

**ORDINANCE NO. 89-JJ**

054

**IN THE MATTER OF THE REPEAL AND RE-ENACTMENT, IN ITS ENTIRETY, OF ORDINANCE NO. 89, THE WELD COUNTY ZONING ORDINANCE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, STATE OF COLORADO:**

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

**WHEREAS**, the Board of County Commissioners has the power and authority, under the Weld County Home Rule Charter and State statute, including Article 28 of Title 30 CRS, to adopt zoning regulations for the unincorporated areas of the County of Weld, State of Colorado, and

**WHEREAS**, the Board of County Commissioners of the County of Weld, State of Colorado, has previously adopted Ordinance No. 89, Weld County Zoning Ordinance, establishing a comprehensive revision of the Zoning Ordinance and zoning maps for unincorporated areas of the County of Weld and has adopted amendments in Ordinances 89-A through 89-II, and

**WHEREAS**, said Ordinance No. 89, as amended, is in need of numerous revisions and clarifications with regard to procedures, practices, terms, and requirements therein, and

**WHEREAS**, upon the recommendation of the Department of Planning Services and County Attorney staff, deem it advisable to repeal and re-enact, it its entirety, Ordinance No. 89-JJ, the Weld County Zoning Ordinance, a copy of which is attached hereto and incorporated herein by reference.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of the County of Weld, State of Colorado, that Ordinances No. 89 through 89-II, be, and hereby are, repealed and re-enacted, and Ordinance No. 89-JJ be, and hereby is, adopted in its entirety.

**BE IT FURTHER ORDAINED** by the Board if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.



The above and foregoing Ordinance Number 89-JJ was, on motion duly made and seconded, adopted by the following vote on the 18th day of August, A. D., 1999.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: Deputy Clerk to the Board

APPROVED AS TO FORM:

County Attorney

Dale K. Hall, Chair

Barbara J. Kirkmeyer, Pro-Tem

George E. Baxter

M. J. Gelle

Glenn Vaad

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1-I Introductory Information

1 Title

1.1 The regulations contained herein shall be known and cited as the Weld County Zoning Ordinance.

2 Authority

2.1 The COUNTY is authorized by law to regulate zoning, planning, subdivision of land, and BUILDING by virtue of Section 30-28-101, et seq., C.R.S., as amended; Section 30-28-201, et seq., C.R.S., as amended, to regulate certain activities on and USES of land by Section 29-20-101, et seq., C.R.S.; as amended; to designate and administer areas and activities of state interest by Section 24-65.1-101, et. seq., C.R.S., as amended; to regulate PLANNED UNIT DEVELOPMENTS by Section 24-67-101, et. seq., C.R.S., as amended, to establish the point at which statutory vesting occurs pursuant to Section 24-68-101, et. seq., C.R.S., as amended, to exercise the powers of a board of health to adopt rules and regulations pursuant to Section 25-1-507(1)(d) C.R.S., as amended. In addition, the COUNTY is authorized to regulate zoning, planning, subdivision of land and BUILDING by virtue of the Weld County Home Rule Charter. Should further authorizing legislation exist or be enacted, this Ordinance is additionally deemed to be enacted pursuant thereto, except to the extent it may be inconsistent therewith.

3 Scope

3.1 This Ordinance shall apply to all PUBLIC and private lands situated within the unincorporated portions of the COUNTY, over which Weld county has jurisdiction under the Constitutions and Laws of the State of Colorado and of the United States of America.

4 Purpose and Intent

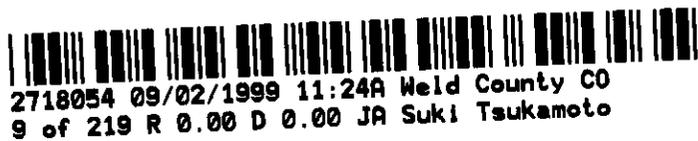
4.1 The purpose of this Ordinance is to provide a unified regulatory system for land USE in the COUNTY. This Ordinance is designed to promote the health, safety, convenience, morals, order, and welfare of the present and future inhabitants of the COUNTY. The present and future inhabitants of the COUNTY will be benefitted through:

- 4.1.1 Lessening congestion in the STREETS or roads or reducing the waste caused by excessive amounts of roads.
- 4.1.2 Securing safety from fire, FLOOD waters and other dangers.
- 4.1.3 Providing adequate light and air.
- 4.1.4 Classification of land USES and distribution of land DEVELOPMENT and utilization.
- 4.1.5 Protecting the tax base of the COUNTY.
- 4.1.6 Securing economy in governmental expenditures.
- 4.1.7 Fostering the COUNTY'S agricultural, business, MINING and other economic bases.
- 4.1.8 Protecting both urban and non-urban DEVELOPMENT.
- 4.1.9 Conserving the value of property.
- 4.1.10 Encouraging the most appropriate USE of land.

- 4.2 This Ordinance is further intended to protect the public health, safety, and welfare by:
- 4.2.1 Regulating activities and DEVELOPMENT in hazardous areas.
  - 4.2.2 Protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species.
  - 4.2.3 Preserving areas of historical and archaeological importance.
  - 4.2.4 Regulating, with respect to the establishment of, roads on public lands administered by the federal government; this authority includes authority to prohibit, set conditions for, or require a permit for the establishment of any road authorized under the general right-of-way granted to the public by 43 U.S.C. 932 (R.S. 2447) but does not include authority to prohibit, set conditions for, or require a permit for the establishment of any road authorized for mining claim purposes by 30 U.S.C. 21 et seq., or under any specific permit or lease granted by the federal government.
  - 4.2.5 Regulating the location of activities and DEVELOPMENTS which may result in significant changes in population density.
  - 4.2.6 Providing for phased DEVELOPMENT of PUBLIC services and facilities.
  - 4.2.7 Regulating the USE of land on the basis of the impact of land USE changes on the community or surrounding areas..
  - 4.2.8 Otherwise planning for and regulating the USE of land so as to provide planned and orderly USE of land and protection of the environment in a manner consistent with constitutional rights.

5 Interpretation

- 5.1 The word "person" includes a firm, association, governmental entity, organization, partnership, trust, company, or corporation as well as an individual.
- 5.2 The word "shall" is mandatory.
- 5.3 The word "may" is permissive.
- 5.4 The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
- 5.5 The word "LOT" includes the words "plot" or "parcel".
- 5.6 Words used in the present tense include the future tense.
- 5.7 Words in the singular number include the plural number, words in the plural number include the singular number, unless the context clearly indicates the contrary.
- 5.8 The particular controls the general.
- 5.9 Words and phrases used in this Ordinance which are not specifically defined in Section 10, shall be assigned their ordinary, contemporary meanings.
- 5.10 All Uses Allowed by Right, Temporary Uses, and Uses by Special Review listed in this Ordinance are representative and are not all inclusive



6 Relationship with Other Laws

- 6.1 In their interpretation and application, the provisions of this Ordinance shall be regarded as the minimum requirements for the protection of public health, safety, comfort, morals, convenience, and welfare.
- 6.2 This Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- 6.3 Whenever a provision of this Ordinance and any other provision of this ordinance, or any provision of any other law, rule, contract, resolution, ordinance, or regulation of the State, Federal government or of Weld county, of any kind, contain restrictions covering the same subject matter, the more restrictive requirements or higher standards shall govern, except where preempted.

7 Severability

- 7.1 If any section, subsection, paragraph, sentence, clause or phrase of this Zoning Ordinance is for any reason held or decided to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions. The Board of County Commissioners hereby declares that it would have passed this Zoning Ordinance and each and every section, subsection, paragraph, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsection, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

8 Implementation Procedures

8.1 Repeal of Previous Zoning Resolution: Applicable only to 1981 Redistricting

8.1.1 The Official Weld County Zoning Resolution adopted May 29, 1961, is hereby repealed. The maps accompanying the repealed Official Weld County Zoning Resolution shall be amended according to the redistricting procedures in Section 8.2 of this Zoning Ordinance. The Weld County Flood Hazard Overlay District Zoning Maps, recorded April 22, 1980, in Book 901, Reception Numbers 1822844 through 1822908, inclusive; and the Geologic Hazard Area Map of Potential Ground Subsidence Areas in the COUNTY recorded May 22, 1978, in Book 832, Reception Number 1754240 are not repealed or amended by this Section. The repeal of the Official Weld County Zoning Resolution shall not prevent the prosecution and punishment of any person for any violation committed prior to its repeal and map amendment. The repeal of the Zoning Resolution shall not affect or repeal any conditions or standards imposed as a condition for approval of any land USE decision by the Board of County Commissioners prior to the effective date of this Zoning Ordinance and any amendment thereto.

8.2 Redistricting Procedure for Amending the Official Zoning Map

8.2.1 Intent. The repealed Official Weld County Zoning Resolution, and accompanying map contain zone district classifications which are different from the zone district classifications in this Zoning Ordinance. The intent of this redistricting procedure is to ensure an orderly and harmonious transition from the repealed Official Weld County Zoning Map zone district classifications to the zone district classifications in this Official Weld County Zoning Ordinance. The Planning Commission and the Board of County Commissioners shall consider the following redistricting procedures during the adoption of this Zoning Ordinance and the amendment to the Official Weld County Zoning Map. It is not the intent of the redistricting process to correct zoning errors or deficiencies or faulty zoning, or to rezone land because of changing conditions or because it does not conform to the Weld County



COMPREHENSIVE PLAN.

- 8.2.1.1 If a parcel of land has been originally zoned by the Board of County Commissioners under the provisions of the Weld County Zoning Resolution and that parcel now contains a number of separate parcels and different USES, the Planning Commission and the Board of County Commissioners may redistrict the entire parcel of land to the least restrictive zone district in this ordinance which most closely corresponds to the previous zoning within the original zone district boundaries.
- 8.2.1.2 All land zoned Agricultural on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed Agricultural on the Official Zoning Map of the Weld County Zoning Ordinance.
- 8.2.1.3 All land zoned Estate and Residential on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed R-1 on the Official Zoning Map of the Weld County Zoning Ordinance. Developed land or land which has an existing USE which is zoned High Density RESIDENTIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate R-2, R-3 or R-4 RESIDENTIAL District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped land which is zoned High Density RESIDENTIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate R-2, R-3 or R-4 RESIDENTIAL District on the Official Zoning Map of the Weld County Zoning Ordinance according to the intent or conditions of the original zone amendment or according to the procedures established in Sections 8.2.1 and 8.2.2. All land zoned MOBILE HOME on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed R-5 on the Official Zoning Map of the Weld County Zoning Ordinance.
- 8.2.1.4 Developed land or land which has an existing USE which is zoned Transitional on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate Residential or Commercial Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped land which is zoned Transitional on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate RESIDENTIAL or COMMERCIAL District on the Official Zoning Map of the Weld County Zoning Ordinance according to the intent or conditions of the original zone amendment or according to the procedures established in Section 8.2.1 and 8.2.2.
- 8.2.1.5 Developed land or land which has an existing USE which is zoned Business or COMMERCIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate COMMERCIAL, Industrial or Agricultural District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped land zoned Business or COMMERCIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed C-1 on the Official Zoning Map of the Weld County Zoning Ordinance.
- 8.2.1.6 All land zoned Scientific on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to I-1 on the Official Zoning Map of the Weld County Zoning Ordinance.
- 8.2.1.7 Developed land or land which has an existing USE which is zoned Industrial on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate Industrial, COMMERCIAL or Agricultural District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped or vacant land zoned Industrial on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to I-1 on the Official Zoning Map of the Weld County Zoning Ordinance.

- 8.2.2 If a parcel of property or LOT zoned under the provisions of the repealed zoning resolution may be redistricted or renamed to more than one zone district in this Ordinance due to the nature of the USE conducted on the property or LOT, the Planning Commission and Board of County Commissioners shall use the following standards to determine the most appropriate zone district designation for the USE and the property.
- 8.2.2.1 The Planning Commission and the Board of County Commissioners shall consider the intent statement, Section 8.2.1 of the redistricting procedure and the specific standards contained in Sections 8.2.1.1 to 8.2.1.7, inclusive. If after applying these standards there is still a choice between two different zone district, the Planning Commission and the Board of County Commissioners shall consider the following standards:
- 8.2.2.1.1 If one zone district in this Ordinance would allow the USE in question to be allowed by right and the other zone district would allow the USE by permit, the Planning Commission and the Board of County Commissioners shall assign the zone district designation which would allow the USE by right.
- 8.2.2.1.2 If both zone districts in this Ordinance would allow the USE by right or if both zone districts in this Ordinance would allow the USE by permit, the Planning Commission and Board of County Commissioners shall consider the intent statements at the beginning of the zone district in the text of the Ordinance to determine the most appropriate zone district to assign to the property.
- 8.2.2.1.3 If both zone districts in this Ordinance would allow the USE by right or if both zone districts in this Ordinance would allow the USE by permit, and the Planning Commission and the Board of County Commissioners cannot make a determination for naming a new zone district based upon the standards and procedures contained in Section 8.2.1 and 8.2.2, the Planning Commission and Board of County Commissioners shall assign a district designation most similar in name and uses allowed to the district designation that existed on the property under the provisions of the repealed Weld County Zoning Resolution.
- 8.2.2.1.4 If a landowner has initiated substantial DEVELOPMENT of a parcel of land and this DEVELOPMENT is allowed in the zone district under the provisions of the repealed Weld County Zoning Resolution, but is not permitted in the zone district proposed under the provisions of this Ordinance, the Planning Commission and the Board of County Commissioners may redistrict a legally definable part of the land or the entire parcel to a zone district in this Ordinance which would allow the USE as a use allowed by right or by permit. Substantial DEVELOPMENT shall be considered to be issuance of a building permit or actual physical DEVELOPMENT of the property which conforms to the provisions of the existing COUNTY Regulations.
- 8.2.3 Minor Corrections. A property owner may request a meeting before the Board of County Commissioners for the purpose of making a minor correction resulting from the application of the redistricting procedures by the Board of County Commissioners. This request shall be filed with the Clerk to the Board of County Commissioners within one hundred eighty (180) days following the effective date of this Zoning Ordinance. Such request for a minor correction shall be in writing and directed to the Board of County Commissioners, and shall state therein the specific reasons for such request. The Board of County Commissioners shall consider such request at a regularly scheduled meeting within a reasonable period of time, and at such meeting, may initiate any minor corrections as deemed necessary.

### 8.3 Transition to the Planned Unit Development Ordinance

- 8.3.1. All properties which have received land use approval for a change of zone to PUD prior to the effective date of Ordinance 197, (January 27, 1998), and meet the following additional conditions shall adhere to regulations and processing method for PUD development set forth in Ordinance 89,

as amended.

8.3.1.1 The application for final plan conforms to the approved PUD district and

8.3.1.2 The applicant has diligently pursued the final plan or has received an extension of time in accordance with Weld County Zoning Ordinance 28.15.5. Weld County Zoning Ordinance.

8.3.2 All other PUD applications shall adhere to the rules and regulations as set forth in Ordinance 197, as amended.

9. Enactment

9.1 Upon approval and adoption of this Weld County Zoning Ordinance by the Board of County Commissioners, a certified copy thereof, including all maps herein referred to not already filed with the County Clerk and Recorder, shall be filed as provided by law with the Weld County Clerk and Recorder.

9.2 This Weld County Zoning Ordinance shall be in full force and effect after its approval and adoption as provided by law.



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13 of 219 R 0.00 D 0.00 JA Suki Tsukamoto

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10 Definitions

10.1 For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as defined in this Section. The following specific words and phrases when appearing in this Ordinance in uppercase letters, shall have the meanings stated in this Sub-Section:

A. ACCESSORY BUILDING or USE: any BUILDING or USE which:

1. Is subordinate in purpose, area or intensity to the principal BUILDING or USE served.
2. Is normally associated with the principal BUILDING or USE .
3. Contributes to the needs of the occupants, business enterprise or industrial operation within the principal BUILDING or USE served.
4. Is located on the same LOT as the principal BUILDING or USE.

ADJACENT: When used to indicate land in the immediate vicinity of a LOT, means land which shares a boundary line with the LOT in question or which would share a boundary line were it not for the separation caused by a STREET or ALLEY.

ADULT BUSINESS, SERVICE, or ENTERTAINMENT ESTABLISHMENT: Any business, service, or entertainment establishment open to the public in which persons appear in a STATE OF NUDITY for the purpose of entertaining patrons at such establishment. This definition should not include any establishments offering such entertainment where those establishments hold a valid liquor license pursuant to the Colorado Liquor Code or Beer Code.

AIRPORT: Any locality, situated on water or land which is adapted for the landing and taking-off of aircraft and which may provide facilities for shelter, supply and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air. Includes all land, BUILDINGS, STRUCTURES or other improvements, necessary or convenient in the establishment and operation of an AIRPORT.

AIRPORT: (This definition applies only to AIRPORT when used in the A-P (Airport Overlay District.): Greeley-Weld County Airport, located in Sections 2 and 3, T5N, and Sections 26 and 35, T6N, R65W of the 6th P.M., Weld County, Colorado.

AIRPORT ELEVATION: The established elevation of the highest point on the usable land area ( 4,690 four thousand six hundred ninety feet above sea level).

AIRPORT HAZARD: Any STRUCTURE, tree or USE of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the AIRPORT.

AIRPORT REFERENCE POINT: The point established as the geographic center of the AIRPORT landing area. The reference point at Greeley-Weld County AIRPORT is a point thirty-one hundred (3,100) feet west of the east line of Section 2, T5N, R68W of the 6th P.M., Weld County, Colorado, and two thousand two hundred and fifty (2,250) feet south of the north line of said Section 2 which geographical coordinates are Latitude forty (40) degrees, twenty six (26) feet, eight (8) inches north and Longitude one hundred four (104) degrees, thirty seven (37) feet, fifty five (55) inches west.

AIRSTRIP: Any locality, situated on either water or land which is adapted for the landing and taking off of aircraft, operated by the owner or lessee of the land USED as an AIRSTRIP. An AIRSTRIP may be USED only for private aircraft owned or



leased by the operator of the AIRSTRIP.

**ALTERATION OF A WATERCOURSE:** Any DEVELOPMENT which changes the direction of flow of water in a river or stream or any DEVELOPMENT which results in a change of 10% or more in the INTERMEDIATE REGIONAL FLOOD water flows. Any channelization of a river or stream is also considered to be an ALTERATION OF A WATERCOURSE.

**ANIMAL BOARDING:** The maintaining of LIVESTOCK, other than those owned by the property owner and where any of the following are provided: shelter, care, confinement, feed, and water.

**ANIMAL UNIT:** A term and number used to establish an equivalency for various species of LIVESTOCK. The number of LIVESTOCK allowed by right is dependent upon bulk requirements of the Agricultural, Estate, or R-1 (Low-Density Residential) zone districts. LIVESTOCK in excess of the bulk requirements for the Agricultural zone district shall require a Use by Special Review Permit for a LIVESTOCK CONFINEMENT OPERATION. All LIVESTOCK shall have the following ANIMAL UNIT equivalents and bulk requirements:

IN THE AGRICULTURAL (A) ZONE DISTRICT

	Animal Unit Equivalents	Number of Animals	Maximum Number per acre
Cattle	1	1	4
Bison	1	1	4
Mule	1	1	4
Llama	1	1	4
Ostrich	1	1	4
Elk	1	1	4
Horse	1	1	4
Swine	.2	15	20
Sheep	.1	10	40
Goat	.1	10	40
Poultry	.02	50	200
Rabbit	.02	50	200

IN THE E (ESTATE) DISTRICT

	Animal Unit Equivalents	Number of Animals	Maximum Number per acre
Cattle	1	1	1
Horse	1	1	1
Swine	1	1	1

	Animal Unit Equivalents	Number of Animals	Maximum Number per acre
Llama	1	1	1
Mule	1	1	1
Burro	1	1	1
Sheep	.5	2	2
Goat	.5	2	2
Poultry	.04	25	25
Rabbit	.04	25	25

IN THE R-1 (LOW-DENSITY RESIDENTIAL) ZONE DISTRICT

	Animal Unit Equivalents	Number of Animals	Maximum Number per Lot
Cattle	1	1	2
Horse	1	1	2
Swine	.5	2	4
Sheep	.2	5	10
Goat	.2	5	10
Poultry	.02	50	100
Rabbit	.02	50	100

Any combination of the above LIVESTOCK and their equivalents as a Use by Right shall not exceed the maximum of four (4) ANIMAL UNITS per acre in the Agricultural (A) zone district; one per acre, not to exceed eight (8) ANIMAL UNITS per LOT in the Estate zone district; or two (2) ANIMAL UNITS per LOT in the R-1 (Low Density Residential) zone district.

APPEAL: The request for a review of the County's interpretation of any provision of this Ordinance or a request for a VARIANCE.

AREA OF SPECIAL FLOOD HAZARD: See INTERMEDIATE REGIONAL FLOOD definition.

AUXILIARY QUARTERS: One or more interconnected rooms permanently attached to or located within a SINGLE FAMILY DWELLING which are arranged, designed, used or intended for USE as a complete independent living facility for one FAMILY. All AUXILIARY QUARTERS shall comply with the following requirements:

1. The AUXILIARY QUARTERS may not be used on any basis as a rental.
2. The USE is subordinate in purpose, area, or intensity and the occupants contribute to the needs of the occupants of the SINGLE FAMILY DWELLING served.



3. The gross floor area of the SINGLE FAMILY DWELLING shall be no less than sixteen hundred (1,600) square feet in size.
4. The minimum lot size shall be no less than two and one half (2-1/2) acres.
5. The minimum GROSS FLOOR AREA of the AUXILIARY QUARTERS shall be no less than three hundred (300) square feet in size, and the maximum shall not exceed fifty percent (50%) in size of the GROSS FLOOR AREA of the SINGLE FAMILY DWELLING, not to exceed one thousand (1,000) square feet in size.
6. The AUXILIARY QUARTERS shall be attached by common roof and foundation.
7. The AUXILIARY QUARTERS and the SINGLE FAMILY DWELLING shall be connected by a party wall or shall not be separated by more than twice the width of the projected view of the shortest exterior wall of the AUXILIARY QUARTERS.

B. BASE FLOOD: See INTERMEDIATE REGIONAL FLOOD.

BASEMENT: Any floor level below the first story or main floor of a building. The BASEMENT is wholly or partially lower than the surface of the ground. For the purposes of this ordinance, any crawl space with six (6) feet or more between the floor and the ceiling shall be considered to be a BASEMENT.

BASEMENT: (This definition applies only to a BASEMENT when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.) Any floor level below the first story or main floor of a building, having its floor subgrade (below ground level) on all sides. The BASEMENT is wholly or partially lower than the surface of the ground. For the purposes of this ordinance, any crawl space with six (6) feet or more between the floor and the ceiling shall be considered to be a BASEMENT.

BED AND BREAKFAST FACILITY: A facility in an owner occupied DWELLING that offers TEMPORARY accommodation to lodging guests for a fee.

BUILDING: Any STRUCTURE excluding fences, erected for shelter or enclosure of persons, animals, or personal property of any kind.

BUILDING HEIGHT: The vertical distance from mean natural grade at foundation to the highest point of the roof or appurtenances, not including church spires and residential chimneys.

BUILDING, PRINCIPAL: A BUILDING in which is conducted the main or primary USE of the LOT or, which said BUILDING is located.

C. CAMPGROUND: An area used for TEMPORARY placement and occupancy of RECREATIONAL VEHICLES or camping tents.

CHANNEL (FLOOD PLAIN): A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. CHANNEL flow thus is that water which is flowing within the limits of the defined CHANNEL.

CHILD CARE CENTER: A facility, by whatever name known, which is maintained for the whole or part of a day for the care of more than eight (8) children under the age of sixteen (16) years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care center, day nurseries, nursery SCHOOLS, kindergartens, preschools, play groups, day camps,

summer camps, and center for developmentally disabled children and those facilities which give twenty-four-hour (24) care for dependent and neglected children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a PUBLIC, private, or parochial college or a private or parochial SCHOOL except that the term shall not apply to any kindergarten maintained in connection with a PUBLIC, private, or parochial elementary SCHOOL system of at least six (6) grades or to any preschool established pursuant to the provisions of Article 28 of Title 22, C.R.S., which is maintained in connection with a public school system of at least six (6) grades so long as the school system is not also providing extended day services.

COMMERCIAL: An activity where goods, products, or services are bought, sold, or transferred in ownership on a fee, contract, or barter basis excluding those uses listed by right and accessory uses in the A (Agricultural) zone district.

COMMERCIAL JUNKYARD: An open or enclosed area where any waste, JUNK, or used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited, to scrap iron and other metals, paper, rags, rubber tires and bottles. A COMMERCIAL JUNKYARD also includes the storage or keeping of DERELICT VEHICLES.

COMMERCIAL MINERAL DEPOSIT: A natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an EXTRACTOR is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation.

COMMON OPEN SPACE: Means a parcel of land, an area of water, or a combination of land and water excluding STREETS, PARKING LOTS and right-of-ways within the site designated for a Planned Unit Development designed and intended primarily for the USE or enjoyment of residents, occupants, and owners of the Planned Unit Development.

COMPREHENSIVE PLAN: The duly adopted Weld County COMPREHENSIVE PLAN .

CONTRACTOR'S SHOPS: Establishments engaged in installing and servicing such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation and service facilities of utilities.

COUNTY: The COUNTY of Weld, a home rule county in the State of Colorado.

CRITICAL FEATURE: An integral and readily identifiable part of a FLOOD protection system, without which the FLOOD protection provided by the entire system would be compromised.

- D. DAIRY: An establishment for the primary production and subsequent sale or distribution of milk and/or milk products.

DERELICT MANUFACTURED (MOBILE) HOME: A MANUFACTURED (MOBILE) HOME that is partially or totally damaged by fire, earthquake, wind, or other natural causes, or is in a state of general dilapidation, deterioration, or decay resulting from improper lack of maintenance, vandalism, or infestation with vermin or rodents. Any such DERELICT MANUFACTURED (MOBILE) HOME shall be returned to and maintained in the condition as originally established on site and as inspected by the Weld County Building Inspection Department, or it shall be removed from site.

DERELICT VEHICLE: A vehicle that is inoperable (unable to move under its own power); or is partially or totally dismantled; or has all or portions of its body work missing or is substantially damaged; or is not registered with the State of Colorado, as required by



Section 42-3-103, CRS, or by Sections 42-3-138 or 42-12-102, CRS, and/or the number plate assigned to it is not permanently attached to the vehicle, as required by Section 42-3-123, CRS; or is lacking proper equipment to the extent that it would be unsafe or illegal to USE on public road rights-of-way or otherwise not equipped with lamps and other equipment as required in Sections 42-4-202 to 42-2-227, CRS. This definition shall not include; implements of husbandry, farm tractors, or vehicles customarily operated in a FARMING operation.

DEVELOPER: The legal or beneficial owner or owners of any of the land proposed to be included in a given DEVELOPMENT, or the authorized agent therefore, including the holder of an option or contract to purchase, or other individual having an enforceable legal interest in such land.

DEVELOPMENT: The placement, construction, erection, reconstruction, movement, and/or alteration of BUILDINGS and/or other STRUCTURES, the placement of paved areas, drainage improvements or alterations on the historic flow of drainage patterns or amounts, and the placement of lighting and/or other appurtenances related to any and all USES.

DEVELOPMENT: (This definition applies only to DEVELOPMENT when used in the administration of a Flood Hazard Overlay District Development permit or the Flood Hazard Overlay District.) Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

DEVELOPMENT STANDARDS: A list of items that are compiled and approved by the COUNTY that governs the USE and/or operation of a Special Review permit. The list is placed on the Special Review Permit Plan map prior to recording the map with the Weld County Clerk and Recorder.

DOMESTIC SEPTIC SLUDGE: Liquid, semi-liquid, or solid waste pumped from septic tanks, vaults, waste holding tanks and similar STRUCTURES which would be pumped and transported for final disposal by a licensed Weld County septic tank cleaner. This definition does not include hazardous waste, industrial waste which is toxic or hazardous, infectious, highly putrescible, or waste that contains more than 1% (one) petroleum hydrocarbons by volume. Septic sludge under this definition may not contain more than 15% (fifteen) raw sewage by volume.

DWELLING UNIT: One (1) or more interconnected rooms which are arranged, designed, used or intended for USE as a complete independent living facility for 1 (one) LIVING UNIT. The term DWELLING UNIT does not include HOTELS, MOTELS, RECREATIONAL VEHICLES, or other places or accommodations when used for transient occupancy.

DWELLING, SINGLE FAMILY (SINGLE FAMILY DWELLING): A DWELLING UNIT or MANUFACTURED HOME other than a MOBILE HOME arranged, designed, and intended to be occupied by not more than 1 (one) LIVING UNIT. The projected view of any exterior wall of a DWELLING UNIT or MANUFACTURED HOME shall not be less than 20'0" (twenty feet zero inches).

DWELLING, TWO FAMILY/DUPLEX: A BUILDING containing two (2) DWELLING UNITS other than MOBILE HOMES or MANUFACTURED HOMES arranged, designed, and intended to be occupied by not more than two (2) LIVING UNITS.

DWELLING, THREE FAMILY/TRI-PLEX: A BUILDING containing three (3) DWELLING UNITS other than MOBILE HOMES or MANUFACTURED HOMES arranged, designed, and intended to be occupied by not more than 3 (three) LIVING UNITS.

DWELLING, MULTI-FAMILY: A BUILDING containing four (4) or more DWELLING UNITS other than MOBILE HOMES, or MANUFACTURED HOMES arranged, designed, and intended to be occupied by four (4) or more LIVING UNITS.

- E. ELECTRIC TRANSMISSION LINES: The system, including lines and support STRUCTURES, used to transmit electric energy in amounts of 115 KV (one hundred fifteen) and above.

ELEVATE: To build or raise a STRUCTURE to the level, or above the level of the REGULATORY FLOOD DATUM.

ENCLOSED: An object or activity shall be ENCLOSED if all aspects of, or a USE are surrounded on all sides of a BUILDING.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION: (This definition applies only to MANUFACTURED HOME PARK or SUBDIVISION when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.) A parcel (or contiguous parcels) of land divided into two or more MANUFACTURED HOME LOTS for rent or sale.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION: (This definition applies only to an EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.) The preparation of additional sites by the construction of facilities for servicing LOTS on which the MANUFACTURED HOMES are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

EXOTIC ANIMAL: Any vertebrate animal except fishes and amphibians that is not defined herein as LIVESTOCK or HOUSEHOLD PET.

EXTRACTOR: Any individual, partnership, association, or corporation which extracts COMMERCIAL MINERAL DEPOSITS for USE in the business of selling such deposits or for USE in another business owned by the extractor or any department or division of federal, state, county, or municipal government which extracts such deposits.

- F. FAMILY: An individual, or a group of two (2) or more individuals related by blood, marriage, or adoption, living together. (See also LIVING UNIT).

FARM, RANCH AND GARDEN BUILDINGS AND USES: Those BUILDINGS and STRUCTURES USED to shelter or ENCLOSE LIVESTOCK, feed, flowers, field equipment, DAIRY operations or similar USES; and those USES of land devoted to raising of crops, poultry or LIVESTOCK.

FARMING: The cultivation of land, growing of crops, ranching, and/or the raising of LIVESTOCK.

FARMLAND - U.S. DEPARTMENT OF AGRICULTURAL, SOIL CONSERVATION SERVICES: The availability of a consistent supply of clean water must exist in order to have prime FARMLAND. Prime FARMLAND is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these USES (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban build-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable FARMING methods. In general, FARMLANDS have an adequate and dependable water



supply from precipitation or irrigation, a favorable temperature and growing season, salt and sodium content, and few or no rocks. Prime FARMLANDS are permeable to water and air. Prime FARMLANDS are not excessively erodible or saturated with water for a long period of time, and they either do not FLOOD frequently or are protected from flooding. (U.S. Department of Agriculture, Soil Conservation Services [Special Series 17]. January 1980: additional supplements).

FARMLAND - WELD COUNTY PRIME: The availability of a consistent supply of quality water must exist in order to have PRIME FARMLANDS. PRIME and "If irrigated" lands fall into upper capability classes as defined by the Soil Conservation Service and Colorado State University Cooperative Extension Service and should be protected equally if irrigation water is available and they are located within a reasonable distance of water delivery STRUCTURES.

FARMLAND - WELD COUNTY NON-PRIME: NON-PRIME FARMLAND is low capability land that is not considered important land for food production. It may be composed of poorer soils prone to erosion or may have topographical limitations such as slopes or gullies.

FILL: Any material such as earth, clay, sand, concrete, rubble or waste of any kind which is placed or stored upon the surface of the ground.

FLOOD: A general and TEMPORARY condition of partial or complete inundation of normally dry land areas caused by the unusual and rapid accumulation or run-off of surface waters from any source.

FLOOD HAZARD AREA: Any land which is subject to inundation by the FLOOD waters of an INTERMEDIATE REGIONAL FLOOD. FLOOD HAZARD AREAS in the unincorporated areas of the COUNTY are shown as FP-1 and FP-2 (Floodprone) and FW (FLOODWAY) District on the official Weld County Flood Hazard Overlay District Zoning Maps.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the AREA OF SPECIAL FLOOD HAZARDS and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency that includes FLOOD profiles, the FLOOD Boundary FLOODWAY Map, and the WATER SURFACE ELEVATION of the BASE FLOOD.

FLOOD PLAIN: Any land area susceptible to being inundated by water from any source. An INTERMEDIATE REGIONAL FLOOD PLAIN includes the land area which is likely to be inundated by the water of an INTERMEDIATE REGIONAL FLOOD.

FLOODPROOF: Any combination of structural and nonstructural designs, changes, adjustments or additions to properties or STRUCTURES which are designed to eliminate FLOOD damage to STRUCTURES and water and sanitary sewer facilities.

FLOOD WATER DEPTH: The depth of the water at any point in a FLOODPLAIN during an INTERMEDIATE REGIONAL FLOOD.

FLOODWAY: The CHANNEL of a river or WATERCOURSE and the adjacent land areas which is required to carry and discharge the floodwaters of the INTERMEDIATE REGIONAL FLOOD without increasing the WATER SURFACE ELEVATION more than one (1) foot. The FLOODWAY is shown on the Official Weld County Flood Hazard Overlay District Zoning Maps as the FW (FLOODWAY) District.

FLOOD, ONE-HUNDRED YEAR: (See INTERMEDIATE REGIONAL FLOOD).



FUNERAL HOME: A BUILDING or part thereof for human funeral services, including but not limited to space and facilities for embalming, performance of autopsies, cremation, related storage and a chapel.

- G. GEOLOGIC HAZARD: A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land USE as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to: unstable or potentially unstable slopes, seismic effects, radio activity, and GROUND SUBSIDENCE .

GEOLOGIC HAZARD AREA: An area which contains or is directly affected by a GEOLOGIC HAZARD.

GROSS FLOOR AREA: The sum total of the floor area of each horizontal level of a BUILDING, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

GROUND SUBSIDENCE: A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, dissolution of underground minerals, or underground mining.

- H. HAZARD AREA: Any area governed by the GEOLOGIC HAZARD Overlay District regulations where a natural or man-made condition presents a potentially significant harm to public health, safety, welfare, or property.

HEIGHT: (This definition applies only when used in the A-P (AIRPORT Overlay District.): For the purpose of determining the HEIGHT limits in all surfaces set forth in this Section and shown on the zoning map, the datum shall be MEAN SEA LEVEL elevation unless otherwise specified.

HOME BUSINESS: An incidental USE to the principal permitted USE for gainful employment of the FAMILY residing on the property, where:

1. Such USE is conducted primarily within a DWELLING UNIT or ACCESSORY STRUCTURE and principally carried on by the FAMILY resident therein.
2. Such USE is clearly incidental and secondary to the principal permitted USE and shall not change the character thereof.

Ordinarily a HOME BUSINESS shall not be interpreted to include the following: clinic, HOSPITAL nursing home, animal hospital, HOTEL/MOTEL, RESTAURANT, mortuary, and organized classes where more than six (6) persons meet together for instruction on a regular basis. (Does not include classes sponsored by a PUBLIC SCHOOL.).

HOME OCCUPATION: An incidental USE of a DWELLING UNIT for gainful employment of the resident therein, where:

1. Such USE is conducted entirely within a DWELLING UNIT and carried on by the residents thereof and no others.
2. Such USE is clearly incidental and secondary to the USE of the dwelling for dwelling purposes and shall not change the character thereof.
3. The total area USED for such purposes does not exceed three hundred (300) square feet.
4. There is no advertising or other indication of the HOME OCCUPATION on the LOT or any STRUCTURE or vehicle located on or ADJACENT to the LOT with the



exception that one nameplate shall be allowed which may display the name of the occupant and/or the name of the HOME OCCUPATION where such nameplate does not exceed one (1) square foot in area, shall be non-illuminated and attached flat to the main STRUCTURE or visible through a window.

5. There is no exterior storage, display or sales of materials, goods, supplies or equipment related to the operation of such HOME OCCUPATION nor of any highly explosive or combustible materials.
6. There is no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference or other hazard or nuisance noticeable off the LOT if the occupation is conducted in a SINGLE FAMILY DWELLING or outside the DWELLING UNIT if conducted in other than a SINGLE FAMILY attached dwelling.

Ordinarily a HOME OCCUPATION shall not be interpreted to include the following: clinic, HOSPITAL, nursing home, animal hospital, HOTELS/MOTELS, RESTAURANT, mortuary, vehicle or boat repair (including painting), and organized classes where more than six (6) persons meet together for instruction on a regular basis. (Does not include classes sponsored by a PUBLIC SCHOOL.)

HOSPITAL: Any institution receiving inpatients and rendering medical, surgical, psychiatric, or obstetrical care for humans to include general HOSPITALS and specialized institutions.

HOTELS/MOTELS: A BUILDING or portion thereof or a group of BUILDINGS, which provides sleeping accommodations for hire in separate units or rooms for transients on a daily, weekly, or similar short term basis. A HOTEL or MOTEL shall not be deemed to include any establishment which primarily provides residential living accommodations on a permanent basis.

HOUSEHOLD PETS: Any non-venomous species of reptile and any domestic dog, domestic cat, rodent, primate or bird over the age of six (6) months, provided, however, that members of the order crocodilia (e.g. crocodiles, alligators, etc.), gorillas, orangutans, baboons, chimpanzees, member of the class apes, order falcons (e.g. hawks, eagles, vultures, etc.), and animals defined as LIVESTOCK herein, shall not be considered to be HOUSEHOLD PETS for the purpose of this ordinance. (NOTE: See definitions of EXOTIC ANIMALS, LIVESTOCK, and KENNEL).

- I. INSTRUMENT RUNWAY: The East-West Runway, No. 9-27, equipped, or to be equipped with a precision electronic navigation aid, landing aid, or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions and described as follows: A tract of land in Section 2 and 3, T5N, and Sections 35 and 26, T6N, R65W, of the 6th P.M., situated in Weld County, Colorado, or more particularly described as follows: Beginning at the intersection of State Highway 263 Darling Ranch Road, thence North 74 12' west a distance of six thousand two hundred (6,200) feet is the centerline of the INSTRUMENT RUNWAY, which extends fifty (50) feet on each side of said centerline.

INTERMEDIATE REGIONAL FLOOD (BASE FLOOD, ONE PERCENT FLOOD, ONE HUNDRED YEAR FLOOD.): A FLOOD which has a one percent chance of being equaled or exceeded in any given year.

- J. JUNK: Scrap brass, iron, lead, tin, zinc; all other scrap metals and alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles, old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; DERELICT VEHICLES; used tires and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

- K. **KENNEL:** Any place other than a PET SHOP or veterinary clinic or HOSPITAL, where five (5) or more HOUSEHOLD PETS of one (1) species, or a total of eight (8) or more HOUSEHOLD PETS of two (2) or more species are kept or maintained. Property that is zoned Agricultural (A) and not part of a platted subdivision or unincorporated town and which is larger than ten (10) acres shall be permitted to keep or maintain eight (8) HOUSEHOLD PETS of one species or sixteen (16) HOUSEHOLD PETS of two (2) or more species without being considered a KENNEL.
- L. **LANDSCAPING:** Includes any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or turf, and may include natural features such as rock, stone and bark, and architectural features including, but not limited to, fountains, reflecting pools, art works, screen walls, fences, STREET furniture, walks, decks and ornamental concrete or stonework.

**LANDSCAPING MAINTENANCE:** The regular irrigation, weeding, fertilization, mowing, trash cleanup and pruning of all LANDSCAPING, the treatment or repair of all diseased, insect-ridden, broken or vandalized LANDSCAPING, and the replacement of dead or irreparable LANDSCAPING in substantially similar kind.

**LEGAL LOT:** As used in this Ordinance, the term LEGAL LOT shall refer to:

1. Any parcel lawfully in existence at the time of adoption of this Ordinance.
2. Any parcel created subsequent to the adoption of this Ordinance, which
  - a. Meets the minimum area and similar requirements specified by this Ordinance and which was created in conformance with the Weld County Subdivision Ordinance.
  - b. Or for parcels in the (A) Agricultural zone district, meets the minimum area and similar requirements specified by this Ordinance or which was created in conformance with the Weld County Subdivision Ordinance.
  - c. Or for which a Use by Special Review has been approved in conformance with this Ordinance and for which any required documents have been recorded with the Weld County Clerk and Recorder.
  - d. Or be approved in conformance with Section 31.4.12 of this Ordinance.

**LEVEE:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from TEMPORARY FLOODING .

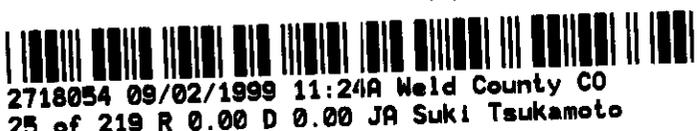
**LEVEE SYSTEM:** A FLOOD protection system which consists of a LEVEE or LEVEES and associated STRUCTURES, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LIVESTOCK:** Cattle, bison, mules, burros, llamas, ostriches, elk, horses, swine, sheep, goats, poultry, rabbits.

**LIVESTOCK CONFINEMENT OPERATION (L.C.O.):** A place of confinement for LIVESTOCK, corralled, penned or otherwise caused to remain in pens or corrals where feeding is other than grazing, or where the capacity at any one time is greater than permitted in the Bulk Requirements for the zoning district in which it is located. For example, an L.C.O. may include DAIRIES, feedlots, poultry and swine production facilities.

**LIVING UNIT:** One (1) FAMILY plus up to three (3) additional individuals whose place of residence is with the FAMILY in the DWELLING UNIT.

**LOT:** The basic DEVELOPMENT unit, an area with fixed boundaries, USED or intended to be USED by one (1) BUILDING and its ACCESSORY USE(S), STRUCTURE(S) and/or BUILDING(S). A LOT shall not be divided by any public highway, STREET, or ALLEY. A



LOT must meet the requirements of the zoning district in which it is located and must have access to a PUBLIC STREET or an approved private STREET.

LOW GROUND SUBSIDENCE HAZARD AREA: AREAS in which the rate and magnitude of any surface displacement would be small enough to warrant repair of damage to existing STRUCTURES and application of adequate engineering design to future STRUCTURES so they can withstand small amounts of foundation displacement. These are areas below which all or essentially all pillars have been removed allowing the possibility of relatively uniform and complete subsidence to have occurred. Problems in such areas should be reduced to post-subsidence compaction and related surface settling, and to small-scale effects of sub-surface shifting resulting from any small residual or secondary voids.

LOWEST FLOOR: The LOWEST FLOOR elevation of STRUCTURES without a BASEMENT shall be considered to be the elevation, above MEAN SEA LEVEL of the top of the foundation of the STRUCTURE. The LOWEST FLOOR elevation of STRUCTURES with a BASEMENT shall be considered to be the elevation, above MEAN SEA LEVEL, of the floor of the BASEMENT of the STRUCTURE. The LOWEST FLOOR elevation of a MOBILE HOME shall be considered to be the elevation, above MEAN SEA LEVEL, of the top of the MOBILE HOME PAD.

M. MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCIES: Public Utilities or Public Agencies operating or constructing a mine, ELECTRIC TRANSMISSION LINES, commercial radio transmission towers, cellular and other wireless communication towers, domestic water storage facilities, POWER PLANTS, SUBSTATIONS of electrical utilities, wastewater treatment facilities, water treatment facilities, including extensions, expansions, or enlargements thereof. STORAGE AREAS of utilities providing electricity, water, wastewater, and natural gas or other petroleum derivatives, including extension, expansions or enlargements thereof; PIPELINES of utilities providing natural gas or other petroleum derivatives including extensions, expansions or enlargements thereof; road, park, or other public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned.

MAJOR THOROUGHFARE: A road or STREET designed, constructed and used as an ARTERIAL STREET, EXPRESSWAY, FREEWAY, or as a frontage road serving an ARTERIAL STREET, EXPRESSWAY, or FREEWAY.

MANUFACTURED HOME: A single family dwelling which: is practically or entirely manufactured in a factory; is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; is installed on an engineered permanent foundation in compliance with ANSI A225.1-1987, Manufactured Home Installations, Appendix C; has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et. seq, as amended. A MANUFACTURED (MOBILE) HOME shall not be allowed to deteriorate to the condition of a DERELICT MANUFACTURED (MOBILE) HOME.

MANUFACTURED HOME: (This definition applies only to MANUFACTURED HOMES when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.) A STRUCTURE transportable in one or more sections, which is built on a permanent chassis and is designed for USE with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than (180) consecutive days. A MANUFACTURED (MOBILE) HOME shall not be allowed to deteriorate to the condition of a DERELICT MANUFACTURED (MOBILE) HOME.

MASTER PLAN: A document or series of documents prepared and adopted according to Colorado Law which sets forth policies for the future of a municipality.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which BASE FLOOD elevations shown on a community's FLOOD INSURANCE RATE MAP are referenced.

MINING: The act of recovering mineral, sand, gravel, quarry, coal or other resources from the ground. MINING shall include recovery of the resources by processing on site, open pit excavation, wet or dry pit excavation, or subterranean excavation.

MOBILE HOME: A transportable STRUCTURE which exceeds either eight (8) feet in width or thirty-two (32) feet in length, is built on a chassis and is designed, when connected to the required utilities, to be used as a year-round DWELLING UNIT with or without a permanent foundation. A SINGLE FAMILY DWELLING which is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq, as amended, but does not meet all of the other provisions of the definition of MANUFACTURED HOME is considered to be a MOBILE HOME. A MOBILE HOME shall not be allowed to deteriorate to the condition of a DERELICT MOBILE HOME.

MOBILE HOME PAD: The concrete base, footing, or blocking which is set on or in level soil to provide support for the placement of a MOBILE HOME. This base, footing, or blocking may consist of separate concrete blocks or a single concrete slab as described in Sections 20.9.1 through 20.9.1.5 of the Weld County Building Code Ordinance.

MOBILE HOME PARKS: An area under single ownership or control designed primarily for the rental of portions of the area as spaces for occupied MOBILE HOMES.

MOBILE HOME SUBDIVISION: An area platted into LOTS according to adopted COUNTY standards and procedures and designed primarily for the sale of such LOTS to individuals as permanent sites for MOBILE HOMES.

MODERATE GROUND SUBSIDENCE HAZARD AREA: Areas subject to MODERATE SUBSIDENCE are defined by potential surface disruption of sufficient magnitude to damage STRUCTURES to such an extent as to render them unsafe or unusable. The rate of such disruption, however, is slow enough to allow time for recognition of the problem and safe, orderly abandonment of surface STRUCTURES. These areas are characterized by previous SUBSIDENCE over undermined areas where pillars were left. This condition produces the potential for further small scale collapse and differential settlement.

- N. NEIGHBORHOOD: When used in this code in reference to a particular LOT, the word NEIGHBORHOOD is intended to describe in a general way the land area which is in the vicinity of the LOT in question and which will be affected to a greater extent than other land areas in the COUNTY by USES which exist on the LOT or are proposed for it. A NEIGHBORHOOD always includes LOTS which are ADJACENT to the LOT under consideration and, depending upon the land USE in question, may include more remote areas as well.

NEW CONSTRUCTION: STRUCTURES for which the START OF CONSTRUCTION commenced on or after the effective date of this Ordinance 89JJ.

NEW MANUFACTURED HOME PARK or SUBDIVISION: (This definition applies only to a NEW MANUFACTURED HOME PARK or SUBDIVISION when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.) A MANUFACTURED HOME PARK or SUBDIVISION for which the construction of facilities for servicing the LOTS on which the MANUFACTURED HOMES are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NIGHTCLUB, BAR, LOUNGE OR TAVERN: An establishment primarily intended to serve alcoholic beverages to customers on premises and licensed as such by the State of Colorado and the County of Weld.

NONCOMMERCIAL JUNKYARD: An area where any waste, JUNK, or used or second hand materials are stored or handled, including, but not limited to scrap iron and other metals, paper, rags, rubber tires, building materials, and bottles. A NONCOMMERCIAL JUNKYARD may also include the storage or keeping of DERELICT VEHICLES. The NONCOMMERCIAL JUNKYARD shall be totally ENCLOSED within a BUILDING or STRUCTURE or visually SCREENED from all ADJACENT properties and public rights-of-way.

NONCONFORMING USE OR STRUCTURE: A USE or STRUCTURE that does not conform to a provision or requirement of this Ordinance, but was lawfully established prior to the time of its applicability.

NON-INSTRUMENT RUNWAY: RUNWAYS that are not equipped with electronic navigation equipment. The NON-INSTRUMENT RUNWAY are the crosswind RUNWAY (RUNWAY 17-25 ) and the parallel practice RUNWAY (RUNWAY 3-21 ).

NON-URBAN SCALE DEVELOPMENT: DEVELOPMENT(S) comprised of five (5) or less residential LOTS, located in a non-urban area as defined by the Weld County COMPREHENSIVE PLAN, not ADJACENT to other PUD's, subdivisions, municipal boundaries or urban growth corridors. NON-URBAN SCALE DEVELOPMENT on PUBLIC WATER and septic systems shall have a minimum LOT size of one (1) acre and an overall density of two and one-half (2-1/2) acres per septic system. NON-URBAN SCALE DEVELOPMENT proposing individual, private wells and septic systems shall have a minimum lot size of two and one-half (2-1/2) acres per LOT .

NOXIOUS WEEDS: Includes one or more annual, biennial, or perennial plants which are causing or may cause damage or loss to a considerable portion of land or livestock in the COUNTY

NUDE, STATE OF NUDITY: A person appears NUDE or in a state of NUDITY when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breasts below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

- O. OFFICE: A room, studio, suite or BUILDING in which a person transacts their business or carries on their stated occupation, including but not limited to accounting, correspondence, telephone answering, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives, or manufacturer's representatives; professionals such as engineers, architects, planners, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, and doctors.

OFFSET: The horizontal distance between any BUILDING and a LOT line, other than a STREET right-of-way line.

OIL AND GAS PRODUCTION FACILITIES: Consist of the oil or gas well, pumps, heater treaters, separators, meters, compressors, TANK BATTERY and other equipment directly associated with the producing well, all of which must be connected, functional and in operation.

OIL AND GAS STORAGE FACILITY: One (1) or more tanks which receive and store oil or gas from sources other than direct from the oil and gas well.

OIL AND GAS SUPPORT AND SERVICE: Location and operation bases for businesses

whose primary activity includes the following kinds of USES:

1. Parking and maintenance of exploration, production, or workover equipment.
2. Equipment and storage yards for road and pipeline construction contractors, and production unit set-up and maintenance contractors.
3. Parking, maintenance for tank and water service companies.
4. Storage and rental yards for pipe and production equipment.
5. Field OFFICES USED by production related records and maintenance personnel.
6. Disposal and recycling sites for production waste (except production water disposed through either SECONDARY RECOVERY or deep well disposal methods and the mode of transport to such injection wells is exclusively via pipeline from the source and no on site storage occurs), except, businesses whose activities are primarily manufacturing and fabricating or whose use is primarily for general company OFFICES used by other than company officials.
7. Oil and gas processing facilities and related equipment, including, but not limited to, compressors associated with gas processing or which compress gas to enter a pipeline for transport to market.

OVERLAY ZONING DISTRICT: A zoning district superimposed over the UNDERLYING ZONING DISTRICT which places further restrictions upon land USES. These restrictions are intended to protect the public health, safety and welfare from man-made and natural disasters such as airplane accidents, FLOODS and GEOLOGIC DEVELOPMENTS within the OVERLAY ZONING DISTRICT shall conform to the requirements of both zones.

- P. PARKING LOT: An area used for the purpose of TEMPORARY, daily or overnight storage of vehicles, which is not located in a dedicated public right-of-way, a travel lane, a service drive nor any easement for PUBLIC ingress or egress.

PET SHOP: An establishment wherein the primary occupation is the retail sales or grooming of HOUSEHOLD PETS or the sale of pet supplies.

PIPELINES: Any PIPELINE and appurtenant facilities designed for, or capable of, transporting natural gas or other petroleum derivatives ten (10) inches in diameter or larger which creates a hoop stress of twenty percent (20%) or more at their specified minimum yield strength. PIPELINES regulated, licensed or permitted under Federal regulations as interstate transmission lines shall be exempt from regulation under this Ordinance.

POWER PLANT: Any electrical generating facility with an energy generation capacity of fifty (50) megawatts or more, and any facilities appurtenant thereto, or any expansion, extension or enlargement thereof increasing the existing design capacity by fifty (50) megawatts or more.

PROGRAM DEFICIENCY: (This definition applies only to PROGRAM DEFICIENCY when used in the administration - of a Flood Hazard Overlay District Development P or the Flood Hazard Overlay District.) A defect in a community's FLOOD PLAIN management regulations or administrative procedures that impairs effective implementation of those FLOOD PLAIN management regulations or of the NFIP standards in Sections 60.3, 60.4, 60.5, or 60.6

PUBLIC: When used as modifying a STRUCTURE, activity or purpose, means a STRUCTURE, activity or purpose owned or operated by a government agency or by a



nonprofit corporation with tax exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the STRUCTURE or facility available for the USE of all members of the PUBLIC without regard to membership status.

PUBLIC WATER AND PUBLIC SEWER: Transmission, storage, treatment, collection or distribution facilities which are constructed, operated, or maintained by any group, organization, special district or municipality for the purpose of providing the members of the group, organization, special district or municipality with common water and sewer service facilities.

PUD (PLANNED UNIT DEVELOPMENT): A zoning district which includes an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of DEVELOPMENT for a number of DWELLING units, COMMERCIAL educational, recreational, or industrial USES, or any combination of the foregoing, the plan for which may not correspond in lot size, bulk, or type of USE, density, LOT coverage, open space, or other restriction to the existing land USE regulations.

Q. QUALIFIED GROUND WATER SCIENTIST: A scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training in the natural sciences or engineering and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, professional experience or completion of accredited university programs that enable that individual to make sound professional judgements regarding ground water monitoring, contaminant fate and transport, and corrective action.

R. RECREATIONAL FACILITIES: The following classes of recreational facilities have the following meanings:

1. PUBLIC RECREATIONAL FACILITIES: PUBLIC parks, zoos, swimming pools, golf courses, and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which fall within the definition of the word PUBLIC, as defined above.
2. PRIVATE RECREATIONAL FACILITIES: Includes golf courses, tennis courts, swimming pools, country clubs, RECREATIONAL FACILITIES for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them.
3. COMMERCIAL RECREATIONAL FACILITIES: Includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities, and the like, operated on a commercial basis for USE by the paying PUBLIC.

RECREATIONAL VEHICLE: A transportation STRUCTURE or self-propelled vehicle with or without flexible, removable or collapsible walls and partitions designed to be used as a dwelling for travel, recreation or vacation USES and not exceeding eight (8) feet in width or thirty-two (32) feet in length. The term RECREATIONAL VEHICLE shall include: motor home, camper bus and travel trailer, but shall not include pickup trucks with camper shells that do not extend above the cab of the truck. For the purpose of this Ordinance, a RECREATIONAL VEHICLE shall be subject to all requirements and restrictions for MOBILE HOMES as provided in this Ordinance when its placement is intended for non-transient residency.

RECREATIONAL VEHICLE: (This definition applies only to RECREATIONAL VEHICLE when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.) A vehicle which is built on a single chassis; is 400 (four hundred) square feet or less when measured at the largest horizontal projection; is

designed to be self-propelled or permanently towable by a light duty truck; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD DATUM:** One (1) foot above the elevation of the surface of the water of an INTERMEDIATE REGIONAL FLOOD. If only the depth of the floodwater of an INTERMEDIATE REGIONAL FLOOD has been determined, the REGULATORY FLOOD DATUM is equal to the depth of the FLOOD water plus one (1) foot.

**RELOCATION OF A WATERCOURSE:** See ALTERATION OF A WATERCOURSE.

**REMEDY A VIOLATION:** (This definition applies only to REMEDY A VIOLATION when used in the administration of a FLOOD HAZARD Overlay District DEVELOPMENT Permit or the FLOOD HAZARD Overlay District). To bring the STRUCTURE or other DEVELOPMENT into compliance with State or local FLOOD PLAIN management regulations, or, if this is not possible to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the STRUCTURE or other affected DEVELOPMENT from FLOOD damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the STRUCTURE or other DEVELOPMENT.

**REPAIR SERVICE ESTABLISHMENT:** Any BUILDING wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawn mowers not exceeding four thousand (4,000) watts five (5) horsepower, or any place wherein the primary occupation is interior decorating including reupholstering, furniture repair and the making of draperies, slipcovers and similar articles.

**RESTAURANT:** An establishment that furnishes, for compensation, food and drinks or any kind for consumption primarily therein. A TEMPORARY snack bar or refreshment stand at a PUBLIC or nonprofit RECREATIONAL FACILITY and for the convenience of patrons of the facility, shall not be deemed to be a RESTAURANT.

**RESTAURANT, DRIVE IN:** An establishment that furnishes, for compensation, food and drink of any kind for consumption primarily off the premises or which delivers food and drink to customers in their vehicles.

**RUNWAY:** The area of the AIRPORT constructed and used for landing, and taking off, of aircraft.

- S. **SCHOOL:** Includes any one (1) or more of the following categories: A PUBLIC SCHOOL, community college, junior college, college or university; an independent or parochial SCHOOL which satisfies the compulsory SCHOOL attendance requirements appearing in the School Attendance Law of 1963 Colorado Revised Statutes Article 33 of Title 22); but the word SCHOOL does not include dance, SCHOOLS, business, SCHOOLS, trade SCHOOLS, or driving, SCHOOLS,.

**SCREENED:** Construction and maintenance of fences, earth berms or the USE of LANDSCAPING materials or other materials USED with the approval of the Department of Planning Services to lessen the noise, light, heat or visual impacts of a USE on surrounding USES.

**SECONDARY RECOVERY:** A technique of recovering additional crude from a mineralized zone by injecting steam, water and similar methods in an effort to force more of the crude to a production well.

**SETBACK:** The horizontal distance between any BUILDING or STRUCTURE and the established PUBLIC or private STREET right-of-way line. If the abutting PUBLIC STREET is designated to be upgraded to a higher classification as defined by the Weld County Transportation Plan necessitating additional right-of-way, then the SETBACK shall be measured from the future right-of-way line. The future right-of-way line (measured from the center of the road) is determined by dividing the needed right-of-way as defined below in half. The following is a list of the right-of-way needed for road designations as defined in the Weld County Transportation Plan.

1. Principal ARTERIAL (Interstate) - Three hundred (300) foot right-of-way.
2. Principal ARTERIAL (other) - One hundred and fifty (150) foot right-of-way.
3. Minor ARTERIAL - One hundred to one hundred and fifty (100 to 150) foot right-of-way.
4. County ARTERIAL - One hundred (100) foot right-of-way.
5. County COLLECTOR - Eighty (80) foot right-of-way.
6. County LOCAL - Sixty (60) foot right-of-way.

**SEVERE GROUND SUBSIDENCE HAZARD AREA:** Zones labeled SEVERE are areas in which the effects of rapid subsidence, such as failure of BUILDING foundations, roadways, gas mains, and similar frequently USED or potentially dangerous features, may endanger the lives of persons in the immediate vicinity. Such areas have been undermined and are characterized by the presence of pillars and physical evidence of void space, or by the absence of evidence of surface subsidence. The collapse of decomposed pillars could induce almost instantaneous subsidence or displacement with equally or almost equally rapid destruction of structures at the surface.

**START OF CONSTRUCTION:** (This definition applies only to START OF CONSTRUCTION when used in the administration of a FLOOD HAZARD Overlay District Development permit or the FLOOD HAZARD Overlay District.) Includes SUBSTANTIAL IMPROVEMENT, and means the date the building permit was issued, provided the actual START OF CONSTRUCTION, repair, reconstruction, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a STRUCTURE on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a MANUFACTURED HOME on a foundation. Permanent construction does not include land preparation, such as clearing, grading and FILLING ; nor does it include the installation of STREETS and/or walkways. nor does it include excavation for a BASEMENT, footings, piers, or foundations or the erection of TEMPORARY forms; nor does it include the installation on the property of ACCESSORY BUILDINGS, such as garages or sheds not occupied as DWELLING UNITS or not part of the main STRUCTURE.

**STORAGE AREA:** Any facility, including appurtenant facilities, designed to store fifty million cubic feet or more of natural gas or similar petroleum derivatives, or one hundred thousand (100,000) barrels or more of liquid petroleum derivatives.

**STREET:** A strip of land intended for vehicular USE and providing principal means of access to LOTS. For the purpose of this Ordinance, STREETS shall be classified and defined as follows:

**FREEWAY:** A major regional highway, including interstate highway, designed to

carry very large volumes of vehicular traffic, with full control of access and all intersections grade separated.

EXPRESSWAY: Similar to a FREEWAY except that all intersections need not be grade separated.

ARTERIAL: A STREET designed to carry high volumes of vehicular traffic over long distances in a direct manner.

COLLECTOR: A STREET designed to collect or distribute vehicular traffic from one (1) or more individual residential or nonresidential areas to or from an ARTERIAL, EXPRESSWAY, or FREEWAY.

LOCAL: A STREET designed to carry vehicular traffic from one (1) or more lots to or from a COLLECTOR.

ALLEY: A minor way which is used primarily for vehicular service access to the rear or side LOTS otherwise abutting on a STREET.

FRONTAGE ROAD: A STREET parallel and ADJACENT to an ARTERIAL, EXPRESSWAY, or FREEWAY which provides access to ADJACENT LOTS so that each ADJACENT LOT will not have direct access to the ARTERIAL, EXPRESSWAY, or FREEWAY.

STRUCTURE: Anything that is built, constructed, or erected, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables or distribution facilities of public utilities. Semi-trailers as defined in §42-1-102(70), CRS, situated as TEMPORARY or permanent storage units, not safe or not operable or illegal to be used on public road rights of way, which are not licensed, shall be considered 'STRUCTURES' in accordance with this definition, shall comply with requirements set forth in this Ordinance, including required zoning SETBACKS and OFFSETS, and shall be installed in accordance with the requirements set forth in the Weld County Building Code Ordinance.

STRUCTURE: (This definition applies only to STRUCTURE when used in the A-P (Airport) Overlay District): An object constructed or installed by man, including but not limited to BUILDINGS, towers, smoke stacks, overhead TRANSMISSION lines, signs, drill rigs and cranes.

STRUCTURE TEMPORARY: Anything constructed in such a manner that it would commonly be expected to have relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a STRUCTURE the cost of which equals or exceeds fifty (50) percent of the market value of the STRUCTURE either before the improvement is started or if the STRUCTURE has been damaged, and is being restored, before the damage occurred. For the purposes of this definition SUBSTANTIAL IMPROVEMENT is considered to occur when the first alteration of any wall, ceiling, floor or the structural part of the building commences, whether or not that alteration affects the external dimensions of the STRUCTURE. The term does not, however, include any project for improvement of a STRUCTURE to comply with existing STATE or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alternation of a STRUCTURE listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIAL DAMAGE: This definition applies only to SUBSTANTIAL DAMAGE when

used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.) Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 (fifty) percent of the market value of the structure before the damage occurred.

**SUBSTATION:** Any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity which has an incoming or outgoing power line which is more than sixty-nine (69) KV.

**SUITABLE SOIL:** A soil which will effectively filter effluent by removal of organisms and suspended solids before the effluent reaches any highly permeable earth such as joints in bedrock, gravel or very coarse soils and which has percolation rates slower than five (5) mpi and has a vertical thickness of at least five (5) feet beneath the plow line of the site and the top of the high groundwater table.

- T. **TANK BATTERY:** One (1) or more storage tanks which receive and store oil or gas directly from and as it is produced by a well.

**TEMPORARY:** Less than six (6) months.

**THEATER:** A BUILDING or STRUCTURE designed for USES such as the enactment of live performances and/or the showing of motion pictures.

**THEATER, DRIVE-IN:** An area and associated STRUCTURES used for the showing of motion pictures outdoors.

**THRESHOLD:** That imaginary line on the RUNWAY perpendicular to the RUNWAY centerline which marks the useful limit of the RUNWAY. The threshold of all RUNWAYS is the physical end of that particular RUNWAY with the exception being RUNWAY Nine - Twenty seven (9-27) which has its displaced threshold eight hundred feet (800) feet west of the physical end.

- U. **UNDERLYING ZONING DISTRICT:** The zone districts designated on the Official Zoning Map, Weld County, Colorado. These zone districts regulate the height and bulk of BUILDINGS and the USE of land in the unincorporated areas of Weld County, Colorado.

**URBAN SCALE DEVELOPMENT:** DEVELOPMENTS exceeding five (5) lots and/or located in close proximity to existing PUD's, subdivisions, municipal boundaries, or urban growth corridors and boundaries. All urban scale DEVELOPMENTS shall pave the internal road systems of the DEVELOPMENTS.

**USE:** Any purpose for which a STRUCTURE or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation which is carried on, in or on a STRUCTURE or on a tract of land.

**UTILITY SERVICE FACILITY:** Public Utility mains, lines, SUBSTATIONS, gas regulator stations, PUBLIC lift or pumping stations for domestic water and sanitary sewer service, and accessory STRUCTURES where no Public office, repair or storage facilities are operated or maintained.

- V. **VARIANCE:** (This definition applies only to VARIANCE when used in the administration of a FLOOD HAZARD Overlay District Development Permit or the FLOOD HAZARD Overlay District). A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

**VEHICLE RENTAL ESTABLISHMENT:** Any USE of property primarily for the rental of vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES,



boats, farm machinery construction equipment and other heavy rolling stock; and whereon such vehicles are stored.

VEHICLE SALES ESTABLISHMENT: Any USE of property for the sale of vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, MOBILE HOMES, boats, farm machinery, construction equipment and other heavy rolling stock.

VEHICLE SERVICE/REPAIR ESTABLISHMENT: Any USE of property whereon vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, MOBILE HOMES, boats, farm machinery, construction equipment, and other rolling stock, are serviced and repaired, including body work, welding and painting.

VIOLATION: (This definition applies only to VIOLATION when used in the administration of a FLOOD HAZARD Overlay District Development Permit or the FLOOD HAZARD Overlay District.) The failure of a STRUCTURE or other DEVELOPMENT to be fully compliant with the community's FLOOD PLAIN management regulations. A STRUCTURE or other DEVELOPMENT without the elevation certificate, other certifications, or other evidence of compliance required in NFIP standards § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in VIOLATION until such time as that documentation is provided to show otherwise.

W. WATERCOURSE: Any natural CHANNEL through which water flows.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, where specified of an INTERMEDIATE REGIONAL FLOOD or FLOODS of various magnitudes and frequencies in the FLOOD PLAINS of coastal or riverline areas.

WATERTIGHT: Impermeable to the passage of water and capable of resisting the hydrostatic and hydrodynamic loads and the effects of buoyancy during an INTERMEDIATE REGIONAL FLOOD.

WHOLESALE TRADE ESTABLISHMENT: Any BUILDING wherein the primary occupation is the sale of merchandise for resale.

Y. YARD: The area of a LOT, between a LOT LINE and the required SETBACK.



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20 Procedures and Permits

21 Amendments to the Map of the Zoning Ordinance

The Board of County Commissioners may amend the Official Zoning Map of Weld County. All requests for such changes of zone must be reviewed by the Weld County Planning Commission whose recommendation shall be sent to and considered by the Board of County Commissioners. Such amendments shall be made in compliance with Colorado Statutes and with COUNTY procedures and regulations as established herein.

21.1 In addition to the Board of County Commissioners, only the Weld County Planning Commission or the fee owner of a property, or a person with legal interest in a property in the unincorporated area of the COUNTY may request amendment of the Official Zoning Map of the COUNTY (a Change of Zone ) for said property.

21.2 Any person filing an application for a change of zone is required to comply with the appropriate procedures and regulations as stated in this Section 21, Amendments to the Map of the Zoning Ordinance Provided, however, that when the Weld County Planning Commission or Board of County Commissioners desires to undertake a rezoning, to create and apply new zoning districts, or to change the definitions of the various zoning districts, the only public notice requirement shall be publication in the newspaper designated by the Board of County Commissioners for publication of legal notices.

21.3 Applications for a Change of Zone shall be completed as set forth in Section 21.7, Application Requirements. Provided, however, that any zone change initiated by the Weld County Planning Commission or Board of County Commissioners shall only be required to meet the applicable requirements of Section 21.5 for the Planning Commission and Section 21.6 for the Board of County Commissioners. The completed application and application fees shall be submitted to the Department of Planning Services.

21.4 Duties of the Department of Planning Services

21.4.1 The Weld County Department of Planning Services shall be responsible for processing all applications for Change of Zone in the unincorporated areas of the COUNTY. The Department shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below.

21.4.2 Upon determination that the application submittal is complete, the Department of Planning Services shall:

21.4.2.1 Set a Planning Commission hearing date not less than thirty (30) days nor more than sixty (60) days after the complete application has been submitted.

21.4.2.2 Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the rezoning is proposed. Failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.

21.4.2.3 Give notice of the proposed Change of Zone and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to



surrounding property owners (the surface estate.) Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.

- 21.4.2.4 Give notice of the proposed Change of Zone and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to the owners and lessees of the mineral estate on or under the parcel. Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.
- 21.4.2.5 Post a sign for the applicant on the property under consideration for a rezoning. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing, and include the following information.
  - 21.4.2.5.1 Rezoning request number.
  - 21.4.2.5.2 Date, place and time of public hearing.
  - 21.4.2.5.3 Location and phone number of the public office where additional information may be obtained.
  - 21.4.2.5.4 Applicant's name.
  - 21.4.2.5.5 Size of the parcel of land.
  - 21.4.2.5.6 Type of rezoning request.
- 21.4.2.6 Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within twenty-one (21) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-one (21) days may be deemed to be a favorable response to the Planning Commission. The reviews and comments solicited by Weld County are intended to provide the COUNTY with information about the proposed Change of Zone. The Planning Commission and Board of County Commissioners may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority and responsibility for making the decision to approve or deny the request for Change of Zone rests with the officials of Weld County.
  - 21.4.2.6.1 The Planning Commission or Governing Body of any town and county whose boundaries are within a three (3) mile radius of the parcel under consideration for a change of zone.
  - 21.4.2.6.2 The Planning Commission or Governing Body of any city or town that has included

the parcel in its MASTER PLAN area.

- 21.4.2.6.3 Weld County Department of Public Health and Environment Services.
- 21.4.2.6.4 Weld County Department of Public Works to check the legal description of the parcels and review of other engineering aspects of the proposal.
- 21.4.2.6.5 Colorado Department of Health Colorado Department of Public Health and Environment..
- 21.4.2.6.6 Colorado Geological Survey.
- 21.4.2.6.7 Colorado Historical Society.
- 21.4.2.6.8 Colorado Department of Transportation.
- 21.4.2.6.9 Colorado Water Conservation Board.
- 21.4.2.6.10 U. S. Army Corps of Engineers.
- 21.4.2.6.11 U. S. Soil Conservation Service.
- 21.4.2.6.12 U. S. Forest Service.
- 21.4.2.6.13 U. S. Bureau of Land Management.
- 21.4.2.6.14 Any irrigation ditch company with facilities on or ADJACENT to the parcel under consideration.
- 21.4.2.6.15 Any other agencies or individuals whose review the Department of Planning Services, the Planning Commission, or the Board of County Commissioners deems necessary.
- 21.4.2.7 Prepare staff comments for use by the Planning Commission addressing all aspects of the application, its conformance with the COUNTY COMPREHENSIVE PLAN, MASTER PLANS of affected municipalities, sound land USE planning practices, comments received from agencies to which the proposal was referred, and standards contained in this Ordinance.
- 21.4.3 A reproducible copy of the official Weld County Zoning Map shall be maintained which includes all of the rezoning approvals made since the last adoption of the map by the Board of County Commissioners. The map shall be available for public inspection with the Department of Planning Services.
- 21.4.4 Submit to the Weld County Clerk and Recorder the rezoning plat as required in Section 21.7.3 for recording.

## 21.5 Duties of the Planning Commission

- 21.5.1 The Planning Commission shall hold a hearing to consider the application for the Change of Zone. The public hearing may involve either the rezoning application alone or may include the review of concurrent applications under Weld County's regulations concerning Uses by Special Review, Overlay Districts, or subdivisions. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested change. The Planning Commission shall recommend approval of the request for the Change of Zone only if it finds that the applicant has met the standards or conditions of Section 21.5.1



and 21.7. The applicant has the burden of proof to show that the standards and conditions of Sections 21.5.1 and 21.7 are met. The applicant shall demonstrate:

- 21.5.1.1 That the proposal is consistent with the COUNTY COMPREHENSIVE PLAN; if not, then that the zoning of the property under consideration is faulty, or that changing conditions in the area warrant a Change of Zone.
- 21.5.1.2 That the USES which would be allowed on the subject property by granting the change of zone will be compatible with the surrounding land USES.
- 21.5.1.3 That adequate water and sewer service can be made available to the site to serve the USES permitted within the proposed zone district.
- 21.5.1.4 That STREET or highway facilities providing access to the property are adequate in size to meet the requirements of the proposed zone district. In the event that the STREET or highway facilities are not properly sized and are planned to be properly sized in the future, in conformance with the Weld County Thoroughfare Plan or in conformance with the MASTER PLANS of affected municipalities, the applicant may either wait to secure the rezoning until the improvements are made by the appropriate unit of government or the applicant may express a willingness to upgrade the STREET or highway facilities at his own expense in order to expedite approval of the requested Change of Zone. In the latter event, it will be necessary for the applicant to either construct the necessary improvements before the building permits are issued, or submit suitable performance guarantees to Weld County to ensure construction of the required STREET or highway facility improvements.
- 21.5.1.5 That, in those instances where the following characteristics are applicable to the rezoning request, the applicant has demonstrated compliance with the applicable standards:
  - 21.5.1.5.1 If the proposed Change of Zone is located within any Overlay District identified by maps officially adopted by the COUNTY, that the applicant has demonstrated compliance with the COUNTY regulations concerning Overlay Districts. Compliance may be demonstrated in a previous public hearing or in the hearing concerning the rezoning application.
  - 21.5.1.5.2 That the proposed rezoning will not permit the USE of any area known to contain a COMMERCIAL MINERAL DEPOSIT in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property.
  - 21.5.1.5.3 If soil conditions on the site are such that they present moderate or severe limitations to the construction of STRUCTURES or facilities proposed for the site, the applicant has demonstrated that such limitations can be overcome and that the limitations will be addressed by the applicant, the applicant's successors or assigns prior to the DEVELOPMENT of the property.
- 21.5.2 The Secretary of the Planning Commission shall forward the official recommendation of the Planning Commission and the information contained in the official record, which includes the Department of Planning Services case file, to the Board of County Commissioners within ten (10) days after said recommendation has been made.
- 21.5.3 If the Planning Commission recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, then the ten (10) day period shall commence upon submission of the items by the applicant to the Department of



Planning Services.

21.6 Duties of the Office of the Board of County Commissioners

21.6.1 The Board of County Commissioners shall:

21.6.1.1 Set a Board of County Commissioners' public hearing to take place not less than fifteen (15) days and not more than forty-five (45) days after receipt of the Planning Commission recommendation, or upon request of the applicant, for consideration of the proposed Change of Zone.

21.6.1.2 Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the rezoning is proposed. The failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least fourteen (14) days prior to the hearing.

21.6.1.3 Arrange for the Department of Planning Services to post a sign on the property under consideration for rezoning according to the requirements of Section 21.4.2.5.

21.6.1.4 Give notice of the proposed Change of Zone and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate.) Inadvertent errors by the applicant in supplying such list or the Board of County Commissioners in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.

21.6.1.5 Give notice of the proposed Change of Zone and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to the owners and lessees of the mineral estate on or under the parcel. Inadvertent errors by the applicant in supplying such list or the Board of County Commissioners in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.

21.6.2 The Board of County Commissioners shall hold a public hearing to consider the application and to take final action thereon. In making a decision on the proposed change of zone, the Board shall consider the recommendation of the Planning Commission, and from the facts presented at the public hearing and the information contained in the official record which includes the Department of Planning Services case file, the Board of County Commissioners shall approve the request for the Change of Zone only if it finds that the applicant has met the standards or conditions of Sections 21.6.2 and 21.7, Application Requirements-Change of Zone. The applicant has the burden of proof to show that the standards and conditions of Sections 21.6.2 and 21.7, Application Requirements-Change of Zone, are met. The applicant shall demonstrate:

21.6.2.1 That the proposal is consistent with the policies of the COUNTY



COMPREHENSIVE PLAN; if not, then that the zoning of the property under consideration is faulty, or that changing conditions in the area warrant a Change of Zone.

- 21.6.2.2 That the USES which would be allowed on the subject property by granting the Change of Zone will be compatible with the surrounding land USES.
- 21.6.2.3 That adequate water and sewer service can be made available to serve the site. If the rezoning is approved, the applicant shall demonstrate, prior to issuance of building permits on the site, that the water and sewer services are available at the site and are adequate and appropriate to meet the DEVELOPMENT requirements.
- 21.6.2.4 That STREET or highway facilities providing access to the property are adequate in size to meet the requirements of the proposed zone district. In the event that the STREET or highway facilities are not properly sized and are planned to be properly sized in the future, in conformance with the Weld County Thoroughfare Plan or in conformance with the MASTER PLAN of affected municipalities, the applicant may either wait to secure the rezoning until the improvements are made by the appropriate unit of government or the applicant may express a willingness to upgrade the STREET or highway facilities at his own expense in order to secure approval of the requested Change of Zone. In the latter event, it will be necessary for the applicant to either construct the necessary improvements before building permits are issued, or submit suitable performance guarantees to the COUNTY to ensure construction of the required STREET or highway facility improvements. No rezoning shall be finally approved by the Board until the applicant has submitted an Improvements Agreement or Contract approved by the Board which sets forth the form of improvements guarantees. Any such Agreement or Contract shall be made in conformance with the COUNTY Policy on Collateral for Improvements.
- 21.6.2.5 That, in those instances where the following characteristics are applicable to the rezoning request, the applicant had demonstrated compliance with the applicable standards:
  - 21.6.2.5.1 If the proposed Change of Zone is located within any Overlay District identified by maps officially adopted by the COUNTY, that the applicant has demonstrated compliance with the COUNTY regulations concerning Overlay Districts. Compliance may be demonstrated in a previous public hearing or in the hearing concerning the rezoning application.
  - 21.6.2.5.2 That the proposed rezoning will not permit the USE of any area known to contain a COMMERCIAL MINERAL DEPOSIT as defined by Colorado Statutes in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property.
  - 21.6.2.5.3 If soil conditions on the site are such that they present moderate or severe limitations to the construction of STRUCTURES or facilities proposed for the site, the applicant has demonstrated that such limitations will be addressed by the applicant, the applicant's successors or assigns prior to DEVELOPMENT of the property.
- 21.6.3 Upon the Board making its final decision, a resolution setting forth that decision will be drafted and signed. A record of such action and a copy of the resolution will be kept in the files of the Clerk to the Board.
- 21.6.4 The Board shall arrange for the Weld County Clerk and Recorder to record the resolution and, if the proposed Change of Zone is approved, the Department of Planning Services shall record the rezoning plat.

21.6.5 The Board shall adopt, by Resolution, every five (5) years, an updated copy of the Official Weld County Zoning Map which includes the rezonings approved since the last update.

21.7 Application Requirements - Change of Zone

The purpose of the application is to give the petitioner an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Ordinance.

21.7.1 The following information shall be submitted on an application form which may be obtained from the Department of Planning Services:

21.7.1.1 Name, address, and telephone number of the applicant.

21.7.1.2 Name and address of the fee owners of the property proposed for the Change of Zone if different from above.

21.7.1.3 Legal description of the property under consideration as determined from a certified boundary survey (at the option of the applicant, the certified boundary survey may be submitted subsequent to the Planning Commission hearing but prior to final approval of the Board if the Director of Planning Services approves a general legal description which sufficiently describes the site).

21.7.1.4 Total acreage of the parcel under consideration.

21.7.1.5 Address of the parcel, if available.

21.7.1.6 Present zone and overlay zones, if appropriate.

21.7.1.7 Proposed zone.

21.7.1.8 Signatures of the applicant and fee owners or their authorized legal agent.

21.7.1.9 A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the Weld County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Weld County Clerk and Recorder. If the list was assembled from the records of the Weld County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.

21.7.1.10 An affidavit listing the names and addresses of all mineral owners and lessees of mineral owners on or under the parcel of land being considered. The list shall be prepared from the real property records of the Weld County Clerk and Recorder, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Weld County Department of Planning Services.

21.7.1.11 Such additional information as may be required by the Planning Commission or the Board of County Commissioners in order to determine that the application meets the standards and policies set forth in this Ordinance, the COUNTY COMPREHENSIVE PLAN, and is consistent with any other applicable Weld County Ordinance in effect.

21.7.2 A vicinity and land USE map of the area shall be submitted as part of the General Application. These maps shall be drawn to the following specifications:



- 21.7.2.1 The maps shall be delineated on reproducible material approved by the Department of Planning Services.
- 21.7.2.2 The dimensions of the land USE map shall be thirty-six (36) inches wide by twenty-four (24) inches high and prepared at a scale one inch equals one hundred feet (1" = 100') or at other suitable scale when approved by the Department of Planning Services. The vicinity map shall be drawn at suitable scale on the land USE map.
- 21.7.2.3 The following information, when applicable, shall be shown:
  - 21.7.2.3.1 Outline of the perimeter of the parcel proposed for the Change of Zone.
  - 21.7.2.3.2 Title, scale, and north arrow.
  - 21.7.2.3.3 Ditches on or within two hundred (200) feet of the property.
  - 21.7.2.3.4 Location of rivers and other drainage systems on or within two hundred (200) feet of the property.
  - 21.7.2.3.5 Location of easements, rights-of-ways, and other similar interests of record on the parcel and within fifty (50) feet of the parcel.
  - 21.7.2.3.6 Location of all existing utilities (electricity, gas, water, and sewer) on the parcel as well as within fifty (50) feet of the parcel.
  - 21.7.2.3.7 FLOOD HAZARD AREAS on the property.
  - 21.7.2.3.8 Areas of GEOLOGIC HAZARD on the property.
  - 21.7.2.3.9 Mineral resource areas on the property.
  - 21.7.2.3.10 Areas of moderate or severe soil limitations as defined by the Soil Conservation Service or by a soil survey and study prepared by a soils engineer or soil scientist for the USES and associated STRUCTURES permitted within the proposed zone district.
  - 21.7.2.3.11 Other information as may be reasonably required by the Department of Planning Services in order to determine that the application meets the standards and policies set forth in this Ordinance and the Weld County Comprehensive Plan.
- 21.7.3 A rezoning plat shall be submitted as part of the General Application. If the applicant elects the option provided in Section 21.7.1.3 above, the rezoning plat will not be required until the certified boundary survey has been made. This map shall be drawn to the following specifications:
  - 21.7.3.1 The map shall be delineated in drawing ink on Mylar or other material acceptable to the Department of Planning Services.
  - 21.7.3.2 The dimensions of the map shall be eight and one-half (8½) inches wide by fourteen (14) inches high.
  - 21.7.3.3 The following information shall be shown:
    - 21.7.3.3.1 Certified boundary survey of the parcel under consideration, showing all bearings and distances outside the perimeter boundary lines. The closure error of the survey may not exceed one to five thousand (1:5,000) .

- 21.7.3.3.2 Legal description, including total area involved, as certified by the surveyor.
- 21.7.3.3.3 Title, scale, and north arrow.
- 21.7.3.3.4 Date of drawing.
- 21.7.3.4 The following certificates shall appear on the map:
  - 21.7.3.4.1 Surveyor's certificate.
  - 21.7.3.4.2 Planning Commission certificate.
  - 21.7.3.4.3 Board of County Commissioners certificate.
- 21.7.3.5 Adequate space shall be provided on the rezoning plat for the addition of the following information by the Department of Planning Services.
  - 21.7.3.5.1 Zoning case number.
  - 21.7.3.5.2 Current zone classification.
  - 21.7.3.5.3 Requested zone classification.
- 21.7.4 The following supporting documents shall be submitted as part of the general application:
  - 21.7.4.1 Where an authorized agent signs the application for the fee owners, a letter granting power of attorney to the agent from the owners.
  - 21.7.4.2 A copy of the deed or legal instrument by which the applicant obtained an interest in the property under consideration.
  - 21.7.4.3 A statement on how the proposed rezoning is consistent with the policies of the COUNTY COMPREHENSIVE PLAN, and any other applicable Weld County Ordinance in effect.
  - 21.7.4.4 A statement that demonstrates how the proposed rezoning will correct what the applicant perceives as faulty zoning, or that demonstrates how the proposed rezoning will fit with what the applicant perceives as the changing conditions in the area.
  - 21.7.4.5 A statement which demonstrates how the USES allowed by the proposed rezoning will be compatible with the surrounding land USES.
  - 21.7.4.6 Statements from PUBLIC water and sewer utilities which indicate that they are able to provide service for the site. If PUBLIC utilities are not to be used, the applicant shall submit information which documents the availability of water and suitability of the site for the sewage disposal system chosen by the applicant. The evidence shall document the adequacy of the proposed utility service for the USES permitted in the proposed zone district.
  - 21.7.4.7 A soil survey and study of the site proposed for the Change of Zone with a statement of the suitability of soils to support all USES allowed in the proposed zone. If the soils survey and study indicates soils which present moderate or severe limitations to the construction of STRUCTURES or facilities on the site, the applicant shall submit information which demonstrates that the limitations can be overcome.

- 21.7.4.8 If STREET or highway facilities which provide access to the property are not adequate to meet the requirements of the proposed zone district, the applicant shall supply information which demonstrates willingness and financial capability to upgrade the STREET or highway facilities in conformance with the Weld County Thoroughfare Plan and thereby meet the requirements of Section 21.6.2.4 of this Ordinance. This shall be shown by an Improvements Agreement or Contract guaranteeing installation of improvements by the applicant made in conformance with the Weld County Policy on Collateral for Improvements.
- 21.7.4.9 If, according to maps and other information available to the COUNTY Weld County, the Department of Planning Services determines that there appears to be a sand, gravel, or other mineral resource on or under the subject property, the applicant shall provide a mineral resource statement prepared by a certified geologist or other qualified expert. The statement shall indicate the estimated quantity of resources and indicate the economic feasibility of recovery, now and in the future, of the resource(s) so that the Planning Commission and Board of County Commissioners can determine whether a COMMERCIAL MINERAL DEPOSIT, is contained on or under the subject properties.
- 21.7.4.10 If the proposed Change of Zone is located within an Overlay District identified by maps officially adopted by the COUNTY, the applicant shall submit information which either documents how the COUNTY regulations concerning Overlay Districts have been satisfied or documents how the applicant intends to meet the requirements of the COUNTY regulations concerning Overlay Districts.
- 21.7.4.11 Applications for a Change of Zone located in the Mixed Use Development area shall adhere to any and all applicable regulations in Ordinance 187, Ordinance 195, Ordinance 201, Ordinance 202, and any other applicable Weld County Ordinances as amended.
- 21.7.4.12 Post a sign for the applicant on the property under consideration for a rezoning. The sign shall be posted adjacent to a visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one sign shall be posted in the most prominent place on the property and a second sign posted at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing, and include the following information:
  - 21.7.4.12.1 Change of Zone Number.
  - 21.7.4.12.2 Date, time, and place of Public Hearing.
  - 21.7.4.12.3 Location and telephone number of the public office where additional information may be obtained.
  - 21.7.4.12.4 Applicant's name.
  - 21.7.4.12.5 Size of parcel of land.
  - 21.7.4.12.6 Type of request.

21.8 Effective Date of Approved Amendments

Any approved amendments to the Official Zoning Map of the Weld County Zoning Ordinance shall be effective immediately upon approval by the Board of County Commissioners unless otherwise specified by the approving resolution of the Board of County Commissioners.



22 Amendments to the Text of the Zoning Ordinance

22.1 The Board of County Commissioners may, upon its own motion or upon petition of the Planning Commission, amend the text of the Official Weld County Zoning Ordinance. The proposed amendments must be reviewed by the Weld County Planning Commission whose recommendation shall be sent to and considered by the Board of County Commissioners. Such amendments shall be made in compliance with the Colorado Statutes and with COUNTY procedures and regulations as established herein.

22.2 Duties of the Department of Planning Services

22.2.1 Upon submission of a request from the Board of County Commissioners for any proposed amendments to the text of the Weld County Zoning Ordinance, the staff of the Department of Planning Services shall:

22.2.1.1 Draft all text amendments as directed by the Board of County Commissioners with the counsel of the County Attorney.

22.2.1.2 Set a Planning Commission hearing date after the completion of the proposed amendment.

22.2.1.3 Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. The date of publication shall be at least ten (10) days prior to the hearing.

22.2.1.4 Upon the approval of all proposed text amendments, arrange for the publication of the Zoning Ordinance; such publication shall be made available as soon as possible after final approval has been given the amendment by the Board of County Commissioners.

22.2.1.5 Perform other tasks as assigned by the Planning Commission and the Board of County Commissioners.

22.3 Duties of the Planning Commission

22.3.1 The Planning Commission shall hold a hearing to consider the proposed Zoning Ordinance text amendment. The Planning Commission shall recommend to the Board of County Commissioners approval or denial of the proposed amendment.

22.3.2 In making its final recommendation, the Planning Commission shall determine:

22.3.2.1 That the existing Ordinance is in need of revision as proposed.

22.3.2.2 That the proposed amendment will be consistent with the future goals and needs of the COUNTY as set out in the COUNTY COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.

22.3.2.3 That the proposed amendment will be consistent with the overall intent of the COUNTY Zoning Ordinance.

22.3.3 The Secretary of the Planning Commission shall forward the official recommendation and the information contained in the official record which includes the Department of Planning Services case file, to the Board of County Commissioners.

22.4 Duties of the Board of County Commissioners

- 22.4.1 The Board of County Commissioners shall:
  - 22.4.1.1 Set a Board of County Commissioners public hearing date.
  - 22.4.1.2 Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. The date of publication shall be at least fourteen (14) days prior to the hearing.
- 22.4.2 The Board of County Commissioners shall hold a public hearing to consider the proposed text amendment and take final action.
- 22.4.3 In making its final determination, the Board shall:
  - 22.4.3.1 Take into consideration the recommendation of the Planning Commission and the information contained in the official record which includes the Department of Planning Services case file.
  - 22.4.3.2 Find that the existing Ordinance is in need of revision as proposed.
  - 22.4.3.3 Find that the proposed amendment will be consistent with the future goals and needs of the COUNTY as set out in the COUNTY COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
  - 22.4.3.4 Find that the proposed amendment is consistent with the overall intent of the COUNTY Zoning Ordinance.
  - 22.4.3.5 At the close of the public hearing the Board of County Commissioners may amend the Ordinance. The Ordinance shall be amended according to the procedures established in Article III, Section 3-14 of the Weld County Home Rule Charter .
- 22.4.4 The Board shall arrange for the recording of the Ordinance, and if approved, the full text of the amendment.

23 Site Plan Review

23.1 Intent and Applicability

- 23.1.1 The intent of the Site Plan Review procedure is to provide present and future residents and users of land in the COUNTY a means whereby orderly and harmonious DEVELOPMENT is ensured in the COUNTY. Site Plan Reviews require additional consideration to ensure that the USES permitted are established and operated in a manner that is compatible with existing and planned land USES in the NEIGHBORHOOD. The regulation of Site Plan Reviews is designed to protect and promote the health, safety, convenience, and general welfare of the present and future residents of the COUNTY.
- 23.1.2 A Site Plan Review is required for USES in the following Zone Districts: Residential R-2, R-3 and R-4 Districts except for those uses containing a SINGLE FAMILY DWELLING UNIT or duplex units where the two units are not held in separate ownership, all COMMERCIAL Districts, all Industrial Districts, and in any PUD Districts where a USE would require a Site Plan Review in an R-4, COMMERCIAL, or Industrial Zone District.
- 23.1.3 No land, BUILDING, building, or STRUCTURE shall be USED, changed in use or

type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in any zone district that requires a Site Plan Review until a Site Plan Review has been approved by the Department of Planning Services.

- 23.1.4 The Department of Planning Services shall not issue a building permit for any BUILDING or STRUCTURE in a zone district which requires a Site Plan Review until a Site Plan Review has been submitted, approved, and recorded by the Department of Planning Services.
- 23.1.5 No Site Plan Review shall be required for:
- 23.1.5.1 Normal repairs and maintenance of an existing building or structure.
- 23.1.5.2 Alterations which do not affect more than twenty-five (25) percent of the external dimensions of an existing building or structure unless such alterations are made to change the USE or type of occupancy within part or all of the altered BUILDING or STRUCTURE.
- 23.1.5.3 Signs, fencing, oil and gas production facilities in the I-3 (Industrial) zone district, temporary structures used for the sale of fireworks, or the TEMPORARY sale of Christmas trees.
- 23.1.6 A BUILDING or STRUCTURE which was in place prior to the effective date of Ordinance No. 89FF on June 11, 1996, can have its external dimensions enlarged up to twenty percent (20%) of those external dimensions in existence at the time this Ordinance was adopted, before a Site Plan Review shall be required, unless such enlargement is made to change the USE or type of occupancy within part or all of the enlarged BUILDING or STRUCTURE.
- 23.1.7 The Director of Planning Services may waive the Site Plan Review requirement for COMMERCIAL and industrial USES in a Planned Unit Development (PUD) upon determination that sufficient detailed information was submitted and reviewed in the Final PUD Plan.
- 23.1.8 Any person filing an application for a Site Plan Review shall comply with the county procedures and regulations as set forth herein.
- 23.1.9 Any person filing an application for a Site Plan Review shall comply with the COUNTY Zoning Ordinance, Section 50, Overlay District Requirements if the proposal is located within any Overlay District Area identified by maps officially adopted by the COUNTY.
- 23.1.10 Applications for a Site Plan Review shall be completed as set forth in Section 23.2, Application Requirements for a Site Plan Review. The completed application and application fees shall be submitted to the Department of Planning Services.
- 23.1.11 Applications for a Site Plan Review located in the Mixed Use Development area shall adhere to any and all applicable regulations in Ordinance 191, Ordinance 187, Ordinance 195, Ordinance 201 and Ordinance 202, and any other Weld County Ordinance, as amended, in effect.
- 23.1.12 Any approved Site Plan Review shall be limited to the items shown on the Site Plan Review map. Major changes from the approved Site Plan Review map shall require the approval of an amendment of the Site Plan Review map by the Department of Planning Services. The Department of Planning Services is responsible for determining whether a major change exists. Any changes shall be

filed in the Department of Planning Services with the Site Plan Review file.

23.2 Application Requirements for a Site Plan Review

- 23.2.1 The purpose of the application is to give the applicant an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Ordinance. The following supporting documents shall be submitted as a part of the application:
  - 23.2.1.1 A site plan review application form provided by the Department of Planning Services.
  - 23.2.1.2 A copy of a deed or legal instrument identifying the applicant's interest in the property under consideration.
  - 23.2.1.3 A party wall agreement and legal description for duplex or triplex USES where units are held in separate ownership.
  - 23.2.1.4 A condo declaration and legal description for the condo, if applicable.
  - 23.2.1.5 A detailed description of the proposed USE.
  - 23.2.1.6 The applicant shall submit evidence that the USE in the zone district shall have an adequate source of potable water and meet the requirements of the zone district.
  - 23.2.1.7 The applicant shall submit evidence that the USE in the zone district shall have adequate sewage disposal facilities and meet the requirements of the zone district. If there is an existing septic system located on the site, the applicant shall include in the application a copy of the septic permit. This information can be obtained from the Weld County Department of Public Health and Environment.
  - 23.2.1.8 A completed Weld County Road Access Information Sheet provided by the Department of Planning Services.
  - 23.2.1.9 The number of employees associated with the USE.
  - 23.2.1.10 A statement indicating that the proposed USE meets the required SETBACK and OFFSET requirements of the zone district.
  - 23.2.1.11 A generalized sketch of BUILDING elevations depicting the style, size and exterior construction materials of the BUILDINGS proposed in sufficient detail to exhibit the relative compatibility of the proposed site with the character of the surrounding land USES.
  - 23.2.1.12 A plan describing any proposed signage, drawn to an appropriate scale which shall include specifications of the proposed sign and sign structure along with the method of construction and attachment to the BUILDING or ground. The position and distance of the sign(s) in relation to property lines and BUILDINGS and STRUCTURES on the property shall be shown on the Site Plan Review map. All proposed sign(s) shall apply for and receive a building permit.
  - 23.2.1.13 Statements describing that the LANDSCAPE requirements listed below have been met:
    - 23.2.1.13.1 The lot shall adhere to the Maximum Lot Coverage requirements of the zone district in which it is located in, as shown in the Bulk Requirements in the Weld County



Zoning Ordinance, the Mixed Use Development Plan, or the Planned Unit Development Ordinance, if applicable. Land shall not be deemed covered if it is used for growing grass, shrubs, trees, plants or flowers or if it is otherwise suitably LANDSCAPED.

- 23.2.1.13.2 That portion of a LOT in the zone district which abuts a public or private street right-of-way shall have a minimum fifteen (15) foot wide LANDSCAPE SETBACK, unless the LOT is governed by a more restrictive LANDSCAPE SETBACK contained in an overlay district, the Mixed Use Development Plan or any other applicable Weld County Ordinance, as amended. The LANDSCAPE SETBACK is measured at a right angle from the existing or planned future right-of-way to any PARKING LOT, fencing, storage area, or STRUCTURE. Sidewalks and driveways may pass through the required LANDSCAPE SETBACK.
- 23.2.1.13.3 LANDSCAPING techniques shall be utilized in design of PARKING LOTS to aid in buffering PARKING LOTS I from roadways.
- 23.2.1.13.4 The applicant shall submit to the Department of Planning Services a detailed LANDSCAPING plan delineating the existing and proposed trees, shrubs, ground covers, natural features such as rock outcroppings, and other LANDSCAPING elements. The plan shall show where LANDSCAPING exists or will be located along with planting and construction details, species name and size. Where existing plantings are to be retained, the applicant shall include in the plans proposed methods of protecting the plantings during construction.
- 23.2.1.13.5 The applicant shall submit to the Department of Planning Services a maintenance plan for the proposed LANDSCAPING on the site.
- 23.2.1.14 A statement accompanied by evidence explaining how the storm water runoff will be handled. If physical changes to the site are proposed (grading, paving, increased roof areas, etc.) then evidence, maps, and calculations explaining how storm water retention facilities are designed to retain the storm water runoff in excess of the historic flow from the undeveloped site shall be designed for a one hundred (100) year storm and release retained water at a rate not to exceed a five (5) year storm falling on the undeveloped site.
- 23.2.1.15 A statement explaining that the proposed USE, BUILDING or STRUCTURE meets the Off-Street Parking Requirements listed in Section 41, Offstreet Parking : Loading Requirements of this Ordinance or a more restrictive ordinance. Sufficient SCREENED, off-street, paved parking areas shall be provided in all districts.
- 23.2.1.16 A statement explaining that the loading/service areas in all districts shall be located, designed, and constructed in a manner that is in conformance with the standards below:
- 23.2.1.16.1 Sufficient space shall be provided in loading/service areas to accommodate the vehicles being loaded or unloaded without encroachment upon NEIGHBORING property or rights-of-way. Loading/service areas shall be paved.
- 23.2.1.16.2 Loading areas located within the I-1 (Industrial) District and I-2 (Industrial) Districts shall be designed to comply with the appropriate USE regulations under either Section 34.2 or Section 34.3 of this Ordinance.
- 23.2.1.17 A statement explaining that the LOT shall have safe access to an approved public or private STREET. The design designation of a STREET or highway as to type shall be in conformance with that shown on the Weld County Transportation Plan and/or the MASTER PLAN of the affected municipality.

- 23.2.1.18 A statement explaining that new accesses to public rights-of-way shall be constructed using the minimum standards below. Designs exceeding these minimums may be required by the Weld County Department of Public Works depending upon the number and type of vehicles generated by the USE proposed.
- 23.2.1.18.1 Size of drainage structure - fifteen (15) inches minimum in diameter.
- 23.2.1.18.2 Length of drainage structure - twenty (20) foot minimum.
- 23.2.1.18.3 Depth of cover over pipe - twelve (12) inches.
- 23.2.1.18.4 Width of access - ten - fifteen (10 - 15) feet for a one-way single access, twenty-four (24) foot minimum for two-way traffic.
- 23.2.1.18.5 Maximum grade of access - fifteen (15) percent.
- 23.2.1.18.6 Flare radius - twenty (20) foot minimum in a residential zone district, forty (40) foot minimum in commercial and industrial zone districts.
- 23.2.1.18.7 Depth of surfacing - per engineered design and subject to approval by Weld County Department of Public Works .
- 23.2.1.19 A statement explaining how acceleration/deceleration lanes, when required by the Weld County Department of Public Works or the Colorado Department of Transportation, will provide safe, efficient access to ARTERIAL or COLLECTOR STREETS.
- 23.2.1.20 A statement explaining that the trash collection areas or facilities are located, designed, and USED in a manner that shall meet the requirements of the zone district.
- 23.2.1.21 A statement explaining that the USE conforms to Ordinance 191, Ordinance 187, Ordinance 195, Ordinance 201, Ordinance 202, and any applicable Weld County Ordinance which calls for a Site Plan Review, with the following operation standards to the extent that they are affected by location, layout, and design prior to construction and operation. Once operational, the operation shall conform to the standards listed below:
  - 23.2.1.21.1 Noise. USES and STRUCTURES in the COMMERCIAL and Industrial Districts shall be located, designed, and operated in accordance with the noise standards as established in Section 25-12-101 C.R.S.
  - 23.2.1.21.2 Air Quality. USES in the COMMERCIAL and Industrial Districts shall be located, designed, and operated in accordance with the air quality standards established by the Colorado Air Pollution Control Commission.
  - 23.2.1.21.3 Water Quality. USES in the COMMERCIAL and Industrial Districts shall be located, designed, and operated in accordance with the standards established by the Colorado Water Quality Control Commission.
  - 23.2.1.21.4 Radiation and Radioactive Materials. The handling, USE, storage, and processing of radioactive materials shall be in accordance with the applicable regulations of the State of Colorado and the United States Government.
  - 23.2.1.21.5 Heat. USES located within the COMMERCIAL and Industrial Districts shall not emit heat in such an amount sufficient to raise the temperature of the air or of materials at or beyond the LOT line more than five (5) degrees Fahrenheit.



- 23.2.1.21.6 Glare. Any lighting USED to illuminate an off-STREET PARKING AREA, outside storage area, outside activity area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone and from county roads. Any lighting, including light from high temperature processes such as welding or combustion, shall be designed, located, and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto ADJACENT properties; neither the direct or reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS; and no colored lights may be used which may be confused with or construed as traffic control devices.
- 23.2.1.21.7 Property Maintenance. All property shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than twelve (12) inches. The property owner shall not allow the growth of NOXIOUS WEEDS.
- 23.2.1.21.8 Any off-site improvements agreement shall be made in conformance with the Weld County Policy on Collateral for Improvements.
- 23.2.1.22 SITE PLAN REVIEW MAP. The site plan map shall show and comply with the following requirements:
- 23.2.1.22.1 The size of the map shall be twenty-four (24) inches by thirty-six (36) inches.
- 23.2.1.22.2 The scale shall be one inch equals two-hundred (200) feet or another suitable scale if approved by the Department of Planning Services.
- 23.2.1.22.3 Legal description of the parcel.
- 23.2.1.22.4 North arrow.
- 23.2.1.22.5 Outline of the perimeter of the LOT.
- 23.2.1.22.6 A vicinity map at a suitable scale. The map shall locate the site with respect to adjacent roads and other major land features.
- 23.2.1.22.7 The location and name of any water features or irrigation ditches within the perimeter of the LOT.
- 23.2.1.22.8 The location and names of all roads and highways abutting the LOT.
- 23.2.1.22.9 The location and name of any water features or irrigation ditches within the perimeter of the LOT.
- 23.2.1.22.10 All existing and proposed STRUCTURES and their dimensions.
- 23.2.1.22.11 The location, dimensions and design of any existing and proposed sign(s) on the site.
- 23.2.1.22.12 All utility easements or rights-of-way for telephone, gas, electric, water, and sewer lines.
- 23.2.1.22.13 The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes, location and dimensions of pedestrians entrances, exits, walks and walkways.
- 23.2.1.22.14 General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information.

- 23.2.1.22.15 Any other information deemed necessary by the Department of Planning Services.
- 23.2.1.23 SITE PLAN REVIEW PLAT: A Site Plan Review Plat shall be prepared after a Site Plan Review application is approved. The plat shall be submitted to the Department of Planning Services and be ready for recording at the Weld County Clerk and Recorder's Office within thirty (30) days of approval. The plat shall meet the following requirements:
  - 23.2.1.23.1 The plat shall be delineated in non-fading permanent black ink on a dimensionally stable polyester sheet such as cronar or Mylar or other product of equal quality, three millimeters or greater in thickness. The size of each shall be twenty-four inches (24") in height by thirty-six (36") in width. The mixing or sheet sizes is prohibited. No plat submitted shall contain any form of stick-on-type material such as, but not limited to "sticky-back", adhesive film, or kroy lettering tape. The drawing shall be at sufficient scale to show all necessary detail.
  - 23.2.1.23.2 A photo Mylar copy of the original ink drawing may be submitted. The material shall be at least three (3) mils or greater in thickness.
  - 23.2.1.23.3 The plat submitted will contain the original signatures and seals of all parties required to sign the plat. If a photo Mylar copy is submitted, the original signatures and seals shall be contained thereon.
  - 23.2.1.23.4 The plat shall be titled, "Site Plan Review No. \_\_\_\_\_". The Department of Planning Services shall fill in the appropriate number.
  - 23.2.1.23.5 The plat shall include all of the items approved in the Site Plan Review Map.
  - 23.2.1.23.6 The plat shall bear the following certifications:
    - 23.2.1.23.6.1 Property Owner's Certificate:

I, the undersigned, certify that the uses, buildings, and structures located on this Site Plan Review are designed and will be constructed and operated in accordance with the applicable DEVELOPMENT standards and district requirements for the \_\_\_\_\_ Zone District as stated in the Weld County Zoning Ordinance and in accordance with any conditions imposed by the Board of County Commissioners at the time the property was zoned or rezoned. I understand my failure to comply with the DEVELOPMENT standards and/or any conditions could result in the county initiating a compliance action against me.

\_\_\_\_\_  
Signature of Property Owner

The foregoing instrument was subscribed and sworn to be before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_

WITNESS my hand and official seal.

My Commission expires:

\_\_\_\_\_  
Notary Public

- 23.2.1.23.6.2 Department of Planning Services' Administrative Review Certificate :

This plat is accepted and approved for filing.



\_\_\_\_\_  
Department of Planning Services Director

The foregoing certificate was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

WITNESS my hand and official seal.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

24 Uses by Special Review

24.1 Intent and Applicability

24.1.1 Uses by Special Review are USES which have been determined to be more intense or to have a potentially greater impact than the Uses Allowed by Right in a particular zone district. Therefore, Uses by Special Review require additional consideration to ensure that they are established and operated in a manner that is compatible with existing and planned land USES in the NEIGHBORHOOD. The additional consideration or regulation of Uses by Special Review is designed to protect and promote the health, safety, convenience, and general welfare of the present and future residents of the COUNTY.

24.1.2 The Board of County Commissioners may approve the establishment of a Use by Special Review by granting a Special Review Permit. All requests for Special Review Permit shall be reviewed by the Weld County Planning Commission. The Planning Commission recommendation shall be forwarded to and considered by the Board of County Commissioners except for the following conditions. Any DEVELOPMENT or USE which requires a Special Review Permit and which is initiated by a general purpose local government, State of Colorado, United States Government, special district or authority created under the provisions of the laws of the State of Colorado, or any public utility whether publicly or privately owned, shall require review and approval by the Planning Commission only as set forth in Section 25, Special Review Permit for Major Facilities of a Public Utility or Public Agency. The failure of the Planning Commission to take action on the application within thirty (30) days after the official submittal of the application for said DEVELOPMENT or USE shall be deemed an approval of the application unless the agency submitting the application has granted an extension of the thirty (30) day review period. If the Planning Commission disapproves an application for a Special Review Permit for said DEVELOPMENT or USE, the Planning Commission's disapproval may be overruled by the jurisdictional body or official making the application. The Planning Commission's disapproval may be overruled by said body by a vote of not less than a majority of its entire membership or by said official.

24.1.3 Any person filing an application for a Special Review Permit shall comply with the COUNTY procedures and regulations as set forth herein. Any expansion or enlargement of a Use by Special Review shall be treated as a new USE and shall require a new application under the provisions of this Section.

24.1.4 Ordinary repairs and maintenance may be performed upon STRUCTURES associated with a Use by Special Review so long as such repairs and maintenance



do not have the effect of expanding or enlarging the USE.

- 24.1.5 If the use by Special Review has not commenced from the date of approval or is discontinued for a period of three (3) consecutive years it shall be presumed inactive. The COUNTY shall initiate an administrative hearing to consider whether to grant an extension of time to commence the use or revoke the Use by Special Review. If the Use by Special Review is revoked, it shall be necessary to follow the procedures and requirements of this Section in order to re-establish any Use by Special Review.
- 24.1.6 Applications for Special Review Permits shall be completed as set forth in Section 24.7, Application Requirements. The complete application and application fees shall be submitted to the Department of Planning Services.

24.2 Duties of the Department of Planning Services

- 24.2.1 The Weld County Department of Planning Services shall be responsible for processing all applications for Special Review Permits in the unincorporated areas of the COUNTY . The Department shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below.
- 24.2.2 Upon determination that the application submittal is complete, the Department of Planning Services shall:
  - 24.2.2.1 Set a Planning Commission hearing date not more than forty-five (45) days after the complete application has been submitted.
  - 24.2.2.2 Give notice of the application for a Special Review Permit and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.
  - 24.2.2.3 Give notice of the application for a Special Review Permit and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to the owners and lessees of the mineral estate on or under the parcel. Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.
  - 24.2.2.4 Post a sign for the applicant on the property under consideration for a Use by Special Review permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing, and include the following information.

- 24.2.2.4.1 Special Review Permit number.
- 24.2.2.4.2 Date, place and time of Public Hearing.
- 24.2.2.4.3 Location and phone number of the public office where additional information may be obtained.
- 24.2.2.4.4 Applicant's name.
- 24.2.2.4.5 Size of parcel of land.
- 24.2.2.4.6 Type of request.
- 24.2.2.5 Arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the Use by Special Review is proposed. Failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.
- 24.2.2.6 Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within twenty-one (21) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-one (21) days may be deemed to be a favorable response to the Planning Commission. The reviews and comments solicited by the COUNTY are intended to provide the COUNTY with information about the proposed Use by Special Review. The Planning Commission and Board of County Commissioners may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority and responsibility for making the decision to approve or deny the request for a Special Review Permit rests with the Officials of the COUNTY.
  - 24.2.2.6.1 The Planning Commission or Governing Body of any town and county whose boundaries are within a three (3) mile radius of the parcel under consideration for a Use by Special Review Permit.
  - 24.2.2.6.2 The Planning Commission or Governing Body of any city or town that has included the parcel in its MASTER PLANNING area.
  - 24.2.2.6.3 Weld County Department of Public Health and Environment.
  - 24.2.2.6.4 Weld County Department of Public Works to check the legal description of the parcels and review of other engineering aspects of the proposal.
  - 24.2.2.6.5 Weld County Extension Office.
  - 24.2.2.6.6 Colorado Department of Public Health and Environment.
  - 24.2.2.6.7 Colorado Geological Survey.
  - 24.2.2.6.8 Colorado Historical Society.
  - 24.2.2.6.9 Colorado Department of Transportation.
  - 24.2.2.6.10 Colorado State Division of Wildlife.



- 24.2.2.6.11 Colorado State Engineer, Division of Water Resources.
- 24.2.2.6.12 Colorado State Oil and Gas Conservation Commission.
- 24.2.2.6.13 Colorado Water Conservation Board.
- 24.2.2.6.14 U. S. Army Corps of Engineers.
- 24.2.2.6.15 U. S. Soil Conservation Service.
- 24.2.2.6.16 U. S. Forest Service.
- 24.2.2.6.17 U. S. Bureau of Land Management.
- 24.2.2.6.18 Federal Aviation Administration.
- 24.2.2.6.19 Federal Communications Commission.
- 24.2.2.6.20 The appropriate Fire District.
- 24.2.2.6.21 Any irrigation ditch company with facilities on or adjacent to the parcel under consideration.
- 24.2.2.6.22 Any other agencies or individuals whose review the Department of Planning Services, the Planning Commission, or the Board of County Commissioners deem necessary.
- 24.2.2.7 Prepare staff comments for use by the Planning Commission addressing all aspects of the application, its conformance with the Weld County COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect, adopted MASTER PLANS of affected municipalities, sound land use planning practices, comments received from agencies to which the proposal was referred, and standards contained in this Ordinance.

24.3 Duties of the Planning Commission

- 24.3.1 The Planning Commission shall hold a hearing to consider the application for the Special Review Permit. The public hearing may involve either the Special Review Permit application alone or may include the review of concurrent applications under the COUNTY'S provisions for Overlay Districts Regulations, Section 50 of the Weld County Zoning Ordinance. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested Special Review Permit. The Planning Commission shall approve the request for the Special Review Permit only if it finds that the applicant has met the standards or conditions of Sections 24.3.1, 24.5 and 24.6. The applicant has the burden of proof to show that the standards and conditions of Sections 24.5, 24.6 and 24.3.1 are met. The applicant shall demonstrate:
  - 24.3.1.1 That the proposal is consistent with the Weld County COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
  - 24.3.1.2 That the proposal is consistent with the intent of the district in which the USE is located.
  - 24.3.1.3 That the USES which would be permitted will be compatible with the existing surrounding land USES.



- 24.3.1.4 That the USES which would be permitted will be compatible with future development of the surrounding area as permitted by the existing zoning and with the future development as projected by the COMPREHENSIVE PLAN or MASTER PLANS of affected municipalities.
  - 24.3.1.5 That the application complies with the Weld County Zoning Ordinance, Section 50, Overlay District Regulations if the proposal is located within the Overlay District Areas identified by maps officially adopted by the COUNTY.
  - 24.3.1.6 That if the USE is proposed to be located in the A (Agricultural) District, that the applicant has demonstrated a diligent effort has been made to conserve PRIME FARM LAND in the locational decision for the proposed USE.
  - 24.3.1.7 That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY .
  - 24.3.2 The Secretary of the Planning Commission shall forward the official recommendation of the Planning Commission and the information contained in the official record, which includes the Department of Planning Services case file, to the Clerk to the Board of County Commissioners within ten (10) days after said recommendation has been made.
  - 24.3.3 If the Planning Commission recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, then the ten (10) day period shall commence upon submission of the items by the applicant to the Department of Planning Services.
- 24.4 Duties of the Board of County Commissioners
- 24.4.1 The Board of County Commissioners shall:
    - 24.4.1.1 Set a Board of County Commissioners public hearing to take place not more than forty-five (45) days after receipt of the Planning Commission recommendation, or upon request of the applicant, for consideration of the proposed Special Review Permit.
    - 24.4.1.2 Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the Use by Special Review is proposed. The failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.
    - 24.4.1.3 Give notice of the application for a Special Use Permit and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate ). Inadvertent errors by the applicant in supplying such list or the Board of County Commissioners in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.
    - 24.4.1.4 Give notice of the application for a Special Use Permit and the public hearing date

to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to the owners and lessees of the mineral estate on or under the parcel. Inadvertent errors by the applicant in supplying such list or the Board of County Commissioners in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.

- 24.4.1.5 Arrange for the Department of Planning Services to post a sign on the property under consideration for a Special Review permit according to the requirements of Section 24.2.2.4
- 24.4.2 The Board of County Commissioners shall hold a public hearing to consider the application and to take final action thereon. In making a decision on the proposed Use by Special Review, the Board shall consider the recommendation of the Planning Commission, and from the facts presented at the public hearing and the information contained in the official record which includes the Department of Planning Services case file, the Board of County Commissioners shall approve the request for the Special Review Permit only if it finds that the applicant has met the standards or conditions of Sections 24.4.2, 24.5 and 24.6. The applicant has the burden of proof to show that the standards and conditions of 24.4.2, 24.5 and 24.6 are met. The applicant shall demonstrate:
  - 24.4.2.1 That the proposal is consistent with the COUNTY COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
  - 24.4.2.2 That the proposal is consistent with the intent of the district in which the USE is located.
  - 24.4.2.3 That the USES which would be permitted will be compatible with the existing surrounding land USES.
  - 24.4.2.4 That the USES which would be permitted will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by the COMPREHENSIVE PLAN of the COUNTY and any other applicable Weld County Ordinance in effect, or the adopted MASTER PLANS of affected municipalities.
  - 24.4.2.5 That the application complies with the Weld County Zoning Ordinance, Section 50, Overlay District Regulations if the proposal is located within any Overlay District Area identified by maps officially adopted by Weld County.
  - 24.4.2.6 That if the USE is proposed to be located in the A (Agricultural) District, that the applicant has demonstrated a diligent effort has been made to conserve PRIME FARM LAND in the locational decision for the proposed USE.
  - 24.4.2.7 That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.
- 24.4.3 Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed USE upon the surrounding area, the Board of County Commissioners may condition the decision to approve the Special Review Permit upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the COUNTY to guarantee such implementation.

24.4.4 Upon the Board making its final decision, a resolution setting forth that decision will be drafted and signed. A record of such action and a copy of the resolution will be kept in the files of the Clerk to the Board

24.4.5 If the Special Review Permit is approved, the Board shall arrange for the Department of Planning Services to record the Special Review Permit Plan map with the Weld County Clerk and Recorder.

24.5 Design Standards for Use by Special Review

24.5.1 An applicant for a Use by Special Review shall demonstrate compliance with the following design standards in the application and shall continue to meet these standards if approved for DEVELOPMENT.

24.5.1.1 Adequate water service in terms of quality, quantity, and dependability is available to the site to serve the USES permitted.

24.5.1.2 Adequate sewer service is available to the site to serve the USES permitted.

24.5.1.3 If soil conditions on the site are such that they present moderate or severe limitations to the construction of STRUCTURES or facilities proposed for the site, the applicant has demonstrated how much limitations can and will be mitigated.

24.5.1.4 Adequate fire protection measures are available on the site for the STRUCTURES and facilities permitted.

24.5.1.5 USES shall comply with the following storm water management standards:

24.5.1.5.1 Storm water retention facilities shall be provided on site which are designed to retain the storm water runoff from the fully developed site from a one hundred (100) year storm or as otherwise required by the Weld County Department of Public Works . In the case of a LIVESTOCK CONFINEMENT OPERATION (L.C.O.), wastewater collection, conveyance and retention facilities shall be designed and constructed in accordance with the Confined Animal Feeding Operation Control Regulations (5 CCR-1002-19).

24.5.1.5.2 The drainage facilities shall be designed to release the retained water at a quantity and rate not to exceed the quantity and rate of a five year storm falling on the UNDEVELOPED site.

24.5.1.6 All parking and vehicle storage shall be provided on the site; parking shall not be permitted within any public right-of-way. An adequate parking area shall be provided to meet the parking needs of employees, company vehicles, visitors, and customers.

24.5.1.7 The USE shall comply with all the SETBACK and OFFSET requirements of the zone district.

24.5.1.8 The access shall be located and designed to be safe; ingress and egress shall not present a safety hazard to the traveling public or to the vehicle accessing the property. For USES generating high traffic volumes and large number of large, slow accelerating vehicles, acceleration and deceleration lanes may be required to mitigate a potential traffic hazard.

24.5.1.9 New Accesses to Public Rights-of-Way shall be constructed using the following as minimum standards:



Size of drainage structure twelve inch (12") diameter  
Length of drainage structure twenty feet (20')  
Depth of cover over pipe twelve feet (12") 12"  
Width of access fifteen feet (15')  
Maximum grade of access fifteen percent (15%)  
Flare radius twenty feet (20')  
Depth of surfacing four inch (4")

Standards exceeding these minimums may be required depending on the type and volume of vehicles generated by the type of USE proposed.

- 24.5.1.10 Buffering or SCREENING of the proposed USE from ADJACENT properties may be required in order to make the determination that the proposed USE is compatible with the surrounding USES. Buffering or SCREENING may be accomplished through a combination of berming, landscaping, and fencing.
- 24.5.1.11 Uses by Special Review in the A (Agricultural) District shall be located on the least prime soils on the property in question unless the applicant can demonstrate why such a location would be impractical or infeasible.
- 24.5.2 If the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY is approved, the Planning Commission shall arrange for the Department of Planning Services to record the appropriate Facilities Plan, Utility Line, or Selected Route Map with the Weld County Clerk and Recorder.

#### 24.6 Operation Standards for Uses by Special Review

- 24.6.1 An applicant for a Special Review Permit shall demonstrate conformance with the following operation standards in the Special Review Permit application to the extent that the standards affect location, layout and design of the Use by Special Review prior to construction and operation. Once operational, the operation of the USES permitted shall conform to these standards.
  - 24.6.1.1 The operation of the USES shall comply with the noise standards enumerated in Section 25-12-101 C.R.S. as amended.
  - 24.6.1.2 The operation of the USES shall comply with the air quality regulations promulgated by the Colorado Air Quality Control Commission.
  - 24.6.1.3 The operation of the USES shall comply with the water quality regulations promulgated by the Colorado Water Quality Control Commission.
  - 24.6.1.4 The USES shall comply with the following lighting standards:
    - 24.6.1.4.1 Sources of light, including light from high temperature processes such as combustion or welding, shall be shielded so that light rays will not shine directly onto ADJACENT properties where such would cause a nuisance or interfere with the USE on the ADJACENT properties, and
    - 24.6.1.4.2 Neither direct or reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS and no colored lights may be used which may be confused with or construed as traffic control devices.
  - 24.6.1.5 The USES shall not emit heat so as to raise the temperature of the air more than five (5) degrees Fahrenheit at or beyond the LOT line.
  - 24.6.1.6 Property shall be maintained in such a manner that grasses and weeds are not



permitted to grow taller than twelve (12) inches. In no event shall the property owner allow the growth of NOXIOUS WEEDS.

24.7 Application Requirements for a Use by Special Review

- 24.7.1 The purpose of the application is to give the petitioner an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Ordinance. The following supporting documents shall be submitted as a part of the application except for those items determined by the Director of Planning Services, in writing, or the Board of County Commissioners, on the record, to be unnecessary to a decision on the application:
  - 24.7.1.1 A statement which explains that the proposal is consistent with the COUNTY COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
  - 24.7.1.2 A statement which explains that the proposal is consistent with the intent of the district in which the USE is located.
  - 24.7.1.3 A statement which explains that the USES which would be permitted will be compatible with the existing surrounding land USES.
  - 24.7.1.4 A statement which explains that the USES which would be permitted will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by the COMPREHENSIVE PLAN of the COUNTY and any other applicable Weld County Ordinance in effect, or the adopted MASTER PLANS of affected municipalities.
  - 24.7.1.5 A statement which explains that the application complies with the Weld County Zoning Ordinance, Section 50, Overlay District Regulations if the proposal is located within any Overlay District Area identified by maps officially adopted by the COUNTY.
  - 24.7.1.6 A statement which explains that if the USE is proposed to be located in the A (Agricultural) District, that the applicant has demonstrated a diligent effort has been made to conserve prime agricultural land in the locational decision for the proposed USE.
  - 24.7.1.7 A statement which explains that there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.
- 24.7.2 The following general information shall be submitted:
  - 24.7.2.1 Name, address, and telephone number of the applicants.
  - 24.7.2.2 Name and address of the fee owners of the property proposed for the Use by Special Review if different from above.
  - 24.7.2.3 Legal description of the property under consideration.
  - 24.7.2.4 Total acreage of the parcel under consideration.
  - 24.7.2.5 Existing land USE of the parcel under consideration.
  - 24.7.2.6 Existing land USES of all properties ADJACENT to said parcel.

- 24.7.2.7 Present zone and overlay zones, if appropriate.
- 24.7.2.8 Signatures of the applicant and fee owners or their authorized legal agent.
- 24.7.2.9 A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the Weld County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Weld County Clerk and Recorder. If the list was assembled from the records of the Weld County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- 24.7.2.10 An affidavit listing the names and addresses of all mineral owners and lessees of mineral owners on or under the parcel of land being considered. The list shall be prepared from the real property records of the Weld County Clerk and Recorder, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Weld County Department of Planning Services.
- 24.7.2.11 Post a sign for the applicant on the property under consideration for a Use by Special Review permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing.
- 24.7.3 A detailed description of the proposed operation and USE shall be supplied. Details for the following items, when applicable, are required:
  - 24.7.3.1 Type of USE for which the application is being made.
  - 24.7.3.2 Proximity of the proposed USE to residential STRUCTURES.
  - 24.7.3.3 The number of shifts to be worked and the maximum number of employees.
  - 24.7.3.4 The maximum number of users, patrons, members, buyers, or other visitors that the Use by Special Review facility is designed to accommodate at any one time.
  - 24.7.3.5 Types and maximum numbers of animals to be concentrated on the site at any one time.
  - 24.7.3.6 Types and numbers of operating and processing equipment to be utilized.
  - 24.7.3.7 Type, number, and USES of the proposed STRUCTURES to be erected.
  - 24.7.3.8 Type, size, weight, and frequency of vehicular traffic and access routes that will be utilized.
  - 24.7.3.9 Domestic sewage facilities.
  - 24.7.3.10 Size of stockpile, storage, or waste areas to be utilized.
  - 24.7.3.11 Method and time schedule of removal or disposal of debris, JUNK, and other wastes associated with the proposed USE.

- 24.7.3.12 A time table showing the periods of time required for the construction of the operation.
- 24.7.3.13 Proposed LANDSCAPING plans.
- 24.7.3.14 Reclamation procedures to be employed as stages of the operation are phased out or upon cessation of the Use by Special Review activity.
- 24.7.3.15 A statement delineating the need for the proposed USE.
- 24.7.3.16 A description of the proposed fire protection measures.
- 24.7.3.17 Such additional information as may be required by the Department of Planning Services, the Planning Commission or the Board of County Commissioners in order to determine that the application meets the requirements of this Ordinance and the policies of the COUNTY COMPREHENSIVE PLAN.
- 24.7.4 Special Review Permit Plan Map.
- 24.7.4.1 The map shall be delineated on reproducible material approved by the Department of Planning Services.
- 24.7.4.2 The dimensions of the map shall be thirty-six (36) inches wide by twenty-four (24) inches high.
- 24.7.4.3 The Special Review Permit Plan Map shall include certificates for the property owner's signature, the Planning Commission, the Board of County Commissioners, and the Weld County Clerk to the Board. The required content of the certificates is available from the Department of Planning Services.
- 24.7.4.4 Vicinity Map. A vicinity map shall be drawn on the Use by Special Review Permit Plan Map.
- 24.7.4.4.1 The scale of the vicinity map shall be one inch (1") equals six hundred feet (600') or at another suitable scale if approved by the Department of Planning Services.
- 24.7.4.4.2 The vicinity map shall delineate all of the required information within a one-half (½) mile radius of the property proposed for the Use by Special Review.
- 24.7.4.4.3 The following information shall be shown on the vicinity map:
  - 24.7.4.4.3.1 Section, township, and range.
  - 24.7.4.4.3.2 Scale and north arrow.
  - 24.7.4.4.3.3 Outline of the perimeter of the parcel proposed for the Use by Special Review.
  - 24.7.4.4.3.4 The general classifications and distribution of soils over the parcel under consideration. Soil classification names and agricultural capability classifications must be noted in the legend.
  - 24.7.4.4.3.5 Locations and names of all roads, irrigation ditches, and water features.
  - 24.7.4.4.3.6 Location of all residences within a ½ mile radius, existing and proposed accesses to the property proposed for the Use by Special Review, any abutting subdivision outlines and names, and the boundaries of any ADJACENT municipality.

- 24.7.4.4.3.7 Any other relevant information within a ½ mile distance of the perimeter property proposed for the Use by Special Review as may be reasonably required by the COUNTY to meet the intent and purpose of this Resolution.
- 24.7.4.5 Plot Plan. A plot plan of the Use by Special Review area shall be drawn on the Special Review Permit Plan Map.
  - 24.7.4.5.1 The scale of the plot plan shall be one inch (1") equals one hundred (100') or at another suitable scale if approved by the Department of Planning Services.
  - 24.7.4.5.2 The plot plan shall outline the boundaries if the parcel being considered for the Use by Special Review.
  - 24.7.4.5.3 The plot plan shall include the location and identification of all of the following items which are presently existing within a two hundred foot (200') radius of the boundaries of the Use by Special Review area as well as within the area itself; it shall also include the proposed features and STRUCTURES of the Use by Special Review:
    - 24.7.4.5.3.1 All public rights-of-way of record (including names).
    - 24.7.4.5.3.2 All existing and proposed STRUCTURES.
    - 24.7.4.5.3.3 All utility easements or rights-of-way for telephone, gas, electric, water, and sewer lines.
    - 24.7.4.5.3.4 Irrigation ditches.
    - 24.7.4.5.3.5 ADJACENT property lines and respective owners' names (may be shown on vicinity map instead).
    - 24.7.4.5.3.6 All hydrographic features including streams, rivers, ponds, and reservoirs (including names).
    - 24.7.4.5.3.7 Topography at two (2) foot contour intervals or at intervals as determined necessary by the Department of Planning Services.
    - 24.7.4.5.3.8 Location of areas of moderate or severe soil limitations as defined by the Soil Conservation Service or by a soil survey and study prepared by a soils engineer or scientist for the USES and associated STRUCTURES proposed for the parcel.
    - 24.7.4.5.3.9 Location and design of storm water management devices or STRUCTURES.
    - 24.7.4.5.3.10 Complete traffic circulation and parking plan showing locations and sizes.
    - 24.7.4.5.3.11 Location, amount, size and type of any proposed LANDSCAPING, fencing, walls, berms, or other SCREENING.
    - 24.7.4.5.3.12 Location of any flood hazard, GEOLOGIC HAZARD, or mineral resource areas.
  - 24.7.4.5.3.13 Such additional information as may be reasonably required by the Department of Planning Services, the Planning Commission, or the Board of County Commissioners in order to determine that the application meets the requirements of this Ordinance and the policies of the COUNTY COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect
- 24.7.5 Supporting Documents. The following supporting documents shall be submitted



as part of the application:

- 24.7.5.1 Where an authorized legal agent signs the application for the fee owners, a letter granting power of attorney to the agent from the owners must be provided.
  - 24.7.5.2 Proof that a water supply will be available which is adequate in terms of quantity, quality, and dependability (e.g., a well permit or letter from a water district).
  - 24.7.5.3 Copy of the deed or legal instrument by which the applicant obtained an interest in the property under consideration.
  - 24.7.5.4 A noise report, unless waived by the Department of Planning Services, documenting the methods to be utilized to meet the applicable noise standard.
  - 24.7.5.5 A soil report of the site prepared by the Soil Conservation Service or by a soils engineer or scientist. In those instances when the soil report indicates the existence of moderate or severe soil imitations for the USES proposed, the applicant shall detail the methods to be employed to mitigate the limitations.
- 24.8 Development Standards For Uses by Special Review
- 24.8.1 An applicant for a Special Review Permit shall demonstrate conformance with and shall continue to meet any DEVELOPMENT STANDARDS approved and adopted by the County. The DEVELOPMENT STANDARDS shall be placed on the Special Review Permit Plan Map prior to recording. Noncompliance with any of the approved DEVELOPMENT STANDARDS may be reason for revocation of the Special Review permit by the Board of County Commissioners.
- 24.9 Changes to a Special Review Permit. Any approved Special Review Permit shall be limited to the items shown on the Special Review plan map and governed by the DEVELOPMENT STANDARDS. Major changes from the approved Special Review Plan Map or DEVELOPMENT STANDARDS for the Special Review Permit shall require the review of an amendment to the permit by the Weld County Planning Commission and approval by the Board of County Commissioners before such changes from the plan map or DEVELOPMENT STANDARDS are permitted. The Department of Planning Services is responsible for determining whether a major change exists. Any other changes shall be filed with the Department of Planning Services with the approved Special Review permit.
- 25 Special Review Permit for MAJOR FACILITIES OF A PUBLIC UTILITY or PUBLIC AGENCY
- 25.1 Applicability. These regulations shall apply to all new site selections of MAJOR FACILITIES OF PUBLIC UTILITIES or PUBLIC AGENCIES within the unincorporated lands of the COUNTY subsequent to the adoption of these regulations. These regulations shall also apply to any expansion, enlargement, or extension of MAJOR FACILITIES OF PUBLIC UTILITIES or PUBLIC AGENCIES after the adoption of these regulations. Any proposed MAJOR FACILITIES OF A PUBLIC UTILITY or PUBLIC AGENCY which requires a Special Review Permit and which is initiated by a general purpose local government, State of Colorado, United States Government, special district or authority created under the provisions of the laws of the State of Colorado, or any PUBLIC utility whether publicly or privately owned, shall require review and approval by the Planning Commission only. The failure of the Planning Commission to take action on the application within thirty (30) days after the official submittal of the application for said DEVELOPMENT or USE shall be deemed an approval of the application unless the agency submitting the application is granted an extension of the thirty (30) day review period. If the Planning Commission disapproves an application for a Special Review Permit for said DEVELOPMENT or USE, the Planning Commission's disapproval may be overruled by the jurisdictional body or official making the application. The Planning Commission's disapproval may be overruled by said body by a vote of not less than a majority of its entire membership or by said

official.

25.2 Relationship of Regulations to Other Requirements. Nothing in Section 25, Special Review Permit for Major Facilities of a Public Utility or Public Agency, shall be construed as exempting an applicant from any state or federal laws or regulations.

25.3 Prohibition of Site Selection and Construction of a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY Without Permit

25.3.1 No person may locate or construct a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY in Weld County without first obtaining a Special Review Permit pursuant to these regulations, and no Building permit for a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY shall be approved without the applicant first obtaining approval of a Special Review Permit pursuant to these regulations.

25.4 Duties of the Department of Planning Services

25.4.1 The Weld County Department of Planning Services shall be responsible for processing all applications for a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY in the unincorporated area of Weld County. The Department shall also have the responsibility of insuring that all application submittal requirements are met prior to initiating any official action as listed below.

25.4.2 Upon determination that a submitted application is complete, the staff of the Department of Planning Services shall:

25.4.2.1 Set a Planning Commission hearing date not more than forty-five (45) days after the complete application has been submitted.

25.4.2.2 Arrange for a public notice of the hearing by the Planning Commission to be published once in the newspaper designated by the Board of County Commissioners for publication of notices a minimum of ten (10) days prior to the hearing date.

25.4.2.3 Give notice of application for a Special Review Permit and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, no less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate.) Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification. However, applicants for an electric TRANSMISSION LINE or gas PIPELINE which is more than one (1) mile in length shall advertise the hearing at least once in the newspaper designated by the Board of County Commissioners for publication of notices a minimum of ten (10) days prior to the hearing date. The advertisement shall contain a map displaying the proposed alternative routes along with a description of the hearing time, date, and location. The advertise- advertisement for an electric TRANSMISSION LINE or gas PIPELINE which is more than one (1) mile in length shall be the only requirement for notification of property owners.

25.4.2.4 Give notice of the application for a Special Review Permit and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing.



Such notice is not required by Colorado State Statute and is provided as a courtesy to the owners and lessees of the mineral estate on or under the parcel. Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification. However, applicants for an electric TRANSMISSION LINE or gas PIPELINE which is more than one (1) mile in length shall advertise the hearing at least once in the newspaper designated by the Board of County Commissioners for publication of notices a minimum of ten (10) days prior to the hearing date. The advertisement shall contain a map displaying the proposed alternative routes along with a description of the hearing time, date, and location. The advertisement for an electric TRANSMISSION LINE or gas PIPELINE which is more than one (1) mile in length shall be the only requirement for notification of mineral rights owners.

- 25.4.2.5 Refer the application to the following agencies, when deemed applicable by the Department of Planning Services for their review and comment. The agencies named shall respond within twenty-one (21) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-one (21) days may be deemed to be a favorable response to the proposal. Such agencies may request and be granted additional time for review of such proposals upon approval by the Director of Planning Services. The reviews and comments solicited by the COUNTY are intended to provide the COUNTY with information on the proposal. The Planning Commission may consider all such reviews and comments, and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority and responsibility for making the decision to approve or deny the proposal rests with the officials of the COUNTY.
- 25.4.2.5.1 The Planning Commission of any town or county whose boundaries are within three (3) miles of the proposed site or if the proposed site is located within any town's comprehensive planning area.
- 25.4.2.5.2 Weld County Department of Public Health and Environment.
- 25.4.2.5.3 Weld County Department of Public Works .
- 25.4.2.5.4 Colorado Geological Survey.
- 25.4.2.5.5 Colorado Department of Transportation.
- 25.4.2.5.6 U. S. Forest Service.
- 25.4.2.5.7 Any irrigation ditch company with facilities within or ADJACENT to the site under consideration.
- 25.4.2.5.8 Utility companies with underground lines which might be affected by the DEVELOPMENT.
- 25.4.2.5.9 Special service districts who may provide service to the DEVELOPMENT.
- 25.4.2.5.10 State Engineer, Division of Water Resources.
- 25.4.2.5.11 Soil Conservation Service.
- 25.4.2.5.12 Any other agencies or individuals whose review the Department of Planning Services deems necessary.



- 25.4.2.6 Prepare staff comments and recommendations for presentation at the Planning Commission hearing, addressing all aspects of the application, its conformance with the Weld County Zoning Ordinance, the Weld County Comprehensive Plan, and comments received from referral agencies.
- 25.4.3 The Department of Planning Services shall arrange for the County Clerk and Recorder to record the plans approved by the Planning Commission.

25.5 Duties of the Planning Commission

- 25.5.1 The Planning Commission shall hold a hearing to consider the application for the Special Review Permit. In making a decision on the proposed Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY, the Planning Commission shall, from the facts presented at the public hearing and the information contained in the official record, which includes the Department of Planning Services case file, approve the request for the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY only if it finds that the applicant has met the applicable conditions of Section 25.8. The applicant has the burden of proof to show that the applicable conditions of Section 25.8 are met. The Planning Commission has final permit review authority for a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY as described in Section 25.1.
- 25.5.2 Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY upon the surrounding area, the Planning Commission may condition the decision to approve the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the COUNTY to guarantee such implementation.
- 25.5.3 If the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY is approved, the Planning Commission shall arrange for the Department of Planning Services to record the appropriate Facilities Plan, Utility Line, or Selected Route Map with the Weld County Clerk and Recorder.

25.6 Duties of the Board of County Commissioners

- 25.6.1 The Special Review Permit duties of the Board of County Commissioners for a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY are limited according to the provisions of Section 30-28-110 C.R.S., 1973, as amended, and the Weld County Home Rule Charter.

25.7 Application for a Special Review Permit

- 25.7.1 Any person seeking to locate and construct a MAJOR FACILITY OF A PUBLIC UTILITY or PUBLIC AGENCY in Weld County shall apply for a Special Review permit on the forms provided by the Weld County Department of Planning Services. The application forms shall be accompanied by the supporting documents required by these regulations.
- 25.7.2 Submission Requirements. An adequate number of copies of the application for a Special Review Permit shall be submitted by the applicant to the Department of Planning Services. An application for a Special Review Permit shall contain the following information in such form as prescribed by the Department of Planning Services.

- 25.7.2.1 Applicant's name and telephone number.
- 25.7.2.2 Address of applicant and general OFFICE.
- 25.7.2.3 Summary statement of the project, to include when applicable.
- 25.7.2.3.1 Source, capacity, destination and type of facilities, support STRUCTURES, lines, etc. involved.
- 25.7.2.3.2 Number and description of alternative locations or routes considered with a summary emphasizing reasons for favoring a particular site or route.
- 25.7.2.3.3 Procedures, including reclamation measures, landscaping, buffering techniques or multiple uses, to be employed in efforts to mitigate any adverse impacts.
- 25.7.2.3.4 Size of the anticipated work force, both temporary and permanent.
- 25.7.2.3.5 A summary of the proposed water requirements, if any, to include the quality and quantity, needed for each USE, source, storage facilities, points of diversion, treatment system, and distribution system.
- 25.7.2.3.6 A summary of the proposed fuel requirements, if any, to include the type and quantity needed, source, and storage facilities.
- 25.7.2.3.7 A description of the location and method of disposal of all forms of waste.
- 25.7.2.4 A detailed report shall be submitted which includes information on the following items.
  - 25.7.2.4.1 A complete description of the facilities including the source, capacity, destination, and type of structures.
  - 25.7.2.4.2 A complete analysis of the alternative routes or sites considered to include in each case:
    - 25.7.2.4.2.1 Reasons for consideration.
    - 25.7.2.4.2.2 Types of agricultural and other land USES affected.
    - 25.7.2.4.2.3 Construction cost of the proposed alternatives.
    - 25.7.2.4.2.4 Impacts on mineral resources.
    - 25.7.2.4.2.5 Impacts on wildlife habitat.
    - 25.7.2.4.2.6 Impacts on historical, archaeological, and scenic resources.
    - 25.7.2.4.2.7 Visual impacts created by above ground facilities.
    - 25.7.2.4.2.8 A description of any GEOLOGIC or FLOOD HAZARDS which could adversely affect the DEVELOPMENT.
    - 25.7.2.4.2.9 Advantages and disadvantages of the alternatives considered.
- 25.7.2.4.3 A description of the preferred alternative route or site and reasons for its selection.
- 25.7.2.4.4 Procedures to be employed in mitigating any adverse impacts of the proposed



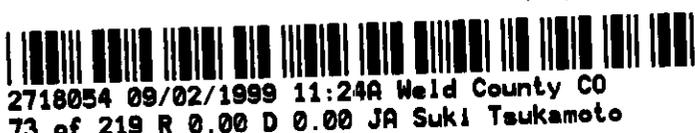
routes or sites.

- 25.7.2.4.5 An outline of the planned construction and operation schedule to include the number of stages and timing of each.
- 25.7.2.4.6 Information of any public meeting conducted to include the location, date, time, attendance, and method of advertising.
- 25.7.2.4.7 A description of the hazards, if any, of fire, explosion and other dangers to the health, safety and welfare of employees and the general PUBLIC.
- 25.7.2.4.8 A description of emergency procedures to be followed in case of a reported failure or accident involving the proposed facility. Such outline shall include actions, if any, required of PUBLIC officials, including fire and police officials, and the names and telephone numbers of appropriate company officials to notify if an accident or failure should occur.
- 25.7.2.4.9 A description of the method or procedures to be employed to avoid or minimize the impacts on irrigated agricultural land.
- 25.7.2.4.10 A discussion of how the proposal conforms with the guidelines of the COUNTY COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
- 25.7.2.4.11 A discussion of the proposal for maintenance of the facility so as to prevent dust, soil erosion, and the growth of NOXIOUS WEEDS.
- 25.7.2.4.12 A drainage report outlining the method of preventing surface runoff from exceeding the historical flow.
- 25.7.2.4.13 Additional information required for TRANSMISSION LINES and Oil and Gas PIPELINES:
  - 25.7.2.4.13.1 A discussion of the feasibility of utilizing any existing utility line corridors.
  - 25.7.2.4.13.2 A list of the names and addresses of the utility companies which have existing underground utility lines underlying the alternative routes.
- 25.7.2.4.14 Additional information needed for POWER PLANT site proposals:
  - 25.7.2.4.14.1 Detailed information concerning water requirements to include the quality needed for the USE, source, storage facilities, point of diversion, treatment system, and distribution system.
  - 25.7.2.4.14.2 A description of the type of transportation facilities needed to service the facility.
  - 25.7.2.4.14.3 An outline of the types and numbers of operating and construction equipment to be employed.
  - 25.7.2.4.14.4 A discussion of the proposal for providing TEMPORARY and permanent housing to accommodate the work force. The description shall outline the number, type, and location of the BUILDING dwellings.
  - 25.7.2.4.14.5 A letter from each utility company indicating their intention and ability to serve the DEVELOPMENT.
  - 25.7.2.4.14.6 A list of the names and addresses of all the local governments and special districts



which would be affected by the DEVELOPMENT, and a statement of the anticipated overall impact on local governments and special district service capabilities, including: education, police protection, fire protection, water, sewer, health services and road maintenance services.

- 25.7.2.4.14.7 A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the Weld County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Weld County Clerk and Recorder. If the list was assembled from the records of the Weld County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- 25.7.2.4.14.8 An affidavit listing the names and addresses of all mineral owners and lessees of mineral owners on or under the parcel of land being considered. The list shall be prepared from the real property records of the Weld County Clerk and Recorder, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Weld County Department of Planning Services.
- 25.7.2.4.14.9 A discussion of the potential air and water pollution impacts which may be created by the facility along with proposed pollution control measures. This discussion should include any meteorological or climatological conditions which would cause the facility to create negative impacts on surrounding land USES.
- 25.7.2.4.14.10 A description of any routine haul routes identifying the roads and bridges involved and the weight of the loads.
- 25.7.2.4.14.11 Any other information determined to be necessary by the Department of Planning Services of the Planning Commission or its authorized representative to ensure the protection of the health, safety and welfare of the inhabitants of the COUNTY.
- 25.7.3 Drawing Requirements for Facilities Plan Map for SUBSTATION SITES, Oil and Gas STORAGE AREAS and POWER PLANT Sites.
  - 25.7.3.1 General Requirements:
    - 25.7.3.1.1 An adequate number of copies of these maps shall be submitted concurrently with the written application;
    - 25.7.3.1.2 Maps shall be delineated in drawing ink or Mylar or other drafting media approved by the Department of Planning Services. The dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches.
    - 25.7.3.1.3 The maps shall be prepared and certified by a land surveyor registered in the State of Colorado.
  - 25.7.3.2 Vicinity Map. The proposed site shall be identified on the vicinity map. The vicinity map shall also identify the zone districts, subdivisions, water bodies, transportation facilities, and towns within a three (3) mile radius.
  - 25.7.3.3 Site Plan. The Site Plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet. This scale may be varied upon approval of the Department of Planning Services. The Site Plan shall depict the following:
    - 25.7.3.3.1 Include the property under application as well as features within five hundred (500)



- feet of the parcel boundaries.
- 25.7.3.3.2 Include a certified boundary survey of the property. Bearing and distances of all perimeter boundary lines shall be indicated outside the boundary line.
  - 25.7.3.3.3 Show the existing topography of the site at ten (10) feet contour intervals, as solid lines, and the proposed topography of the site at ten (10) feet contour intervals as dashed lines.
  - 25.7.3.3.4 Show the name and location of all streams, including normally dry streams, ponds or other bodies of water, existing structures, roads, bridges, irrigation ditches, oil and gas wells, utility lines, LANDSCAPE features, and easements.
  - 25.7.3.3.5 Show the size and location of proposed STRUCTURES or associated facilities such as access drive, PARKING AREA, LANDSCAPED area, and fencing.
  - 25.7.3.3.6 Include such additional information as may be required to satisfactorily explain the general characteristics of the proposed facility.
  - 25.7.3.4 Legend. The legend shall include:
    - 25.7.3.4.1 A certified boundary description of the property. The description shall include the total acreage of the surveyed parcel.
    - 25.7.3.4.2 DEVELOPMENT standards governing the location, design, construction, and operation of the proposed facility.
    - 25.7.3.4.3 Certificates:
      - 25.7.3.4.3.1 Surveyor's Certificate.
      - 25.7.3.4.3.2 Certificate of Responsibility to be signed by the applicant.
      - 25.7.3.4.3.3 Planning Commission Certificate.
    - 25.7.3.4.4 Title, scale, and north arrow.
    - 25.7.3.4.5 Date, to show revision dates if applicable.
  - 25.7.4 Drawing Requirements for Utility Line Plan Map for Electric TRANSMISSION LINES, and Oil and Gas PIPELINES.
    - 25.7.4.1 General Requirements.
      - 25.7.4.1.1 Utility Line Plan Map shall be submitted in two stages:
        - 25.7.4.1.1.1 Alternate Route Map Set.
        - 25.7.4.1.1.2 Selected Route Map Set.
      - 25.7.4.1.2 An adequate number of copies of the Alternate Route Map Set shall be submitted concurrently with the written application.
      - 25.7.4.1.3 The Selected Route Map Set shall be submitted for recording after approval of a route by the Board of County Commissioners.
    - 25.7.4.2 Alternate Route Map Set shall:



- 25.7.4.2.1 Include a vicinity map which displays the location of all the alternative routes within Weld County in relation to towns, major water features, and major transportation features. The vicinity map shall be prepared at a suitable scale on a sheet twenty-four inch by thirty-six inch (24" X 36") in size. The vicinity map shall function as a map index for the detailed route maps shown on the U.S.G.S. Topographic Quadrangle Maps.
- 25.7.4.2.2 Include a route map showing the proposed alternate routes through Weld County. The routes shall be shown on a one to twenty-four thousand (1:24,000) scale U.S.G.S. Topographic Quadrangle Map. The centerline of each of the proposed alternate routes shall be displayed on the route map. The route map shall also show the areas of irrigated and non-irrigated agricultural land use as well as future land use designations for the areas around the towns which have adopted Master Plans. In addition, the one to twenty-four thousand (1:24,000) U.S.G.S. Topographic base map shall be updated to accurately depict any significant new man-made features within one (1) mile of any of the proposed routes.
- 25.7.4.2.3 Include such additional information as may be required by the Board of County Commissioners or their duly authorized representative.
- 25.7.4.3 Selected Route Map Set shall:
- 25.7.4.3.1 Be submitted on a sheet twenty-four inch by thirty-six inch (24" X 36") in size.
- 25.7.4.3.2 Be drafted in drawing ink on Mylar or other drafting media approved by the Director of Planning Services.
- 25.7.4.3.3 Include a vicinity map at a suitable scale which displays the location of the approved route within Weld County and its relationship to towns, major water features, and major transportation features.
- 25.7.4.3.4 Include a detailed route map showing the approved route through Weld County. The approved route shall be displayed on a one to twenty-four thousand (1:24,000) scale U.S.G.S. Topographic Quadrangle. The map shall display the centerline of the approved route and all of the features depicted on the U.S.G.S. Topographic Quadrangle within one (1) mile on each side of the approved route. The base map shall be updated to include any significant new man-made features within one (1) mile on each side of the approved route.
- 25.7.4.4 Legend. A legend shall be included consisting of the following items:
- 25.7.4.4.1 Development standards governing the location, design, construction, and operation of the proposed facility.
- 25.7.4.4.2 Certificates as contained in Section 25.7.3.4.3.
- 25.7.4.4.3 Title, scale, and north arrow.
- 25.7.4.4.4 Such additional information as may be required by the Planning Commission to satisfactorily explain the general requirements of the facility as approved.
- 25.8 Standards. The Planning Commission may approve an application for site selection and construction or expansion of a MAJOR FACILITY OF A PUBLIC UTILITY only if all applicable requirements of Section 25, Special Review Permit of a Major Facility of a Public Utility or Public Agency, are met, and the applicant has shown that the application is consistent with the following standards:

- 25.8.1 Reasonable efforts have been made to avoid irrigated cropland or to minimize the impacts on such lands in those cases where avoidance is impractical.
- 25.8.2 The facility will not have an undue adverse effect on existing and future development of the surrounding area as set forth in applicable MASTER PLANS.
- 25.8.3 The design of the proposed facility mitigates negative impacts on the surrounding area to the greatest extent feasible.
- 25.8.4 The site shall be maintained in such a manner so as to control soil erosion, dust, and the growth of NOXIOUS WEEDS.
- 25.8.5 The applicant has agreed to implement any reasonable measures deemed necessary by the Planning Commission to insure that the health, safety, and welfare of the inhabitants of the COUNTY will be protected and to mitigate or minimize any potential adverse impacts from the proposed facility.
- 25.8.6 The proposed facility will be supplied by an adequate water supply which has been evaluated with reference to the impacts of the USE of such supply on agricultural USES. All reasonable steps have been taken by the applicant to minimize negative impacts on agricultural USES and lands.
- 25.8.7 All reasonable alternatives to the proposal have been adequately assessed and the proposed action is consistent with the best interests of the people of the COUNTY and represents a balanced use of resources in the affected area.
- 25.8.8 It has been determined that the nature and location or expansion of a proposed POWER PLANT facility will not create an expansion of the demand for government services beyond the reasonable capacity of an impacted community or the COUNTY to provide such services. Where it is indicated that such an expansion of the demand for services will occur beyond the reasonable capacity to provide such services, the applicant must clearly show how such impacts will be mitigated prior to approval of the proposal by the COUNTY.
- 25.8.9 It has been determined that the nature and location or expansion of the facility will meet Colorado Department of Public Health and Environment and Weld County air quality standards.
- 25.8.10 Adequate electric, gas, telephone, water, sewage, and other utilities exist or can be developed to service the site.
- 25.8.11 The nature and location or expansion of the facility will not unreasonably interfere with any significant wildlife habitat and will not unreasonably affect any endangered wildlife species, unique natural resource, historic landmark or archaeological site within the affected area.
- 25.8.12 The applicant's engineer has certified that the drainage plans developed for, and to be implemented on the site, will prevent surface drainage from leaving the site which would exceed historic runoff flows.
- 25.8.13 Where a proposed power plant is to be located in an area where a sufficient housing supply is unavailable for the anticipated immigrant construction force, the applicant for the location of such a facility shall present plans showing how housing will be provided for such workers without creating major negative impacts on existing residents in the impacted communities.

25.9 Changes to a Special Review Permit for MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC



AGENCY: Any approved Special Review Permit for MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCY shall be limited to the items shown on the Special Review Plan Map and governed by the DEVELOPMENT STANDARDS. Major changes from the approved Special Review Plan Map or DEVELOPMENT STANDARDS for the Special Review Permit for MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCY shall require the approval of an amendment to the permit by the Weld County Planning Commission before such changes from the plan map or DEVELOPMENT STANDARDS are permitted. The Department of Planning Services is responsible for determining whether a major change exists. Any other changes shall be filed with the Department of Planning Services with the approved Special Review Permit.

26 FLOOD HAZARD Overlay District Development Permit

26.1 Intent. The intent of the FLOOD HAZARD Overlay District Development Permit is to ensure that proposed BUILDING sites, DEVELOPMENTS and STRUCTURES which are to be located within the FW (Floodway) District and FP-1 and FP-2 (Floodprone) Districts are safe from flooding.

26.2 Applicability. No building permit or mobile home permit shall be issued nor shall any BUILDING or STRUCTURE which requires a building permit or mobile home permit be erected, constructed, replaced or SUBSTANTIALLY IMPROVED within the FW (FLOODWAY) District and FP-1 and FP-2 (Floodprone) Districts until a FLOOD HAZARD Overlay District Development Permit for such a BUILDING or STRUCTURE has been approved by the Department of Planning Services. Any person filing an application for a FLOOD HAZARD Overlay District Development Permit for a STRUCTURE or MOBILE HOME is required to comply with the procedures and application requirements listed in this Section 26, Flood Hazard Overlay District Development Permit. Any person filing an application for a FLOOD HAZARD Overlay District Development Permit which involves only the ALTERATION OR RELOCATION OF A WATERCOURSE is required to comply only with the application requirements listed in Section 26.5. Any BUILDING or STRUCTURE which is to be located within the FLOODPLAIN, as defined by the Official Weld County Flood Hazard Overlay District Zoning Maps, are required to obtain a FLOOD HAZARD Overlay District Development Permit in accordance with Sections 26 and 53 of this Ordinance. This FLOOD HAZARD Overlay District Development Permit shall be obtained for all BUILDINGS or STRUCTURES which are to be located within the FLOODPLAIN regardless of Building Permit requirements.

26.3 Duties of the Department of Planning Services

26.3.1 The Department of Planning Services shall review the FLOOD HAZARD Overlay District Development Permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required. The Department of Planning Services shall review the FLOOD HAZARD Overlay District Development Permit application and determine if the application requirements of this Section have been met by the applicant. If the application is not complete as required the applicant shall be notified of specific deficiencies.

26.3.2 The Department of Planning Services may forward copies of the complete application to any group or agency whose review and comment is deemed appropriate by the Department of Planning Services. The group or agency to whom the application is referred shall review the application to determine compliance of the application with any standards of the group or agency. The failure of a group or agency to respond within twenty-one (21) days shall be deemed to be a favorable response to the Department of Planning Services. The reviews and comments solicited by the COUNTY are intended to provide the Department of Planning Services with information related to the proposed FLOOD HAZARD Overlay District Development Permit. The COUNTY may consider all such reviews and comments and may solicit additional information if such



information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the Department of Planning Services. The authority and responsibility for making the decision to approve, approve subject to conditions, or deny the FLOOD HAZARD Overlay District Development Permit application rests with the Department of Planning Services.

- 26.3.3 As soon as practicable after a decision has been reached, the Department of Planning Services shall notify the applicant of the action taken on the FLOOD HAZARD Overlay District Development Permit.
  - 26.3.4 In case of disapproval the Department of Planning Services shall notify the applicant and shall specifically indicate the reasons for the decision.
  - 26.3.5 In case of approval the Department of Planning Services shall affix to the appropriate building permit or mobile home permit application a certification of approval of the FLOOD HAZARD Overlay District Development Permit. This certification of approval shall include the signature of the Department of Planning Services authorized representative, a list of any conditions imposed as a part of the FLOOD HAZARD Overlay District Development Permit approval and one copy of the information submitted by the applicant as a part of the FLOOD HAZARD Overlay District Development Permit application.
  - 26.3.6 The Department of Planning Services shall obtain and record the actual elevation in relation to mean sea level, of the LOWEST FLOOR of all new or SUBSTANTIALLY IMPROVED STRUCTURES.
    - 26.3.6.1 For all new, replacement or SUBSTANTIALLY IMPROVED flood proofed STRUCTURES.
      - 26.3.6.1.1 Verify and record the actual elevation, in relation to mean sea level, to which the STRUCTURE has been flood proofed.
      - 26.3.6.1.2 Maintain the elevation and floodproofing certifications required in Section 20.11.9 of the Weld County Building Code Ordinance.
  - 26.3.7 Maintain for public inspection all records pertaining to the provisions of this Section.
  - 26.3.8 When the BASE FLOOD WATER SURFACE ELEVATION data has not been provided in accordance with Section 26.5.1.5 of this Ordinance, The Department of Planning Services may obtain, review, and reasonably utilize any BASE FLOOD WATER SURFACE ELEVATION data available from a Federal, State, or other source, as criteria for reviewing the FLOOD HAZARD Overlay District Department Permit application.
- 26.4 Standards. The Department of Planning Services shall not issue a FLOOD HAZARD Overlay District Development Permit until it has determined that all applicable standards specified in this Section have been met by the applicant. Any USE or DEVELOPMENT which results only in the ALTERATION or RELOCATION of a WATERCOURSE and does not require a building permit need only meet the standards listed in Section 26.4.9.
- 26.4.1 The applicant has met all applicable conditions listed in Sections 53.6 or 53.7 of this Ordinance.
  - 26.4.2 If a STRUCTURE is to be ELEVATED in order to meet the floodproofing requirements, the property owner shall certify that the LOWEST FLOOR is ELEVATED (for existing STRUCTURES which are being SUBSTANTIALLY IMPROVED or replaced) or will be built (for new STRUCTURES) to the level, or



above, of the REGULATORY FLOOD DATUM. The certificate shall include the elevation of the ground and the existing (for SUBSTANTIALLY IMPROVED STRUCTURES) or proposed, (for new STRUCTURES) elevation of the lowest floor of the STRUCTURE. The ground elevation and elevation of the LOWEST FLOOR of any existing STRUCTURE shall be certified to be accurate by a licensed surveyor or registered professional engineer.

- 26.4.3 For all new construction and SUBSTANTIAL IMPROVEMENTS, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following criteria: (I) A minimum of 2 (two) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; (ii) The bottom of all openings shall be no higher than 1 (one) foot above grade; (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 26.4.4 A registered professional engineer shall certify that all STRUCTURES which are not ELEVATED in order to be FLOOD PROOFED are designed so the STRUCTURE is WATERTIGHT below the elevation of the REGULATORY FLOOD DATUM and that the STRUCTURES are designed to be capable of resisting the hydrostatic and hydrodynamic forces expected at the BUILDING site during an INTERMEDIATE REGIONAL FLOOD. The certification shall include the elevation above Mean Sea Level of the REGULATORY FLOOD DATUM at the BUILDING site and the proposed elevation of the lowest floor of the STRUCTURE.
- 26.4.5 All manufactured homes or those to which SUBSTANTIAL IMPROVEMENT is made shall conform to the following requirements:
- 26.4.5.1 Manufactured homes that are placed or substantially improved on a site (I) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has required SUBSTANTIAL IMPROVEMENT as the result of a flood, shall be required to be elevated on a permanent foundation or an adequately anchored foundation system such that the lowest floor of the manufactured home is elevated to the level, or above, the REGULATORY FLOOD DATUM and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- 26.4.5.2 Manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in Section 26.4.4.1 shall be elevated so that the lowest floor of the manufactured home is built to the level, or above, the REGULATORY FLOOD DATUM.
- 26.4.6 RECREATIONAL VEHICLES shall be permitted on site for a maximum of 180 (one hundred eighty) days, be fully licensed and properly equipped for highway usage, and meet the permit requirements and elevation and anchoring requirements for MANUFACTURED HOMES.
- 26.4.7 A registered professional engineer shall certify that all new or replacement domestic water wells or water supply, treatment, or storage systems are designed to prevent inundation or infiltration of floodwater into such system by an INTERMEDIATE REGIONAL FLOOD.

- 26.4.8 A registered professional engineer shall certify that all new or replacement sanitary sewer systems are designed to prevent inundation or infiltration of floodwater into such system and to prevent discharges from such systems into the floodwaters of an INTERMEDIATE REGIONAL FLOOD.
- 26.4.9 If the proposed USE or STRUCTURE is to be located in the FW (Floodway) District, a registered professional engineer shall certify that the proposed USE or STRUCTURE, when built, will not cause any increase in floodwater levels during an INTERMEDIATE REGIONAL FLOOD.
- 26.4.10 No encroachments, including fill, NEW CONSTRUCTION, replacement of existing structures, SUBSTANTIAL IMPROVEMENTS, and other DEVELOPMENT shall be permitted unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in FLOOD levels during the occurrence of an INTERMEDIATE REGIONAL FLOOD.
- 26.4.11 If FILL material is to be used in the FP-1 or FP-2 (Floodprone) Districts, a registered professional engineer shall certify that the FILL material is designed to withstand the erosional forces associated with an INTERMEDIATE REGIONAL FLOOD.
- 26.4.12 Any USE or DEVELOPMENT which causes or results in an ALTERATION or RELOCATION OF A WATER COURSE shall comply with the requirements listed below. If the USE or DEVELOPMENT does not include any new construction or SUBSTANTIAL IMPROVEMENT of STRUCTURES and it only includes the ALTERATION or RELOCATION of a WATERCOURSE, compliance with the following standards is the only requirement which needs to be met before the Department of Planning Services may issue a Flood Hazard Overlay District Development Permit. The applicant shall provide evidence that:
- 26.4.12.1 Municipalities within a three mile radius of the proposed ALTERATION or RELOCATION have been notified in writing of the proposed ALTERATION or RELOCATION.
- 26.4.12.2 The Colorado Water Conservation Board has been notified in writing of the proposed ALTERATION or RELOCATION.
- 26.4.12.3 The Insurance and Mitigation of the Federal Emergency Management Agency has been notified in writing of the proposed ALTERATION or RELOCATION.
- 26.4.12.4 A registered professional engineer shall certify that the flood carrying capacity within the ALTERED or RELOCATED portion of the WATERCOURSE will remain the same after the ALTERATION or RELOCATION as existed prior to the ALTERATION or RELOCATION. The certification shall also provide evidence which substantiates that the ALTERATION or RELOCATION shall not adversely affect landowners upstream or downstream from the ALTERATION or RELOCATION.
- 26.5 Application Requirements. FLOOD HAZARD Overlay District Development Permit applications submitted for review shall include the following information. Applications containing less than the specified requirements shall not be accepted for review unless the applicant has submitted to and had approved by the Department of Planning Services written justification as to why a particular requirement does not pertain to the proposed development.
- 26.5.1 A flood hazard development permit application form provided by the Department of Planning Services.

- 26.5.2 An explanation of how the standards of Section 26.4 of the Weld County Zoning Ordinance, as amended have been or will be met.
- 26.5.3 The applicant shall provide a map, drawn and certified by a registered professional engineer, which accurately displays the following information.
  - 26.5.3.1 The name and address of the property owner.
  - 26.5.3.2 A legal description which describes the Section, Township and Range of the property.
  - 26.5.3.3 Scale and north arrow.
  - 26.5.3.4 Existing ground elevations, above mean sea level, at the building site.
  - 26.5.3.5 WATER SURFACE ELEVATIONS of the INTERMEDIATE REGIONAL FLOOD at the BUILDING site.
  - 26.5.3.6 Boundaries of the FP-1, FP-2 (Floodprone) or FW (FLOODWAY) Districts on the property. The boundary of the FW (FLOODWAY) District need be shown only if the information is available on the Official Weld County FLOOD HAZARD Overlay District Zoning Maps.
  - 26.5.3.7 A plot plan which shows the location, shape, exterior dimensions and distance from LOT or property lines of each existing or proposed STRUCTURE.
  - 26.5.3.8 Proposed vehicular access to the property.
  - 26.5.3.9 Any FILL, storage of materials, and drainage facilities located on the property.
  - 26.5.3.10 Any other relevant information which may be required by the Department of Planning Services.
- 26.5.4 Copy of the deed or legal instrument identifying the applicant's interest in the property.
- 26.5.5 A flood hazard development permit certification. An additional as-built flood hazard development permit certification will be required prior to receiving a certificate of occupancy or final building permit approval for the structure.
- 26.5.6 An elevation drawing which clearly depicts the elevation of the LOWEST FLOOR of the structure in relation to the REGULATORY FLOOD DATUM.
- 26.5.7 If an application does not include the construction, replacement or SUBSTANTIAL IMPROVEMENT of any STRUCTURES but it does include the ALTERATION OR RELOCATION OF A WATERCOURSE the applicant need only substantiate that the standards specified in Section 26.4.9 have been met.
- 26.5.8 Any other relevant information which may be required by the Department of Planning Services.

27 Geologic Hazard Overlay District Development Permit

- 27.1 Intent. The intent of the Geologic Hazard Overlay District Development Permit is to ensure that any proposed BUILDING, DEVELOPMENT, STRUCTURE and USE which is to be located within the Geologic Hazard Overlay District and is subject to the requirements of said District contained in

Section 52 of this Ordinance are safe from GEOLOGIC HAZARDS. A Geologic Hazard Overlay District Development Permit shall not be required if any proposed BUILDING, STRUCTURE and USE and its ACCESSORY USES are allowed by right within the UNDERLYING ZONING DISTRICT. Any person applying for a Use by Special Review, a MAJOR FACILITY OF PUBLIC UTILITY OR PUBLIC AGENCY, Change of Zone, Subdivision of Land including Recorded Exemptions, and PLANNED UNIT DEVELOPMENTS within the GEOLOGIC HAZARD OVERLAY DISTRICT shall submit their application for review to the Colorado Geological Survey. The applicant shall pay for all fees required by the Colorado Geological Survey at the time of submittal of the land-use application. If the Colorado Geological Survey determines that conditions and the land-use request require further review, the applicant shall apply for and obtain a Geological Hazard Overlay Development Permit before any of these applications are considered for final approval by the Board of County Commissioners.

27.2 Adoption and Amendment of the Official Geologic Hazard Overlay District Map.

27.2.1 When adopting or amending the Official Geologic Hazard Overlay District Map, the applicable procedures in Section 21, Amendments to the Map (Resolution) of this Ordinance shall apply.

27.3 Duties of the Department of Planning Services.

27.3.1 The Department of Planning Services shall review the Geologic Hazard Overlay District Development Permit application and determine if the application requirements of this Section have been met by the applicant. If the application is not complete as required, the applicant shall be notified of specific deficiencies.

27.3.2 The Department of Planning Services shall notify in writing the Colorado Geological Survey of the proposed development and may also forward copies of the complete application to any other group or agency whose review and comment is deemed appropriate by the Department of Planning Services. The group or agency to whom the application is referred shall review the application to determine compliance of the application with any standards of the group or agency. The failure of a group or agency to respond within twenty-one (21) days shall be deemed to be a favorable response to the Department of Planning Services. The reviews and comments solicited by the COUNTY are intended to provide the Department of Planning Services with information related to the proposed GEOLOGIC HAZARD OVERLAY DISTRICT Permit. The COUNTY may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the Department of Planning Services. The authority and responsibility for making the decision to approve, approve subject to conditions, or deny the GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit application rests with the Department of Planning Services.

27.3.3 As soon as practicable after a decision has been reached, the Department of Planning Services shall notify the applicant in writing of the action taken on the GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit.

27.3.4 In case of disapproval the Department of Planning Services shall notify the applicant and shall specifically indicate the reasons for the decision.

27.3.5 In case of approval the Department of Planning Services shall affix to the application a certification of approval of the GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit. This certification of approval shall include the signature of the Department of Planning Services authorized representative, a list of any conditions imposed as a part of the GEOLOGIC HAZARD OVERLAY



DISTRICT DEVELOPMENT Permit approval and one copy of the information submitted by the applicant as a part of the GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit application.

- 27.4 Standards. The Department of Planning Services shall not issue a GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit until it has determined that all applicable standards specified in this Section have been met by the applicant.
- 27.4.1 Applicants seeking a permit to develop in a regulated GEOLOGIC HAZARD AREA must demonstrate to the Department of Planning Services through required maps and reports that all significant GEOLOGIC HAZARDS to public health and safety and to property shall be minimized by using mitigating techniques. These maps and reports shall be certified by a registered professional engineer who shall certify that the design of the proposal ensures the protection of human life and property from the adverse impacts of GEOLOGIC HAZARDS to the greatest extent possible.
- 27.4.2 Any construction approved by the Department of Planning Services within a regulated GEOLOGIC HAZARD AREA shall be supervised by a qualified professional engineer. Engineering techniques to mitigate GEOLOGIC HAZARD conditions at the site shall be employed.
- 27.4.3 Qualifications of Investigators. All geologic maps and reports required by these regulations shall be prepared by or under the direction of, and shall be, signed by a professional geologist as defined by Section 34-1-201, et. seq., Colorado Revised Statutes, as amended. All engineering work required by these regulations shall be prepared by or under the direction of a registered professional engineer as defined in Section 12-25-101, et. seq., Colorado Revised Statutes, as amended.
- 27.4.4 Exemptions. These regulations shall not apply to land USES which do not involve any of the following:
- 27.4.4.1 Human habitation.
- 27.4.4.2 Concentration of people.
- 27.4.4.3 Potential hazards to human life or property.
- 27.5 Application Requirements. GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit applications submitted for review shall include the following information. Applications containing less than the specified requirements shall not be accepted for review unless the applicant has submitted to and had approved by the Department of Planning Services written justification as to why a particular requirement does not pertain to the proposed DEVELOPMENT.
- 27.5.1 A map portraying the geologic conditions of the area with particular attention given to the specific regulated GEOLOGIC HAZARDS. The map shall be delineated in drawing ink on Mylar or other drafting medium approved by the Department of Planning Services. The dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches. The map shall be prepared at a one inch equals one hundred feet (1" = 100') scale and shall include the parcel in question, as well as features within five hundred (500) feet of the parcel boundaries. The scale of the map may be reduced or enlarged upon approval of the Department of Planning Services. Such map shall also include:
- 27.5.1.1 A certified boundary survey of the property for which application is made. Bearings and distances of all perimeter boundary lines shall be indicated outside the boundary lines.

- 27.5.1.2 The topography of the area at ten (10) foot contour intervals or at intervals as determined by the Board of County Commissioners or its authorized representative.
- 27.5.1.3 Existing STRUCTURES and LANDSCAPE features, including the name and location of all WATERCOURSES, ponds, and other bodies of water.
- 27.5.1.4 Proposed BUILDING locations and arrangements.
- 27.5.1.5 The legend shall include a complete and accurate legal description as prescribed by the DEVELOPMENT permit application form. The description shall include the total acreage of the surveyed parcel.
- 27.5.1.6 Certificates
  - 27.5.1.6.1 Engineer's Certificate.
  - 27.5.1.6.2 Surveyor's Certificate.
- 27.5.1.7 Title, scale and north arrow.
- 27.5.1.8 Date, including revisions dates if applicable.
- 27.5.1.9 Such additional information as may be required by the Board of County Commissioners.
- 27.5.2 A geologic report explaining the above maps with particular emphasis on evaluating and predicting the impact of such geologic conditions on the proposed land USE changes and DEVELOPMENTS. The report shall also include recommended mitigating procedures to be employed in meeting the intent and purposes of this regulation. Specific requirements of such report are listed below.
  - 27.5.2.1 GROUND SUBSIDENCE AREAS. Applications for DEVELOPMENT in GROUND SUBSIDENCE AREAS shall include, but not be limited to, the following information or data, where applicable.
    - 27.5.2.1.1 Amount of material removed or materials subject to volume decrease.
    - 27.5.2.1.2 Interval between the ground surface and the location of void space or materials subject to volume decrease.
    - 27.5.2.1.3 In poorly consolidated aquifers, the effect of pore fluid withdrawal.
    - 27.5.2.1.4 In wind deposited silt (loess) areas, and areas of predominantly fine-grained colluvial soils, the amount of wetting the area is subject to and its effect.
    - 27.5.2.1.5 In areas of soluble materials, the effect of wetting.
    - 27.5.2.1.6 In areas of underground mining, data regarding air shafts, haulage ways, adits, faults, rooms and pillars, and final mine maps.
    - 27.5.2.1.7 BUILDING type and proportion.
    - 27.5.2.1.8 Pertinent geologic and hydrologic factors of the area.
    - 27.5.2.1.9 Test hole and well log data.
    - 27.5.2.1.10 Mitigation techniques that will be employed, including effectiveness and estimated



cost of such techniques.

27.5.2.1.11 Pertinent historic factors including, but not limited to, past occurrences of GROUND SUBSIDENCE in the area proposed for DEVELOPMENT.

28 Procedures and Requirements of the PUD District

28.1 Intent. This Section establishes the review and application procedures and requirements for a PUD Sketch Plan, Change of Zone to a PUD District, and for a PUD Plan. All proposed amendments and minor modifications to an approved PUD plan shall be subject to the procedures stated in this Section. When applicable, the supplemental procedures of this Section shall also apply. All applications for a PUD District shall comply with the provisions of Section 35. The PUD District shall be subject to the requirements contained in Section 40, Supplementary District Regulations, and Section 50, Overlay Districts.

28.2 Preapplication Conference. Any person wanting to apply for a Change of Zone to a PUD District shall arrange for a preapplication conference with the Department of Planning Services. The applicant shall submit a PUD sketch plan to the Department of Planning Services for review, prior to the preapplication conference. The applicant shall submit the required information as stated in this section.

28.3 Sketch Plan Application Submittal. The following completed information, data, and maps are required:

28.3.1 Written documents.

28.3.1.1 The PUD Sketch Plan application forms and application fee.

28.3.1.2 A general statement describing the concept, land-use(s), and architectural style of the PUD project.

28.3.1.3 A general statement describing the size and type of any public and private open space and semi-public USES, including parks, recreation areas, school sites, and similar uses.

28.3.1.4 A general statement which describes: The approximate number and type of residential units, approximate number, floor area, height, and type of business, COMMERCIAL, and industrial buildings and structures. The approximate number and size of any open storage areas. An estimate of the number of employees for the business, COMMERCIAL and industrial USES.

28.3.1.5 A general statement describing the PUD's source of water and type of system.

28.3.1.6 A general statement describing the PUD's type of sewer system.

28.3.1.7 A general statement describing the PUD's vehicular circulation system of local, collector, and arterial streets. The general statement should include: width of road rights-of-way, width of road surface, width of borrow ditches, type of surface, off street parking areas, loading zones, major points of access to public rights-of-way, and notation of proposed ownership of the circulation system, public or private. (Design Standards for streets are listed in the Weld County Subdivision Ordinance. Weld County road classifications are listed in the COUNTY COMPREHENSIVE PLAN).

28.3.1.8 A general statement describing any other proposed circulation systems or trails, i.e., pedestrian, horse riding, runways, or taxiways.



- 28.3.1.9 A general statement describing the plan for drainage and storm water management. Design Standards for Storm Drainage are listed in the Weld County Subdivision Ordinance.
- 28.3.1.10 The soils classification and description of the classification for the subject site. This information can be obtained from the Soil Conservation Service.
- 28.3.1.11 A general statement describing any water courses, water bodies, and irrigation ditches within the PUD site.
- 28.3.1.12 A general statement describing any existing unique features within the PUD site, i.e., oil wells, tank batteries, irrigation ditch headgates, railroad tracks, runways, buildings, structures, easements, and rights-of-way.
- 28.3.1.13 A general statement indicating whether or not any unique natural features exist on the PUD site, i.e., wildlife areas or vegetative cover.
- 28.3.1.14 A general statement indicating whether any commercial mineral deposits are on the PUD site.
- 28.3.1.15 A general statement describing any flood plain, GEOLOGICAL HAZARD, and airport overlay district areas within the PUD site.
- 28.3.1.16 A general statement which describes the surrounding land-uses within one-half (½) mile of the PUD site.
- 28.3.1.17 A general description of the LANDSCAPING plan for the PUD site.
- 28.3.1.18 A general description of the proposed treatment of the perimeter of the PUD site, including materials and techniques to be used, such as screens, fences, walls, berms, and other LANDSCAPING.
- 28.3.2 Sketch Plan Site Map
- 28.3.2.1 A drawing of the PUD project at a scale of one inch (1") equals one hundred feet (100'), or one inch (1") equals two hundred feet (200'), composed of one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches, showing the following information:
  - 28.3.2.2 Name of the PUD project.
  - 28.3.2.3 Legal description of the PUD site.
  - 28.3.2.4 Contour lines at ten (10) foot intervals.
  - 28.3.2.5 Title, scale and north arrow.
  - 28.3.2.6 The proposed location of land-uses, including approximate acreage, gross density, number and height of each type of residential unit; and approximate floor area, height, and type of business, COMMERCIAL, and industrial buildings and structures.
  - 28.3.2.7 The proposed vehicular traffic circulation system.
  - 28.3.2.8 The proposed location of any other circulation system or trails.
  - 28.3.2.9 The location of any existing unique features within the PUD project, i.e., oil wells,



tank batteries, irrigation ditches, water bodies, railroad tracks, easements, rights-of-way, etc.

- 28.3.2.10 The approximate location of any proposed existing LANDSCAPE | features.
- 28.3.2.11 The general location of any flood plain, GEOLOGICAL HAZARD, and airport overlay districts within the PUD project.
- 28.3.3 Vicinity Map.
  - 28.3.3.1 The vicinity map shall be drawn at a scale of one inch (1") equals six hundred feet (600'), composed of one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches showing the following items:
    - 28.3.3.2 Existing zone districts within one-half (½) mile of the boundaries of the PUD project.
    - 28.3.3.3 The existing uses within one-half (½) mile of the boundaries of the PUD project.
    - 28.3.3.4 The existing street and highway system within one-half (½) mile of the boundaries of the PUD project.
- 28.4 PUD Sketch Plan Review and Conference. A PUD Sketch Plan shall be submitted prior to submittal of a PUD Planned Unit Development District change of zone application. The Department of Unit Development Sketch. After its review, the Department of Planning Services may schedule a conference with the applicant. The purpose of the conference is to familiarize the applicant with the PUD District change of zone procedures and advise the applicant of any problems discovered during the review of the PUD Sketch Plan.
- 28.5 PUD District Application Submittal. The following completed information, data, and maps are required for a PUD change of zone district.
  - 28.5.1 Written Documents.
    - 28.5.1.1 The PUD District application forms and application fee.
    - 28.5.1.2 A statement describing the proposed PUD Concept, land-use(s), and architectural style of the PUD.
    - 28.5.1.3 A statement which demonstrates the proposed PUD rezoning is consistent with the policies of the Weld County Comprehensive Plan.
    - 28.5.1.4 A statement which demonstrates how the USES allowed by the proposed PUD rezoning will be compatible within the PUD District. In addition, a detailed description of how any conflicts between land-uses within the PUD District are being avoided or mitigated and can comply with Section 35.3
    - 28.5.1.5 A statement which demonstrates how the USES allowed by the proposed PUD rezoning will be compatible with land-use surrounding the PUD District. In addition, a detailed description of how any conflicts between land-uses surrounding the PUD District are being avoided or mitigated.
    - 28.5.1.6 A description of each business within the PUD. A description of all buildings, structures, and open storage areas, including size, floor area, and height. A description of the type of RESIDENTIAL units within the PUD, including number of units.

- 28.5.1.7 A description of the size and type of any public and private open space and semi-public uses, including parks, recreation areas, school sites, fire and sheriff substations, and similar uses.
- 28.5.1.8 A description of the water source and system and a statement from the representative of the provider of the water system which demonstrates that the water supply quality and quantity is sufficient to meet the requirements of the uses within the PUD District. A PUD district with residential USES shall be served by a PUBLIC WATER system.
- 28.5.1.9 A description of the sewage disposal facility. If the facility is a sewer system, a statement from the representative of the provider of the sewer system utility which demonstrates that the disposal system will adequately serve the uses within the PUD District.
- 28.5.1.10 A description of the functional classification, width and structural capacity of the STREET and highway facilities which provide access to the PUD District. If the street or highway facilities providing access to the PUD District are not adequate to meet the requirements of the proposed district the applicant shall supply information which demonstrates the willingness and financial capability to upgrade the STREET or highway facilities in conformance with the Transportation Section of the COUNTY COMPREHENSIVE PLAN. This shall be shown by submitting, with the PUD District application, a separate improvements agreement describing the proposed road improvements and method of guaranteeing installation of said improvements in conformance with the Weld County Policy on Collateral for Improvements. The agreement shall be used for the purposes of review, evaluation, and compliance with this section. No rezoning shall be finally approved by the Board of County Commissioners until the applicant has submitted an improvements agreement or contract which sets forth the form of improvements and guarantees and is approved by the Board of County Commissioners.
- 28.5.1.11 A soil survey and study of the site proposed for the change of zone with a statement regarding suitability of soils to support all USES allowed in the proposed zone. If the soils survey and study indicate soils which present moderate or severe limitations to the construction of STRUCTURES or facilities on the site, the applicant shall submit information which demonstrates that the limitations can be overcome. This information will be forwarded to the Colorado Geological Survey for evaluation.
- 28.5.1.12 If, according to maps and other information available to the COUNTY, the Department of Planning Services determines that there appears to be a sand, gravel, or other mineral resource on or under the subject property, the applicant shall provide a mineral resource statement prepared by a certified geologist or other qualified expert. The statement shall indicate the estimated quantity of resources and indicate the economic feasibility of recovery, now and in the future, of the resources so that the Planning Commission and Board of County Commissioners can determine whether a COMMERCIAL MINERAL DEPOSIT, as defined in 34-1-305(1) Colorado Revised Statutes is contained on or under the subject properties. This information will be forwarded to the Colorado Geological Survey for evaluation.
- 28.5.1.13 If the proposed change of zone is located within a FLOOD HAZARD AREA, identified by maps officially adopted by the COUNTY, the applicant shall submit information which either documents how the COUNTY Supplementary Regulations concerning Flood Plains have been satisfied or documents how the applicant intends to meet the requirements of the Weld County Supplementary Regulations concerning FLOOD PLAINS.



- 28.5.1.14 If the proposed change of zone is located within a GEOLOGIC HAZARD AREA identified by maps officially adopted by the COUNTY, the applicant shall submit information which either documents how the Weld County Supplementary Regulations concerning GEOLOGIC HAZARDS have been satisfied, or documents how the applicant intends to meet the requirements of the Weld County Supplementary Regulations concerning GEOLOGIC HAZARDS.
- 28.5.1.15 Post a sign for the applicant on the property under consideration for a PUD Rezoning. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least (10) days prior to the hearing, and include the following information:
- 28.5.1.15.1 PUD application number.
- 28.5.1.15.2 Date, place and time of public hearing.
- 28.5.1.15.3 Location and phone number of the public office where additional information may be obtained.
- 28.5.1.15.4 Applicant's name.
- 28.5.1.15.5 Size of the parcel of land.
- 28.5.1.15.6 Type of PUD request.
- 28.5.1.16 A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the Weld County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Weld County Clerk and Recorder. If the list was assembled from the records of the Weld County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- 28.5.1.17 An affidavit listing the names and addresses of all mineral owners and lessees of mineral owners on or under the parcel of land being considered. The list shall be prepared from the real property records of the Weld County Clerk and Recorder, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Weld County Department of Planning Services.
- 28.5.1.18 Such additional information as may be required by the Department of Planning Services, the Planning Commission or the Board of County Commissioners in order to determine that the application meets the goals, policies, and standards set forth in this ordinance and the Weld County COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
- 28.5.2 PLANNED UNIT DEVELOPMENT Planned Unit Development District Plat
- 28.5.2.1 A PUD District plat shall be delineated in drawing ink on Mylar (not sepias) at a scale of one inch (1") equals one hundred feet (100') or one inch (1") equals two hundred feet (200'), composed on one or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches, showing the following information:

- 28.5.2.1.1 Certified boundary and tract survey of the parcel under consideration showing all bearing and distances outside the perimeter boundary lines or along tract boundary lines. The closure error of the survey may not exceed one in five thousand (1:5,000).
- 28.5.2.1.2 Legal description, including total area involved, as certified by the surveyor.
- 28.5.2.1.3 Title, scale, and north arrow.
- 28.5.2.1.4 Date of drawing.
- 28.5.2.1.5 The following certificates shall appear on the map:
  - 28.5.2.1.5.1 Surveyor's certificate.
  - 28.5.2.1.5.2 Planning Commission certificate.
  - 28.5.2.1.5.3 Board of County Commissioner's certificate.
- 28.5.2.1.6 The proposed location of land-uses by block, including block size in acres, gross density, number, and height of each type of RESIDENTIAL unit; approximate floor areas, height, and type of businesses, COMMERCIAL, and INDUSTRIAL USES; ; and the location of common open areas, i.e., public parks, school sites, and similar USES.
- 28.5.2.1.7 The proposed location of the traffic circulation system, including road classification, right-of-way width, road surface width, and access to public rights-of-way.
- 28.5.2.1.8 The location of any existing easements, rights-of-way, structures, and uses within the PUD District including, oil wells, tank batteries, irrigation ditches, water bodies, railroad tracks or dwellings.
- 28.5.2.1.9 The proposed location of any other circulation systems or trails within the PUD District.
- 28.5.3 Planned Unit Development District Vicinity Map
  - 28.5.3.1 A PUD District Vicinity Map shall be delineated in drawing ink on Mylar (not sepias) at a scale of one inch (1") equals two hundred feet (200'), composed of one or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches, showing the following information:
    - 28.5.3.1.1 An outline of the perimeter of the proposed PUD District.
    - 28.5.3.1.2 Title, scale, and north arrow.
    - 28.5.3.1.3 Contour lines at ten (10) foot intervals.
    - 28.5.3.1.4 The identification of all zone districts within one-half (½) mile of the boundaries of the PUD District.
    - 28.5.3.1.5 The identification of all uses within one-half (½) mile of the boundaries of the PUD District.
    - 28.5.3.1.6 The existing street and highway system within one-half (½) mile of the boundaries of the PUD District, including road classification, right-of-way width, and road



surface width.

- 28.5.3.1.7 The location of any mineral resource areas within the proposed PUD district.
  - 28.5.1.1.8 The location of any GEOLOGICAL HAZARD areas within the proposed PUD district.
  - 28.5.1.1.9 The location of any FLOOD HAZARD Area within the proposed PUD district.
  - 28.5.3.1.10 The location of on-site detention areas to be incorporated in the storm drainage systems, including notes indicating the approximate area and volume of the facility.
  - 28.5.3.1.11 The location of any drainage ways within the proposed PUD district.
  - 28.5.3.1.12 The location and identification of any landscaping plans for the perimeter of the proposed PUD district.
- 28.6 Duties of the Department of Planning Services. The Department of Planning Services shall be responsible for processing all applications for a Change of Zone to PUD District. The Department shall have the responsibility to ensure that all application procedures and requirements are met prior to any official action. The duties of the Department shall be:
- 28.6.1 PUD Rezoning Application. Upon determining that the Change of Zone to a PUD District application meets the submittal requirements of Section 28.5, of the COUNTY Zoning Ordinance the Department of Planning Services shall institute the Change of Zone procedures in Section 21.4 of this Ordinance.
  - 28.6.2 The Department of Planning Services shall provide a recommendation to the Planning Commission concerning the disposition of the requested Change of Zone to PUD District.
- 28.7 Duties of the Planning Commission. The Planning Commission shall hold a public hearing to consider an application for a Change of Zone to a PUD District.
- 28.7.1 Change of Zone to a PUD District.
    - 28.7.1.1 The Planning Commission shall hold a hearing to consider the application for the change of zone to a PUD District. The Supplementary District Regulations, Section 40, and the Overlay Districts, Section 50 when applicable, may also be reviewed concurrently. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested change. Such recommendations shall be made within sixty (60) days of the initial hearing date. The Planning Commission shall recommend approval of the request for the change of zone of a PUD District only if it finds that the applicant has met the applicable requirements or conditions of Sections 28.7.2, 28.5, and 28.13. The applicant has the burden of proof to show that the standards and conditions of Sections 28.7.2, 28.5, and 28.13 are met. The applicant shall demonstrate:
      - 28.7.1.1.1 That the proposal is consistent with the Weld County COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
      - 28.7.1.1.2 That the USES which would be allowed in the proposed PUD District will conform with the Performance Standards of the PUD District contained in Section 35.3 of this Ordinance.
      - 28.7.1.1.3 That the USES which would be permitted shall be compatible with the existing or future DEVELOPMENT of the surrounding area as permitted by the existing zoning,



and with the future DEVELOPMENT as projected by the COMPREHENSIVE PLAN, and any other applicable Weld County Ordinance in effect, or MASTER PLANS of affected municipalities.

28.7.1.1.4 That adequate water and sewer service will be made available to the site to serve the USES permitted within the proposed PUD District. A PUD district with residential USES shall be served by a PUBLIC water system.

28.7.1.5 That STREET or highway facilities providing access to the property are adequate in functional classification, width, and structural capacity to meet the traffic requirements of the USES of the proposed zone district.

In the event that the STREET or highway facilities are not adequate, the applicant shall supply information which demonstrates the willingness and financial capability to upgrade the street or highway facilities in conformance with the Transportation Section of the COUNTY COMPREHENSIVE PLAN.

This shall be shown by submitting, with the PUD District application, a separate proposal for off-site road improvements. This proposal shall describe, in detail, the type of off-site road improvements to determine if the requirement for STREET or highway facilities providing access to the property has been satisfied. The method of guaranteeing the installation of proposed off-site road improvements shall be described as part of any off-site road improvement proposal. The method of guarantee shall conform with the COUNTY'S policy regarding Collateral for Improvements.

An off-site road improvement proposal shall be used for the purpose of determining compliance with this section.

28.7.1.6 That there has been compliance with the applicable requirements contained in Section 21.5.1.5 of this Ordinance regarding overlay districts, commercial mineral deposits, and soil conditions on the subject site.

28.7.2 The Secretary of the Planning Commission shall forward the official recommendation of the Planning Commission and the information contained in the official record, which includes the Department of Planning Services case file, to the Board of County Commissioners within ten (10) days after said recommendation has been made.

28.7.3 If the Planning Commission recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, then the ten (10) day period shall commence upon submission of the items by the applicant to the Department of Planning Services.

28.8 Duties of the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing to consider an application for a Change of Zone to a PUD District. The Board shall not approve any PUD application without written consent of the landowners whose properties are included within the PUD District.

28.8.1 Change of Zone to a PUD District

28.8.1.1 Upon receipt of the Planning Commission's recommendation, Board of County Commissioners shall institute the procedures contained in Section 21.6.1 of this Ordinance.

28.8.1.2 The Board of County Commissioners shall hold a public hearing to consider the



application and to take final action thereon. The Board shall make a decision on the application within sixty (60) days of the initial hearing date. In making a decision on the proposed Change of Zone, the Board shall consider the recommendation of the Planning Commission, and from the facts presented at the public hearing and the information contained in the official record, which includes the Department of Planning Services case file. The Board of County Commissioners shall approve the request for the change of zone to a PUD District only if it finds that the applicant has met the applicable requirements or conditions of Section 28.5, and 28.8. The applicant has the burden of proof to show that the standards and conditions of Sections 28.5 and 28.8 are met. The applicant shall demonstrate:

- 28.8.1.2.1 That the proposal is consistent with the Weld County COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
- 28.8.1.2.2 That the USES which would be allowed on the subject property will conform to the Performance Standards of the PUD District contained in Section 35.3 of this Ordinance.
- 28.8.1.2.3 That the USES which would be permitted shall be compatible with the existing or future DEVELOPMENT of the surrounding area as permitted by the existing zoning, and with the future DEVELOPMENT as projected by the COMPREHENSIVE PLAN, and any other applicable Weld County Ordinance in effect, or MASTER PLANS of affected municipalities.
- 28.8.1.2.4 That adequate water and sewer service will be made available to the site to serve the USES permitted within the proposed zone district. A PUD district with residential USES shall be served by a PUBLIC water system.
- 28.8.1.2.5 That STREET or highway facilities providing access to the property are adequate in functional classification, width, and structural capacity to meet the traffic requirements of the USES of the proposed zone district.

In the event that the STREET or highway facilities are not adequate, the applicant shall supply information which demonstrates the willingness and financial capability to upgrade the street or highway facilities in conformance with the Transportation Section of the COUNTY COMPREHENSIVE PLAN.

This shall be shown by submitting, with the PUD District application, a separate proposal for off-site road improvements. This proposal shall describe, in detail, the type of off-site road improvements to determine if the requirement for STREET or highway facilities providing access to the property has been satisfied. The method of guaranteeing the installation of proposed off-site road improvements shall be described as part of any off-site road improvements proposal. The method of guarantee shall conform with the COUNTY'S policy regarding Collateral for Improvements.

An off-site road improvement proposal shall be used for the purpose of determining compliance with this Section.

- 28.8.1.2.6 That there has been compliance with the applicable requirements contained in Section 21.6.2.5 of this Ordinance regarding overlay districts, COMMERCIAL MINERAL DEPOSITS, and soil conditions on the subject site.
- 28.8.1.3 Upon the Board making its final decision, a resolution setting forth that decision shall be drafted and signed. A record of such action and a copy of the resolution will be kept in the files of the Clerk to the Board.



- 28.8.1.4 The Board shall arrange for the Weld County Clerk to the Board to record the resolution and, if the proposed change of zone to a PUD is approved, the Department of Planning Services shall arrange for the Weld County Clerk and Recorder to record the rezoning plat.
- 28.8.1.5 The Change of Zone to a PUD District shall be immediate upon the voting by the Board. However, no building permits shall be issued and no DEVELOPMENT started within a PUD District until a PUD Plan is adopted and recorded by the Department of Planning Services.
- 28.9 Planned Unit Development Plan Application Submittal: An applicant may submit an application for a PUD Plan provided that the PUD Plan is located within an existing PUD District. A PUD Plan may encompass all or part of a PUD District. The uses shall be identical to those located and described on the PUD District plat. The following completed information, data, and maps are required unless waived by the Department of Planning Services.
  - 28.9.1 Written Documents
    - 28.9.1.1 A copy of a certificate of title issued by a title insurance company or an attorney's opinion of the title which shall set forth the names of all owners of property included in the PUD Plan. The list shall include all mortgages, judgements, liens, easements, contracts, and agreements of record in the COUNTY which shall affect the property in the PUD Plan. If the attorney's opinion or certificate of title discloses any of the above then the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be required to join in and approve the application before the PUD Plan shall be acted upon by the Board.
    - 28.9.1.2 A certificate of title or an abstract of title covering all PUBLIC dedications. When the applicant is to dedicate land for schools, roads, parks, or other PUBLIC purposes, a letter of intent from the appropriate PUBLIC agencies stating that the dedicated lands will be accepted.
    - 28.9.1.3 A warranty deed or other suitable document ready to execute which deeds to the appropriate PUBLIC body all lands other than STREETS which are to be held for or used for PUBLIC purposes.
    - 28.9.1.4 Certificate from the County Treasurer showing no delinquent taxes on the property of the proposed PUD Plan.
    - 28.9.1.5 Certificate from a qualified engineer responsible for the design of the utilities.
    - 28.9.1.6 Copies of all deed restrictions, including those required by the Board of County Commissioners to govern the future use of all land in the PUD site.
    - 28.9.1.7 An Improvement Agreement According Policy Regarding Collateral for Improvements. This form is provided by the Weld County Department of Planning Services. The applicant must complete this form to show the improvements that the applicant is required to construct and the type of collateral which will guarantee installation of improvements.

If street or highway facilities providing access to the property were determined adequate at the PUD District application stage because the applicant proposed separate off-site road improvements in order to comply with Section 28.8.8 of this ordinance, the following shall be submitted.

A separate off-site road improvements agreement proposal. The off-site road improvement proposal shall describe, in detail, the type of off-site road



improvements to determine if the requirement for STREET or highway facilities will be adequate in functional classification, width, and structural capacity to meet the traffic requirements of the proposed zone district. The method of guaranteeing the installation of off-site road improvements shall be described as part of the agreement. The method of guarantee shall conform with the COUNTY'S policy regarding Collateral for Improvements.

- 28.9.1.8 A statement which summarizes the total area of the PUD Plan. This includes the total number of buildings and STRUCTURES of a particular type expressed in units. The total amount of commercial and industrial floor space in square feet. The total number of off-STREET parking spaces, open storage areas and loading areas in square feet. Any other information or supporting documents requested by the Department of Planning Services which summarizes the total area of the PUD Plan.
- 28.9.1.9 A statement describing how each BUILDING and STRUCTURE will be used or operated. This includes the volume of business expected to be conducted at any COMMERCIAL or establishment, the hours of business of those establishments, the number of employees expected to work in any COMMERCIAL or industrial establishment, the number of DWELLING UNITS in each BUILDING, the number of parking spaces, and any other information which would assist in determining the USES of the BUILDINGS and STRUCTURES and the compatibility of those USES within and adjacent to the PUD.
- 28.9.1.10 A statement which describes any proposed treatment, buffering or SCREENING between USES, BUILDINGS or STRUCTURES in order to achieve compatibility. A statement which describes the proposed treatment of the perimeter of the PUD, including materials and techniques used, such as screens, fences, walls, berms, and other LANDSCAPING.
- 28.9.1.11 A statement concerning the location and the intended use of all public and private open space and semi-public uses including parks, recreation areas, school sites, and similar uses.
- 28.9.1.12 A statement detailing how any COMMON OPEN SPACE will be owned, preserved, and maintained in perpetuity.
- 28.9.1.13 A copy of all covenants, grants of easements or restrictions to be imposed upon the use of the land, BUILDINGS, and STRUCTURES.
- 28.9.1.14 A PUD Plan construction schedule showing the approximate dates when construction of the DEVELOPMENT is proposed to start and finish. This shall describe the stages in which the DEVELOPMENT will be constructed, and the number of BUILDINGS or STRUCTURES, and the amount of COMMON OPEN SPACE to be completed at each stage.
- 28.9.1.15 A statement describing the method of financing for the Development. The statement shall include the estimated construction cost and proposed method of financing of the street and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities, and such other facilities as may be necessary.
- 28.9.1.16 When a proposed STREET intersects a state highway, a copy of the state highway permit shall be provided.
- 28.9.1.17 A copy of agreements signed by agricultural irrigation ditch companies specifying the agreed upon treatment of any problems resulting from the location of the ditch.



- 28.9.1.18 Geologic maps and investigation reports regarding area suitability for the proposed PUD DEVELOPMENT. The maps and reports will be furnished to the Colorado Geological Survey Division for review and evaluation.
- 28.9.1.19 A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the Weld County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Weld County Clerk and Recorder. If the list was assembled from the records of the Weld County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- 28.9.1.20 An affidavit listing the names and addresses of all mineral owners and lessees of mineral owners on or under the parcel of land being considered. The list shall be prepared from the real property records of the Weld County Clerk and Recorder, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Weld County Department of Planning Services.
- 28.9.1.21 A sign shall be posted on the property under consideration for the PUD Plan. The sign shall be posted by the Department of Planning Services, who shall certify that the sign has been posted for at least ten (10) days preceding the hearing date. The sign shall be provided by the Department of Planning Services. The sign shall include:
  - 28.9.1.21.1 PUD application number.
  - 28.9.1.21.2 Date, place, and time of public hearing.
  - 28.9.1.21.3 Location and phone number of the public office where additional information may be obtained.
  - 28.9.1.21.4 Applicant's name.
  - 28.9.1.21.5 Size of the parcel of land.
  - 28.9.21.6 Type of PUD request.
- 28.10 Illustrations.
  - 28.10.1 Illustrations of the proposed architectural style for the PUD. The illustrations shall show layout, profile, computations, and design detail of all BUILDINGS and STRUCTURES. In addition, the materials, color, scale, and coordination of BUILDINGS and STRUCTURES with surrounding land-uses shall be described. The design objectives of the PUD plan and architectural style must be clear and supported by a written statement.
- 28.11 Maps
  - 28.11.1 A utility plan map shall consist of a drawing of the PUD project at a scale of one inch (1") equals one hundred feet (100') or one inch (1") equals two hundred feet (200') composed of one or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches showing the following information:
    - 28.11.1.1 A utility plan showing the easements for water, sewer, electric, gas, telephone, and

any other utilities within the PUD. Easements shall be designed to meet the Weld County Subdivision Ordinance for easement standards.

- 28.11.1.2 A utility service statement block shall appear on the map. The block shall identify each special district, municipality, or utility company intended to service the PUD. The block shall include:
- 28.11.1.3 The name of the utility.
- 28.11.1.4 A dated signature and statement from the utility's representative indicating one of the following: (1) Service is available, (2) service is available subject to specific conditions, or (3) service is not available for the PUD. In the event number (2) is indicated, the specific condition shall be described.
- 28.11.2 Plans, profiles and typical cross section drawings of STREETS, bridges, culverts, and all drainage detention areas and STRUCTURES. These STREETS, bridges, culverts and other drainage STRUCTURES shall be designed and constructed to meet the requirements of the Official Weld County Construction Standards and the Official Weld County Subdivision Ordinance. Pavement design computations and drainage design computations shall also be submitted in accordance with the Weld County Subdivision Ordinance.
- 28.11.3 A grading and drainage plan map shall consist of a drawing of the PUD District and project at a scale of one inch (1") equals one hundred feet (100') or one inch (1") equals two hundred feet (200') composed of one or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches showing the following information:
  - 28.11.3.1 A grading and drainage plan indicated by solid line contours superimposed on dashed line contours of existing topography for the area of the Final Plat. Such contours shall be at two (2) foot intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five (5) foot contours for predominant ground slopes within the tract over five percent (5%) grade.
  - 28.11.3.2 All WATERCOURSES on the property must be shown. In addition all FLOOD HAZARD areas must be delineated.
  - 28.11.3.3 All drainage ways, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc., which may be incorporated into the stormwater management system for the PUD shall be designated.
  - 28.11.3.4 All irrigation ditches and laterals shall be shown.
  - 28.11.3.5 All required on-site detention areas, including notes indicating the area and volume of the facility.
  - 28.11.3.6 All plans shall indicate the proposed outlet for the storm drainage from the property, including the name of the drainage way (where appropriate), the downstream conditions, and any downstream restrictions.
  - 28.11.3.7 Drainage design computations shall be submitted in accordance with the Weld County Subdivision Ordinance.
- 28.11.4 A LANDSCAPE plan map shall consist of a drawing of the PUD District and PUD Plan at a scale of one inch (1") equals one hundred feet (100') or one inch (1") equals two hundred feet (200') composed on one or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches showing the following



information:

- 28.11.4.1 A LANDSCAPE plan indicating the treatment of exterior spaces. The design objective of the plan must be clear and supported by a written statement. The plan must provide an ample quantity and variety of ornamental plant species which are regarded as suitable for this climate. LANDSCAPE treatment must be balanced with both evergreen and deciduous plant material with sufficient use of upright species for vertical control. Plant material selection will be reviewed for adaptability to physical conditions indicated by site plan locations. The LANDSCAPE I plan shall include the following:
  - 28.11.4.1.1 Extent and location of all plant materials and other LANDSCAPE I features. Plant material must be identified by direct labeling on the plant or by a clearly understandable legend.
  - 28.11.4.1.2 Flower and shrub bed definition must be clear and drawn to scale with dimensions.
  - 28.11.4.1.3 Species and size of existing plant materials.
  - 28.11.4.1.4 Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, gravel, grading, etc.).
  - 28.11.4.1.5 Location of water outlets. If areas of planting are extensive, plans for an underground sprinkler system or suitable alternative will be required.
  - 28.11.4.1.6 Plant material schedule with common and botanical names, sizes, quantities, and method of transplant. Plants must be sized according to the following table:

<u>Type</u>	<u>Size</u>
Standard deciduous trees.....	1-3/4" to 2" caliper
Small ornamental and flowering trees.....	1-1/2" to 1-3/4" caliper
Evergreen trees.....	5' to 6' in height
Shrubs.....	Adequate size to be consistent with design intent

- 28.11.4.1.7 All plant material must meet specifications of the American Association of Nurserymen (AAN) for number one grade. All trees must be balled and burlaped or the equivalent.
- 28.11.4.1.8 No building permit shall be issued for any building or any portion of a PUD until the landscaping required by the LANDSCAPE plan map is in place or an Improvements Agreement which complies with the requirements in the Official Weld County Subdivision Ordinance has been executed, guaranteeing said landscaping.
- 28.11.5 Final PUD Plat shall be prepared according to the following submission requirements. This map shall be in drawing ink on Mylar or other material acceptable to the Department of Planning Services. The dimensions of the map shall be thirty-six (36) inches wide by twenty-four (24) inches high, and prepared at a scale of one inch (1") equals one hundred feet (100') or one inch (1") equals two hundred feet (200') composed of one or more sheets showing the following information:

- 28.11.5.1 Title, scale, and north arrow.
- 28.11.5.2 PUD Plan application number and name.
- 28.11.5.3 The date of the drawing with adequate space for revision dates.
- 28.11.5.4 Legal description including total area involved as certified by the surveyor, and name and address of owner of record.
- 28.11.5.5 Outline of the proposed PUD Plan's perimeter, and a certified boundary and lot survey of the parcel under consideration, showing all bearings and distances outside the perimeter boundary lines or along the lot boundary lines. When the parcel is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves: (1) radius of curve, (2) central angle, (3) tangent, (4) arc length, and (5) notation of nontangent curves.
- 28.11.5.6 Lot area in square feet or acres if larger than one (1) acre, lot and blocks delineated and numbered consecutively, existing and proposed future street layout in dashed lines and existing STREETS in solid lines for any portion of adjacent land not subject to the current PUD Plan Application.
- 28.11.5.7 Location and description of uses by block or lot, if different uses are located within the block.
- 28.11.5.8 Location, description, and dimensions of all proposed and existing COMMERCIAL and office BUILDINGS, STRUCTURES, open storage areas, STREETS, PARKING LOTS, COMMON OPEN SPACE, signs, lighting, advertising devices, and any other development, improvement or feature within the PUD Plan's boundary.
- 28.11.5.9 Location and description of FLOOD and GEOLOGIC HAZARD AREAS.
- 28.11.5.10 Location and description of proposed SCREENING, buffering, and LANDSCAPING.
- 28.11.5.11 Location and description of proposed sites to be reserved or dedicated for parks, playgrounds, schools, and other public USES.
- 28.11.5.12 Location, description and dimensions of all existing and proposed utilities, easements, rights-of-way, waterways and other drainage systems, and any other significant features, as determined by the Department of Planning Services.
- 28.11.5.13 Parcels not contiguous shall not be included in one plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one (1) plat, provided that all owners join in the dedication and acknowledgment.
- 28.11.5.12 The following certificate blocks shall appear on the plat and shall be completed at the appropriate time:
  - 28.11.5.12.1 Surveyor's certificate.
  - 28.11.5.12.2 Certificate of Approval by the Planning Commission.



- 28.11.5.12.3 Certificate of Approval by the Board of County Commissioners.
  - 28.11.5.12.4 Certificate of dedication, ownership and maintenance by parcel owners regarding COMMON OPEN SPACE, dedication of rights-of-way, easements, and other public property interests and maintenance thereof.
- 28.12 Duties of the Department of Planning Services. The Department of Planning Services shall be responsible for processing all applications for a PUD Plan. The Department shall have the responsibility to ensure that all application procedures and requirements are met prior to any official action. The duties of the Department shall be:
- 28.12.1 Planned Unit Development Plan. The Department of Planning Services shall ensure that a proposed PUD Plan is located with a PUD District. Upon determining that the applicant has met the PUD Plan submittal requirements in Section 28.9, the Department shall institute the applicable procedures under Section 21.4 of this Ordinance.
  - 28.12.2 The Department of Planning Services shall provide a recommendation to the Planning Commission concerning the disposition of the requested PUD Plan.
- 28.13 Duties of the Weld County Planning Commission.
- 28.13.1 The Planning Commission shall hold a public hearing to consider a PUD Plan application. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested PUD Plan. Such recommendations shall be made within sixty (60) days of the initial hearing date. The Planning Commission shall recommend approval of the request for the PUD Plan only if it finds that the applicant has met the applicable requirements or conditions of Sections 28.9, 28.10, 28.11, and 28.13. The applicant has the burden of proof to show that the standards and conditions of Sections 28.9, 28.10, 28.11, and 28.13 are met. The applicant shall demonstrate:
    - 28.13.1.1 The proposal is consistent with the Weld County COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect
    - 28.13.1.2 The PUD Plan conforms to the PUD District in which it is proposed to be located.
    - 28.13.1.3 The USES, BUILDINGS, and STRUCTURES which would be permitted shall be compatible with the existing or future DEVELOPMENT of the surrounding area as permitted by the existing zoning, and with the future DEVELOPMENT as projected by the COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect, or MASTER PLANS of affected municipalities.
    - 28.13.1.4 There has been conformance with the Performance Standards outlined in Section 35.3.
    - 28.13.1.5 There will be compliance with the Weld County Zoning Ordinance, Section 50, Overlay District Requirements if the proposal is located within any Overlay District area identified by maps officially adopted by Weld County.
    - 28.13.1.6 There has been compliance with the submittal requirements of the PUD Plan, and that the PUD Plat and the supporting documents satisfy the legitimate concerns of the Planning Commission.
    - 28.13.1.7 The Secretary of the Planning Commission shall forward the official recommendation of the Planning Commission and the information contained in the official record, which includes the Department of Planning Services case file, to the



Clerk to the Board of County Commissioners within ten (10) days after said recommendation has been made.

28.13.1.8 If the Planning Commission's recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, then the ten (10) day period shall commence upon submission of the items by the applicant to the Department of Planning Services.

28.14 Duties of the Board of County Commissioners.

28.14.1 After receipt of the Planning Commission's recommendation, the Board of County Commissioners shall:

28.14.1.1 Set a Board of County Commissioners' public hearing to take place not less than thirty (30) days and not more than sixty (60) days after receipt of the Planning Commission's recommendation, for consideration of the proposed PUD Plan.

28.14.1.2 Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Board of County Commissioners, a second notice may be published in a newspaper which is published in the area in which the PUD Plan is proposed. The failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least thirty (30) days prior to the hearing.

28.14.1.3 Arrange for the Department of Planning Services to post a sign on the property under consideration for the PUD Plan according to the requirements of Section 21.4.2.5.

28.14.1.4 Give notice of the proposed PUD Plan and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to the owners and lessees of the mineral estate on or under the parcel. Inadvertent errors by the applicant in supplying such list or the Board of County Commissioners in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in the failure of a surrounding property owner to receive such notification.

28.14.1.5 Give notice of the proposed PUD Plan and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by Colorado State Statute and is provided as a courtesy to the owners and lessees of the mineral estate on or under the parcel. Inadvertent errors by the applicant in supplying such list or the Board of County Commissioners in sending such notice shall not create a jurisdictional defect in the hearing process even if such error results in failure of a surrounding property owner to receive such notification.

28.14.1.6 The Board of County Commissioners shall hold a public hearing to consider the application and to take final action thereon. The Board shall make a decision on the application within sixty (60) days of the initial hearing date. In making a decision on the proposed PUD Plan, the Board shall consider the recommendation of the Planning Commission, and from the facts presented at the public hearing and the information contained in the official record, which includes the Department of Planning Services case file. The Board of County Commissioners shall approve

the request for the Planned Unit Development Plan only if it finds that the applicant has met the applicable requirements or conditions of Sections 28.9, 28.10, 28.11, and 28.14. The applicant has the burden of proof to show that the standards and conditions of Sections 28.9, 28.10, 28.11, and 28.14 are met. The applicant shall demonstrate:

- 28.14.1.6.1 The proposal is consistent with the COUNTY COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect.
- 28.14.1.6.2 The proposed Planned Unit Development Plan conforms to the PUD District in which it is proposed to be located.
- 28.14.1.6.3 That the USES, BUILDINGS, and STRUCTURES which would be permitted shall be compatible with the existing or future DEVELOPMENT of the surrounding area as permitted by the existing zoning, and with the future DEVELOPMENT as projected by the COMPREHENSIVE PLAN and any other applicable Weld County Ordinance in effect, or MASTER PLANS of affected municipalities
- 28.14.1.6.4 There has been conformance with the Performance Standards outlined in Section 35.3.
- 28.14.1.6.5 There has been compliance with the Weld County Zoning Ordinance, Section 50, Overlay District Requirements if the proposal is located within any Overlay District identified by maps officially adopted by the COUNTY.
- 28.14.1.6.6 There has been compliance with the submittal requirements of the PUD Plan, and that the PUD Plan Plat and the supporting documents satisfy the legitimate concerns of the Board.

No PUD Plan Plat shall be recorded with the Weld County Clerk and Recorder and no building permit shall be issued for the PUD Plan until the following has occurred.

The Board of County Commissioners must approve all improvement agreements guaranteeing the installation and type of improvements, including a separate off-site road improvement agreement if applicable. All agreements must be made in conformance with the policy regarding Collateral for Improvements.

- 28.14.1.7 After the Board of County Commissioners makes its final decision, a resolution setting forth the Board's decision shall be drafted and signed. A record of such action and a copy of the resolution shall be kept in the files of the Clerk to the Board.
- 28.14.4.8 The Board shall arrange for the Weld County Clerk and Recorder to record the resolution and the proposed PUD Plan if it is approved. No building permits shall be issued until the PUD Plan has been recorded and a Site Plan Review Application has been approved by the Department of Planning Services.

28.15 Supplemental Procedures and Requirements.

- 28.15.1 Amendment to a PUD District. Each approved PUD District is considered unique, and the USES described by block and/or lot within a PUD District shall only be amended by applying for a change of zone to a new PUD District. These procedures are contained in Section 28.5 of this Ordinance.
- 28.15.2 Amendment to a PUD Plan. Any request to make a major change to an approved PUD Plan shall be processed as a new application for a PUD Plan under Section 28.9 of this Ordinance. This may include, but not be limited to, requests for



vacating all or parts of an approved PUD Plan for the purpose of major redesign or major corrections. The Department of Planning Services may waive application requirements which do not pertain to the proposed major change to the PUD Plan.

- 28.15.3 Minor Modifications to a PUD Plan. The Department of Planning Services may approve minor modifications to a PUD Plan. The applicant shall prove to the Department that the minor modification is required by engineering or other circumstances not foreseen during the approval of the PUD Plan. The Department shall not approve a minor modification if that modification does not conform to the Planned Unit District.
- 28.15.4 Correction to a PUD Plat. The Board of County Commissioners may, without a hearing or compliance with any of the submission, referral, or review requirements of the PUD Plan regulations, approve a correction to a PUD Plan if the sole purpose of such correction is to correct one or more technical errors in an approved PUD Plan and where such correction is consistent with its approved PUD District.
- 28.15.5 Failure to submit a PUD Plan. If no PUD Plan application is submitted within three (3) years of the date of the approval of the PUD District, the Planning Commission shall require the landowner to appear before it and present evidence substantiating that the PUD project has not been abandoned and that the applicant possesses the willingness and ability to continue with the submittal of the PUD Plan. The Planning Commission may extend the date for the submittal of the PUD Plan application and shall annually require the applicant to demonstrate that the PUD has not been abandoned. If the Planning Commission determined that conditions or statements made supporting the original approval of the PUD Zone District have changed or that the landowner cannot implement the PUD Plan, the Planning Commission shall recommend to the Board of County Commissioners that the PUD District approval be revoked. If the Board agrees after a public hearing, the Board may revoke the PUD zone district and order the recorded PUD zone district reverted to the original zone district.
- 28.15.6 Failure to Commence a PUD Plan If no construction has begun or no USE established in the PUD within one (1) year of the date of the approval of the PUD Plan, the Planning Commission may require the landowner to appear before it and present evidence substantiating that the PUD project has not been abandoned and that the applicant possesses the willingness and ability to continue the PUD. The Planning Commission may extend the date for initiation of the PUD construction and shall annually require the applicant to demonstrate that the PUD has not been abandoned. If the Planning Commission determines that conditions supporting the original approval of the PUD Plan have changed or that the landowner cannot implement the PUD Plan, the Planning Commission may recommend to the Board of County Commissioners that the PUD Plan approval be withdrawn. If the Board agrees after a public hearing, the Board may revoke the PUD Plan and order the recorded PUD Plan vacated.
- 28.15.7 Enforcement of the PUD Plan. The PUD Plan's construction schedule and the maintenance of COMMON OPEN SPACE shall be enforced as follows:
- 28.15.7.1 The construction and provision of all COMMON OPEN SPACE, public utilities, and recreational facilities which are shown on the Planned Unit Development Plan shall proceed at a rate which is no slower than the construction of residential, commercial or industrial BUILDINGS and STRUCTURES. Periodically, the Planning Commission or its representative shall compare the DEVELOPMENT to date with the approved construction schedule.
- 28.15.7.2 All DEVELOPMENTS shall meet the requirements herein set forth and no final plan

shall be approved that does not meet these requirements.

- 28.15.7.3 The developer shall submit a legal instrument setting forth a plan providing for the permanent care and maintenance of OPEN SPACE, recreational areas and commonly owned facilities and PARKING LOTS. The same shall be submitted to the County Attorney and shall not be accepted until approved as to legal form and effect. If the COMMON OPEN SPACE is deeded to a homeowners' association, the applicant shall file the proposed documents governing the association. Such documents shall meet the following requirements.
- 28.15.7.3.1 The homeowners' association must be established before any residences are sold.
- 28.15.7.3.2 Membership in the association must be mandatory for each owner.
- 28.15.7.3.3 OPEN SPACE restrictions must be permanent and not for a period of years.
- 28.15.7.3.4 The homeowners' association must be made responsible for liability insurance, taxes, and maintenance of recreational and other facilities.
- 28.15.7.3.5 The association must have the power to levy assessments which can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities.
- 28.15.7.3.6 If the organization established to own and maintain COMMON OPEN SPACE, or any successor organization fails to maintain the COMMON OPEN SPACE in reasonable order and condition in accordance with the approved PUD Plan, the following action may be taken:
- 28.15.7.4 The Board of County Commissioners may serve written notice upon such organization or upon the owners or residents of the PUD setting forth that the organization has failed to comply with the PUD Plan. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof. A hearing shall be held by the Board within fourteen (14) days of the issuance of such notice, setting forth the time, date, and place of hearing. The Board may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be rectified.
- 28.15.7.5 If the deficiencies set forth in the original notice or in the modifications thereof are not rectified within thirty (30) days or any extension thereof, the Board, in order to preserve the values of the properties within the Planned Unit Development and to prevent the COMMON OPEN SPACE from becoming a public nuisance, may enter upon said COMMON OPEN SPACE and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the PUBLIC any rights to use the COMMON OPEN SPACE except when the same is voluntarily dedicated to the PUBLIC by the owners and accepted by the Board of County Commissioners. Before the expiration of said one (1) year period, the Board of County Commissioners shall call a public hearing to consider the necessity of continuing such maintenance for a succeeding year. Notice of the hearing shall be given, in writing, not less than thirty (30) days and not more than sixty (60) days prior to this hearing to the organization normally responsible for the maintenance of the COMMON OPEN SPACE and to the owners or residents of the PUD. If the Board determines that such organization is not ready and able to maintain said COMMON OPEN SPACE in reasonable condition, the Board may continue to maintain said COMMON OPEN SPACE during the next succeeding year, and shall be subject to a similar hearing and determination in each year thereafter.
- 28.15.7.6 The cost of such maintenance by the Board shall be paid by the owners of the

properties within the Planned Unit Development that have a right of enjoyment of the COMMON OPEN SPACE and any unpaid assessments shall become a tax lien on said properties, pursuant to Section 24-67-105 of the Colorado Revised Statutes, as amended.

28.15.7.7 Monuments. Permanent reference monuments shall be set on the PUD according to the Official Weld County Subdivision Ordinance and Section 30-51-101, et seq., of the Colorado Revised Statutes, as amended.

29 FEES

29.1 Fees for all Land Use Permit Applications provided for in the Weld County Zoning Ordinance shall be established by resolution of the Board of County Commissioners in conjunction with a hearing process that will consist of a ten (10) day public notice prior to the Board of County Commissioners' hearing. Notice of said hearing is to be published once in the newspaper designated by the Board of County Commissioners for publication of notices.

29.2 Review fees charged by a state agency for the review of any Land Use applications shall be made payable, by check or money order, to the State reviewing agency in the amount set by State law. The fee shall be paid at the time the application is submitted for consideration by the COUNTY. Failure to pay said fee shall result in the Land-Use Application being considered an incomplete application and will not be assigned a case number or hearing date until the fee is paid.

29.3 If the COUNTY does not have qualified staff to review certain elements of a proposal or referral agencies are not able to adequately advise the County regarding certain elements of a land USE application then the Board of County Commissioners may authorize that the review be performed by a qualified outside consultant engaged or approved by the Director of Planning Services and the reasonable costs of this review shall be paid by the applicant, as determined by the Board of County Commissioners. No approvals or conditional approvals will be granted by the Planning Commission or the Board of County Commissioners until the consultant's fee has been paid by the applicant after proper billing.

29.4 Investigation Fee. An additional investigation fee shall be added to the cost of the permit application when specific land, USES, BUILDINGS, MOBILE HOMES, MANUFACTURED HOMES, and STRUCTURES that require a permit by this Ordinance are located, moved, operated, or constructed prior to obtaining a permit. The investigation fee shall be fifty percent (50%) of the fee established by separate action by the Board of County Commissioners for land-USE applications. In no event shall the investigation fee exceed an amount set by separate action by the Board of County Commissioners. The payment of such investigation fee shall not relieve any persons from fully complying with the requirements of this Ordinance, nor from any other penalties prescribed herein.

29.5 The fee for the Hazardous Waste Disposal Site established by the Board of County Commissioners may be refunded in whole or in part by decision of the Board of County Commissioners. The amount of the refund, if any, shall be determined, in part, based upon the cost incurred by the COUNTY in reviewing the application and shall include, but not be limited to, outside consultant work, staff time, and state and local agency fees.

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30 Zone Districts

31 A (Agricultural) District

31.1 Intent of the A (Agricultural) District.

Agriculture in the COUNTY is considered a valuable resource which must be protected from adverse impacts resulting from uncontrolled and undirected business, industrial and residential land USES. The A (Agricultural) District is established to maintain and promote agriculture as an essential feature of the COUNTY. The A (Agricultural) District is intended to provide areas for the conduct of agricultural activities and activities related to agriculture and agricultural production without the interference of other, incompatible land USES. The A (Agricultural) District is also intended to provide areas for the conduct of USES by Special Review which have been determined to be more intense or to have a potentially greater impact than USES Allowed by Right. The A District regulations are established to promote the health, safety and general welfare of the present and future residents of the COUNTY. .

31.2 Uses Allowed by Right in the A (Agricultural) District.

No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged, or maintained in the A (Agricultural) District except for one or more of the following USES. Land in the A (Agricultural) District is subject to the schedule of Bulk Requirements contained in Section 31.5. USES within the A (Agricultural) District shall also be subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.

- 31.2.1 One (1) SINGLE FAMILY DWELLING UNIT and AUXILIARY QUARTERS per LEGAL LOT.
- 31.2.2 One (1) SINGLE FAMILY DWELLING UNIT and AUXILIARY QUARTERS on a parcel of land created under the provisions of Section 11 of the Weld County Subdivision Ordinance.
- 31.2.3 FARMING, RANCHING AND GARDENING.
- 31.2.4 Cultivation, storage, and sale of crops, vegetables, plants, flowers, and nursery stock raised on the premises.
- 31.2.5 TEMPORARY storage, in transit, of crops, vegetables, plants, flowers, and nursery stock not raised on the premises and not for sale on said premises.
- 31.2.6 Cemeteries.
- 31.2.7 Grazing of LIVESTOCK.
- 31.2.8 Feeding of LIVESTOCK within the limitations defined in Section 31.5, Bulk Requirements and Section 47, Livestock Feeding Performance Standards.
- 31.2.9 OIL AND GAS PRODUCTION FACILITIES.
- 31.2.10 PUBLIC parks PUBLIC recreation facilities.
- 31.2.11 PUBLIC SCHOOLS, and PUBLIC SCHOOL extension classes.
- 31.2.12 UTILITY SERVICE FACILITIES.
- 31.2.13 Alcohol production which does not exceed ten thousand (10,000) gallons per year provided that alcohol and by-products will be used primarily on the owners or



operator's land.

- 31.2.14 TEMPORARY group assemblages (subject to the Weld County Ordinance pertaining to TEMPORARY group assemblages).
  - 31.2.15 Asphalt or concrete batch plant used temporarily and exclusively for the completion of a PUBLIC road improvement project.
  - 31.2.16 MOBILE HOME subject to the additional requirements of Section 43.
  - 31.2.17 Police and Fire Stations or Facilities.
  - 31.2.18 Borrow pits used TEMPORARILY and exclusively for the completion of a PUBLIC road improvement project.
  - 31.2.19 MANUFACTURED HOME subject to the additional requirements of Section 46;
  - 31.2.20 ANIMAL BOARDING where maximum number of ANIMAL UNITS permitted in Section 31.5.4 is not exceeded and where the vehicular traffic generated by the boarding activity is less than sixty (60) trips per day to and from the property.
  - 31.2.21 One (1) microwave, radio, television, or other communication transmission or relay tower seventy (70) feet or less in height per LOT. However, while in use, an amateur (HAM) radio operator's crank-up antenna may be extended to a maximum of one hundred fifty (150) feet in height provided that its resting or "down" position does not exceed seventy (70) feet in height. More than one tower may be permitted as a USE by Special Review.
  - 31.2.22 Disposal of domestic sewage sludge subject to the additional requirements of Section 48, Domestic Sewage Sludge Regulations.
  - 31.2.23 Disposal of DOMESTIC SEPTIC SLUDGE subject to the additional requirements of Section 49, Domestic Septic Sludge Regulations.
- 31.3 Accessory Uses in the A District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the A (Agricultural) District so long as they are clearly incidental and ACCESSORY to the USES allowed by right in the A (Agricultural) District. Such BUILDING, STRUCTURES and USES must be designed, constructed, and operated in conformance with the Bulk Requirements contained in Section 31.5. ACCESSORY USES within the A (Agricultural) District shall also be subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Ordinance (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed 4% (four percent) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the GROSS FLOOR AREA of the primary residence on the lot except by variance. Any accessory structure made non-conforming by application of this subsection may be repaired, replaced or restored in total.
- 31.3.1 STRUCTURES for storage of equipment and agricultural products.
  - 31.3.2 BUILDINGS for confinement or protection of LIVESTOCK, within the limitations defined in Section 31.5, Bulk Requirements.
  - 31.3.3 MOBILE HOMES used as SINGLE FAMILY DWELLINGS for persons customarily employed at or engaged in FARMING, RANCHING, or GARDENING subject to the additional requirements of Section 43, Mobile Homes; Accessory Dwelling Units.

- 31.3.4 HOME OCCUPATIONS;
  - 31.3.5 OFFICE incidental to the operation of the USES Allowed by Right as listed in Section 31.2, Uses Allowed by Right in the A (Agricultural) District.
  - 31.3.6 MOBILE HOME subject to the additional requirements of Section 43, Mobile Homes, Accessory Dwelling Units.
  - 31.3.7 Roadside stands when the products offered for sale are grown on the premises. Such stands shall be situated not less than fifty (50)feet from the PUBLIC right-of-way.
  - 31.3.8 SIGNS, in conformance with the provisions of Section 42, Signs.
  - 31.3.9 NONCOMMERCIAL JUNKYARD
  - 31.3.10 Any other STRUCTURE or USE clearly incidental and ACCESSORY to the operation of a Use Allowed by Right in the A (Agricultural) District.
- 31.4 USES by Special Review in the A (Agricultural) District.

The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated, and maintained in the A (Agricultural) District upon approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.

- 31.4.1 Mineral Resource Development facilities including:
  - \* OIL AND GAS STORAGE FACILITIES
  - \* OIL AND GAS SUPPORT AND SERVICE
  - \* Open pit MINING and materials processing, subject to the provisions of Section 44.
  - \* Asphalt and concrete batch plants
  - \* Coal gasification facilities
  - \* MINING or recovery of other mineral deposits located in Weld county, subject to the provisions of Section 44, Open Mining.
- 31.4.2 Agricultural Service establishments primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis, including:
  - \* Sorting, grading and packing fruits and vegetables for the grower.
  - \* Grain and/or feed elevators.
  - \* Crop dusting or spraying operations facilities (includes hangars, landing trips, fertilizer storage facilities, insecticide storage facilities, fuel storage facilities, and OFFICES ACCESSORY to the crop dusting or spraying operation).
  - \* Farm equipment sales, repair, and installation facilities.
  - \* Veterinary clinics or hospitals.
  - \* Grain and feed sales.
  - \* Commercial grain storage and drying.
  - \* Fertilizer storage, mixing, blending, and sales.
  - \* Seed production, processing, storage, mixing blending and sales.
  - \* Animal training and boarding facilities.
  - \* Alcohol production exceeding ten- thousand (10,000) gallons per year or the sale or loan of alcohol occurring to any other person not involved in the alcohol production operation.
  - \* Animal waste recycling or processing facilities.
  - \* Custom meat processing.
  - \* LIVESTOCK sale barns and facilities.
  - \* Forage dehydration facilities.



\* LIVESTOCK CONFINEMENT OPERATIONS.

- 31.4.3 Recreational facilities and USES including:
- \* Race tracks and race courses.
  - \* DRIVE IN THEATERS, subject to the provisions of Section 45.7, Drive-In Theaters.
  - \* Golf courses.
  - \* Shooting ranges, subject to the provisions of Section 45.3, Outdoor Shooting Ranges.
  - \* Guest farms and hunting lodges.
  - \* Fairgrounds.
  - \* PUBLIC, commercial, or private tent or RECREATIONAL VEHICLE camping areas.
- 31.4.4 Public Utilities facility including:
- \* Equipment storage or repair facilities, subject to the provisions of Section 45.8, Public Utilities Facilities.
  - \* Storage tanks, subject to the provisions of Section 45.8, Public Utilities Facilities.
  - \* MAJOR FACILITIES OF PUBLIC UTILITIES OR PUBLIC AGENCIES, subject to the provisions of Section 45.8, Public Utilities Facilities.
- 31.4.5 PUBLIC and quasi PUBLIC BUILDINGS including:
- \* Churches.
  - \* Private SCHOOLS.
  - \* Administrative OFFICES or meeting halls for agricultural organizations.
- 31.4.6 AIRPORTS, and AIRSTRIPS.
- 31.4.7 JUNKYARDS or salvage YARDS.
- 31.4.8 KENNELS, subject to the additional requirements of Section 45.6, Kennels.
- 31.4.9 Solid Waste Disposal sites and facilities, subject to the additional requirements of Section 45.4, Solid Waste Sites and Facilities or Hazardous Waste Disposal Sites.
- 31.4.10 Keeping, raising or boarding of EXOTIC ANIMALS.
- 31.4.11 One or more microwave, radio, television, or other communication transmission or relay tower over seventy ( 70) feet in height per LOT.
- 31.4.12 ONE (1) SINGLE-FAMILY DWELLING UNIT per LOT other than those permitted under Section 31.2.1 of this Ordinance.
- 31.4.13 MULTI-FAMILY DWELLINGS for persons customarily employed at or engaged in FARMING, RANCHING or GARDENING.
- 31.4.14 Expansion or extension of NON-CONFORMING USES.
- 31.4.15 HOME BUSINESS.
- 31.4.16 ACCESSORY BUILDINGS with GROSS FLOOR AREA larger than 4% (four percent) of the total lot area, as detailed in Section 31.3 of this Ordinance, per BUILDING on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan field prior to adoption of any regulations controlling subdivisions.

- 31.4.17 ANIMAL BOARDING where the maximum number of ANIMAL UNITS permitted in Section 31.5.4 are exceeded and/or the traffic that is generated by the boarding activity exceeds sixty (60) trips per day to and from the property.
- 31.4.18 Any use permitted as a Use by Right, an ACCESSORY USE, or a Use by Special Review in the COMMERCIAL or Industrial zone districts provided the property is not a LOT in an approved or recorded subdivision plat or LOTS parts of a map or plan filed prior to adoption of any regulations controlling subdivisions. PUD development proposals shall not be permitted to use the special review permit process to develop.
- 31.4.19 CHILD CARE CENTER.
- 31.4.20 BED AND BREAKFAST FACILITY.
- 31.4.21 USES similar to the USES listed above as Uses by Special Review as long as the USE complies with the general intent of the A (Agricultural) District.
- 31.5 Bulk Requirements. The following lists the Bulk Requirements for the A (Agricultural) District.
  - 31.5.1 Minimum LOT size
 

Irrigated	eighty (80) acres
Dry	eighty (80) acres
  - 31.5.2. Minimum SETBACK twenty (20) feet
  - 31.5.2.1 Fences are not required to comply with the minimum SETBACK and may be located on the property line. Fences located on corner lots abutting public rights-of-way shall not obstruct the view of vehicular traffic at an intersection.
  - 31.5.3 Minimum OFFSET: Three (3) feet, or one foot for each three (3) feet for BUILDING HEIGHT, whichever is greater.
  - 31.5.3.1 Fences are not required to comply with the minimum OFFSET and may be located on the property line.
  - 31.5.4 Maximum number of ANIMAL UNITS permitted per acre: four (4) per acre or portion thereof.
  - 31.5.5 No BUILDING or STRUCTURE shall be constructed within a 350 foot radius of any OIL AND GAS PRODUCTION FACILITIES. Any construction within a 350 foot radius of OIL AND GAS PRODUCTION FACILITIES shall require a variance from the terms of this Ordinance in accordance with Section 61.3.

32 Residential Districts

32.1 Intent of the Residential Districts. The R-1, R-2, R-3, R-4 and R-5 Residential Districts are intended to provide the present and future residents of the COUNTY with areas in which to locate and establish residential land USES and land USES that are compatible with residential areas. The Residential Districts are intended to be located, designed, and developed in a manner that is compatible with the WELD COUNTY COMPREHENSIVE PLAN and the adopted MASTER PLANS of affected municipalities.

32.2 The R-1 (Low Density Residential) District.

32.2.1 Intent of the R-1 District. The purpose of the R-1 District is to provide areas in the

COUNTY for SINGLE FAMILY residential USE that are located, designed, and developed in compliance with the WELD COUNTY COMPREHENSIVE PLAN and the adopted MASTER PLANS of affected municipalities. The R-1 District is also intended to accommodate non-residential land USES that are both ACCESSORY to and compatible with residential Uses Allowed by Right in the District.

- 32.2.2 Uses Allowed by Right in the R-1 District. No BUILDING, STRUCTURE or land shall be USED, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged, or maintained in the R-1 District except for one (1) or more of the following USES. Land in the R-1 District must be USED in compliance with the Bulk Requirements contained in Section 32.7. USES within the R-1 District are subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
- 32.2.2.1 One (1) SINGLE FAMILY DWELLING per LEGAL LOT, said SINGLE FAMILY DWELLING shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the enactment date of this Ordinance.
- 32.2.2.2 PUBLIC parks and PUBLIC recreation areas.
- 32.2.2.3 PUBLIC SCHOOLS, and PUBLIC SCHOOL extension classes.
- 32.2.2.4 Police and fire stations or facilities.
- 32.2.2.5 UTILITY SERVICE FACILITIES.
- 32.2.3 Accessory Uses in the R-1 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the R-1 District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-1 District. Such BUILDINGS, STRUCTURES, and USES must be designed, constructed, and operated in conformance with the Bulk Requirements contained in Section 32.7. ACCESSORY USES within the R-1 District are also subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Ordinance (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed 4% (four percent) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the GROSS FLOOR AREA of the primary residence on the lot except by variance. Any accessory structure made non-conforming by application of this subsection may be repaired, replaced or restored in total.
- 32.2.3.1 Garages, carports, and parking areas.
- 32.2.3.2 Swimming pools, tennis courts and similar RECREATIONAL FACILITIES. ;
- 32.2.3.3 SIGNS, in accordance with the provisions of Section 42, Signs.
- 32.2.3.4 HOME OCCUPATIONS.
- 32.2.3.5 Service BUILDINGS and facilities.
- 32.2.3.6 Storage of those vehicles, or parts thereof, which are defined in Section 42-12-101, CRS, as amended, and are SCREENED; and/or the storage of no more than two vehicles which regardless of their condition and/or classification as DERELICT



VEHICLES, have been operated at any time during the past one year period in a sanctioned or sponsored race, derby, or event and are SCREENED.

32.2.3.7 Any other STRUCTURE or USE clearly incidental and ACCESSORY to a Use Allowed by Right in the R-1 District.

32.2.4 Uses by Special Review in the R-1 District. The following BUILDINGS, STRUCTURES, and USES may be constructed, occupied, operated, and maintained in the R-1 District upon approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.

32.2.4.1 HOSPITALS, nursing homes, and rehabilitation centers.

32.2.4.2 Preschools and daycare centers.

32.2.4.3 Private SCHOOLS.

32.2.4.4 Churches.

32.2.4.5 PRIVATE RECREATIONAL FACILITIES.

32.2.4.6 OIL OR GAS PRODUCTION FACILITIES.

32.2.4.7 ACCESSORY BUILDINGS with GROSS FLOOR AREA larger than 4% (four percent) of the total lot area, as detailed in Section 32.2.3 of this Ordinance, per BUILDING on LOTS in an approved or recorded subdivision plat or LOTS part or a map or plan filed prior to adoption of any regulations controlling subdivisions.

32.2.4.8 CHILD CARE CENTER

32.3 The R-2 (Duplex Residential) District

32.3.1 Intent of the R-2 District. The purpose of the R-2 District is to provide areas in the COUNTY for DUPLEX residential USES that are located, designed, and developed in compliance with the WELD COUNTY COMPREHENSIVE PLAN and the adopted MASTER PLANS of affected municipalities. The R-2 District is also intended to accommodate nonresidential land USES that are both ACCESSORY to and compatible with residential Uses Allowed by Right in the district.

32.3.2 Uses Allowed by Right in the R-2 District. No BUILDING, STRUCTURE or land shall be used and no BUILDING, or STRUCTURE shall hereafter be erected, structurally altered, enlarged, or maintained in the R-2 District except for one or more of the following USES. Land in the R-2 District must be USED in compliance with the Bulk Requirements contained in Section 32.7. USES within the R-2 District are also subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.

32.3.2.1 USES listed as Uses by Right in the R-1 District.

32.3.2.2 DUPLEX DWELLING UNIT. Said DWELLING UNITS shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the enactment date of this Ordinance.

32.3.2.3 PUBLIC parks and PUBLIC recreation areas.

32.3.2.4 PUBLIC SCHOOLS.



- 32.3.2.5 Police and fire stations or facilities.
- 32.3.3 Accessory Uses in the R-2 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the R-2 District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-2 District. Such BUILDING, STRUCTURES and USES must be designed, constructed, and operated in conformance with the Bulk Requirements contained in Section 32.7, ACCESSORY USES within the R-2 District are also subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Ordinance (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed 4% (four percent) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the GROSS FLOOR AREA of the primary residence on the lot except by variance. Any accessory structure made non-conforming by application of this subsection may be repaired, replaced or restored in total.
- 32.3.3.1 USES listed as ACCESSORY USES in the R-1 District.
- 32.3.4 Uses by Special Review in the R-2 District. The following BUILDING, STRUCTURES, and USES may be constructed, occupied, operated, and maintained in the R-2 District upon approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 32.3.4.1 USES listed as Uses by Special Review for the R-1 District.
- 32.4 The R-3 (Medium Density Residential) District.
  - 32.4.1 Intent of the R-3 District. The purpose of the R-3 District is to provide areas in the COUNTY for medium density residential USES that are located, designed, and developed in compliance with the WELD COUNTY COMPREHENSIVE PLAN and the adopted MASTER PLANS of affected municipalities. The R-3 District is also intended to accommodate nonresidential land USES that are both ACCESSORY to and compatible with residential Uses Allowed by Right in the district.
  - 32.4.2 Uses Allowed by Right in the R-3 District. No BUILDING STRUCTURE or land shall be used, and no BUILDING, or STRUCTURE shall hereafter be erected, structurally altered, enlarged, or maintained in the R-3 District except for one or more of the following USES. Land in the R-3 District must be USED in compliance with the Bulk Requirements contained in Section 32.7. USES within the R-3 District are also subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
    - 32.4.2.1 Attached DWELLING UNITS of two (2) or more but not more than six (6) DWELLING UNITS per LEGAL LOT. Said DWELLING UNITS shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the enactment date of this Ordinance.
    - 32.4.2.2 PUBLIC parks and PUBLIC recreation areas.
    - 32.4.2.3 PUBLIC SCHOOLS.
    - 32.4.2.4 Police and fire stations or facilities.

- 32.4.2.5 UTILITY SERVICE FACILITIES.
- 32.4.3 Accessory in the R-3 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the R-3 District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-3 District. Such BUILDINGS, STRUCTURES, and USES must be designed, constructed, and operated in conformance with the Bulk Requirements contained in Section 32.7. ACCESSORY USES within the R-3 District are also subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Ordinance (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed 4% (four percent) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the GROSS FLOOR AREA of the primary residence on the lot except by variance. Any accessory structure made non-conforming by application of this subsection may be repaired, replaced or restored in total.
- 32.4.3.1 USES listed as ACCESSORY USES in the R-1 District.
- 32.4.4 Uses by Special Review in the R-3 District. The following BUILDINGS, STRUCTURES, and USES may be constructed, occupied, operated, and maintained in the R-3 District upon approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 32.4.4.1 USES listed as USES by Special Review for the R-1 District.
- 32.5 The R-4 (High Density Residential) District.
  - 32.5.1 Intent of the R-4 District. The purpose of the R-4 District is to provide areas in the COUNTY for high density residential USES that are located, designed, and developed in compliance with the WELD COUNTY COMPREHENSIVE PLAN and the adopted MASTER PLANS of affected municipalities. The R-4 District is also intended to accommodate non-residential land USES that are both ACCESSORY to and compatible with residential Uses Allowed by Right in the district.
  - 32.5.2 Uses Allowed by Right in the R-4 District. No BUILDING, STRUCTURE or land shall be USED, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged, or maintained in the R-4 district except for one or more of the following USES. Land in the R-4 District must be used in compliance with the Bulk Requirements contained in Section 32.7. USES within the R-4 District are also subject to the additional requirements contained in Section 40, Supplementary District Regulations Section 50, Overlay Districts.
  - 32.5.2.1 DWELLING UNIT STRUCTURES of two (2) or more UNITS per LEGAL LOT. Said DWELLING UNITS shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the enactment date of this Ordinance.
  - 32.5.2.2 PUBLIC parks and PUBLIC recreation areas.
  - 32.5.2.3 PUBLIC SCHOOLS.
  - 32.5.2.4 Police and fire stations or facilities.
  - 32.5.2.5 UTILITY SERVICE FACILITIES.



32.5.3 Accessory Uses in the R-4 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the R-4 District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-4 District. Such BUILDINGS, STRUCTURES, and USES must be designed, constructed, and operated in conformance with the Bulk Requirements contained in Section 32.7. ACCESSORY USES within the R-4 District shall also be subject to additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Ordinance (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed 4% (four percent) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the GROSS FLOOR AREA of the primary residence on the lot except by variance. Any accessory structure made non-conforming by application of this subsection may be repaired, replaced or restored in total.

32.5.3.1 USES listed as ACCESSORY USES in the R-1 District.

32.5.4 Uses by Special Review in the R-4 District. The following BUILDINGS, STRUCTURES, and USES, may be constructed, occupied, operated, and maintained in the R-4 District upon approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.

32.5.4.1 USES listed as Uses by Special Review for the R-1 District.

32.5.5 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 R-4 District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the R-4 District certify and state that the district requirements that are applicable to the DEVELOPMENT and USE of property zoned R-4 have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process.

32.6 The R-5 (MOBILE HOME Residential) District.

32.6.1 Intent of the R-5 District. The purpose of the R-5 District is to provide areas in Weld County for MOBILE HOME USED for single family residential occupancy. These areas are intended to be located, designed and developed in compliance with the Weld County Comprehensive Plan and the MASTER PLANS of affected municipalities. The R-5 District is also intended to accommodate non-residential land USES that are both ACCESSORY to and compatible with residential USES allowed by right in the district.

32.6.2 Uses Allowed by Right in the R-5 District. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall be hereafter erected, structurally altered, enlarged, or maintained in the R-5 District except for one or more of the following USES. Land in the R-5 District must be USED in compliance with the Bulk Requirements contained in Section 32.7. USES within the R-5 District are subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.

32.6.2.1 One (1) MOBILE HOME, MANUFACTURED HOME, or SINGLE FAMILY DWELLING per LEGAL LOT. The MOBILE HOME, MANUFACTURED HOME, or SINGLE FAMILY DWELLING shall be connected to and served by a PUBLIC

WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the enactment date of this Ordinance.

32.6.2.2 PUBLIC parks and PUBLIC recreation areas.

32.6.2.3 PUBLIC SCHOOLS.

32.6.2.4 Police and fire stations or facility.

32.6.2.5 UTILITY SERVICE FACILITIES.

32.6.3 Accessory Uses in the R-5 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the R-5 District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-5 District. Such BUILDINGS, STRUCTURES, and USES must be designed, constructed, and operated in conformance with the Bulk Requirements contained in Section 32.7. ACCESSORY USES within the R-5 District are also subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay District. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Ordinance (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed 4% (four percent) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the GROSS FLOOR AREA of the primary residence on the lot except by variance. Any accessory structure made non-conforming by application of this subsection may be repaired, replaced or restored in total.

32.6.3.1 USES listed as ACCESSORY USES in the R-1 District.

32.6.4 Uses by Special Review in the R-5 District. The following BUILDINGS, STRUCTURES, and USES may be constructed, occupied, operated, and maintained in the R-5 District upon approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.

32.6.4.1 USES listed as Uses by Special Review for the R-1 District.

32.7 Bulk Requirements for the R-1, R-2, R-3, R-4, and R-5 Districts. The following tables list the Bulk Requirements for the R-1, R-2, R-3, R-4, and R-5 Districts.

	<u>REQUIREMENT</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>
32.7.1	Minimum LOT size (sq. ft.)	6,000	6,000	6,000	6,000	see 32.7.9
32.7.2	Minimum LOT area per residential STRUCTURE (sq. ft.)	6,000	4,500	4,500	3,000	
32.7.3	Minimum LOT area/unit (sq. ft.)	6,000	3,000	3,000	1,500	
32.7.4	Minimum SETBACK (feet)	20	20	20	20	
32.7.5	Minimum OFFSET (feet)	5 feet or, one foot for each three feet of BUILDING HEIGHT, whichever is greater.				
32.7.5.1	Fences are not required to comply with the minimum OFFSET and may be located on the property line.					
32.7.6	Maximum BUILDING HEIGHT (feet)	30	30	30	45	



32.7.7	Maximum LOT coverage (%)	50	60	60	70
32.7.8	Maximum number of ANIMAL UNITS permitted per LOT	Two (2) per LOT. Subject to the additional requirements of Section 47, <u>Livestock Feeding Performance Standards</u> . ANIMAL UNITS are not permitted in the R-2, R-3, R-4, and R-5 zone districts.			

<u>REQUIREMENT</u>	<u>R-5</u> (MOBILE HOME PARK)	<u>R-5</u> (MOBILE HOME SUBDIVISION)	
32.7.9	Minimum LOT area (sq. ft.)	N/A	6,000
32.7.10	Minimum LOT width (feet)	N/A	50
32.7.11	Minimum SETBACK OFFSET (feet)	See Sections 32.7.11.1 and 32.7.12.1	See Sections 32.7.11.1 and 32.7.12.2
32.7.11.1	The minimum front yard SETBACK in MOBILE HOME PARKS and MOBILE HOME SUBDIVISIONS shall be twenty (20) feet. The minimum front yard setback for MOBILE HOME PARKS approved prior to January 25, 1978, and MOBILE HOME SUBDIVISIONS approved prior to January 1, 1965, shall be zero feet. The location in these parks and subdivisions for MOBILE HOMES shall be such that no MOBILE HOME or attached portion of a MOBILE HOME will encroach the nearest travel land or the ADJACENT road, flow line of the ADJACENT road or sidewalk ADJACENT to the MOBILE HOME.		
32.7.12	Minimum side yard OFFSET and minimum rear yard OFFSET.		
32.7.12.1	The side and rear yard OFFSET requirements in MOBILE HOME PARKS shall be based on the distance between MOBILE HOME units measured from the closest point or edge of the MOBILE HOME as follows:		
32.7.12.1.1	Ten (10) feet between MOBILE HOMES if the units are placed end (width) to end (width).		
32.7.12.1.2	Fifteen (15) feet between MOBILE HOMES if the units are placed side (length) to side (length).		
32.7.12.1.3	Twelve and one half (12.5) feet between MOBILE HOMES if the units are placed side (length) to end (width).		
32.7.12.1.4	For the purpose of this section, the ends (width) of MOBILE HOMES that are greater than sixteen (16) feet in width, such as double wide MOBILE HOMES, shall be considered to be sides of the MOBILE HOME in measuring distances between MOBILE HOME units.		
32.7.12.1.5	A MOBILE HOME shall have a minimum OFFSET of five (5) feet from the perimeter of the MOBILE HOME PARK or from any ADJACENT property which is not approved to be utilized for a MOBILE HOME.		
32.7.12.1.6	ACCESSORY BUILDINGS and STRUCTURES on the same LOT or space as a MOBILE HOME shall have a minimum clearance of ten (10) feet from any STRUCTURE or MOBILE HOME on any other LOT.		
32.7.12.1.7	Commonly owned or utilized BUILDINGS which are accessory to the park shall have a minimum clearance of ten (10) feet from any other STRUCTURE or MOBILE		

HOME.

- 32.7.12.2 The side and rear yard OFFSET requirements in the MOBILE HOME SUBDIVISIONS shall be as follows:
  - 32.7.12.2.1 The side (length) of a MOBILE HOME shall be placed no less than seven and one half (7.5) feet from any rear or side yard lot line.
  - 32.7.12.2.2 The end (width) of a MOBILE HOME shall be placed no less than five (5) feet from any rear or side yard LOT line.
  - 32.7.12.2.3 For the purpose of this section, the ends (width) of MOBILE HOMES that are greater than sixteen (16) feet in width shall be considered to be sides (lengths) of MOBILE HOMES for the purpose of measuring offset.
  - 32.7.12.2.4 ACCESSORY BUILDINGS and STRUCTURES on the same lot or space as a MOBILE HOME shall have a minimum rear and side yard OFFSET from the lot line of five (5) feet.
  - 32.7.12.2.5 Commonly owned or utilized BUILDINGS which are ACCESSORY to the subdivisions shall have minimum side and rear YARD OFFSET from the LOT line of ten (10) feet.
  - 32.7.12.2.6 No BUILDING or STRUCTURE shall be constructed within a 350 foot radius of any OIL AND GAS PRODUCTION FACILITIES. Any construction within a 350 foot radius of OIL AND GAS PRODUCTION FACILITIES shall require a variance from the terms of this Ordinance in accordance with Section 61.3.

33 Commercial Districts

33.1 Intent. The C-1, C-2, C-3, and C-4 COMMERCIAL Districts are intended to provide safe, efficient areas in which to offer goods and services at wholesale or retail. The regulations contained herein have been established so as to provide for COMMERCIAL areas in the COUNTY which meet the needs of the COUNTY residents and visitors for goods and services, without creating adverse effects on surrounding USES or on the area in which the District is established. These regulations are also designed to promote the health, safety, and general welfare of the present and future residents of the COUNTY.

33.2 The C-1 (NEIGHBORHOOD COMMERCIAL) District.

33.2.1 Intent of the C-1 District. To establish and preserve areas for activities which provide convenience goods and services primarily for the residents of a specific NEIGHBORHOOD. The C-1 Districts shall be located, designed and operated in a manner that minimizes the undesirable impacts of the allowed commercial USES on the NEIGHBORHOOD in which they are located.

33.2.2 Uses Allowed by Right in the C-1 District. No BUILDING, STRUCTURE, or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged, or maintained in the C-1 District except for one or more of the following USES, which must be conducted in ENCLOSED BUILDINGS and in compliance with the performance standards contained in Section 33.6. No outside storage will be allowed in the C-1 District. USES within the C-1 District shall also be subject to additional requirements contained in Section 40 Supplementary District Regulations, and Section 50, Overlay Districts.

33.2.2.1 Stores and shops which furnish personal services and merchandise primarily intended for personal, family, or household purposes by the residents of the area in



which the USE is located. Individual stores or shops may not have a GROSS FLOOR AREA greater than three thousand (3,000) square feet. Stores and shops in the C-1 District may not have business hours during any part of the period between 10:00 p.m., and 6:00 a.m. Examples of proper stores or shops include: convenience food stores, hardware stores, barber or beauty shops, liquor stores, drycleaners, and coin operated laundries.

- 33.2.2.2 RESTAURANTS, not including those having a total customer seating capacity of more than one hundred (100) and not including RESTAURANT operations including the delivery of food or beverages to customers' vehicles on the premises or RESTAURANT operations that are predominantly off-premise consumption in nature.
- 33.2.2.3 SCHOOL, churches, and PUBLIC SCHOOL extension classes.
- 33.2.2.4 PUBLIC RECREATIONAL FACILITIES, community BUILDINGS, museums, and libraries.
- 33.2.2.5 Police and fire stations and facilities.
- 33.2.2.6 OFFICES, but not including INDIVIDUAL OFFICES with a GROSS FLOOR AREA over three thousand (3,000) square feet.
- 33.2.2.7 UTILITY SERVICE FACILITIES.
- 33.2.3 Accessory Uses in the C-1 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the C-1 District so long as they are clearly incidental and ACCESSORY to the USES Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed, and operated in conformance with the performance standards contained in Section 33.6. ACCESSORY USES within the C-1 District shall also be subject to additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
- 33.2.3.1 Parking areas or STRUCTURES for USE by employees, customers and company vehicles so long as such parking areas are paved and SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4 or R-5.
- 33.2.3.2 Loading areas or STRUCTURES so long as such loading areas or STRUCTURES are SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4 or R-5.
- 33.2.3.3 Storage BUILDINGS for materials used in the conduct of the Use Allowed by Right so long as the GROSS FLOOR AREA of the ACCESSORY BUILDING does not cause the total GROSS FLOOR AREA of the principal USE and ACCESSORY USE to be larger than permitted for the principal USE.
- 33.2.3.4 One (1) SINGLE FAMILY DWELLING UNIT when USED as living quarters for the proprietor, employee(s), caretaker(s), or security personal responsible for operating, maintaining or guarding the property where such DWELLING UNIT is ENCLOSED within the PRINCIPAL BUILDING.
- 33.2.4 Uses by Special Review in the C-1 District. The following BUILDINGS, STRUCTURES, and USES may be constructed, occupied, operated, and maintained in the C-1 District upon approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 33.2.4.1 Private or COMMERCIAL RECREATIONAL FACILITIES.
- 33.2.4.2 Microwave, radio, television or other communication towers over forty-five (45) feet

in height (measured from ground level).

- 33.2.4.3 RESTAURANTS with outdoor seating capabilities provided such outdoor areas are SCREENED and do not create a RESTAURANT capacity of over one hundred (100)
- 33.2.4.4 Storage BUILDINGS for materials USED in the conduct of the Use Allowed by Right which are larger than otherwise permitted as an ACCESSORY USE in the C-1 District.
- 33.2.4.5 Stores and shops which furnish personal services and merchandise primarily intended for personal, family, or household purposes by the residents of the area in which the USE is located and which do not meet the limitations of the C-1 District for size or hours of operation.
- 33.2.4.6 OFFICES with GROSS FLOOR AREA larger than three thousand (3,000) square feet.
- 33.2.4.7 OIL OR GAS PRODUCTION FACILITIES.
- 33.2.4.8 One (1) MOBILE HOME when USED as living quarters for the proprietor, employees, caretakers or security personnel responsible for operating, maintaining or guarding the property subject to the provisions of Section 43.3, MOBILE HOMES in C (COMMERCIAL) or I (Industrial) Districts.
- 33.2.5 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 C-1 District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the C-1 District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USES of property zoned C-1 have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process. Uses listed in Section 33.2.4 as Uses by Special Review in the C-1 District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 33.2.6 Performance Standard Compliance Required. All BUILDINGS, STRUCTURES, and land located in the C-1 District shall be located, designed, used and occupied in such a manner that the design and operation standards contained in Section 33.6, Performance Standards, are met.
- 33.2.7 Bulk Requirements (see Performance Standards, Section 33.6).
- 33.3 The C-2 (General COMMERCIAL) District
  - 33.3.1 Intent of the C-2 District. To established and preserve areas for activities which provide goods and services to the residents or areas larger than a local NEIGHBORHOOD. The C-2 Districts shall be located, designed, and operated in a manner that minimizes the undesirable impacts of the USES on the area in which they are located.
  - 33.3.2 Uses Allowed by Right in the C-2 District. No BUILDINGS, STRUCTURE, or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-2 District except for one or more of the following USES, which must be ENCLOSED and conducted in compliance with the performance standards contained in Section 33.6, Performance Standards.

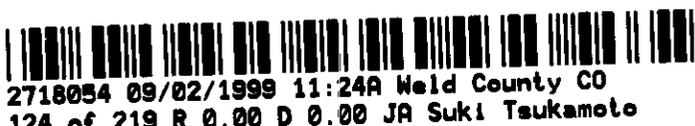
No outside storage will be allowed in the C-2 District. USES within the C-2 District shall also be subject to additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.

- 33.3.2.1 Uses Allowed by Right in the C-1 District.
- 33.3.2.2 Stores and shops furnishing services and merchandise at retail to the general public.
- 33.3.2.3 RESTAURANTS, including DRIVE-IN RESTAURANTS.
- 33.3.2.4 NIGHTCLUBS, BARS, LOUNGES AND TAVERNS.
- 33.3.2.5 THEATERS, convention halls, and other such facilities and STRUCTURES, private or PUBLIC, with seating capacities not over on thousand (1,000).
- 33.3.2.6 Establishments for the sale and care of HOUSEHOLD PETS.
- 33.3.2.7 OFFICES.
- 33.3.2.8 Lumberyards, not including lumberyards with outside storage. Lumberyards that utilize storage STRUCTURES having an open side shall be permitted so long as the open side is not visible from the public rights-of-way or from surrounding properties.
- 33.3.2.9 Establishments for the repair and/or restoration of small electrical equipment and appliances such as radios, television sets, business office machines, and household appliances.
- 33.3.2.10 Private and COMMERCIAL RECREATIONAL FACILITIES.
- 33.3.2.11 HOSPITALS, nursing homes, and mental or physical rehabilitation centers.
- 33.3.2.12 Mortuaries and FUNERAL HOME.
- 33.3.2.13 HOTELS OR MOTELS.
- 33.3.2.14 ADULT BUSINESS, SERVICE, or ENTERTAINMENT ESTABLISHMENT subject to the provisions of Section 91, Adult Business, Services, or Entertainment Establishment.
- 33.3.2.15 One microwave, COMMERCIAL radio, television, or other communication transmission or relay towers seventy (70) feet or less in height per LOT . (measured from ground level)
- 33.3.3 Accessory Uses in the C-2 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the C-2 District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES, and USES must be designed, constructed, and operated in conformance with the Performance Standards contained in Section 33.6. ACCESSORY USES within the C-2 District shall also be subject to additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
- 33.3.3.1 Parking areas or STRUCTURES for USE by employees, customers and company vehicles so long as such parking areas are paved and SCREENED from ADJACENT property zoned R-1, R-2, R-3, R-4, R-5, C-1, C-4 or I-1.
- 33.3.3.2 Loading areas or STRUCTURES so long as such loading areas or STRUCTURES and SCREENED from direct view of persons on ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-4 or I-1.

- 33.3.3.3 Storage BUILDINGS for materials USED in the conduct of the Use Allowed by Right.
- 33.3.3.4 One (1) SINGLE FAMILY DWELLING UNIT when USED as living quarters for the proprietor, employee(s), caretaker(s), or security personnel responsible for operating, maintaining or guarding the property where such DWELLING UNIT IS ENCLOSED within the PRINCIPAL BUILDING.
- 33.3.4 USES by Special Review in the C-2 District. The following BUILDINGS, STRUCTURES, and USES may be constructed, occupied, operated and maintained in the C-2 District upon approval of a permit in accordance with the requirements of Section 24, Uses by Special Review.
- 33.3.4.1 Microwave, COMMERCIAL radio, television, or other communication transmission or relay towers over seventy (70) feet in height (measured from ground level).
- 33.3.4.2 THEATERS, convention halls, and other such facilities with seating capacities over one thousand (1,000).
- 33.3.4.3 Gasoline service stations.
- 33.3.4.4 OIL AND GAS PRODUCTION FACILITIES.
- 33.3.4.5 One (1) MOBILE HOME when USED as living quarters for the proprietor, employee(s), caretaker(s) or security personnel responsible for operating, maintaining or guarding the property subject to the provisions of Section 43.3, MOBILE HOMES in C (Commercial) or I (Industrial) Districts.
- 33.3.4.6 More than one microwave, COMMERCIAL radio, television, or other communication transmission or relay tower per LOT.
- 33.3.5 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 C-2 District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the C-2 District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned C-2 have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process. Uses listed in Section 33.3.4 as Uses by Special Review in the C-2 District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 33.3.6 Performance Standard Compliance Required. All BUILDINGS, STRUCTURES, and land located in the C-2 District shall be located, designed, USED and occupied in such a manner that the design and operation standards contained in Section 33.6, Performance Standards, are met.
- 33.3.7 Bulk Requirements (see Performance Standards, Section 33.6).
- 33.4 The C-3 District
  - 33.4.1 Intent of the C-3 District. To establish and preserve areas for activities which provide goods or services for the benefit of the general public or which require large amounts of space or high traffic volumes for generating business. The C-3 District shall be located, designed and operated in a manner that minimizes the undesirable impacts on the area in which they are located.



- 33.4.2 Uses Allowed by Right in the C-3 District. No BUILDINGS, STRUCTURES, or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged, or maintained in the C-3 District except for one or more of the following USES which must be conducted in compliance with Performance Standards contained in Section 33.6, Performance Standards. USES within the C-3 District shall also be subject to additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
- 33.4.2.1 Uses Allowed by Right in the C-1 District.
- 33.4.2.2 Uses Allowed by Right in the C-2 District.
- 33.4.2.3 THEATERS, convention halls, and other such facilities.
- 33.4.2.4 Gasoline service stations, car washes, VEHICLE SERVICE/REPAIR ESTABLISHMENTS.
- 33.4.2.5 Lumberyards.
- 33.4.2.6 Warehousing and transfer facilities.
- 33.4.2.7 VEHICLE SALES ESTABLISHMENTS for the sale, rental, or leasing of new or used vehicles or equipment.
- 33.4.2.8 VEHICLE RENTAL ESTABLISHMENTS.
- 33.4.2.9 WHOLESALE TRADE ESTABLISHMENTS for the sale of merchandise or services at the wholesale level.
- 33.4.2.10 Equipment or appliance repair shops.
- 33.4.2.11 CONTRACTOR'S SHOPS.
- 33.4.2.12 Headquarters or service facilities for ambulance services, taxi services, bus services and other services involving the transportation of people.
- 33.4.2.13 COMMERCIAL or private PARKING LOTS.
- 33.4.2.14 TEMPORARY facilities for the sale of fireworks and Christmas trees.
- 33.4.3 Accessory Uses in the C-3 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the C-3 District so long as they are clearly incidental and ACCESSORY to the USES Allowed by Right. Such BUILDINGS, STRUCTURES, and USES must be designed, constructed and operated in conformance with the Performance Standards contained in Section 33.6, Performance Standards. ACCESSORY USES within the C-3 District shall also be subject to additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
- 33.4.3.1 Parking areas or STRUCTURES so long as such PARKING AREAS are paved and SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4, or I-1;
- 33.4.3.2 Loading areas or STRUCTURES so long as such areas or STRUCTURES are SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4, or I-1;
- 33.4.3.3 One (1) MOBILE HOME when USED as living quarters for caretaker(s) or security



personnel responsible for maintaining or guarding the property, subject to the provisions of Section 43.3, MOBILE HOMES in ( C ) COMMERCIAL or ( I ) Industrial Districts.

- 33.4.4 Uses by Special Review in the C-3 District. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-3 District upon approval of a permit in accordance with the requirements of Section 24, Uses by Special Review.
- 33.4.4.1 Microwave, COMMERCIAL radio, television, or other communication transmission or relay towers over seventy (70) feet in height (measured from ground level).
- 33.4.4.2 USES listed as USES Allowed by Right in the I-1 Industrial District provided that the USE is ENCLOSED and SCREENED and that the Commercial District Performance Standards contained in Section 33.6, Performance Standards, are met prior to construction and during operation.
- 33.4.4.3 OIL AND GAS PRODUCTION FACILITIES.
- 33.4.4.4 AIRSTRIPS when they are ACCESSORY to the Use Allowed by Right.
- 33.4.4.5 COMMERCIAL JUNKYARD or salvage YARD .
- 33.4.5 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 C-3 District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the C-3 District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned C-3 have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process. Uses listed in Section 33.4.4 as Uses by Special Review in the C-3 District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 33.4.6 Performance Standard Compliance Required. All BUILDINGS, STRUCTURES, and land located in the C-3 District shall be located, designed, USED and occupied in such a manner that the design and operation standards contained in Section 33.6, Performance Standards, are met.
- 33.4.7 Bulk Requirements (see Performance Standards, Section 33.6).
- 33.5 The C-4 (Highway Commercial) District
  - 33.5.1 Intent of the C-4 District. To establish and preserve areas located with access to MAJOR THOROUGHFARES that provide essential goods and services to the traveling public. The C-4 Districts shall be located, designed and operated in a manner that does not create problems of traffic access or conflict and that minimizes the undesirable impacts of the USES on the area in which the USES are located.
  - 33.5.2 USES by Right in the C-4 District. No BUILDINGS, STRUCTURES, or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-4 District except for one or more of the following USES which must be conducted in conformance with Performance Standards contained in Section 33.6, Performance Standards. USES within the C-4 District shall also be subject to additional requirements contained in Section 40,



Supplementary District Regulations and Section 50, Overlay Districts.

- 33.5.2.1 HOTELS AND MOTELS.
- 33.5.2.2 Gasoline stations.
- 33.5.2.3 RESTAURANTS, including DRIVE-IN RESTAURANTS.
- 33.5.2.4 PUBLIC SCHOOL extension classes.
- 33.5.2.5 UTILITY SERVICE FACILITIES.
- 33.5.2.6 Police and Fire Stations or Facilities.
- 33.5.3 Accessory Uses in the C-4 District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the C-4 District so long as they are clearly incidental and ACCESSORY to the USES Allowed by Right. Such BUILDINGS, STRUCTURES, and USES must be designed, constructed, and operated in conformance with the Performance Standards contained in Section 33.6, Performance Standards. ACCESSORY USES within the C-4 District shall also be subject to additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
  - 33.5.3.1 Parking areas or STRUCTURES for USE by employees, customers and company vehicles so long as such parking area are paved and SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, or I-1.
  - 33.5.3.2 Loading areas or STRUCTURES so long as such loading areas or STRUCTURES are SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, or I-1.
  - 33.5.3.3 Storage BUILDINGS for materials used in the conduct of Uses Allowed by Right.
  - 33.5.3.4 Outdoor STORAGE AREAS so long as such areas are SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, or I-1.
  - 33.5.3.5 Stores and shops furnishing convenience goods for USE primarily by the traveling public, not including stores or shops with GROSS FLOOR AREAS larger than three thousand (3,000) square feet. Examples include: convenience food stores, souvenir shops, and coin operated laundries.
  - 33.5.3.6 Repair garages or shops.
  - 33.5.3.7 One (1) MOBILE HOME when USED as living quarters for caretakers or security personnel responsible for maintaining or guarding the property, subject to the provisions of Section 43.3, MOBILE HOMES in C (COMMERCIAL) or I (Industrial) Districts.
- 33.5.4 Uses by Special Review in the C-4 District. The following BUILDINGS, STRUCTURES, and USES may be constructed, occupied, operated, and maintained in the C-4 District upon approval of a permit in accordance with the requirements of Section 24, Uses by Special Review.
  - 33.5.4.1 Microwave, radio, television or other communication towers over forty-five (45) feet in height (measured from ground level).
  - 33.5.4.2 OIL AND GAS PRODUCTION FACILITIES.

- 33.5.5 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 C-4 District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the C-4 District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned C-4 have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process. Uses listed in Section 33.5.4 as Uses by Special Review in the C-4 District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 33.5.6 Performance Standard Compliance Required. All BUILDINGS, STRUCTURES, and land located in the C-4 District shall be located, designed, used and occupied in such a manner that the design and operation standards contained in Section 33.6, Performance Standards, are met.
- 33.5.7 Bulk Requirements (see Performance Standards, Section 33.6).
- 33.6 Performance Standards. All BUILDINGS, STRUCTURES and land located in the Commercial Districts shall be located, designed, USED and occupied in accordance with the design and operation standards enumerated below.
- 33.6.1 Design Standards. The applicant for a building permit shall certify, according to the intent of Section 23, Site Plan Review, that the following performance standards and the specific zone district requirements have been met. Additionally, the applicant shall certify that the compliance with these performance standards shall continue once the USE, BUILDING or STRUCTURE is constructed and in operation.
- 33.6.1.1 Storm Water Management. All users of land in Commercial Districts shall provide and maintain storm water retention facilities designed to retain the storm water runoff in excess of historic flow from the undeveloped site. The storm water retention facility on a developed site shall be designed for a one hundred (100) year storm. The storm water retention facility shall be designed and operated to release the retained water at a quantity and rate not to exceed the quantity and rate of a five year storm falling on the undeveloped site.
- 33.6.1.2 Parking. Sufficient SCREENED, off street, paved parking areas shall be provided in the Commercial Districts to meet the requirements of employees, company vehicles, visitors and customers of the Uses Allowed by Right and ACCESSORY USES. For detailed parking requirements see Section 41.1, Offstreet Parking Requirements.
- 33.6.1.3 STREET Access. LOTS in Commercial Districts shall have safe access to an approved PUBLIC or private STREET. The design designation of any STREET or highway as to type shall be in conformance with that shown on the Weld County Thoroughfare Plan and/or the MASTER PLAN of the affected municipality. Vehicular ingress and egress shall be permitted only via the following types of STREETS:
- 33.6.1.3.1 ARTERIAL.
- 33.6.1.3.2 COLLECTOR, when that COLLECTOR STREET does not serve any Residential District before intersecting an ARTERIAL.
- 33.6.1.3.3 FRONTAGE or SERVICE ROAD.

33.6.1.3.4 LOCAL, when the LOCAL STREET is internal to the Commercial District and does not serve any Residential District LOTS.

33.6.1.3.5 New accesses to public rights-of-way shall be constructed using the minimum standards below. Designs exceeding these minimums may be required by the Weld County Department of Public Works depending upon the number and type of vehicles generated by the USE proposed.

size of drainage structure	15" (Fifteen inches) diameter
length of drainage structure	20' (Twenty feet)
depth of cover over pipe	12" (Twelve inches)
width of access, variable	10'-24' (Ten to Twenty four feet)
maximum grade of access	15%(Fifteen percent)
flare radius, variable	20'-40' (Twenty to Forty feet)
depth of surfacing	4" (Four inches)

33.6.1.3.6 Acceleration/deceleration lanes shall be provided where required by the Weld County Department of Engineering Services or the Colorado Department of Transportation to provide safe, efficient access to ARTERIAL or COLLECTOR STREETS.

33.6.1.4 Required yards

33.6.1.4.1 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.

33.6.1.4.1.1 Fences over six (6) feet in height are not required to comply with the minimum SETBACK and may be located on the property line. Fences located on corner LOTS abutting public right-of-way shall not obstruct the view of vehicular traffic at an intersection.

33.6.1.4.2 OFFSET. No USE or ACCESSORY USE may be located closer than ten (10) feet to its LOT line. Off street parking areas may be permitted in the required OFFSET area when the area is SCREENED from ADJACENT LOTS zoned R-1, R-2, R-3, R-4 or R-5.

33.6.1.4.2.1 Fences over six (6) feet in height are not required to comply with the minimum OFFSET and may be located on the property line.

33.6.1.5 Required LANDSCAPED Areas

33.6.1.5.1 No more than eight-five percent (85%) of the total area of a LOT in any COMMERCIAL District shall be covered. Land shall not be deemed covered if it is used for growing grass, shrubs, trees, plants or flowers or if covered by decorative gravels or wood chips, or if it is otherwise suitably LANDSCAPED.

33.6.1.5.2 That portion of a LOT in any COMMERCIAL District which abuts a PUBLIC or private STREET right-of-way shall be LANDSCAPED for a distance of ten (10) feet, measured at a right angle from the LOT line toward's the interior of the LOT. Sidewalks and driveways may pass through the required LANDSCAPED areas.

33.6.1.6 Areas USED for trash collection shall be SCREENED from public rights-of-way and all ADJACENT properties. These areas shall be designed and USED in a manner that will prevent wind or animal scattered trash.



- 33.6.1.7 Water Supply. USES located in the COMMERCIAL Districts shall have an adequate source of potable water.
- 33.6.1.8 Sewage Disposal. USES located in COMMERCIAL Districts shall have adequate sewage disposal facilities.
- 33.6.1.9 Outside storage. USES in COMMERCIAL Districts involving outdoor storage of vehicles, equipment, or materials when permitted shall be SCREENED from public rights-of-way and all ADJACENT properties.
- 33.6.2 Operation Standards. USES in COMMERCIAL Districts shall demonstrate conformance with the following operation standards to the extent that they are affected by location, layout and design prior to construction and operation. Once operational, the operation of the USES permitted shall conform to these standards.
- 33.6.2.1 Noise. USES and STRUCTURES in Commercial Districts shall be located, designed and operated in accordance with the noise standards as established in 25-12-101 C.R.S., as amended.
- 33.6.2.2 Air Quality. USES in the Commercial Districts shall be located designed and operated in accordance with the air quality standards established by the Colorado Air Pollution Control Commission.
- 33.6.2.3 Water Quality. USES in the Commercial Districts shall be located, designed and operated in accordance with the water quality control standards established by the Colorado Water Quality Control Commission.
- 33.6.2.4 Radiation and Radioactive Materials. The handling, USE, storage and processing of radioactive materials shall be in accordance with the applicable regulations of the State of Colorado and the United States Government.
- 33.6.2.5 Heat. USES located within Commercial Districts shall not emit heat in such an amount sufficient to raise the temperature of the air or of materials at or beyond the LOT line more than five (5) degrees Fahrenheit.
- 33.6.2.6 Light. Any lighting, including light from high temperature processes such as welding or combustion, shall be designed, located and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto ADJACENT properties; neither the direct or reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS ; and no colored lights may be used which may be confused with or construed as traffic control devices.
- 33.6.2.7 Property Maintenance. Property located within Commercial Districts shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than twelve (12) inches. In no event shall the property owners allow the growth of NOXIOUS WEEDS.

34 Industrial Districts

- 34.1 Intent. The purpose of the Industrial Districts is to provide protective zones for the DEVELOPMENT and operation of industrial USES. The regulations contained herein have been established so as to provide a healthful operating environment for industry; to protect industry from the encroachment of COMMERCIAL and residential USES which may be adverse to the operation and expansion of such industry; to protect industries within the district from the adverse effect of other, incompatible industries; to reduce to a minimum the impact of industries on surrounding, nonindustrial land USES to prevent detrimental impacts which may negatively affect the future USE or DEVELOPMENT of



ADJACENT properties or the general NEIGHBORHOOD as defined by the COMPREHENSIVE PLAN; and to promote the health, safety and general welfare of the present and future residents of the COUNTY. .

34.2 I-1 (Industrial) District

34.2.1 Intent. The purpose of the I-1 District is to provide a zone to accommodate industrial USES which create minimal negative visual impacts.

34.2.2 Uses Allowed by Right in the I-1 District. No BUILDING, STRUCTURE or land shall be used in the I-1 District and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following USES. The USES must be conducted in compliance with the Performance Standards contained in Section 34.5, Performance Standards.

34.2.2.1 Any USE of a research, repairing, manufacturing, fabricating, processing, assembling, or storage nature may be conducted in the I-1 District as long as such USE is conducted only within ENCLOSED BUILDINGS.

34.2.2.2 Areas for parking passenger vehicles with a gross vehicle weight less than six thousand (6,000) pounds so long as such parking areas are SCREENED from the public rights-of-way or on ADJACENT properties. Unenclosed parking of vehicles with a gross vehicle weight over six thousand (6,000) pounds is not permitted in the I-1 District.

34.2.2.3 SIGNS, as long as the SIGNS are located and designed in accordance with the requirements of Section 42, SIGNS.

34.2.2.4 UTILITY SERVICE FACILITIES.

34.2.2.5 PUBLIC SCHOOL extension classes.

34.2.2.6 Police and Fire Stations or Facilities.

34.2.2.7 Disposal of domestic sewage sludge subject to the additional requirements of Section 48, Domestic Sewage Sludge Regulations.

34.2.3 Accessory Uses in the I-1 District. The 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. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the Performance Standards set forth in Section 34.5, Performance Standards.

34.2.3.1 OFFICES for USE by operators of the Uses Allowed by Right.

34.2.3.2 Loading areas or STRUCTURES only when SCREENED from the ADJACENT public rights-of-way or ADJACENT properties.

34.2.3.3 Parking areas or STRUCTURES for passenger vehicles with a gross vehicle weight less than six thousand (6,000) pounds only when the vehicles are SCREENED from the ADJACENT public rights-of-way or on ADJACENT properties.

34.2.3.4 One (1) MOBILE HOME when USED as living quarters for caretaker(s) or security personnel responsible for maintaining or guarding the property, subject to the provisions of Section 43.3, MOBILE HOMES in C (Commercial) or I (Industrial) Districts.

34.2.3.5 RECREATIONAL FACILITIES for the USE of persons employed in the conduct or

maintenance of the USES allowed on the property.

- 34.2.3.6 Retail sales, when ACCESSORY to USES of manufacturing, fabricating or assembling.
- 34.2.3.7 One (1) microwave, COMMERCIAL radio, television, or other communication transmission or relay tower seventy (70) feet or less in height per LOT.
- 34.2.4 Uses by Special Review in the I-1 District. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied or maintained in the I-1 District upon the approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 34.2.4.1 OIL AND GAS PRODUCTION FACILITIES
- 34.2.4.2 AIRSTRIPS when they are ACCESSORY to the Use Allowed by Right
- 34.2.4.3 Microwave, COMMERCIAL radio, television, or other communication transmission or relay towers over seventy (70) feet in height (measured from ground level).
- 34.2.4.4 More than one (1) microwave, COMMERCIAL radio, television, or other communication transmission or relay tower per LOT.
- 34.2.5 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 Department of Planning Services. It shall be necessary that the applicant in the I-1 District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned I-1 have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process. Uses listed in Section 34.2.4 as Uses by Special Review in the I-1 District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 34.2.6 Performance Standard Compliance Required. All BUILDINGS, STRUCTURES, and land located in the I-1 District shall be located, designed, used and occupied in such a manner that the design and operation standards contained in Section 34.5, Performance Standards, are met.
- 34.2.7 Bulk Requirements (see Performance Standards, Section 34.5).
- 34.3 I-2 (Industrial) District
  - 34.3.1 Intent. The purpose of the I-2 District is to provide a zone to accommodate industrial USES which cannot conform to the stringent visual impact requirements of the I-1 District and which do not want to be subjected to the potential adverse visual impacts permitted in the I-3 District. The intent is to permit industries which may create moderate visual impacts.
  - 34.3.2 USES Allowed by Right in the I-2 District. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following USES which must be conducted in compliance with the Performance Standards contained in Section 34.5, Performance Standards.
    - 34.3.2.1 Any USE of a research, repairing, manufacturing, fabricating, processing,

assembling or storage nature may be conducted in the I-2 District. The USES identified may be conducted outside of an ENCLOSED building provided that the USE and/or operations of the USE are SCREENED from ADJACENT public rights-of-way and ADJACENT properties.

- 34.3.2.2 Areas for parking vehicles or equipment, so long as such parking areas are SCREENED from the ADJACENT public rights-of-way and on ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4 or I-1.
- 34.3.2.3 SIGNS, as long as the SIGNS are located and designed in accordance with the requirements of Section 42, Signs.
- 34.3.2.4 UTILITY SERVICE FACILITIES.
- 34.3.2.5 PUBLIC SCHOOL extension classes.
- 34.3.2.6 Police and Fire Stations or Facilities.
- 34.3.2.7 Disposal of domestic sewage sludge subject to the additional requirements of Section 48, Domestic Sewage Sludge Regulations.
- 34.3.3 Accessory Uses in the I-2 District. The following BUILDINGS, STRUCTURES, and USES may be allowed in the I-2 Districts so long as they are clearly incidental and ACCESSORY to the Use Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the Performance Standards set forth in Section 34.5, Performance Standards.
  - 34.3.3.1 OFFICES for use by operators of the Use Allowed by Right.
  - 34.3.3.2 Loading areas or STRUCTURES only when SCREENED from the ADJACENT public rights-of-way and on ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4 or I-1.
  - 34.3.3.3 Parking areas or STRUCTURES for vehicles or equipment, so long as the vehicles or equipment are SCREENED from the ADJACENT public rights-of-way and on ADJACENT properties zoned, R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4 or I-1.
  - 34.3.3.4 One (1) MOBILE HOME when USED as living quarters for caretaker(s) or security personnel responsible for maintaining or guarding the property, subject to the provisions of Section 43.3, MOBILE HOMES in C (Commercial) or I (Industrial) Districts.
  - 34.3.3.5 RECREATIONAL FACILITIES for the USE of persons employed in the conduct or maintenance of the USES allowed on the property.
  - 34.3.3.6 Retail sales, when ACCESSORY to USES of manufacturing, fabricating or assembling.
- 34.3.4 USES by Special Review in the I-2 District. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied or maintained in the I-2 District upon the approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
  - 34.3.4.1 OIL AND GAS PRODUCTION FACILITIES.
  - 34.3.4.2 AIRSTRIPS when they are ACCESSORY to the Use Allowed by Right.
  - 34.3.4.3 Microwave, radio, television or other communication towers over forty-five (45) feet

in height (measured from ground level).

34.3.5 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-2 District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant for a building permit in the I-2 District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned I-2 have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process. Uses listed in Section 34.3.4 as Uses by Special Review in the I-2 District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.

34.3.6 Performance Standard Compliance Required. All BUILDINGS, STRUCTURES, and land located in the I-2 Districts shall be located, designed, USED and occupied in such a manner that the design and operation standards contained in Section 34.5, Performance Standards, are met.

34.3.7 Bulk Requirements (see Performance Standards, Section 34.5).

34.4 I-3 (Industrial) District.

34.4.1 Intent. The purpose of the I-3 District is to provide a zone to accommodate industrial USES which may create adverse visual impacts for ADJACENT USES. As a result, such USES may required locations relatively isolated from other land USES types.

34.4.2 Uses Allowed by Right in the I-3 District. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following USES which must be conducted in compliance with the Performance Standards contained in Section 34.5.

34.4.2.1 Any USE of a research, repairing, manufacturing, fabricating, processing, assembling or storage nature may be conducted in the I-3 District.

34.4.2.2 SIGNS, as long as the SIGNS are located and designed in accordance with the requirements of Section 42, Signs.

34.4.2.3 Parking or vehicles and equipment.

34.4.2.4 UTILITY SERVICE FACILITIES.

34.4.2.5 PUBLIC SCHOOL extension classes.

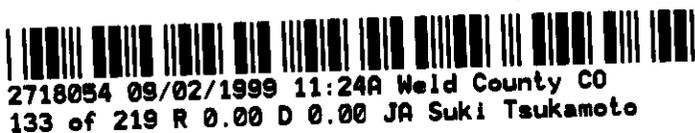
34.4.2.6 OIL AND GAS PRODUCTION FACILITIES. .

34.4.2.7 Police and Fire Station or Facilities

34.4.2.8 Disposal of domestic sewage sludge subject to the additional requirements of Section 48, Domestic Sewage Sludge Regulations.

34.4.2.9 Temporary facilities for the sale of fireworks and Christmas trees.

34.4.3 Accessory Uses in the I-3 District. The following BUILDINGS, STRUCTURES, and USES may be allowed in the I-3 Districts so long as they are clearly incidental and



ACCESSORY to the Use Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the Performance Standards set forth in Section 34.5.

- 34.4.3.1 OFFICES for USE by operators of the Use Allowed by Right.
- 34.4.3.2 Loading areas or STRUCTURES.
- 34.4.3.3 Parking areas or STRUCTURES.
- 34.4.3.4 One (1) MOBILE HOME when USED as living quarters for caretaker(s) or security personnel responsible for maintaining or guarding the property, subject to the provisions of Section 43.3, MOBILE HOMES in C (Commercial) or I (Industrial) Districts.
- 34.4.3.5 RECREATION FACILITIES for the USE of persons employed in the conduct or maintenance of the USES allowed on the property.
- 34.4.3.6 Retail sales, when ACCESSORY to USES of manufacturing, fabricating or assembling.
- 34.4.4 Uses by Special Review in the I-3 District. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied or maintained in the I-3 District upon the approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
  - 34.4.4.1 AIRSTRIPS when they are ACCESSORY to the Use Allowed by Right.
  - 34.4.4.2 Microwave, radio, television or other communication towers over forty-five (45) feet in height (measured from ground level).
  - 34.4.4.3 MAJOR FACILITIES OF PUBLIC UTILITIES.
  - 34.4.4.4 COMMERCIAL JUNKYARD or salvage YARD.
  - 34.4.5 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-3 District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant for a building permit in the I-3 District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned I-3 have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process. Uses listed in Section 34.4.4 as Uses by Special Review in the I-3 District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
  - 34.4.6 Performance Standard Compliance Required. All BUILDINGS, STRUCTURES, and land located in the I-3 Districts shall be located, designed, USED and occupied in such a manner that the design and operation standards contained in Section 34.5, Performance Standards, are met.
  - 34.4.7 Bulk Requirements (see Performance Standards, Section 34.5).

34.5 Performance Standards. All BUILDINGS, STRUCTURES, and land located in the Industrial District shall be located, designed, used, and occupied in accordance with the design and operation

standards enumerated below.

- 34.5.1 Design Standards. The applicant for a building permit shall certify, according to the intent of Section 23, Site Plan Review, the following performance standards and the specific zone district requirements have been met. Additionally, the applicant shall certify that compliance with these performance standards shall continue once the USE, BUILDING or STRUCTURE is constructed and in operation.
- 34.5.1.1 Storm Water Management. All USERS of land in the Industrial Districts shall provide and maintain storm water retention facilities designed to retain the storm water runoff in excess of historic flow from the undeveloped site. The storm water retention facility on a developed site shall be designed for a 100 year storm. The storm water retention facility shall be designed and operated to release the retained water at a quantity and rate not to exceed the quantity and rate of a five year storm falling on the undeveloped site.
- 34.5.1.2 Parking. Sufficient SCREENED, off street, paved parking areas shall be provided in the Industrial Districts to meet the requirements of employees, company vehicles, visitors and customers of the USES Allowed by Right and ACCESSORY USES. For detailed parking requirements see Section 41.1, Offstreet Parking Requirements.
- 34.5.1.3 Loading Areas. Loading areas in the Industrial Districts shall be located, designed and constructed in a manner that is in conformance with the standards below.
  - 34.5.1.3.1 Sufficient space shall be provided in loading areas to accommodate the vehicles being loaded or unloaded without encroachment upon neighboring property or rights-of-way. Said loading areas shall be paved.
  - 34.5.1.3.2 Loading areas located within the I-1 and I-2 Districts shall be designed to comply with the appropriate use regulations under either Section 34.2, I-1 (Industrial) District or Section 34.3, I-2 (Industrial) District.
- 34.5.1.4 STREET Access. LOTS in the Industrial Districts shall have safe access to an approved PUBLIC or private STREET. The design designation of any STREET or highway as to type shall be in conformance with that shown on the Weld County Thoroughfare Plan and/or the MASTER PLAN of the affected municipality. Vehicular ingress and egress shall be permitted only via the following types of STREETS:
  - 34.5.1.4.1 ARTERIAL.
  - 34.5.1.4.2 COLLECTOR, when that COLLECTOR STREET does not serve and Residential District before intersecting an ARTERIAL.
  - 34.5.1.4.3 FRONTAGE or SERVICE ROAD.
  - 34.5.1.4.4 LOCAL, when the LOCAL STREET is internal to the Industrial District and does not serve any Residential District LOTS.
  - 34.5.1.4.5 New accesses to public rights-of-way shall be constructed using the minimum standards below. Designs exceeding these minimums may be required by the Weld County Department of Public Works depending upon the number and type of vehicles generated by the USE proposed.

size of drainage structure	15" diameter (Fifteen inches)
length of drainage structure	20' (Twenty Feet)
depth of cover over pipe	12" (Twelve inches)
width of access, variable	10'-24' (Ten to Twenty four feet)
maximum grade of access	15% (Fifteen percent)



flare radius, variable  
depth of surfacing

20'-40' (Ten to Twenty four feet)  
4" (Four inches)

- 34.5.1.5 Acceleration/deceleration lanes where required by the Weld County Department of Public Works or the Colorado Department of Transportation to provide safe, efficient access to ARTERIAL or COLLECTOR STREETS.
- 34.5.1.6 Required YARDS
- 34.5.1.6.1 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.
- 34.5.1.6.1.1 Fences over six (6) feet in height are not required to comply with the minimum SETBACK and may be located on the property line. Fences located on corner lots abutting public right-of-way shall not obstruct the view of vehicular traffic at an intersection.
- 34.5.1.6.2 OFFSET. All USES and ACCESSORY USES must be OFFSET ten (10) feet or one (1) foot for every two (2) feet of BUILDING HEIGHT containing the USE, whichever is greater. Off street parking areas may be permitted in the required OFFSET area when the area is SCREENED from ADJACENT properties.
- 34.5.1.6.2.1 Fences over six (6) feet in height are not required to comply with the minimum OFFSET and may be located on the property line.
- 34.5.1.7 Required Landscaped Areas
- 34.5.1.7.1 No more than eighty-five percent (85%) of the total area of a LOT in any Industrial District shall be covered. Land shall not be deemed covered if it is used from growing grass, shrubs, trees, plants or flowers or if covered by decorative gravels or wood chips, or if it is otherwise suitably LANDSCAPED.
- 34.5.1.7.2 That portion of a LOT in any Industrial District which abuts a PUBLIC or private STREET right-of-way shall be landscaped for a distance of ten (10) feet, measured at a right angle from the LOT line towards the interior of the LOT. Sidewalks and driveways may pass through the required LANDSCAPED areas.
- 34.5.1.8 Areas USED for storage or trash collection shall be SCREENED from ADJACENT public rights-of-way and ADJACENT properties. These areas shall be designed and USED in a manner that will prevent wind or animal scattered trash.
- 34.5.1.9 Water Supply. USES locate din the Industrial Districts shall have an adequate source of potable water.
- 34.5.1.10 Sewage Disposal. USES located in the Industrial Districts shall have adequate sewage disposal facilities.
- 34.5.2 Operation Standards. USES in the Industrial District shall demonstrate conformance with the following operation standards to the extent that they are affected by location, layout and design prior to construction and operation. Once operational, the operation of the USES permitted shall conform to these standards.
- 34.5.2.1 Noise. USES and STRUCTURES in the Industrial Districts shall be located, designed and operated in accordance with the noise standards as established in 25-12-101 C.R.S., as amended.



- 34.5.2.2 Air Quality. USES in the Industrial District shall be located, designed and operated in accordance with the air quality standards established by the Colorado Air Pollution Control Commission.
- 34.5.2.3 Water Quality. USES in the Industrial District shall be located, designed and operated in accordance with the water quality control standards established by the Colorado Water Quality Control Commission.
- 34.5.2.4 Radiation and Radioactive Material. The handling, use, storage and processing of radioactive materials shall be in accordance with the applicable regulations of the State of Colorado and the United States Government.
- 34.5.2.5 Heat. USES located within the Industrial Districts shall not emit heat in such an amount sufficient to raise the temperature of the air or of materials at or beyond the LOT line more than five (5) degrees Fahrenheit.
- 34.5.2.6 Light. Any lighting, including light from high temperature processes such as welding or combustion, shall be designed, located and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto ADJACENT properties; neither the direct or reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS ; and no colored lights may be used which may be confused with or construed as traffic control devices.
- 34.5.2.7 Property Maintenance. Property located within the Industrial Districts shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than twelve (12) inches. In no event shall the property owner allow the growth of NOXIOUS WEEDS.

35 PUD (PLANNED UNIT DEVELOPMENT) DISTRICT

35.1 Intent. The PUD (Planned Unit Development) District is intended to allow an alternative means for property owners to apply flexibility in developing their land which may not be possible under the normal application of the Zoning Ordinance and Subdivision Ordinance. The PUD District is not intended to be used to circumvent or distort the policies and objectives of the Weld County COMPREHENSIVE PLAN, the Zoning Ordinance and the Subdivision Ordinance. The objectives of the PUD (Planned Unit Development) District are to: encourage flexibility and variety in the DEVELOPMENT of land to promote its most appropriate use; improve the design, character, and quality of new DEVELOPMENT ; facilitate the adequate and economical provision of public and private services; preserve the natural and scenic features of the DEVELOPMENT area; encourage an integrated planning approach; and ensure compatibility with COUNTY's COMPREHENSIVE PLAN and Subdivision Ordinance. The COUNTY is authorized to regulate PUD's by Section 24-67-101, et. seq., Colorado Revised Statutes, as amended.

35.2 Permitted Uses in the PUD District

- 35.2.1 A PUD District may include any BUILDING, STRUCTURE or USE as found to be appropriate under the review and approval procedures in Section 28, Procedures and Requirements of the PUD District. DEVELOPMENT IS allowed only in those parts of a PUD District which are included in an approved and recorded PUD Plan. USES within the PUD District shall also be subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay District.
- 35.2.2 USES within a PUD District shall be described by tract within a PUD District. This description shall give a clear indication of the type of USE to take place within the tract and a brief description of the type of BUILDINGS and STRUCTURES to be



associated with those USES. This description shall be in adequate detail to determine density, COMMON OPEN SPACE, major vehicle and pedestrian circulation, water and sewer facilities, and the buffering or SCREENING.

- 35.2.3 Each approved PUD District is considered unique, and the location of USES described by tract within a PUD District cannot be altered unless an amendment to the PUD District is approved as a new PUD District under the PUD Change of Zone procedure in Section 28, Procedures and Requirements of the PUD District of this Ordinance.
- 35.3 Performance Standards. All BUILDINGS, STRUCTURES and land USES in the PUD District shall be located, designed, used and occupied in accordance with the standards enumerated below.
- 35.3.1 COMPATIBILITY: The density, design, and location of land USES within and adjoining a PUD District shall be designed to be compatible with other USES within and adjoining the PUD District. Compatibility USES shall be determined by evaluating the general USES, BUILDING height, SETBACK, OFFSET, size, density, traffic, dust, noise, harmony, character, landscape, SCREENING, health, safety, and welfare.
- 35.3.2 COMMON OPEN SPACE. COMMON OPEN SPACE shall be provided in a PUD District. The amount and type of COMMON OPEN SPACE shall be proportioned according to the type of USES, BUILDINGS or STRUCTURES to be contained in the PUD District. COMMON OPEN SPACE shall be designed to be useful to the occupants and residents of the PUD District for recreational and scenic purposes. The COMMON OPEN SPACE in a PUD District shall be owned and maintained in perpetuity by an organization established solely for such ownership and maintenance purposes.
- 35.3.3 WATER AND SEWER PROVISIONS. A PUD District shall be serviced by an adequate water and sewer system. A PUD District with residential USES shall be served with a PUBLIC WATER system.
- 35.3.4 Circulation. DEVELOPMENT within a PUD District shall be designed and constructed to include adequate, safe and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space. Pedestrian and vehicular circulation shall relate to the circulation system external to a PUD District. All STREETS within the PUD District, whether private or public, shall be designed and constructed to meet the requirements of the Official Weld County Construction Standards and the Official Weld County Subdivision Ordinance.
- 35.3.5 Buffering and Screening. USES, BUILDINGS, or STRUCTURES within a PUD District that would not be compatible with other USES, BUILDINGS, or STRUCTURES within and ADJACENT to a PUD District shall be adequately buffered and SCREENED to make their appearance and operation harmonious to the surrounding USES.
- 35.3.6 The normal Bulk Requirements for minimum SETBACK, minimum OFFSET, minimum LOT size, minimum LOT area per STRUCTURE, maximum height of BUILDINGS, and LOT coverage may be varied as specified in a PUD District Final Plan. All other performance standards applicable to a PUD District may be required to be as strict as the performance standards contained in the zoning district in which the USE would usually be allowed.
- 35.3.7 MINING USES within a PUD District will not cause injury to vested or conditional water rights. If the USE may result in injury to vested or conditional water rights, the Applicant shall either present an agreement with a water conservancy district or water user group which encompasses the location of the use within its boundaries,

a plan of exchange or substitute supply approved by the State Engineer or a decreed plan for augmentation approved by the District Court for Water Division No. 1, which prevents injury to vested and conditional water rights.

- 35.3.8 A PUD District and any part thereof which has been approved as a PUD Plan shall be considered as being in compliance with the Official Weld county Subdivision Ordinance and 30-28-101, et seq., CRS, as amended. The Design Standards and Improvement Agreements of the Subdivision Ordinance shall be utilized when applicable to the PUD Plan review and DEVELOPMENT. Certain PUD Plan requirements may differ from those specifically listed in the official Weld County Subdivision Ordinance.
- 35.3.9 To further the mutual interest of the residents, occupants, and owners of a PUD and of the public in the preservation of the integrity of the PUD, the provisions of the PUD District and Plan relating to the USE of land and the location of COMMON OPEN SPACE shall run in favor of the COUNTY and shall be enforceable at law or in equity by the Board of County Commissioners without limitation on any power or regulation otherwise granted by law.
- 35.4 Site Plan Review Required. No USES within a PUD District which would require a Site Plan Review in the Commercial, Industrial, or R-4 zone districts shall occur or be operated in the PUD District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary for the applicant in the PUD District to certify and state that the performance standards for the DEVELOPMENT and USE of property zoned PUD have been or shall be complied with according to the intent of Section 23, Site Plan Review. This shall be accomplished through the Site Plan Review application process.
- 35.5 Performance Standard Compliance Required. All BUILDINGS, STRUCTURES, and land located in the PUD District shall be located, designed, USED, and occupied in such a manner that the standards contained in Section 35.3, Performance Standards, are met.
- 36 E (Estate) District
- 36.1 Intent of the E (Estate) District. The E (Estate) District is intended to provide the present and future residents of the COUNTY with areas in which to locate and establish residential land USES and land USES that are compatible with residential areas. The Estate District is intended to be located, designed, and developed in a manner that is compatible with the COUNTY COMPREHENSIVE PLAN and the adopted MASTER PLANS of affected municipalities.
- 36.2 Uses Allowed by Right in the E (Estate) District
  - 36.2.1 Uses Allowed by Right in the E (Estate) District. No BUILDING, STRUCTURE or land shall be USED, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged, or maintained in the E (Estate) District except for one or more of the following USES. Land in the E (Estate) District must be USED in compliance with the Bulk Requirements contained in Section 36.3 USES within the E (Estate) District are subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
  - 36.2.1.1 One (1) SINGLE FAMILY DWELLING per LEGAL LOT. The SINGLE FAMILY DWELLING shall be connected to and served by a PUBLIC WATER system and an adequate sewage disposal system. The sewage disposal system shall comply with the Weld County Individual Sewage Disposal Regulations. Evidence that PUBLIC WATER and an adequate sewage disposal system are available to the LEGAL LOT shall be provided prior to the issuance of a building permit.
  - 36.2.1.2 One (1) MANUFACTURED HOME per LEGAL LOT. The MANUFACTURED HOME



shall be connected to and served by a PUBLIC WATER system and an adequate sewage disposal system. The sewage disposal system shall comply with the Weld County Individual Sewage Disposal Regulations. Evidence that PUBLIC WATER and an adequate sewage disposal system are available to the LEGAL LOT shall be provided prior to the issuance of a building permit.

- 36.2.1.3 FARMING, RANCHING, and GARDENING.
- 36.2.1.4 PUBLIC parks and PUBLIC recreation areas.
- 36.2.1.5 PUBLIC SCHOOLS, and PUBLIC SCHOOL extension classes.
- 36.2.1.6 Police and Fire Stations or Facilities.
- 36.2.1.7 UTILITY SERVICE FACILITIES.
- 36.2.2 Accessory Uses in the E (Estate) District. The following BUILDINGS, STRUCTURES, and USES shall be allowed in the E (Estate) District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the E (Estate) District. Such BUILDINGS, STRUCTURES, and USES must be designed, constructed, and operated in conformance with the Bulk Requirements contained in Section 36.3, Bulk Requirements for the E (Estate) District. ACCESSORY USES within the E (Estate) District are also subject to the additional requirements contained in Section 40, Supplementary District Regulations and Section 50, Overlay Districts.
- 36.2.2.1 Garages, carports, and parking areas.
- 36.2.2.2 Swimming pools, tennis courts and similar RECREATIONAL FACILITIES.
- 36.2.2.3 SIGNS, in accordance with the provisions of Section 42, Signs.
- 36.2.2.4 HOME OCCUPATIONS.
- 36.2.2.5 Service BUILDINGS and facilities.
- 36.2.2.6 Any other STRUCTURE or USE clearly incidental and ACCESSORY to a Use Allowed by Right in the E (Estate) District.
- 36.2.3 Uses by Special Review in the E (Estate) District. The following BUILDINGS, STRUCTURES, and USES may be constructed, occupied, operated, and maintained in the E (Estate) District upon approval of a permit in accordance with the requirements and procedures set forth in Section 24, Uses by Special Review.
- 36.2.3.1 HOSPITAL, nursing home, and rehabilitation center.
- 36.2.3.2 Private SCHOOL.
- 36.2.3.3 Church.
- 36.2.3.4 PRIVATE RECREATIONAL FACILITY.
- 36.2.3.5 KENNEL, subject to the additional requirements of Section 45.6, Kennels.
- 36.2.3.6 CHILD CARE CENTER.
- 36.2.3.7 Keeping, raising, boarding or EXOTIC ANIMALS.

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- 36.2.3.8 HOME BUSINESS.
- 36.2.3.9 OIL AND GAS PRODUCTION FACILITIES.
- 36.2.3.10 USES similar to the USES listed above as Uses by Special Review as long as the USE complies with the general intent of the E (Estate) District.

36.3 Bulk Requirements for the E (Estate) District. The following tables list the bulk requirements for the E (Estate) District.

	<u>REQUIREMENT</u>	<u>E (Estate) District</u>
36.3.1	Minimum LOT size	2.5 acres
36.3.2	Maximum LOT size	20 acres
36.3.3	Minimum SETBACK	20 feet
36.3.4	Minimum OFFSET	20 feet
36.3.5	Minimum OFFSET for residences when ADJACENT to the A (Agricultural) zone district	40 feet
36.3.6	Fences over six (6) feet in height are not required to comply with the minimum OFFSET and may be located on the property line.	
36.3.7	Maximum BUILDING HEIGHT	40 feet
36.3.8	Maximum number of ANIMAL UNITS	One per acre not to exceed eight (8) ANIMAL UNITS per LOT
36.3.9	Minimum square footage of SINGLE FAMILY DWELLING or MANUFACTURED HOME	1,200 square feet
36.3.10	The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Ordinance (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed 4% (four percent) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the GROSS FLOOR AREA of the primary residence on the lot except by variance. Any accessory structure made non-conforming by application of this subsection may be repaired, replaced or restored in total.	
36.3.11	Exterior portions of all ACCESSORY BUILDINGS, including the roof, shall be constructed of non-reflective materials.	
36.3.12	No BUILDING or STRUCTURE shall be constructed within a 350 foot radius of any OIL AND GAS PRODUCTION FACILITIES. Any construction within a 350 foot radius of OIL AND GAS PRODUCTION FACILITIES shall require a variance from the terms of this Ordinance in accordance with Section 61.3.	

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40 Supplementary District Regulations

41 Offstreet Parking and Loading Requirements

41.1 Offstreet Parking Required. The location, design, construction and number of spaces required for Offstreet parking shall be as follows:

41.1.1 Location of Offstreet Parking Areas

41.1.1.1 If the land USE with respect to which the off-street parking requirements exist is confined to a single LOT, the off-street parking spaces shall be within that LOT or on a different LOT, properly zoned, not more than five hundred (500) feet distant, measured along a PUBLIC STREET or ALLEY which connects the two (2) LOTS. If the land USE is located on two (2) or more commonly owned and adjoining LOTS, the off-street parking spaces may be located on any one or more of those LOTS or on a properly zoned LOT separated from them by not more than five hundred (500) feet, measured in the same way.

41.1.1.2 Off-street parking areas in the I or C zoning districts may be permitted within the required SETBACK or OFFSET areas so long as the parking area is SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, or R-5.

41.1.2 Design and Construction of Off-street Parking Spaces

41.1.2.1 Off-street parking areas for passenger vehicles shall be designed and constructed in compliance with the standards below:

Parking Angle Degree	Stall Width Feet	Stall to Curb Feet	Aisle Width Feet	Curb Length Feet	Overhang Feet
0°	9	9	12	23	0
30°	9	17.3	11	18	1.0
45°	9	19.8	13	12.7	1.4
60°	9	21	18	10.4	1.7
90°	9	19	24	9	2.0

41.1.2.2 In off-street parking areas for passenger vehicles with ten (10) or more spaces, 10% of the spaces may be for small cars. The dimensions of the small car spaces may be 15% less than the standard dimensions specified above. Such spaces shall be designated by signs which indicate that they are for small or compact cars only.

41.1.2.3 Off-street parking spaces including access drives shall be surfaced with gravel, asphalt, concrete or equivalent and shall be graded to prevent drainage problems.

41.1.2.4 Each space shall be equipped with wheel guards or curb blocks when necessary to prevent vehicles from extending beyond the boundary of the space and from coming into contact with other vehicles, walls, fences, or plantings.

41.1.2.5 Lighting provided for off-street parking spaces shall be arranged so as to minimize illumination onto adjoining residential USES and so as to prevent glare directed at vehicles on STREETS and ALLEYS.

## 41.1.3

Number of Off-street Parking Spaces Required. The minimum number of off-street parking spaces for the type of land USE is as follows:

USE	NUMBER OF SPACES
Banks, business professional and public OFFICES	One (1) space/three hundred (300) sq. ft. GROSS FLOOR AREA
Bowling alleys	Four (4) spaces/each alley
Churches or places of worship	One (1) space/Four (4) seats of rated seating capacity
DWELLING UNITS, DUPLEX	Two (2) for each LIVING UNIT
DWELLING UNITS, MULTI-FAMILY	Two (2) for each LIVING UNIT
DWELLING UNITS, SINGLE FAMILY	Two (2) for each LIVING UNIT
DWELLING UNITS, TRIPLEX	Two (2) for each LIVING UNIT
HOSPITALS	One (1) space/one hundred (100) sq. ft. GROSS FLOOR AREA
HOTELS AND MOTELS	One (1) space/unit, plus additional spaces required by this schedule for Restaurants, etc. as required
Manufacture, Research, and Assembly	Two (2) for every three (3) employees each (but in no event less than two (2) spaces for one thousand (1,000) sq. ft. of GROSS FLOOR AREA devoted to such USE).
MEDICAL AND DENTAL CLINICS	One (1) space/two hundred-fifty (250) sq. ft. GROSS FLOOR AREA
Mortuaries and Funeral Parlors	One (1) space/one hundred (100) sq. ft. of areas open to the public, plus spaces for mortuary vehicles, plus one (1) space/two (2) employees
OFFICE	One (1), for each two (2) employees, plus one (1) space for each five hundred (500) sq. ft. of office space
Nursing homes and rehabilitation centers	One (1) space/one thousand sq. ft. GROSS FLOOR AREA plus one (1) space/employee present during busiest shift.
Pre-SCHOOLS and CHILD CARE CENTERS	One (1) space/employee
Primary SCHOOLS (private, parochial, PUBLIC)	One (1) space/employee



USE	NUMBER OF SPACES
RESTAURANT	One (1) space/six (6) seats, plus one (1)/two (2) employees. In the case of facilities which sell food for consumption outside of the establishment, a minimum of twenty (20) spaces shall be provided
Retail sales and service	One (1) space/two hundred (200) sq. ft. GROSS FLOOR AREA
Secondary SCHOOLS (private, parochial, PUBLIC)	One (1) space/employee, plus one (1) per five(5) students
Trade or business SCHOOLS, and other post-secondary educational institutions	One (1) space/employee, plus one (1) for each student for the school's highest rated classroom capacity
Warehouse	One (1) for every three (3) employees (but in no event less than one (1) space for each one thousand (1,000) sq. ft. devoted to Warehouse use.
Wholesale sales and service	One (1) space/four hundred (400) sq. ft. display and sales area, plus one (1) space/two (2) employees
Any land use activity not otherwise identified in this Section 41.1.3.	A number of spaces determined by the Department of Planning Services to be reasonably necessary; the requirements shall be consistent with the Requirements set forth above for comparable USE activities

41.2 Off-street Loading Required

- 41.2.1 Off-street loading spaces shall be required for LOTS in the I and C zoning districts. Off-street loading spaces shall be located and SCREENED to meet the requirements of the zoning district in which it is located. One off-street loading space shall be required if the COMMERCIAL or INDUSTRIAL USE is located in a building containing between ten thousand (10,000) square feet and twenty thousand (20,000) square feet of GROSS FLOOR AREA, and one additional off-street loading space shall be required for each additional twenty thousand (20,000) square feet or fraction thereof of GROSS FLOOR AREA.
- 41.2.2 Each off-street loading space shall be at least thirty-five (35) feet in length and ten (10) feet in width and shall be unobstructed from the surface up to a height of at least fifteen (15) feet.
- 41.2.3 Off-street loading spaces shall be surfaced with either gravel, asphalt or concrete and shall be graded so as to prevent drainage problems. Each space should be equipped with wheel guards when necessary to prevent vehicles from extending beyond the boundary of this space and from coming into contact with other vehicles, walls, fences, or plantings.

- 41.2.4 Lighting provided for off-street loading spaces shall be arranged so as to minimize illumination onto ADJACENT residential property and so as to prevent glare directed at vehicles on STREETS and ALLEYS.
- 41.2.5 Off-street loading spaces shall be located in such a way that when the spaces being used to load or unload a vehicle, no part of the vehicle will occupy an ADJACENT STREET or sidewalk.
- 42 Signs. Signs shall be permitted in the various zoning districts according to the following regulations. Signs may also be subject to the requirements of the Colorado Department of Highways.
  - 42.1 Signs in the Estate, R-1, R-2, R-3, R-4, and R-5 Districts
    - 42.1.1 One identification sign per principal USE subject to the following:
      - A. SINGLE FAMILY, DUPLEX, and MOBILE HOME. . . . .two (2) sq. ft.
      - B. MULTI-FAMILY and TRIPLEX . . . . . sixteen (16) sq. ft.
      - C. Public & quasi-public USES . . . . . thirty-two (32) sq. ft.
    - 42.1.2 Lighting of signs shall be by indirect illumination only.
    - 42.1.3 "For Sale" signs for individual homes or subdivisions may be erected for a period not to exceed one year subject to renewal by the Planning Commission upon request. Such signs shall not exceed thirty-two (32) sq. ft. in area per face.
  - 42.2 Signs in the A District
    - 42.2.1 All signs permitted in Section 42.1 subject to the regulations specified.
    - 42.2.2 One identification sign per principal USE, provided the sign does not exceed sixteen (16) sq. ft. in area per face.
    - 42.2.3 Off-site directional signs subject to the following definition and conditions:
      - 42.2.3.1 Directional signs are signs situated on other premises than those upon which the goods, services or functions being advertised are located and giving guidance as to where, how distant, and the type of goods, services or functions which may be obtained.
      - 42.2.3.2 Such signs shall relate only to a service or product primarily available for the highway user (such as food, lodging, gas, repairs or entertainment) and available within one mile of a highway exit or in a community through which the highway passes.
      - 42.2.3.3 Maximum area per face . . . . . one hundred fifty (150) square feet
      - 42.2.3.4 Maximum height . . . . . thirty (30) feet
      - 42.2.3.5 Minimum SETBACK . . . . . fifty (50) feet
      - 42.2.3.6 Minimum spacing between signs in all directions . . . . . five hundred (500) feet
      - 42.2.3.7 Such signs shall not be located within . . . . . two thousand (2,000) feet of an exit or entrance road on a limited access highway.



42.2.3.8 Such signs shall not be permitted within . . . . . three hundred (300) feet of an intersecting road, scenic or historic point, public park, playground or rest area.

42.2.3.9 Such signs shall not exceed two in any one approach direction for a given use or service.

42.3 Signs in the C and I Districts

42.3.1 All signs permitted in Section 42.1 subject to the regulations specified.

42.3.2 Off-site directional signs and advertising signs and billboards subject to the following:

42.3.2.1 Maximum area per face . . . . . three hundred (300) square feet

42.3.2.2 Maximum height . . . . . forty (40) feet

42.3.2.3 Minimum SETBACK . . . . . twenty-five (25) feet

42.3.2.4 Minimum OFFSET . . . . . ten (10) feet

42.3.2.5 Minimum spacing between signs . . . . . five hundred (500) feet

42.3.3 Identification signs shall be permitted as ACCESSORY USES according to the following:

42.3.3.1 Maximum number per LOT . . . . . two (2)

42.3.3.2 Maximum area per face . . . . . one hundred fifty (150) square feet

42.3.3.3 Maximum height when adjacent to interstate interchanges . . . . . forty-five (45) feet

42.3.3.4 Minimum SETBACK . . . . . fifteen (15) feet

42.3.3.5 Minimum OFFSET . . . . . ten (10) feet

42.3.3.6 When attached flat against a supporting wall but not above the roof line, there are no limitations on a sign used entirely for identification purposes.

42.4 General Sign Requirements

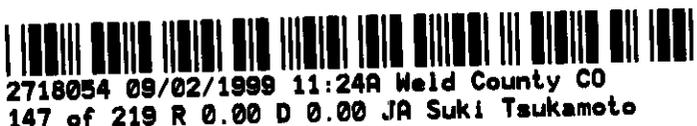
42.4.1 The following signs shall be prohibited in all districts:

42.4.1.1 Mechanical or electrical appurtenances, such as "revolving beacons" which are obviously designed just to compel attention.

42.4.1.2 Flashing red, green or amber signs located within five hundred (500) feet of an intersection.

42.4.1.3 Any sign located so as to conflict with the clear and obvious appearance of PUBLIC devices controlling PUBLIC traffic.

42.4.2 All signs erected in a PUBLIC right-of-way by a PUBLIC agency controlling or directing traffic and private signs used exclusively to direct automobile traffic on

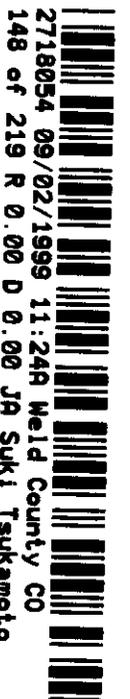


private property shall be exempt from the provisions of this Ordinance.

43 MOBILE HOMES

43.1 Permit Requirements

- 43.1.1 No MOBILE HOME may be located or relocated in Weld County after August 25, 1981, except in accordance with Section 43, MOBILE HOMES, of this Ordinance, including the issuance of any zoning permit which may be required by that Section. Each MOBILE HOME located or relocated in Weld County after the effective date of this Section must have a BUILDING permit for a MOBILE HOME issued pursuant to the Weld County Building Code Ordinance. An application for any zoning or building permit for a MOBILE HOME required by Section 43 shall include the following:
  - 43.1.1.1 Name, address and telephone number of the applicant.
  - 43.1.1.2 Name, address and telephone number of the owner of the land if different from Section 43.1.1.1.
  - 43.1.1.3 Evidence of interest in the subject land held by the applicant if the applicant is not owner of the land.
  - 43.1.1.4 A legal description of the property for which the application is made.
  - 43.1.1.5 Number of acres of the property.
  - 43.1.1.6 A sketch plan of the site at the scale of one (1) inch represents fifty (50) feet or other suitable scale to show:
    - 43.1.1.6.1 The proposed location of the MOBILE HOME including distances from the property LOT lines and other STRUCTURES on the property.
    - 43.1.1.6.2 Access to the MOBILE HOME indicating whether the access is existing or proposed.
    - 43.1.1.6.3 Location and measurements or any easements or rights-of-way.
    - 43.1.1.6.4 Amount of road frontages.
    - 43.1.1.6.5 Identification of any county, state or federal roads or highway.
    - 43.1.1.6.6 Existing STRUCTURES on the property.
  - 43.1.1.7 Methods of disposal of sewage or other wastes in compliance with the requirements of the Colorado Department of Public Health and Environment and the Weld County Department of Public Health and Environment, except for applications for TEMPORARY storage of a MOBILE HOME under subsection 43.2.2 below or for Accessory STRUCTURE under Section 43.2.7 below.
  - 43.1.1.8 Methods of supplying water in such a manner as to be adequate in quality, quantity and dependability for the proposed use, except for applications for TEMPORARY storage of a MOBILE HOME under subsection 43.2.2 below or for Accessory STRUCTURE under Section 43.2.7 below.
  - 43.1.1.9 An application fee. Each request for a renewal or extension of a TEMPORARY



permit shall also be accompanied by the appropriate application fee.

- 43.1.1.10 If the requirements of this Section 43, MOBILE HOMES require the applicant to apply to the Board of County Commissioners for a permit, the applicant shall provide a certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the Weld County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Weld County Clerk and Recorder. If the list was assembled from the records of the Weld County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.

43.2 MOBILE HOMES Permitted in the A (Agricultural) District

MOBILE HOMES are allowed in the A (Agricultural) District for the following USES upon the issuance of the appropriate zoning or BUILDING permits according the following requirements:

- 43.2.1 TEMPORARY USE During Construction of Residence A zoning permit for the USE of a MOBILE HOME as a TEMPORARY DWELLING UNIT during the construction of a permanent DWELLING UNIT on the same LOT in the A (Agricultural) District may be issued by the Department of Planning Services subject to the following provisions:
- 43.2.1.1 The applicant must have a valid building permit for the construction of a permanent DWELLING UNIT on the same LOT.
- 43.2.1.2 Construction of the permanent DWELLING UNIT shall commence within ninety (90) days of issuance of the TEMPORARY permit for the MOBILE HOME and shall be diligently pursued.
- 43.2.1.3 The applicant must demonstrate that adequate water and sewage disposal facilities are available.
- 43.2.1.4 The TEMPORARY permit for occupancy of the MOBILE HOME shall be issued for a period of six (6) months. The permit may be renewed by the Department of Planning Services for two (2) additional six (6) month periods upon a determination by staff that construction of the permanent DWELLING UNIT is being pursued with diligence.
- 43.2.1.5 The Department of Planning Services shall make its determination on the issuance of a zoning permit for MOBILE HOME as a TEMPORARY USE during construction of a DWELLING UNIT on the basis of a signed statement by the applicant that the conditions of Sections 43.2.1.1 through 43.2.1.4 are met, upon information contained in the permit application, and upon such independent evidence as may be available or which the staff may reasonably require.
- 43.2.1.6 Extensions of six (6) month increments beyond the above eighteen (18) month period may be granted only by the Board of County Commissioners. The Board of County Commissioners shall hear the application for an extension at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property



owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and a telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. In its review of an application, the Board of County Commissioners shall consider the good faith efforts of the applicant to pursue construction diligently and any unforeseeable or unavoidable circumstances which may have delayed completion of construction, requiring the extension. In addition, the Board shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

- 43.2.1.7 MOBILE HOMES permitted as a TEMPORARY USE during construction of a permanent DWELLING shall be removed within thirty (30) days after the permanent DWELLING has been occupied.
- 43.2.2 TEMPORARY Storage A zoning permit for the TEMPORARY storage of a MOBILE HOME, not including the storage of goods inside the UNIT, on a LOT in the A District may be issued by the Department of Planning Services subject to the following provisions:
  - 43.2.2.1 The applicant must obtain a building permit for a MOBILE HOME and must comply with all installation standards of the Weld County Building Code applicable to MOBILE HOMES; provided, however, that no utility hookups to the MOBILE HOME of any type, including septic systems, shall be allowed.
  - 43.2.2.2 The MOBILE HOME may not be used on any basis as a DWELLING or as overnight or TEMPORARY housing for any person.
  - 43.2.2.3 The applicant must demonstrate that no reasonable alternative exists to the TEMPORARY storage of the MOBILE HOME on the land involved.
  - 43.2.2.4 Only one zoning permit for TEMPORARY storage of a MOBILE HOME may be issued per LEGAL LOT at any one time.
  - 43.2.2.5 The Department of Planning Services shall make its determination on the issuance of a zoning permit for the TEMPORARY storage of a MOBILE HOME on the basis of a signed statement by the applicant that the conditions of Sections 43.2.2.1 through 43.2.2.4 are met, upon information contained in the permit application, and upon such independent evidence as may be available or which the staff may reasonably require.
  - 43.2.2.6 A zoning permit for TEMPORARY storage of a MOBILE HOME shall be for a period of six (6) months, and is renewable for additional six (6) month periods only by grant of the Board of County Commissioners.
  - 43.2.2.7 The Board of County Commissioners shall hear the application for renewal of a zoning permit for TEMPORARY storage of a MOBILE HOME at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required



by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and a telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on surrounding property. The Board of County Commissioners shall also consider whether the application has demonstrated compliance with the requirements of Section 43.2.2.1 through 43.2.2.4 as well as compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

43.2.3 TEMPORARY ACCESSORY Farm USE

43.2.3.1 One MOBILE HOME may be permitted in the A (Agricultural) District as an ACCESSORY farm USE upon a determination by the Department of Planning Services that:

43.2.3.1.1 The MOBILE HOME will be occupied by persons principally employed at or principally engaged in the operation of the USE where the MOBILE HOME is located. ACCESSORY farm USE of the MOBILE HOME shall be established and revalidated on an annual basis as follows: Evidence shall be submitted by the applicant or property owner by the first of each year for review and acceptance by the Department of Planning Services verifying that the MOBILE HOME occupant(s) is principally employed at or engaged in the farming operation on the subject property. The evidence shall consist of tax records, employment agreements or other documentation as determined suitable by the Department of Planning Services. Failure to submit the required documentation may result in cessation of the allowance of the MOBILE HOME for TEMPORARY ACCESSORY Farm USE.

43.2.3.1.2 The MOBILE HOME is necessary for the effective and economic operation of the USE and/or protection of the agricultural USE.

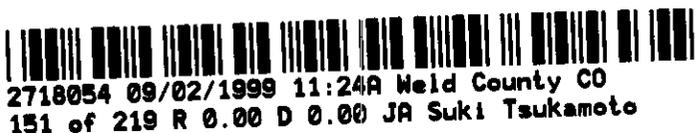
43.2.3.1.3 The MOBILE HOME will not be used as an income source by the applicant for rental to persons who are not principally employed upon the LOT.

43.2.3.1.4 Adequate water and sewage disposal facilities are available to the MOBILE HOME.

43.2.3.1.5 The MOBILE HOME is not the first DWELLING UNIT on the parcel of land. Where the MOBILE HOME will be the first DWELLING UNIT on a parcel of land, the MOBILE HOME request shall follow the application procedures under the provisions of Section 43.2.6 of this Ordinance.

43.2.3.1.6 The applicant must obtain a BUILDING permit for the MOBILE HOME and comply with all installation standards of the Weld County Building Code Ordinance.

43.2.3.2 The Department of Planning Services shall make its determination on the basis of a signed statement by the applicant that the conditions of Sections 43.2.3.1.1 through 43.2.3.1.6 are met, upon information contained in the permit application, and upon independent evidence as may be available or which the staff may reasonably require.



- 43.2.3.3 A zoning permit for more than one MOBILE HOME in the A (Agricultural) District as an ACCESSORY farm USE may be issued by the Department of Planning Services upon a determination that the criteria of Sections 43.2.3.1.1 through 43.2.3.1.5 and Section 43.4.2 of this Ordinance are met. If the applicant is not able to meet the criteria stated in Section 43.4.2, the zoning permit may be issued only upon approval by the Board of County Commissioners. The Board of County Commissioners shall review the application for compliance with the criteria set out in Sections 43.2.3.1.1 through 43.2.3.1.5 at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on the surrounding properties. In addition, the Board shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.
- 43.2.3.4 All MOBILE HOMES as ACCESSORY farm USES are TEMPORARY. Allowance of the MOBILE HOME shall be extended only if the USE continues to be in conformance with the criteria set out in Section 43.2.3.1.1. The MOBILE HOME shall be removed from the property upon the cessation of the USE of the MOBILE HOME as an ACCESSORY farm USE or at any such time as the MOBILE HOME is used for other than the allowed USE.
- 43.2.4 TEMPORARY ACCESSORY USE During a Medical Hardship
- 43.2.4.1 A zoning permit for the TEMPORARY use of a MOBILE HOME during a medical hardship on a lot in the A (Agricultural) District, in addition to the principal DWELLING UNIT, may be issued by the Department of Planning Services upon a determination that:
- 43.2.4.1.1 A medical hardship exists in which the person to be living in the MOBILE HOME requires the supervision and care of those persons residing in the principal DWELLING UNIT on the property (or the reverse). Documentation of the medical hardship shall be established in a letter from the subject's medical doctor or other evidence deemed suitable by the Department of Planning Services. The letter shall be submitted as a part of the zoning permit application and shall verify that the subject is physically impaired and requires full-time care.
- 43.2.4.1.2 There is no reasonable alternative available to the applicant for the care of a person who needs medical supervision.
- 43.2.4.1.3 Adequate water and sewage disposal facilities are available to the MOBILE HOME.
- 43.2.4.2 A MOBILE HOME zoning permit for TEMPORARY ACCESSORY USE during a



medical hardship in the A (Agricultural) District may be issued by the Department of Planning Services upon a determination that the criteria of Sections 43.2.4.1.1 through 43.2.4.1.3 and Section 43.4.2 of this Ordinance are met. If the applicant(s) is not able to meet the criteria stated in Section 43.4.2, the Board of County Commissioners shall review the application for compliance with the criteria set out in Sections 43.2.4.1.1 through 43.2.4.1.3 at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on the surrounding properties. In addition, the Board shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

- 43.2.4.3 All zoning permits for MOBILE HOMES during a medical hardship are TEMPORARY. Such permits shall be subject to review annually on the anniversary of the original permit's issuance. Such permits shall be extended only if the USE continues to be in conformance with the criteria set out in Section 43.2.4.1. Any permit for a medical hardship USE shall automatically expire, and the MOBILE HOME shall be removed upon cessation of the medical hardship or at any such time as the MOBILE HOME is used for other than the permitted USE.
- 43.2.5 TEMPORARY ACCESSORY USE as an OFFICE
- 43.2.5.1 One MOBILE HOME in the A (Agricultural) District as an OFFICE USE accessory to the USE allowed by right may be permitted upon a determination by the Department of Planning Services that:
  - 43.2.5.1.1 The MOBILE HOME is necessary for the effective and economic operation of the principal USE.
  - 43.2.5.1.2 The MOBILE HOME will not be used for residential purposes.
  - 43.2.5.1.3 Adequate water and sewage disposal facilities can be made available to the MOBILE HOME.
  - 43.2.5.1.4 No reasonable alternative is available to the applicant for an OFFICE USE.
  - 43.2.5.1.5 The MOBILE HOME is not the first MOBILE HOME on the parcel of land. Where the MOBILE HOME will be the first unit on a parcel of land, the MOBILE HOME request shall follow the application procedures under the provisions of Section 43.2.6 of this Ordinance.
  - 43.2.5.1.6 The applicant must obtain a BUILDING permit for the MOBILE HOME and comply

with all installation standards of the Weld County Building Code Ordinance.

- 43.2.5.2 The Department of Planning Services shall make its determination on the basis of a signed statement by the applicant that the conditions of Sections 43.2.5.1.1 through 43.2.5.1.6 are met, upon information contained in the application, and upon independent evidence as may be available or which the staff may reasonably require.
- 43.2.5.3 A zoning permit for more than one MOBILE HOME as an accessory OFFICE unit in the A (Agricultural) District may be issued by the Department of Planning Services upon a determination that the criteria of Sections 43.2.5.1.1 through 43.2.5.1.5 and Section 43.4.2 of this ordinance are met. If the applicant(s) is not able to meet the criteria stated in Sections 43.4.2.5.1.1 through 43.2.5.1.5, the zoning permit may be issued only upon the approval by the Board of County Commissioners. The Board shall review the application for compliance with the criteria set out in Section 43.2.5.1.1 through 43.2.5.1.5 at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on the surrounding properties. In addition, the Board shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.
- 43.2.5.4 All MOBILE HOMES as ACCESSORY OFFICE USE are TEMPORARY. The MOBILE HOME shall be removed from the property upon the cessation of the USE of the MOBILE HOME as an ACCESSORY OFFICE USE.
- 43.2.6 Principal DWELLING UNIT. A zoning permit for the use of a MOBILE HOME as Principal DWELLING UNIT in the A District may be issued by the Department of Planning Services if the application meets the criteria stated in Sections 43.2.6.1.1 through 43.2.6.1.4 and 43.4.2 of this Ordinance.
- 43.2.6.1 The Board of County Commissioners shall hear the application at a regularly scheduled meeting of the Board, if the application does not meet the criteria stated in Sections 43.2.6.1.1 through 43.2.6.1.4 and Section 43.4.2 of this Ordinance. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in



the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on surrounding property. The Board of County Commissioners shall also consider the following factors in reviewing applications for a permit for a MOBILE HOME as a principal DWELLING UNIT:

- 43.2.6.1.1 Compatibility with surrounding area, harmony with the character of the NEIGHBORHOOD and its effects upon the immediate area.
- 43.2.6.1.2 Compatibility with the COUNTY COMPREHENSIVE PLAN.
- 43.2.6.1.3 Availability of adequate water and sewage disposal facilities.
- 43.2.6.1.4 The general health, safety and welfare of the inhabitants of the area and the COUNTY.
- 43.2.6.2 A maximum of one (1) zoning permit for a MOBILE HOME as a principal DWELLING UNIT shall be issued for each LEGAL LOT in the A (Agricultural) District in Weld County, Colorado.
- 43.2.7 TEMPORARY Accessory STRUCTURE. One (1) MOBILE HOME used as an accessory STRUCTURE in the A (Agricultural) District, for the purpose of storing goods inside the unit, may be permitted upon a determination by the Department of Planning Services that:
  - 43.2.7.1 Electricity is the only utility which will be connected to the MOBILE HOME.
  - 43.2.7.2 The MOBILE HOME will not be used on any basis as a DWELLING or as overnight or TEMPORARY housing for any person.
  - 43.2.7.3 The applicant has demonstrated that no reasonable alternative exists to using the MOBILE HOME as an accessory STRUCTURE.
  - 43.2.7.4 A maximum of one (1) MOBILE HOME used as an accessory STRUCTURE may be on a LEGAL LOT at any one time.
  - 43.2.7.5 The applicant must obtain a BUILDING permit for the MOBILE HOME and comply with the installation standards of the Weld County Building Code Ordinance.
  - 43.2.7.6 The Department of Planning Services shall make its determination in the issuance of a BUILDING permit for a MOBILE HOME used as an accessory STRUCTURE on the basis of a signed statement by the applicant that the conditions of Sections 43.2.7.1 through 43.2.7.5 are met, upon information contained in the application, and upon independent evidence as may be available or which the staff may reasonably require.
  - 43.2.7.7 A zoning permit for more than one MOBILE HOME in the A (Agricultural) District used as an Accessory STRUCTURE may be issued by the Department of Planning Services upon a determination that the criteria of Sections 43.2.7.1 through 43.2.7.5 and Section 43.4.2 of this ordinance are met. If the applicant is not able to meet the criteria stated in Section 43.4.2, the zoning permit may be issued only upon approval by the Board of County Commissioners. The Board of County



Commissioners shall review the application for compliance with the criteria set out in Sections 43.2.7.1 through 43.2.7.5 at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the accessory STRUCTURE MOBILE HOME on the surrounding properties. In addition, the Board shall consider compatibility of the accessory STRUCTURE MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

- 43.2.7.8 All MOBILE HOMES used as accessory STRUCTURES are TEMPORARY. The MOBILE HOME shall be removed from the property upon cessation of the USE of the MOBILE HOME as an accessory STRUCTURE.
- 43.2.7.9 At such time that a MOBILE HOME permitted for accessory STRUCTURE use is determined to be in a state of deterioration or disrepair by the Department of Planning Services, the property owner will be required to either repair the MOBILE HOME or remove the MOBILE HOME from the property.

43.3 MOBILE HOMES in C (Commercial) or I (Industrial) District

- 43.3.1 One (1) MOBILE HOME may be permitted as an ACCESSORY USE to the principal USE in certain C (Commercial) or I (Industrial) Zone Districts upon a determination by the Department of Planning Services that:
  - 43.3.1.1 The MOBILE HOME is necessary for the effective and economic operation of the business, COMMERCIAL or Industrial activity.
  - 43.3.1.2 The MOBILE HOME will not be used for residential purposes other than for the purpose of the protection or control of the principal USE.
  - 43.3.1.3 Adequate water and sewage disposal facilities are available to the MOBILE HOME.
  - 43.3.1.4 The applicant must obtain a BUILDING permit for the MOBILE HOME and comply with the installation standards of the Weld County Building Code Ordinance.
- 43.3.2 The Department of Planning Services shall make its determination on the basis of a signed statement by the applicant that the requirements of Sections 43.3.1.1 through 43.3.1.4 are met, upon information contained in the application, and upon independent evidence as may be available or which the staff may reasonably require.
- 43.3.3 A zoning permit for more than one (1) MOBILE HOME in the C (Commercial) or I

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(Industrial) Districts as an ACCESSORY USE to the principal USE may be issued by the Department of Planning Services upon a determination that the criteria of Sections 43.3.1.1 through 43.3.1.4 and Section 43.4.2 of this ordinance are met. If the applicant(s) is not able to meet the criteria stated in Section 43.4.2, the zoning permit may be issued only upon the approval by the Board of County Commissioners. The Board shall review the application for compliance with the criteria set out in Sections 43.3.1.1 through 43.3.1.4 at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by Colorado State Statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board shall consider any testimony of surrounding property owners concerning the possible effects of the MOBILE HOME on surrounding properties. In addition, the Board shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

- 43.3.4 All MOBILE HOMES as ACCESSORY USES to the principal USE in C (Commercial) or I (Industrial ) Zone Districts are TEMPORARY and subject to the requirements for MOBILE HOMES as stated in Sections 33 (Commercial) and 34 (Industrial) of this Ordinance. The MOBILE HOME shall be removed from the property upon the cessation of the USE of the MOBILE HOME as an ACCESSORY USE to the business, commercial, or industrial activity.
- 43.4 The Board of County Commissioners delegates the authority to issue a zoning permit for a MOBILE HOME which otherwise requires the approval of the Board of County Commissioners through a public hearing process to the Department of Planning Services upon a determination by the Department that:
  - 43.4.1 The applicant is in compliance with the criteria identified in the Ordinance for the specific category of zoning permit for which application is being made
  - 43.4.2 The applicant has submitted a petition containing the signatures of at least seventy percent (70 %) of the people owning property within five hundred (500) feet of the property on which the MOBILE HOME is proposed to be located. The petition shall indicate that the surrounding property owners who have signed the petition have no objections to the issuance of a zoning permit for the MOBILE HOME.
  - 43.4.3 If the applicant is unable to obtain a petition in favor of the issuance of a zoning permit for a MOBILE HOME with at least seventy percent (70%) of the people's signatures owning property within five hundred (500) feet of the property on which the MOBILE HOME is proposed to be located, the Board of County Commissioners shall consider the zoning permit for the MOBILE HOME in a public hearing in accordance with the provisions of this Ordinance.

44 OPEN-MINING

Before a Special Review Permit for the location of an open mining operation, asphalt plant or batch plant (concrete) is issued, the Planning Commission and Board of County Commissioners shall determine through public hearings, that the following plans, maps, methods and studies, which shall accompany the application for such permits, provide adequate protection of the health, safety and welfare of the inhabitants of the area and the COUNTY.

44.1 Application. Any operator desiring such a permit shall file an application in such a form as prescribed by the Weld County Planning Commission. The application shall contain the following information.

- 44.1.1 A complete and accurate legal description of the property for which the application is made.
- 44.1.2 The fee owners of the surface of the area to be mined.
- 44.1.3 The fee owners of the substance to be mined.
- 44.1.4 The source of the applicant's legal rights to enter and to open mine on the land affected by the permit.
- 44.1.5 The address of the general OFFICE and the local address or addresses of the applicant.
- 44.1.6 Whether the applicant or any affiliated person holds or has held any other permits for open cut mining and an identification of such permits.
- 44.1.7 A detailed description of the method of operation. Such description shall include:
  - 44.1.7.1 The types and numbers of operation and processing equipment to be employed.
  - 44.1.7.2 The number of shifts to be worked and the maximum number of employees.
  - 44.1.7.3 Whether the operation will involve a wet or dry pit.
  - 44.1.7.4 COUNTY roads and bridges to be utilized.
  - 44.1.7.5 The size of the area and stages to be worked at any one time.
  - 44.1.7.6 A time table giving the periods of time which will be required for the various stages of the operation.
  - 44.1.7.7 The depth and thickness of the mineral deposit to be mined and the thickness of overburden to be removed.
  - 44.1.7.8 The proposed use of reclaimed lands and an explanation of the reclamation process.
  - 44.1.7.9 The source of technical advice in that type of reclamation for open cut mining land.
  - 44.1.7.10 Any other information determined to be necessary by the Board of County Commissioners their authorized representative to insure the protection of the health, safety and welfare of the inhabitants of Weld County.

44.2 Drawing Requirements. All applications shall be accompanied by the following maps which shall be delineated in drawing ink on Mylar or other drafting media approved by the Department of

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Planning Services in the following size: twenty-four (24) inches by thirty-six (36) inches. The maps shall be prepared and certification made as to their accuracy by a registered professional engineer licensed to do such work by the State of Colorado.

- 44.2.1 Vicinity Map. The vicinity map shall be prepared at a one inch equals six hundred feet ( 1" = 600') scale and show the following information within a one-half (½) mile distance of the proposed operation.
  - 44.2.1.1 Perimeter outline of the parcels of land to be involved in the operation.
  - 44.2.1.2 ADJACENT MINING operations.
  - 44.2.1.3 Fee owners of ADJACENT surface lands.
  - 44.2.1.4 All residences within one-half (½) mile of the proposed operation.
  - 44.2.1.5 The name and location of all roads, bridges, irrigation ditches, oil and gas wells and lines, utility lines and streams or other bodies of water within the scope of the map.
  - 44.2.1.6 The general type, thickness and distribution of soil over the parcel under consideration. Soil types shall be noted in the legend and include their suitability for agricultural USE, as well as USES proposed in the reclamation plan.
  - 44.2.1.7 Section, Township and Range.
  - 44.2.1.8 Accesses to area.
  - 44.2.1.9 Title, scale, and north arrow.
  - 44.2.1.10 Date with revision dates if applicable.
- 44.2.2 Extraction Plan Map. The Extraction Plan Map shall be prepared at a one inch equals one hundred feet (1" = 100') scale and shall include the parcel in question, as well as features within five hundred (500) feet of the parcel boundaries. The scale of the map may be reduced to one inch equals two hundred feet (1" = 200') or one inch equals three hundred feet (1" = 300') upon approval by the Department of Planning Services. The Extraction Plan Map shall display the following information:
  - 44.2.2.1 A plot plan of the property for which application is made. The plot plan shall delineate the boundary lines of the Special Review Permit area.
  - 44.2.2.2 The topography of the area at five (5) foot contour intervals or at intervals as determined by the Board of County Commissioners or its authorized representative.
  - 44.2.2.3 The name and location of all streams, including normally dry streams, ponds or other bodies of water, existing and proposed STRUCTURES and LANDSCAPE features.
  - 44.2.2.4 The size and location of proposed pit areas.
  - 44.2.2.5 The phases of the operation. The legend will include the time required for each phase of the operation.
  - 44.2.2.6 The location of all proposed operating STRUCTURES, parking areas, ingress and egress, stockpile areas, and circulation routes. The general location of equipment which will be moved as operations proceed, such as portable crushing and

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screening plants, shall be located on the map.

- 44.2.2.7 The legend shall include a complete and accurate legal description as prescribed by the application form. The description shall include the total acreage of the parcel.
  - 44.2.2.8 Certificates: Certificate of Responsibility; Planning Commission Certificate; Certificate of Approval by the Board of County Commissioners.
  - 44.2.2.9 Title, scale, and north arrow.
  - 44.2.2.10 Date and revision dates if applicable.
  - 44.2.2.11 Extraction Standards
  - 44.2.2.12 Such additional information as may be required by the Board of County Commissioners to satisfactorily explain the general requirements for the type of operation anticipated.
- 44.3 Supporting Documents. The following documents or any other similar documents shall be submitted by the applicant if deemed necessary by the Board of County Commissioners or their duly authorized representative for the protection of the health, safety and welfare of the inhabitants of Weld County.
- 44.3.1 Applicant shall submit a copy of those Reclamation Plans submitted to the State of Colorado Mined Land Reclamation Board. The Reclamation Plans must include a map showing property boundaries, topography, bodies of water, and access.
  - 44.3.2 Plans for obtaining water supplies for the mining operation.
  - 44.3.3 Cross sections of drainage STRUCTURES (culverts for access to COUNTY roads, interior haul roads crossing of ponding or stream channeling).
  - 44.3.4 Profile and typical cross section of haul roads.
- 44.4 Operations Policies. The policies outlined below represent a minimum model for operations standards for the proposed USE. Stricter standards may be imposed by the Board of County Commissioners or their duly authorized representative during the review process to ensure the protection of the health, safety and welfare of the inhabitants of Weld County.
- 44.4.1 No excavation or processing of sand and gravel shall be permitted nearer than ten (10) feet to the boundary of ADJACENT property, easement or irrigation ditch or right-of-way, nor nearer than one hundred twenty-five (125) feet to any existing residence, unless by written agreement the owners of such ADJACENT property consent to a lesser distance and the Planning Commission approves such lesser distance. The Planning Commission may set a greater distance than mentioned above when, in their opinion, it is justified.
  - 44.4.2 All sand and gravel operations shall be conducted during the hours of daylight except in the case of public or private emergency, or to make necessary repairs to equipment. This restriction shall not apply to operation of administrative and executive OFFICES or repair facilities located on the property.
  - 44.4.3 Weeds and any other unsightly or NOXIOUS WEEDS shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.



- 44.4.4 Existing trees and ground cover along PUBLIC road frontage and drainage ways shall be preserved, maintained and supplemented if necessary, for the depth of the SETBACK in order to protect against and reduce noise, dust and erosion.
- 44.4.5 Insofar as practicable, all means of access to the property from any STREET shall be located and designated as to avoid the routing of vehicles to and from the property over STREETS that primarily serve residential DEVELOPMENT.
- 44.4.6 All access roads from sand and gravel operations to PUBLIC highways, roads, or STREETS, or to adjoining residential STRUCTURES, shall be paved or otherwise treated to minimize dust conditions on all parts of such access roads which are located within one-fourth mile of the PUBLIC highway, road, STREET, or adjoining residential STRUCTURE.
- 44.4.7 Prior to starting excavation in certain specific instances, as first determined by individual investigation by the Board of County Commissioners or their duly authorized representatives, where excavations are considered hazardous or otherwise harmful to nearby residents or to their property, the Board of County Commissioners may require the excavations to be fenced or that some other action be taken on the part of an operator in order to minimize the hazardous situation. Chain link fencing to keep out young children, three strand barb wire to keep out LIVESTOCK, acceleration/deceleration lanes to facilitate the safe/smooth flow of traffic, and water augmentation to compensate for water losses caused by evaporation are examples of actions which may be required by the Board.
- 44.4.8 Where topsoil is removed, sufficient arable soil shall be set aside, for respreading over the excavated area.
- 44.4.9 Rock crushers and similar accessory facilities and equipment, but not including batching (concrete and asphalt) facilities may be allowed. However, the Planning Commission or Board of County Commissioners may set out additional conditions under which these operations may be permitted; and said conditions may vary by location due to abutting land USES. Concrete and Asphalt batch plants shall meet the requirements of Section 31.4, Uses by Special Review in the A (Agricultural) District.
- 44.4.10 Insurance. The operator shall furnish evidence he is insured to the extent of not less than \$100,000.00 against liability for any negligent act or omission by the operator from the operation or maintenance of the sand and gravel pit and the extraction and production of sand and gravel and all activities connected with or incidental thereto.
- 44.4.11 That the USE will not cause injury to vested or conditional water rights. If the USE may result in injury to vested or conditional water rights, the Applicant shall either present an agreement with a water conservancy district or water user group which encompasses the location of the use within its boundaries, a plan of exchange or substitute supply approved by the State Engineer or a decreed plan for augmentation approved by the District Court for Water Division No. 1 which prevents injury to vested and conditional water rights.
- 44.5 Reclamation Policies
- 44.5.1 Reclamation plans shall be reviewed to determine the compatibility of the proposed USE with surrounding land USES.
- 44.5.2 Following the completion of operations, the land shall be left in a safe condition.

- 44.5.3 Sufficient drainage shall be provided so as to prevent water pockets or undue erosion. Grading shall be accomplished in such a manner that storm water leaves the property at the original, natural drainage points. Runoff at any one such point shall not normally be increased over historic flows. Increases over historic flows shall be allowed only when it is shown that the increased flows will not adversely impact USES or lands affected by such flows.
- 44.5.4 All excavated areas shall finally be graded in substantial conformity to the USE of the land proposed in the reclamation plan. Ridges, banks and mounds shall be graded so as to minimize erosion. Trees, shrubs, legumes, grasses, or other ground cover shall be replaced in order to avoid erosion insofar as is practicable.
- 44.6 Cancellation of Permit. The Board of County Commissioners shall have the power to cancel permits for violation of any of these regulations or conditions imposed by said Board. The Board of County Commissioners shall cause to be served written notice upon the permittee at the address contained in the permit setting out a clear and concise statement of the violations, and directing the permittee to correct such violation within thirty (30) days. If the violations have not been corrected, then the Board of County Commissioners shall direct the permittee to appear before the Board of County Commissioners, not less than ten (10) days nor more than thirty (30) days after the date of service notice. The Board of County Commissioners shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power, upon good cause being shown, to cancel or revoke the permit heretofore issued to the permittee, to require the County or its agents to enter upon the premises and to take the corrective measures required by the Board of County Commissioners; the cost to be assessed against the permittee and his sureties.
- 45 Supplementary Regulations for certain Uses by Special Review
- 45.1 Livestock Confinement Operations (LCO)
  - 45.1.1 LCO's shall be located at least fifty (50) feet from any State or Federal highway right-of-way, subject to review by the Colorado Department of Transportation.
  - 45.1.2 Manure shall be handled and disposed of in a sanitary manner, approved by the Weld County Department of Public Health and Environment.
  - 45.1.3 Suitable chemical and scientific controls shall be provided for rodent and insect control.
  - 45.1.4 Concrete or other suitable aprons ADJACENT to the permanently affixed feed bunks, water tanks and feeding devices shall be provided.
  - 45.1.5 Adequate mechanical means for scraping, grading and cleaning of area shall be provided at all times; and scraping, grading and cleaning of the area will be accomplished as approved by the Weld County Department of Public Health and Environment.
  - 45.1.6 Drainage facilities or improvements shall be constructed to protect any ADJACENT rivers, streams or other bodies of water from pollution, as approved by the Weld County Department of Public Health and Environment.
- 45.2 Fertilizer, (Organic) Storage and Sale, Where the Fertilizer is Stored for Longer than One (1) Year
  - 45.2.1 Storage of fertilizer shall not be permitted closer than fifty (50) feet to any PUBLIC right-of- way or LOT line.
  - 45.2.2 Rodents and insects shall be controlled in accordance with standards set by the

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- 45.2.3 Upon termination of permit, all fertilizer shall be removed.
- 45.3 Outdoor Shooting Ranges, Subject to Conditions Set Forth Below
- 45.3.1 A Special Review permit to operate an outdoor shooting range, if approved, may be conditioned on a requirement that every ten (10) years the safety of the design of the range shall be reviewed and safety design changed taking into account the history of the operation and changes in surrounding land uses and the relevant provisions of § 45.3.2.2, 45.3.3.2 - 45.3.3.6, and 45.3.4. Review of the safety plan shall be accomplished using the Site Plan Review Process and such changes shall not constitute a major change from the Special Review Permit. The operator, if he chooses not to accept the staff determination under the Site Plan Review process, may request that the matter be determined by the Board of County Commissioners who shall hear the matter in accordance with the procedures for considering a Special Review Permit provided, however, that no fee shall be charged.
- 45.3.2 Application for a Special Review Permit to operate an outdoor shooting range shall be accompanied by the following information:
  - 45.3.2.1 Topography at two (2) foot intervals.
  - 45.3.2.2 Plan of range with supporting data on safety factors.
- 45.3.3 The following minimum standards shall apply to all outdoor shooting ranges:
  - 45.3.3.1 Minimum land requirements shall be set by the Planning Commission for each application.
  - 45.3.3.2 Shooting ranges shall, when possible, be located to take advantage of natural terrain barriers. The entire range (including danger area if range is not of the "Safety Range" type) shall be fenced and warning signs posted every two hundred (200) feet.
  - 45.3.3.3 Line of fire shall be as nearly horizontal as is practicable and never below horizontal. Ranges may be constructed so that the firing point is below the target, provided the gradient between the firing point and target does not exceed two percent (2%).
  - 45.3.3.4 Perimeter of range shall be LANDSCAPED to provide natural noise barriers. The remainder of the range shall be planted and maintained with grass or other suitable ground cover.
  - 45.3.3.5 If the shooting range is used by more than four (4) individuals on a regular basis, shooting shall be supervised by a range officer or instructor qualified by the National Rifle Association or military service or other similar training.
  - 45.3.3.6 In addition to firing lines or fields, adequate space for danger areas, parking, equipment, storage building, clubhouse and latrines shall be provided.
- 45.3.4 Provisions for pistol, small-bore and high caliber Rifle Ranges:
  - 45.3.4.1 "Safety Range" requirement. If range is constructed in an urbanized area, or when area is developed, or when natural terrain does not offer adequate protection, overhead safety baffles may be required.



- 45.3.4.2 Firing points shall be four to five feet apart for shooting distances up to two hundred (200) yards.
- 45.3.4.3 Rifle or pistol ranges shall not be permitted without bullet stops. Natural or artificial bullet stops shall be provided.
  - 45.3.4.3.1 Natural bullet stops. Only slopes of hills shall be used for natural bullet stops. The crest of the hill used for a bullet stop shall be at least thirty (30) feet above the level of the firing point for a one hundred (100) yard range. An additional ten (10) feet of hill shall be provided for each additional one hundred (100) yards or range. The slope of the hill shall not be less than two (2) to one (1). A vertical cut shall be taken out of the face of the hillside used for a backstop to provide a nearly perpendicular face to catch bullets and prevent ricochets.
  - 45.3.4.3.2 Artificial bullet stops. For up to a three hundred (300) yard range, an earth embankment at least 25 feet in height, well sodded to retain slope of thirty-five (35) degrees from perpendicular and topped by an earth-filled timber barricade at least fifteen (15) feet high, shall be provided. Stones shall be removed from the face of the embankment to a depth of eighteen (18) inches. For each additional one hundred (100) yards of range, ten (10) feet in overall height of the bullet stop shall be added. Bullet stop shall extend approximately one hundred sixty (160) feet beyond the ends of the target line for high-caliber ranges; twenty-five (25) feet for smallbore rifle and pistol ranges.
- 45.3.5 Provisions for trap and skeet fields.
  - 45.3.5.1 A one hundred (100) by three hundred (300) yard danger zone shall be provided for trap fields.
  - 45.3.5.2 A three hundred (300) by six hundred (600) yard danger zone shall be provided for skeet fields.
  - 45.3.5.3 Trap and skeet fields may be combined (traps layout super-imposed on skeet field) where three hundred (300) by six hundred (600) yard zone shall be required.
  - 45.3.5.4 The trap field layout shall meet the requirements of the American Trap Association.
  - 45.3.5.5 The skeet field layout shall meet the requirements of the National Skeet Shooting Association.
- 45.4 Solid Waste Sites and Facilities or Hazardous Waste Disposal Sites
  - 45.4.1 Certificates of Designation for solid or hazardous waste disposal sites and facilities as required by Colorado Revised Statutes and Code of Colorado Regulations shall not be deemed approved until or unless a Use by Special Review Permit has been approved by the Planning Commission or the Board of County Commissioners where required by this Ordinance. The Board shall be guided in its review of a Certificate of Designation by state statute and regulations contained in Colorado Revised Statutes and Code of Colorado Regulations.
  - 45.4.2 Applicants for activities reviewed pursuant to Section 24, Use by Special Review for any Solid Waste sites and facilities or Hazardous Waste disposal sites shall have the burden of proof to demonstrate that there is a need for the facility within the proposed area of service, and the Planning Commission and Board shall be satisfied that a need exists as part of the determinations for any such permit.
- 45.5 Sewage Systems: Pumping Stations, Sludge Drying Beds, Treatment Plants, Lagoons. Applicants

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for site approval shall submit copies of the information supplied to the State Health Department.

45.6 KENNELS

- 45.6.1 Manure shall be handled and disposed of in a sanitary manner approved by the Weld County Department of Public Health and Environment.
- 45.6.2 Suitable chemical and scientific controls shall be provided for rodent and insect control.
- 45.6.3 Drainage facilities or improvements shall be constructed to protect any ADJACENT rivers, streams or other bodies of water.

45.7 DRIVE-IN THEATERS

- 45.7.1 The Planning Commission and Board of County Commissioners shall consider the following criteria in making their determination in approving or denying a Special Review Permit for a DRIVE-IN THEATER in addition to those criteria enumerated in Section 24.3.1 and Section 24.4.2. Its impact on prime agricultural land which is defined as soils with agricultural capability classifications of I, II, and III as indicated on maps completed by the U.S.D.A. Soil Conservation Service.
  - 45.7.1.1 One (1) on-site parking space shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.
  - 45.7.1.2 A stack area capable of storing at least one-third (1/3) as many cars as can be accommodated within the viewing area shall be provided, away from the flow of incoming or outgoing traffic, for waiting vehicles.
  - 45.7.1.3 Ticket gates shall be provided as follows:
    - 45.7.1.3.1 One (1) ticket gate for up to a three hundred (300) car capacity theater;
    - 45.7.1.3.2 Two (2) ticket gates for up to a six hundred (600) car capacity theater;
    - 45.7.1.3.3 Three(3) ticket gates for up to an eight hundred (800) car capacity theater; and
    - 45.7.1.3.4 Four (4) ticket gates for up to a one thousand (1,000) car capacity theater.
  - 45.7.1.4 Lighting
    - 45.7.1.4.1 All outside lighting shall be arranged and shielded so as to prevent any nuisance on ADJACENT STREETS or property.
    - 45.7.1.4.2 Exits and pedestrian passageways shall be adequately lighted at all times when open to the public.
  - 45.7.1.5 Access
    - 45.7.1.5.1 Each developed site shall have a minimum of two (2) accesses, but shall not have more than two (2) accesses onto any one (1) STREET, except that the Board of County Commissioners has the right to prescribe additional access requirements if it is deemed that a change in the location and number of accesses will reduce the possibilities of traffic hazards.

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- 45.7.1.5.2 No direct entrance to or exit from a DRIVE-IN THEATER shall be permitted onto any FREEWAY or EXPRESSWAY as delineated on the Weld County Thoroughfare Plan or on any state or local plans.
- 45.7.1.5.3 The accesses for the DRIVE-IN THEATER shall be directly onto a paved road.
- 45.7.1.5.4 Acceleration and deceleration lanes and left turn lanes shall be provided when deemed necessary by the Board of County Commissioners to facilitate the continuous and safe flow of traffic to and from the THEATER .
- 45.7.1.5.5 The facility shall be designed to provide emergency vehicular access at all times.
- 45.7.1.5.6 Entrance and exit drives shall be paved and channelized to guide incoming and outgoing traffic.
- 45.7.1.5.7 Adequate site distance shall be provided at all access points.
- 45.7.1.6 Trash areas
- 45.7.1.6.1 All outside trash, garbage and refuse areas shall be SCREENED.
- 45.7.1.6.2 Provision shall be made for adequate vehicular access to and from such areas for collection purposes.
- 45.7.1.7 Projection Screens
- 45.7.1.7.1 The projection screen shall be oriented so as to minimize the potential traffic hazard created by people viewing the screen from adjacent highways.
- 45.7.1.7.2 Construction plans for the screen shall be prepared by a certified engineer and said plans shall conform with the requirements of the Weld County Building Code.
- 45.7.1.7.3 The screen and its supporting structure shall be designed to withstand a wind pressure of at least twenty-five (25) pounds per square foot.
- 45.7.1.8 Fire Protection. Fire protection shall be provided in accordance with the requirements of the fire protection district having jurisdiction in the area where the theater is to be located.
- 45.7.1.9 Buffering
- 45.7.1.9.1 The DRIVE-IN THEATER shall be adequately buffered through the use of landscaping and fencing to minimize negative impacts on surrounding land USES.
- 45.7.1.10 Health Standards and Regulations. The proposed facility shall comply with all State and County Health Standards and Regulations.
- 45.8 Public Utilities facilities. Applicants for activities reviewed pursuant to Section 25, Special Review Permit for Major Facilities of a Public Utility, as MAJOR FACILITIES OF Public UTILITIES shall have the burden of proof to demonstrate that there is a need for the facility within the proposed area of service, and the Planning Commission shall be satisfied that a need exists as part of the determinations for any such permit.
- 46 MANUFACTURED HOMES: Does not require the approval of a zoning permit. All structures meeting the definition of MOBILE HOME shall follow the zoning permit requirements of Section 43, Mobile Homes; Accessory Dwelling Units, of this Ordinance.

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47 LIVESTOCK Feeding Performance Standards: Anyone feeding LIVESTOCK shall be responsible to use best management practices.

47.1 An operator shall be in violation of the following performance standards when: A complaint is received and verified by the Weld County Department of Public Health and Environment; and the Health Department sends written notice to the operator requiring a plan and time line for correction to be submitted within a specified reasonable period of time; and the operator fails to respond to the written notice within the specified period of time; or the operator fails to implement the plan of correction within the proposed time line.

47.2 The Weld County Department of Public Health and Environment will use the following performance standards to verify a complaint and evaluate the presence of a nuisance condition.

47.2.1 The property owner shall remove, handle, and stockpile all manure in a manner that will prevent nuisance conditions. The manure piles shall not be allowed to exist or deteriorate to a condition that facilitates excessive odors, flies, insect pests, or pollutant runoff. The manure storage site shall have a surface, in accordance with the Confined Animal Feeding Operation Control Regulations, which does not permit seepage or percolation of manure pollutants into the ground.

47.2.2 Suitable natural, sanitary, chemical and scientific controls shall be provided for rodent and insect control.

47.2.3 Equipment and areas on the property, such as feed bunks, feed bunk aprons, water tanks, feeding devices, manure piles, trash dumpsters, animal pens, feed mixing areas, STRUCTURES, and other similar equipment and areas shall be constructed and maintained in a sanitary manner to prevent nuisance conditions.

47.2.4 Adequate mechanical means for scraping, grading and cleaning of the property shall be provided at all times.

47.2.5 Drainage facilities or improvements shall be constructed to protect any rivers, streams or other bodies of water from pollution.

47.2.6 All runoff retention and containment facilities shall meet and be maintained in accordance with the Colorado Department of Public Health and Environment's Confined Animal Feeding Operation Control Regulation (5 CCR 1002-19). The property owner shall be responsible for any additional requirements issued by the Colorado Department of Public Health and Environment, Water Quality Control Division, or the Weld County Department of Public Health and Environment.

47.2.7 Ground water monitoring wells may be required to evaluate impacts on the ground water table. The number, placement, construction, and monitoring of wells shall be at the direction of the Board of County Commissioners.

47.2.8 Uses on the property shall comply with the Colorado Air Quality Commission's air quality regulations.

47.2.9 All associated liquid and solid wastes shall be stored and removed for final disposal in a manner than protects against surface and groundwater contamination.

47.2.10 Fugitive dust shall be confined on the property.

48 Domestic Sewage Sludge Regulations

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48.1 Intent and Applicability

- 48.1.1 The intent of the Domestic Sewage Sludge Permit procedure is to ensure that the quality of waste discharged on land in Weld County for beneficial uses is applied in a manner which will protect and promote the health, safety, convenience, and general welfare of the present and future residents of the COUNTY.
- 48.1.2 Commencing April 1, 1990, a Domestic Sewage Sludge Permit shall be required for the discharge or disposal of domestic sewage sludge in the unincorporated areas of the COUNTY.
- 48.1.3 Any contiguous parcel, or any number of noncontiguous parcels which are owned by the same individual or group of individuals may be permitted under one Domestic Sewage Sludge Permit. However, the required evaluations, analysis results, and fees shall be submitted for each one hundred sixty (160) acres or fraction thereof.
- 48.1.4 Sludge disposal sites and facilities that have been issued a Certificate of Designation are exempted from the provisions of Section 48, Domestic Sewage Sludge Regulations, of this Ordinance.
- 48.1.5 Any person filing an application for a Domestic Sewage Sludge Permit shall comply with the COUNTY procedures and regulations in this Ordinance.
- 48.1.6 Applications for a Domestic Sewage Sludge Permit shall be completed as set forth in Section 48.2, Application Requirements. The completed application and application fee shall be submitted to the Weld County Department of Public Health and Environment.
- 48.1.7 A Domestic Sewage Sludge Permit shall be for a period of one year, and is renewable for one year periods only by grant of the Weld County Board of Health. The permit shall be considered for renewal upon submittal sixty (60) days prior to the expiration date of the permit. Any expansion or enlargement of the area for which the Domestic Sewage Sludge Permit is issued shall require a new application under the provisions of Section 48, Domestic Sewage Sludge Regulations, of this Ordinance. The applicant shall be entitled to twenty-one (21) days notice prior to any hearing at which the Board of Health may refuse to renew any portion of the permit.
- 48.1.8 The Board of County Commissioners hereby delegates the authority to review, issue, and revoke Domestic Sewage Sludge Permits to the Weld County Board of Health, the Public Health Officer, and the Weld County Department of Public Health and Environment as set forth in this Ordinance.

48.2 Application Requirements for a Domestic Sewage Sludge Permit

- 48.2.1 The purpose of the application is to give the applicant an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Ordinance. The following supporting documents shall be submitted as a part of the application:
  - 48.2.1.1 The following general information shall be on a form provided by the Weld County Department of Public Health and Environment:
    - 48.2.1.1.1 Name, address, and telephone number of the sludge generator and applicator;
    - 48.2.1.1.2 Name and address of the fee owners of the property proposed for the Domestic

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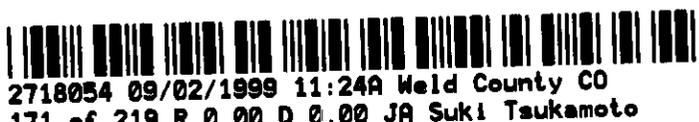
- Sewage Sludge Permit if different from above;
- 48.2.1.1.3 A legal description of the property where the sludge is to be applied;
  - 48.2.1.1.4 Total acreage of the property under consideration;
  - 48.2.1.1.5 Existing land USE of the property under consideration;
  - 48.2.1.1.6 Existing land USES of all properties ADJACENT to the property under consideration;
  - 48.2.1.1.7 Present zone and overlay zones, if appropriate; and
  - 48.2.1.1.8 Signatures of the generator, applicator, and fee owners or their authorized legal agent.
- 48.2.1.2 Evidence that demonstrates that the USE will be in compliance with the Colorado Department of Public Health and the Environment's Domestic Sewage Sludge Regulations 5CCR 1003-7, 1986.
- 48.2.1.3 A letter of intent to apply sludge that includes the following information:
- 48.2.1.3.1 The number of pounds of sludge to be applied per acre;
  - 48.2.1.3.2 The types of crops to be grown on the land, and the number of acres of each crop;
  - 48.2.1.3.3 The grade of the sludge;
  - 48.2.1.3.4 Evidence showing that the sludge meets the stability criteria established by the Colorado Department of Public Health and the Environment;
  - 48.2.1.3.5 Results of piezometric tube monitoring, test bores or other groundwater level monitoring results verifying the annual high groundwater level at the minimum depth which occurs on the site;
  - 48.2.1.3.6 Results of test bores or other results verifying the minimum depth to bedrock which occurs on the site;
  - 48.2.1.3.7 Alternate sludge disposal plans, the name and address of the generator, the name and address of any contractor, a copy of the contract, and if applicable, the name and address of the user;
  - 48.2.1.3.8 A screening analysis of the sludge;
  - 48.2.1.3.9 A soil analysis of the site.
- 48.2.1.4 A written statement demonstrating the applicant's ability to apply sludge either by direct injection or surface application with immediate incorporation into the soil. If the applicant does not plan immediate incorporation, a written statement demonstrating why it is not feasible and necessary for reasons of remoteness, nature of the sludge, characteristics of the soil or type of crop shall be submitted.
- 48.2.1.5 A written statement demonstrating that the applicant has alternate sites available during cold weather months when injection or incorporation is not possible. Surface application on frozen ground shall be allowed only if specifically requested in the application and authorized in the permit.

- 48.2.1.6 A written statement demonstrating that the applicant can and will off-load a minimum of sixty (60) feet from county roads.
- 48.2.1.7 A written statement demonstrating that at no time will an application site have an odor reading of greater than 7:1 dilution/threshold according to Regulation #2 of the Colorado Air Quality Control Regulations.
- 48.2.1.8 A written statement demonstrating that the applicant has the ability to prevent, control, and abate spillage.
- 48.2.1.9 A written statement demonstrating that the applicant can and will handle, store, and dispose of sludge in a manner that controls fugitive dust, blowing debris, odor and other potential nuisance conditions.
- 48.2.1.10 A written statement demonstrating how the proposed USE will be compatible with the existing surrounding land uses.
- 48.2.1.11 A written statement demonstrating how the proposed USE will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by the COMPREHENSIVE PLAN of the COUNTY or the adopted MASTER PLANS of affected municipalities.
- 48.2.1.12 A written statement demonstrating how adequate provision for the protection of the health, safety, and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY will be maintained.
- 48.2.1.13 A map that shows and complies with the following requirements:
  - 48.2.1.13.1 The minimum size of the map shall be eighteen (18) inches by twenty-four (24) inches.
  - 48.2.1.13.2 The scale shall be one inch equals two hundred (200) feet or another suitable scale approved by the Weld County Department of Public Health and Environment.
  - 48.2.1.13.3 Section, township, and range.
  - 48.2.1.13.4 North arrow.
  - 48.2.1.13.5 Outline of the perimeter of the property under consideration.
  - 48.2.1.13.6 The location and names of all roads abutting the property under consideration.
  - 48.2.1.13.7 The location and name of any water features or irrigation ditches within the perimeter of the property under consideration.
  - 48.2.1.13.8 All existing and proposed STRUCTURES on the property under consideration.
  - 48.2.1.13.9 The location of all occupied DWELLINGS within a one (1) mile radius of the property under consideration.
- 48.2.1.14 Any additional information as may be required by the Weld County Department of Public Health and Environment or Board of Health in order to determine that the application meets the requirements of this Ordinance.
- 48.2.1.15 The number of copies required for processing the application. The exact number of copies shall be determined by the Weld County Department of Public Health and Environment.



48.3 Duties of the Environmental Protection Services.

- 48.3.1 The Weld County Department of Public Health and Environment shall be responsible for processing all applications for Domestic Sewage Sludge Permits in the unincorporated areas of Weld County. It shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below.
- 48.3.2 Upon determination that the application submittal is complete, the Weld County Department of Public Health and Environment shall:
- 48.3.2.1 Set a Weld County Board of Health hearing date not more than forty-five (45) days after the complete application has been submitted.
- 48.3.2.2 Arrange for legal notice of the Board of Health hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Weld County Department of Public Health and Environment, a second notice may be published in a newspaper which is published in the area in which the Domestic Sewage Sludge Permit is proposed. Failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.
- 48.3.2.3 Provide a sign for the applicant to post on the property under consideration for a Domestic Sewage Sludge Permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, the applicant shall post one sign in the most prominent place on the property and post a second sign at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted by the applicant, who shall certify that the sign has been posted for the ten (10) days preceding the hearing date. The sign shall show the following information:
- 48.3.2.3.1 Domestic Sewage Sludge Permit number.
- 48.3.2.3.2 Date and place of Public Hearing.
- 48.3.2.3.3 Location and phone number of the public office where additional information may be obtained.
- 48.3.2.3.4 Applicant's name.
- 48.3.2.3.5 Size of parcel of land.
- 48.3.2.3.6 Type of request.
- 48.3.2.4 Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within fourteen (14) days after the mailing of the application by the COUNTY. The failure of any agency to respond within fourteen (14) days may be deemed to be a favorable response to the COUNTY. The reviews and comments solicited by Weld County are intended to provide the COUNTY with information about the proposed Domestic Sewage Sludge Permit. The Weld County Department of Public Health and Environment may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY.
- 48.3.2.4.1 The Planning Commission or Governing Body of any town and county whose



boundaries are within a three (3) mile radius of the parcel under consideration for a Domestic Sewage Sludge Permit.

- 48.3.2.4.2 The Planning Commission or Governing Body of any city or town that has included the parcel in its MASTER PLANNING area.
- 48.3.2.4.3 Weld County Department of Planning Services.
- 48.3.2.4.4 Weld County Department of Public Works
- 48.3.2.4.5 Colorado Department of Public Health and Environment .
- 48.3.2.4.6 Colorado Department of Transportation.
- 48.3.2.4.7 Colorado State Engineer or appropriate water district or municipality
- 48.3.2.4.8 Any irrigation ditch company with facilities on or adjacent to the parcel under consideration for a Domestic Sewage Sludge Permit.
- 48.3.2.4.9 Any other agencies or individuals whose review the Weld County Department of Public Health and Environment may deem necessary.
- 48.3.2.5 Prepare a staff recommendation for use by the Board of Health addressing all aspects of the application, its conformance with the standards contained in this Ordinance and comments received from agencies to which the proposal was referred.

#### 48.4 Duties of the Weld County Board of Health.

- 48.4.1 The Weld County Board of Health shall hold a public hearing to consider the application and shall either issue or deny all or any portion of the Domestic Sewage Sludge Permit. In making a decision on the proposed Domestic Sewage Sludge Permit, the Board shall consider the recommendation of the Weld County Department of Public Health and Environment, facts presented at the public hearing, and the information contained in the official record, which includes the Environmental Health Protection Services' case file. The Board shall approve all or any portion of the Domestic Sewage Sludge Permit unless it finds that the applicant has not met one or more of the standards or conditions of Section 48.4.1.1 through 48.4.1.10. The applicant has the burden of proof to show that the standards and conditions of Sections 48.4.1.1 through 48.4.1.10 are met. The applicant shall demonstrate:
  - 48.4.1.1 That the USE will be in compliance with the Colorado Department of Health's Domestic Sewage Sludge Regulations 5CCR 1003-7, 1986.
  - 48.4.1.2 That the sludge will be applied either by direct injection or surface application with immediate incorporation into the soil. The Board of Health may grant a permit where, if immediate incorporation is not planned, the Board is satisfied that it is not feasible and necessary for reasons of remoteness, nature of the sludge, characteristics of the soil, or type of crop.
  - 48.4.1.3 That alternate sites are available during cold weather months when injection or incorporation are not possible. Surface application on frozen ground shall be allowed only if specifically requested in the application and authorized in the permit.
  - 48.4.1.4 That a minimum of sixty (60) feet from county roads will be maintained when off-loading.



- 48.4.1.5 That at no time shall an application site have an odor reading of greater than a seven to one (7:1) dilution/threshold according to Regulation #2 of the Colorado Air Quality Control Regulations.
- 48.4.1.6 That the ability to prevent, control, and abate spillage of sludge shall be maintained.
- 48.4.1.7 That the methods of handling, storage, and disposal of the sludge shall control fugitive dust, blowing debris, odor and other potential nuisance conditions.
- 48.4.1.8 That the USE will be compatible with the existing surrounding land USES.
- 48.4.1.9 That the USE will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by the COMPREHENSIVE PLAN of the COUNTY or the adopted MASTER PLANS of affected municipalities.
- 48.4.1.10 That there is adequate provision for the protection of the health, safety, and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.
- 48.4.2 Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the approval of the Domestic Sewage Sludge Permit upon the surrounding area, the Board of Health may condition the decision to approve all or any portion of the permit upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the COUNTY to guarantee such implementation.
- 48.4.3 Upon the Board of Health making its decision on the Domestic Sewage Sludge Permit, a record of such action and a copy of the permit shall be kept in the files of the Weld County Department of Public Health and Environment' Office and a copy sent to the Weld County Clerk to the Board's Office.
- 48.4.4 If the Board of Health determines that the applicant has not met the standards or conditions of Sections 48.4.1.1 through 48.4.1.10 and denies all or any portion of a Domestic Sewage Sludge Permit, the applicant may request, within 30 days of the Board of Health's decision, to appear before the Board of County Commissioners in a public hearing. The Weld County Department of Public Health and Environment shall schedule the hearing before the Board of County Commissioners using the notice requirements of Sections 48.3.2.2 and 48.3.2.3 and notifying anyone who testified at the Board of Health's hearing. The Board of County Commissioners will consider the application and determine if the applicant has met the standards or conditions of Sections 48.4.1.1 through 48.4.1.10. The Board of County Commissioners may reverse, affirm, or modify the Board of Health's decision.
- 48.5 Domestic Sewage Sludge Permit Renewal Application.
- 48.5.1 The purpose of the renewal application is to give the applicant an opportunity to demonstrate through written and graphic information how the renewal complies with the standards of this Ordinance. The following information shall be submitted as a part of the renewal application to renew all or any portion of a Domestic Sewage Sludge Permit:
- 48.5.1.1 A renewal application form as provided by the Weld County Department of Public Health and Environment;
- 48.5.1.2 An explanation of any changes that are requested or that have occurred since the issuance of the Domestic Sewage Sludge Permit;

- 48.5.1.3 The number of pounds of sludge to be applied per acre;
- 48.5.1.4 The grade of the sludge;
- 48.5.1.5 Evidence showing that the sludge meets the stability criteria established by the Colorado Department of Public Health and the Environment;
- 48.5.1.6 A screening analysis of the sludge;
- 48.5.1.7 A soil analysis of the site. The soil analysis shall have been done within sixty (60) days of the submittal for renewal; and
- 48.5.1.8 Any additional information as may be required by the Weld County Department of Public Health and Environment or Board of Health in order to determine that the renewal application meets the requirements of this Ordinance.
- 48.5.2 Duties of the Environmental Protection Services
- 48.5.2.1 The Weld County Department of Public Health and Environment shall be responsible for processing all applications for the renewal of Domestic Sewage Sludge Permits in the unincorporated areas of Weld County. The duties of the Weld County Department of Public Health and Environment for processing a Domestic Sewage Sludge Permit renewal shall be the same as outlined in Section 48.3, Duties of the Weld County Department of Public Health and Environment, of this Ordinance. At the discretion of the Weld County Department of Public Health and Environment upon the request of the permittee, the notice and posting requirements on all or any portion of the permit may be waived when a Domestic Sewage Sludge Permit is considered for renewal based upon the remoteness, nature of the sludge, characteristics of the soil, type of crop, enforcement actions, and prior public comments or complaints.
- 48.5.3 Duties of the Weld County Board of Health.
- 48.5.3.1 The duties of the Weld County Board of Health for considering a renewal of a Domestic Sewage Sludge Permit shall be the same as outlined in Section 48.4, Duties of the Weld County Board of Health, of this Ordinance.
- 48.6 Violations
- 48.6.1 Weld County through its Board of Health, Public Health Officer, Weld County Department of Public Health and Environment, or other departments so authorized, may enforce the provisions of Section 48, Domestic Sewage Sludge Regulations, of this Ordinance and the terms, requirements, and conditions of an approved Domestic Sewage Sludge Permit through methods included in this Ordinance or through other methods adopted by resolution or ordinance by the Board of County Commissioners. Failure to abide by such terms, requirements, and conditions may result in a revocation of the Domestic Sewage Sludge Permit.

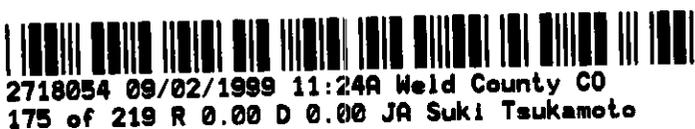
49 DOMESTIC SEPTIC SLUDGE Regulations

49.1 Intent and Applicability

- 49.1.1 The intent of the DOMESTIC SEPTIC SLUDGE Permit procedure is to ensure that the quality of waste discharged on land in Weld County for beneficial uses is applied in a manner which will protect and promote the health, safety, convenience, and general welfare of the present and future residents of the COUNTY.



- 49.1.2 A DOMESTIC SEPTIC SLUDGE Permit shall be required for the discharge or disposal of DOMESTIC SEPTIC SLUDGE in the unincorporated areas of the COUNTY. .
- 49.1.3 Any contiguous parcel, or any number of noncontiguous parcels which are owned by the same individual or group of individuals may be permitted under one DOMESTIC SEPTIC SLUDGE Permit. However, the required evaluations, analysis results, and fees shall be submitted for each one hundred sixty (160) acres or fraction thereof.
- 49.1.4 DOMESTIC SEPTIC SLUDGE disposal sites and facilities that have been issued a Certificate of Designation are exempted from the provisions of Section 49, Domestic Septic Sludge Regulations, of this Ordinance.
- 49.1.5 Any person filing an application for a DOMESTIC SEPTIC SLUDGE Permit shall comply with the COUNTY procedures and regulations in this Ordinance.
- 49.1.6 Applications for a DOMESTIC SEPTIC SLUDGE Permit shall be completed as set forth in Section 49.2, Application Requirements. The completed application and application fee shall be submitted to the Weld County Department of Public Health and Environment.
- 49.1.7 A DOMESTIC SEPTIC SLUDGE Permit shall be for a period of one year, and is renewable for one year periods only by grant of the Weld County Board of Health. The permit shall be considered for renewal upon submittal sixty (60) days prior to the expiration date of the permit. Any expansion or enlargement of the area for which the DOMESTIC SEPTIC SLUDGE Permit is issued shall require a new application under the provisions of Section 49, Domestic Septic Sludge Regulations, of this Ordinance. The applicant shall be entitled to twenty-one (21) days notice prior to any hearing at which the Board of Health may refuse to renew any portion of the permit.
- 49.1.8 The Board of County Commissioners hereby delegates the authority to review, issue, and revoke DOMESTIC SEPTIC SLUDGE Permits to the Weld County Board of Health, the Public Health Officer, and the Weld County Department of Public Health and Environment as set forth in this Ordinance.
- 49.2 Operating Standards for DOMESTIC SEPTIC SLUDGE Permits
- 49.2.1 An applicant for a DOMESTIC SEPTIC SLUDGE permit shall demonstrate conformance with the EPA 40 CFR Part 503 Rule for land application of domestic septage to non-public contact sites and with the following operation standards prior to incorporation of the DOMESTIC SEPTIC SLUDGE into the soil and shall continue to meet these standards if the DOMESTIC SEPTIC SLUDGE permit is approved.
- 49.2.1.1 DOMESTIC SEPTIC SLUDGE shall not be landspread on saturated soil during precipitation events.
- 49.2.1.2. No DOMESTIC SEPTIC SLUDGE shall be applied in a quantity which would result in the DOMESTIC SEPTIC SLUDGE running off the application site identified in the DOMESTIC SEPTIC SLUDGE permit.
- 49.2.1.3 No DOMESTIC SEPTIC SLUDGE shall be applied in a manner which results in ponding of the septic sludge.
- 49.2.1.4 A DOMESTIC SEPTIC SLUDGE application site shall not be irrigated within twenty-



four (24) hours after DOMESTIC SEPTIC SLUDGE application has taken place.

- 49.2.1.5 No DOMESTIC SEPTIC SLUDGE shall be applied to land which is currently receiving DOMESTIC SEWAGE SLUDGE from a wastewater treatment plant, has received such wastes within the previous eighteen (18) months, or is permitted for such use under Section 49, Domestic Septic Sledge Regulations, of this Ordinance.
- 49.2.1.6 Root crops or table crops, when intended for direct human consumption, shall not be grown on land which has received DOMESTIC SEPTIC SLUDGE application within the previous eighteen (18) months.
- 49.2.1.7 Grazing by livestock shall not be allowed within six (6) weeks of any DOMESTIC SEPTIC SLUDGE application.
- 49.2.1.8 Public access to septic sludge application sites shall be restricted during the life of the permit and for a period of eighteen (18) months after the last application. Access shall be restricted by the remote locations, fencing, or posting of the site to minimize human contact with DOMESTIC SEPTIC SLUDGE.
- 49.2.1.9 DOMESTIC SEPTIC SLUDGE shall be applied uniformly by either subsurface injection or on-surface deflection. If applied on the surface, a deflector must be used on the discharge tube of the vehicle to sufficiently spread septic sludge at a maximum rate of eleven one hundredths (0.11) gal/square ft.
- 49.2.1.10 DOMESTIC SEPTIC SLUDGE applied on the surface shall be incorporated into the soil within twelve (12) hours of application.
- 49.2.1.11 Annual DOMESTIC SEPTIC SLUDGE application rates shall not exceed twenty-five thousand (25,000) gallons per acre per year.
- 49.2.1.12 No DOMESTIC SEPTIC SLUDGE shall be applied:
  - 49.2.1.12.1 Within a minimum of five hundred (500) feet of a residence, business, or recreational area.
  - 49.2.1.12.2 Within a minimum of fifty (50) feet of the property line of the disposal site.
  - 49.2.1.12.3 Without the depth of the annual high groundwater level having been established as greater than seven (7) feet in depth.
  - 49.2.1.12.4 Within five hundred (500) feet of the wellhead of a well supplying water for human consumption.
  - 49.2.1.12.5 Within one hundred (100) feet of the wellhead of any water well.
  - 49.2.1.12.6 On land located up gradient, and within one (1) mile, of the point at which surface waters are diverted for use in a PUBLIC water system.
  - 49.2.1.12.7 Within the boundaries of a one hundred (100) year floodplain.
  - 49.2.1.12.8 On land within three hundred (300) feet of any body of surface water.
  - 49.2.1.12.9 On land within fifty (50) feet of a dry streambed; and
  - 49.2.1.12.10 On land having a trace element level that equals or exceeds the following maximum cumulative standards.





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<u>Trace element</u>	<u>PPM</u>
Cadmium	2.5
Copper	62.5
Lead	175
Nickel	25
Zinc	125

49.2.13 Soil sampling shall be conducted prior to septic sludge application at the site and annually thereafter.

49.2.14 Soil samples shall be analyzed per the following schedule:

<u>Parameter</u>	<u>Units</u>
Soil, texture	----
pH	pH units
CEC	meg/100g**
Nitrate as N	ppm***
Phosphorus	ppm
Potassium	ppm
Sodium	ppm
Cadmium	ppm
Copper	ppm
Lead	ppm
Nickel	ppm
Zinc	ppm
Organic Matter	%

\* Cation exchange capability

\*\* Milliequivalent per one hundred grams

\*\*\* Parts per million

49.2.15 The owner or operator of record of the property for land application of DOMESTIC SEPTIC SLUDGE shall be responsible for maintaining the following records:

49.2.15.1 A record of all persons or entities transporting and disposing of DOMESTIC SEPTIC SLUDGE to the site.

49.2.15.2 Daily records to show all loads received and disposed at the site.

49.2.15.3 Transporter log records and invoice records maintained by the operator on site which shall contain, at a minimum, the following information:

49.2.15.3.1 Name of licensed septic cleaner pumping the system.

49.2.15.3.2 Name and address and location of septic system serviced.

49.2.15.3.3 Date and time of servicing.

49.2.15.3.4 Type of system and description of all wastes pumped.

49.2.15.3.5 Gallons collected.

49.2.15.3.6 Disposal location.

49.2.15.3.7 Date and time of disposal.



- 49.2.15.4 All records shall be kept on file and available for inspection for a period of four (4) years from the point in time when the first application occurs at the site.
- 49.2.15.5 All persons transporting DOMESTIC SEPTIC SLUDGE in the COUNTY shall be licensed as a septic cleaner pursuant to the Weld County Individual Sewage Disposal System Regulations.
- 49.2.16 All DOMESTIC SEPTIC SLUDGE applied at permitted sites shall be tested for and demonstrated not to exceed the following parameters:

<u>Parameters</u>	<u>Maximum Load (as is basis)</u>
Cadmium	1 mg/1
Copper	0.5 mg/1
Lead	5.0 mg/1
Nickel	1.0 mg/1
Zinc	30 mg/1

- 49.2.16.1 Composite samples of DOMESTIC SEPTIC SLUDGE from different septic tanks may be tested to determine the character of the sludge. Composite samples shall be taken in a manner that provides for a good representation of all DOMESTIC SEPTIC SLUDGE included.

49.3 Application Requirements for a DOMESTIC SEPTIC SLUDGE Permit

- 49.3.1 The purpose of the application is to give the applicant an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Ordinance. The following supporting documents shall be submitted as a part of the application:
  - 49.3.1.1 The following general information shall be on a form provided by the Weld County Department of Public Health and Environment:
    - 49.3.1.1.1 Name, address, and telephone number of the DOMESTIC SEPTIC SLUDGE transporter and applicator.
    - 49.3.1.1.2 Name and address of the property owners proposed for the DOMESTIC SEPTIC SLUDGE Permit if different from above.
    - 49.3.1.1.3 A legal description of the property where the DOMESTIC SEPTIC SLUDGE is to be applied.
    - 49.3.1.1.4 Total acreage of the property under consideration.
    - 49.3.1.1.5 Existing land USE of the property under consideration.
    - 49.3.1.1.6 Existing land USES of all properties ADJACENT to the property under consideration.
    - 49.3.1.1.7 Present zone and overlay zones, if appropriate.
    - 49.3.1.1.8 Signatures of the transporter applicator, and property owners or their authorized legal agent.
  - 49.3.1.2 Hydrologic data pertaining to the site including:
    - 49.3.1.2.1 The location and depth of all wells within one (1) mile, depth to water, water use,



- yield, and an evaluation of impact of the proposed application on the groundwater.
- 49.3.1.2.2 Location of all lakes, rivers, streams, springs, and bogs within one (1) mile of the site.
  - 49.3.1.2.3 The depth to the annual high groundwater table.
  - 49.3.1.3 Soils data pertaining to the site including:
    - 49.3.1.3.1 Soils classification of each field as mapped or described by the U.S. Department of Agriculture, Soil Conservation Service or equivalent.
    - 49.3.1.3.2 Soil test data including the parameters of Section 49.2.14.
    - 49.3.1.3.3 Soil test data demonstrating that five (5) feet of SUITABLE SOIL will exist at all sludge application sites between the plowline and the top of the high groundwater table.
  - 49.3.1.4 An operation and management plan for the site including:
    - 49.3.1.4.1 Methods of DOMESTIC SEPTIC SLUDGE application and incorporation.
    - 49.3.1.4.2 Any provisions for storage of DOMESTIC SEPTIC SLUDGE at the site including type of storage and spill containment and clean-up procedures.
    - 49.3.1.4.3 Types and use of all crops grown on the site during and for eighteen (18) months after cessation of DOMESTIC SEPTIC SLUDGE application.
    - 49.3.1.4.4 A schedule of DOMESTIC SEPTIC SLUDGE application, harvesting, and fallowing of crop lands.
  - 49.3.1.5 Irrigation methods and schedule for the site.
  - 49.3.1.6 The number of gallons of DOMESTIC SEPTIC SLUDGE to be applied per acre.
  - 49.3.1.7 Results of piezometric tube monitoring, test bores or other groundwater level monitoring results verifying the annual high groundwater level at the minimum depth which occurs on the site.
  - 49.3.1.8 Results of test bores or other results verifying the minimum depth to bedrock which occurs on the site.
  - 49.3.1.9 Alternate sludge disposal plans, the name and address of the disposal site, the name and address of any operator, and a copy of the contract.
  - 49.3.1.10 A written statement demonstrating the applicant's ability to apply DOMESTIC SEPTIC SLUDGE either by direct injection or surface application with immediate incorporation into the soil.
  - 49.3.1.11 A written statement demonstrating that the applicant has alternate methods of disposal available during cold weather months when injection or incorporation is not possible.
  - 49.3.1.12 A written statement demonstrating that the applicant can and will off-load a minimum of sixty (60) feet from county roads.

- 49.3.1.13 A written statement demonstrating that at no time will an application site have an odor reading of greater than seven to one (7:1) dilution/threshold as measured according to Regulation #2 of the Colorado Air Quality Control Regulations.
- 49.3.1.14 A written statement demonstrating that the applicant has the ability to prevent, control, and abate spillage.
- 49.3.1.15 A written statement demonstrating that the applicant can and will handle, store, and dispose of DOMESTIC SEPTIC SLUDGE in a manner that controls fugitive dust, blowing debris, odor and other potential nuisance conditions.
- 49.3.1.16 A written statement demonstrating how the proposed USE will be compatible with the existing surrounding land uses.
- 49.3.1.17 A written statement demonstrating how the proposed USE will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by the COMPREHENSIVE PLAN of the COUNTY or the adopted MASTER PLANS of affected municipalities.
- 49.3.1.18 A written statement demonstrating how adequate provision for the protection of the health, safety, and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY will be maintained.
- 49.3.1.19 A map that shows and complies with the following requirements:
  - 49.3.1.19.1 The minimum size of the map shall be eighteen (18) inches by twenty-four (24) inches.
  - 49.3.1.19.2 The scale shall be a suitable scale allowing for legible reading.
  - 49.3.1.19.3 Section, township, and range.
  - 49.3.1.19.4 North arrow.
  - 49.3.1.19.5 Outline of the perimeter of the property under consideration.
  - 49.3.1.19.6 The location and names of all roads abutting the property under consideration.
  - 49.3.1.19.7 The location and name of any water features or irrigation ditches within the perimeter of the property under consideration.
  - 49.3.1.19.8 All existing and proposed STRUCTURES on the property under consideration.
  - 49.3.1.19.9 The location of all occupied DWELLINGS within a one mile radius of the property under consideration.
- 49.3.1.20 Any additional information as may be required by the Weld County Department of Public Health and Environment or Board of Health in order to determine that the application meets the requirements of this Ordinance.
- 49.3.1.21 The number of copies required for processing the application. The exact number of copies shall be determined by the Weld County Department of Public Health and Environment.

49.4 Duties of the Environmental Protection Services.

- 49.4.1 The Weld County Department of Public Health and Environment shall be



responsible for processing all applications for DOMESTIC SEPTIC SLUDGE Permits in the unincorporated areas of Weld County. It shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below.

- 49.4.2 Upon determination that the application submittal is complete, the Weld County Department of Public Health and Environment shall:
  - 49.4.2.1 Set a Weld County Board of Health hearing date not more than forty-five (45) days after the complete application has been submitted.
  - 49.4.2.2 Arrange for legal notice of the Board of Health hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Weld County Department of Public Health and Environment, a second notice may be published in a newspaper which is published in the area in which the DOMESTIC SEPTIC SLUDGE Permit is proposed. Failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.
  - 49.4.2.3 Provide a sign for the applicant to post on the property under consideration for a DOMESTIC SEPTIC SLUDGE Permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, the applicant shall post one sign in the most prominent place on the property and post a second sign at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted by the applicant, who shall certify that the sign has been posted for the ten (10) days preceding the hearing date. The sign shall show the following information:
    - 49.4.2.3.1 DOMESTIC SEPTIC SLUDGE Permit number.
    - 49.4.2.3.2 Date and place of Public Hearing.
    - 49.4.2.3.3 Location and phone number of the public office where additional information may be obtained.
    - 49.4.2.3.4 Applicant's name.
    - 49.4.2.3.5 Size of parcel of land.
    - 49.4.2.3.6 Type of request.
  - 49.4.2.4 Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within fourteen (14) days after the mailing of the application by the COUNTY. The failure of any agency to respond within fourteen (14) days may be deemed to be a favorable response to the COUNTY. The reviews and comments solicited by Weld County are intended to provide the COUNTY with information about the proposed DOMESTIC SEPTIC SLUDGE Permit. The Weld County Department of Public Health and Environment may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY.
    - 49.4.2.4.1 The Planning Commission or Governing Body of any town and county whose boundaries are within a three (3) mile radius of the parcel under consideration for a DOMESTIC SEPTIC SLUDGE Permit.



- 49.4.2.4.2 The Planning Commission or Governing Body of any city or town that has included the parcel in its MASTER PLANNING area.
- 49.4.2.4.3 Weld County Department of Planning Services.
- 49.4.2.4.4 Weld County Department of Public Works.
- 49.4.2.4.5 Colorado Department of Public Health and Environment.
- 49.4.2.4.6 Colorado Department of Transportation.
- 49.4.2.4.7 Colorado State Engineer or appropriate water district or municipality.
- 49.4.2.4.8 Any irrigation ditch company with facilities on or adjacent to the parcel under consideration for a DOMESTIC SEPTIC SLUDGE Permit.
- 49.4.2.4.9 Any other agencies or individuals whose review the Weld County Department of Public Health and Environment may deem necessary.
- 49.4.2.5 Prepare a staff recommendation for use by the Board of Health addressing all aspects of the application, its conformance with the standards contained in this Ordinance and comments received from agencies to which the proposal was referred.

49.5 Duties of the Weld County Board of Health.

- 49.5.1 The Weld County Board of Health shall hold a public hearing to consider the application and shall either issue or deny all or any portion of the DOMESTIC SEPTIC SLUDGE Permit. In making a decision on the proposed DOMESTIC SEPTIC SLUDGE Permit, the Board shall consider the recommendation of the Weld County Department of Public Health and Environment, facts presented at the public hearing, and the information contained in the official record, which includes the Environmental Health Protection Services' case file. The Board shall approve all or any portion of the DOMESTIC SEPTIC SLUDGE Permit unless it finds that the applicant has not met one or more of the standards or conditions of Section 49.5.1.1 through 49.5.1.9. The applicant has the burden of proof to show that the standards and conditions of Sections 49.5.1.1 through 49.5.1.9 are met. The applicant shall demonstrate:
  - 49.5.1.1 That the septic sludge will be applied either by direct injection or surface application with immediate incorporation into the soil.
  - 49.5.1.2 That alternate methods of disposal are available during cold weather months when injection or incorporation are not possible.
  - 49.5.1.3 That a minimum of sixty (60) feet from county roads will be maintained when off-loading.
  - 49.5.1.4 That at no time shall an application site have an odor reading of greater than a seven to one (7:1) dilution/threshold according to Regulation #2 of the Colorado Air Quality Control Regulations.
  - 49.5.1.5 That the ability to prevent, control, and abate spillage of septic sludge shall be maintained.
  - 49.5.1.6 That the methods of handling, storage, and disposal of the DOMESTIC SEPTIC SLUDGE shall control fugitive dust, blowing debris, odor and other potential

nuisance conditions.

- 49.5.1.7 That the USE will be compatible with the existing surrounding land USES.
  - 49.5.1.8 That the USE will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by the COMPREHENSIVE PLAN of the COUNTY or the adopted MASTER PLANS of affected municipalities.
  - 49.5.1.9 That there is adequate provision for the protection of the health, safety, and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.
  - 49.5.2 Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the approval of the DOMESTIC SEPTIC SLUDGE Permit upon the surrounding area, the Board of Health may condition the decision to approve all or any portion of the permit upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the COUNTY to guarantee such implementation.
  - 49.5.3 Upon the Board of Health making its decision on the DOMESTIC SEPTIC SLUDGE Permit, a record of such action and a copy of the permit shall be kept in the files of the Weld County Department of Public Health and Environment' Office and a copy sent to the Weld County Clerk to the Board's Office.
  - 49.5.4 If the Board of Health determines that the applicant has not met the standards or conditions of Sections 49.5.1.1 through 49.5.1.9 and denies all or any portion of a DOMESTIC SEPTIC SLUDGE Permit, the applicant may request, within thirty (30) days of the Board of Health's decision, to appear before the Board of County Commissioners in a public hearing. The Weld County Department of Public Health and Environment shall schedule the hearing before the Board of County Commissioners using the notice requirements of Sections 49.4.2.2 and 49.4.2.3 and notifying anyone who testified at the Board of Health's hearing. The Board of County Commissioners will consider the application and determine if the applicant has met the standards or conditions of Sections 49.5.1.1 through 49.5.1.9. The Board of County Commissioners may reverse, affirm, or modify the Board of Health's decision.
- 49.6 DOMESTIC SEPTIC SLUDGE Permit Renewal Application.
- 49.6.1 The purpose of the renewal application is to give the applicant an opportunity to demonstrate through written and graphic information how the renewal complies with the standards of this Ordinance. The following information shall be submitted as a part of the renewal application to renew all or any portion of a DOMESTIC SEPTIC SLUDGE Permit:
    - 49.6.1.1 A renewal application form as provided by the Weld County Department of Public Health and Environment.
    - 49.6.1.2 An explanation of any changes that are requested or that have occurred since the issuance of the DOMESTIC SEPTIC SLUDGE Permit.
    - 49.6.1.3 The number of gallons of DOMESTIC SEPTIC SLUDGE to be applied per acre.
    - 49.6.1.4 The analysis of previously applied DOMESTIC SEPTIC SLUDGE.
    - 49.6.1.5 Evidence showing that the DOMESTIC SEPTIC SLUDGE meets the criteria established by Section 49.2, Operating Standards for Domestic Septic Sludge



Permits, of this Ordinance.

49.6.1.6 A soil analysis of the site. The soil analysis shall have been done within sixty (60) days of the submittal for renewal.

49.6.1.7 Any additional information as may be required by the Weld County Department of Public Health and Environment or Board of Health in order to determine that the renewal application meets the requirements of this Ordinance.

49.6.2 Duties of the Environmental Protection Services

49.6.2.1 The Weld County Department of Public Health and Environment shall be responsible for processing all applications for the renewal of DOMESTIC SEPTIC SLUDGE Permits in the unincorporated areas of Weld County. The duties of the Weld County Department of Public Health and Environment for processing a DOMESTIC SEPTIC SLUDGE Permit renewal shall be the same as outlined in Section 49.4, Duties of the Weld County Department of Public Health and Environment, of this Ordinance. At the discretion of the Weld County Department of Public Health and Environment upon the request of the permittee, the notice and posting requirements on all or any portion of the permit may be waived when a DOMESTIC SEPTIC SLUDGE Permit is considered for renewal based upon the remoteness, nature of the sludge, characteristics of the soil, type of crop, enforcement actions, and prior public comments or complaints.

49.6.3 Duties of the Weld County Board of Health.

49.6.3.1 The duties of the Weld County Board of Health for considering a renewal of a DOMESTIC SEPTIC SLUDGE Permit shall be the same as outlined in Section 49.5, Duties of the Weld County Board of Health, of this Ordinance.

49.7 Violations

49.7.1 The COUNTY through its Board of Health, Public Health Officer, Weld County Department of Public Health and Environment, or other departments so authorized, may enforce the provisions of Section 49, DOMESTIC SEPTIC SLUDGE REGULATIONS, of this Ordinance and the terms, requirements, and conditions of an approved DOMESTIC SEPTIC SLUDGE Permit through methods included in this Ordinance or through other methods adopted by resolution or ordinance by the Board of County Commissioners. Failure to abide by such terms, requirements, and conditions may result in a revocation of the DOMESTIC SEPTIC SLUDGE Permit.



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50 Overlay Districts

51 A-P (Airport) Overlay District

51.1 DEFINITIONS: As used in this Section 51, unless the context otherwise requires:

AIRPORT: Greeley-Weld County Airport, located in Sections 2 and 3, T5N, and Sections 26 and 35, T6N, R65W of the 6th P.M., Weld County, Colorado.

AIRPORT ELEVATION: The established elevation of the highest point on the usable landing area (4,690 feet above sea level).

AIRPORT REFERENCE POINT: The point established as the geographic center of the airport landing area. The reference point at Greeley-Weld County Airport is a point thirty-one thousand feet (3,100') west of the east line of Section 2, T5N, R68W of the 6th P.M., Weld County, Colorado, and two thousand two hundred fifty feet (2,250') south of the north line of said Section 2, which geographic coordinates are Latitude forty (40) degrees, twenty-six feet (26'), eight inches (8") north and Longitude one hundred four (104) degrees, thirty-seven feet (37'), fifty-five inches (55") west.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Section. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES: These zones are set forth in Section 51.2, Airport Zone.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20 to 1) for a horizontal distance of four thousand feet (4000').

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: For the purpose of determining the HEIGHT limits in all zones set forth in this Section and shown on the zoning map, the datum shall be MEAN SEA LEVEL elevation unless otherwise specified.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone (four thousand eight hundred forty feet (4,840' above sea level).

LARGER THAN UTILITY RUNWAY: A RUNWAY that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

NONCONFORMING USE: Any pre-existing STRUCTURE, object of natural growth, or use of land which is inconsistent with the provisions of the Ordinance or an amendment thereto.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting HEIGHT set forth in Section 51.3, Airport Zone Height Regulations of this Ordinance.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PRECISION INSTRUMENT RUNWAY: A RUNWAY having an existing instrument approach



procedure utilizing an Instrument Landing System (ILS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**PRIMARY SURFACE:** A surface longitudinally centered on a RUNWAY extending two hundred (200) feet beyond each end of that RUNWAY. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the RUNWAY centerline. The width of a primary surface is:

- (1) Two hundred fifty (250) feet for RUNWAYS having only visual approaches.
- (2) One thousand (1,000) feet for precision INSTRUMENT RUNWAYS.

**RUNWAY:** A defined area on an AIRPORT prepared for landing and takeoff of aircraft along its length.

**STRUCTURE:** An object, including a mobile object, constructed or installed by man, including but without limitation, BUILDINGS, towers, cranes, smokestacks, earth formation, and overhead TRANSMISSION LINES.

**TRANSITIONAL SURFACE:** These surfaces extend outward at ninety (90) degree angles to the RUNWAY centerline and the RUNWAY centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended RUNWAY centerline.

**TREE:** Any object of natural growth.

**UTILITY RUNWAY:** A RUNWAY that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

**VISUAL RUNWAY:** A RUNWAY intended solely for the operation of aircraft using visual approach procedures.

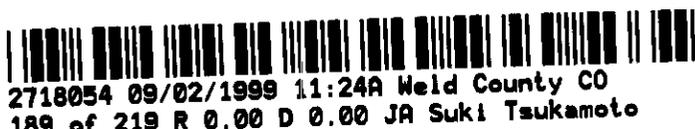
51.2 **AIRPORT ZONE:** In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Greeley-Weld County Airport. Such zones are shown on Greeley-Weld County Airport Zoning Map consisting of one (1) sheet, prepared by Isbill Associates, Inc., Airport Consultants, dated June, 1994, which is attached to this Ordinance and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

51.2.1 **UTILITY RUNWAY VISUAL APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the RUNWAY.

51.2.2 **RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation

of the centerline of the RUNWAY.

- 51.2.3 PRECISION INSTRUMENT RUNWAY APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the RUNWAY.
- 51.2.4 TRANSITIONAL ZONE: The transitional zones are the areas beneath the transitional surfaces.
- 51.2.5 HORIZONTAL ZONE: The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all RUNWAYS designated utility or visual and ten thousand (10,000) feet for all others from the center of each end of the primary surface of each RUNWAY and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- 51.2.6 CONICAL ZONE: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet.
- 51.3 AIRPORT ZONE HEIGHT LIMITATIONS: Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a HEIGHT in excess of the applicable HEIGHT herein established for such zone. Such applicable HEIGHT limitations are hereby established for each of the zones in question as follows:
- 51.3.1 UTILITY RUNWAY VISUAL APPROACH ZONE: Slopes of twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended RUNWAY centerline.
- 51.3.2 RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended RUNWAY centerline.
- 51.3.3 PRECISION INSTRUMENT RUNWAY APPROACH ZONE: Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended RUNWAY centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended RUNWAY centerline.
- 51.3.4 TRANSITIONAL ZONE: Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a HEIGHT of one hundred fifty (150) feet above the AIRPORT ELEVATION which is four thousand six hundred ninety (4,690) feet above MEAN SEA LEVEL. In addition to the foregoing, there are established HEIGHT limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision INSTRUMENT RUNWAY approach zone projects beyond the conical zone, there are established HEIGHT limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance

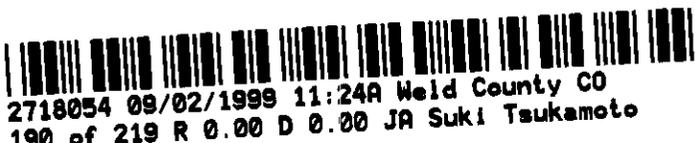


of five thousand (5,000) feet measured at ninety (90) degree angles to the extended RUNWAY centerline.

- 51.3.5 HORIZONTAL ZONE: Established at one hundred fifty (150) feet above the AIRPORT ELEVATION or at a HEIGHT of four thousand eight hundred forty (4,840) feet above MEAN SEA LEVEL.
- 51.3.6 CONICAL ZONE: Slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the AIRPORT ELEVATION and extending to a HEIGHT of three hundred fifty (350) feet above the AIRPORT ELEVATION.
- 51.4 USE RESTRICTION: Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the AIRPORT and aircraft, make it difficult for pilots to distinguish between AIRPORT lights and others, result in glare in the eyes of pilots using the AIRPORT, impair visibility in the vicinity of the AIRPORT, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the AIRPORT.
- 51.5 NONCONFORMING USE:
  - 51.5.1 REGULATIONS NOT RETROACTIVE: The regulations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any STRUCTURE or tree not conforming to the regulations as the effective date of this Section, or otherwise interfere with the continuance of a NONCONFORMING USE. Nothing contained herein shall require any change in the construction, alteration, or intended use of any STRUCTURE, the construction or alteration of which was begun prior to the effective date of this Section, and is diligently prosecuted.
  - 51.5.2 MARKING AND LIGHTING: Notwithstanding the preceding provision of this Section, the owner of any existing NONCONFORMING STRUCTURE or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Greeley-Weld County Airport Authority to indicate to the operators of aircraft in the vicinity of the AIRPORT the presence of such obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Greeley-Weld County Airport Authority.
- 51.6 VARIANCES: Any person desiring to erect or increase the HEIGHT of any STRUCTURE, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Section, may apply to the Board of Adjustment for a variance from such regulations under Section 61.3. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

52 Geologic Hazard Overlay District

- 52.1 Finding of Fact. Within the COUNTY there are areas subject to unstable geologic conditions which may cause serious damage to properties and may endanger the safety of residents in such areas. The imprudent USE and occupation of these areas will pose a continuing danger to life and property, unless appropriate land USE measures are implemented.
- 52.2 Purpose. The purpose and intent of the Geologic Hazard Overlay District regulations shall be to:



- 52.2.1 Minimize hazards to public health and safety or to property in regulated GEOLOGIC HAZARD AREAS.
- 52.2.2 Promote safe USE of GEOLOGIC HAZARD AREAS.
- 52.2.3 Reduce the adverse impact of GEOLOGIC HAZARDS on life and property by:
  - 52.2.3.1 Requiring land USES permitted in GEOLOGIC HAZARD AREAS to be protected from GEOLOGIC HAZARDS by providing for GEOLOGIC HAZARD investigation and the mitigation of the adverse impacts of GEOLOGIC HAZARDS at the time of initial construction.
  - 52.2.3.2 Regulating the manner in which STRUCTURES designed for human occupancy may be constructed so as to prevent danger to human life or property within such STRUCTURE.
- 52.2.4 Protect the public from the burden of excessive financial expenditures caused by damage from GEOLOGIC HAZARDS by regulating land USES with GEOLOGIC HAZARD AREAS.
- 52.3 Disclaimer of Liability. The regulation of a HAZARD AREA by the Overlay regulations does not constitute an affirmation by the County of Weld that lands outside the regulated area as defined on maps adopted by the Board of County Commissioners will be free from the regulated hazard.
- 52.4 USES Permitted. USES listed as allowed by right and their ACCESSORY USES in the UNDERLYING ZONING DISTRICT may be permitted in the GEOLOGIC HAZARD OVERLAY DISTRICT without obtaining a GEOLOGIC HAZARD OVERLAY DISTRICT Development Permit. Any person applying for a Use by Special Review, MAJOR FACILITY of a PUBLIC UTILITY and PUBLIC AGENCY, Change of Zone, Subdivision of land including Recorded Exemptions, and PLANNED UNIT DEVELOPMENTS within the GEOLOGIC HAZARD OVERLAY DISTRICT shall apply for and obtain a GEOLOGIC HAZARD OVERLAY DISTRICT Development Permit before any of these applications are considered finally approved by the Board of County Commissioners.
- 52.5 Establishment of Geologic Hazard Overlay District. There is hereby established in Weld County, Colorado, a GEOLOGIC HAZARD OVERLAY DISTRICT.
  - 52.5.1 The GEOLOGIC HAZARD OVERLAY DISTRICT includes land which is within a GEOLOGIC HAZARD AREA. The GEOLOGIC HAZARD OVERLAY DISTRICT is shown on the COUNTY'S Official Geologic Hazard Area Map of Potential Ground Subsidence Areas. This map categorizes the regulated areas into SEVERE, MODERATE and LOW GROUND SUBSIDENCE HAZARD AREAS. The categories are identified for the purpose of informing concerned citizens and decision makers of the potential severity of the GEOLOGIC HAZARD. The application requirements within the three categories shall be identical.
  - 52.5.2 The boundaries of the regulated areas shall be as they appear on the Official Geologic Hazard Area Map of Potential Ground Subsidence Areas as adopted by the Board of County Commissioners. This map shall be on file with the Clerk and Recorder and shall also be available for public inspection in the Weld County Department of Planning Services. Where there is a conflict between the boundary lines illustrated on the map and the actual field conditions, the disputes shall be settled according to Section 60, Board of Adjustment of this Ordinance.

53 Flood Hazard Overlay District

53.1 Finding of Fact. The FLOOD HAZARD AREAS of Weld County are subject to periodic inundation which results in health and safety hazards, loss of life and property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the residents of the COUNTY. These flood losses are caused by the cumulative effect of obstructions in FLOOD HAZARD AREAS which increase flood heights and velocities and damage USES in other areas. USES that are inadequately FLOOD PROOFED, ELEVATED or otherwise protected from flood damage also contribute to flood losses.

53.2 Purpose. The purpose and intent of these FLOODPLAIN regulations shall be to:

- 53.2.1 Protect human life.
- 53.2.2 Minimize the need for rescue and relief efforts associated with FLOODING which have historically been undertaken at the expense of the general public.
- 53.2.3 Insure that those who occupy FLOOD HAZARD AREAS assume responsibility for their actions.
- 53.2.4 Minimize expenditure of public money for costly flood control projects;
- 53.2.5 Minimize prolonged business interruptions.
- 53.2.6 Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, STREETS and bridges located in FLOOD HAZARD AREA.
- 53.2.7 Promote the public health, safety and general welfare.
- 53.2.8 Help maintain a stable tax base by providing for the sound USE and DEVELOPMENT of AREAS OF SPECIAL FLOOD HAZARD so as to minimize future FLOOD blight areas.
- 53.2.9. Ensure that potential buyers are notified that property is in an AREA OF SPECIAL FLOOD HAZARD.
- 53.2.10 In order to accomplish its purposes, this Ordinance includes methods and provisions for:
  - 53.2.10.1 Restricting or prohibiting USES which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in FLOOD heights or velocities.
  - 53.2.10.2 Requiring that USES vulnerable to FLOODS, including facilities which serve such USES, be protected against FLOOD damage at the time of initial construction.
  - 53.2.10.3 Controlling the alteration of natural FLOOD PLAINS, stream channels, and natural protective barriers, which help accommodate or channel FLOOD waters.
  - 53.2.10.4 Controlling filling, grading, dredging, and other DEVELOPMENT which may increase FLOOD damage.
  - 53.2.10.5 Preventing or regulating the construction of FLOOD barriers which will unnaturally divert FLOOD waters or which may increase FLOOD hazards in other areas.

53.3 Disclaimer of Liability. The degree of FLOOD protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. FLOODS larger than the INTERMEDIATE REGIONAL FLOOD can and will occur on rare occasions. FLOOD heights may be increased by man-made or natural causes. Nothing in these Regulations shall be construed to mean that land outside the FLOOD HAZARD AREAS or USES permitted within such areas will be free from FLOODING or FLOOD damages. This Regulation shall not create liability on the part of the COUNTY, any officer or employee thereof or the Insurance and Mitigation of the Federal Emergency Management Agency for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder.

53.4 Definition of Flood Hazard Overlay Districts. There are hereby established in the COUNTY, two (2) FLOOD HAZARD OVERLAY ZONING DISTRICTS. These districts are referred to as the FLOODWAY and Floodprone Districts. The FLOODWAY District includes one (1) zone district classification which shall be referred to as the FW (FLOODWAY) District. The Floodprone District contains two (2) zone district classifications. One (1) zone district shall be referred to as the FP-1 (Floodprone) District and the other shall be referred to as the FP-2 (Floodprone) District.

53.4.1 The FW (FLOODWAY) District includes land which is within the high HAZARD AREA of an INTERMEDIATE REGIONAL FLOODPLAIN. This includes the CHANNEL of a river or other WATERCOURSE and the ADJACENT land areas required to carry and discharge the largest part of the BASE FLOOD flow. The FW (FLOODWAY) District is shown on the Official Weld County Flood Hazard Overlay District Zoning Maps. These maps were developed using the Flood Insurance Study for Weld County, revised September 22, 1999 prepared by the Federal Emergency Management Agency. The official Weld County Flood Hazard Overlay District Zoning Maps correspond to the Flood Insurance Rate Maps included in the Flood Insurance Study for Weld County.

53.4.2 The Floodprone District includes all the land within the INTERMEDIATE REGIONAL FLOODPLAIN which is outside of the designated FW (Floodway) District on the Official Weld County Flood Hazard Overlay District Zoning Maps. The Floodprone District is a lower hazard area which serves primarily as a STORAGE AREA for the floodwaters of an INTERMEDIATE REGIONAL FLOOD. The Floodprone District zone classifications FP-1 and FP-2 are shown on the Official Weld County Flood Hazard Overlay District Zoning Maps. These maps were developed using the Flood Insurance Study for Weld County, revised September 22, 1999, prepared by the Federal Emergency Management Agency. The official Weld County Flood Hazard Overlay District Zoning Maps correspond to the Flood Insurance Rate Maps included in the Flood Insurance Study for Weld County.

53.4.2.1 The FP-1 (Floodprone) District as shown on the Official Weld County Flood Hazard Overlay District Zoning Maps corresponds to Zone A (Agricultural) on the Federal Insurance Administration's Flood Insurance Rate Maps. The FP-1 District includes the approximate area of the 100-YEAR FLOODPLAIN where the BASE FLOOD WATER SURFACE ELEVATIONS and other FLOOD hazard factors have not been determined.

53.4.2.2 The FP-2 (Floodprone) District as shown on the Official Weld County Flood Hazard Overlay District Zoning Maps corresponds to Zones A0 through A30 on the Federal Insurance Administration's Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps. The A0 zone is described as an area of the 100-YEAR FLOOD PLAIN where shallow FLOODING may occur. Zones A1 through A30 are described as areas of the 100-YEAR FLOODPLAIN where BASE FLOOD WATER SURFACE ELEVATIONS are shown and FLOOD hazard factors have been determined.



53.5 Interpretation and Application.

- 53.5.1 The REGULATORY FLOOD DATUM in the FP-2 and FW Districts shall be determined by adding one (1) foot to the WATER SURFACE ELEVATIONS or FLOOD WATER DEPTH figures as shown on the Official Flood Hazard Overlay District Zoning Maps. The REGULATORY FLOOD DATUM in the FP-1 District shall be determined by adding one (1) foot to the WATER SURFACE ELEVATIONS or FLOOD WATER DEPTH figures determined as a result of a FLOODPLAIN study conducted under the requirements of this Ordinance.
- 53.5.2 Nothing in these regulations shall be construed as exempting an applicant for a Flood Hazard Development Permit from any other Weld County regulatory requirements.
- 53.5.3 The LOWEST FLOOR elevation of STRUCTURES without a BASEMENT shall be considered to be the elevation, above mean sea level, of the top of the foundation of the STRUCTURE. The LOWEST FLOOR elevation of STRUCTURES with a BASEMENT shall be considered to be the elevation, above mean sea level, of the floor of the BASEMENT of the STRUCTURE. The LOWEST FLOOR elevation of a MOBILE HOME shall be considered to be the elevation, above mean sea level, of the top of the MOBILE HOME PAD.

53.6 FW (Floodway) District. The FW (Floodway) District is an extremely hazardous area due to the velocity of FLOOD waters which carry debris, potential projectiles, and erosion potential.

- 53.6.1 Uses Permitted. USES listed as Allowed by Right, ACCESSORY USES, and Uses by Special Review in the UNDERLYING ZONING DISTRICT, except Individual Sewage Disposal Systems and residential USES served by Individual Sewage Disposal Systems, may be permitted in the FW (Floorway) District subject to the following conditions.
- 53.6.1.1 USES allowed shall conform to the requirements of the UNDERLYING ZONING DISTRICT.
- 53.6.1.2 USES allowed in the UNDERLYING ZONING DISTRICT which require a building permit or MOBILE HOME permit shall, in addition, obtain a FLOOD HAZARD OVERLAY DISTRICT Development Permit. Any USE which results in an ALTERATION or RELOCATION of a WATERCOURSE within the FW (Floodway) District shall apply for or receive approval of a Flood Hazard Overlay District Development Permit.
- 53.6.1.3 All NEW CONSTRUCTION, replacement or SUBSTANTIAL IMPROVEMENT of STRUCTURES in the FW (FLOODWAY) District which requires a building permit or MOBILE HOME permit shall be FLOOD PROOFED to the level, or above, of the REGULATORY FLOOD DATUM in the following manner:
- 53.6.1.3.1 All new construction, replacement or SUBSTANTIAL IMPROVEMENT of DWELLING UNITS shall have the LOWEST FLOOR, including the BASEMENT floor or MOBILE HOME PAD, ELEVATED to, or above the REGULATORY FLOOD DATUM.
- 53.6.1.3.2 New construction, replacement or SUBSTANTIAL IMPROVEMENT of STRUCTURES other than DWELLING UNITS shall be FLOOD PROOFED either by ELEVATING the STRUCTURE or by making the STRUCTURE WATERTIGHT below the REGULATORY FLOOD DATUM.

- 53.6.1.4 No encroachments, including FILL, NEW CONSTRUCTION, replacement of existing structures, SUBSTANTIAL IMPROVEMENTS, and other DEVELOPMENT shall be permitted unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in FLOOD levels during the occurrence of an INTERMEDIATE REGIONAL FLOOD.
- 53.6.1.5 All new or replacement domestic water wells or water supply, storage, treatment and distribution systems shall be designed and built to prevent inundation or infiltration of floodwater into such systems by an INTERMEDIATE REGIONAL FLOOD.
- 53.6.1.6 All new or replacement sanitary sewer treatment systems shall be designed and built to prevent inundation or infiltration of floodwater into such systems and to prevent discharge from such systems into the flood waters of an INTERMEDIATE REGIONAL FLOOD.
- 53.6.1.7 Land within the FW (Floodway) District shall not be used for the storage or placement of the following: flammable or explosive materials, sand and gravel and other mineral deposits, FILL material, and materials that, in times of FLOODING, are buoyant.
- 53.6.1.8 For all NEW CONSTRUCTION, replacement of existing structures and SUBSTANTIAL IMPROVEMENTS, fully enclosed areas below the LOWEST FLOOR that are subject to flooding shall be designed to automatically equalize hydrostatic FLOOD forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- 53.6.1.8.1 A minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided.
- 53.6.1.8.2 The bottom of all openings shall be no higher than one foot above grade.
- 53.6.1.8.3 Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 53.6.1.9 Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 53.6.1.10 All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTS shall be constructed with materials and utility equipment resistant to FLOOD damage.
- 53.6.1.11 All NEW CONSTRUCTION, replacement of existing structures and SUBSTANTIAL IMPROVEMENTS shall be constructed using methods and practices that minimize FLOOD damage.
- 53.6.1.12 All NEW CONSTRUCTION, replacement of existing structures and SUBSTANTIAL IMPROVEMENTS shall be anchored to prevent flotation, collapse or lateral movement of the STRUCTURE and to withstand hydrodynamic loads.
- 53.6.1.13 All MANUFACTURED HOMES shall be ELEVATED and anchored to resist flotation, collapse or lateral movement. MANUFACTURED HOMES shall be

anchored in accordance with Sections 20.10.2 through 20.10.2.4 of the Weld County Building Code Ordinance.

- 53.6.1.14 All MOBILE HOMES shall be ELEVATED and anchored to resist flotation, collapse or lateral movement. MOBILE HOMES shall be anchored in accordance with Sections 20.9.2 through 20.9.2.6 of the Weld County Building Code Ordinance.

53.7 FP-1 and FP-2 (Floodprone) Districts

- 53.7.1 Uses Permitted. USES listed as allowed by right, ACCESSORY USES and Uses by Special Review in the UNDERLYING ZONING DISTRICT may be permitted in the FP-1 and FP-2 (Floodprone) Districts subject to the following conditions:

- 53.7.1.1 USES allowed shall conform to the requirements of the UNDERLYING ZONING DISTRICT.

- 53.7.1.2 USES allowed in the UNDERLYING ZONING DISTRICT which require a building permit or mobile home permit shall, in addition, obtain a FLOOD HAZARD OVERLAY DISTRICT Development Permit. Any USE which results in an ALTERATION or RELOCATION OF A WATERCOURSE within the FP-1 and FP-2 (Floodprone) Districts shall apply for and receive approval of a FLOOD HAZARD OVERLAY DISTRICT Development Permit.

- 53.7.1.3 All new construction, replacement or SUBSTANTIAL IMPROVEMENT of DWELLING UNITS shall have the LOWEST FLOOR including the BASEMENT floor or MOBILE HOME PAD, ELEVATED to, or above the REGULATORY FLOOD DATUM. New construction, replacement or SUBSTANTIAL IMPROVEMENT of STRUCTURES other than DWELLING UNITS shall be FLOOD PROOFED either by ELEVATING the STRUCTURE or by making the STRUCTURE WATERTIGHT below the REGULATORY FLOOD DATUM.

- 53.7.1.4 STRUCTURES which are designed to be WATERTIGHT below the level of the REGULATORY FLOOD DATUM shall be designed and built to be capable of resisting the hydrostatic and hydrodynamic forces expected at the BUILDING site during an INTERMEDIATE REGIONAL FLOOD.

- 53.7.1.5 All new or replacement domestic water wells or water supply storage, treatment and distribution systems shall be designed and built to prevent inundation or infiltration of floodwater into such systems by an INTERMEDIATE REGIONAL FLOOD.

- 53.7.1.6 All new or replacement sanitary sewer treatment systems, including Individual Sewage Disposal Systems, shall be designed and built to prevent inundation or infiltration of floodwater into such systems and to prevent discharges from such systems into the floodwaters of an INTERMEDIATE REGIONAL FLOOD.

- 53.7.1.7 For all NEW CONSTRUCTION, replacement of existing structures and SUBSTANTIAL IMPROVEMENTS, fully enclosed areas below the LOWEST FLOOR that are subject to flooding shall be designed to automatically equalize hydrostatic FLOOD forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit



of floodwaters.

- 53.7.1.8 Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 53.7.1.9 All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTS shall be constructed with materials and utility equipment resistant to FLOOD damage.
- 53.7.1.10 All NEW CONSTRUCTION, replacement of existing structures and SUBSTANTIAL IMPROVEMENTS shall be constructed using methods and practices that minimize FLOOD damage.
- 53.7.1.11 All NEW CONSTRUCTION, replacement of existing structures, and SUBSTANTIAL IMPROVEMENTS shall be anchored to prevent flotation, collapse or lateral movement of the STRUCTURE and to withstand hydrodynamic loads.
- 53.7.1.12 All MANUFACTURED HOMES shall be elevated and anchored to resist flotation, collapse or lateral movement. MANUFACTURED HOMES shall be anchored in accordance with Sections 20.10.2 through 20.10.2.4 of the Weld County Building Code Ordinance.
- 53.7.1.13 All MOBILE HOMES shall be elevated and anchored to resist flotation, collapse or lateral movement. MOBILE HOMES shall be anchored in accordance with Sections 20.9.2 through 20.9.2.6 of the Weld County Building Code Ordinance.
- 53.7.1.14 All OIL and GAS PRODUCTION FACILITIES shall be anchored to resist flotation, collapse, or lateral movement. The method of anchoring shall be approved by the Weld County Building Official.
- 53.7.1.15 All NEW CONSTRUCTION, replacement of existing structures and SUBSTANTIAL IMPROVEMENTS within any A0 Zone shall have the LOWEST FLOOR, including the BASEMENT floor or MOBILE HOME PAD, ELEVATED to, or above the REGULATORY FLOOD DATUM.
- 53.7.1.16 Adequate drainage paths are required around structures on slopes to guide flood waters around and away from proposed structures in any A0 Zone

54 Planned Unit Development Overlay District

54.1 Finding of Fact. There are unincorporated areas within the COUNTY with unique features, such as availability of urban-type services and facilities which may be suitable for mixed land-USES, provided that adverse impacts of different land-uses are minimized. It is recognized that in certain circumstances it may be desirable to provide a greater range or mixture of USES in an area than would be permitted under the standard zoning system. It is further recognized that the PLANNED UNIT DEVELOPMENT procedure permits a greater range of flexibility than the standard zoning system which does not always balance the capacity of a site with compatibility to the NEIGHBORHOOD.

54.2 Purpose. The purpose and intent of the PLANNED UNIT DEVELOPMENT Overlay District regulations shall be to:

- 54.2.1 Minimize adverse impacts to water quality and quantity, public health, safety, and property within the I-25 Mixed-Use Development Area and Activity Centers by requiring COMMERCIAL and industrial development and subdivisions and



residential subdivisions to use the PLANNED UNIT DEVELOPMENT procedure.

- 54.2.2 Promote a better quality of life within the I-25 Mixed Use Development Area and Activity Centers by using a procedure designed to provide for the orderly development of compatible land-uses and to protect the environment.
- 54.2.3 Provide a procedure which will allow land-use flexibility in a manner consistent with the COUNTY COMPREHENSIVE PLAN.
- 54.3 Uses Permitted. All USES listed as allowed by the PUD Change of Zone District Application and which qualify as a PUD according to the Weld County Zoning Ordinance. All USES Allowed by Right and ACCESSORY USES permitted under the current zoned district within the OVERLAY DISTRICT.
- 54.4 Requirements. COMMERCIAL and industrial developments and subdivisions and residential subdivisions shall use the PUD procedure within the I-25 Mixed-Use Development Area and Activity Centers. All PUD'S within the I-25 Mixed-Use Development Area shall have PUBLIC WATER and PUBLIC SEWER systems.
- 54.5 Establishment of the Planned Unit Development Overlay District. There is hereby established in Weld County, Colorado, a PLANNED UNIT DEVELOPMENT OVERLAY District.
  - 54.5.1 The PLANNED UNIT DEVELOPMENT OVERLAY District includes all of the unincorporated area of Weld County known as the I-25 Mixed-Use Development Area and Activity Centers. A map of the I-25 Mixed-Use Development Area and Activity Center is shown in Figure 1 of the Weld County Zoning Ordinance.
  - 54.5.2 Interpretation of the Planned Unit Development Overlay District boundaries, location of LOT lines with respect to the boundaries and similar questions shall be determined according to Section 60, Board of Adjustment of this Ordinance.

  
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60 Board of Adjustment

61 Powers and Duties. Upon APPEAL, the Board of Adjustment of Weld County shall have the powers and duties enumerated below. The powers and duties as listed shall be exercised in conformance with the laws of the State of Colorado and in conformance with the terms and conditions included in this Ordinance. The powers of the Board of Adjustment shall be exercised in harmony with the intent of the COUNTY COMPREHENSIVE Plan, the intent of the Weld County Zoning Ordinance, and the public interest.

61.1 The Board of Adjustment has the power to hear and decide APPEALS from decisions concerning zoning issues made by any official employed by the Board of County Commissioners in the administration or enforcement of this Ordinance.

61.1.1 When there is an APPEAL of an administrative decision, the Board of Adjustment may, so long as such action is in conformance with the terms of this Ordinance, reverse, affirm, or modify the order, decision or determination APPEALED from.

61.2 The Board of Adjustment has the power to interpret the zone district boundaries, to interpret the location of LCT lines with respect to zone district boundaries, and to act upon similar questions as they may arise in the administration of the Weld County Zoning Ordinance.

61.3 The Board of Adjustment has the power to hear and decide appeals for variance from the terms of the PUD Ordinance or MUD design standards as applied to individual LOTS or parcels. Appeals for variance may be brought to the Board of Adjustment when, because of special conditions relating to the subject land, a literal enforcement of the provisions of the PUD Ordinance or MUD design standards would result in unnecessary hardship to the appellant. Such an appeal is not available during the zone change or final plan stage and been denied by the Board of County Commissioners.

61.3.1 Relief from the provisions of these Ordinances may not be granted when the hardship is brought about solely through the actions of the appellant.

61.3.2 Nor may relief be granted when the result of granting the requested relief is detrimental to the public good or when the relief is contrary to the purpose and intent of the Weld County Zoning Ordinance.

61.3.3 In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with these Ordinances. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these Ordinances and punishable under Section 80, Enforcement, of this Ordinance.

61.3.4 Under no circumstances shall the Board of Adjustment grant a variance to allow a USE not permissible under the terms of these Ordinances in the district involved, or any USE expressly or by implication prohibited by terms of these Ordinances.

61.3.5 No appeal of an administrative decision to the Board of Adjustment shall be allowed for BUILDING USE or LOT USE violations that may be prosecuted under the terms of Section 80, Enforcement of this Ordinance.

61.3.6 No non-conforming USE of NEIGHBORING LOTS, STRUCTURES, or BUILDINGS in the same district, and no permitted or nonconforming USE of LOTS, STRUCTURES, or BUILDINGS in other districts shall be considered grounds for the issuance of a variance.

61.3.7 No variance in any Flood Hazard Overlay District shall be issued if the result of the



requested variance would be increased flood levels during an INTERMEDIATE REGIONAL FLOOD.

61.3.8 No variance from the PUD or MUD Ordinances shall be allowed where the term from which the variance is sought is one that was raised as an issue during the PUD Zone or final plat process.

62 APPEALS Procedures

62.1 Appeal of Administrative Decisions. APPEALS to the Board of Adjustment brought under the provisions of Section 61.1 must be made within thirty (30) days of the order, requirement, decision, or refusal alleged to be in error. APPEALS of Administrative decisions shall be made and processed as set forth below.

62.1.1 Application Requirements. Applications to APPEAL administrative decisions shall be in written form according to the following requirements:

62.1.1.1 A citation of the Section of the Zoning Ordinance which is the subject to the disagreement.

62.1.1.2 A written description of the grounds for the APPEAL; the reasons held by the appellant for the favored interpretation.

62.1.1.3 Any other information determined to be necessary by the Board of Adjustment that will aid the Board of Adjustment in making a decision which will not impair the intent and purpose of the Zoning Ordinance.

62.1.2 Duties of the Department of Planning Services. The Department of Planning Services shall:

62.1.2.1 Review the application and determine that it is complete before scheduling consideration of the APPEAL by the Board of Adjustment.

62.1.2.2 Arrange for publication of notice of the public hearing to be held by the Board of Adjustment once in the newspaper designated by the Board of County Commissioners for publication of legal notices. The date of publication shall be at least ten (10) days prior to the scheduled hearing.

62.1.2.3 Review the application for consideration of the APPEAL and shall prepare comments, for use by the Board of Adjustment, addressing all aspects of the APPEAL, its conformance with sound land use planning practices, the effect of granting or denying the APPEAL, its conformance with the COUNTY COMPREHENSIVE Plan and MASTER PLANS of affected municipalities.

62.1.2.4 Duties of the Board of Adjustment. The Board of Adjustment shall hold a public hearing to consider the APPEAL. Seven (7) members of the nine (9) member Board of Adjustment shall constitute a quorum for the transaction of business. The Board of Adjustment shall make its decision based only on the information presented at the public hearing. The concurring vote of six (6) members of the Board of Adjustment shall be necessary in order to decide in favor of the appellant on any APPEAL brought pursuant to the Weld County Zoning Ordinance.

62.2 APPEALS for Interpretation of Zone District Boundaries or Lot Lines. APPEALS to the Board of Adjustment brought pursuant to Section 61.2 shall be made and processed as set forth below:

62.2.1 Application Requirements. APPEALS for interpretation of zone district boundaries



or of LOT lines shall be made in written form according to the following requirements:

- 62.2.1.1 An application for APPEAL on the form as prescribed and furnished by the Department of Planning Services.
- 62.2.1.2 Other written and graphic materials serving as evidence sufficient to document the location of the zone district boundary or LOT line alleged to be true and proper by the appellant.
- 62.2.1.3 Any other information determined to be necessary by the Board of Adjustment that will aid the Board of Adjustment in making a decision which will not impair the intent and purpose of the Zoning Ordinance.
- 62.2.2 Duties of the Department of Planning Services. The Department of Planning Services shall:
  - 62.2.2.1 Review the application and determine that it is complete before scheduling consideration of the APPEAL by the Board of Adjustment.
  - 62.2.2.2 Arrange for publication of notice of the public hearing to be held by the Board of Adjustment once in the newspaper designated by the Board of County Commissioners for publication of legal notices. The date of publication shall be at least ten (10) days prior to the scheduled hearing.
  - 62.2.2.3 Review the application for consideration of the APPEAL and shall prepare comments, for USE by the Board of Adjustment, addressing all aspects of the appeal, its conformance with sound land USE planning practices, the effect of granting or denying the APPEAL, its conformance with the COMPREHENSIVE Plan and MASTER PLANS of affected municipalities.
- 62.2.3 Duties of the Board of Adjustment. The Board of Adjustment shall hold a public hearing to consider the APPEAL. Seven (7) members of the nine (9) member Board of Adjustment shall constitute a quorum for the transaction of business. The Board of Adjustment shall make its decision based only on the information presented at the public hearing. The concurring vote of six (6) members of the Board of Adjustment shall be necessary in order to decide in favor of the appellant on any APPEAL brought pursuant to the Weld County Zoning Ordinance.
- 62.3 Appeals for Variance. Appeals to the Board of Adjustment brought pursuant to Section 61.3 shall be made and processed as set forth below.
  - 62.3.1 Application Requirements. Appeals for variance in the application of specific terms or requirements in the Ordinance shall be made in written form according to the following requirements:
    - 62.3.1.1 An application for APPEAL on the form as prescribed and furnished by the Department of Planning Services.
    - 62.3.1.2 A plot plan showing the location of existing features, such as STRUCTURES, fences, streams, PUBLIC or private rights-of-way and STREETS, access, etc. The plot plan shall include all proposed STRUCTURES.
    - 62.3.1.3 A copy of a deed, purchase contract, or other legal instrument indicating that the applicant has interest in said property. The deed, purchase contract, or legal instrument should include a complete and accurate legal description of the property.

- 62.3.1.4 A statement that demonstrates that special conditions and circumstances exist which are peculiar to the LOT, STRUCTURE, or BUILDING involved and which are not applicable to other LOTS, STRUCTURES, or BUILDINGS in the same zoning district.
- 62.3.1.5 A statement that demonstrates that literal interpretation of the provisions of the ordinance would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance.
- 62.3.1.6 A statement that demonstrates that the special conditions or circumstances do not result solely from the actions of the appellant.
- 62.3.1.7 A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the Weld County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Weld County Clerk and Recorder. If the list was assembled from the records of the Weld County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- 62.3.1.8 Evidence that demonstrates that the variance requested is the minimum variance that will make possible the reasonable USE of the LOT, BUILDING or STRUCTURE.
- 62.3.1.9 Any other information determined to be necessary by the Board of Adjustment that will aid the Board of Adjustment in making a decision which will not impair the intent and purpose of the Zoning, PUD or MUD Ordinances.
- 62.3.2 Duties of the Department of Planning Services.
- 62.3.2.1 The Department of Planning Services shall review the application and determine that it is complete before scheduling consideration of the APPEAL by the Board of Adjustment.
- 62.3.2.2 The Department of Planning Services shall arrange for publication of notice of the public hearing to be held by the Board of Adjustment once in the newspaper designated by the Board of County Commissioners for publication of legal notices. The date of publication shall be at least ten (10) days prior to the scheduled hearing.
- 62.3.2.3 The Department of Planning Services shall mail (first class), ten (10) days prior to the scheduled hearing, a notice of the public hearing to the owners of the surface estate located within five hundred (500) feet of the parcel under consideration for the variance. The Department's source of the ownership information shall be the application for variance submitted by the appellant.
- 62.3.2.4 The Department of Planning Services shall review the application for consideration of the APPEAL and shall prepare comments, for use by the Board of Adjustment, addressing all aspects of the APPEAL, its conformance with sound land USE planning practices, the effect of granting or denying the APPEAL, its conformance with the COUNTY COMPREHENSIVE PLAN and MASTER PLANS of affected municipalities.
- 62.3.3 Duties of the Board of Adjustment. The Board of Adjustment shall hold a public hearing to consider the APPEAL. Seven (7) members of the Board of Adjustment shall constitute a quorum for the transaction of business. The Board of Adjustment



shall make its decision based only on the information presented at the public hearing. The concurring vote of six (6) members of the Board of Adjustment shall be necessary in order to decide in favor of the appellant on any APPEAL brought pursuant to the Weld County Zoning Ordinance.

- 62.3.3.1 An appeal for variance of the terms of the Weld County Zoning, PUD or MUD Ordinances shall not be granted until and unless the Board of Adjustment has found and determined that:
  - 62.3.3.1.1 Special conditions and circumstances exist which are peculiar to the LOT, STRUCTURE, or BUILDING involved and which are not applicable to other LOTS, STRUCTURES, or BUILDINGS in the same zoning district.
  - 62.3.3.1.2 Literal interpretation of the provisions of this Ordinance would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance.
  - 62.3.3.1.3 The special conditions and circumstances do not result solely from the actions of the appellant.
  - 62.3.3.1.4 The reasons set forth in the application and testimony justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable USE of the LOT, BUILDING, or STRUCTURE.
  - 62.3.3.1.5 The granting of the variance will be in harmony with the purpose and intent of this Ordinance, and will not be injurious to the NEIGHBORHOOD, or otherwise detrimental to the public health, safety, or welfare.
- 62.4 APPEALS for VARIANCE Within the Flood Hazard Overlay District. APPEALS to the Board of Adjustment brought pursuant to Section 61.3 shall be made and processed as set forth below:
  - 62.4.1 Application Requirements: APPEALS for VARIANCE in the application of specific terms or requirements in the Weld County Zoning Ordinance shall be made in written form according to the following:
    - 62.4.1.1 An application for APPEAL for VARIANCE on the form as prescribed and furnished by the Department of Planning Services.
    - 62.4.1.2 A plot plan showing the location of existing features, such as STRUCTURES, fences, streams, PUBLIC or private rights-of-way, STREETS, or accesses. The plot plan shall include the location and dimensions of all existing and proposed STRUCTURES; elevations of the area in question; and any fill, storage of materials, and drainage facilities.
    - 62.4.1.3 A copy of a deed, purchase contract, or other legal instrument indicating that the applicant has interest in the property. The deed, purchase contract, or legal instrument should include a complete and accurate legal description of the property.
    - 62.4.1.4 A statement that demonstrates how the danger of materials being swept into other lands causing injury to others will be minimized or mitigated.
    - 62.4.1.5 A statement that demonstrates how the danger to life and property due to flooding or erosion damage will be minimized or mitigated.
    - 62.4.1.6 A statement that demonstrates how the susceptibility of the proposed facility and its contents to FLOOD damage and the effect of such damage on the individual



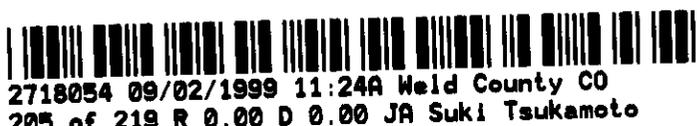
owner will be minimized or mitigated.

- 62.4.1.7 Evidence that demonstrates the importance of the services provided by the proposed facility to the community, where applicable.
- 62.4.1.8 Evidence that demonstrates the necessity to the facility of a waterfront location, where applicable.
- 62.4.1.9 Evidence that demonstrates the availability of alternative locations, for the proposed USE which are not subject to flooding or erosion damage were investigated.
- 62.4.1.10 A statement that demonstrates the compatibility of the proposed USE with the existing and anticipated development.
- 62.4.1.11 A statement that demonstrates the relationship of the proposed USE to the COMPREHENSIVE PLAN and FLOOD PLAIN management program for the area.
- 62.4.1.12 A statement that demonstrates the safety of access to the property at times of FLOOD for ordinary and emergency vehicles.
- 62.4.1.13 Evidence that demonstrates what the expected heights, velocity, duration, rate of rise and transport of the FLOOD waters and the effects of wave action, if applicable, expected at the site will be.
- 62.4.1.14 A statement that demonstrates how the costs of providing governmental services during and after FLOOD conditions, including maintenance and repair of PUBLIC utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges will be minimized or mitigated.
- 62.4.1.15 Evidence that demonstrates that the VARIANCE requested is the minimum VARIANCE necessary, considering the FLOOD Hazard, to afford relief.
- 62.4.1.16 A certified list of the names, addresses, and the corresponding Parcel Identification Number assigned by the Weld County Assessor of the owners of the property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the Weld County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Weld County Clerk and Recorder. If the list was assembled from the records of the Weld County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- 62.4.1.17 Any other information determined to be necessary by the Board of Adjustment that will aid the Board of Adjustment in making a decision which will not impair the intent and purpose of the Zoning Ordinance.

62.4.2 Duties of the Department of Planning Services.

62.4.2.1 The Department of Planning Services shall review the application and determine that it is complete before scheduling consideration of the APPEAL for variance by the Board of Adjustment.

62.4.2.2 The Department of Planning Services shall arrange for publication of notice of the public hearing to be held by the Board of Adjustment once in the newspaper designated by the Board of County Commissioners for publication of legal notices. The date of publication shall be at least ten (10) days prior to the scheduled



hearing.

- 62.4.2.3 The Department of Planning Services shall mail (first class), ten (10) days prior to the scheduled hearing, a notice of the public hearing to the owners of the surface estate located within five hundred (500) feet to the parcel under consideration for the VARIANCE . The Department's source of the ownership information shall be the application for VARIANCE submitted by the appellant.
- 62.4.2.4 The Department of Planning Services shall review the application for consideration of the APPEAL and shall prepare comments, for USE by the Board of Adjustment, addressing all aspects of the APPEAL, its conformance with sound land USE planning practices, the effect of granting or denying the APPEAL for variance. Its conformance with the COUNTY COMPREHENSIVE PLAN and MASTER PLANS of affected municipalities.
- 62.4.2.5 The Department of Planning Services shall maintain the records of all APPEAL actions, including technical information, and report any VARIANCES to the Federal Emergency Management Agency.
- 62.4.2.6 The Department of Planning Services shall give written notice to any appellant to whom a VARIANCE is granted that the STRUCTURE will be permitted to be built with a LOWEST FLOOR elevation below the BASE FLOOD elevation and that the cost of FLOOD insurance will be commensurate with the increased risk resulting from the reduced LOWEST FLOOR Elevation.
- 62.4.3 Duties of the Board of Adjustment. The Board of Adjustment shall hold a public hearing to consider the APPEAL. Seven (7) members of the Board of Adjustment shall constitute a quorum for the transaction of business. The Board of Adjustment shall make its decision based on all technical evaluations, all relevant factors, standards specified in other Sections of this Ordinance, and any information presented at the public hearing. The concurring vote of six (6) members of the Board of Adjustment shall be necessary in order to decide in favor of the appellant on any APPEAL brought pursuant to the Weld County Zoning Ordinance.
- 62.4.3.1 An APPEAL for VARIANCE of the terms of the Weld County Zoning Ordinance within the FLOOD Hazard Overlay District shall not be granted until and unless the Board of Adjustment has found and determined that:
  - 62.4.3.1.1 A showing of good and sufficient cause has been demonstrated by the appellant.
  - 62.4.3.1.2 Failure to grant the VARIANCE would result in exceptional hardship to the appellant.
  - 62.4.3.1.3 The granting of a VARIANCE will not result in increased FLOOD heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - 62.4.3.1.4 The reasons set forth in the application and test VARIANCE is the minimum VARIANCE necessary, considering the FLOOD Hazard, to afford relief.
  - 62.4.3.1.5 The granting of the VARIANCE may be for NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTS to be erected on a LOT of one-half acre or less in size contiguous to and surrounded by LOTS with existing STRUCTURES constructed below the base level, providing the material required in Sections 62.4.1.4 through 62.4.1.15 has been fully considered. As the LOT size increases beyond one-half acre, the technical justifications required for issuing the



VARIANCE will increase.

- 62.4.3.1.6 VARIANCE s may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in Section 62.4.1.
- 62.4.3.1.7 The granting of the VARIANCE will not result in increased FLOOD levels during an INTERMEDIATE REGIONAL FLOOD.
- 62.4.3.1.8 The granting of the VARIANCE will be in harmony with the purpose and intent of this Ordinance, and will not be injurious to the NEIGHBORHOOD, or otherwise detrimental to the public health, safety, or welfare.

  
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70 Non-Conforming LOTS, USES, and

71 Intent. Within the zoning districts established by this Ordinance or amendments thereto, there exist LOTS, STRUCTURES, USES of land or STRUCTURES, and characteristics of USE which were lawful before zoning regulations were passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as justification for adding other STRUCTURES or USES prohibited elsewhere in the same zoning district. Non-conforming USES are declared by this Ordinance to be incompatible with permitted USES in the zoning districts involved.

72 Non-Conforming Lots. In any district in which SINGLE FAMILY DWELLINGS are permitted, a SINGLE FAMILY DWELLING and customary accessory STRUCTURES may be erected on any single LEGAL LOT, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such LOT fails to meet the requirements for LOT area that are applicable in the zoning district, provided that Bulk Requirements other than those which apply to LOT area shall be met. Variance of Bulk Requirements shall be obtained only through action of the Board of Adjustment.

73 Non-Conforming Uses of Land. Where at the time of passage of this Ordinance, or of passage of future amendments of this Ordinance, a lawful USE of land exists which would not be permitted by the regulations imposed by this Ordinance or future amendment, the USE may be continued so long as it remains otherwise lawful provided the following conditions are met:

73.1 Extension or expansion.

73.1.1 No such non-conforming USE shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance without first having received a Special Review Permit pursuant to the procedure established in Section 24, Use by Special Review.

73.1.2 A non-conforming USE shall not be extended or enlarged after adoption or amendment of this Ordinance by erection of additional SIGNS intended to be seen from off the premises, or by the addition of other USES which would be prohibited in the zoning district involved.

73.1.3 No such non-conforming USE shall be moved in whole or in part to any portion of the LOT or parcel other than that occupied by such USE at the effective date of adoption or amendment of this Ordinance.

73.2 Substitution of USES

73.2.1 A non-conforming USE may as a Use by Special Review be changed to another USE which does not conform to the USES allowed in the zoning district provided that the Board of County Commissioners shall find that the proposed USE is equally appropriate or more appropriate to the zoning district and NEIGHBORHOOD than the existing non-conforming USE. In permitting such change, the Board of County Commissioners may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

73.2.2 Whenever a non-conforming USE is replaced by a permitted USE the non-



conforming USE may not be re-established. The permitted USE shall thereafter conform to the provisions of this Ordinance.

73.3 Abandonment. If any such non-conforming USE of land ceases for any reason for a period of more than six (6) months, any subsequent USE of such LOT or parcel shall conform to the regulations specified by this Ordinance for the zoning district in which such LOT or parcel is located.

74 Non-Conforming Structures. Where a lawful STRUCTURE exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, LOT coverage, height, its location on the LOT, or other requirements concerning the STRUCTURE, such STRUCTURE may continue to exist so long as it remains otherwise lawful, subject to the following provisions:

74.1 Repair and Restoration. Should such non-conforming STRUCTURE or non-conforming portion of a STRUCTURE be destroyed by any means to an extent more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be restored except in conformance with the provisions of this Ordinance. Ordinary repairs the value of which do not exceed fifty percent (50%) of replacement cost of the STRUCTURE may be permitted.

74.2 Expansion or enlargement. No such non-conforming STRUCTURE or non-conforming portion of a STRUCTURE may be expanded, enlarged or altered in a way which increases its non-conformity, except that those STRUCTURE(S) that are non-conforming by reason of non-compliance with existing SETBACK requirements may be expanded or enlarged so long as such expansion or enlargement does not further diminish the non-conforming SETBACK. No expansion or enlargement of STRUCTURE(S) shall be allowed within an existing right-of-way.

74.3 Substitution of STRUCTURES. Should such non-conforming STRUCTURE be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

74.4 Existing Building Permits. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans or construction of any STRUCTURE on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing STRUCTURE has begun preparatory to construction, such excavation, demolition or removal shall be deemed to be actual construction provided a building permit for the new STRUCTURE has been issued and the preparatory work is carried on diligently.

75 Non-Conforming Uses of Structures. If a lawful USE of a STRUCTURE or STRUCTURE and premises in combination exists on the effective date of adoption or amendment of this Ordinance that would not be allowed in the zoning district under the terms of this Ordinance, the USE of such STRUCTURE or STRUCTURE and premises may be continued so long as it remains otherwise lawful, subject to the following provisions:

75.1 Repair and Restoration. An existing STRUCTURE devoted to a USE not permitted by this Ordinance in the zoning district in which it is located which is destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at time of destruction shall not be restored except to gain conformance with all provisions of this Ordinance. The non-conforming USE may not be re-established after restoration. Ordinary repairs, the value of which do not exceed fifty percent (50%) of replacement cost of the STRUCTURE may be permitted.

75.2 Expansion or Enlargement

- 75.2.1 A non-conforming USE may be extended throughout any parts of a STRUCTURE which were manifestly arranged or designed for such USE at the time of adoption or amendment of this Ordinance, but no such USE shall be extended to occupy any land outside such STRUCTURE without first having received a Special Review Permit pursuant to the procedures established in Section 24, Use by Special Review.
- 75.2.2 A non-conforming USE shall not be extended or enlarged after adoption or amendment of this Ordinance by erection or attachment of additional SIGNS intended to be seen off the premises, or by the addition of other USES which would be prohibited in the zoning district involved.
- 75.2.3 No such non-conforming USE shall be moved in whole or in part to any portion of the LOT or parcel other than that occupied by such USE on the effective date of adoption or amendment of this Ordinance.
- 75.3 Substitution of USES
  - 75.3.1 A non-conforming USE may, as a Use by Special Review, be changed to another USE which does not conform to the USES allowed in the zoning district. Provided, however, that the Board of County Commissioners shall find that the proposed USE is equally appropriate or more appropriate to the zoning district and NEIGHBORHOOD than the existing non-conforming USE. In permitting such change, the Board of County Commissioners may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
  - 75.3.2 Whenever a non-conforming USE is replaced by a permitted USE the non-conforming USE may not be re-established. The permitted USE shall thereafter conform to the provisions of this Ordinance.
- 75.4 Abandonment. When a non-conforming USE of a STRUCTURE or STRUCTURE and premises is discontinued or abandoned for any reason for a period of more than one (1) year, any subsequent USE of such \$STRUCTURE or STRUCTURE and premises shall conform to the regulations specified by this Ordinance for the zoning district in which such STRUCTURE or STRUCTURE and premises is located.

  
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80 Enforcement

81 Violations and Penalties. The COUNTY, through its Department of Planning Services or other departments so authorized, may enforce the Weld County Zoning Ordinance through methods included in this Ordinance or through other methods adopted by the Board of County Commissioners.

82 Criminal Penalties

82.1 It is unlawful to erect, construct, reconstruct, or alter any BUILDING or STRUCTURE in violation of any provision of the Weld County Zoning Ordinance. Any person, firm, or corporation violating any provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100), or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, or alteration continues shall be deemed a separate offense.

82.2 It is unlawful to USE any BUILDING, STRUCTURE, or land in violation of any provision of the Weld County Zoning Ordinance. Any person, firm, or corporation violating any provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100), or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal USE of any BUILDING, STRUCTURE, or land continues shall be deemed a separate offense.

82.3 Whenever the Department of Planning Services, through one of its employees, has personal knowledge of any violation of the Weld County Zoning Ordinance, it shall give written notice to the violator to correct such violation within thirty (30) days after the date of such notice. Should the violator fail to correct the violation within such thirty (30) day period, the Department of Planning Services may request that the Weld County Sheriff's Department issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. The summons and complaint shall require that the violator appear in court at a definite time and place stated therein to answer and defend the charge.

82.3.1 One (1) copy of said summons and complaint shall be served upon the violator by the Weld County Sheriff's Department in the manner provided by law for the service of a criminal summons. One (1) copy each shall be retained by the Sheriff's Department and Department of Planning Services and one (1) copy shall be transmitted to the clerk of the court.

82.4 It is the responsibility of the Weld County Attorney to enforce the provisions of section 82 of this Ordinance. In the event the Board of County Commissioners deems it appropriate, the Board of County Commissioners may appoint the District Attorney to perform such enforcement duties in lieu of the Weld County Attorney.

82.5 Any person who violates any provision of Section 91, Adult Business, Service, or Entertainment Establishment, of this Ordinance commits a Class 2 (2) petty offense and upon conviction thereof shall be punishable by a fine of three hundred dollars (\$300.00) for each separate violation. Any arresting law enforcement officer shall follow the penalty assessment procedure provided in Section 16-2-201, C.R.S., for any violation of Section 91 of this Ordinance.

83 Civil Action

83.1 Equitable Relief



- 83.1.1 In case any BUILDING OR STRUCTURE is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used, in violation of any provision of the Weld County Zoning Ordinance, the Weld County Attorney, or where the Board of County Commissioners deems it appropriate, the District Attorney, in addition to the other remedies provided by law, ordinance, or resolution, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or USE.
- 83.1.2 The Weld County Attorney, acting at the request of the Weld County Board of County Commissioners, or the District Attorney, pursuant to Section 16-13-302, C.R.S., may bring an action in the District Court for the COUNTY for an injunction against the operation of an ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT for repeat or continuing violations.

83.2 Civil Penalties

- 83.2.1 It is unlawful to erect, construct, reconstruct, alter, or use any BUILDING, STRUCTURE, or land in violation of the Weld County Zoning Ordinance. In addition to any penalties imposed pursuant to section 82 and 83.1 of this Ordinance any person, firm, or corporation violating any such regulation, provision, or amendment thereof or any provision of this Ordinance may be subject to the imposition, by order of the COUNTY court, of a civil penalty in an amount of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars(\$500.00). It is within the discretion of the County Attorney to determine whether to pursue the civil penalties set forth in this section, the remedies set forth in Section 82 and 83.1, or both. Each day after the issuance of the order of the COUNTY court during which such unlawful activity continues shall be deemed a separate violation and shall, in accordance with the subsequent provisions of this section, be the subject of a continuing penalty in an amount not to exceed fifty dollars (\$50.00)for each such day. In no event shall civil penalties imposed pursuant to this Section 83.2.1 constitute a lien against the real property.
- 83.2.2 In the event any BUILDING or STRUCTURE is erected, constructed, reconstructed, altered, or used or any land is used in violation of the Weld County Zoning Ordinance, the Weld County Attorney, in addition to other remedies provided by law, may commence a civil action in COUNTY court for Weld County, seeking the imposition of a civil penalty in accordance with the provisions of this section.
- 83.2.3 The Department of Planning Services, through one of its employees shall, upon personal information and belief that a violation of any regulation or provision of the Weld County Zoning Ordinance, give written notice to the violator to correct such violation within thirty (30) days after the date of such notice. If the violator fails to correct the violation within such thirty (30) day period or within any extension period granted by the Department of Planning Services, the Department of Planning Services may request that the sheriff of the COUNTY or the County Attorney issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of such charge to the violator.
- 83.2.4 One copy of the summons and complaint issued pursuant to paragraph (b) of this subsection (2) shall be served upon the violator in the manner provided by law for the service of a COUNTY court civil summons and complaint in accordance with the Colorado rules of county court civil procedure. The summons and complaint shall also be filed with the clerk of the COUNTY court and thereafter the action shall proceed in accordance with the Colorado rules of COUNTY court civil procedure.

- 83.2.5 If the COUNTY court finds, by a preponderance of the evidence, that a violation of any regulation or provision of a zoning resolution, or amendment thereto, as enacted and adopted by the Board of County Commissioners, has occurred, the court shall order the violator to pay a civil penalty in an amount allowed pursuant to subsection (1) of this section. Such penalty shall be payable immediately by the violator to the County Treasurer. In the event that the alleged violation has been cured or otherwise removed at least five (5) days prior to the appearance date in the summons, then the County Attorney shall so inform the court and request that the action be dismissed without fine or appearance of the defendant.
- 83.2.6 Upon the filing with the court of a receipt issued by the County Treasurer showing payment in full of a civil penalty assessed pursuant to this section and upon the filing of an affidavit of the Department of Planning Services that violation has been cured, removed, or corrected, the court shall dismiss the action and issue a satisfaction in full of the judgment so entered.
- 83.2.7 If a receipt showing full payment of the civil penalty or the affidavit required by subsection 83.2.6 is not filed, the action shall continue and the court shall retain jurisdiction to impose an additional penalty against the violator in the amount specified in subsection (1) of this section. Such additional penalty shall be imposed by the court upon motion filed by the COUNTY and proof that the violation has not been cured, removed, or corrected. Thereafter, the action shall continue penalty and any additional penalties so assessed and the filing of an affidavit of the Department of Planning Services that the violation has been cured, removed, or corrected.



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90 VESTED PROPERTY RIGHTS

90.1 Purpose. The purpose of this section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S, as amended.

90.2 Definitions. As used in this section, unless the context otherwise requires:

LANDOWNER: Any owner of a legal or equitable interest in real PROPERTY and includes the heirs, successors, and assigns of such ownership interests.

LOCAL GOVERNMENT: Any county, city and county, city, or town, whether statutory or home rule, acting through its governing body or any board, commission, or agency thereof having final approval authority over a SITE SPECIFIC DEVELOPMENT PLAN, including without limitation any legally empowered urban renewal authority.

PROPERTY: All real PROPERTY subject to land USE regulation by a LOCAL GOVERNMENT.

SITE SPECIFIC DEVELOPMENT PLAN: A Use by Special Review (including OPEN MINING and MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCY ) or PLANNED UNIT DEVELOPMENT Final Plan application which has been submitted to the COUNTY and receives approval or conditional approval by the Board of County Commissioners. Final or conditional approval by the Board of County Commissioners creates vested rights pursuant to Article 68 of Title 24, C.R.S., as amended. No other type of land-use application shall be considered a SITE SPECIFIC DEVELOPMENT PLAN.

VESTED PROPERTY RIGHT: The right to undertake and complete the DEVELOPMENT and USE of property under the terms and conditions of a SITE SPECIFIC DEVELOPMENT PLAN.

90.3 VESTED PROPERTY RIGHT - Duration - Termination. A PROPERTY right which has been vested as provided for in this section shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a SITE SPECIFIC DEVELOPMENT PLAN unless expressly authorized by the Board of County Commissioners.

90.4 Notice and hearing. No SITE SPECIFIC DEVELOPMENT PLAN shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may, at the COUNTY'S option, be combined with the notice required for the Use by Special Review, PLANNED UNIT DEVELOPMENT Final Plan, or with any other required notice. Interested persons shall have an opportunity to be heard at the hearings.

90.5 Approval--Effective Date--Amendments. A SITE SPECIFIC DEVELOPMENT PLAN shall be deemed approved upon the effective date of the Board of County Commissioners' final or conditional approval action. In the event amendments to a SITE SPECIFIC DEVELOPMENT PLAN are proposed and approved, the effective date of such amendments, for purposes of duration of a VESTED PROPERTY RIGHT, shall be the date of the approval of the original SITE SPECIFIC DEVELOPMENT PLAN, unless the Board specifically finds to the contrary and incorporates such finding in its approval of the amendment.

90.5.1 The Board of County Commissioners may approve a SITE SPECIFIC DEVELOPMENT PLAN upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. The conditional approval shall result in a VESTED PROPERTY RIGHT, although failure to abide by such terms and conditions will result in a forfeiture of VESTED PROPERTY RIGHTS.

90.6 Development agreements. The Board of County Commissioners may enter into development agreements with landowners providing that PROPERTY rights shall be vested for a period exceeding three (3)years. Where warranted in light of all relevant circumstances, including, but not

limited to, the size and phasing of the DEVELOPMENT, economic cycles, and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum as provided for in the Weld County Home Rule Charter.

- 90.7 Notice of approval. Each map, plat, or other document constituting a SITE SPECIFIC DEVELOPMENT PLAN shall contain the following language: "Approval of this plan may create a VESTED PROPERTY RIGHT pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creating of the VESTED PROPERTY RIGHT. In addition, a notice describing generally the type and intensity of USE approved, the specific parcel or parcels of property affected and stating that a VESTED PROPERTY RIGHT has been created shall be published once, not more than fourteen (14) days after approval of the SITE SPECIFIC DEVELOPMENT PLAN in the newspaper designated by the Board of County Commissioners for publication of notices.
- 90.8 Payment of costs. In addition to any and all other fees and charges imposed by this ordinance, the applicant for approval of a SITE SPECIFIC DEVELOPMENT PLAN shall pay all of the County's costs resulting from the SITE SPECIFIC DEVELOPMENT PLAN review, including publication of notices, public hearing and review costs.
- 90.9 Other provisions unaffected. Approval of a SITE SPECIFIC DEVELOPMENT PLAN shall not constitute an exemption from or waiver of any other provisions of this ordinance pertaining to the DEVELOPMENT and USE of property. The establishment of a VESTED PROPERTY RIGHT shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all PROPERTY subject to land USE regulation by a LOCAL GOVERNMENT including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.
- 90.10 Limitations. Nothing in this section is intended to create any VESTED PROPERTY RIGHT, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this section shall be deemed to be repealed, and the provisions hereof no longer effective.

91 ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT

- 91.1 No one under twenty-one (21) years of age shall be admitted to an ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT nor shall any employee, agent, servant, or independent contractor working on the premises during hours when NUDE entertainment is being presented be under the age of twenty-one (21) years of age.
- 91.2 NUDE entertainment shall only be available at ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT between the hours of 7:00 a.m. and 12:00 midnight, Monday through Saturday of each week.
- 91.3 An ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT shall be adequately buffered through the use of facade treatment, LANDSCAPING, and fencing to minimize negative impacts on commercial USES, residential USES, PUBLIC parks, churches, and PUBLIC or private SCHOOLS accredited by the State of Colorado which are present in the vicinity. Buffering requirements shall be determined for the perimeter of the establishment on a case by case basis by reviewing the intensity of the establishment and comparing it to the type and location of surrounding land uses. For example, denser plantings and screening materials or more compatible facade treatment may be required between an ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT and a store or shop offering goods and services at retail.
- 91.4 All outside lighting and signs shall be arranged, shielded, and restricted so as to prevent negative impacts and any nuisance on ADJACENT STREETS, property, COMMERCIAL USES, residential USES, PUBLIC parks, churches, or PUBLIC or private SCHOOLS accredited by the State of Colorado in the area. Mechanical or electrical appurtenances, such as "revolving beacons" which

are obviously designed to compel attention or flashing red, green, or amber signs located within five hundred (500) feet of an intersection are prohibited. Any sign located so as to conflict with the clear and obvious appearance of PUBLIC devices controlling public traffic is prohibited.

- 91.5 No ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT shall be operated or maintained within five hundred (500) feet of any SCHOOL or church property, measured from the closest property line of such SCHOOL or church property to the property line of the ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT.
- 91.6 No ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT shall be operated or maintained within five hundred (500) feet of any residentially zoned or USED property, measured from the closest property line of the residentially USED or zoned property to the property line of the ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT.
- 91.7 Any ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT which engages in repeated or continuing violation of these regulations shall constitute a PUBLIC nuisance. For purposes of these regulations, "repeated violations" shall mean three (3) or more violations of any provision set forth herein within a one (1) year period dating from the time of any violation. Any "continuing violation" shall mean a violation of any provision set out herein lasting for three (3) or more consecutive days.
- 91.8 Nothing in this Section 91 shall be construed to apply to the presentation, showing, or performance of any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, SCHOOL, institution of higher education, or similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of a STATE OF NUDITY for the purpose of advancing the economic welfare of a COMMERCIAL or business enterprise.
- 91.9 Any ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENT operating at the effective date of this ordinance in violation of Sections 91.5 or 91.6 shall be allowed to continue operating for an amortization period of six (6) months. Six months after Section 91 of this Ordinance becomes effective, all ADULT BUSINESS, SERVICE, OR ENTERTAINMENT ESTABLISHMENTS shall comply with those sections or be subject to the penalty provisions set forth in Section 82.5 of this Ordinance.



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