

Table of Contents

SECTION 1	4
TITLE, PURPOSES, AUTHORITY, JURISDICTIONAL AREA, AND DEFINITIONS	4
1-101 TITLE	4
1-102. Short Title	4
1-103. Purposes	4
1-104. Authority.....	4
1-105. Jurisdictional Area	5
1-106. Definitions	5
ACCESSORY USE OR STRUCTURE	5
AGRICULTURE.....	5
AGRICULTURAL LAND (IRRIGATED)	5
AIRPORT ZONE	6
ALLEY 6	
APARTMENT HOUSE.....	6
SECTION 2	19
DISTRICT REGULATIONS	19
PART 1. ESTABLISHMENT OF DISTRICTS.....	19
2-101 District Abbreviations	19
PART 2 CONSERVATION DISTRICTS.....	20
2-201. OS: Open Space District	20
PART 3. AGRICULTURAL DISTRICTS	21
2-301 A-1: Agricultural Districts.....	21
2-302 A-2: Agricultural District	23
PART 4. RESIDENTIAL DISTRICTS	25
2-401 R-1: Residential District	25
2-402. MH: Mobile Home District	27
PART 5. COMMERCIAL AND INDUSTRIAL DISTRICTS	30
2-501 C-1: Commercial District	30
2-502 M-1: Industrial District.....	31
PART 6 OVERLAY REGULATIONS.....	34
2-601 Airport Land Use Regulation.....	34
2-602 FLOOD DAMAGE PREVENTION REGULATION	34
SECTION 3	35
CONDITIONAL USE REVIEW	35
3-101 Authorization to Grant or Deny Conditional Uses	35
3-102 Application for a Conditional Use Permit	35
3-104 Public Hearing on a Conditional Use	35
3-105 Recess of the Hearing by Board of Adjustment	36
3-106 Action of a Conditional Use Permit Request.....	36
3-107 Notification of Action	36
3-108 Pipelines, Transmission Lines, and Generating Plants.....	36
3-109 Exception to Conditional Review	38
SECTION 4	38
OFF-STREET PARKING AND LOADING	38

4-101	Off-Street Parking	38
4-102.	Off-Street Loading	42
4-103	General Provisions - Off-Street Parking and Loading	42
SECTION 5	.....	45
SIGN REGULATIONS.....		45
5-101	Intent	45
5-102	Governmental Signs Excluded	45
5-103	General Requirements	45
5-104	Measurement of Sign Area	46
5-105	Special Provision	46
5-106	Sign Setback Requirements	47
5-107	FEES	48
SECTION 6	.....	49
6-101	Intent	49
6-102	Nonconforming Uses	49
6-103	Nonconforming Structures	49
6-104	Nonconforming uses of Structures or of Structures and Premises in Combination	50
6-105	Termination of Certain Nonconforming Uses	51
6-106	Avoidance of undue Hardship.....	51
6-107	Repairs and Maintenance.....	51
6-108	Expansion of nonconforming Commercial and Domestic Feed Lots.....	51
SECTION 7	.....	53
7-101	INTENT.....	53
7-102	Standards and Requirements	53
7-103	Procedure for Securing Approval of a PUD	54
7-104	Amendments	56
SECTION 8	.....	57
8-101	Establishment	57
8-102	Membership	57
8-103	Jurisdiction.....	57
8-104	Hearings and Meetings	58
8-105	Finality and Judicial Review of Decisions	58
8-201	Authorization.....	58
8-202	Time for Appeals.....	58
8-203	Stay of Proceedings	58
8-204	Hearing and Notice.....	59
8-205	Decision of Appeals	59
8-303	Hearing and Notice.....	60
8-304	Authorized Variances.....	60
8-305	Standards for Variances	61
8-306	Conditions and Restrictions	62
8-307	Decisions and Records	62
8-308	Period of Validity	62
8-309	Appeals.....	62
8-401	Authorization.....	63
SECTION 9	.....	64
9-101	Authority.....	64
9-102	Proposal of Amendments	64
9-103	Amendment Application Procedures	64

9-104	<i>Special Amendment Procedures</i>	65
9-105	<i>Disposition of Amendment Proposals</i>	65
9-201	<i>Public Hearing</i>	66
9-202	<i>Notice of Hearing</i>	66
9-203	<i>Conduct of Hearing</i>	66
9-301	<i>Procedure</i>	67
9-302	<i>Amendments to Text</i>	67
9-303	<i>Amendments to Change Zoning Districts (Rezone)</i>	67
9-401	<i>Procedure</i>	68
SECTION 10	.....	69
10-101	<i>Administration</i>	69
10-102	<i>Enforcement</i>	70
10-103	<i>Interpretation</i>	71
10-104	<i>SEVERABILITY</i>	71
SECTION 11	.....	73
11-101	<i>General Provisions Regarding Accessory Uses</i>	73
11-102	<i>Standards Governing Home Occupations</i>	73
11-103	<i>Maintenance of Minimum Regulation Requirements</i>	73
11-104	<i>General Exception to Lot Size Requirements</i>	73
11-105	<i>Exceptions to Yard Requirements</i>	74
11-106	<i>General Exception to Building Height Limitations</i>	74
11-107	<i>Access</i>	74
11-108	<i>Vision Clearance</i>	74
11-109	<i>Driveways</i>	74
11-110	<i>Subdivision Regulations</i>	74
11-111	<i>Junk and Weed Control</i>	75
SECTION 12	.....	79
	ZONING MAP	79
SECTION 13	.....	80
	ENACTMENT CLAUSE	80

SECTION 1

TITLE, PURPOSES, AUTHORITY, JURISDICTIONAL AREA, AND DEFINITIONS

1-101 TITLE

A resolution establishing zoning districts comprising all the unincorporated area within Phillips County, Colorado; adopting maps of said area and zoning districts therein; regulating the location, height, bulk and size of buildings and other structures, the percentage of a lot which may be occupied, the size of lots, courts, and other open space, density and distribution of population, and the location and use of land for agriculture, industry, recreation, or other purposes; providing for the adjustment, enforcement, and amendment thereof; defining certain terms used herein; prescribing methods for granting variances and for amendment, enforcement, interpretation, separability, and repeals; and prescribing penalties for the violation of its provisions.

1-102. Short Title

These regulations shall be known and may be cited as the “Zoning Resolution of Phillips County.”

1-103. Purposes

The purposes of these regulations are:

- (A) To conserve and stabilize the value of property;
- (B) To aid in the rendering of police and fire protection;
- (C) To provide adequate open space for light, air, and aesthetic satisfaction;
- (D) To preclude congestion on streets, roads, and highways;
- (E) To facilitate orderly, efficient, and integrated development of the county
- (F) To prevent undue concentration of population;
- (G) To facilitate the provision of efficient community utilities and facilities, such as water, sewerage, and electrical systems, transportation, schools, parks, and other public requirements; and, in general;
- (H) To promote the public health, safety, and general welfare of the county.

1-104. Authority

The Phillips County Zoning Resolution is authorized by Article 28, Title 30, of the Colorado Revised Statutes as amended, and is hereby declared to be in accordance with all provisions of these Statutes.

1-105. Jurisdictional Area

These zoning regulations shall apply to all land and buildings within the unincorporated portions of Phillips County.

1-106. Definitions

For the purposes of this resolution, certain terms or words used herein shall be interpreted as follows:

- (A) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (B) The present tense includes the future tense, the singular number includes the plural number includes the singular.
- (C) The word “shall” is a mandatory requirement, the word “may” is a permissive action, and the word “should” is a preferred action.
- (D) The words “uses” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- (E) The word “lot” includes the words “plot” and “parcel.”

The following words and phrases shall be interpreted as having the meanings stated below:

ACCESSORY USE OR STRUCTURE

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AGRICULTURE

The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

AGRICULTURAL LAND (IRRIGATED)

This land lies in areas where the soils are categorized in land capability classes I-IV and are thus considered suitable for agricultural purposes. These are areas that have been converted to active agricultural use by means of permanent irrigation facilities.

AGRICULTURAL STRUCTURE

A structure located on a farm or ranch and used in an agricultural operation for the storage, repair and maintenance of farm or ranch equipment and supplies, or for the raising and/or storage of crops and livestock. These include, but are not limited to, barns, corrals, silos, workshops, equipment sheds, storage and shelter structures.

AIRPORT ZONE

Area lying directly under flight paths, under airspace where aircraft noise is at its highest levels, and adjacent to existing airports where future expansion may occur.

ALLEY

A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

APARTMENT HOUSE

See Dwelling, Multiple-Family

AUTOMOTIVE, MOBILE HOME, TRAILER, AND FARM IMPLEMENT SALES

The sale or rental of new and used motor vehicles, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

AUTOMOTIVE OR MACHINERY AND EQUIPMENT WRECKING BUSINESS

The dismantling or wrecking of used motor vehicles, machinery and equipment, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT

A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

BOARD OF ADJUSTMENT

An advisory board appointed by the Board of County Commissioners to decide upon variances and appeals and make recommendations on conditional uses and any other matters that the Board of County Commissioners may determine.

BUILDING

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

BUSINESS - CONVENIENCE

Commercial uses which generally require locations on or near major thoroughfares and or their intersections, and which tend, in addition to serving day-to-day needs of the area, to also supply the more durable and permanent needs to the area. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

BUSINESS - HIGHWAY

Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and service, restaurants and motels, commercial recreation, and farm equipment sales and service.

BUSINESS SERVICES

Any profit-making activity which renders services primarily to other commercial or industrial enterprises or which service and repairs appliances and machines used in homes and businesses.

BUSINESS - WHOLESALE

Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. The commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

CAMPGROUND

Any plot of improved property utilized for camping and parking of recreational vehicles, as herein defined, for a period not to exceed thirty (30) days.

CEMETERY

Land used, or intended to be used, for the burial of the animal or human dead and dedicated for cemetery purposes, including crematoriums, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHANNEL

A natural or artificial watercourse of perceptible extent with bed and banks to continue and conduct continuously or periodically flowing water.

COMPREHENSIVE PLAN

A plan, or any portion thereof, adopted by the Phillips County Planning Commission and/or the Phillips County Board of County Commissioners showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial used, major streets, roads, and highways, parks schools, and other community facilities, and establishing the goals, objectives, and policies of the county.

CONDITIONAL USE

A use within a district requiring a conditional use permit and approval by the Board of County Commissioners. In each case. the Board of Adjustment shall submit a recommendation to the Board of County Commissioners before the Commissioners' decision

CONDITIONAL USE PERMIT

A permit issued by the Zoning Inspector upon recommendation by the Board of Adjustment and subject to final approval by the Board of County Commissioners. The purpose of the permit is to allow a use other than an unconditionally permitted use to be established within a district.

COUNTY

The County of Phillips, State of Colorado.

CROPLAND

Land used primarily for the production of adapted cultivated and close growing crops for harvest, alone or in association with sod crops.

DENSITY

A unit of measurement; the number of dwelling units per acre of land.

- (1) Gross Density -the number of dwelling units per acre of the total land to be developed.
- (2) Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DEVELOPMENT

Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

DWELLING, MOBILE HOME

A structure designed to be transported after fabrication and exceeding either eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built, whether or not such structure is placed on a permanent foundation. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating, and electrical facilities.

DWELLING, MODULAR HOME

Any structure, or component thereof, designed primarily for single-family residential occupancy, not including a mobile home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Each modular home shall be certified by the Colorado Division of Housing, and shall have attached thereto, in a visible location, an insignia of approval containing the following information:

- (1) Date of manufacture;
- (2) Insignia serial number beginning with the letters FB.

DWELLING, MULTI-FAMILY

A building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, RANCH AND FARM

Residential dwellings appurtenant to agricultural operations including living quarters for persons employed on the premises (but not including labor camps or dwellings for transient labor), guest houses not rented or otherwise conducted as a business, and private garages, stables and barns.

DWELLING, SINGLE-FAMILY

A building consisting of a single dwelling unit only; separated from other dwelling units by open space.

DWELLING, TWO-FAMILY

A building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, UNRELATED

Any dwelling unrelated to nor incidental to the operation of a commercial feed lot, small animal farm, kennel, veterinary hospital, or commercial riding stable.

DWELLING UNIT

Space within a building comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities; all used by one family and its household employees.

FAMILY

One (1) or more persons occupying a common household, but not including, boarding or rooming houses, lodges, clubs, hotels or fraternities.

FARM, SMALL ANIMAL

The confinement of fifty (50) or more fowl or furbearing animals in enclosed cages as a whole, or any by-product of the animal.

FEED LOT, COMMERCIAL

The confined feeding of livestock in buildings, lots, or pens which are not normally used for raising crops or for grazing livestock. For the purpose of this resolution, the term commercial feed lot shall include the confined feeding of not less than a capacity of two hundred (200) feeder or fat cattle, beef cows, dairy cattle, swine, sheep, or goats.

FEED LOT, DOMESTIC

The confined feeding of livestock in buildings, lots, or pens which are not normally used for raising crops or for grazing livestock. For the purpose of this resolution, the term domestic feed lot shall include the confined feeding of not less than a capacity of (10) nor more than a capacity of one hundred and ninety-nine (199) feeder or fat cattle, beef cows, dairy cattle, swine, sheep, or goats.

FLOOD PLAIN

Areas of land covered by flowing or stored surface water when normal channels are unable to carry increased volumes of water, and which area is so adverse to past, current or foreseeable significant construction, or significant population use as to constitute a significant hazard to public safety or to property. An intermediate regional flood plain is occurring once every hundred years.

FLOOR AREA

The sum of all gross horizontal enclosed area of the several floors of a building and its accessory buildings on the same lot, excluding basement floor areas and non-enclosed portions of the structure. All dimensions shall be measured between exterior faces of walls.

FOSTER HOME

A facility operated for the care of three (3) or more children or the elderly for the purpose of providing family care and/or training for children or elderly not related to the head of such home or facility. The term also applies to group homes for children or elderly whose special needs can best be met through the medium of a small group.

GENERATING FACILITY

A facility capable of producing electricity by means of gas, oil, steam, nuclear fuel, wind, solar, or water power.

HEIGHT OF BUILDING

The vertical distance from the "grade" to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

HOME OCCUPATION

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

HOSPITAL

An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

HOTEL

A building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the guest rooms.

INDEPENDENT MOBILE HOME

A mobile home parked on a private lot, the front lot line of which shall face and abut a public street or road.

JUNK

Junk means old or scrap copper, brass, rope, rugs, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, appliances, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

JUNKYARD

Any establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk.

KENNEL

A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation, or sale.

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOT

A parcel or tract of land which is occupied by a structure, together with the yards and other open spaces required by these regulations.

LOT AREA

The total horizontal area within the lot lines of a lot.

LOT, CORNER

A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at any angle greater than one hundred thirty-five (135) degrees.

LOT DEPTH

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE

The property line bounding a lot.

LOT LINE, FRONT

In the case of an interior lot, the lot line separating the lot from the street other than an alley; and in the case of a corner lot, the shortest lot line along a street other than an alley.

LOT LINE, REAR

A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE

Any lot line not a front or rear lot line.

LOT WIDTH

The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

MOBILE HOME

See Dwelling, Mobile Home

MOBILE HOME PARK

Any site or tract of land under single ownership upon which three or more mobile homes, used for habitation, are parked for periods of longer than ninety (90) days, either free of charge or for revenue purposes, including any roadway, building structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

MOBILE HOME PARK (TRANSIENT)

Any plot of ground upon which three (3) or more mobile homes and/or recreational vehicles are located and occupied, or intended to be occupied, for dwelling or sleeping purposes for periods not to exceed ninety (90) days, regardless of whether or not a charge is made for such accommodation.

MOTEL

A building or group of buildings containing individual sleeping or living units, designed for use overnight or for short periods by auto-mobile tourists or transients, with attached garage or parking space located conveniently to each unit.

NONCONFORMING USE

A building, structure, or use of land existing at the time of enactment of this resolution and which does not conform to the regulations of the district or zone in which it is situated.

NURSING HOME - CONVALESCENT HOME

A licensed dwelling where persons are housed or lodged and furnished with nursing and convalescent care for a fee.

PARKING LOT

An area, other than a private parking area, street, or alley, used for the parking of automobiles and available for public or semipublic use.

PARKED MOBILE HOME

A mobile home parked in a mobile home park, transient mobile home park, or planned unit development as defined elsewhere in this resolution.

PARKING SPACE

That part of a parking area, exclusive of drives, turning areas, or loading spaces, devoted to parking for one automobile or vehicle.

PARKING, OFF-STREET

Any parking area located wholly within the limits of one (1) or more lots.

PIPELINE

Any pipeline and appurtenant facilities designed for, or capable of, transporting natural gas or other petroleum derivatives, including coal slurry, of two (2) inches diameter or larger.

PLANNED UNIT DEVELOPMENT

Any area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and set-backs, than those restrictions that would normally apply under these regulations. The procedure for approval of such development

contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PLANNING COMMISSION

The County Planning Commission is appointed by the Board of County Commissioners of Phillips County.

PROFESSIONAL ACTIVITIES

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, accountants, and similar professions.

PUBLIC RECREATIONAL FACILITY

Facilities for outdoor leisure time activity including skiing, hiking, hunting, fishing, boating, sightseeing, driving for pleasure, picnicking, court games, and similar activities.

RANGELAND

The term rangeland shall include uncultivated lands, particularly those producing forage for animal consumption as follows: (1) lands supporting native and/or naturalized herbaceous or shrubby plants; (2) lands seeded with native forage seed; and (3) lands seeded to adapted, mostly perennial, introduced forage plants not requiring frequent periodic reestablishment.

RECREATIONAL VEHICLE

Any pickup camper, motor home, travel trailer, tent trailer, or similar mobile unit not exceeding either eight (8) feet in body width or thirty-two (32) feet in body length and designed specifically for recreational and vacation purposes.

RESTAURANT

A commercial establishment designed primarily to serve food to customers to be eaten within the interior of the premises and has interior seating arrangements.

RESTAURANT (DRIVE-IN)

A commercial establishment designed primarily to serve food to customers within their vehicles, or to be eaten within their vehicles.

ROAD

See Street.

ROADSIDE STAND

A temporary structure designed or used for the display or sale of agricultural and related products.

SANITARY LANDFILL

A site for final disposal of solid wastes on the land by a method employing compaction of the refuse and covering with earth or other inert material. Such site shall comply with the health laws, standards, rules and regulations of the Colorado Health Department, the Air Pollution Control Commission, and the Water Pollution Control Commission.

SCHOOL

An educational or day care institution devoted primarily or exclusively to the purpose of providing training, instruction, day care services, or schooling for three (3) or more persons. Such institutions must satisfy all applicable State and Federal regulations for the operation of such institutions.

SETBACK

See Yard

SIDEWALK

See Walkway

STORY

That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

STORY, HALF

A story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

STREET

A county road, state highway, public road, street or alley, or private thoroughfare which affords primary access to abutting property.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any substantial change in the roof or in the exterior walls, excepting from this definition such alterations as may be required for the safety of the building.

STRUCTURE

Anything constructed or erected which requires location on the ground or attachment of something having a location on the ground. "Structure" shall include immobilized mobile homes and swimming pools.

SUPPLY YARD

A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

TANK FARM

A cluster of petroleum, gas or petroleum by-products, and storage containment facilities.

TELECOMMUNICATIONS FACILITIES

Includes, but is not limited to facilities associated with the following types of telecommunications: cellular telecommunications, television and radio broadcasting, low power mobile radio service, and other telecommunications facilities.

TRANSMISSION LINE

Any electrical transmission line and appurtenant facilities which emanate from a power plant or substation and terminates at a substation.

TRUCKING TERMINAL

Any lot, structure or premises used for the parking or storage of capital equipment such as trucks, trailers, or other similar equipment over three-quarter (3/4) ton capacity.

USE

The purpose for which any land, structure or building is designed, maintained or occupied.

UTILITY SUBSTATION

Any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity.

VARIANCE

A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY ANIMAL HOSPITAL OR CLINIC

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

WALKWAY

A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

WATER AND SEWAGE TREATMENT FACILITY

Any sewage treatment plant, sewage treatment works, sewage disposal facilities, pumping and ventilating plants or stations, compensating reservoirs, or other plants, structures, facilities, equipment and appurtenances useful or convenient for the interception, transportation, treatment, purification or disposal of sewage, liquid wastes, solid wastes, or industrial wastes

YARD

The space on the same lot as a building or structure that is unoccupied and open to the sky.

YARD FRONT

That portion of a yard between the street line and the building, and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.

YARD, REAR

That portion of a yard between the rear of a building and a rear lot line, and between two (2) side lot lines, the depth of which shall be the least distance between the building and the rear lot line.

YARD, SIDE

All the yard between the front and rear yards, the width of which shall be the least distance between the side lot lines and the building.

SECTION 2

DISTRICT REGULATIONS

PART 1. ESTABLISHMENT OF DISTRICTS

2-101 District Abbreviations

In order to carry out provisions of this Resolution, the County is hereby divided into the following zoning districts:

Districts	Abbreviated Designations
-----------	--------------------------

Conservation Districts:

Open Space District	OS
---------------------	----

Agricultural Districts:

Agricultural District 1	A-1
-------------------------	-----

Agricultural District 2	A-2
-------------------------	-----

Residential Districts:

Residential District	R-1
----------------------	-----

Mobile Home District	M-1
----------------------	-----

Commercial and Industrial Districts:

Highway Commercial District	C-1
-----------------------------	-----

Industrial District	M-1
---------------------	-----

Overlay Regulations

Haxtun and Holyoke Airport Land Use Regulations

Flood Damage Prevention Regulations

PART 2 CONSERVATION DISTRICTS

2-201. OS: Open Space District

The purpose of the Open Space District is to provide areas for public and quasi-public uses, areas for recreation and conservation purposes, areas suitable for noncommercial recreation, and to protect areas of natural or scenic attractiveness. This also covers flood prone areas and those subject to geologic or other such hazards. This zoning designation does not make all lands subject to public use, nor remove any private ownership rights, unless the owner so desires.

(A) Permitted Uses

- (1) Agricultural rangeland and cropland;
- (2) Cemeteries;
- (3) Golf courses (Except miniature golf courses);
- (4) Historical landmarks;
- (5) Public recreational facilities;
- (6) Schools;
- (7) Libraries and community centers;
- (8) Rifle range;
- (9) Gun Club or trap shooting club.

(B) Conditional Uses Permitted

- (1) Campgrounds;
- (2) Extraction of mineral resources;
- (3) Highway Businesses;
- (4) Planned unit developments;
- (5) Sanitary landfills;
- (6) Water and sewage treatment facilities;
- (7) Single-family dwellings, including modular homes, but only as a custodial function to a permitted use;
- (8) Utility substations and generating facilities;
- (9) Home occupations.

(C) Height Limitation of Buildings

None, unless located in an existing or proposed airport flight zone, in which case Phillips County Airport regulations shall apply.

(D) Schools

All schools, regardless of their location, will be zoned "OS" open space, and must comply with state and local regulations as to playground area, number of pupils, fencing, etc.

(E) Setback Requirements

- (1) Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the street centerline, whichever is greater;
- (2) Minimum side yard: twenty (20) feet;
- (3) Minimum rear yard: thirty-five (35) feet;
- (4) Structures placed on a tract which abut two roads or streets must meet the front setback requirement on both sides which abut the roadway intersection.

PART 3. AGRICULTURAL DISTRICTS

2-301 A-1: Agricultural Districts

This district is designed to protect land traditionally used for agriculture from encroachment by problematical types of non-farm development.

(A) Permitted Uses

- (1) Extraction of mineral resources;
- (2) Agricultural cropland and rangeland;
- (3) Agricultural structures;
- (4) Utility substations;
- (5) Agricultural research;
- (6) Accessory uses or structures located on the same lot as the permitted use;
- (7) Temporary uses or structures incidental to construction work, but only for the period of such work;
- (8) Home occupations;

- (9) Single family dwelling;
- (10) Telecommunications facilities & towers.

(B) Conditional Uses Permitted

- (1) Airports;
- (2) Cemeteries;
- (3) Public recreational facilities;
- (4) Multi-family dwellings(other than accessory uses);
- (5) Sanitary landfills;
- (6) Churches;
- (7) Generating facilities;
- (8) Water and sewage treatment facilities;
- (9) Foster homes;
- (10) Domestic feed lots;
- (11) Beet receiving station;
- (12) Veterinary clinic;
- (13) Gasohol or alcohol plant;
- (14) Anhydrous ammonia plant;
- (15) Utility substation;
- (16) Transmission lines;
- (17) Pipelines;
- (18) Additional non-agricultural single family dwelling.

(C) Prohibited Used

- (1) Commercial feed lots.

(D) Lot Size

- (1) Lots shall be not less than one (1) acre in size, except in case of lots where horses or other domestic animals or livestock are kept, in which case the minimum lot size shall be three (3) acres;

- (2) Minimum lot width: one hundred (100) feet;
- (3) Minimum lot depth: one hundred (100) feet;
- (4) If the lot has a domestic well and septic system, the lot size shall meet the minimum standards set by Northeast Colorado Health Department.

(E) Setback Requirements

- (1) Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the street centerline, whichever is greater;
- (2) Minimum side yard: twenty (20) feet;
- (3) Minimum rear yard: thirty-five (35) feet;
- (4) Structures placed on a tract which abuts two roads or streets must meet the front setback requirement on both sides which abut the roadway intersection.

(F) Height Limitation of Buildings

None, unless located in an existing or proposed airport flight zone, in which case Phillips County Airport regulations shall apply.

2-302 A-2: Agricultural District

This district is designed to permit a fairly wide range of agricultural activities and to permit certain limited nonagricultural activities.

(A) Permitted Uses

- (1) All permitted and conditional uses in the A-1 district, unless specifically designated as a conditional use;
- (2) Domestic feed lots;
- (3) Small animal farms, kennels, veterinary hospitals, commercial riding stables, provided all such uses are located at least five hundred (500) feet from schools, churches, unrelated dwellings, or any residentially zoned district.

(B) Conditional Uses Permitted

- (1) Water and sewage treatment facilities;
- (2) Multiple-family dwellings (other than accessory uses);
- (3) Commercial feed mills;

- (4) Commercial feed plants;
- (5) Commercial grain elevators;
- (6) Commercial feed lots, except that no commercial feed lot may be established within one thousand five hundred (1,500) feet of unrelated dwellings, schools, churches, or any residentially zoned district;
- (7) Planned unit developments;
- (8) Airports;
- (9) Sanitary landfills;
- (10) Generating facilities;
- (11) Radio transmitting station;
- (12) Gasohol or alcohol plant;
- (13) Utility Substation;
- (14) Transmission line;
- (15) Pipeline;
- (16) Beet Receiving station;
- (17) Additional non-agricultural single family dwelling.

(C) Lot Size

- (1) Lots shall be not less than one (1) acre in size, except in case of lots where horses or other domestic animals or livestock are kept, in which case the minimum lot size shall be three (3) acres;
- (2) Minimum lot width: one hundred (100) feet;
- (3) Minimum lot depth: one hundred (100) feet;
- (4) If the lot has a domestic well and septic system, the lot size shall meet the minimum standards set by Northeast Colorado Health Department.

(D) Setback Requirements

- (1) Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the street centerline, whichever is greater;
- (2) Minimum side yard: twenty (20) feet;
- (3) Minimum rear yard: thirty-five (35) feet;

- (4) Structures placed on a tract which abuts two roads or streets must meet the front setback requirement on both sides which abut the roadway intersection.

(E) Height Limitation of Buildings

None, unless located in an existing or posed airport flight zone, in which case Phillips County Airport regulations shall apply.

PART 4. RESIDENTIAL DISTRICTS

2-401 R-1: Residential District

The purpose of the R-1 District is to permit the establishment of low-density, single-family residential uses with lot sizes sufficient for Individual water and sewer facilities. Centralized water and sewer facilities are, however, encouraged.

(A) Permitted Uses

- (1) Libraries and community centers;
- (2) Public recreational facilities;
- (3) Single-family dwellings, including modular homes;
- (4) Accessory uses and structures located on the same lot as the permitted use;
- (5) Temporary structures incidental to construction work, but only for the period of such work.

(B) Conditional Uses Permitted

- (1) Churches;
- (2) Golf courses, except miniature golf courses;
- (3) Home occupations;
- (4) Multi-family dwellings, including condominiums and townhouses;
- (5) Utility substations;
- (6) Duplexes;
- (7) Foster homes;
- (8) Transmission lines;
- (9) Pipelines.

(C) Lot size

(1) On land not served by public water and public sewerage facilities:

- (a) Minimum lot width: two hundred (200) feet;
- (b) Minimum lot depth: one hundred forty (140) feet;
- (c) Minimum lot area: one (1) acre;
- (d) If the lot has a domestic well and septic system, the lot size shall meet the minimum standards set by Northeast Colorado Health Department.

(2) On land served by public water facilities only:

- (a) Minimum lot width: one hundred twenty (120) feet;
- (b) Minimum lot depth: one hundred forty (140) feet;
- (c) Minimum lot area: sixteen thousand eight hundred (16,800) square feet;
- (d) If the lot has public water and a septic system, the lot size shall meet the minimum standards set by Northeast Colorado Health Department.

(3) On land served by both public water and public sewerage facilities:

- (a) Minimum lot width: sixty (60) feet;
- (b) Minimum lot depth: one hundred forty (140) feet;
- (c) Minimum lot area: eight thousand four hundred (8,400) square feet.

(D) Setback Requirements

- (1) Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the street centerline, whichever is greater;
- (2) Minimum side yard: twenty (20) feet;
- (3) Minimum rear yard: thirty-five (35) feet;
- (4) Structures placed on a tract which abuts two roads or streets must meet the front setback requirement on both sides which abut the roadway intersection.

(E) Height Limitation of Buildings

Maximum height of any structure shall be thirty-five (35) feet or two and one-half (2-1/2) stories.

2-402. MH: Mobile Home District

This district is created to preserve and enhance property values in the county by providing designated, distinctive areas in which mobile homes may be situated for residential dwelling purposes. It is the intent that this district be a desirable permanent area providing adequate open space, and essentially the same considerations as any other residential district. In this regard, conventional type dwellings will not be allowed in an MH District.

(A) Permitted Uses

- (1) Independent mobile homes;
- (2) Parked mobile homes;
- (3) Accessory uses or structures located on the same lot as the permitted use;
- (4) Temporary uses or structures incidental to construction work, but only for the period of such work.

(B) Conditional Uses

- (1) Churches;
- (2) Home occupations;
- (3) Laundromats, including facilities for coin-operated dry cleaning machines;
- (4) Libraries and community centers;
- (5) Mobile home parks;
- (6) Planned unit development;
- (7) Public recreational facilities.

(C) Prohibited Uses

At no time will a mobile home be used to portray advertising of any type, such as signs, pennants, flags, etc., but may display in normal lettering the name of a construction firm when said mobile home is used as a temporary construction headquarters.

(D) Lot Size

- (1) On land not served by public water and public sewerage facilities:
 - (a) Minimum lot width: two hundred (200) feet;
 - (b) Minimum lot depth: One hundred forty (140) feet;
 - (c) Minimum lot area: one (1) acre;
 - (d) If the lot has a domestic well and septic system, the lot size shall meet the minimum standards set by Northeast Colorado Health Department.
- (2) On land served by public water facilities only:
 - (a) Minimum lot width: one hundred twenty (120) feet;
 - (b) Minimum lot depth: one hundred forty (140) feet;
 - (c) Minimum lot area: sixteen thousand eight hundred (16,800) square feet;
 - (d) If the lot has public water and a septic system, the lot size shall meet the minimum standards set by Northeast Colorado Health Department.
- (3) On land served by both public water and public sewerage facilities:
 - (a) Minimum lot width: fifty (50) feet;
 - (b) Minimum lot depth: one hundred forth (140) feet;
 - (c) Minimum lot area: seven thousand (7,000) square feet.
- (4) Lot size limitations shall not apply to public recreational facilities.

(E) Setback Requirements

- (1) Independent mobile homes shall have the following setback requirements:
 - (a) Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the road centerline, whichever is greater;
 - (b) Minimum side yard: ten (10) feet;
 - (c) Minimum rear yard: ten (10) feet;

(d) Structures placed on a tract which abuts two roads or streets must meet the front setback requirement on both sides which abut the roadway intersection.

(2) Parked mobile homes shall have the following setback requirements;

(a) Minimum front yard: fifteen (15) feet;

(b) Minimum side yard: ten (10) feet;

(c) Minimum rear yard: ten (10) feet.

(F) Lot Coverage

The total area covered by all buildings shall not occupy more than twenty-five (25) percent of the total lot area.

(G) Minimum Land Requirements

A mobile home park must have a minimum of ten (10) acres.

(H) Density Requirements

A maximum of seven (7) units per acre. The density shall meet minimum health and safety standards set by Northeast Colorado Health Department.

(I) Parking

Two parking spaces per mobile home with parking for guests in a general location. All parking areas should be graveled and maintained as should all streets within the park.

(J) Design Standards

(1) The mobile home park shall abut on, or have access to, a street with a right-of-way of no less than sixty (60) feet wide.

(2) Each mobile home shall be spaced so as to allow for landscaping between each one.

(3) The park perimeter shall be landscaped.

(4) Each mobile home park shall provide the following uses;

(a) Adequate laundry facilities for the residents;

(b) An attractive, centrally located and screened, trash receptacle area;

- (c) A recreation area for children equal to eight (8) percent of the total park area;
- (d) A landscaped pedestrian circulation system.

PART 5. COMMERCIAL AND INDUSTRIAL DISTRICTS

2-501 C-1: Commercial District

This district is designed to provide for commercial development. To achieve this end, a very limited number of non-retail businesses shall be permitted.

(A) Permitted Uses

- (1) General businesses;
- (2) Highway businesses;
- (3) Professional activities;
- (4) Public recreational facilities;
- (5) Wholesale businesses;
- (6) Roadside stands;
- (7) Accessory uses or structures located on the same lot as the permitted use;
- (8) Temporary uses or structures incidental to construction work, but only for the period of such work;
- (9) Restaurants;
- (10) Day Care Center.

(B) Conditional Uses Permitted

- (1) Churches;
- (2) Commercial feed mills and feed plants;
- (3) Planned unit developments;
- (4) Trade, music, art, or other type vocational schools;
- (5) Truck or equipment terminals;
- (6) Transient mobile home parks;
- (7) Campgrounds;

- (8) Drive-in restaurants;
 - (9) Parking lots;
 - (10) Service stations;
 - (11) Utility substation;
 - (12) Transmission lines;
 - (13) Pipelines;
- (C) Lot Size
- (1) Minimum lot width: fifty (50) feet;
 - (2) Minimum lot depth: one hundred (100) feet;
 - (3) If the lot has a domestic well and septic system, the lot size shall meet the minimum standards set by Northeast Colorado Health Department.
- (D) Setback Requirements
- (1) Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the road centerline, whichever is greater;
 - (2) Minimum side yard: none, except twenty-five (25) feet when abutting a residential district;
 - (3) Minimum rear yard: none, except fifteen (15) feet when abutting a residential district;
 - (4) Structures placed on a tract which abut two roads or streets must meet the front setback requirement on both sides which abut the roadway intersection.

2-502 M-1: Industrial District

The M-1 Industrial District is primarily intended for the storage, production, and assembly of goods which will not cause objectionable noise, odor, dust, or other land pollutants.

(A) Permitted Uses

- (1) Aircraft maintenance and repair;
- (2) Contract construction storage;
- (3) Commercial grain elevators;

- (4) Manufacturers of the following goods:
 - (a) Food and kindred products;
 - (b) Textile mill products;
 - (c) Apparel and related products;
 - (d) Furniture and fixtures;
 - (e) Printing and fixtures;
 - (f) Fabricated metal products;
 - (g) Machinery, including electrical machinery;
 - (h) Transportation equipment;
 - (i) Instruments and related products.
- (5) Railroads and railway express services;
- (6) Trucking terminals;
- (7) Wholesale businesses.

(B) Conditional Uses

- (1) Airports;
- (2) Automobile wrecking businesses or junkyards;
- (3) Convenience businesses, but only as a custodial function to a permitted use;
- (4) Extraction of mineral resources;
- (5) Industrial parks;
- (6) Planned unit developments;
- (7) Public recreational facilities;
- (8) Sanitary landfill operations;
- (9) Utility substations and generating facilities;
- (10) Manufacturing of stone, clay, glass, and cement products;
- (11) Recycling plants;
- (12) Animal by-products;

- (13) Tank farms;
- (14) Building form manufacturing;
- (15) Transmission lines;
- (16) Pipelines.

(C) Lot Size

- (1) Minimum lot width: fifty (50) feet;
- (2) Minimum lot depth: one hundred (100) feet;
- (3) If the lot has a domestic well and septic system, the lot size shall meet the minimum standards set by Northeast Colorado Health Department.

(D) Setback Requirements

- (1) Minimum front yard: Twenty-five (25) feet;
- (2) A minimum setback of twenty-five (25) feet shall be required for each side of a lot either across a street from or abutting and residential district;
- (3) Minimum side yard: ten (10) feet;
- (4) Minimum rear yard: twenty (20) feet;
- (5) Structures placed on a tract which abuts two roads or streets must meet the front setback requirement on both sides which abut the roadway intersection.

(E) Height Limitation of Buildings

None, unless within one hundred (100) feet of a residential district; then no structure shall exceed thirty-five (35) feet in height.

(F) Use Limitations

The following conditions and limitations shall apply in an M-1 District:

- (1) All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential district by a sight-obscuring fence permanently maintained at no less than six (6) feet nor more than eight (8) feet in height.
- (2) Openings to structures on sides adjacent to, or across a street from, a residential district shall be prohibited if such access or openings

will cause glare, excessive noise, or other adverse effects, as determined by Zoning Inspector.

- (3) Yards abutting, or across a street from, a residential district shall be continuously maintained in lawn or other similar landscaping unless screened from the residential district as provided in Section 2-502 (F)(1).
- (4) Access points from a public road to properties in an M-1 District shall be so located as to minimize traffic congestion and avoid directing traffic onto local access streets of a primarily residential character.
- (5) All materials, including wastes, shall be stored; and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents nor create a health hazard.
- (6) Trash receptacles shall be located in a general area and attractively screened from view.
- (7) All tank farms must comply with State and Federal safety regulations as to setbacks, overflow precautions, and other measures.

PART 6 OVERLAY REGULATIONS

2-601 Airport Land Use Regulation

Phillips County has adopted land use regulations around the Holyoke and Haxtun airports to minimize significant hazards to public health and safety around these key facilities. Land uses proposed in close proximity to the Holyoke or Haxtun airports may be subject to height or use restrictions as enumerated in those land use regulations.

2-602 FLOOD DAMAGE PREVENTION REGULATION

Phillips County has adopted land use regulations which may affect land uses or structures proposed in areas which are vulnerable to flooding or affect the flood carrying capacity of a flood-prone area. Proposed uses may be subject to those requirements.

SECTION 3

CONDITIONAL USE REVIEW

3-101 Authorization to Grant or Deny Conditional Uses

Uses designated in this resolution as conditional uses may be permitted or enlarged or altered, upon recommendation by the Board of Adjustment, and approval by the Board of County Commissioners and in accordance with the standards and procedures specified in Sections 3-101 through recommendation by the County Planning Commission. In recommending a conditional use, the Board of Adjustment may recommend imposing, in addition to the regulations and standards expressly specified by these regulations, other conditions found necessary to protect the best interest of the surrounding property or neighborhood or the County as a whole. These conditions may include, but are not limited to, requirements increasing the required lot size or yard dimension, increasing street widths, controlling the location and number of vehicular access signs, limiting the coverage or height of buildings because of obstruction to view or reduction of light and air to adjacent property, requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the Board of Adjustment and new conditions imposed. Any change in use, expansion or contraction of a site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of these regulations, shall conform to all regulations pertaining to conditional uses. All recommendations must be approved, enlarged or altered, by the Board of County Commissioners.

3-102 Application for a Conditional Use Permit

A request for a permit allowing a conditional use or modification of any existing conditional use to take place may be initiated by a property owner or his authorized agent by filing an application with the County Planner using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, and by an application fee. The Board of Adjustment may require other drawings or material essential to an understanding of the proposed use and its relationship to surrounding properties.

3-104 Public Hearing on a Conditional Use

Any request for a conditional use permit shall be considered by the Board of Adjustment at a public hearing held within forty-five (45) days after submission of the request. The County Planner shall give notice of the hearing in the following manner:

- (A) By publication of a notice in a newspaper of general circulation in the county not less than twenty-one (21) days prior to the date of the hearing. The applicant shall pay for the legal notice.

- (B) By sending notices by mail not less than twenty-one (21) days prior to the date of the hearing to the property owners within the area enclosed by lines parallel to and one thousand (1,000) feet from the exterior boundaries of the property involved, using for this purpose the name and address of owners as shown upon the records of the County Assessor. Failure to receive such notice shall not invalidate any proceedings in connection with the application for a conditional use.

3-105 Recess of the Hearing by Board of Adjustment

The Board of Adjustment may recess a hearing on a request for a conditional use permit in order to obtain additional information or to serve further notices upon other property owners or persons whom it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Board of Adjustment shall announce the time and date when the hearing will be resumed.

3-106 Action of a Conditional Use Permit Request

The Board of Adjustment may recommend approval, conditional approval, or denial of a request for a conditional use permit. A file containing a written record of the action taken by the Board of Adjustment with regard to a request for a conditional use permit shall be maintained by the Board of Adjustment.

3-107 Notification of Action

Once a decision has been reached by the Board of Adjustment, they must present their recommendation to the Board of County Commissioners within seven (7) days. The Board of County Commissioners must make their decision to uphold, modify, or overturn the Board of Adjustment's recommendation within thirty (30) days. The County Planner shall notify the applicant for a conditional use permit in writing of the final decision within thirty (30) days after a decision has been rendered.

3-108 Pipelines, Transmission Lines, and Generating Plants

Guidelines for Board of Adjustments and Board of County Commissioners when considering a conditional use permit application for a utility substation, transmission lines, pipelines, or generating facilities.

- (A) The location of transmission lines, generating plants, and substations on productive cropland, especially irrigated cropland, shall be discouraged when other alternatives are feasible.

If transmission corridor alternatives include:

- (1) a route through irrigated cropland,
- (2) a route through dry land cropland, and

(3) a route through grazing land,

barring unforeseen circumstances, route number 3 would be the most preferable, route 2 the next most preferable, and route number 1 the least preferable.

- (B) Transmission lines, if at all possible, should be discouraged in an area where they would split a cropland field. If splitting of such a field proves to be the only feasible alternative, caution should be exercised not to allow the line to split the field on a diagonal.
- (C) Whenever feasible, transmission line should always follow section lines, half-section lines, quarter-section lines, property lines, and/or field fence lines when traversing dry land or irrigated cropland.
- (D) When routing transmission lines through cropland areas, routes utilizing existing right-of-ways, such as for railroads and county roads, shall especially be encouraged.
- (E) Utility facilities should not be encouraged to be located where there is a good chance they will have to be moved, such as in right-of-ways which have proposals for expansion.
- (F) Whenever possible, major transmission lines should be routed to avoid residences.
- (G) No public utility structures should be permitted in the rotation of a pivot sprinkler.
- (H) If, for some reason, a transmission line is permitted in a row cropping field, a minimum number of guy wires should be allowed. If possible, structures necessary in these areas should be designed to support a power line without guys.
- (I) Where practical, retirement or upgrading of existing lower voltage transmission circuits should be required to allow construction of higher capacity circuits on the existing right-of-ways.
- (J) After staking transmission lines, the owner of the land and the Power Company official should walk or ride the proposed site and discuss any existing problems.
- (K) All pipelines, whenever possible, should be buried. If at all possible, pipelines should not be dug in during growing season.
- (L) Proposed pipelines or transmission lines through residential districts should be reviewed with safety for the current residents as the number one priority.

- (M) When a proposed transmission line is to parallel an existing line, care should be taken to minimize the problems that will arise for crop-dusting operators.

Consideration might be given to placing one of the two parallel line underground, or making the height of the new line equal to the height of the already existing line, or placing the new line at a distance which will cause no problems to aerial crop-duster.
- (N) In every decision, the health, welfare, and safety of the citizens of Phillips County shall be a prime concern.
- (O) In each decision, a determination would be made as to whether or not all reasonable alternatives to the proposed action, including use of existing right-of-ways and joint use of right-of-ways (whenever uses are compatible, have been adequately assessed and the proper action represents the best interests of the people of the jurisdiction and represents the best utilization of resources.
- (P) A determination should be made that a satisfactory program to mitigate and minimize adverse impacts has been presented and will be implemented.
- (Q) It should be determined that the nature and location of the facility or expansion will not duly interfere with any existing easements for, right-of-ways for, other utilities, canals, mineral claims, or roads.
- (R) All material to be used in the project should meet any minimum standards which have been set by the Public Utilities Commission of the State of Colorado or the Office of Pipeline Safety of the Department of Transportation, as applicable.

3-109 Exception to Conditional Review

Low pressure distribution pipelines shall not require a conditional use permit for construction.

SECTION 4

OFF-STREET PARKING AND LOADING

4-101 Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any residential, commercial, or industrial district in the County, off-street parking spaces shall be provided as specified in this section unless greater requirements are specified elsewhere in these regulations. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by Sections 4-101(A) through 4-101(G). Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of

property and shall exclude stairwells; elevator shafts; hallways; ornamental balconies; space occupied by heating, air conditioning or other utility equipment; and space devoted to off-street parking or loading. The number of employees of a new or expanding business shall be estimated in a manner approved by the Board of Adjustment and the number of employees of an established business shall be determined from an examination of its payroll.

	<u>Type of Use</u>	<u>Parking Requirements</u>
(A)	<u>Residential Uses</u>	
	(1) Dwellings	Two (2) spaces per dwelling unit
	(2) Residential hotel; rooming or boarding house	Four (4) spaces per every five (5) guest accommodations
	(3) Housing restricted to aged, disabled, etc.	One-half (1/2) space per unit
(B)	<u>Commercial Residential Uses</u>	
	(1) Hotel	One (1) space per each two (2) guest rooms, plus one (1) space per each two employees
	(2) Motel	One (1) space per guest room or suite plus one (1) additional space for the owner or manager.

(3)	Club or Lodge	Spaces to meet the combined requirements of the uses being conducted, such as a hotel, restaurant, auditorium, etc.
(C)	<u>Institutions</u>	
(1)	Convalescent hospital, nursing sanitarium, rest home, or home for the aged.	One (1) space per each two beds patients or residents home,
(D)	Places of public assembly	
(1)	Church	One (1) space per each four (4) seats or eight (8) feet of bench length in the main auditorium
(2)	Library or reading room	One (1) space per each four hundred (400) feet of floor area plus one (1) space per each two (2) employees
(3)	Pre-school nursery or kindergarten	Two (2) spaces per each teacher
(4)	Elementary or intermediate	One (1) space per each classroom plus one (1) space per each administrative employee school or one (1) space per each four (4) seats or eight (8) feet of bench length in the auditorium or assembly room, whichever is greater
(5)	High school	One (1) space per each classroom plus one (1) space per each administrative employee plus one (1) space for each six (6) students or one (1) space for each four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater
(6)	Vocational school	One (1) space per each five (5) seats in classrooms
(7)	Other auditoriums or meeting rooms	One (1) space per each four (4) seats or eight (8) feet of bench length
(E)	<u>Commercial Amusements</u>	
(1)	Stadium, arena, or theater	One (1) space per each four (4) seats eight (8) feet of bench length

	(2)	Bowling alley	Five (5) spaces per each alley plus one (1) space per each two (2) employees
	(3)	Dance hall or skating rink	One (1) space per each one hundred (100) feet of floor area plus one (1) space per each two (2) employees
(F)		<u>Commercial</u>	
	(1)	Retail store, except as provided	One (1) space per each one hundred twenty-five (125) square feet of floor space
	(2)	Service or repair shop or retail store handling exclusively bulky merchandise, such as automobiles and furniture.	One (1) space per each four hundred (400) square feet of floor area
	(3)	Bank or office	One (1) space per each four hundred (except medical (400) square feet of floor area plus and dental) (1) space per each two (2) employees
	(4)	Medical or dental	Three (3) spaces for each doctor plus clinic (1) space per each two (2) employees
	(5)	Eating or drinking establishment	(One (1) space per each one hundred (100) square feet of floor area
	(6)	Mortuary	One (1) space per each four (4) seats or eight (8) feet of bench length in chapels
(G)		<u>Industrial</u>	
	(1)	Storage warehouse manufacturing establishment, or air, rail or trucking freight terminal	One (1) space per each employee
	(2)	Wholesale	One (1) space per each employee plus one (1) space per each seven hundred (700) square feet of patron serving area

4-102. Off-Street Loading

(A) Passengers

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

(B) Merchandise, Materials, or Supplies

Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of these regulations shall not be used for loading and unloading operations except during those periods of the day when they are not required to accommodate parking needs.

4-103 General Provisions - Off-Street Parking and Loading

- (A) The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by these regulations. Use of property in violation hereof shall be a violation of these regulations. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off street parking or loading requirements, it shall be unlawful and a violation of these regulations to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
- (B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Board of Adjustment, after a report and recommendation from the County Planning Commission, based upon the requirements of comparable uses listed.
- (C) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

- (D) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the County Zoning Inspector in the form of deeds, leases, or contracts to establish the joint use.
- (E) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than three hundred (300) feet from the building or use they are required to serve, measured in a straight line from the building.
- (F) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- (G) Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side or rear yard.
- (H) A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:
 - (1) Delineation of individual parking and loading spaces;
 - (2) Circulation area necessary to serve spaces;
 - (3) Access to streets and property to be served;
 - (4) Curb cuts;
 - (5) Dimensions, continuity, and substance of screening;
 - (6) Grading, drainage, surfacing and sub-grading details;
 - (7) Delineation of obstacles to parking and circulation in finished parking area;
 - (8) Specifications as to signs and bumper guards;
 - (9) Other pertinent details.
- (I) Design requirements for parking lots shall be as follows:

- (1) Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks.
 - (2) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four (4) feet from the property line or by a bumper rail.
 - (3) Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.
 - (4) Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
 - (5) Except for dwellings, parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- (J) Completion time for parking lots:

Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the County Zoning Inspector. An extension of time may be granted by the County Zoning Inspector providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the County Zoning Inspector provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thence forth constructed under the direction of the County.

SECTION 5

SIGN REGULATIONS

5-101 Intent

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance community development.

5-102 Governmental Signs Excluded

For the purpose of this resolution, “sign” does not include signs erected and maintained pursuant to and in discharge of any governments function, or required by any law, ordinance, or governmental regulation.

5-103 General Requirements

The regulations contained in this section shall apply to all signs and all use districts.

- (A) In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination there from to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- (B) All wiring, fittings, and materials used in the construction connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.
- (C) No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape of any door or window giving access to any fire escape.
- (D) All signs hundred and erected shall be plainly marked with the name of the person, firm, or corporation handing or erecting the sign.
- (E) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the County Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.

- (F) No sign may be placed upon vehicles parked or abandoned along roadways, nor upon mobile homes.
- (G) No sign shall be placed, or overhand, in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- (H) All signs along state highways are regulated by the Colorado Department of Transportation.

5-104 Measurement of Sign Area

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

5-105 Special Provision

(A) Temporary Signs

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period.

(B) Free-Standing Signs

Free-standing signs not over thirty (2) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than thirty (30) feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

(C) Pole Signs

Pole signs of symbolic design shall be permitted for business establishments, provided no part of such sign shall project into the right-of-way of any street or highway. The maximum area of any face of such sign shall not exceed thirty (30) square feet, and the pole support of the sign shall be at least fifty (50) feet from any lot in any residential district.

(D) Wall Signs Pertaining to Nonconforming Uses

Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use provided the area of such sign does not exceed twelve (12) square feet.

(E) Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following Election Day.

(F) Special Yard Provisions

Signs and advertising structures, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that no sign or advertising structure shall be erected or placed closer than fifty (50) feet of a side or rear lot line in any residential district.

(G) Wall Signs in a Commercial or Industrial District

In a commercial or industrial district, each business shall be permitted one (1) flat, or wall sign, projections of wall signs shall not exceed two (2) feet measured from the face of the main building.

5-106 Sign Setback Requirements

Except as provided in this resolution, signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the modifications listed below.

(A) Increased Setbacks

For every square foot by which such sign or outdoor advertising structure exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

(B) Setbacks at the Intersection of Highways

At the intersection of any State or Federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure shall be at least fifty (50) feet from the established right-of-way of each highway or street.

(C) Setbacks for Public and Quasi-public Signs

Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected at least ten (10) feet from the established right-of-way line of any street or highway provided such sign or

5-107 FEES

A standard fee per sign and per billboard as set by the board of County Commissioners will be charged. All temporary signs or those four (4) square feet or less will be exempt from any fee.

SECTION 6

NONCONFORMING USES AND STRUCTURES

6-101 Intent

Within the districts established by this resolution or amendments thereto, there exist lots, structures, and uses which were lawful when established, but which would be prohibited, regulated, or restricted under the terms of this resolution. It is the intent of this resolution to permit those nonconformity's to continue, for the time period herein stated, but not to otherwise encourage them to continue. It is further the intent of this resolution that nonconformity's shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

6-102 **Nonconforming Uses**

Except as specified in Section 6-108 of this resolution, where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- (A) No such nonconforming uses 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 resolution.
- (B) No such nonconforming uses shall be moved in whole or in part to any portion of a lot or parcel other than that occupied by such uses at the effective date of this resolution.
- (C) If any such nonconforming uses of land are discontinued for a period of two years or more, any subsequent use of such land shall conform to the regulations specified by this resolution for the district in which such land is located.
- (D) No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

6-103 **Nonconforming Structures**

Except as specified in Section 6-108 of this resolution, where a lawful structure exists at the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (B) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this resolution.
- (C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

6-104 Nonconforming uses of Structures or of Structures and Premises in Combination

Except as specified in Section 6-108 of this resolution, if a lawful use involving individual structures, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (A) No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (B) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this resolution, but no such use shall be extended to occupy any land outside such building.
- (C) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- (D) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two years or more, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (E) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

6-105 Termination of Certain Nonconforming Uses.

- (A) Notwithstanding any other provisions of these regulations, any automobile wrecking yard or other junk yard in existence in any residential district at the date of adoption of these regulations shall, at the expiration of five (5) years from such date, become a prohibited and unlawful use and shall be immediately discontinued.
- (B) A use which is nonconforming with respect to provision for screening shall provide screening within a period of three (3) years from the date of adoption of these regulations.

6-106 Avoidance of undue Hardship

To avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution and upon which actual building construction has been carried on diligently.

6-107 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

6-108 Expansion of nonconforming Commercial and Domestic Feed Lots

- (A) Expansion of nonconforming feed lots shall be permitted in accordance with Section 6-108 (B) and (D) of this resolution so long as such expansion, enlargement, or alteration does not occur toward any unrelated dwellings, schools, churches, or any residentially zoned district located within one thousand five hundred (1,500) feet of the feed lot boundary line.
- (B) Any nonconforming commercial feed lot in operation at the time of the adoption of this resolution will be limited in expansion to a capacity of fifteen hundred (1,500) head of livestock. However, any proposed expansion beyond one thousand head of livestock up to fifteen hundred head of livestock will require the feedlot to submit a conditional use permit application. That application could be approved, approved with conditions, or denied.

- (C) Any nonconforming domestic feed lot in operation at the time of the adoption of this resolution will be limited in expansion to a capacity of one hundred ninety-nine (199) head of livestock.
- (D) Before the expansion of any nonconforming feed lot is allowed, the applicant shall provide evidence to the Phillips County Planning Commission that the appropriate number of head of livestock were confined in the feed lot facilities in 1973, 1974, or in 1975 prior to the date of adoption of this resolution.

SECTION 7

PLANNED UNIT DEVELOPMENT

7-101 INTENT

In order to minimize the environmental impact of urban development by allowing certain characteristics of the land such as bluffs, historical buildings, archaeological sites, trees or streams to remain within the development; to enable the developer to make more efficient use of the site by the possibility of relaxing such restrictions as setbacks, building heights and density requirements; and to encourage innovative design and open space techniques thus providing the consumer with a more flexible and entertaining housing market.

7-102 **Standards and Requirements**

(A) General

- (1) The Phillips County subdivision ordinance shall apply in all cases where regulations are not relaxed.
- (2) No portion of a planned unit development may be separated from the whole.
- (3) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land area, and any park of a PUD not used for structure, parking and loading areas, or access ways shall be landscaped or maintained as recreational areas.
- (4) Any PUD that contains fifty (50) or more units must satisfy the school district that adequate schools are available, or set aside land for a school site.

(B) Development Standards

- (1) The minimum common open space shall be thirty percent (30%) of the gross acreage of the site.
- (2) The minimum acreage upon which a PUD may be developed is five (5) acres.
- (3) All parking areas designed to serve as visitor parking or serving more than five (5) vehicles in tandem, shall be landscaped a minimum of five percent (5%) of the parking lot area.
- (4) All streets shall be paved.

- (5) Adequate access to transportation routes shall be established by the PUD developers.
- (6) A well-designed pedestrian walkway shall be approved by the county.
- (7) Other requirements such as setbacks, building heights, density per acre, location of structures shall be determined by the technical committee.

7-103 Procedure for Securing Approval of a PUD

(A) Preliminary Development Plan

- (1) A developer seeking the establishment of a planned unit development shall prepare and submit to the Phillips County Technical Committee a preliminary development plan.
 - (a) The technical committee will consist of: members of the planning staff, zoning inspector, fire chief, and any other persons the county may designate.
 - (b) The function of the Technical Committee will be to study the preliminary development plan and assist the developers in creating an instrument that will secure the best interests of the public.
 - (c) After the Technical Committee and the developer have reached general agreement, the preliminary development plan will be presented to the planning commission.
- (2) The preliminary development plan shall contain the following documents and information.
 - (a) A survey of the tract to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography, adjacent land use, and physical features;
 - (b) A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic and pedestrian circulation within the development, the areas to be developed for parking, complete landscaping plans, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, including parks, playgrounds, school sites, recreational facilities, distinctive or interesting land features that should be retained;

- (c) Preliminary plat plan showing structures, densities, and locations;
- (d) When a PUD is to be constructed in stages, a schedule for the development of such stages shall be submitted;
- (e) A full statement of ownership and beneficial interests in the tract of land and the proposed development;
- (f) A statement showing the relationship of the PUD to the county land use plan;
- (g) Design plan for the structures;
- (h) Traffic survey setting out and analyzing the effect that the PUD will have upon traffic in the streets and thoroughfares adjacent to and in the vicinity of the prepared development;
- (i) Copies of any restrictive covenants that are to be recorded with respect to the PUD.

(B) Action on Preliminary Development Plan

- (1) Hearings, findings, and recommendations of Planning Commission. The Technical Committee shall file their recommendations to the County Planning Commission within sixty (60) days after receipt of the preliminary development plan, and the Planning Commission shall have forty-five (45) days to hold a public hearing and must follow the guidelines set under 3-103 of these regulations. The Commission may defer action for further information, but within thirty (30) days after the public hearing is closed, its recommendation of action must be forwarded to the Board of County Commissioners. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
- (2) Action by the Board of County Commissioners:

The Board of County Commissioners shall approve or disapprove the preliminary development plan within thirty (30) days after receiving the Planning Commission recommendation. If the plan is disapproved, the developer shall be furnished with a written statement of the reasons for disapproval.
- (3) Restrictions and Conditions:

The Board of County Commissioners may attach restrictions or conditions to the preliminary plan and these must be adhered to by the developer prior to filing a final lien.

(C) Final Development Plan:

After the Board of County Commissioners have approved the preliminary plan, with or without restrictions and conditions, the developer will prepare a final plan incorporating all of the aspects of the approved preliminary plan. The developer will have one (1) year from date of preliminary approval to submit his final plan. If he fails to accomplish this, the whole process must be repeated. The final plan must be acted upon by the Planning Commission within thirty (30) days of receipt and recommendations forwarded to the Board of County Commissioners within fifteen (15) days of their action. The Board of County Commissioners have thirty (30) days upon which to make decision upon the final plan. The developer must commence development within one (1) year of final approval or the PUD becomes null and void.

- (1) The final development plan approved by the Board of County Commissioners shall be certified by the County Clerk and a copy of the final development plan shall be filed with the County Zoning Department before any development takes place. The Zoning Inspector will then issue a building permit. It is the duty of the Zoning Inspector to ascertain that the developer is in compliance with the final development plan.
- (2) No separate PUD district will be created by approval of the development plan. The existing zone will remain in effect and govern in all cases not spoken to by the final development plan.
- (3) The final development plan will be incorporated by resolution of the Board of County Commissioners.

7-104 Amendments

A PUD approved, preliminary or final, development plan may be amended by the Planning Commission with the concurrence of the Board of County Commissioners, but only after a public in accord with Section 3-103 of these regulations.

SECTION 8

THE BOARD OF ADJUSTMENT

PART 1 AUTHORIZATION

8-101 Establishment

A Board of Adjustment shall be established by appointment of the Board of County Commissioners.

8-102 Membership

The membership of the Board of Adjustment shall consist of five (5) members, two (2) of whom shall be members of the County Planning Commission. The Board of County Commissioners shall fix terms for the members of the Board of Adjustment, which shall be of such length and so arranged that the term of at least one (1) member will expire each year. Vacancies shall be filled for the unexpired term in the same as in the case of original appointments. The Board of County Commissioners may also appoint associate members to the Board of Adjustment; and in the event that any regular member is temporarily unable to carry out his membership responsibilities due to absence from the county, illness, interest in a case before the Board or any other cause, his place may be taken during such temporary disability by an appointed associate member.

8-103 Jurisdiction

The Board of Adjustment shall have the following jurisdiction and authority:

- (A) To hear and decide appeals, subject to the procedures and standards set out in this section where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the County Zoning Inspector, other administrative officer, or agency based on, or made in, the enforcement of this resolution;
- (B) To hear and recommend, in accordance with the provisions of this resolution, requests for conditional use permits, interpretation of the zoning map, or special questions upon which the Board of Adjustment is authorized to pass judgment;
- (C) To hear and decide upon applications for variances from the resolution and restrictions imposed by the resolution in the manner, procedures, and standards enunciated in this section;
- (D) To hear and recommend on all matters referred to it upon which is as required to make recommendations by this resolution.

8-104 Hearings and Meetings

All hearings and meetings of the Board of Adjustment shall be held at the call of the Chairman of the Board of Adjustment and at such other times as the Board of Adjustment in its rules of procedure may specify. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses by application to the district court. The court, upon proper showing, may issue subpoenas and enforce obedience by contempt proceedings. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the County Clerk and shall be a public record.

8-105 Finality and Judicial Review of Decisions

All decisions made by the Board of Adjustment, except in the case of variances and appeals, shall be reviewed by the Board of County Commissioners who may amend, affirm, or reverse, wholly or partly, the Board's decision. Variance decisions are final, unless appealed in the manner set forth in Section 8-309. All final decisions shall be subject to judicial review in the manner provided for by the applicable Colorado Statutes.

PART 2. APPEALS

8-201 Authorization

An appeal from a decision of the County Zoning Inspector with respect to the interpretation or application of this resolution may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau, or any governmental agency or body affected by such decision of the County Zoning Inspector. A fee for filing an appeal shall be set by the board of County Commissioners.

8-202 Time for Appeals

The Board of Adjustment shall prescribe the time for taking appeals by general rule. Appeals shall be taken within the prescribed time by filing a notice of appeal with the County Zoning Inspector. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the County Zoning Inspector shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the decision being appealed was based.

8-203 Stay of Proceedings

An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the County Zoning Inspector certifies to the Board of Adjustment. after the notice

of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment, or by a court of record on application, on notice to the County Zoning Inspector and on due cause shown.

8-204 Hearing and Notice

The Board of Adjustment shall select a reasonable time and place for the hearing of any appeal. Public notice of the time, place, date, and subject of such hearing shall be published once in a newspaper of general circulation in the county at least twenty-one (21) days prior to the date of the hearing. A copy of such notice shall be mailed to each party in interest and to the County Planning Commission. Any party interested in the appeal may appear and be heard at the hearing in person, by agent, or by attorney. The applicant will pay for the cost of the appeal notice. If the appeal is sustained, all costs will be refunded to the applicant.

8-205 Decision of Appeals

The Board of Adjustment may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the County Zoning Inspector and may issue or direct the issuance of a permit. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, decision, or determination of the County Zoning Inspector under these regulations. The Board of Adjustment shall render a written decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within forty-five (45) days after the close of the hearing.

8-206 RECORDS OF APPEALS

The County Zoning Inspector shall maintain complete records of all actions of the Board of Adjustment with respect to appeals, and shall keep the Board of County Commissioners informed on a current basis of the disposition of each case.

PART 3. VARIANCES

8-301 AUTHORIZATION

The Board of Adjustment may authorize such variances from the terms of these regulations as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in Section 8-304, and then only when the Board of Adjustment has made findings of fact, based upon the standards set out in Section 8-305, that owing to special conditions a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship for the owner, lessee, or occupant of land or structures.

8-302 APPLICATION FOR VARIANCE

An application for a variance, together with an application for a building permit, shall be filed in duplicate with the County Zoning Inspector who shall forward without delay a copy of each to the Board of Adjustment. The fee for a variance application shall be set by the Board of County Commissioners. The application shall contain the following information as may be prescribed by rule of the Board of Adjustment:

- (A) The particular requirements of these regulations which prevent the proposed use of construction;
- (B) The characteristics of the subject property which prevent compliance with said requirements of these regulations;
- (C) The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction;
- (D) The particular hardship which would result if said particular requirements of these regulations were applied to the subject property.

8-303 **Hearing and Notice**

The Board of Adjustment shall select a reasonable time and place for the hearing. Notice, including public notice, of such hearing shall be given in the manner required for hearings on appeals by section 8-204 of these regulations. Such notice shall contain the date, time, and place of the hearing, the legal description, the street address, if applicable, or common description of the property involved, and a brief description of the relief sought. The applicant will pay for the cost of all required notices. The Board of Adjustment may give such additional notice as it may from time to time by rule provide. Any party interested in the application for variance may appear and be heard at the hearing in person, by agent, or by attorney.

8-304 **Authorized Variances**

Variances from the provisions of these regulations shall be granted by the Board of Adjustment only in accordance with the standards set out in Section 8-305, and may be granted only in the following instances, and in no others:

- (A) To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations:
 - (1) The minimum lot width and lot depth requirements shall not be reduced more than twenty-five (25) percent.
 - (2) The minimum lot area for a single-family or two-family dwelling shall not be reduced more than twenty (20) percent or the minimum required by Northeast Colorado Health Department.

- (3) The minimum lot area per dwelling unit requirements for multiple-family dwellings shall not be reduced so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of the minimum lot area requirements.
- (B) To vary the applicable bulk regulations, including maximum height, lot coverage, and minimum lot or yard requirements;
- (C) To vary the applicable off-street parking and off-street loading requirements contained in Section 4 of these regulations;
- (D) To vary the regulations relating to restoration of damaged or destroyed nonconforming structures contained in these regulations.

8-305 Standards for Variances

- (A) The Board of Adjustment shall not grant a variance as authorized in Section 8-304 hereof unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it that support conclusions that:
 - (1) The variance requested arises from such condition which was unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant;
 - (2) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - (3) The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 - (4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;
 - (5) Granting the variance desired will not be opposed to the general spirit and intent of these regulations.
- (B) In determining whether the evidence supports the conclusions required by Section 8-304(A), the Board of Adjustment shall consider the extent to which the evidence demonstrates that:
 - (1) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced;

- (2) The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant, or applicant to make more money out of the property;
- (3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located;
- (4) The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

8-306 Conditions and Restrictions

In granting a variance, the Board of Adjustment may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 8-305 to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of these regulations. Failure to comply with any of the conditions or restrictions placed on a variance shall constitute a violation of these regulations.

8-307 Decisions and Records

The Board of Adjustment shall render a written decision on an application for a variance without unreasonable delay after the close of a hearing but, in all cases, within sixty (60) days from the close of the hearing. The County Zoning Inspector shall maintain complete records of all actions of the Board of Adjustment with respect to applications for variances.

8-308 Period of Validity

No variance granted by the Board of Adjustment shall be valid for a period longer than one hundred eighty (180) days from the date on which the Board of Adjustment grants the variance, unless, within such one hundred eighty (180) day period, a building permit is obtained and the construction, remodeling, or moving of a structure is started or a use commenced. The Board of Adjustment may grant additional extensions not exceeding one hundred eighty (180) days each, upon written application, without notice or hearing.

8-309 Appeals

The party requesting a variance or any party that attended the public hearing or submitted evidence thereto may appeal the Board of Adjustment's decision to the Board of County Commissioners within sixty (60) days of the Board's rendering.

PART 4. CONDITIONAL USES

8-401 Authorization

The Board of County Commissioners may authorize, as an exception to the provisions of these zoning regulations, the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a particular zoning district or in one or more zoning districts. No conditional use shall be authorized as an exception to these regulations unless the Board of County Commissioners is specifically authorized, by these regulations, to grant such conditional use and unless such grant complies with all of the applicable provisions of these regulations as specified in Section 3.

SECTION 9
AMENDMENTS

PART 1. GENERAL PROVISIONS

9-101 Authority

The regulations imposed and the districts created under the authority of this resolution may be amended from time to time by resolution duly enacted by the Board of County Commissioners. No such amendment shall be adopted except in accordance with the provisions of this Section.

9-102 Proposal of Amendments

Amendments may be proposed by the (1) Board of County Commissioners, (2) County Planning Commission, or (3) upon application by, or on behalf of, an owner of property affected by this resolution, but only in the manner and pursuant to the procedure set forth in Section 9-103. When the Board of County Commissioners proposes an amendment, it shall, except as specified in Section 9-104, prior to the holding of a public hearing on the amendment, transmit its proposal to the County Planning Commission for its examination and report thereon. The Board of County Commissioners shall establish the fee for proposed amendments to cover the cost of processing.

9-103 Amendment Application Procedures

When an owner of property affected by this resolution proposes an amendment to any of the regulations imposed by this resolution or to any zoning district created thereby, an application for such amendment shall be submitted to the Board of County Commissioners for transmittal to the County Planning Commission. The application shall be in such form and contain such information as shall be prescribed by the County Planning Commission, but shall in all instances contain the following information:

- (A) The applicant's name and address;
- (B) The precise wording of any proposed amendment to the text of this resolution;
- (C) In the event that the proposed amendment would change the zoning classification of any property:
 - (1) The legal description and, if applicable, street address of the property proposed to be reclassified;
 - (2) The name and address of the owner or owners of the said property;
 - (3) The present zoning classification and existing uses of the property proposed to be reclassified;

- (4) The area of the property proposed to be reclassified, stated in acres or fractions thereof, or if in a residential district, in square feet or fractions thereof;
- (5) A plat, drawn to scale, accompanying the petition, which shall clearly show the property proposed to be reclassified and its present zoning classification and existing uses;
- (6) An ownership list certified by a registered abstractor of the owners of all property located within one thousand (1,000) feet of the boundaries of the property to be affected by the proposed amendment.

9-104 Special Amendment Procedures

Upon application, or on its own initiative, the Board of County Commissioners may, by resolution, add to the uses listed for a given zoning district any other similar, but un-itemized use which conforms to the conditions set for the in the following special criteria:

- (A) Such use is appropriate in the permitted, conditional, or prohibited use group to which it is added;
- (B) Such use conforms to the basic characteristic of the permitted conditional, or prohibited use group to which it is added;
- (C) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influence or more traffic hazards than the minimum amount normally resulting from the other uses listed in the permitted, conditional, or prohibited use group to which it is added.

When any use has been added to any use group in accordance with this provision, such use shall be deemed to be listed in the appropriate zoning district and shall be added thereto in the published text of this resolution at the first convenient opportunity.

9-105 Disposition of Amendment Proposals

Upon receipt of a proposed amendment, the Board of County Commissioners shall transmit said proposal to the County Planning Commission for its recommendations relative to the approval or disapproval of the proposal. The Board of County Commissioners shall further, within fifteen (15) days after receipt of a proposed amendment, schedule a public hearing relative to the proposal in the manner specified in Section 9-201 and Section 9-202. Upon receipt of the proposal from the Board of County Commissioners, the County Planning Commission shall thereupon have forth-five (45) days to develop its recommendations relative to the proposal and transmit them to the Board of County Commissioners for their action.

PART 2. HEARINGS

9-201 Public Hearing

The Board of County Commissioners shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by the Board of County Commissioners. The Board of County Commissioners shall select a reasonable hour and place for such public hearing; and it shall hold such hearing within sixth (60) days from the date on which the proposed amendment is referred to, filled with, or initiated by the Board of County Commissioners. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.

9-202 Notice of Hearing

Public notice of a hearing on a proposed amendment shall be published in a newspaper of general circulation in the county at least one time and at least fourteen (14) days shall elapse between the date of publication and the date set for the hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed changes in regulations or restrictions or the zoning classification or zoning district boundaries of any property. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and, if applicable, street address or general street location of such property, its present zoning classification, and the proposed classification. When a proposed amendment will affect the zoning classification of specific property, the Board of County Commissioners shall authorize the County Planning Commission or County Zoning Inspector to mail a written notice of the public hearing thereon, to the owner or owners of the property affected, and to the owners of all property within one thousand (1,000) feet of the boundaries thereof, at least thirty (14) days prior to the date of such hearing. The Board of County Commissioners may give such additional notice to other persons as it may, from time to time, provide by its rules. The applicant shall pay the publication costs for notice.

9-203 Conduct of Hearing

The hearing shall be conducted and record of the proceedings shall be preserved in such manner and according to such procedures as the Board of County Commissioners may, from time to time, prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent, or by attorney. The Board of County Commissioners may request a report on any proposed amendment from any governmental official or agency or any other person, firm, or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested person in the offices of the Board of County Commissioners at least three (3) days before the date set for the public hearing.

PART 3. COUNTY PLANNING COMMISSION'S REPORT ON PROPOSED AMENDMENT

9-301 Procedure

As stated in Section 9-104 above, upon receipt of a proposed amendment from the Board of County Commissioners, the County Planning Commission shall, within forty-five (45) days, develop its recommendations relative to the proposal and transmit them to the Board of County Commissioners. A copy of the report detailing the County Planning Commission's recommendations shall also be filed with the County Clerk and with the County Zoning Inspector, and such copies shall be kept available for public inspection. A copy of the report shall also be mailed to the owner of the specific property affected by the proposed amendment. Such report shall contain a recommendation as to whether the proposed amendment should be adopted and specific written determinations on the items listed in Section 9-302 and Section 9-303 and on such other items as the County Planning Commission may consider relevant.

9-302 Amendments to Text

When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the report of the County Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- (A) Whether such change is consistent with the intent and purpose of these regulations;
- (B) The areas which are most likely to be directly affected by such change and in what way they will be affected;
- (C) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the unincorporated area of the county generally, and, if so, the nature of such changed or changing conditions.

9-303 Amendments to Change Zoning Districts (Rezone)

When a proposed amendment would result in a change of the zoning classification of any specific property, the report of the County Planning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and determinations as to the following items (as appropriate):

- (A) Whether the change in classification would be consistent with the intent and purpose of these regulations;

- (B) Whether the rezone is in accord with the Comprehensive Plan;
- (C) Whether every use that would be permitted on the property, if it were reclassified, would be compatible with the uses permitted on other property in the immediate vicinity;
- (D) Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
- (E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available for development;
- (F) Whether the property as reclassified would be available for business or manufacturing uses, and whether such uses, particularly in the area in question, will provide business or manufacturing services or employment opportunities;
- (G) Whether the proposed amendment would correct an error in the application of these regulations as applied to the subject property;
- (H) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected and, if so, the nature of such changed or changing conditions.

PART 4. ACTION BY THE BOARD OF COUNTY COMMISSIONERS

9-401 Procedure

If, upon receipt of the written report containing the County Planning Commission's recommendations on the proposed amendment, it is learned that the County Planning Commission has recommended disapproval of the proposed amendment, such amendment, to become effective, must receive the favorable vote of not less than a majority of the entire membership of the Board of County Commissioners. If a proposed amendment is defeated by vote of the Board of County Commissioners, such amendment shall not thereafter be approved without a further public hearing and notice thereof as provided in Part 2 of Section 9.

SECTION 10

ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

10-101 Administration

(A) The County Zoning Inspector

This ordinance shall be administered and enforced by the County Zoning Inspector. The County Zoning Inspector or his deputy shall have authority to issue building permits. He shall have authority to make inspections and to make all decisions necessary for the proper enforcement of this Resolution. No oversight or dereliction on the part of the County Zoning Inspector shall legalize, authorize, or excuse the violation of any of the provisions of this Resolution.

(B) Building Permits

It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure of more than one thousand (1,000) dollars cost or which changes the assessed valuation of the property, within the unincorporated territory covered by this Zoning Resolution, without the property owner or his authorized representative first obtaining a building permit from the County Zoning Inspector or his deputy. The County Zoning Inspector shall not issue any building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all applicable provisions of this Zoning Resolution. The Board of County Commissioners shall establish the fee for proposed amendments to cover the cost of processing.

(C) The County Zoning Inspector or his deputy are hereby empowered to inspect and examine any building, structure, or tract of land concerning which they have reasonable cause to believe that a use exists or construction or alteration work is being performed, or has been performed, in violation of the applicable provisions of this Resolution; provided, however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are hereinafter set forth; and provided further, that compliance with such order shall not necessarily be deemed to be a defense of any alleged violation of this Zoning Resolution in any court action instituted seeking full compliance therewith, but evidence of compliance with such order may be introduced as matter in mitigation and extenuation.

(D) **Inspections and Duties of County Planner**

Pursuant to C.R.S. 30-28-114 as amended, the Board of County Commissioners authorizes the County Planner and his designees to perform the following enumerated duties.

- (1) When a written complaint is filed with the County Planner, it shall be reviewed at the next regular meeting of the Board of County Commissioners. The complainant and the accused offender shall be given notice of the meeting time, date, and place. Following that meeting, a course of action will be determined. One option would be a determination that the complaint has no merit. A second option would be that the County Planner would send a letter defining the violation and outline potential corrective measures that could be taken. If the issue cannot be resolved from this contact, a summons could be issued to the party by the County Sheriff's Department, ultimately requiring the eventual appearance of the alleged violator in a court of law to defend the charges.
- (2) To inspect buildings, structures, or tract of land in the unincorporated area of the County to determine compliance with these Regulations.
- (3) To issue written notices to alleged zoning violators that they are alleged to be in violation of these Regulations and that the alleged violators have thirty (30) days or such other period of time required by statute or these Regulations in which to correct the alleged violation, after which time the alleged violators may be issued a summons and complaint as permitted by laws of the State of Colorado.
- (4) In cases where it is determined that the public health, safety, and welfare may be endangered, a twenty-four (24) hour notice to cease and desist may be given to the violator.
- (5) To perform other such duties as may be necessary and appropriate to permit such agents to detect zoning violations, to give alleged violators statutory notice, and to enforce compliance with Regulations. The County Planner may request in writing, from the property owner, the remedy of any such violation(s).

10-102 Enforcement

(A) Violations and Remedial Action

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, who shall use any land or erect, construct, reconstruct, alter, maintain, or use any building or structure in violation of any regulation in or any provision of this Zoning Resolution, shall be fined an amount not to exceed one hundred dollars (\$100.00) for each violation; such fine to inure to Phillips County. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. If any land shall be used or any building or structure erected, constructed, reconstructed, altered, maintained, or used in violation of any

regulation or provision of this Zoning Resolution or amendments thereto or to the applicable Statutes of the State of Colorado, the Board of County Commissioners by the County Attorney or any owner of real estate within the district in which such building, structure, or land is situated, in addition to other remedies provided by law, may institute injunction, mandum, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use; and the fine hereinabove provided for may be recovered in that same civil action wherein such injunction, mandamus, and/or abatement is sought or separate and district proceedings may be instituted seeking varying forms of relief as the law may allow.

(B) Non-liability for Damages

This Resolution shall not be construed to hold Phillips County in any manner responsible for any damages to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect or resulting from the issuance or denial of a building permit as herein provided or resulting from the institution of court action as hereinabove set forth or the forbearance by Phillips County to so proceed.

(C) Any County official or employee, charged with the enforcement of this Zoning Resolution, acting in good faith and without malice on behalf of said County in the discharge of his official duties, shall not thereby render himself personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee, stemming from any act or omission performed by him in the enforcement or attempted enforcement of any provision of this Resolution, shall be defended by the legal officer(s) of the County until final termination of the proceedings.

10-103 Interpretation

The provisions of this Resolution shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this Resolution are less restrictive than comparable conditions imposed by any other provision of this Resolution or any other statute, resolution, or regulation, the provisions which are most restrictive shall govern.

10-104 SEVERABILITY

It is hereby declared to be the legislative intent that the provisions of this Resolution shall be severable in accordance with the provisions set forth below:

- (A) If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - (1) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
 - (2) Such decision shall not affect, impair, or nullify this Resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.

- (B) If the application of any provision of this Resolution to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - (1) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered; and
 - (2) Such decision shall not affect, impair, or nullify this Resolution as a whole or the application of any provision thereof, to any other tract of land.

SECTION 11

SUPPLEMENTARY PROVISIONS

11-101 General Provisions Regarding Accessory Uses

Accessory uses shall comply with all requirements for the principal use, except where specifically modified by these regulations, and shall comply with the following limitations:

(A) Fences, which may be located within yards, shall not exceed three and one-half (3 ½) feet in height from the curb elevation in a vision clearance area.

(B) Regardless of the side yard requirements of the district, a side yard may be reduced to two (2) feet for an accessory structure erected more than forty (40) feet from a street other than an alley, provided the structure is detached from other buildings by five (5) feet or more and does not exceed a height of one (1) story nor an area of seven hundred (700) square feet.

11-102 Standards Governing Home Occupations

Home occupations shall be governed by the following regulations:

(A) Home occupations shall be operated entirely from an enclosed structure in a residential district.

(B) The operation shall not substantially increase traffic in the area.

(C) The operation shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

(D) The home occupation shall adhere to the sign regulations in the zoning district in which it is located.

11-103 Maintenance of Minimum Regulation Requirements

No lot area, yard, or other open space or required off-street parking or loading area existing on or after the effective date of these regulations shall be reduced in area, dimension, or size below the minimum required by these regulations; nor shall any lot area, yard, or other open space or off-street parking or loading area which is required by these regulations for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

11-104 General Exception to Lot Size Requirements

If, at the time of passage of these regulations, a lot, or the aggregate of continuous lots or land parcels held in a single ownership has an area of dimension which does

not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted unconditionally in the district subject to the other requirements of the district; and, provided, if there is an area deficiency, residential use shall be limited to a single-family residence.

11-105 Exceptions to Yard Requirements

The following exception to the front yard requirement for a dwelling is authorized for a lot in any district. If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting lot and the required front yard depth.

11-106 General Exception to Building Height Limitations

The following type of structures or structural parts are not subject to the building height limitations of these regulations: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, aerials, cooling towers, elevator shafts, and other similar projections.

11-107 Access

All lots shall abut a street other than an alley for a width of at least forty (40) feet.

11-108 Vision Clearance

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

- (A) In all districts, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.
- (B) Tree plantings adjacent to county roads, streets or alleyways shall be a minimum of 100 feet from county road centerlines.

11-109 Driveways

All driveways onto state highways must meet minimum Department of Transportation standards.

11-110 Subdivision Regulations

Phillips County has adopted standards governing the subdivision of land in Phillips County. Proposed land uses may also be subject to those regulations.

Zoning Map

11-111 Junk and Weed Control

- A) **Applicability** - These Regulations apply to all zone districts in Phillips County. However, any Industrial Tract of 10 (ten) acres or more in an industrial zoned district is EXEMPT. All agricultural land currently in agricultural use in the A-1 and A-2 zoned districts is EXEMPT (as described in C.R.S 39-1-102). These Regulations do not apply to identified and operating junk yards officially listed as “grandfathered” uses or uses currently allowed by valid special permits approved by the County.
- B) **Intent** – To control the open air accumulations of junk, rubbish, garbage, weeds, brush, equipment, and structures on individual properties and adjacent alleys or rights-of-way in Phillips County by the authority of Title 30, Article 15, Section 401(1)(a)(I) of the C.R.S. The intent of this regulation is to protect the health, safety, and welfare of the citizens of Phillips County. All complaints will be judged using those criteria.
- C) **Process** – Junk and Weed complaints shall be investigated based on a written, signed complaint only. The only exception is if there is an emergency which poses an immediate danger to public safety. A form for filing these complaints will be provided to the complaining party by the Planning Department. The person filing the written complaint will be informed that this form is likely to become part of the public record if the violation is not corrected by the owner of the property and County or District Court becomes the remedy.
- D) **Accumulation of Junk Prohibition** - It is unlawful for any person, firm or corporation to cause or permit junk, scrap metal, scrap lumber, weeds, brush, waste paper products, discarded building materials, furniture or furnishings, or any unused, abandoned, or derelict mobile homes or trailers, or abandoned parts, machinery or machinery parts, or other waste material, to be left or accumulated in or upon any yard, garden, lawn, outbuilding or premises in the County, unless in connection with an agriculture or business enterprise lawfully situated and licensed for the business of collecting waste material. It is unlawful to permit any accumulation of any such waste material in or upon any yard, lawn, garden, outbuilding or premises in the County if the waste material constitutes a fire hazard or hazard to the safety of persons or property or an unsanitary condition unless otherwise specified herein.
- E) **Time of Accumulation** - Garbage, junk and abandoned vehicles or equipment of any kind will not be allowed to accumulate on private property or on adjacent alleys or rights of way in Phillips County for a period of time longer than thirty (30) days unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public..

- F) **Time to Correct** - Any person, firm or corporation with accumulations of garbage, junk and abandoned vehicles or equipment of any kind existing at the time of passage of these Regulations will have a total of thirty (30) days to remove and properly dispose of said articles from said property unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public.
- G) **Rubbish and Garbage Containers** - Rubbish and garbage containers shall be provided by the owner, tenant, lessee or occupant of the premises. Rubbish containers shall be of a kind suitable to contain all trash and garbage collected and shall be contained. Collection of garbage in plastic garbage bags of twenty (20) gallon capacity or larger is allowed during the thirty-day accumulation period prior to collection by a licensed waste hauler and/or disposal at the County landfill.
- H) **Abandoned Structures** - Abandoned structures are to be boarded up or otherwise secured from entry for public health, safety, and welfare reasons. Abandoned and unused structures that are deteriorating to the extent that they constitute a safety hazard are to be torn down and all component materials disposed of or refurbished. A structure becomes a safety hazard when structurally it is no longer sound and economically infeasible to rehabilitate for reuse of any kind allowed in a particular zone district.
- I) **Weed and Grass Control**- It shall be unlawful for the owner or occupant of any premises within the unincorporated portions of Phillips County (except EXEMPT parcels as defined in Section 11-111 (A)) to allow weeds, grass, or rubbish to grow or remain grown to a height of six (6) inches or greater which subject or tend to subject adjacent properties or the public at large to harm due to fire hazards, rodents, vermin, or insect infestation, the dispersal of noxious weed seed, visual blight, or other similar effects. Such prohibition shall not include native grasses or xeriscaping, so long as each are visibly managed and controlled so as not to negatively impact the health and safety of the adjacent property owners.
- J) **Junkyards** - Junkyards desiring to locate adjacent to a state highway must obtain a state permit as per 43-1-501 of the C.R.S. in addition to County permits. Junkyards desiring to locate adjacent to county roads must obtain a conditional use permit in an industrial zoned district as required by these Phillips County Zoning Regulations.
- K) **Inspections and Notice** – Following a complaint, County personnel are empowered to examine or cause to be examined every premise suspected to contain an unlawful accumulation of such junk, waste material and weeds and if it is found, to give the person responsible for the junk, waste material and weeds, or the owner or occupant of the premises upon which found, a written

notice stating that an unlawful accumulation of junk, waste material, or weeds has been found upon the premises, and directing the person to whom the notice is addressed to eliminate the violation within a reasonable time specified in the notice. The time provided shall be commensurate with the work required to be done to correct the unlawful condition. Proper service of any such notice shall be personal service upon the person responsible for the unlawful accumulation, or the owner, authorized property management agent, or the occupant of the premises. Alternatively, the service may be made to the person by registered or certified mail and return receipt requested.

- L) **Violations** - Failure of any person to carry out the work required to be done by any such notice within the time specified by the notice shall constitute a violation. Any person, firm or corporation who violates the provisions of this section shall be subject to a fine of up to One Thousand Dollars (\$1,000) per violation and each day may be deemed a separate violation.
- M) **Depositing Junk or Waste on Another's Property** - It is unlawful for any person to discard (blowing debris included), abandon or allow any of the waste material mentioned in Sections 11-111 (B) and 11-111 (D) upon premises not owned or occupied by the person without the consent of the owner thereof, and the waste material so deposited without consent shall be deemed to have discarded and abandoned. Discarding and abandonment of any waste material shall be deemed to be permission by the owner thereof to the County to remove and dispose of the waste material as provided by law. For discarded, abandoned and unclaimed property, the County and its officers and agents may summarily remove the waste material, dispose of the waste material and bill the offending party for the removal.
- N) **County Abatement** - In event of failure of any owner of said lot(s), parcel(s) and tract(s) of real property to dispose of garbage, junk, farm and heavy equipment of any kind or to remove abandoned structures or weeds, brush or rubbish as set forth herein, at any time and in any manner prescribed herein, the proper officials of the County are given power and authority to notify said owner that if said owner fails to comply with these Regulations on or before thirty (30) days from the date of said notice that the proper officials of the County shall forthwith remove or cut any such junk, rubbish, structures, weeds or brush and the entire cost thereof, plus five percent (5%) for inspection and expense will be assessed against said lot(s), parcel(s), and tract(s) of real property as are in violation of these Regulations. The proper officials of the County, after such removal, shall forthwith file with the County Planner a statement showing the amount to be assessed against any such lot(s), parcel(s), and tract(s) of real property in payment of said inspection, removal and related expense.

- O) Notice of Assessment** - The County shall send by registered mail a notice to the owner of any such lot(s), parcel(s) and tract(s) of real property that assessment has been made against the lot(s), parcel(s), and tract(s), for the cost of inspection, removal and related expense for failure to comply with these Regulations. Any such owner may file objections to such assessments within ten (10) days from the date said notice is received; said objections shall be filed with the County. The County shall cause such objections to be presented to the Board of County Commissioners for review at their next regular meeting following the date said objections are filed with the County Planner. The County Planner shall issue notice to said owner of the date of said review hearing by certified mail. Failure of said owner to file objections shall result in said assessments to become a permanent lien on said lot(s), parcel(s), and tract(s) of real property. In the event the Board of County Commissioners determines the assessments to be proper, the County Planner, on or before thirty (30) days after said assessment hearing, shall certify to the Phillips County Treasurer said assessment which is to be levied on said lot(s), parcel(s), and tract(s) and shall collect the same as general taxes, and that five percent (5%) will be added to all costs of collection.
- P) Hearing on Assessment** - At the time designated in said notice, the Board of County Commissioners shall hear objections to the amount assessed to be levied against lot(s), parcel(s), and tract(s) of real property and shall determine such assessment against said real property as shall be deemed just and proper. If the owner of any such lot(s), parcel(s), and tract(s) of real property fails to pay the amount so assessed with thirty (30) days, said assessment, together with ten percent (10%) added for the cost of collection, shall be certified by the County Planner to the Phillips County Treasurer, who shall collect all such assessments in the same manner that general taxes are collected, and such assessment shall be a lien in the several amounts assessed against such lot(s), parcel(s), and tract(s) of real property until paid, and shall have priority over all other liens except general taxes and prior special assessments. All moneys received by the County Planner under these Regulations shall be placed in the general fund of the County.
- Q) Non-exclusivity of Assessments** - The fact that assessments have been made against said real property as provided in these Regulations for cutting and removing garbage, weeds, brush, junk, farm and heavy equipment, structures, and the like shall not prevent the owner from being punished as provided in Chapter 10, but such fine may be imposed on those being found guilty under the provisions of these Regulations, whether an assessment has or has not been made in accordance with the provisions of those Regulations.

SECTION 12

ZONING MAP

SECTION 13

ENACTMENT CLAUSE

Upon approval and adoption by the Board of County Commissioners of Phillips County, a certified copy of this Resolution and of the Official Zoning Map shall be filed according to law, in the office of the County Clerk and Recorder of the County of Phillips. This adoption shall supersede and replace all previously adopted zoning regulations and amendments. This Resolution shall become of full force and effective as of the date of its adoption, this being the _____ day of _____, 2013.

Board of County Commissioners of Phillips County

K. Joe Kinnie

Donald J. Lock

Harlan E. Stern

ATTEST

Beth Zilla

County Clerk and Recorder