

## DIVISION 11. CHERRY CREEK NORTH (CCN) DISTRICT

**Sec. 59-241. Generally.**

The provisions of this division apply to all lands, uses and structures in the CCN district. (Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-242. Goals.**

The basic goal of the CCN district is to promote development that is in keeping with the existing character, scale and ambience of the existing Cherry Creek North business area and to encourage interesting and attractive architectural design solutions for new developments and to promote pedestrian and shopping activities, particularly at street level.

Goals of the CCN district also include: to maintain and enhance the retail ambience of the Cherry Creek North district, to encourage a mixture of uses, including residential and office, and to encourage low-scale, small lot development projects that reinforce and enhance the eclectic, urban architectural character and pedestrian scale of the district. To this end, these regulations and the associated guidelines encourage:

- (1) Project planning and architectural design solutions that create projects of a scale and quality that promotes pedestrian and retail shopping activity at street level;
- (2) Continuity of storefronts located at the setback line creating a pedestrian oriented shopping environment;
- (3) The development and redevelopment of small lots;
- (4) Site and building design in new projects which compliments the tradition of low-scale, small lot development in the district;
- (5) Creation of outdoor open space, taking advantage of the pleasant local climate, to provide settings for activities and visual amenities, including public art;
- (6) Complementary day and evening activity through continued development of nightlife and entertainment uses. The Cherry Creek North Zone is intended to be a place where the pedestrian feels welcome and comfortable. It is a retail/restaurant/entertainment experience first and foremost.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-243. Uses allowed in this district.**

The following is a list of uses with notations as to whether they are permitted, limited, or have other requirements as listed in the matrix and the sections which follow. Uses not listed are not permitted in this district and drive-thru facilities shall be prohibited. Permitted uses are uses by right.

<i>Key:</i>	
<i>P = Permitted</i>	
<i>L = Uses permitted with limitations</i>	
<i>D = Uses permitted with distance requirements</i>	
<i>* = Need not be enclosed</i>	
<i>Use</i>	<i>CCN</i>
<b>Residential</b>	
Dwelling, multiple unit	L10
Dwelling, single unit	L10
<b>Retail, service, office</b>	
Animal sales, service, care, household pets only	L16
Banking and financial services	P
Bed and breakfast	P
Bookstore	P
Brewpub	L40
Eating place	L1
Food preparation and sales, commercial	P
Food sales or market, large	P
Food sales or market, small	P
Furniture, furnishings, retail sale, large scale	P
Garden supply store	L55*
Home building materials and supplies, sales, or rental	L59
Liquor store	D7
Office: nondental, nonmedical	P
Printing service, publishing, business support	L68
Retail, service, repair, consumer, large scale	L70
Retail, service, repair, consumer, medium scale	L70
Retail, service, repair, consumer, small scale	L70
Retail, service, repair, consumer, special	L82
<b>Industrial, wholesale, transportation, utilities</b>	
Parking of vehicles*	P
Terminal, public transportation, local*	P
Utility, minor impact	L118
<b>Arts, entertainment, recreation, institutions</b>	
Child care center	P
Clinic, office, laboratory, dental or medical	P
Community or senior center or recreational facility	P
Library	P
Museums, other special purpose cultural institutions	P
Postal facility, neighborhood	P
Recreation services, indoor	P
Recreation services, outdoor*	L149

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<i>Use</i>	<i>CCN</i>
School, elementary or secondary	L156
School, vocational or professional	L156
Studio, professional	P
University or college	L156
Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2)	
Residential care uses (See § 59-82)	
Parking lots designated for special events (See § 59-85)	
Uses allowed by temporary permit (See § 59-86)	
Accessory uses (See § 59-87)	
Home Occupations (See § 59-89)	

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 895-03, § 38, eff. 12-2-03; Ord. No. 909-05, § 5, eff. 12-16-05; Ord. No. 340-06, § 14, eff. 6-9-06)

**Sec. 59-244. Distance requirements.**

The following define the distance requirements enumerated in the use chart in section 59-243:

*D7*

- a. No liquor store or drugstore licensed to sell package liquors, not existing or operating on August 31, 1997, shall be established, operated, or maintained within one thousand (1,000) feet of another liquor store or drugstore licensed to sell package liquors.
- b. No liquor store or drugstore licensed to sell package liquors, not existing or operating on July 31, 2000, shall be established, operated, or maintained within one thousand (1,000) feet of a community corrections facility.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-245. Limitations.**

The following define the limitations enumerated in the use chart in section 59-243:

*L1* Eating place; provided that, upon application to and issuance by the department of zoning administration of a permit therefor, the aforesaid use need not be enclosed to the extent that tables and seats may be placed out of doors, and food served thereat, provided further that:

- a. If such an outdoor eating area is fifty (50) feet or more from the nearest boundary of any RS-4, R-0, R-1, R-2, R-2-A, R-2-B, R-3-X or R-3 districts, it shall be subject to the following conditions:
  1. The outdoor eating area shall be contiguous to the eating place to which it is accessory; and
  2. The outdoor eating area shall be clearly delimited by fences, railings, walls or plant materials.
  3. No required off-street parking spaces shall be used for the outdoor eating area.
  4. Each permit shall be valid for a period of not more than one (1) year but, upon application, may be renewed. Failure to comply with all of the above conditions shall be cause for revocation of the permit.
- b. If such an outdoor eating area is less than fifty (50) feet from the nearest boundary of any RS-4, R-0, R-1, R-X, R-2, R-2-A, R-2-B, R-3-X or R-3 district, it shall be subject to the approval of the board of adjustment under the provisions of section 59-54(3)u.

(Ord. No. 228-05, § 6, eff. 4-15-05)

*L10* May be located only in floors above the ground floor which is the first floor in which the ceiling is four (4) feet or more above grade at the nearest building line.

*L16* Limited to:

- a. Veterinarian clinic; no animals may be kept on the premises after 8:00 p.m.
- b. Pet grooming shop, employing no more than five (5) persons; no animals may be kept on the premises after 8:00 p.m.
- c. Pet supply store, including sale of fish for aquariums, canaries, parakeets and puppies as an accessory use; no more than ten puppies shall be kept on the premises at one time.

*L40* Actual area used for brewing beer limited to ten (10) percent of the gross floor area or seven hundred (700) square feet, whichever is less.

*L55* Need not be enclosed, all items except shrubs, trees and flowers shall be screened from public view.

*L59* Limited to linoleum and tile store.

*L68* Limited to printing and duplicating shop employing no more than five (5) persons.

*L70* Excludes automobile accessories. Dry cleaning, laundry limited to collection and distribution station for laundry or dry cleaner.

*L82* Limited to health treatment, radio and television equipment.

*L118* Excludes utility pumping station.

*L149* Limited to:

- a. Miniature golf or putting course, need not be enclosed;
- b. Tennis, racquet ball and/or handball club; shall provide not less than two (2) standard tennis courts or two (2) standard racquet ball or handball courts; all exterior floodlights shall be extinguished when courts are not in use or by 9:00 p.m., whichever is earlier; no portion of any court which is not in a completely enclosed structure shall be located nearer than fifty (50) feet from an existing residential structure; need not be enclosed.

*L156* Limited to:

- a. School charging a regular tuition for instruction in ballet, tap, ballroom, square, modern and acrobatic dancing; not including public dancing or a public dance hall as defined in chapter 7, section 7-51; provided, however, that the premises on which such use is operated shall be soundproofed to that the sounds created by such use are not audible beyond the boundaries of the zone lot on which the use is operated;
- b. Any school not permitting the use of machinery other than office machines and mechanical or machinery parts of household appliances used for instruction of or practice by the student;

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-246. Limitation on external effects of uses.**

External effects of uses, as regulated by section 59-92.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-247. Permitted structures.**

(a) *Zone lot for structures.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right. Each zone lot shall have at least one (1) front line and shall be occupied only by the structure containing a use or uses by right and one (1) subordinate structure containing only accessory uses. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained.

(Ord. No. 895-03, § 39, eff. 12-2-03)

(b) *Location of structures.* All structures shall be set in a distance of not less than five (5) feet from each front line of the zone lot and shall satisfy the following requirements:

- (1) *Requirements.* The front facade of the ground floor shall be located on or near the front setback line as explained below. The frontage shall be measured along the front setback line, and for corner lots shall mean the length of the combined frontage of front setback lines. For the purposes of this division, "additional front setback area" shall mean the area between the front setback line or lines and the building facade.
  - a. A portion of the facade shall be located on the front setback line for at least thirty-three (33) percent of the frontage; and
  - b. The whole of the building facade shall be located so that the additional front setback area shall be no greater than fifty (50) percent of the total area between the front setback line or lines and a line ten (10) feet behind the front setback line and parallel to it.
- (2) The space resulting from the required five-foot setback and additional front setback area shall be open and unobstructed and shall not be used for off-street parking space.

(c) *Permitted encroachments on setback space.*

- (1) Belt courses, sills and lintels may project eighteen (18) inches into setback spaces.
- (2) Cornices and gutters may project three (3) feet into setback spaces.
- (3) Roofs, soffits, eaves and balconies with a minimum clearance of ten (10) feet above grade may project any distance into setback spaces.
- (4) Access ramps for the handicapped may encroach into any required building setback space, providing no alternative location is available and providing the ramp construction is compatible with the character of the structure.
- (5) Unwalled porches, terraces and balconies with a clearance of less than ten (10) feet above grade may encroach two (2) feet into setback spaces.
- (6) Fences or walls not exceeding four (4) feet in height may be erected on any part of the zone lot between the front line of the zone lot and the front setback line for structures, and on any other part of the zone lot may be erected to a height of not to exceed six (6) feet. The height of such walls or fences shall be determined as stated in section 59-2(112.1) fence and wall height measurement.  
(Ord. No. 363-06, § 11, 6-16-06)
- (7) Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
- (8) Canopies, pilasters which are no more than three (3) feet in width and cumulatively occupy no more than twenty-five (25) percent of the zone lot frontage, and sloping support elements may project any distance into setback spaces.

(9) Display, show or bay windows may project up to eighteen (18) inches into the front setback spaces, provided there is a minimum of eighteen (18) inches of clearance between said projections and the grade beneath them.

(10) Flush mounted solar panels may encroach any distance into the setback space.  
(Ord. No. 53-08, § 19, eff. 2-8-08)

(d) *Bulk of structures.*

(1) There shall be no bulk plane requirements along the East 1st Avenue right of way.

(2) Along the south right-of-way of East 2nd Avenue and East 3rd Avenue no part of any structure (except church spires, church towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels or accessory water tanks) shall project up through bulk limits which are defined by an imaginary plane extending up over the zone lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each foot additional setback) and which plane starts at a horizontal line which runs parallel to the front setback line of the zone lot and passes through a point thirty-one (31) feet above the midpoint of such line between boundary lines of the zone lot.

(Ord. No. 53-08, § 20, eff. 2-8-08)

(3) In the remainder of the district, no part of any structure (except church spires, church towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels or accessory water tanks) shall project up through bulk limits which are defined by an imaginary plane extending up over the zone lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each foot additional setback) and which plane starts at a horizontal line which runs parallel to the front setback line of the zone lot and passes through a point thirty-five (35) feet above the midpoint of such line between the boundary lines of the zone lot.

(Ord. No. 53-08, § 20, eff. 2-8-08)

(e) *Building height.* The maximum height of any structure (except flush mounted solar panels) shall be fifty-five (55) feet.

(Ord. No. 53-08, § 21, eff. 2-8-08)

(f) *Maximum gross floor area in structures.* The sum total of the gross floor area of all structures on a zone lot shall not be greater than one (1) times the area of the zone lot (FAR = 1.0:1). Computation of maximum gross floor area shall be in accordance with section 59-2(131).

(g) *Floor area premiums.* The provisions for floor area premiums make available incentives for private sector participation in pursuing specifically identified district objectives. Floor area premiums may be used to increase the maximum gross floor area an additional 0.5 times the area of the zone lot (maximum supplementary FAR = 0.5:1).

(1) *Premiums for underground parking.* (See definition of underground parking in section 59-2(303), definitions.)

a. 0.20:1 FAR if at least fifty (50) percent of the required parking is constructed with the parking surface at least eight (8) feet below street grade (elevation at centerline of the street).

- b. 0.30:1 FAR if at least seventy (70) percent of the required parking is constructed with the parking surface at least eight (8) feet below street grade.
  - c. 0.40:1 FAR if all required parking is constructed with the parking surface at least eight (8) feet below street grade.
- (2) *Premium for open space.* (See definition of unobstructed open space in section 59-2(305), definitions.) Two (2) square feet of gross floor area for each square foot of open space area not in the required setbacks. The maximum area of a zone lot that can be devoted to open space area is twenty-five (25) percent of the zone lot area. The only uses which are allowed within this open space are: eating place; display of sculptural art; sale of flowers, fruit, vegetables subject to section 59-243; landscaping; and seating. A zone lot may have more than one (1) open space. Any one (1) open space area is limited to a maximum of five thousand (5,000) square feet. The elevation of such open space must be no more than two (2) feet above or below that of the adjacent street grade. Open space shall be served by at least one (1) handicap accessible route from the sidewalk. Open space must be open to use by the public during regular business hours. Open space shall be provided with a minimum of one (1) tree per one thousand (1,000) square feet of open space. If the provision of trees can be shown to be impracticable, then in lieu of providing trees, minimum of ten (10) percent of the open space shall be in planted area. One (1) dimension of the open space shall not exceed three (3) times the other dimension.
- (3) *Premium for residential use.* One (1) square foot of floor area for each square foot of floor area maintained and operated as dwelling units up to a maximum increase in the FAR of 0.25:1.
- (4) *Premium for moderately priced dwelling units.* A floor area premium equal to ten (10) percent of the zone lot area if the structure qualifies under the provisions of article IV, chapter 27 (affordable housing), provided all of said floor area premium is dedicated to residential uses.
- (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 238-04, §§ 1—5, eff. 4-19-04)

### **Sec. 59-248. Permitted signs.**

The provisions of article V of this chapter on permitted signs shall be in full force and effect in this district. Notwithstanding the provisions of article V, certain types of signs may be permitted by the design advisory board according to rules and regulations prepared by the design advisory board and adopted by the planning board. Design guidelines and administrative provisions shall be included in the rules and regulations. In adopting the rules and regulations, the following criteria shall be utilized, and the design advisory board shall consider for approval only those signs and graphics which meet the following criteria:

- (1) Must be compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses;

- (2) Must be compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels;
  - (3) Must be appropriate to and expressive of the business or activity for which they are displayed;
  - (4) Must be creative in the use of unique two-and three-dimensional form, profile, and iconographic representation; employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography and materials; and
  - (5) Must be of high quality, durable materials appropriate to the physical demands of an urban setting.
- (Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-249. Off-street parking requirements.**

(a) *Basic requirements:* The requirements of article VI, off-street parking, of this chapter shall apply except where superseded by this section:

- (1) *Office use:* One (1) space per three hundred (300) square feet of gross floor area (1/300).
- (2) *Retail use:* One (1) space per three hundred (300) square feet of gross floor area (1/300).
- (3) *Residential use:* Two (2) spaces per dwelling unit.
- (4) *Other uses:* For other specific uses, the provisions of article VI shall apply.



(5) *Parking bonus for moderately priced housing:* Parking bonuses for compliance with the provisions of article IV (affordable housing), chapter 27 (housing), of the Denver Revised Municipal Code, shall apply to all uses as specified in article VI, off-street parking.

(b) *Modifications of the basic requirement.* Notwithstanding the provisions of subsection (a)(1), through (a)(3), above, the following modifications shall apply to all permitted office, residential and retail uses, except barber shops, beauty salons, billiard parlors, brewpubs and eating places, which are located on zone lots in existence prior to October 1, 1996:

- (1) For interior zone lots under six thousand two hundred (6,200) square feet, with no alley access, no parking is required provided the 1:1 FAR is not exceeded. If the 1:1 FAR is exceeded, the basic off-street parking requirement shall apply for the floor area in excess of the 1:1 FAR, provided, however, no parking shall be required for the first one thousand five hundred fifty (1,550) square feet of residential use.
- (2) For zone lots containing an area up to and including seven thousand four hundred (7,400) square feet, one (1) parking space shall be required for every one thousand two hundred fifty (1,250) square feet of gross floor area occupied by a nonresidential use. Two (2) parking spaces shall be required for each dwelling unit.
- (3) For zone lots containing an area from seven thousand four hundred one (7,401) square feet up to and including twelve thousand four hundred (12,400) square feet, one (1) parking space shall be required for every nine hundred (900) square feet of gross floor area occupied by a nonresidential use. Two (2) parking spaces shall be required for each dwelling unit.
- (4) For zone lots containing an area from twelve thousand four hundred one (12,401) square feet up to and including fifteen thousand (15,000) square feet, one (1) parking space shall be required for every six hundred (600) square feet of gross floor area occupied by a nonresidential use. Two (2) parking spaces shall be required for each dwelling unit.

(c) *Parking development standards:*

- (1) No parking shall be permitted in the required building setback areas.
- (2) For parking structures which front on a public street, pedestrian-oriented uses such as retail or office uses shall be required at the street level along the street frontage for at least fifty (50) percent of the parking structure frontage. For that portion of the parking structure frontage not devoted to retail or office uses, landscaping shall be provided in the setback area.
- (3) Notwithstanding the requirements of the landscaping rules and regulations, there shall be a five-foot wide landscaped setback area along the street frontage of any surface parking lot area. All parking lot areas shall be screened to a height of three (3) feet from all streets by a decorative three-foot high screen located at the setback line and landscaping shall be provided in the setback area. All such screens, fences, railings, walls, and landscaping shall be reviewed by the design advisory board.

(d) *Parking calculations for changes of use:* In calculating the required numbers of off-street parking spaces for changes of use in accordance with section 59-582(b)(2), office uses in existence prior to September 17, 1993, shall use the ratio of one (1) off-street parking space per five hundred (500) square feet of floor area to determine the amount of credits applied to the determination of the amount of off-street parking spaces required for the new use. For office uses established after September 17, 1993, the ratio of one (1) off-street parking space per three hundred (300) square feet of floor area shall be used to determine the amount of credits applied to the determination of the amount of off-street parking spaces required for the new use.

(e) *Special plan for the location of off-street parking:* Notwithstanding the requirements of section 59-587(b)(1)a., off-street parking requirements may be met off the zone lot upon approval of an off-street parking plan by the department of zoning administration after consultation with the Cherry Creek North Business Improvement district and the planning director.

(f) *Bicycle parking:*

- (1) *Requirement for bicycle parking:* For every ten (10) automobile parking spaces required, there shall be provided an area or facility in which to park one (1) bicycle.
- (2) *Facility design standards:* Bicycle parking facilities shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located on the zone lot and shall be protected from damage by automobiles.

(g) *Tandem parking:* Notwithstanding the provisions of section 59-586, required off-street parking, tandem parking is allowed only in the case of an addition to an existing building to meet the parking requirement for the added floor area or in the case of a change of use which results in an increase of the parking required. Tandem parking may not be used to meet the parking requirement of a new development. It must be possible to get any vehicle in or out of a tandem space by moving only one (1) other vehicle.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-250. Off-street loading requirements.**

The provisions of article VII, off-street loading requirements, of this chapter shall be in full force and effect in this district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-251. Special zone lot plan for planned building groups.**

The provisions of article VIII on special zone lot plans for planned building groups of this chapter shall be in full force and effect in this district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-252. Design advisory board.**

*Board established.* The mayor shall appoint a Cherry Creek North district design advisory board consisting of eight (8) members to advise and assist the planning board and/or planning office in their review procedures.

- (1) The board shall consist of the following individuals to be appointed by the mayor from a list of nominations provided by the board of Cherry Creek North Business Improvement district: three (3) licensed architects and one (1) licensed landscape architect who reside in Denver; one (1) member of the board of Cherry Creek North Business Improvement District or its designated successor; one (1) property owner from the district; one (1) retailer from the district; and one (1) nonvoting representative from the Denver planning office.
- (2) Two (2) members of the board shall be appointed by the mayor within thirty (30) days from the effective date of the ordinance from which this section was derived. The members of the board shall be appointed by the mayor for the term of three (3) years and shall serve at the pleasure of the mayor. The six (6) members of the board serving on the effective date of the ordinance from which this section was derived shall serve the balance of the term to which the member was appointed. Vacancies shall be filled within thirty (30) days by the mayor from the date on which the vacancy occurs.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-253. Application for design plan approval.**

Applicants for a zoning administration use and construction permit shall first obtain approval of a design plan according to the following regulations:

- (1) Pre-application conference. Prior to filing an application for approval of a design plan, the applicant shall make a request to the planning office for a pre-application conference. During such conference the planning staff shall explain the procedures involved in the design review and shall list the submittal material from the following subsection which will be needed to describe the project.
- (2) Applications for approval of a design plan under this article shall be filed with the department of zoning administration by all the owners or authorized representative[s] of any land to be included within the zone lot. The application may include the following: [site plan;] floor plan; sections through building and site; building elevations; special zone lot plan for planned building groups; an exterior perspective; tabulations of major exterior and interior areas; a tabulation of parking by size and type required and provided; dimensions of parking areas, setbacks, building heights and sign design; a mass model of the project at a scale of one (1) inch equals thirty (30) feet. The planning staff may require that the application include all or a portion of the items listed above in order to describe the specific project.
- (3) The complete application shall be forwarded to the planning office for review by the design advisory board. At a regular meeting of the design advisory board, the applicant

shall have the opportunity to discuss the application within twenty-five (25) days after submittal to zoning administration. If no action is taken within twenty-five (25) days after submittal, the project shall be deemed approved unless the review period is extended by mutual agreement of the applicant and the design review board.

- (4) Rules and regulations, including administrative procedures and design guidelines, shall be prepared by the design review board and adopted by the planning board. Such guidelines shall address the following: building character; alignment of architectural features; pedestrian interest at the sidewalk edges; building materials, textures and patterns; art, open spaces, parking and signs.
  - (5) Applications shall be evaluated on the basis of the design guidelines. The design advisory board shall prepare recommendations, and an applicant may appeal the recommendations of the design review board to the planning board by filing an appeal in the office of the planning board within fifteen (15) days of the date of the recommendations of the design advisory board. If an appeal is filed with the planning board, the planning board shall evaluate all comments on the application and shall forward a final recommendation to the zoning administrator. If an appeal is not filed with the planning board, the recommendations of the design advisory board shall be forwarded to the zoning administrator. The zoning administrator shall approve, approve with conditions or deny the application for use and construction permit after reviewing the recommendations of the design advisory board or the planning board.
- (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 238-04, § 6, 4-19-04)

**Secs. 59-254—59-260. Reserved.**