerk and Recorder's Office;
- C. A conceptual master development plan of the property to be annexed, containing the following information:
1. Proposed zoning of the property to be annexed,
 2. All proposed lots with general dimensions or lot sizes,
 3. Topographic contours from available data such as USGS maps,
 4. General location and alignment of proposed streets,
 5. General floodplain limits, such as FEMA, and major drainage paths and other natural features through the area,
 6. Location of areas proposed for open space,
 7. A statement of how utility services will be provided.

(Ord. 3-96 (part), 1996).

17.80.050 Application for zoning of newly annexed land.

At the time an annexation petition is submitted, an application for zoning of newly annexed land shall also be submitted.

(Ord. 3-96 (part), 1996).

17.80.060 Action on the annexation petition.

The City Council shall act on the annexation petition pursuant to Colorado annexation law. If the City Council finds the petition for annexation to be in substantial compliance with state of Colorado annexation criteria, it shall adopt a resolution of intent to annex finding the petition to be in substantial compliance, and establishing the date, time, and place that a public hearing will be held to determine if the proposed annexation complies with

state of Colorado and City of Florence annexation criteria. The public hearing will be held after the resolution and notice of public hearing shall be published in the official City newspaper once per week for four (4) consecutive weeks.

(Ord. 3-96 (part), 1996).

17.80.070 Zoning of newly annexed land.

Should the City Council adopt a resolution of intent to annex as set forth in Section 17.80.060, then zoning procedures will commence pursuant to Chapter 17.76, Procedures for Amendments to the Zoning Ordinance and Zoning Map. These procedures will be carried out simultaneously with annexation proceedings.

(Ord. 3-96 (part), 1996).

17.80.080 Public notice requirements.

Public notice requirements as outlined under state annexation law shall be followed. In addition, the following public notice requirements shall apply:

- A. At least fifteen (15) days prior to the scheduled public hearing, the City post on a sign a notice declaring that a zone change is requested. The sign shall be placed along the part thereof fronting a street. The sign shall be of adequate size to relay the following information:

NOTICE OF PUBLIC HEARING
FLORENCE CITY COUNCIL

RE: ANNEXATION

Hearing to be held (date and time of hearing), City of Florence Municipal Building, Council Chambers, 300 W. Main Street, Florence, Colorado.

Signs placed offsite shall contain one (1) of the following: Assessor schedule number, address of the property, or legal description.

The posting of the sign shall be verified by the City Manager.

- B. At least thirty (30) days prior to the scheduled public hearing, the City Manager shall notify all property owners within a three hundred-foot radius of the subject property, by first-class mail, that a petition for annexation has been submitted, and the date of the public hearing.

(Ord. 3-96 (part), 1996).

(Ord. No. 09-20-2021A, Exh. A, 10-4-2021)

17.80.090 Action and procedure of the City Manager.

After a resolution of intent to annex has been adopted, the City Manager shall submit a report to the Florence Planning Commission, including, but not limited to, the following information:

- A. A complete review of the item, including the annexation and proposed zoning;
- B. A copy of a proposed annexation agreement, including staff comments.

(Ord. 3-96 (part), 1996).

17.80.100 Action and procedure of the Planning Commission.

Prior to the date fixed for public hearing, the Planning Commission shall submit a recommendation to the City Council on the proposed annexation. This recommendation will be submitted along with the Planning Commission's recommendation to City Council regarding the proposed zoning of the property, pursuant to Chapter 17.76, Procedures for Amendments to the Zoning Ordinance and Zoning Map.

(Ord. 3-96 (part), 1996).

17.80.110 City Council public hearing and action.

- A. It is a requirement that either one (1) applicant or a representative be present at the public hearing.
- B. The Mayor shall open the hearing.
- C. The City Manager shall present an advisory report which shall include a complete review of the item, along with the recommendations of the Planning Commission. Other city staff may present information.
- D. The applicant or a representative shall make a presentation.
- E. Other proponents of the item shall be heard.
- F. Opponents of the item shall be heard.
- G. Additional comments by the City Manager or other City staff shall be allowed for clarification or in response to new evidence or questions from the City Council.
- H. The petitioner(s) may respond but only to rebut new evidence.
- I. Questions from the City Council may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.
- J. No proponent or opponent of an item shall be permitted to speak more than once with the exception of the rebuttal allowed the petitioner(s) and with the exception that anyone may speak in response to questions from the City Council. Responses to questions from the City Council shall be limited to answers to the question as stated.
- K. The City Council may recess the hearing in order to obtain additional information pertaining to the petition.
- L. The City Council must find that the annexation complies with annexation criteria adopted by City Council Resolution 38-95 and subsequent resolutions.
- M. When the City Council has no additional questions, the Mayor shall close the hearing and the City Council shall act on the petition. The City Council shall take action on the following items:
 - 1. Annexation ordinance;
 - 2. Annexation plat;
 - 3. Annexation agreement;
 - 4. Zoning ordinance, pursuant to Chapter 17.76.

(Ord. 3-96 (part), 1996).

17.80.120 Recording of documents.

If approved by City Council, the annexation ordinance, annexation plat, and annexation agreement (signed by the City of Florence and the petitioner(s)) shall be recorded with the Fremont County Clerk and Recorder's office.

(Ord. 3-96 (part), 1996).

17.80.130 Petitions for annexation election.

Petitions for annexation election shall be processed pursuant to procedures outlined under Colorado annexation law. Except as modified by those procedures, the requirements of this chapter shall also apply to petitions for annexation election.

(Ord. 3-96 (part), 1996).

Chapter 17.92 VIOLATIONS AND PENALTIES

17.92.010 Designated.

The owner or owners of any building or buildings or premises or part thereof where anything in violation of this title exists or is placed or maintained; and any architect, builder or contractor who assists in the commission of any violation of any of the provisions of this title or who fails to comply therewith or with any requirements thereof or who builds in violation of any statement of plan submitted and approved thereunder shall for each and every violation or noncompliance be guilty of a misdemeanor.

(Ord. 3-96 (part), 1996).

17.92.020 Complaints.

Any person aggrieved by a violation or apparent violation of the provisions of this title shall file a written complaint with the City Manager, who shall investigate such complaint. Legal action may be taken by the City to have the violation penalized and removed, if such a violation is found to exist.

(Ord. 3-96 (part), 1996).

Chapter 17.94 FEES

17.94.010 Fees designated.

Fees for applications as described in this title shall be designated and amended from time to time by City Council resolution.

(Ord. 3-96 (part), 1996).

17.94.020 Payment of fees.

Whenever a provision of this title requires the payment of fees to process applications, all fees shall be paid in full at the time the application is submitted.

(Ord. 3-96 (part), 1996).

17.94.030 Application withdrawal and fee refunds.

Applications may be withdrawn at any time. However, fees will only be refunded if a written request is made to the City Manager within ten (10) days of payment of the fee. Any costs that have been incurred by the City will be deducted from the amount refunded.

(Ord. 3-96 (part), 1996).

Chapter 17.96 ACCESSORY DWELLING UNITS (ADUs)¹

17.96.010 Purpose and intent.

The purpose of this chapter is to provide for the creation of additional living quarters on lots within a single-family oriented neighborhood to help residents provide care and support for family members, and address the rising costs of homeownership, while ensuring that such arrangements are compatible with the character of the neighborhood.

(Ord. No. 09-20-2021C, § 1, 10-4-2021)

17.96.020 Definitions.

"Accessory dwelling unit (ADU)" means a secondary dwelling unit established in conjunction with, but clearly subordinate to, a single-family dwelling that is the principal structure on the lot. The ADU may be attached to the principal structure or it may be a separate accessory structure or portion thereof on the same lot. An ADU may also be erected over or in addition to a normally permitted accessory structure.

(Ord. No. 09-20-2021C, § 1, 10-4-2021)

17.96.030 General provisions.

- A. ADUs shall be allowed in the R-1, R-2, R-E, and MH zone districts, subject to compliance with the standards for ADUs provided in this chapter and only after approved by the Planning Commission.
- B. The placement of construction of the ADU shall comply with the yard and bulk requirements, setbacks, and height requirements of the zone district.
 1. Placement shall reasonably minimize impacts to the principal structures and surrounding properties.

¹Editor's note(s)—Ord. No. 09-20-2021C, § 1, adopted Oct. 4, 2021, repealed the former Ch. 17.96, §§ 17.96.010—17.96.050, and enacted a new Ch. 17.96 as set out herein. The former Ch. 17.96 pertained to similar subject matter, and derived from Ord. No. 04-05-2021, § 1, adopted Apr. 19, 2021.

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2. ADUs shall be screened by vegetation or fencing to every extent possible from neighboring properties.
 3. The ADU shall not exceed the height of the primary structure.
 - a. Exception—When placed above a garage.
- C. An ADU may be directly attached to or placed within a principal dwelling providing the following is met:
1. A separate entrance is provided.
 - a. Staircases are placed on the side or rear of the principal building. Unless such circumstances exist where placement to the side or rear are not feasible and alternative placement is granted through waiver by the Board of Zoning Adjustment.
 2. Separate areas for cooking, sleeping, and sanitary facilities are provided.
- D. Construction of the ADU shall be with materials and finishes similar to those used for the primary dwelling. Modular construction shall comply with current building codes.
- E. The ADU shall be a minimum of three hundred (300) square feet and a maximum of one thousand (1,000) square feet, or a maximum of seventy-five (75) percent of the primary dwelling, whichever is less.
- F. Lots containing an ADU shall meet the minimum lot size requirements of the zone district and/or be a minimum of five thousand (5,000) square feet for existing legal lots of record.
 1. ADUs may be allowed in a planned unit development when designated and approved as such a use.
- G. ADUs shall comply with adopted building, fire, electrical, and plumbing codes at the time of construction.
- H. ADUs shall have connections to public water and public sewer unless located in an area where no public sewer exists and onsite waste water treatment systems area allowed.
- I. No lot shall contain more than one (1) ADU.
- J. Ownership of an ADU shall not be severed from ownership of the lot or principal dwelling.
- K. The property owner shall reside in the principal dwelling or ADU.
- L. ADUs shall not be used for commercial purposes to include home occupations or Air B&Bs.
- M. At minimum, one (1) additional off-street parking space must be provided.
- N. Properties containing an ADU shall use the same address as the principal dwelling with designation of each unit as A or B.
- O. No ADU may be constructed if the property does not contain a principal dwelling.
- P. ADUs in the R-2 zone district on lots only containing a single-family dwelling.
- (Ord. No. 09-20-2021C, § 1, 10-4-2021)

17.96.040 Special provisions for pre-existing unpermitted ADUs.

- A. Any ADU constructed or used prior to adoption of these regulations may apply for legal status. Such ADUs shall be permitted in the same manner as a new ADU with the following exceptions:
 1. Special exceptions may be made for placement.
- B. Pre-existing ADUs shall meet all applicable life safety provisions of adopted building, health, and safety codes or regulations and at a minimum shall contain the following:
 1. Smoke and carbon monoxide or combination detectors.

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2. Means of emergency escape.
 3. An adequate heating source.
 4. Electrical and plumbing systems that are safe and adequate for living quarters.

(Ord. No. 09-20-2021C, § 1, 10-4-2021)

17.96.050 Application requirements.

- A. Application on a form provided by the Department accompanied with the required application fee as set by resolution.
- B. A copy of the deed showing ownership of the property.
- C. Proof of water and sewer from the provider or a copy of an onsite waste water treatment system (OWTS) or documentation that the existing system is adequate.
- D. Documentation that the structure and use occurred prior to adoption of ADU regulations (for pre-existing ADUs). Such documentation may be records of the County Assessor and the placement of construction of the ADU shall comply with the yard and bulk requirements, setbacks, and height requirements of the zone district.
- E. A plot plan indicating the following information:
 1. Placement of all existing and proposed structures to include setback dimensions from at least two (2) property lines.
 2. Off-street parking areas.
 3. Property access points.
 4. Entrances to the principal and accessory dwelling unit(s).
- F. A floor plan of the ADU.

(Ord. No. 09-20-2021C, § 1, 10-4-2021)

17.96.060 Approval process.

ADUs shall be approved by the Planning Commission after a public hearing and findings that the following are met:

1. Compliance with the ADU regulations.
2. The ADU does not create a nuisance or hazard from any land use issues not covered by this code but disclosed during the review process.

(Ord. No. 09-20-2021C, § 1, 10-4-2021)

17.96.070 Appeal process.

- A. Applications that are denied may appeal to City Council or resubmit a modified plan to the Planning Commission for review.
- B. Final decisions shall be made by City Council.

(Ord. No. 09-20-2021C, § 1, 10-4-2021)

17.96.080 Severability and repeal.

- A. Severability. If any article, section, paragraph, sentence, clause, or phrase of this chapter is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this chapter. The City Council hereby declares that it would have passed the ordinance from which this chapter is derived and each part or parts thereof irrespective of the fact that any one (1) part or parts be declared unconstitutional or invalid.
- B. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this chapter are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this chapter are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of the ordinance from which this chapter is derived.

(Ord. No. 09-20-2021C, § 1, 10-4-2021)