

## ORDINANCE NO. 96-13

### AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE TOWN OF HUDSON BY THE ADDITION OF A NEW CLASS OF ZONING DISTRICTS RELATING TO INDUSTRIAL USES AND ESTABLISHING THE PERMITTED USES AND REGULATIONS RELATED THERETO.

WHEREAS, as the Town of Hudson continues to grow there is a need to plan for and provide for industrial areas; and

WHEREAS, there does not now exist any industrial zoning classifications within the zoning regulations of the Town of Hudson.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Chapter 16, Article 2 of the Hudson Municipal Code is amended by the addition of new districts as follows:

#### **Industrial Districts:**

1.**General:** No building, structure, or land shall be used, and no building or structure shall be erected, structurally altered or enlarged except as provided herein. Every use, unless expressly exempted by these regulations, shall be so operated as to comply with the following standards:

2.**Performance standards.** It is the intent of this article to prevent land or buildings zoned industrial, including land or buildings authorized by right or permit from being used or occupied in any manner which will or may create any dangerous, injurious, noxious, or otherwise objectionable or hazardous condition including such conditions caused by fire, explosives or radioactivity, noise or vibration, smoke, dust, odor or other form(s) of air pollution, electrical or other disturbance, glare or heat, liquid or solid refuse or wastes, conditions conducive to the breeding of rodents or insects, or other dangerous or objectionable substances, conditions or elements (all such conditions or substances referred to herein shall be referred to as dangerous or objectional elements). An use permitted may be undertaken and maintained only if it conforms to all requirements of these performance standards. All terminology used in this article and not defined below shall be conformance with such applicable publications of the American National Standards Institute (ANSI) or its successor body.

#### **3.Vibration.**

a.Ground transmitted vibration is measured with a complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions. The instruments used to measure vibration in industrial zone districts shall conform to the applicable ANSI standard for such equipment used to measure community vibrations.

b. Maximum permitted vibration levels. The table below designates the maximum peak particle velocities that apply on or beyond adjacent lot lines within all industrial zones, and on or beyond appropriate use boundaries. Vibration shall not exceed the maximum permitted particle velocities in the table below. When a vibration source can be identified and its effects are on more than one (1) land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories. Readings may be made at points of maximum vibration intensity.

ZONING	STEADY STATE VIBRATION	PACT VIBRATION
Residential	0.02	0.04
Commercial	0.05	0.10
Light Industrial	0.10	0.20
Industrial	0.15	0.30

c. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity shall be measured in inches multiplied by the frequency in cycles per second. For purposes of these standards steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute, shall be considered impact vibrations. Between the hours of 9:00 p.m. and 7:00 a.m. all the permissible vibration levels indicated in the previous table for residential district boundaries shall be reduced to one-half (1/2) the indicated levels.

**4.Noise.** All noise shall be attenuated so as not to be objectionable due to intermittence, beat frequency or shrillness.

**5.Air pollution.** Activities in all industrial districts shall conform with applicable federal and state air pollution standards. Emission of pollutants into the atmosphere must comply with acceptable limits as prescribed in the Federal Clean Air Act, as amended, which is enforced by the United States Environmental Protection Agency. Emission of air pollutants must also comply with the State of Colorado Air Pollution Control Act of 1970, and any amendments henceforth.

**6.Odors.** Any condition or operation which results in the creation of odors of such intensity and character either on or off property as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Odorous emissions shall comply with those regulations of the Colorado Air Pollution Control Act of 1970 as stipulated in Regulation No. 2 (Odor Control Regulations) of the Act and any future amendments thereto.

**7.Electromagnetic radiation.** The following standards shall apply:

a. General. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communications, experimentation, entertainment, broadcasting,

heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the federal communications commission regarding such sources of electromagnetic radiation. Recognizing the special nature, or many of the operations which will be conducted because of the research and educational activities, it shall be unlawful for any person, firm, or corporation to operate or cause to be operated, to maintain or cause to be maintained any planned or intentional sources of electromagnetic energy, the radiated power from which exceeds one thousand (1,000) watts, without expressed approval.

**8.Fire and explosion.**

- a.All activities and all storage of flammable materials within industrial zone districts shall be provided with adequate safety and fire fighting devices in accordance with the Uniform Fire Code as adopted by the town.
- b.Containers for the aboveground storage of flammable or combustible liquids of amounts not exceeding then thousand (10,000) gallons capacity per container and forty thousand (40,000) gallons per single property parcel are allowed in all industrial zone districts. Containers for the aboveground storage of flammable gases of amounts not exceeding two thousand (2,000) gallons capacity per single property are allowed in all industrial zone districts. There shall be a minimum of a fifty-foot setback between containers and any structure or property line. All containers shall be as specified in the Uniform Fire Code as adopted by the town.
- c.There shall be no refueling of motorized vehicles from tank vehicles except as authorized by the Uniform Fire Code as adopted by the town.

**9.Radioactive materials.** The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with all applicable regulations of the U.S. Department of Energy as amended; and all applicable regulations of the State of Colorado.

**10.Glare and heat.** No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or flood-lighting or parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

**11.Nonradioactive liquid or solid wastes.** There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the regulations of the Weld County Health Department and the Town of Hudson.

12. **Deposit of materials or wastes.** No materials or wastes shall be deposited upon an industrially zoned lot by such a manner or form that they may be transferred off the industrially zoned lot by natural causes or forces.
13. **All materials or wastes** which might cause fumes or dust which, as determined by the fire marshal, constitutes a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored indoors only, in enclosed containers.
14. **All vehicle docking,** loading, and unloading activities within industrial zoned districts shall be conducted entirely within the boundaries of the site where the business for which such docking, loading, and unloading activities are being conducted. Vehicles parked for the purpose of loading/unloading shall not extend beyond the boundaries of the subject site onto the public right-of-way.
15. **Trash containers** shall be stored behind the front line (or side lines where adjacent to streets) of the primary structure and shall be concealed from view by a solid fence. Other locations may be approved where adherence to these standards is not practical.
16. **Buffering adjacent to residentially zoned areas.** Where industrially zoned property abuts residentially zoned property, buffering shall be installed on the industrially zoned property. Said buffering shall consist, at minimum, of screened fencing and landscaping, and where possible, berming shall be installed. Screened fencing shall be constructed of commercial quality materials and shall be minimum of six (6) feet in height but shall not exceed eight (8) feet in height. Landscaping shall consist, at minimum, of trees, the location, species and number of which shall be subject to site plan approval. Buffer areas shall be required in addition to the open space standards of the underlying industrial zone district. All buffer areas shall be a minimum of ten (10) feet in width and where such buffer areas are adjacent to industrial parking or ingress/egress/drive areas, the buffer areas shall be protected by curbing. All buffer areas shall be maintained and kept free of weeds, trash, debris, outside storage or vehicle parking. Where the industrial zone district is separated from the residential zone district by a public right-of-way, or where differences in elevation, or building setbacks or other major restrictions between the two (2) zone districts render such buffering ineffective, the minimum requirements for buffering may be modified, as approved by the town.
- a. **When required.** Buffering shall be installed and/or implemented on industrially-zoned properties adjacent to residentially zoned properties when:
- (1) Any development, improvement, construction or use is undertaken on a fully vacant or unused property; or
  - (2) When improvements or additions are made to existing structures where the actual cost of such improvements as calculated by the Uniform Building Code exceeds twenty-five (25) percent of the ad valorem actual, value of existing improvements as such ad valorem value is determined by the Weld County Assessor.

**b. Buffering preparation and maintenance.**

- (1) Prior to the installation of the required buffering, all proposed buffer areas shall be properly graded to allow for proper site drainage.
- (2) Upon approval of a completed buffer plan, the owner of the property, his successors, heirs and assigns shall be responsible for the proper maintenance of the buffer areas, including continued watering, weeding, fertilizing, pruning, pest control, and replacement of dead or diseased plant materials or fencing materials.
- (3) All replaced plant or fence material shall be of the same or equal type and size as the original material that was installed according to the approved site plan.
- (4) All replacement installations shall be completed no later than the next succeeding planting season.

**17. Uses by right in all industrial districts.** The uses by right in all districts shall be as follows:

- a. General offices.
  - b. Medical and dental offices, the sale and preparation of medicines, drugs and pharmaceutical only from a pharmacy.
  - c. Telephone exchange.
  - d. Warehousing and wholesaling establishments, excluding explosives and live animals.
  - e. Laboratory research excluding H-1 and H-2 uses and occupancies as defined by the currently adopted ICBO Uniform Building Code.
  - f. Schools and industrial or business training.
  - g. Fire stations, libraries, hospitals or other public facilities.
  - h. All uses by right in all commercial zone districts.

**18. Temporary uses.** Temporary uses shall be as provided for in each of the industrial zone districts.

**19. Uses by permit in all industrial districts.** The board of adjustment is authorized to approve or deny the following uses and to set conditions and requirements for the operation of said uses. Any expansion or enlargement of a permitted use shall be treated as a new application, under the provisions hereof. The minimum setbacks shall not be less than the minimum setbacks provided by the industrial district in which the permitted use is located.

- a. Gravel pits.
  - b. Electrical substations.
  - c. Commercial radio and television towers.
  - d. Airports and heliports and structures incidental to their use.

e. Dwellings, provided such dwellings are in conjunction with and supplementary to the principal use, such as caretaker's home, night watchman's home or key maintenance employees.

f. Kennels or catteries. Kennels or catteries when permitted by the board of adjustment shall meet the following standards:

(1) Health and sanitation. All kennels or catteries shall be maintained in a clean and sanitary condition at all times in order to prevent health hazards, odors, and other nuisances. The kennel or cattery shall be operated in accordance with all applicable state laws and regulations.

(2) Excreta shall be removed from enclosures, pens, and runs as often as necessary to reduce disease hazards and odors and to prevent its accumulation from constituting a nuisance. Daily removal of excreta at a minimum is required. All premises shall be kept clean in good repair, and all animal and food wastes shall be handled and disposed of in a sanitary manner.

(a) Proper ventilation shall be provided.

(b) Proper heating, cooling and lighting shall be provided.

(c) Adequate nutrition and humane care shall be provided.

(d) Chemical and scientific controls shall be provided.

(e) Lavatory and washroom facilities sufficient for use by all kennel caretakers and employees shall be provided.

(f) Adequate drainage shall be constructed to protect adjacent bodies of water from pollution.

(g) The premises shall be maintained so as to meet Tri-County District Health Department standards and not constitute a nuisance.

(3) Structures, space requirements and setbacks.

(a) All structures, enclosures and fences shall be structurally sound and maintained in good repair.

(b) A shelter shall be provided for shade and protection from the elements. The shelter shall be of sufficient height and width to permit each animal or animals to stand up and turn around when fully grown. If cages are used, they shall be of sufficient height and width to permit each animal or animals to stand up and turn around when fully grown as determined by the town, but approximately of the following dimensions:

i) Small breeds and cats - 21" wide, 29" deep and 24" high.

ii) Medium breeds - 29" wide, 32" deep and 33" high.

iii) Large breeds - 29" wide, 45" deep and 33" high.

iv) All places where the animals are kept including structures, pens and runs shall be located a minimum distance of one hundred (100) feet or a distance equal to one and one-half times the

width of the lot or parcel of land occupied by the shelter, whichever is the lesser of the two distances from any residence or primary structure located on parcels of land adjoining or contiguous to the parcel on which the animals are kept. New construction on adjoining or contiguous parcels of land will not affect existing structures, pens, runs and other places where animals are kept.

- (4)Traffic, noise and enclosures. All ingress and egress facilities shall be developed and arranged such that traffic noise, glare from lights, and traffic hazards are minimized. All ingress and egress shall be routed onto major traffic arterials and traffic shall be diverted from residential areas. Fencing and landscaping should be used to minimize noise, glare and other nuisances. Adequate provision shall also be made to prevent dust.
- (5)The premises or portion of the premises upon which a commercial kennel or cattery is located shall be enclosed with a fence constructed to a height and of materials sufficient to be reasonably certain of confining the animals placed therein, or the animals shall be restrained by other means consistent with the size, weight and abilities of the animals restrained to be reasonably certain to prevent them from being able to escape and run at large. Animals running at large will be prevented.
- (6)Structures and fences will be constructed of such materials and quality to minimize the possibility of animals creating a nuisance by barking, caterwauling or otherwise creating noise loud enough to disturb neighbors. Noise nuisances shall be prevented.
- (7)Applications for a permit shall include at a minimum the following information
- (8)Plot plan showing the location of all buildings, proposed buildings, ingress and egress, kennels, pens, runs, parking area, other structural features and landscaping.
- (9)Description of proposed operation, particularly mentioning the proposed number and type of dogs and/or cats to be boarded and/or bred, and in sufficient detail to indicate effects of the operation in producing air and water pollution, odor, noise, glare, fire or other safety hazards and traffic congestion.

**20.Office/Warehouse District (I-O) - Intent.** The I-O, office/warehouse district, is comprised of areas where the uses are commercial, office, or warehouse in nature. All uses conducted in this district shall be contained within the structure(s) and no outdoor storage, sale or display shall be allowed, except as a temporary use as provided in section c., below.

**a. Uses by right.** - Uses by right shall be as follows:

- (1) General offices.
- (2) Hotels.
- (3) Laboratories.
- (4) Repair of small appliances and good manufactured in this district.
- (5) Restaurants.
- (6) Schools for industrial or business training.
- (7) Manufacturing, assembly and/or production of small components and parts such as: Computers, electronics, instruments, optics or watches.
- (8) All uses by right in all commercial zone districts.
- (9) The above listed uses are by way of example and not by way of limitation.

**b. Exclusions.** - Exclusions shall be as follows:

- (1) Those uses excluded in the I-1, industrial park district.
- (2) Outdoor garage, sale or display of any commodity, material, vehicle or product.
- (3) Transportation terminals.
- (4) The above listed uses are by way of example and not by way of limitation.

**c. Temporary uses.** - Temporary uses shall be as follows:

- (1) Mobile office structures.
- (2) Bazaars.
- (3) Auctions.

**d. Uses by permit.** - Uses by permit shall be as follows:

- (1) Buildings over one hundred twenty-five (125) feet in height.
- (2) Dwellings, provide such dwellings are in conjunction with and supplementary to the principal uses, such as caretaker's apartment or home, night watchman's quarters, or key maintenance employee's apartment or home.

**e. Accessory uses.** - None

**f. Lot requirements.** - None

**g. Floor area.** - No minimum requirement

**h. Building location.** Building location shall be regulated as follows:

- (1) Front setback, minimum. - Fifty (50) feet
- (2) Side setback, minimum. - Thirty (30) feet.
- (3) Rear setback. - None

**i. Open space.** - Fifteen (15) percent of gross lot area.

**j. Parking.** - Same as in I-1 zone district. No parking within thirty (30) feet of any public street.

**21. Industrial One District (I-1). - Intent.** The purpose of the I-1 District is comprised of areas which are primarily developed for non-offensive types of industrial activity.

**a. Uses by Right.** The following uses are allowed by right in the I-1 District:

- (1) General offices.
- (2) Medical and dental offices.
- (3) Warehousing and wholesaling establishments, excluding explosives.
- (4) The manufacture, assemble and/or production of components and parts for;
  - (a) Electronics.
  - (b) Instruments.
  - (c) Optics.
  - (d) Watches
- (5) The assembly of components and parts for computers.
- (6) Machinery sales, excluding truck trailers and heavy equipment.
- (7) Testing laboratories except as limited by exclusions.
- (8) Schools for industrial or business training.
- (9) Automobile sales and service.
- (10) Greenhouses
- (11) The repair, rental and service of any commodity, except heavy equipment, trucks or trailers.
- (12) Flea markets, indoor and outdoor.
- (13) Transportation terminals for freight or passengers (need not be enclosed).
- (14) The above-listed uses are by way of example and not by way of limitation.

**b. Exclusions.** The basic production, manufacturing or basic processing, shipping, handling or storing any of the following products or materials and the following specifically identified uses are excluded in I-1 districts:

- (1) Animal by-products.
- (2) Cement.
- (3) Charcoal.
- (4) Coal and coke.
- (5) Concrete.
- (6) Explosives.
- (7) Fertilizer (chemical or organic).
- (8) Fiberglass.
- (9) Fungicides.
- (10) Glue and sizing.
- (11) Gypsum.
- (12) Herbicides.
- (13) Insecticides.
- (14) Junk yards, scrape yards, salvage yards.
- (15) Extraction or smelting of metals.
- (16) Milling or smelting of ores.
- (17) Outdoor storage, unless specifically permitted as a conditional use under the provisions of section 21-e., of this article.
- (18) Paints and like products.
- (19) Paper pulp and cellulose.
- (20) Petroleum and petroleum products.

- (21)Plastics other than extrusion.
- (22)Preserving by crusading and other pressure impregnation of wood.
- (23)Rubber including reclaiming, or tire recapping.
- (24)Sawmill or planing mill.
- (25)Slaughterhouse, packinghouse.
- (26)Stockyards and feedlots.
- (27)Sugars and starches.
- (28)Tannery.
- (29)Truck repair, where the repair is a primary use of the property in such zone district or building located on such property.
- (30)Turpentine.
- (31)The manufacturing, processing, use, sale or long-term storage of any highly flammable, corrosive, or explosive liquids, solids or gases or highly toxic substances. In interpreting this restriction, the Uniform Building Code (UBC) and Uniform Fire Code (UFC) shall be consulted. If, upon such consultation of said codes, the intensity of use or the duration of storage exceeds the occupancy standards as set forth in the UBC and/or UFC, the use shall be excluded.
- (32)Above ground storage of flammable or combustible liquids or gases as provided in section 8.
- (33)Transportation terminals where the vehicles are used to carry flammable, explosive, hazardous or highly toxic materials.
- (34)The parking and/or storage of any toxic or hazardous materials as defined by currently adopted Uniform Fire Code.
- (35)The above-listed exclusions are by way of example and not by way of limitation.

**c. Temporary uses.** Temporary uses shall be as follows:

- (1)Any temporary use allowed in commercial districts subject to the same requirements.
- (2)Any temporary use allowed in the agricultural districts subject to the same requirements.
- (3)Mobile office structure.
- (4)Auctions.
- (5)Bazaars.

**d. Uses by permit.** Uses by permit shall be as follows:

- (1)Buildings over fifty (50) feet in height.
- (2)Dwellings, provided such dwellings are in conjunction with and supplementary to the principal use, such as caretaker's home, night watchman's home or key maintenance employees.
- (3)Extrusion of plastics.

**e. Conditional uses.** Conditional uses shall be as follows:

- (1)Conditional use. Outdoor storage may be permitted as a conditional use in the I-1 industrial park zone district, upon a showing that such use in a specific location will comply with all conditions

and standards for the location or operation of such use as specified in this section and authorized at a public hearing by the town board after review and recommendation, at a public hearing, by the planning commission.

- (2) Conditional use criteria. No application for outdoor storage as a conditional use in the I-1 zone district shall be approved unless the town board specifically finds that outdoor storage is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
  - (3) Outdoor storage at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they presently exist or as they may in the future be developed as a result of the implementation of provisions and policies of the comprehensive plan, this chapter, or any other plan, program, map, or ordinance adopted by the Town of Hudson or another governmental agency having jurisdiction to guide the growth and development of this city.
  - (4) The characteristics of the site are suitable for outdoor storage as a conditional use considering the size, shape, location, topography, existence of improvements and natural features.
  - (5) Sufficient landscaping and screening will be utilized to insure harmony with adjacent uses and public rights-of-way. Where adjacent uses consist of residential, commercial, public zones or uses or are otherwise incompatible, more extensive landscaping and/or berms may serve as buffers at the discretion of the town board. In any event, all outdoor storage shall meet the minimum screening, fencing and landscaping requirements set forth in this section.
  - (6) No parking or outdoor storage for a continuous period of twelve (12) hours or longer of vehicles greater than one and one-half (1 1/2) tons in gross vehicle weight shall be allowed in the front set-back of principal buildings.
  - (7) No outdoor storage shall occur on a lot that does not contain a building, unless said outdoor storage is used by an adjacent property owner for outdoor storage for his business.
  - (8) All outdoor storage shall be storage that is directly related to the business conducted on that property, unless a vacant property is used for outside storage by an adjacent business for his outdoor storage.
  - (9) The area of outdoor storage shall be limited based upon the characteristics of the site. Those relevant limiting characteristics include but are not limited to the following:
    - (a) Size of buildings;
    - (b) Type of material being stored;
    - (c) Vehicle circulation patterns;
    - (d) Loading docks; and

- (e) Emergency vehicle access.
- (10) Outdoor storage shall not be visible to a pedestrian at ground level looking at the storage area from a public right-of-way.
- (11) Minimum screening standards. All permits for outdoor storage as a conditional use in the I-1 zone district shall require screening which shall meet the following minimum standards:
- (a) The entire area used for outdoor storage shall be completely screened by a fence or by evergreen trees pursuant to a landscaping or fencing plan approved by the town board or as delegated to the planning commission.
  - (b) Screen fencing shall be consistent throughout the property in terms of design and materials. Screen fencing shall be compatible with fencing on adjoining property, where appropriate. Materials used in the construction of screen fencing shall include masonry, brick, decorative rock, stone, textured concrete or stucco, and wood. Fencing material may consist entirely of masonry or stucco, stone or textured concrete, or a combination of these materials. Wood fencing shall in no event make up more than eighty (80) percent of the screen fence. That is, when wood fencing is used as the primary material, at least twenty (20) percent of the fence shall consist of another appropriate and approved material. Screen fencing shall be not less than six (6) feet nor more than eight (8) feet in height.
  - (c) Gates may be constructed of wood or chain link material. In either case, wooden material shall be attached to the gate in order to provide a visual obstruction of the outdoor storage, however, slats inserted into chain link fencing material are expressly prohibited. Gates shall be no higher than eight (8) feet in height, and be of no greater length than forty (40) feet.
- (12) Additional standards. In addition to the screening standards, all permits for outdoor storage in the I-1 zone district shall include the following requirements:
- (a) Outdoor storage may be stacked no higher than the height of the screen fence. Aisles shall be provided and maintained where necessary to allow for the unobstructed passage of fire fighting vehicles, as approved by the fire marshal.
  - (b) No materials shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
  - (c) All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by

or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

- (d) The maximum time to come into compliance with all conditions and standards set forth in this section shall be one hundred and eighty (180) days from the date of the issuance of the permit by the Board of Trustees. The Board of Trustees may set a shorter time period upon a finding that compliance within such shorter time period is reasonable under the circumstances.
- (e) All fences required to be erected in order to meet the standards contained in this section shall require a building permit from the Town of Hudson.
- (f) Required landscaping shall be located outside the fencing for the screened/enclosed area of outdoor storage. Ten (10) percent of the total lot area shall be landscaped; however, the town board may require that the area landscaped be greater or less than ten (10) percent of the total lot size based upon specific site needs. All landscaping plans shall be approved by the town or his designee unless the same is specifically approved by the town board.

(13) No grandfathering. Nothing contained in this chapter shall be construed to expand any right or privilege of outdoor storage in the I-1 zone district unless and until the owner and user of the property involved shall have obtained conditional use approval as provided herein. Any and all outdoor storage existing in the I-1 zone district which is not expressly permitted as a conditional use, whether or not said outdoor storage in said I-1 zone district existed prior to the passage of this chapter, is hereby declared to be illegal and in violation of the zoning ordinances of the Town of Hudson. No outdoor storage in the I-1 zone district shall be "grandfathered", that is, unless expressly permitted as a conditional use, all outdoor storage, regardless of the date when said outdoor storage commenced, is prohibited.

f. **Accessory uses.** The following buildings, structures and uses may be allowed in the I-1 District so long as they are incidental and accessory to the uses allowed by right.

- (1) Offices for use by operators of the uses allowed by right.
- (2) Loading areas or structures only when screened from the adjacent public rights-of-way or adjacent properties.
- (3) Parking areas or structures for passenger vehicles with a gross weight less than 6,000 pounds only when the vehicles are screened from the adjacent public rights-of-way or adjacent properties.
- (4) One (1) single family dwelling unit or one (1) mobile home when used as living quarters for caretakers or security personnel responsible for maintaining or guarding the property, if:

- (a) The mobile home or accessory dwelling unit is necessary for the effective and economic operation of the business, commercial or industrial activity.
- (b) The mobile home or accessory dwelling unit will not be used for residential purposes other than for the purpose of the protection on control of the principal use.
- (c) Adequate water and sewage disposal facilities area available to the mobil home or accessory dwelling unit.
- (d) The mobile home as an accessory use is temporary and will be removed from the property upon the cessation of the use of a mobile home as an accessory use to the business, commercial or industrial activity.

(5) Recreational facilities for the use of persons employed in the conduct or maintenance of the uses allowed on the property.

(6) Retail sales, when accessory to uses of manufacturing, fabricating or assembling.

**g. Uses by Special Review.** The following buildings, structures and uses may be constructed, occupied or maintained in the I-1 District upon approval of a permit in accordance with the requirements and procedures set forth in Section 16-35, Uses permitted by Special Review.

- (1) Oil and gas production facilities.
- (2) Airstrips when they are accessory to the use allowed by right.
- (3) Microwave, radio, television or other communication towers over forty-five (45) feet in height (measured from ground level).

**h. Site Plan Review Required.** No land building or structure shall be used, changed in use or type of occupancy, developed erected, constructed, reconstructed, moved or structurally altered or operated in the I-1 District until a Site Plan Review has been approved by the Town.

**i. Setback.** No use or accessory use may be located closer than twenty-five (25) feet to the existing or proposed (whichever represents the greater right-of-way width) highway or street right-of-way. Off street parking areas may be permitted in the required setback area when the area is screened from direct view of persons on the public rights-of-way.

**j. Lot requirements.** - Minimum frontage, Fifty (50) feet.

**k. Floor Area.** - No minimum.

**l. Building height, maximum.** - Fifty (50) feet.

**m. Building location.**

- (1) Front setback minimum. - Thirty (30) feet.
- (2) Side setback, minimum.
  - (a) Twenty-five (25) feet one side.

- (b)None on other side, subject to approval by the fire marshall and chief building official.
- (c)Side setbacks shall be so applied and interpreted to maintain minimum structure separations across side property lines of twenty-five (25) feet.
- (d)A twenty-five (25) foot side setback from streets or other public rights-of-way.

(3)Rear setback. - No minimum

n.**Open Space.** - Shall be ten (10) percent of gross lot area.

o.**Parking.**

- (1)Manufacturing and industrial uses - One (1) space for each 2 employees based on the number of combined employees of the two (2) largest successive shifts. In addition to employee parking, one (1) space for each company vehicle based at the plant. Plant or employee expansion shall provide for employee and company vehicle parking accordingly or; one (1) space for every two hundred fifty (250) square feet of gross floor area of light manufacturing and assembly, and one (1) space per every eight hundred (800) square feet of gross floor area of warehousing or wholesaling. Whichever standard or combination of parking standards when applied to specific uses yields, the highest number of parking spaces shall be applied in determining the number of parking spaces required for any used.
- (2)Medical and dental offices and general offices - One (1) space per three hundred (300) square feet.

**22.Industrial Storage District (I-1S) - Intent.** The I-1S industrial park storage district is comprised of areas which are primarily developed for non-offensive types of industrial activity, and allows for screened outdoor storage. This zone district is not compatible with adjoining residential or commercial areas.

a.**Uses by Right.** The following uses are allowed by right:

- (1)Same as I-1 with the addition of:
- (2)The assembly of components and parts for computers.
- (3)Testing laboratories, except as limited by section 22-b.

b.**Exclusions.** The basic production, basic manufacturing or basic processing, shipping, handling or storing any of the following products or materials and the following specifically identified uses are excluded in I-1S districts:

- (1)Same as I-1 other than outdoor storage which is not excluded in I-1S.

c.**Temporary uses.** Temporary uses shall be as follows:

- (1) Any temporary use allowed in commercial districts subject to the same requirements.
- (2) Any temporary use allowed in the agricultural districts subject to the same requirements.

**d. Uses by permit.** Uses by permit shall be as follows:

- (1) Same as I-1 with the addition of:
- (2) Outdoor storage, provided such outdoor storage meets the following standards:

- (a) **Screening.** Outdoor storage shall be screened by an opaque fence or wall adequate to conceal outdoor storage from view from any street or alley. Such screening shall be of materials commonly used in a commercial fencing. Fences employing metal or plastic inserts for screening purposes are prohibited. Masonry walls or wooden screening fences shall be constructed of standard commercial quality materials. Such screening shall be a minimum of six (6) feet in height and shall not exceed eight (8) feet in height.
- (b) **Setbacks.** Any new development of property after the effective date of this ordinance which includes outdoor storage shall have said outdoor storage setback thirty (30) feet from all abutting streets.
- (c) **Stacking.** Stacking of outdoor storage materials, equipment or commodities shall not exceed the screening height. Materials, equipment, or commodities designed to be towed or lifted as a single component larger than screening height shall be setback from all screening a minimum of fifteen (15) feet.
- (d) **Aisles.** Aisles shall be provided and maintained where necessary to allow for the unobstructed passage of fire fighting vehicles, as approved by the fire marshal.
- (e) **Security materials.** No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the zone by natural causes or forces.
- (f) **Containers.** All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

- (3) The above listed uses are by way of example and not by way of limitation.

**e. Location of zone district.** Location of district shall be as follows:

(1)The I-1S shall be located adjacent to industrial zone districts. This zone district shall not be adjacent to residential or commercial zone districts and in no case shall the I-1S zone district be closer than one hundred fifty (150) feet from a residential or commercial zone district or areas designated residential or commercial on the master land use plan.

**f. Accessory uses.** - None

**g. Lot requirements.** - Minimum frontage - Fifty (50) feet.

**h. Floor area.** - No minimum

**i. Building height, maximum.** - Fifty (50) feet.

**j. Building location.** Building location shall be regulated as follows:

(1)**Front setback, minimum.** - Thirty (30) feet.

(2)**Side setback, minimum.**

(a)Twenty-five (25) feet one side.

(b)None on other side, subject to approval by the fire marshal and chief building official.

(c)Side setbacks shall be so applied and interpreted to maintain minimum structure separations across side property lines of twenty-five (25) feet.

(d)A twenty-five (25) foot setback from street or other public rights-of-way shall also be maintained from side property lines.

(3)**Rear setback.** - None

**k. Open space.** - Open space shall be ten (10) percent of gross lot area.

**l. Parking.**

(1)Manufacturing and industrial uses - One (1) space for each 2 employees based on the number of combined employees of the two (2) largest successive shifts. In addition to employee parking, one (1) space for each company vehicle based at the plant. Plant or employee expansion shall provide for employee and company vehicle parking accordingly or; one (1) space for every two hundred fifty (250) square feet of gross floor area of light manufacturing and assembly, and one (1) space per every eight hundred (800) square feet of gross floor area of warehousing or wholesaling. Whichever standard or combination of parking standards when applied to specific uses yields, the highest number of parking spaces shall be applied in determining the number of parking spaces required for any used.

(2)Medical and dental offices and general offices - One (1) space per three hundred (300) square feet.

**23. Industrial Two District (I-2). - Intent.** I-2 light industrial district shall be as follows:

- a. The I-2 light industrial district is comprised of areas primarily developed for light manufacturing and production.
- b. All outdoor storage areas shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property where adjacent property is commercial, residential or Industrial-1 districts. Where the outdoor storage is adjacent to public right-of-way, it shall be concealed from the public right-of-way with a concealing type fence or wall. Upon written agreement with the Town, the concealing fence regulations may be modified to solve security problems.

**c. Uses by right.** Uses by right shall be as follows:

- (1) All uses by right in I-1S.
- (2) Lumber and building supply yards.
- (3) Contractor shops and storage (except junk).
- (4) Firewood; commercial storage and sales.
- (5) Outside storage for heavy equipment sales and repair (except junk).
- (6) Truck trailer sales, repair and maintenance.
- (7) Shipping, storage or handling of fiberglass or plastics.
- (8) Light repairs using fiberglass or plastics, so long as no more than twenty (20) gallons of liquid polymers or two hundred (200) pounds of solid thermoplastic material are used on the property each day of operation.
- (9) The above mentioned uses are by way of example and not by way of limitation.

**d. Exclusions.** The basic production, basic manufacturing or basic processing, shipping, handling or storing any of the following product or materials and the following specifically identified uses are excluded from I-2 districts:

- (1) Same as I-1 with the following addition:
- (2) Fiberglass.
  - (a) Fiberglass spray-up operations.
  - (b) Contact molding of fiberglass to the extent more than twenty (20) gallons of liquid polymer are used on the property each day.

- (3) Insulation materials.

**e. Temporary uses.** Temporary uses shall be as follows:

- (1) Same as I-1.

**f. Uses by permit.** Uses by permit shall be as follows:

- (1) The basic production, manufacturing or processing of the following:

- (a) Abrasives.
- (b) Light weight aggregate blocks.
- (c) Concrete products (excluding central mixing plant).
- (d) Glass.
- (e) Serum and like products.
- (f) Plastics and fiberglass, to the extent not excluded by section 23-d.
- (g) Buildings over fifty (50) feet height.
- (h) Dwellings, provided such dwellings are in conjunction with and supplementary to the principal use, such as caretaker's home, night watchman's home or key maintenance employees.
- (i) Extrusion of plastics.

(2) The above listed uses are by way of example and not by way of limitation.

**g. Accessory uses.** - None.

**h. Lot requirements.** - Minimum frontage - Fifty (50) feet.

**i. Floor area.** - None.

**j. Building height, maximum.** - Fifty (50) feet.

**k. Building location.** Building location shall be regulated as follows:

- (1) **Front setback, minimum.** - Fifty (50) feet.
- (2) **Side setback, minimum.** - Twenty-five (25) feet.
- (3) **Rear setback.** - Twenty-five (25) feet.

**l. Open space.** - Open space shall be ten (7) percent of gross lot area.

**m. Parking.**

- (1) Manufacturing and industrial uses - One (1) space for each 2 employees based on the number of combined employees of the two (2) largest successive shifts. In addition to employee parking, one (1) space for each company vehicle based at the plant. Plant or employee expansion shall provide for employee and company vehicle parking accordingly or; one (1) space for every two hundred fifty (250) square feet of gross floor area of light manufacturing and assembly, and one (1) space per every eight hundred (800) square feet of gross floor area of warehousing or wholesaling. Whichever standard or combination of parking standards when applied to specific uses yields, the highest number of parking spaces shall be applied in determining the number of parking spaces required for any used.

- (2) Medical and dental offices and general offices - One (1) space per three hundred (300) square feet.

**24. Industrial Three District (I-3) - Intent.** - The I-3 heavy industrial district is for Industrial uses which are authorized either as uses by right, temporary uses or are specifically found by the Board of Trustees to meet conditional use approval criteria.

**a. Uses by right.** All uses by right in commercial, I-O, I-1, I-1S and I-2 zone districts subject to all rules and regulations established with the standards of said zone districts except that I-3 setbacks and height limitations shall apply.

- (1) Same as I-1 with the following additions:
- (2) Machinery sales, truck, truck trailer, heavy equipment sales, repair and maintenance.
- (3) Automobiles sales and service.
- (4) Dry cleaning plants.
- (5) Flour mills.
- (6) Glass or glass products manufacture.
- (7) Grain elevators.
- (8) Insulation material storage and sales.
- (9) Metal sheets or bearings processing.
- (10) Forging or rolling mills.
- (11) Noncommercial radio and TV towers up to ninety (90) feet in height.
- (12) Public utility storage yards and service installments.
- (13) Adult entertainment uses, subject to the provisions of this chapter.
- (14) The basic production, manufacturing, processing, storage, shipping, or handling of any of the following:

- (a) Pipe;
- (b) Paint;
- (c) Insulation;
- (d) Fiberglass;
- (e) Plastics;
- (f) Serums and like products;
- (g) Cement or cinder block. The above listed uses are by way of example and not by way of limitation.

**b. Conditional uses.** Conditional uses shall be as follows:

- (1) Foundries.
- (2) Power plants.
- (3) Railroad yards together with buildings, structures and facilities related thereto;
- (4) Refineries and above ground petroleum storage;
- (5) Animal packing or slaughter;
- (6) Boiler or tank works;
- (7) Cement, cinder block, concrete, lime or plaster manufacture;
- (8) Concrete mixing plants;
- (9) Creosote manufacture or plants;

- (10) Fat rendering production of edible fats and oils from animal or vegetable products;
- (11) Noncommercial radio and TV towers over ninety (90) feet in height.
- (12) Feedlots, fur farming, or other commercial production of animals or poultry;
- (13) Fertilizer manufacture or processing or sale thereof;
- (14) Forging plants and foundries;
- (15) Gas or liquified petroleum gases in approved container for storage above ground.
- (16) Livestock and sale rings or rodeos.
- (17) Meat processing, packing and slaughter.
- (18) Metal ingots or casting.
- (19) Stockyards.
- (20) Explosive manufacture or storage.
- (21) Junkyards, scrapyards, salvage yards.
- (22) Sand and gravel operations.
- (23) Landfill operations.
- (24) The manufacture, processing, use, sale or long-term storage of any highly flammable, corrosive, or explosive liquids, solids or gases or highly toxic substances consistent with the requirements of the Uniform Building Code (UBC) and Uniform Fire Code (UFC) as adopted and in effect in the Town of Hudson.
- (25) Containers for the aboveground storage of flammable or combustible liquids and flammable gases in excess of forty thousand (40,000) gallons capacity per single property in containers specified by the Uniform Fire Code as adopted by the city.
- (26) Transportation terminals where the vehicles are used to carry flammable, explosive, hazardous, or highly toxic materials.
- (27) The parking and storage of toxic or hazardous materials as defined by the Uniform Fire Code (UFC) as adopted and in effect in the Town of Hudson.
- (28) The basic production, manufacture, shipping, handling or storage of any of the following:
  - (a) Animal by-products.
  - (b) Charcoal.
  - (c) Fungicides.
  - (d) Glue and sizing.
  - (e) Gypsum.
  - (f) Herbicides.
  - (g) Insecticides.
  - (h) Metal extraction or smelting.
  - (i) Milling or smelting of ores.
  - (j) Paper pulp and cellulose.
  - (k) Petroleum and petroleum products.
  - (l) Rubber, including reclaiming and recapping.
  - (m) Sugars and starches.
  - (n) Tannery.
  - (o) Turpentine.

(29)All other uses not otherwise authorized by the 1987 Zoning Ordinance of the Town of Hudson in any zone district in the Town of Hudson.

**c.Exclusions.** Exclusions shall be as may be determined by the town board based upon examination of conditional use criteria.

**d.Temporary uses.** Temporary uses shall be as follows:

- (a)Any temporary use allowed in commercial districts.
- (b)Any temporary use allowed in the agricultural district subject to the same requirements.
- (c)Mobile office structures.
- (d)Auctions.
- (e)Bazaars.

**e.Conditional use criteria.** No application for a conditional use shall be approved unless the Board of Trustees specifically finds that the proposed use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- (1)The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Town of Hudson Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the Town of Hudson.
- (2)There shall be proven a community need for the proposed use at the proposed location given existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within Hudson and also within the immediate area of the proposed use.
  - (a)The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within Hudson or within the immediate area of the proposed use; and
  - (b)The area for which the use is proposed is not better suited for or likely to be needed for uses which are permitted as a matter of right within that district, given policies or provisions of the comprehensive plan, this chapter, or other plans or programs of Hudson.
- (3)The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they presently exist or as they may in the future be developed as a result of the implementation of provisions and policies of the

comprehensive plan, this chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by Hudson or other governmental agency having jurisdiction to guide growth and development of the community.

- (4)The proposed use in the proposed area will be adequately served by and will not impose an undue burden or any of the improvements, facilities, utilities, and services of the town or its residents. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed locations the applicant shall, as part of the application and as a condition to approval of the conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the comprehensive plan, this chapter, and other plans, programs, maps, and ordinances adopted by Hudson to guide its growth and development. The approval of the conditional use permit shall be predicated upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.
- (5)The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
- (6)Sufficient landscaping and screening will be utilized to insure harmony for adjoining uses. Where abutting uses are incompatible, either physical barriers such as express-ways or floodplains, or a combination of such barriers may serve as buffers. Additional buffers, as deemed appropriate by the town board, may be required.
- (7)The performance criteria upon which the use shall be conditioned shall prohibit noise, dust, vibration, odor, or other nuisance problems beyond the interior buffer yard line of the use. Data demonstrating this shall constitute a part of the application for the use permit.
- (8)Any conditional use shall meet the dimensional standards of this zoned district unless otherwise approved by the town board.
- (9)Additional conditions. In authorizing a conditional permit, the town board may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.

**f. Conditional use restrictions or conditions.** Conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard setbacks greater than the minimum dimensional standards as provided in this chapter, suitable landscaping, off-street parking, and

any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance (this chapter), and mitigate adverse effects upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the town board.

**g. Accessory uses.** - None

**h. Lot requirements.** - None

**i. Floor area.** - None

**j. Building height, maximum.** - Fifty (50) feet.

**k. Building location.** Building location shall be regulated as follows:

- (1) Front setback, minimum. - Fifty (50) feet.
- (2) Side setback, minimum. - Twenty-five (25) feet.
- (3) Rear setback, minimum. - Twenty-five (25) feet.

**l. Open space.**

- (1) Open space shall be a minimum of five (5) percent of the gross lot area.

**m. Revocation.** A conditional use may be revoked or modified, after notice and hearing, for either of the following reasons:

- (1) The conditional use was obtained or extended by fraud or deception;  
or
- (2) That one (1) or more of the conditions imposed by the conditional use has not been met or has been violated.

**Section 25. Safety Clause.** The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 26. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

**Section 27. Effective Date.** This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED ONCE IN FULL this 11th day of September, 1996.

TOWN OF HUDSON, COLORADO

\_\_\_\_\_  
George Roskop  
Mayor

ATTEST:

\_\_\_\_\_  
Judy Larson  
Town Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_ day of \_\_\_\_\_, 1996.

TOWN OF HUDSON, COLORADO

\_\_\_\_\_  
George Roskop  
Mayor

ATTEST:

\_\_\_\_\_  
Judy Larson  
Town Clerk