

CHAPTER 2

DISTRICTS; ZONING MAP

**ARTICLE E. HVCD HISTORIC VIEWSHED
COMMERCIAL DISTRICT¹**

SECTION:

- 7-2E-1: Purpose; Intent
- 7-2E-2: Permitted Uses
- 7-2E-3: Conditional Uses
- 7-2E-4: Land Use Variance
- 7-2E-5: Commercial Building Requirements

7-2E-1: PURPOSE; INTENT:

- A. The historic viewshed commercial district (HVCD) is established to provide an area intended primarily for low impact commercial development supportive of heritage tourism; with secondary conditional allowances made for certain low to medium impact commercial uses intended to diversify the local economy.
- B. Due to the potentially high visual impact of development along the highway corridor defined by the HVCD, all new construction must satisfy the design guidelines for historic commercial or historic residential development.
- C. The primary difference between the historic viewshed commercial district and the historic downtown commercial district is that zero setbacks will not be allowed, and new construction will not be required to recreate previously existing historic structures; however, historically compatible commercial building designs are required. Also, the HVCD allows more options for commercial use of the land. In support of maintaining some open space along this outlying commercial corridor, the HVCD encourages a lower density of

1. Formerly known as C-1 zoning district.

commercial development than is common in the historic downtown commercial district. (Ord. 516, 4-19-2007, eff. 5-19-2007)

7-2E-2: PERMITTED USES:

Commercial uses typically associated with a tourism based, non-industrialized commercial area including, but not limited to:

Art galleries.

Gas stations.

Government buildings.

Grocery stores.

Hardware stores.

Laundromats.

Lodging; hotels, motels, and apartments.

Museums and curatorial facilities.

Professional offices.

Restaurants.

Retail stores.

Taverns.

Other similarly related, low impact commercial activities.

In addition, any structure or use allowed in the historic residential district is permitted in the historic viewshed commercial district, subject to all applicable land use and design review requirements. This commercial district is a mixed use area that allows for historically compatible commercial and/or residential development.

Fences, hedges, and walls:

A. Must comply with applicable design review regulations.

B. Must be located on property owned by the builder.

C. Must be less than three and one-half feet ($3\frac{1}{2}'$) in height when erected within seventy five feet (75') of the centerline of two (2) intersecting streets or constructed of materials that do not obstruct a motorist's vision.

D. Must not exceed a maximum of six feet (6') in height, unless by variance.

Outbuildings (secondary structures detached from the main commercial structure):

A. Must comply with applicable design review regulations.

B. Must satisfy applicable setback and height requirements. (Ord. 516, 4-19-2007, eff. 5-19-2007)

7-2E-3: CONDITIONAL USES:

A. Allowed Uses: Subject to approval by the town council, as the board of adjustments, the following uses and structures are permitted in the historic viewshed commercial district:

Campgrounds.

Equestrian facilities.

High impact, industrialized activities including mining, salvage yards, stockyards, feedlots are specifically prohibited.

Light manufacturing.

Lumberyards.

Professional service facilities i.e., contractor shops.

Public transportation services.

Recreational facilities.

Storage units/warehouses.

Theme parks.

Vehicle sales lots.

Visitor centers.

Other similarly related, light to medium impact commercial activities.

B. Conditional Use Applications:

1. Requests For Conditional Use: Requests must specifically identify and address the type of activity proposed, occupancy limits, traffic and parking plan, noise abatement, hours of operation, compliance with design review criteria, and other applicable regulations.

2. Term Of Permit: As long as the originally permitted conditions are satisfied, the conditional use permit will remain in effect forever and run with the property. If a conditionally permitted use or structure should cease to operate or exist (i.e., fire) for a period of more than twelve (12) continuous months, the conditional use permit will automatically expire. A current business license filed with the town will qualify as proof of ongoing business activity.

3. Allowed Activities:

a. Review: Activities allowed by the conditional use permit will be regularly reviewed by the advisory zoning board.

b. Complaints: Complaints filed by abutting property owners will be promptly investigated and may be cause for termination of the conditional use permit. The holder of the conditional permit may request an appeal hearing before the board of adjustments. The board of adjustments shall determine whether the filed complaint justifies termination or modification of the conditional use permit. See section 7-6-2 of this title for conditional use permit application. (Ord. 516, 4-19-2007, eff. 5-19-2007)

7-2E-4: **LAND USE VARIANCE:** Any proposed land use activity beyond the scope of these permitted or conditional uses will require a formal application to the board of adjustments for a land use variance. See section 7-6-3 of this title for land use variance application. (Ord. 516, 4-19-2007, eff. 5-19-2007)

7-2E-5: COMMERCIAL BUILDING REQUIREMENTS:

- A. Front Of Building: The front of a building will be determined during the permitting process, and typically relates to the most architecturally attractive or interesting elevation, when viewed from the perspective of the primary public access to the building site.
- B. Compliance With Design Review Regulations: Must comply with applicable design review regulations.
- C. Minimum Lot Size/Area Per Facility: Fifty feet by ninety four feet (50' x 94') (4,700 square feet), or the minimum area required for a county issued septic permit.
- D. Minimum Property Line Setbacks:
 - 1. Front: Twenty five feet (25') from property line in front of the main entrance to the building.
 - 2. Side: Five feet (5') from side property lines.
 - 3. Rear: Five feet (5') from rear property line.
 - 4. Or by dimensional variance when necessitated by physical limitations of the proposed building site, i.e., grade, exposed rock, or to minimize impacts to important cultural or natural features.
- E. Minimum Building Size: Five hundred (500) square feet, not including uncovered extensions.
- F. Maximum Building Size: The total combined footprint of all buildings on the site must be less than seventy five percent (75%) of the total contiguous land area comprising the building site, not including uncovered extensions.
- G. Maximum Building Height: Thirty feet (30') when measured from the top of the building foundation (sill plate) to the high point of the roof ridge. To facilitate this measurement, the height of daylight foundation walls will not be included in the height calculation. Foundation walls are expected to be backfilled to the original grade of the property.
- H. Minimum Off Street Parking: One space per four hundred (400) square feet of commercial floor space, unless allowed by variance.

Nearby public parking facilities qualify. (Ord. 516, 4-19-2007, eff. 5-19-2007)