

ADAMS COUNTY ZONING REGULATIONS

1980
(Includes Amendments through June 2000)

Prepared by
the Department of Planning and Development

Adams County Commissioners

Elaine T. Valente, District 1
Ted L. Strickland, District 2
Martin J. Flaum, District 3

Unmarked pages adopted with original document. Amendments noted by Chapter with a footnote at the title and thereafter throughout the Chapter with an asterisk, or noted by individual footnote per page.

TABLE OF CONTENTS

CHAPTER 1 - INTRODUCTORY PROVISIONS

TITLE.....	I-1
PURPOSE.....	I-1
SCOPE.....	I-1
PLANNING COMMISSION.....	I-1

CHAPTER 2 - DEFINITIONS

GENERAL INTERPRETATION.....	II-1
WORDS, TERMS OR PHRASES.....	II-1

CHAPTER 3 - ZONE DISTRICT REGULATIONS

GENERAL APPLICATION.....	III-1
AGRICULTURAL DISTRICTS.....	III-5
RESIDENTIAL AND MOBILE HOME.....	III-11
COMMERCIAL DISTRICTS AND INDUSTRIAL DISTRICTS.....	III-28
PLANNED UNIT DEVELOPMENT.....	III-42
AVIATION SAFETY ZONE, INTERNATIONAL AIRPORT CLEAR ZONE, AND AVIATION INFLUENCE AREA OVERLAY ZONE DISTRICT.....	III-48
FRONT RANGE AIRPORT INFLUENCE ZONE (AIZ).....	III-57

CHAPTER 4 - DEVELOPMENT AND PERFORMANCE STANDARDS

GENERAL.....	IV-1
EXCLUSIONS.....	IV-1
STANDARDS.....	IV-2
DRAINAGE.....	IV-11
SOLID AND HAZARDOUS WASTE DISPOSAL SITES AND/OR PROCESSING FACILITIES (CERTIFICATE OF DESIGNATION).....	IV-11
EXCAVATION AND HAULING PERMITS:.....	IV-32
MINIMUM OFF-STREET PARKING, LOADING AND UNLOADING, AND CURB CUT REQUIREMENTS.....	IV-33
OILS AND GAS WELLS.....	IV-34
ANIMAL CONTROL REGULATIONS.....	IV-40

CHAPTER 5 - NON-CONFORMING USES AND STRUCTURES

CONTINUATION OF USE.....	V-1
REPAIR, MAINTENANCE AND RECONSTRUCTION OF NONCONFORMING STRUCTURES OR USES.....	V-1
EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS.....	V-2
NONCONFORMING MANUFACTURED HOME PARK REQUIREMENTS.....	V-3
CHANGE IN USE.....	V-5
ABANDONMENT OF USE AND DISCONTINUANCE OF NONCONFORMING SITUATION.....	V-6
ADMINISTRATIVE REMEDIES FOR EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS.....	V-6
NON-CONFORMING LOT.....	V-7

NON-CONFORMING USES, STRUCTURES, AND NATURAL OBJECTS LOCATED WITHIN THE AVIATION INFLUENCE AREA.....	V-7
NON CONFORMING USES LOCATED OUTSIDE THE NOISE OVERLAY ZONE DISTRICT, YET IN THE AVIATION INFLUENCE AREA.....	V-8

CHAPTER 6 - AMENDMENT TO ZONE MAP AND ZONING REGULATIONS

AMENDING ZONE MAP.....	VI-1
CONDITIONAL USE.....	VI-3
AMENDING ZONING REGULATIONS.....	VI-4
REAPPLICATION FOR REQUESTS FOR REZONING, P.U.D., CONDITIONAL USE AND CERTIFICATE OF DESIGNATION.....	VI-4
REHEARINGS OF REQUESTS.....	VI-4
APPLICATION FOR A ZONE CHANGE TO LOCATE A COMMERCIAL AVIATION FACILITY.....	VI-5
CONDITIONAL USE PERMITS FOR PRIVATE AIRPORTS AND HELIPORTS.....	VI-7

CHAPTER 7 - BOARD OF ADJUSTMENT

APPOINTMENTS.....	VII-1
ASSOCIATE MEMBERS.....	VII-1
OFFICERS.....	VII-1
RULES OF PROCEDURE.....	VII-1
AUTHORITY AND RESPONSIBILITY.....	VII-2
VARIANCE.....	VII-2
SPECIAL USES.....	VII-3
LIMITATIONS UPON GRANTING OF VARIANCES/SPECIAL USES.....	VII-4
APPEALS TO THE BOARD OF ADJUSTMENT.....	VII-4
DECISIONS OF THE BOARD OF ADJUSTMENT.....	VII-4

CHAPTER 8 - ADMINISTRATION AND ENFORCEMENT

METHOD OF ADMINISTRATION.....	VIII-1
PERMITS REQUIRED.....	VIII-3
COMPLAINTS REGARDING VIOLATIONS.....	VIII-6
BUILDING AND CONSTRUCTION REGISTRATION OF CONTRACTORS.....	VIII-6
PENALTIES.....	VIII-9

CHAPTER 9 - MISCELLANEOUS PROVISIONS

PROVISIONS AND MINIMUM REQUIREMENTS.....	IX-1
SEVERABILITY.....	IX-1
REPEAL OF CONFLICTING REGULATIONS.....	IX-1

CHAPTER 10 - SIGNS AND OUTDOOR COMMERCIAL ADVERTISING DEVICES

PURPOSE.....	X-1
APPLICABILITY-EFFECT.....	X-1
SIGN PERMIT FEES.....	X-1
EXEMPTIONS.....	X-2
DEFINITIONS AND INTERPRETATIONS.....	X-2
COMPUTATIONS.....	X-2
SIGNS ALLOWED ON PRIVATE PROPERTY.....	X-4
SIGNS EXEMPT FROM REGULATIONS.....	X-5
PERMITS REQUIRED.....	X-5
GENERAL PERMIT PROCEDURES.....	X-6
PERMITS TO CONSTRUCT OR MODIFY SIGNS.....	X-7

PERMITS FOR TEMPORARY SIGNS.....	X-7
SIGNS IN THE PUBLIC RIGHT-OF-WAY.....	X-8
TIME OF COMPLIANCE: NON-CONFORMING SIGNS OR NON-PERMITTED SIGNS.....	X-9
ENFORCEMENT AND REMEDIES.....	X-9
BILLBOARDS.....	X-9
OFF-SITE DIRECTIONAL SIGNS.....	X-10
DESIGN CORRIDOR SIGN REGULATION.....	X-11

CHAPTER 11 - SUPPLEMENTAL REQUIREMENTS

SITE SELECTION AND CONSTRUCTION OF MAJOR ENERGY FACILITIES.....	XI-1
FLOOD CONTROL (F. C.) - OVERLAY ZONE DISTRICT.....	XI-4
MINERAL CONSERVATION (M. C.) - OVERLAY ZONE DISTRICT.....	XI-23
FLAMMABLE GAS (G) OVERLAY ZONE DISTRICT.....	XI-27
FRAGILE SOILS (F. S.) REGULATIONS.....	XI-30
AIRPORT AREA OVERLAY ZONE DISTRICT.....	XI-39
DOMESTIC SEWAGE SLUDGE APPLICATION PERMIT.....	XI-40
SEXUALLY ORIENTED BUSINESS	XI-43

CHAPTER 12 - LANDSCAPING AND BUFFERING REGULATIONS

PURPOSE.....	XII-1
DEFINITIONS.....	XII-1
MINIMUM REQUIREMENTS.....	XII-2
BUFFERING.....	XII-7
XERISCAPING.....	XII-8
GENERAL LANDSCAPING STANDARDS.....	XII-9
MAINTENANCE STANDARDS.....	XII-10
LANDSCAPING FOR CHANGE OF USE.....	XII-10

CHAPTER 13 - SPECIAL DISTRICT GUIDELINES AND REGULATIONS

PURPOSE.....	XIII-1
DEFINITIONS.....	XIII-1
POLICIES.....	XIII-2
RELATIONSHIP TO COLORADO REVISED STATUTES.....	XIII-3
SCOPE.....	XIII-3
SUBMITTAL AND REVIEW PROCESS.....	XIII-3
CONTENTS OF THE SERVICE PLAN.....	XIII-4
SERVICE PLAN REVIEW.....	XIII-7
ANNUAL REPORT.....	XIII-9

CHAPTER 1

INTRODUCTORY PROVISIONS

1.100 TITLE:

This resolution shall be known as the 1980 Zoning Regulations for Adams County, Colorado.

1.200 PURPOSE:

These regulations are revised with deletions, additions, and amendments for the purpose of encouraging the most appropriate use of land and to insure the logical compatible growth of the various physical elements throughout the unincorporated areas of the County. In order to carry out these purposes these Regulations shall designate, regulate, and restrict the location of the buildings, structures, and use of land for residence, trade, industry, agricultural or other purposes; regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; establish minimum requirements for off-street parking, loading, and unloading; regulate and determine the minimum size of lots in different districts; regulate and determine the size of yards, landscaping, and other open spaces; regulate the density of population and buildings; and for said purposes, divide the unincorporated area of the County into zoning districts of such number, shape and area as may be deemed best suited to carry out these Regulations and provide for their administration, enforcement, and amendment.

1.300 SCOPE:

These Regulations apply to all unincorporated land within Adams County, Colorado. The provisions of these Regulations may be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, and welfare. They are not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the full force and effective date of these Regulations. Any use or occupation of land previously approved as a permitted use or as a Planned Unit Development, (P.U.D.), shall be permitted to continue as a lawful use or occupation. These Regulations shall not extend the life or scope of any non-conforming use.

1.400 PLANNING COMMISSION:

1.410 Procedure:

The Board of County Commissioners of Adams County shall appoint a Planning Commission consisting of 5 to 9 members. In addition to the appointed members, the Board of County Commissioners shall appoint one member of their Board as an ex-officio non-voting member of this Commission. Each member of the Commission shall be a resident of the County and the owner of real property situated therein. The term of appointed members of the Commission shall be three years or until their respective successors have been appointed; but the terms of the office may be staggered by making the initial appointment for 1, 2, or 3 years. The members of the Commission shall receive such compensation as fixed by the Board of County Commissioners.

1.420 Associate Member:

The Board of County Commissioners may appoint associate members of this Commission; and in the event that any regular member is temporarily unable to act owing to absence from the County, illness, interest in any matter before the Commission, or any other cause, their place may be taken during any such temporary disability by an associate member designated for that purpose.

1.430 Officers:

The Commission shall elect a Chairman and a Vice Chairman from among its members whose term shall be for one year. A Secretary shall be appointed by the County Planning Commission for a term of one year.

1.440 Rules of Procedures:

The Commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times.

1.450 Authority and Responsibility:

The County Planning Commission, through the authority granted to it by the Board of County Commissioners, is empowered to prepare the following elements of County planning, development, enforcement, and administration.

1.451 Develop a Comprehensive Master Plan for the physical development of the unincorporated area of the County, which shall include but not be limited to land use, transportation, circulation, parks, open space, and housing.

1.452 Develop land use zoning regulations including text and maps representing those applicable policies identified in the Comprehensive Master Plan.

1.453 Develop a procedure for amending the Zoning Regulations, either text or maps, through a request of the Board of County Commissioners, an application submitted, or by the Planning Commission's response to the growth and development needs of the County.

1.454 Develop a procedure for amending the Comprehensive Master Plan.

1.455 Develop Subdivision Regulations and procedures for amending these Regulations.

All decisions of the Planning Commission are subject to review and approval of the Board of County Commissioners, except those relating to the Comprehensive Plan.

CHAPTER 2

DEFINITIONS

2.100 GENERAL INTERPRETATION:

For the purpose of these Regulations, words and terms used, interpreted or further described in these Regulations may be construed as follows, unless the context clearly indicates the contrary

- 2.110 Words in the present include the future.
- 2.120 The singular number includes the plural and the plural includes the singular.
- 2.130 The word "structure" includes the word "building".
- 2.140 The word "shall" is mandatory and the word "may" is permissive.
- 2.150 The word "used" or "used for" include the words "intended", "designed", "arranged", or "occupied" for.
- 2.160 The word "lot" includes the word plot, parcel, or tract.
- 2.170 The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
- 2.180 The particular supersedes the general.

2.200 WORDS, TERMS OR PHRASES:

The following listed words, terms, or phrases are defined as follows:

- ¹2.201 Accessory Building: Subordinate building located on the same lot (or a contiguous lot under the same control or ownership) with the principal building, used for an accessory use. If an accessory building is attached to the principal building by a common wall or roof, such accessory building shall be considered part of the main building. If attached to the principal building, not less than 50% of the applicable wall of the accessory building shall be common to the principal building.
- ²2.202 Accessory Outside Storage: The storage of materials or stock (inventory) naturally and normally incidental to, and subordinate to the primary use of the property, limited to the primary user of the property, and located on the same lot with the primary use. Accessory storage shall not include vehicle that can be driven off the property under their own power and are licensed to be driven on public rights-of-way. Merchandise for sale or lease shall not be considered accessory storage. The amount of accessory outside storage may be limited by restrictions of the zoning district, and outside storage must be properly screened.
- ³2.203 Adjacent Property(ies): This is a lot, or lots, containing existing residences, grounds, or other types of buildings that are located on the same street frontage as the subject lot and is located within 150 feet of the opposite side of the street for an equal distance. If there are no structures within this area, structures within a distance of 500 feet from all property lines will be considered adjacent properties.
- 2.204 Agriculture: The use of land for agricultural purposes, including farming, dairying, grazing land, animal and poultry husbandry, greenhouses, nurseries, livestock and poultry confinement, and

¹SEPTEMBER 1997

²JANUARY 1991

³DECEMBER 1986

including the necessary accessory uses for packing, treating, storing, and shipping of farm products. The use of the word "farm" shall have the same meaning as the word "agriculture".

- ¹2.205 Aircraft Activity Covenant with Disclosure: A covenant signed by landowner(s) and recorded at the office of the County Clerk & Recorder which notifies present and future landowners of the aircraft flight activity that will occur in the airspace above the property.
- 2.206 Alley: A strip of land dedicated to public use primarily to provide vehicular access to the rear or side of properties, but not intended to be used as a general vehicular thoroughfare.
- ²2.207 Amusement Center: Commercial establishments with three or more machines of amusement.
- ³2.208 Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- ⁴2.209 Avigation Easement: A right generally established by deed or recorded plat to permit the unobstructed passage of all aircraft to an infinite height, together with the right to cause in all airspace above the surface of the grantor's property such noise, frequent overflights, vibrations, fumes, dust, fuel particles, radio energy emissions, and all other effects that may be caused by the operation of aircraft landing, or taking off, or operating at an aviation facility.
- ⁵2.210 Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at once or more edges. National flags, state or municipal flags shall not be considered banners.
- ⁶2.211 Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate, flash or move.
- ⁷2.212 Bee Colony: A community of bees having a queen, some thousands of workers, and, during part of the year, a number of drones; that live together as one family in a hive.
- ⁸2.213 Billboard: (See Outdoor Advertising Sign).
- 2.214 Board: The Board of Adjustment.
- 2.215 Building, Height of: The vertical distance from the established grade elevation to the highest point of the coping of a flat roof or the deck line of a mansard roof or the mean height level between eaves and ridges for gable, hip, or gambrel roofs. Chimneys, spires, towers, elevator penthouses, tanks, and similar accessory projections shall not be included in calculating the height unless specifically referred to.
- ⁹2.216 Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- 2.217 Building, Permanent: Any structure resting on and attached to its footings or foundation, excluding mobile homes.

¹NOVEMBER 1991

²AUGUST 1982

³JANUARY 1994

⁴JANUARY 1991

⁵JANUARY 1994

⁶JANUARY 1994

⁷SEPTEMBER 1994

⁸JANUARY 1994

⁹JANUARY 1994

- ¹2.218 Building Sign: Any sign attached to any part of a building as contrasted to a freestanding sign.
- ²2.219 Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- ³2.220 Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustration that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of these Regulations. A sign on which the only copy that changes is an electronic or mechanical indication of time and/or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of these Regulations. A changeable copy sign shall be considered as either a wall or freestanding sign for purposes of size and location standards.
- ⁴2.221 Change in Use: A change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
1. The change is from one principal use category to another.
 2. If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are increased by 10% or more.
 3. If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes.
 4. If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), and that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within the same principal use classification of retail sales. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center) has not changed.
 5. Major repairs are performed on a nonconforming structure or use.
 6. All changes in use require zoning review and building permit approval.
- ⁵2.222 Chief Building Official: The Chief Building Official of the County or his designee.
- ⁶2.223 Combination use: A use consisting of a combination on one lot of two or more principal uses. (If a second use is regarded as accessory to the first, than a combination use is not established. Or when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises are the same principal type of use, then this does not constitute a combination use.

¹JANUARY 1994

²JANUARY 1994

³JANUARY 1994

⁴FEBRUARY 1989

⁵JANUARY 1994

⁶FEBRUARY 1989

- ¹2.224 Combustible: Construction type or construction material which will ignite or burn when exposed to fire and is not capable of supporting its design load under the attack of fire for an extended time period without failure. Standards for noncombustible materials are found in the County Building Code (also see the definition of Noncombustible).
- ²2.225 Commercial Kennel: Premises where adult dogs and/or cats are kept for commercial purposes, including boarding, breeding and/or training.
- ³2.226 Commercial and/or Industrial Complex: A commercial and/or industrial multi-structure development, or multiple uses in a single commercial or industrial structure, in a lot under a single legal description.
- ⁴2.227 Commercial Message: Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or directs attention to a business, product, service or other commercial activity.
- 2.228 Commission: The County Planning Commission.
- 2.229 Commissioners: The Board of County Commissioners.
- ⁵2.230 Compatible: Uses or structures that are similar, that show some resemblance to each other, that are related in appearance although not identical, that are harmonious or congenial in combination.
- 2.231 Day Care Home: A use carried on within a private residence, whose operator possesses a license from the Colorado Department of Social Services.
- ⁶2.232 Dimensional Nonconformity: A nonconforming situation that occurs when the height, size, or minimum floor area of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- ⁷2.233 Domestic Animal: Any animal domesticated by man so as to live and breed in a tame condition.
- 2.234 Drive-In Establishment: An establishment where a customer is permitted or encouraged to carry on his business, receive service, or wait for service while seated in his motor vehicle parked on the same premises as the establishment.
- ⁸2.235 Duplex: A structure located on a single lot containing two single-family attached residences, each of which is totally separated from the other by an unpierced wall extending from ground to roof or by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both residences.
- 2.236 Dwelling: A building or portion thereof used exclusively for residential purposes including mobile homes, one-family, two to eight family, multiple family, but not including hotels, motels, or similar establishments.
- 2.237 Dwelling, Types of:

¹FEBRUARY 1989

²SEPTEMBER 1994

³JANUARY 1994

⁴JANUARY 1994

⁵DECEMBER 1986

⁶FEBRUARY 1989

⁷SEPTEMBER 1994

⁸AUGUST 1993

1. Dwelling, Single Family: A detached building other than a mobile home used exclusively for one family and containing one (1) dwelling units.
2. Dwelling, Two to Eight Family: A detached building used exclusively for two (2) to eight (8) independent dwelling units, all with separate external entrances.
3. Dwelling, Multiple: A building used exclusively for two (2) or more families living independently in separate dwelling units, but which has a common building entrance and/or hallway to each dwelling.
4. Dwelling, Mobile Home or Movable Structure: A detached transportable one family dwelling unit, suitable for year round occupancy which contains sleeping accommodations, flush toilet, a tub or shower bath, kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and is suitable for immediate occupancy except for minor or incidental unpacking and assembly operations. The term mobile home shall not include any dwelling of pre-constructed nature meeting the County's Building Code as per State law.
5. Dwelling Accessory: Living quarters for the sole use of persons (and their families) employed on the premises in the performance of a lawful principal use being carried on upon the premises.

2.238 Dwelling Unit: One or more rooms used by one (1) family for living or sleeping purposes which does contain kitchen and bathroom facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

¹2.239 Election Sign: A sign advocating or advertising the election of any candidate for public office or any question upon which a public vote is being taken.

2.240 Essential Governmental or Public Utility Service: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground or overhead gas, electrical, sewer, water or similar transmission and/or distribution systems with accessory facilities in connection therewith, which are reasonably necessary for the furnishing of adequate service by such public agencies for the public health, welfare or safety, excluding buildings, storage and repair facilities for equipment, and primary producing or treatment facilities.

See Section 2.281(5) for definition of major energy facilities.

²2.241 Excavation and Hauling Operation, Major: Any significant disturbance and removal of soils from a property that will affect an area of ten acres or more or have a term in excess of 360 days.

³2.242 Excavation and Hauling Operation Minor: Any disturbance and removal of soils from a property that will affect an area of less than ten acres in size, have a term of 360 days or less, and which is not likely to create a significant impact on adjacent properties.

⁴2.243 Excavation and Hauling Permit Major: A permit issued for an Excavation and Hauling Operation in accordance with the procedures for a Conditional Use Permit.

⁵2.244 Excavation and Hauling Permit Minor: A permit issued for a Minor Excavation and Hauling Operation in accordance with the procedures for a Temporary Use Permit.

⁶2.245 Exotic Animals: Domestic ferrets, arachnids, snakes and non-venomous reptiles which are not prohibited animals, which are not commonly kept or harbored as a household pet.

¹JANUARY 1994

²APRIL 1992

³APRIL 1992

⁴APRIL 1992

⁵APRIL 1992

⁶SEPTEMBER 1994

- 2.246 Explosives: Materials or products which decompose by detonation when in sufficient concentration.
- ¹2.247 FAA Aeronautical Study On Obstructions: A study conducted by the Federal Aviation Administration to examine the effects of buildings and structures on such factors as: aircraft operational capabilities; electronic and procedural requirements; and airport hazard standards. If an aeronautical study shows that an obstruction, when evaluated against the factors cited above, has no substantial adverse effect upon the safe and efficient use of navigable airspace, then the obstruction is considered not to be a hazard to air navigation. A primary reference document is the Federal Aviation Regulation, part 77, objects affecting Navigable Airspace.
- ²2.248 Fact Finding Review: An investigation by the Director of Planning and Development as to the facts regarding compliance of an operator with a permit approved by the Director of Planning and Development. The result of a Fact Finding Review is an administrative decision as to whether an operation is in compliance, and if not, what measures are necessary to bring the operation into compliance and what action is necessary to correct problems resulting from noncompliance.
- ³2.249 Family: An individual, or two or more persons related by blood, marriage, or legal adoption, living together in a dwelling unit; (or three or fewer persons not related by blood, marriage, or legal adoption, living together in a dwelling unit). This definition does not apply to:
1. Students attending public or private colleges or universities.
 2. Persons under the age of 18 living in a dwelling unit under adult supervision.
 3. Persons 65 years of age or older.
 4. Persons otherwise excluded by these Regulations or by State Law.
- ⁴5. A family shall not include more than one registered sex offender, unless related by blood, marriage or adoption.
- 2.250 Fence:
1. Open Fence: A structure made of fencing materials and/or living plants used to enclose any lot with the purpose and intent of preventing passage across the fence line.
 2. Closed Fence: A structure made of fencing materials and/or living plants used to enclose any lot with the purpose and intent of preventing passage and view across the fence line.
- ⁵2.251 Fencing Materials: For the purposes of these regulations, fencing materials shall mean only those materials which are specifically manufactured and advertised as fencing components. All other materials must be specifically approved by the Director of Planning and Development. The fence must be of uniform design, but may be constructed with more than one component.
- ⁶2.252 Fire Chief: The chief of staff or top employee of a fire protection district.
- ⁷2.253 Fire Protection District: A special district created according to State Statutes to provide fire protection and prevention services to property within a County.

¹JANUARY 1991
²FEBRUARY 1991
³APRIL 1982
⁴JUNE 2000
⁵SEPTEMBER 1983
⁶FEBRUARY 1989
⁷FEBRUARY 1989

¹2.254 Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or a corporation.

2.255 Flammable Gas Definitions:

1. Asphyxiation: Death caused by exposure to an atmosphere with less than 10% oxygen.
2. Explosion: The rapid oxidation of a combustible creating heat and fire, and displacing large amounts of air.
3. Flammable Gas: Gas that has no flash point and will ignite without preheating of any kind.
4. Gas Migration: The movement of combustible gases through porous soil.
5. Settlement: The lowering of the top grade of the landfill due to further compaction of the soil and the decomposition of organic matter.

²2.256 Flood Hazard Definitions:

1. Appeal: A request for a review of the interpretation of any provision of the flood control regulations or a request for a determination or variance.
2. Area of Shallow Flooding: An area of shallow, indeterminate flooding not related to the flood profile. A clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate and velocity flow may be evident. It is indicated on Flood Hazard Area Delineation studies or on Flood Insurance Rate Maps (published by the Federal Emergency Management Agency) as a specific area.
3. Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
4. Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year.
5. Channel: That area of a watercourse where water normally flows and not that area beyond where vegetation exists.
6. Development: Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
7. Encroachment Lines: Limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines may be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plains between these lines will be maintained as open space and will be adequate to convey the 100 year flood without adversely increasing flood heights, such increase under any condition not exceeding one half foot.
8. Equal Degree of Encroachment: This is established by considering the effect of encroachment on the hydraulic efficiency of the flood plain along a significant reach of the stream, on both sides.
- ³9. Existing Manufactured Home Park or Subdivision: A Manufactured Home Park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the

¹JANUARY 1994

²MAY 1990

³MAY 1990

pouring of concrete pads, and the construction of streets) are completed before the effective date of this regulation.

10. Expansion to an existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
11. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters and/or,
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
12. Flood Insurance Rate Map (F. I. R. M.): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
13. Flood Insurance Study: The official report provided in which the Federal Emergency Management Agency has provided flood profiles, as well as the flood boundaries: floodway map, and the water surface elevation of the base flood.
14. Flood Hazard Area: The land in the floodplain within a community subject to 1% or greater chance of flooding in any given year.
15. Floodplain: Land adjacent to a watercourse which is subject to flooding as a result of the occurrence of the 100 year or 1% frequency flood of a watercourse.
16. Floodplain Administrator: That position designated by these Regulations to administer the provisions of the Flood Control Overlay Zone District Regulations and subject to the provisions of Section 11.270 Administration.
17. Flood Profile: A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.
18. Flood Protection Elevation: An elevation one foot above the elevation or flood profile of the 100 year flood under existing channel and floodplain conditions.
19. Floodway: That area of the floodplain required for a reasonable passage or conveyance of the 100 year flood which will convey the base flood with not more than 0.5 foot rise in the water surface elevation based on the assumption that there will be an equal degree of encroachment extended for a significant segment on both sides of the water course.
20. Flood Proofing: A combination of structural provisions, changes or adjustment to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
21. Flood Storage Area: The fringe area of the floodplain in which flows are characteristically of shallow depths and low velocities.
22. Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the regulation.

- 1²³. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."
24. Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
25. New Construction: Structures for which the start of construction commenced on or after the effective date of these Regulations.
- 2²⁶. New Manufactured Home Park or Subdivision: A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Regulation.
27. Obstruction: Sandbars formed by the natural flow of a watercourse, temporary structures, planks, snags and debris in and along an existing channel which cause a flood hazard.
28. Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man made or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.
- 3²⁹. Recreational Vehicle: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
30. Start of Construction: This term is to be used for assistance in determination of substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days following the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or as part of the main structure. This definition shall not imply that permits are not required for grading or excavation work. Requirements of Section 11.232 Floodplain Use Permit and Section 11.255 Compliance are to be met for applicable development activity, even if it is not included within the time frame or activities defined under "start of construction" in this section.
31. Storage Capacity of a Floodplain: The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving. Storage capacity tends to reduce downstream flood peaks.
32. Structure: Anything constructed, erected, located or placed on the ground, excepting mail boxes, ornamental light fixtures, flag and utility poles, railroad trackage, or ground covering not

¹MAY 1990
²MAY 1990
³MAY 1990

more than 6" above ground level. (This is the same definition found in the general definitions section of the Adams County Zoning Regulations).

- ¹33. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- ²34. Substantial Improvement: Any rehabilitation addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement.

This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not however include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are necessary to assure safe living conditions, or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
35. Variance: A grant of relief from the requirements of this Regulation which permits construction in a manner that would otherwise be prohibited by this Regulation (definition for Flood Control Overlay District purposes only).
36. Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.
37. Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.
- 2.257 Floor Area: Total area of a dwelling excluding basement, carport or garage. For commercial and industrial buildings, floor area is the total area of floor space within interior walls of a building, excluding basement.
- 2.258 Foster Family Care: A home designated by the Courts, Social Service Department, or other competent authority for care and/or education of children under the age of 18 years unrelated to the foster parents by blood, adoption, or marriage.
- ³2.259 Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- ⁴2.260 The Front Door To a Home: The point designed to provide access from the street upon which the home fronts.
- ⁵2.261 Game Fowl: A bird sought after as game (e.g., pheasants).
- 2.262 Garage, Private: An accessory building or accessory portion of a principal building designed for the shelter or storage of motor vehicle or trailers owned or operated by occupants of the principal building.

¹MAY 1990

²MAY 1990

³JANUARY 1994

⁴MARCH 1986

⁵SEPTEMBER 1994

- 2.263 Garage, Motor Vehicle Repair and Service: An establishment used for the repair, rebuilding, reconstruction, painting, inside storage, or servicing of vehicles or a portion thereof up to 1-1/2 ton factory rated capacity, but which does not include the storage or dismantling of wrecked motor vehicles, or storage of junk.
- 2.264 Gasoline Service Station: A building or property on or in which the principal use is the retail sale of gasoline, oil, or other fuel for motor vehicles and which may include, as an incidental use, the retail sale and installation of vehicle accessories, the making of minor repairs, and facilities for washing and servicing of not more than 3 vehicles if completely enclosed in a building.
- ¹2.265 Graffiti: Any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn, or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb, or other permanent structure on public or private property which have the effect of defacing the property.
- 2.266 Ground Floor Area of Principal Building: The area, in square feet, of the ground floor of the principal building on the lot measured by the extreme outside dimensions of the structure.
- ²2.267 Group Living Facility: A facility licensed by the Courts, Social Service Department, or other competent governmental authority for housing residents in a group home which include a group home for the aged, residential treatment center, group home for the mentally ill, home for social rehabilitation, group home for the developmentally disabled, communal home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility, or shelter for domestic violence.
- ³2.268 Guard Dogs: Any dog placed within an enclosure, on a commercial or industrial zoned lot, for the protection of persons or property by attacking or threatening to attack any person found within the enclosure patrolled by such dog.
- ⁴2.269 Home Occupation:
- a. In all zoning districts, a home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures only by the individuals who reside therein, provided that:
 1. It does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line; or
 2. There shall be only the incidental sale of stocks, supplies, or products conducted on the premises; or
 3. It and any accessory structures are clearly subordinate to the use of the lot for dwelling purposes and shall not change the character thereof; or
 4. It does not involve the outside storage of goods, materials, or equipment on the lot; or
 5. It does not involve the outside parking of any commercial vehicle within any residential area; or
 6. It does not include exterior advertising other than identification of the home occupation (not to exceed three square feet in size); or
 7. There shall be no use which requires plumbing or electrical changes solely to facilitate the home occupation.
 8. The total area used for the home occupation, excepting child care, including accessory structures, does not exceed 25% of the floor area of the dwelling to which the home occupation is an accessory use.

¹JUNE 1995

²JUNE 2000

³SEPTEMBER 1994

⁴NOVEMBER 1986

- ¹b. Notwithstanding compliance with all other provisions of this section, home occupations shall not include nursing homes, restaurants, vehicle repair or painting businesses, or boarding and rooming houses.
- 2.270 Hospital: A building used for the diagnosis, treatment, and care of human ailments, including necessary accessory facilities such as laboratories.
- 2.271 Hospital, Animal: A building used for the diagnosis, treatment, and care of animals or pets, including the boarding of animals for limited periods of time not requiring medical or surgical treatment.
- 2.272 Hotel or Motel: A building that provides temporary lodging in guest rooms for compensation for 6 or more guests with or without meals, entertainment, or other accessory personal services.
- ²2.273 Household Pets: Domesticated dogs and cats, small animals, reptiles (non-venomous only) and birds (such as canaries or parrots) which are customarily kept in the home. These pets are those that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants. Small animals are defined as rabbits, guinea pigs, hamsters, chinchillas, mice, and fish. Birds are defined as parakeets, parrots, cockatiels, canaries and other such birds that are customarily kept inside cages inside the home.
- ³2.274 Incidental Sign: A sign, usually informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- 2.275 Junk: Any manufactured goods, appliances, fixtures, furniture, machinery, motor vehicle or trailer which is abandoned, demolished or dismantled, and such discarded or generally unusable material as scrap metal, scrap material, waste, bottles, tin cans, paper, garbage, boxes, crates, rags, used lumber, building materials, motor vehicles, machinery parts, and used tires (these are by way of example and not by way of limitation).
- 2.276 Junk Yard: A place where junk, waste, discarded, or salvage materials are bought, sold, exchanged, stored, baled, packed, assembled, or handled, including automobile wrecking yards, but not including scrap processing or shredding.
- ⁴2.277 Livestock Equivalent Unit: A livestock equivalent unit is as follows: 1 large livestock unit (horse, cattle, buffalo, elk, alpaca, llama, mules) is equal to 2 small livestock units (sheep, goats, swine). Where there is a question as to whether or not a proposed livestock animal is considered a large unit or a small unit, the presumption shall be that such animal is a large unit until the owner can provide the Director of Planning and Development with sufficient evidence that the animal is considered a small unit.
- ⁵2.278 Livestock and Poultry: Livestock includes but is not limited to horses, mules, cattle, burros, llamas, alpacas, swine, sheep, and goats. Poultry includes, but is not limited to chickens, turkeys, game birds, peafowl and Ostriches. In the event of uncertainty concerning whether a particular animal is a species of livestock or poultry, the presumption shall be that such animal is a species of livestock or poultry until the owner of such animal can provide the Director of Planning and Development with sufficient evidence that the animal is not a species of livestock.
- ⁶2.279 Livestock and Poultry Confinement Operation: An operation for the growing, feeding and fattening of livestock and/or poultry for commercial purposes, where the following conditions exist:

¹NOVEMBER 1986

²SEPTEMBER 1994

³JANUARY 1994

⁴SEPTEMBER 1994

⁵SEPTEMBER 1994

⁶SEPTEMBER 1994

1. The animals are confined within a closed building; and/or
2. The animals are kept within permanent corrals, pens, or yards; and
3. These animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 consecutive days or more in any 12-month period; and
4. Where the number of animals is equal to or greater than the following:
 - a. 300 slaughter or feeder cattle; or
 - b. 200 mature dairy cattle (whether milked or dry cows); or
 - c. 750 swine; or
 - d. 150 horses; or
 - e. 3,000 sheep; or
 - f. 16,500 turkeys; or
 - g. 30,000 laying hens or broilers (if the facility has continuous overflow watering); or
 - h. 9,000 laying hens or broilers (if the facility has a liquid manure handling system); or
 - i. 1,500 ducks; or
 - j. 3,000 rabbits

2.280 Loading or Unloading Space: An off-street space or berth on the same site with a building or contiguous to a group of buildings for the temporary parking of a vehicle while loading or unloading merchandise or materials.

2.281 Lot: A single parcel of land which is delineated as a lot on a recorded subdivision plat, or a separate parcel of land which existed as such prior to July 1, 1972.

2.282 Lot Area: Total surface area within the lot lines of a lot area.

2.283 Lot Coverage: Amount of the total lot area available for buildings or structures.

2.284 Lot Depth: Average horizontal distance between front and rear lot lines.

2.285 Lot Frontage: All sides of the lot abutting a street or dedicated public right-of-way (except alleys).

2.286 Lot Lines: The property lines bounding the lot:

1. Front: The property line dividing a lot from the dedicated public right-of-way of a street. For corner or double frontage lots, there shall be as many front lot lines as there are frontages on dedicated public rights-of-way.
2. Rear: The property line of a lot opposite any front lot line, except for corner lots where the Building Inspections Section shall designate the rear and side lot lines by address.
3. Side: Any property line of a lot other than front or rear lot lines.

2.287 Lot, Type of:

1. Corner: A lot abutting 2 or more streets at their intersection or upon 2 parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed 135 degrees.
2. Interior: A lot other than a corner lot with one frontage on a dedicated public right-of-way, other than an alley.
3. Double Frontage: A lot which runs through a block from one dedicated public right-of-way to another dedicated public right-of-way which has two non-intersecting sides abutting on two or more dedicated public rights-of-way.

2.288 Lot Width: Horizontal distance between the side lot lines of a lot, measured at the established or minimum front setback line.

12.289 “Malodorous Condition” is defined as an odor reading greater than the permitted odor standard allowed by State Statutes or regulations. Odor readings will be taken to determine whether such conditions exist. The odor readings shall be made by an agent certified in Odor Intensity Rating by the Colorado Department of Health by use of a Barneby Cheney Scentometer. The reading shall be taken at any location on or outside the permit boundary.

2.290 Major Energy Facility Definitions:

1. Applicant: Any individual, partnership, corporation, association, company, or other public or corporate body, including any political subdivision, agency, instrumentality, or corporation of the state, engaged in the operation of a public utility and/or major energy facilities.
2. Appurtenant Facilities: Any buildings, structures, or other property which are clearly essential to, and customarily found in connection with major energy facilities at the site of the major facility, excluding the Federal Government and its agencies.
3. Gas Processing Plant: Any facility and appurtenant facilities utilized in the gas stripping process or coal gasification process to obtain a refined product and any expansion thereto increasing the existing design capacity, except for processing plants of less than 25 million cubic feet per day shall require a Special Use Permit.
4. Increasing the Existing Design Capacity: The addition of any buildings, structures, or other property which create an increase in the capacity of the facility beyond that which was approved in the original application, but shall not apply to technological modifications or minor apparatus which increase capacity without an increase in resource consumption, pollutant discharge, or noise levels.
5. Major Energy Facilities:
 - a. Transmission lines, power plants, and substations; and
 - b. Gas processing plants, and related storage areas providing fossil fuels, manufactured gas, or other petroleum derivatives; and
 - c. Microwave installations; and
 - d. Pipelines above ground in excess of 1 mile in length.
6. Microwave Installation: Any non-mobile facility and appurtenant facilities transmitting or receiving microwave energy to a location, or from a location other than the structure to which the device is attached, and any addition thereto increasing the existing design capacity.

Microwave installations with towers less than 90 feet in height and/or utilizing less than 1 acre in size for tower installation shall be exempt from this definition.
7. Natural Hazard: A geologic, wildlife, or flood condition which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.
8. Power Plant: Any electrical energy generating facility and appurtenant facilities which utilize a substation prior to distribution to a consumer, or any addition thereto, increasing the existing design capacity, except portable generators used in emergency situations.
9. Site Selection: The process for determining the location of major energy facilities.

10. Storage Area: Any non-mobile facility, including appurtenant facilities utilized to store fossil fuels, manufactured gas, or other petroleum derivatives for eventual distribution capacity.
 11. Substation: Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity at 115 kilovolts or more, and any addition thereto increasing the existing design capacity.
 12. Transmission Lines: Any electric transmission lines and appurtenant facilities which transmits electricity at 115 kilovolts or more and addition thereto, increasing the existing design capacity.
- ¹2.291 Major Repairs: Work or renovation estimated to cost more than 50 percent of the market value of the structure to be renovated. The costs of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement and no person may seek to avoid the intent of Subsection 5.310 and 5.320 by doing such work incrementally. The market value shall mean either the market value for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by an independent qualified appraiser, mutually selected by the Director of Planning and Development and the applicant. A qualified appraiser shall be a Member of the Appraisal Institute (M.A.I.) or an Accredited Rural Appraiser (A.R.A.).
 - ²2.292 Marquee: Any permanent roof-like structure projecting beyond, and supported by the wall of a building, generally designed and constructed to provide protection from the weather.
 - ³2.293 Marquee sign: Any sign attached to, in any manner, or made part of a marquee.
 - 2.294 Mineral Deposits of Commercial Quantity and Quality: Natural mineral deposits of limestone used for construction purposes, coal, gravel, sand, and quarry aggregate for which extraction is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogical, or other scientific data, that this deposit has significant value to the County.
 - ⁴2.295 Mobile Home Park: A tract of land under individual or corporate ownership with spaces for lease or rent upon which individual mobile home residences are placed and used for residential purposes.
 - ⁵2.296 Noncombustible: As applied to building construction materials or building construction, it is a material of which no part will ignite and burn when subjected to fire. Any material conforming to Uniform Building Code Standard No. 4-1 as adopted in the County Building Code shall be considered noncombustible, or a material having a structural base of noncombustible materials as defined above, with a surfacing material not over 1/8 inch thick which has a flame spread rating of 50 or less.
 - ⁶2.297 Nonconforming Building: Any legally existing building which does not conform to the minimum area of lot, minimum width of lot, or minimum yard regulations prescribed by these Regulations for the district in which such nonconforming building is located, either at the effective date of these Zoning Regulations or as a result of subsequent amendments which may be incorporated into this Chapter 2.
 - 2.298 Nonconforming Conditions: A situation that occurs when, on the effective date of this Zoning Regulation, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the zone district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback

¹FEBRUARY 1989

²JANUARY 1994

³JANUARY 1994

⁴FEBRUARY 1989

⁵FEBRUARY 1989

⁶FEBRUARY 1989

requirements) is not in conformity with this Zoning Regulation, or because land or buildings are used for purposes made unlawful by this chapter. Nonconforming signs shall not be regarded as nonconforming conditions for purposes of this article but shall be governed by the provisions of Section 10.600 of the Zoning Regulations.

- ¹2.299 Nonconforming Lot: A tract of land, meeting the definition of lot as found in these Zoning Regulations, existing at the effective date of this Zoning Regulation (and not created for the purposes of evading the restrictions of this Zoning Regulation) that does not meet the minimum area, required street access or minimum frontage width requirement of the zone district in which the lot is located.
- ²2.300 Nonconforming Mobile Home Park: A mobile home park created prior to January 1, 1980, that may or may not be located in the Mobile Home Dwelling Zone District and is recognized as an established mobile home park by the County Treasurer's Office as of the effective date of this Chapter 2.
- ³2.301 Nonconforming Sign: Any sign that does not conform to the requirements of these Regulations.
- 2.302 Nonconforming Use: Any legally existing use, whether within a building or on a tract of land, which does not conform to these Zoning Regulations for the zone district in which such nonconforming use is located either at the effective date of these Zoning Regulations or as a result of subsequent amendments which may be incorporated into this Chapter 2.
- 2.303 Nursing Home, Convalescent Home: An establishment used for continuous day and night facilities providing room and board, personal service, and nursing care for the aged or infirm.
- ⁴2.304 Off-Site Directional Sign: A sign which directs attention to a business, commodity, service, activity or product sold, conducted, or offered off the premises where such sign is located. An Off-Site Directional Sign would be used to advertise a business, commodity, service, campaign, drive, or special event which is located within 1,000 feet of the property on which the sign is placed.
- 2.305 Off-Street Parking Space: An area of 300 square feet which shall include the parking space and the necessary area for ingress and egress.
- 2.306 Oil and Gas Well Definitions:
1. Abandonment: As defined by the State of Colorado Oil and Gas Conservation Commission Rules and Regulations.
 2. Plugging: As defined by the State of Colorado Oil and Gas Conservation Commission Rules and Regulations.
 3. Operator: The mineral estate owner, the mineral estate lessee, drilling contractor, production company, or any party or parties acting on behalf of any of the above.
- ⁵2.307 Outdoor Advertising Sign (billboard): A permanent large sign characterized by a single or double sign face structure to direct attention to a business, commodity, service, activity or product sold, conducted, or offered off the premises where such sign is located. Use of the sign is usually sold to an advertiser on a time-contract basis by the owner of the sign.

¹FEBRUARY 1989

²FEBRUARY 1989

³JANUARY 1994

⁴JANUARY 1994

⁵JANUARY 1994

- ¹2.308 Pawnbroker: Is defined in accordance with C.R.S. Sect. 12-56-101. Used motor vehicles, used clothing, and non-profit establishments are excluded from the provisions of this definition.
- ²2.309 Pawn Shops: A retail sales establishment where a pawnbroker regularly engages in or solicits business.
- ³2.310 Pennant: Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- ⁴2.311 Person: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.
- ⁵2.312 Permanent: For the purpose of these Regulations, the term “permanent” shall mean any use or structure lasting for a period of five years or longer.
- ⁶2.313 Permit: An express written and formal approval, including any conditions of approval, to conduct a use allowed by a Certificate of Designation, Conditional Use, Special Use Temporary Use, Domestic Sewage Sludge Application Permit, or other written and formal approvals adopted as a part of these Regulations.
- ⁷2.314 Permit Issuing Authority: The entity authorized by the Zoning Regulations to issue a permit for a particular type of land use (the Director of Planning and Development for zoning review approval and temporary uses, Board of Adjustment for special uses, or Board of County Commissioners for conditional uses).
- ⁸2.315 Portable Sign: A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- ⁹2.316 Pre-application Meeting: Zoning, Conditional Use, PUD, or Amendment to PUD applications may be subject to a pre-application meeting as determined by the Director of Planning and Development. Such meetings shall also be subject to the pre-application fee as set forth in Section 6.113 of the Zoning Regulations.
- 2.317 Principal Building or Use: The main or primary purpose for which a structure or land is used, and to which all other uses on the property are accessory.
- ¹⁰2.318 Private Airport/Heliport: Landing strips and pads used solely by the property owner for non-commercial transport, and constructed without the use of Federal project grants.
- ¹¹2.319 Private Kennel/Cattery: Premises where more than the maximum allowable number of dogs and/or cats are kept for the private, non-commercial enjoyment of the owner(s). This does not include offspring under five (5) months of age belonging to one of the adult animals. Boarding dogs and/or

¹JULY 1997

²JULY 1997

³JANUARY 1994

⁴JANUARY 1994

⁵JANUARY 1983

⁶FEBRUARY 1991

⁷FEBRUARY 1989

⁸JANUARY 1994

⁹JANUARY 1998

¹⁰JANUARY 1991

¹¹SEPTEMBER 1994

cats other than those animals owned by the resident and/or owner and immediate family is prohibited.

- ¹2.320 Prohibited Animal: Any animal which is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to: lions, tigers, cheetahs, panthers, leopards, cougars, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, non-human primates, wolves and coyotes; poisonous lizards, poisonous and/or constrictor snakes; lethal toads and arachnids (spiders, scorpions and tarantulas). "Prohibited Animal" shall not include domestic ferrets (*Mustelia furo*), livestock, or household pets as defined herein. Alleged domestication of any prohibited animal shall not affect its status under this definition. The determination of prohibited animal status for an animal not listed herein will be made by the Director of Planning and Development.
- ²2.321 Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall. Signs affixed to the building that extend less than six inches beyond the surface are considered to be wall signs.
- ³2.322 Public Aviation Facility: An airport or heliport available without restrictions to all segments of the aviation public capable of using the facility. These facilities may include international airports, general aviation facilities, helipads, and reliever airports, and Industrial Airports.
- ⁴2.323 Real Estate Sales Sign: A temporary sign erected to advertise the sale or lease of the premises on which the sign is located or the location of an open house; and which does not require a sign permit or application fee.
- ⁵2.324 Registered Sex Offender: Any person who is required to register their place of residence with the Sheriff's Department or other local law enforcement agency in accordance with Section 18-3-412.5 C.R.S., as amended.
- ⁶2.325 Residence: A place of primary habitation. For the purposes of these Regulations, the terms residence and dwelling are interchangeable.
- ⁷2.326 Residential Sign: A freestanding or building sign located in a district zoned for residential uses that contains non-commercial messages or commercial advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location, conforms with all requirements of these Zoning Regulations.
- 2.327 Retirement Home: An establishment used as a multiple dwelling residence for retired persons in separate dwelling units with limited accessory services such as recreation and other common facilities, and may include nursing or hospital care.
- ⁸2.328 Roof Sign: Any sign painted, erected, or constructed wholly on and over the roof of a building, supported by the roof structure, or extending vertically above the highest portion of the roof.
- ⁹2.329 Scenic View: A view from a highway or from private property of a natural setting that contains one or more of the following; mountains, valleys, rivers, wetlands, farmlands, or other open spaces.
- 2.330 Schools, Commercial: A building or group of buildings where instruction is given to pupils in arts, religion, crafts, philosophy, or trades, and is operated as a commercial enterprise.

¹SEPTEMBER 1994

²JANUARY 1994

³JANUARY 1991

⁴JANUARY 1994

⁵JUNE 2000

⁶JANUARY 1994

⁷JANUARY 1994

⁸JANUARY 1994

⁹JANUARY 1994

- 2.331 Schools, Public, Private, and Parochial: A school for any grades between the first and twelfth grade teaching accredited courses of instruction as approved by an agency of the State of Colorado.
- 2.332 Schools, College or University: A public or private institution of higher learning (beyond grade 12) providing courses as approved by the Colorado Department of Education.
- 2.333 Setback: The distance between any property line and the wall or support of structure. Setbacks are not applicable to fences except where specifically indicated.
- ¹2.334 Sexually Oriented Businesses Definitions:
1. “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical area”.
 2. “Adult Bookstore”, “Adult Novelty Store” or “Adult Video Store” means:
 - a. A commercial establishment which (i) devotes a significant or substantial portion of its stock-in-trade or interior floor space to; (ii) receives a significant or substantial portion of its revenues from; or (iii) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical area”;
 - b. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing “specified sexual activities” or “specified anatomical areas”, and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of sub-subsection (2)(a) are otherwise met.
 3. “Adult Cabaret” means a nightclub, bar, restaurant “pop shop”, or similar commercial establishment which features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”
 4. “Adult Motel” means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (10) hours.
 5. “Adult Motion Picture Theater” means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions depicting or describing

“specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

6. “Adult Theater” means a theater, concert hall, auditorium, or similar commercial establishment which, for any form or consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of “specified anatomical area” or by “specified sexual activities.”
7. “Nudity or State of Nudity” means: (a) the appearance of human bare buttock, anus, male genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
8. “Nude Model Studio” means any place where a person, who appears in a state of nudity or displays “specified anatomical areas” is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.
9. “Private Room” means a room in an adult motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
10. “Sexual Encounter Establishment” means a business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or the exposure of “specified anatomical areas” or activities when one or more of the persons is in a state of nudity or semi-nude. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.
11. “Sexually Oriented Business” means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.
12. “Semi-Nude” means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
13. “Specified Anatomical Areas, as used herein means and includes any of the following:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
14. “Specified Sexual Activities,” means and includes any of the following:
 - a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or simulated; or
 - d. Human genitals in a state of sexual stimulation, arousal or tumescence;

- e. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (a) through (d) of this subsection.

- ¹2.335 Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person, or entity, institution, organization, business, product, event, or location, to communicate information to the public.
- ²2.336 Single-family detached Residence: A residence located on a single lot, being the principal use of the lot, and not connected to any other residence.
- ³2.337 Single-family attached Residence: A residence attached in any way to another residence.
- ⁴2.338 Site Specific Development Plan: A land use approval that grants vested rights in accordance with C.R.S. 24-68-103. For the purposes of the Zoning Regulations, the following approvals are deemed "site specific development plans": Final Planned Unit Developments. In addition, the following approvals are intentionally omitted from the definition of a "site specific development plan": Conditional Use Permits, Preliminary Planned Unit Developments, Rezoning, Special Use Permits, Temporary Use Permits, and Variances.
- ⁵2.339 60 Ldn: The standard established for maximum noise exposure in the residential areas of Adams County. This measurement of sound is computed by following the methods described in Appendix A of Federal Aviation Regulation, Part 150, and concerning Airport Noise Compatibility Planning.
- 2.340 Solid Wastes: Material such as garbage, refuse, sludge of sewage disposal plants, mill tailings, mining wastes, junk automobiles and parts thereof, and other discarded solid waste material, including solid wastes resulting from industrial, commercial, and community activities, but does not include agricultural wastes.
- 2.341 Solid Wastes Disposal Site: The location and facilities at which the collection, storage, treatment, utilization, processing, and/or final disposal of solid wastes occur.
- ⁶2.342 Special Sign: Any sign incidental to the development or promotion of real estate properties and subdivisions.
- 2.343 Standards, Development: Regulations pertaining to the physical development of site including requirements pertaining to yards, heights, lot area, fences, walls, landscaping area, access, parking, signs, setbacks, and other physical requirements.
- 2.344 Standards, Performance: Regulations and criteria established to control the operation of a use, including noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, dust, radio-activity, electrical disturbance, heat, glare, or other factors generated by or inherent in uses of land or building.
- 2.345 Story: That part of a building between the surface of a floor and the ceiling immediately above.
- 2.346 Street: A dedicated public right-of-way of sufficient width, construction, and maintenance which affords principal means of access for motor vehicles to abutting property.
- ⁷2.347 Street Frontage: The length of property abutting a dedicated, maintained public right-of-way which affords principal means of access for motor vehicles to abutting property. For purposes of these

¹JANUARY 1994

²AUGUST 1994

³AUGUST 1994

⁴NOVEMBER 1999

⁵JANUARY 1991

⁶JANUARY 1994

⁷JANUARY 1994

Regulations, limited access highways shall not be considered as Street Frontage when calculating total square footage of signage or for the number of freestanding signs for the property, but setback standards shall apply.

- 2.348 Structure: Anything constructed, erected, located or placed on the ground, excepting mail boxes, ornamental light fixtures, flag and utility poles, railroad trackage, or ground covering not more than 6" above ground level.
- ¹2.349 Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- ²2.350 Temporary Sign: Any sign that is used only temporarily and is not permanently mounted.
- ³2.351 Temporary Display Structure: Any structure that is used only for display of retail, sales items and does not require a building permit.
- 2.352 Use: Use of property allowed to carry on under the Zoning Regulations in that particular district.
1. Use by Right: Use of land, structures, or both which is authorized by the zoning classification.
 2. Temporary Use: Use for a maximum 90 day period by a permit from the Building Inspections Section.
 3. Conditional Use: (formerly permitted use). An additional use of land, structure, or both that may be allowed with the restrictions deemed necessary upon approval of the Board of County Commissioners.
 4. Special Use: A non-permanent exception from these Regulations for use of land, structures, or both approved by the Board of Adjustment.
 5. Accessory Use: A use clearly incidental and customarily found in conjunction with a principal use which is operated on the same lot (or a contiguous lot in the same ownership or right of possession) for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the lot with the principal use. In no case shall such accessory use dominate the intent or purpose of the principal lawful use.
- 2.353 Variance: An exception in the application of the specific physical requirements, not use, of these Regulations to a specific piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and district, and which adjustment remedies disparity in privileges.
- ⁴2.354 Wall Sign: Any sign attached parallel to, but within eighteen (18) inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- ⁵2.355 Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window pane or glass and is visible from the exterior of the window.
- ⁶2.356 Zoning Review: A review performed by planners in the Development Review Section of the Planning and Development Department as part of the building permit or change in use review process to determine conformity with the requirements of the Zoning Regulations. This review is

¹JANUARY 1994
²JANUARY 1994
³FEBRUARY 1996
⁴JANUARY 1994
⁵JANUARY 1994
⁶FEBRUARY 1989

under the authority of the Director of Planning and Development and the approval of building permits requires a positive zoning review approval.

CHAPTER 3

ZONE DISTRICT REGULATIONS

13.100 GENERAL APPLICATION:

The requirements within each Zone District shall be minimum regulations and shall uniformly apply to use of land or structure within each Zone District, except as provided hereinafter. No land shall be used or occupied and no structure or building shall be constructed, erected, altered, used, or occupied except in conformity with all Regulations herein specified for the Zoning District in which it is located and in conformity with the County's building, subdivision, other Regulations and resolutions. Developments using internal private roads, common maintained open space, or similar facilities require conditional use approval and recording with the County Clerk and Recorder of the development plan with relevant maintenance and ownership documents.

23.110 Incorporation and Interpretation of Maps

The location and boundaries of the Zoning District established by this Regulation are shown upon the Zoning District maps of Adams County, which are hereby incorporated into this Regulation. It is the expressed intent of the Board of County Commissioners that all unincorporated areas within Adams County be located within a Zoning District as identified within Chapter 3 of this Regulation. The said zoning maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this Regulation as is fully set forth and described herein. If for any reason the location of any Zoning District boundary line is not readily determinable from the Zoning District maps, the location of the Zoning District boundary line shall be determined by the Director of Planning and Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions.

1. Where a Zoning District boundary line is located with reference to a fixture, monument, or natural feature: the location of such fixture, monument, or natural feature shall control;
2. Where a Zoning District boundary line is given a position within or abutting a highway, road, street, or alley right-of-way which does not appear to be located within any Zoning District; the Zoning District boundary line shall be deemed to be in the center of such highway, road, street, or alley right-of-way;
3. Where a Zoning District boundary line is shown as closely (and approximately) following subdivision plat lot lines, municipal boundary or county boundary lines, such line, or municipal or county boundary lines shall control;
4. Where a Zoning District boundary line is shown by a specific dimension, such specific dimension shall control;
5. Where a Zoning District boundary line is shown by reference to property ownership, the location of the Zoning District boundary line shall be determined by scaling from the County Assessor's maps;
6. In all other circumstances, the location of the Zoning District boundary line shall be determined by scaling from the Zoning District maps.

3.120 Definition of Zone Districts:

¹NOVEMBER 1986

²NOVEMBER 1986

In order to regulate the use of land and buildings, regulate the location, height, bulk and size of buildings and other structures, and to provide for minimum separation between uses and structures, the unincorporated areas of Adams County are hereby divided into the following underlying defined Zone Districts:

¹A-3, A-2, A-1, R-E, R-1-A, R-1-C, R-2, R-3, R-4, C-0, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3, M. H., P.U.D., Airport Aviation Zone, International Airport Clear Zone, and restrictive overlay Zone Districts are also adopted where deemed necessary by the Board of County Commissioners (uses within each District are limited by other sections in Chapters 3, 4, and 11).

²3.121 Basic Use, Lot and Structure Requirements:

- a. Adoption of Lists. The following lists of permitted uses and of basic lot and structure requirements for the various Zoning District are hereby adopted and declared to be a part of this Regulation and may be amended in the same manner as any other part of this Regulation.
- b. Exclusion of Uses. The listing of any use in such lists as being permitted in a particular Zoning District shall be deemed to be an exclusion of such use from any other Zoning District, unless such use is specifically permitted in the other Zoning District under the language set forth in the lists.
- c. Prohibition of Use. No person shall make use of a property or allow the use in violation of the provisions of this Regulation.

³3.130 Temporary Uses:

A temporary use permit may be obtained from the Department of Planning and Development with a \$100 application fee. The Department may impose conditions, bonding, and insurance necessary for the health, safety, and welfare of the inhabitants of the surrounding area. Such temporary permit shall be issued for a maximum duration of ninety days. If, after that ninety day period, the holder of the permit wishes to continue the temporary use for any reason, the use will be treated as a Special Use subject to the approval of the Board of Adjustment and to the provisions of Section 7.520 of these Regulations. Setbacks and other requirements of the district in which the temporary use is located shall apply to buildings and structures connected with such temporary use and shall be constructed so as to be structurally sound and attractive to the surrounding area. Such request shall be submitted at least ten (10) days prior to the desired issuance date.

⁴3.131 Temporary Fireworks Stand Permit:

1. Purpose: To provide and establish reasonable Regulations for the handling, storage, display, dispensing, and sale of items commonly referred to as fireworks which are not prohibited by Colorado State Law and that promote the public safety and welfare.
2. Definitions:
 - a. Fireworks are only those items not prohibited by Colorado Law (See CRS 12-28-101) which include: toy caps which do not contain more than twenty five hundredths of a grain of explosive compound per cap, sparklers, trick matches, cigarette loads, trick noise makers, toy smoke devices, and novelty auto alarms.

¹JANUARY 1991

²NOVEMBER 1986

³DECEMBER 1994

⁴MARCH 1988

- b. Temporary stands are those structures permitted by these Regulations for the sale or dispensing of fireworks and will be referred to as "Stands".
- c. Permanent structures are existing buildings constructed after issuance of valid building permit(s) by Adams County and occupied after the issuance of valid Certificate(s) of Occupancy by Adams County.

3. General Requirements:

- a. A Temporary Fireworks Stand Permit shall be required for the use of a stand for the retail sale of fireworks. An annual fee of six hundred dollars (\$600.00) per stand must be paid to obtain a permit. The deadline for submitting an application shall be May 30th.
- b. A permit for all electrical work shall be obtained from the State Electrical Board, 1390 Logan Street, Suite 400, Denver, CO.
- c. Permit applications shall be obtained from the Adams County Building Inspection Section. A Temporary Fireworks Stand Permit shall not be valid until or unless the applicable Fire District has advised the Building Inspection Section in writing that the Uniform Fire Code as adopted by Adams County has been met. All fire and building inspections must occur no later than June 30th.
- d. Each applicant shall submit a one thousand dollar (\$1,000) cash or performance bond per stand to guarantee that the applicant complies with all provisions contained herein. The cash or Performance Bond shall be on file with the Building Inspection Section of the County of Adams. The bond shall not be released by the Building Inspection Section of Adams County until the stand is dismantled and removed.
- e. Sale of fireworks shall be allowed in the following Zone Districts: C-3, C-4, C5, I-1, I-2, I-3, and A-1.
- f. A valid temporary fireworks stand permit shall not be transferrable.
- g. A temporary fireworks stand permit shall be valid for the sale of fireworks from June 20 through July 5.
- h. All stands shall be dismantled and removed by July 15.
- i. Violations of the provisions contained within Section 3.131, as determined by the Adams County Building Inspection Section, will result in the immediate revocation of the permit and forfeiture of the bond. Review of such revocation and forfeiture shall be in accordance with Section 7.540 of the Adams County Zoning Regulation.
- j. No temporary fireworks stand permit shall be issued to any person, company, or corporation that has had a previous temporary fireworks stand permit revoked or a previous conviction under CRS 12-28-109 during the preceding five year (5) period.

4. Setbacks:

- a. All setbacks shall be measured from permanent structures, curbing and fences. Front setbacks shall be measured from the curb face or the flow-line of a concrete curb/gutter public street improvement. Where there are no public street improvements in place, the front setback shall be measured from the edge of asphalt or driving surface.
- b. Front: A clear and unobstructed distance of 50 feet is required to the stand or any detached fireworks storage from any corner.

- c. Side: A clear and unobstructed distance of 15 feet is required to the side of the stand or any detached fireworks storage.
- d. Separation: A clear and unobstructed distance of 30 feet is required between the stands.
- e. Rear: A clear and unobstructed distance of 30 feet is required to the rear of the stand or any detached fireworks storage.
- f. In any case, a clear and unobstructed distance of 50 feet shall be maintained between a stand and any portion of any permanent building or accessory structure, excluding fences.
- g. A distance of 25 feet shall separate stands and detached fireworks storage.

5. Exiting, Construction, and Fire Extinguishers:

- a. Any stand measuring more than 25 feet in length across the face shall have two exits. Exit doors shall be a minimum of 20 inches in width and 6 feet in height and swing in the direction of egress.
- b. "No Smoking" signs shall be conspicuously placed both inside and outside of stand.
- c. A stand shall be constructed of wood, metal or other approved materials. Stands shall not have wheels or tires. Tents shall not be approved as stands. Combustible construction shall be painted with a water based latex paint.
- d. Each stand shall be provided with two 2A10BC multi-purpose dry chemical fire extinguishers readily accessible and in good working order. Each extinguisher shall carry a current annual inspection tag. One extinguisher shall be placed at each end of the stand.
- e. All stands provided with electrical wiring shall be as required by the State Electrical Board.

6. Special Provisions:

- a. The public shall not be allowed access to the interior of a stand.
- b. All fireworks shall be dispensed by the applicant. In no case shall the public handle or package fireworks.
- c. Fireworks shall not be sold or dispensed unless directly supervised by a person 21 years of age or older. Said supervisor shall be present during all hours of operation.
- d. Fireworks shall not be sold or dispensed to anyone under 16 years of age unless accompanied by an adult. (An adult is a person 18 years of age or older.)
- e. Vegetation within the required stand setbacks shall be a maximum of two inches above the ground with the exception of trees and shrubs. Weeds not within the stand setback, but on the premises must be maintained at a maximum height of 12 inches within a radius of 200' from any point on the stand or to the property line whichever is the lesser distance.
- f. No fireworks shall be discharged within a 100 foot radius (200' in A-1 Zoning) from any point on the stand or to the property line of the premises, whichever shall be the lesser distance.
- g. Temporary stands shall not exceed a gross floor area of 400 square feet. However, stands with floor areas between 300 and 400 square feet must have three exits.

- h. No fireworks shall be sold or dispensed from any motor vehicle or towed vehicle.
- i. A motor vehicle, travel trailer, tent, or tent cover, attached to or combined as a part of a stand shall not be permitted.
- j. Sale of fireworks at wholesale shall not be conducted from stands.
- k. Banners are prohibited. Signage shall meet the requirements of Section 10.800 (Temporary Signs) of the Adams County Zoning Regulations.
- l. A stand shall be used only for retail sales of fireworks.

3.200 AGRICULTURAL DISTRICTS: A-3, A-2, AND A-1.

3.210 Purpose - Agricultural Districts:

- 1. A-3: Land in this District is primarily in holdings of at least 35 acres for dryland or irrigated farming, pasturage, or other related food production uses.
- 2. A-2: Land in this District is for rural subdivisions of at least 10 acres in size where adequate provisions are made for internal and external roads and access, water and sewer facilities, for fire protection and other emergency services, and for other public services and utilities. Farming uses are permitted, including the cultivation of land and the keeping of a limited amount of animals.
- 3. A-1: Exclusively a rural single family dwelling District where the minimum lot area for a homesite is dependent on the availability of public water and sewer facilities, and other necessary utilities and services. Limited farming uses are permitted including the cultivation of land and the keeping of a limited amount of animals for individual homeowners use.

3.220 General Requirements - Agricultural Districts:

- 1. Minimum frontage width at building line - 150' with well and/or septic tanks; 100' with public water and sewer facilities.
- 2. Minimum lot size for a single family principal dwelling:

A-3: 35 acres

A-2: 10 acres

A-1: 2-1/2 acres with individual wells and septic tanks; 1 acre with public water and individual septic tanks; 1 acre with individual wells and public sewer; 1/2 acre with public water and sewer. In addition, on previously existing tracts of land in A-3 and A-2, that were created prior to July 1, 1972, construction of a single family dwelling shall be allowed subject to the minimum requirements of the A-1 Zone District and the Subdivision Regulations. For new subdivisions with gross lot sizes greater than 2-1/2 acres, the land up to the centerline in newly dedicated public rights-of-way for local streets may be counted toward the total lot size requirement, subject to a favorable recommendation of the Tri-County District Health Department concerning specific lot configurations, topography, soil conditions, and water table heights. The maximum amount of land in a right-of-way which can be counted towards a lot shall be 1/2 acre (minimum net lot size is 2 acres). Setback requirements shall be determined by the right-of-way lines and no construction, including septic systems, may take place in the right-of-way except by approval of the Board of County Commissioners.

- 3. Minimum setback for a dwelling:

A-3 and A-2 - Front - 50'; Side - 20' one side, 10' other side. (50' from street on corner lots); Rear - 20'.
 A-1 - Front - 30' (50' on state highway or arterial street); Side - 17' one side, 5' other side (30' from

street on corner lot if local street, 50' from street on state highway or arterial street); Rear - 20'.

14. Minimum setback for other detached buildings:

Front 10' to rear of front of dwelling or 100' whichever is lesser (attached garage same as dwelling setback) When within 6' of other dwellings, the accessory building shall be constructed as an attached structure. Side - 25, Side - 15' - Aircraft Hanger at an approved private airport. Rear - 10'.

25. Minimum setback of an agricultural building (other than garage) from on-site residence - 50'.

6. Maximum height of dwellings and garages - 25'; other agricultural buildings - 25' if subdivided, 70' if unsubdivided.

37. Maximum total size of all accessory buildings as defined in Section 2.201 unless the accessory building is an aircraft hanger at an approved private airport and is utilized as such. Maximum size for an aircraft hanger shall be 4000 square feet.

A-3, A-2, A-1 (unsubdivided):	No maximum
A-1, well and septic:	6% of lot area including dwelling
A-1, public water or sewer:	7.5% of lot area including dwelling
A-1, public water and sewer	12.5% of lot area including dwelling

8. A maximum of one mobile home of 1,200 square feet shall be permitted for each 40 acre parcel where allowed as a use by right.

9. A maximum of one single-family dwelling is permitted on each individual lot.

3.230 Minimum Floor Area, Agricultural Districts (not including basement, garage or carport):

1. One story - 1,200 square feet.

2. Tri-level - (grade and upper level) - 1,200 square feet.

3. Bi-level or two story - 900 square feet on 1st floor, plus 600 square feet on 2nd floor, or in a lower level with more than 50% of the perimeter of the entire structure more than 50% above grade level.

3.240 Fencing and Retaining Walls, Agricultural Districts:

1. All fences and walls more than 42 inches in height require a building permit.

2. Any retaining wall over 2 feet in height shall require preparation by a professional engineer as a condition for a building permit, except where waived by the Building Inspections Section.

3. Except in unsubdivided agricultural areas, no external boundary electric fence shall be allowed except by Special Use permit.

4. In subdivided agricultural areas no fence of any type more than 42 inches in height shall be permitted between the front setback line and a front property line.

¹AUGUST 1997

²SEPTEMBER 1982

³SEPTEMBER 1997

5. Except as provided in (4) above, the maximum height of any fence within an Agricultural District is 96 inches, which may include 4 strands of barbed wire forming the top 18 inches. Fencing consisting of only barbed wire is allowed.
6. Traffic view obstruction requirements as outlined in Section 4.290 shall prevail in all cases.

3.250 Dwellings intended for employees of a farm, subject to:

1. Use by Right Farm Dwelling. Minimum acreage per unit - 40 acres. Setbacks of the relevant District shall apply.
2. For farms of less than 40 acres in size, Special Use approval shall be required for the use of a mobile home.
3. For farms of less than 40 acres in size, conditional use approval shall be required for the use of an additional single family or multiple family dwelling.
4. A single family dwelling intended as such a dwelling must comply with the minimum requirements of R-1-C District. A mobile home intended as such a dwelling must comply with the minimum requirements for placement of any mobile home in Adams County (see Section 3.334) and be a minimum of 600 square feet in size.
5. Proof of adequate provisions for water, sewer, fire protection, other utilities and access shall be provided.
6. No such dwelling shall be deeded, sold, leased, or rented without conforming to Adams County Subdivision and Zoning Regulations (unless such dwelling is to be relocated to other property within thirty days).

3.260 Tabulation of Uses for Agricultural Districts:

The uses allowed within each District are listed as a "use by right", "conditional use" (formerly permitted use), "Special Use", "temporary use", "not allowed" or "certificate of designation". Within each Zone District only listed "uses by right" shall be permitted subject to standards established in these and other Regulations. For uses not listed or not clearly fitting within one or more of the categories, the Director of Planning and Development shall determine in what Zone District the use is allowed and by what measure (Special Use, use by right, etc.).

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

	A-1	A-2	A-3
Accessory Uses	X	X	X
¹ Airports			
Public	(See Chapter 3 Aviation Zone)		
Private	NA	NA	C
Animals, kept for non commercial purposes	(See performance standards in Chapter 4)		
Animal Hospital	C	C	C
Animal Slaughter for commercial purposes for individual consumption	C X	C X	C X
Asphalt Mixing Plants (temp.)	S	S	S
Auction Yard Excluding livestock Livestock only	C NA	C NA	C X
Automobile Race drag strip	C	C	C
Carnival or Circus	T	T	T
Cemeteries and Crematories (including pets)	C	C	C
Christmas Tree Lots	T	T	T
Churches, Places of Worship	C	X	X
Class Instruction (in residence)	S	S	S
Commercial Kennel 35 acres minimum in A-3 for use by right, otherwise by Conditional Use.	C	C	X
	(See Chapter 4)		
	A-1	A-2	A-3
² Commercial Radio	C	C	C

& T.V. Towers (setback from property equal to the height of tower) other restrictions may apply if located within an Aviation Influence Area Overlay Zone.			
Concrete Mixing Plants (temp.)	S	S	S
Crop & Tree Farming Truck Gardening, Turf Farms	X	X	X
Dairy Farms (see Performance Standards in Chapter 4 to see if Live Stock confinement permit is required.	X	X	X
Dairy Products, Processing, Bottling and Distribution for sale off premises	C	X	X
Day Care Home (see definition in Chapter 2)	X	X	X
Dog Track	C	C	C
Driving Ranges (Golf)	C	C	C
Dwelling - Single Family	X	X	X
	A-1	A-2	A-3
Dwelling Accessory Mobile Home 40 acres or more	X	X	X
Less than 40 acres Single Family	S	S	S

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

40 acres or more	X	X	X				
Less than 40 acres	C	C	C				
Essential Govt. Public Utilities Service							
Not including bldgs. or storage facilities.	X	X	X	Gas or Fuel below ground for use on property	C	X	X
With bldg. or storage facilities.	C	C	C	Golf Courses	C	C	C
Farm Equipment Sales & Service	C	C	C	Grain Elevators	C	C	X
Farm Supply Sales (including feed & fertilizer)	C	C	C	Greenhouses	X	X	X
Fertilizer Mft. or Processing open sale	C	C	X	³ Group Living Facility	X	X	X
Fire Station	C	X	X	1 to 5 persons	C	C	C
¹ Fireworks Stands, Seasonal (Retail Sales Only) (See Section 3.131)	T	NA	NA	In excess of 5 (Use by Right where required by State Law)			
Fish Hatchery & Farm	C	X	X	⁴ With more than 1 registered sex offender	C	C	C
Flour Mill	C	C	C	Gun and Archery Range	C	C	C
				⁵ Heliport Public Aviation Facility	(See Chapter 3 Aviation Zone)		
				Private (see Chapt. 2 definitions) (see Cond. Use requirements Chapt. 4 & 6)	C	C	C
					A-1	A-2	A-3
	A-1	A-2	A-3	Home Occupation (see definition in Chapter 2)	X	X	X
Foster Family Care				Hospitals	C	C	C
1 to 5	X	X	X	Horse Trailer Sales & Rentals	C	C	C
In excess of 5 (Use by right where required by State Law)	C	C	X	Libraries, Public	X	X	X
² With more than 1 registered sex offender	C	C	C	Livestock or Poultry Confinement	C	C	C

¹JANUARY 1991

Table 1

²JUNE 2000

³JUNE 2000

⁴JUNE 2000

⁵JANUARY 1991

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

Operation							
Nursing Home	C	C	C	Uses involving Mft., assembly, storage, processing, sales and/or products not named herein	C	C	C
Oil Well Drilling & Production	See performance Standards Chapter 4						
Outdoor Concerts & Events	NA	S	S	Vacation Campground (60 day maximum)	C	C	C
Parks, Public	X	X	X	Waste Disposal Site and/or Processing Facility	C	C	C
Pickle Manufacture	C	C	C	Landfill	NA	CD	CD
Police Station	C	C	C	Incinerator	NA	NA	CD
Post Office	C	C	C	Other Processing Facility	NA	NA	CD
Railroad Yards (together with related buildings)	C	C	C	Commercial Composting Operation	NA	NA	CD
Riding Stable or Academy	C	X	X	Hazardous Waste Disposal Site	NA	NA	CD
Rodeos & Rodeo Practice Arenas with related events & facilities	C	C	C	Water Storage (closed structure excluding single family or agriculture use)	C	C	C
Roadside Stands (primarily to sell products produced on property)	T	T	T	Water & Sewer Treatment Plant (excluding single family or agricultural use)	C	C	C
	A - 1	A - 2	A - 3				
Sanitariums	C	C	C				
¹ Sexually Oriented Businesses	NA	NA	NA				
Schools: Public, Private, Parochial, K-12, college & Universities	C	C	C				
Theater (outdoor drive in)	C	C	C				
Truck Stop (including restaurant, truck service & repair)	C	C	C				

**13.300 RESIDENTIAL AND MOBILE HOME DISTRICTS:
R-E, R-1-A, R-1-C, R-2, R-3, R-4, and M-H**

3.310 Residential Estate: R-E

3.311 Purpose: Residential Estate District: Exclusively a single-family detached residence District for larger lots and larger homes in a spacious, open environment away from higher density uses where agricultural uses and the keeping of livestock are substantially restricted.

3.312 General Requirements:

1. Minimum Frontage Width at Building Line - 150' with well and/or septic tanks; 100' with public water and sewer facilities.

2. Minimum Lot Size for Residence:

2-1/2 acres with individual wells and individual sewage disposal systems; 1 acre with public water and individual sewage disposal systems; 1 acre with individual wells and public sewer; 1/2 acre with public water and sewer. For subdivisions with gross lot sizes greater than 2-1/2 acres, the land up to the centerline in the dedicated public rights-of-way for local streets may be counted toward the total lot size requirement, subject to a favorable recommendation of the Tri-County Health Department concerning specific lot configurations, topography, soil conditions, and water table heights. The maximum amount of land in a right-of-way which can be counted towards a lot shall be 1/2 acre (minimum net lot size is therefore 2 acres).

3. Minimum Setback for Residence:

Front: 30' (50' on state highway or arterial street).

Side: 17' one side (with attached garage - 5'), 5' other side (on corner lot - 30' from local street, 50' from state highway or arterial street).

Rear: 20'.

²4. Minimum Setback Accessory Building:

Front: Equal to principal residence on the lot.

Side: 25' (on corner lot - 30' from state highway or arterial street side).

Side: 15' (aircraft hanger in an approved private airport).

Rear: 10'.

5. Maximum Height, Residence - 35'; Accessory - 25'.

³6. Maximum total size of all accessory buildings as defined in Section 2.201:

Lots with well and septic: 6% of lot area including dwelling

Lots with public water or sewer: 7.5% of lot area including dwelling

Lots with public water and sewer: 12.5% of lot area including dwelling

However, in no case shall such an accessory building exceed twice the floor area of the primary residence on the lot except by variance or unless the accessory building is an aircraft hanger in an approved private airport and is utilized as such. Maximum size for

¹AUGUST 1993

²NOVEMBER 1994

³SEPTEMBER 1997

an aircraft hanger shall be 4000 square feet. For any detached accessory building over 900 square feet, design review shall be required in accordance with the provisions of §3.312 (10) of these regulations.

7. A maximum of one single-family detached residence is permitted on each individual lot.
8. Minimum Floor Area - 1,800 square feet.
9. A single-family detached residence located within this District shall be compatible in architectural design with adjacent properties; and not monotonous in appearance to adjacent properties.
 - ¹a. The design review process as described below shall be used to determine if a single-family detached residence meets these neighborhood design requirements.
 - b. Design Review Process.
 1. The party seeking a Design Review shall submit the following materials for Planning Review prior to (or at the same time as) a building permit application to the Department of Planning and Development:
 - a. Site plan;
 - b. Elevations or color photographs of all sides of a home;
 - c. Roof slope description expressed in a ratio horizontal to vertical feet;
 - d. Description of any proposed visible foundation; and
 - e. Description of exterior finish including materials and colors.
 2. Planning Review shall be performed by the Department of Planning and Development and shall occur within 5 days of submittal of a complete application. The Department will review the case to determine whether the Design Review Criteria has been met. If all Criteria has been met, approval will be forwarded to the Chief Building Official. If all Criteria have not been met, the Final Review shall take place.
 3. Final Review shall be performed by the Adams County Planning Commission. The Department of Planning and Development shall schedule the review at the next available Planning Commission hearing following proper notice. The Department of Planning and Development shall give notice following scheduling of the review. Proper notice shall consist of posting of the property for ten (10) days before the hearing, and notification of neighborhood group representatives for the area who have provided written notice to the Department of Planning and Development that they claim an interest in the outcome of a case in this location. The Planning Commission shall approve, deny the application or it may continue the Review hearing in order to obtain additional information based on the project meeting general requirements listed under A of this section and meeting the intent of the Design Review Criteria.

c. Design Review Criteria:

1. The residence should be displayed toward the street in a compatible manner with surrounding residences through location of windows, doors, other architectural features, or landscaping. This will be reviewed through an examination of the side of the residence facing the street.
 2. The exterior materials of the residence shall be compatible with adjacent properties. This feature will be reviewed by examining exterior materials described and determining whether the proposed building material is compatible with adjacent residences.
 13. The width of the residence facing the front lot line of the lot should appear to be greater than the length of the residence parallel to the side lot line. This will be reviewed by examining whether the width of the residence, including additions to the main body such as garages, carports, utility or living rooms, is a minimum of 34 feet in width facing the street frontage.
 4. The residence must not have a monotonous appearance in relation to the adjacent properties. This will be determined by examining application materials. Consideration will be given to the variation in setbacks, architectural features, landscaping accents, or accessory structures proposed to achieve the required appearance. If the Department determines that any one of these four criteria has not been met in the Planning Review, the application will be referred to the Planning Commission for Final Review.
- ²10. All detached accessory buildings over 900 square feet in size located within this district shall be compatible in architectural design with the primary residence on the lot.
- a. The design review process as described below shall be used to determine if an accessory building meets these design requirements.
 - b. Design Review Process.
 1. The party seeking a Design Review shall submit the following materials for Planning Review prior to (or at the same time as) a building permit application to the Department of Planning and Development:
 - a. Site plan;
 - b. Elevations or color photographs of all sides of a home;
 - c. Roof slope description expressed in a ratio horizontal to vertical feet;
 - d. Description of any proposed visible foundation; and
 - e. Description of exterior finish including materials and colors.
 2. Planning Review shall be performed by the Department of Planning and Development and shall occur within 5 days of submittal of a complete application. The Department will review the case to determine whether the Design Review Criteria has been met. If all Criteria has been met, approval will be forwarded to the Chief Building Official. If all Criteria have not been met, the Final Review shall take place.

¹AUGUST 1993

²NOVEMBER 1994

3. Final Review shall be performed by the Adams County Planning Commission. The Department of Planning and Development shall schedule the review at the next available Planning Commission hearing following proper notice. The Department of Planning and Development shall give notice following scheduling of the review. Proper notice shall consist of posting of the property for ten (10) days before the hearing, and notification of neighborhood group representatives for the area who have provided written notice to the Department of Planning and Development that they claim an interest in the outcome of a case in this location. The Planning Commission shall approve, deny the application or it may continue the Review hearing in order to obtain additional information based on the project meeting general requirements listed under A of this section and meeting the intent of the Design Review Criteria.

¹c. Design Review Criteria:

1. The exterior materials of the accessory building shall be compatible with those of the primary residence on the lot. This feature will be reviewed by examining exterior materials described and determining whether the proposed building material are compatible with the primary residences.

²3.320 Residential Single Family District: R-1-A, R-1-C

3.321 Purpose, Single Family District:

1. R-1-A: Exclusively a single family District for larger homesites and larger homes.
- ³2. R-1-C: Exclusively a single family District for smaller homesites and smaller homes.

3.322 General Requirements - Single Family Districts:

1. Minimum Frontage Width at Building Line:

R-1-A: Single Family Dwelling - 70' (80' corner lots).

⁴R-1-C: Single Family Dwelling - 65' (70' corner lots).

2. Minimum Lot Size

R-1-A: 9600 square feet.

⁵R-1-C: 7000 square feet (7500 square feet for corner lot).

3. Minimum Setback for a Dwelling:

R-1-A:

Front: 25' (50' on state highway or arterial street).

Side: 17' one side (with attached garage 5'), 5' other side (25' on corner lot on local street and 50' on state highway or arterial street).

Rear: 20'.

¹NOVEMBER 1994

²JANUARY 2000

³SEPTEMBER 1993

⁴JANUARY 2000

⁵JANUARY 2000

R-1-C:

Front: 20' (40' on state highway or arterial street)

Side: 17' one side (with attached garage - 5'), 5' other side (20' on corner lot on local street and 40' on state highway or arterial street).

Rear: 15'

4. Minimum Setback Accessory Building:

¹R-1-A:

Front: Equal to principal dwelling on the lot.

Side: 5'; 25' from street on corner lot (50' on state highway or arterial street side).

Rear: 5'.

²R-1-C:

Front: Equal to principal dwelling on the lot.

Side: 5'; 20' from street on corner lot (40' on state highway or arterial street side).

Rear: 5'.

5. Maximum Height - Dwelling: 25'; Accessory: 16'

³6. Maximum total size of all accessory buildings as defined in Section 2.201 - 900 square feet.

⁴7. A maximum of one single-family dwelling is permitted on each individual lot.

⁵8. Minimum Floor Area:

R-1-A: 1500 square feet.

R-1-C: 1250 square feet.

⁶9. A single-family residence located within this District shall be compatible in architectural design with adjacent properties; and not monotonous in appearance to adjacent properties.

a. The design review process as described below shall be used to determine if a single family home meets these neighborhood design requirements.

b. Design Review Process:

1. The party seeking a Design Review shall submit the following materials for Planning Review prior to (or at the same time as) a building permit application to the Department of Planning and Development:

a. Site plan;

b. Elevations or color photographs of all sides of a home;

¹AUGUST 1993

²SEPTEMBER 1993

³SEPTEMBER 1997

⁴SEPTEMBER 1983

⁵JANUARY 2000

⁶DECEMBER 1986

- c. Roof slope description expressed in a ratio horizontal to vertical feet;
 - d. Description of any proposed visible foundation; and
 - e. Description of exterior finish including materials and colors.
2. Planning Review shall be performed by the Department of Planning and Development and shall occur within five (5) days of submittal of a complete application. The Department will review the case to determine whether the Design Review Criteria has been met. If all Criteria has been met, approval will be forwarded to the Chief Building Official. If all Criteria have not been met, the Final Review shall take place.
 3. Final Review shall be performed by the Adams County Planning Commission. The Department of Planning and Development shall schedule the review at the next available Planning Commission hearing following proper notice. The Department of Planning and Development shall give notice following scheduling of the review. Proper notice shall consist of posting of the property for ten (10) days before the hearing, and notification of neighborhood group representatives for the area who have provided written notice to the Department of Planning and Development that they claim an interest in the outcome of a case in this location. The Planning Commission shall approve, deny the application or it may continue the Review hearing in order to obtain additional information based on the project meeting general requirements listed under A of this section and meeting the intent of the Design Review Criteria.

c. Design Review Criteria:

1. The home should be displayed toward the street in a compatible manner with surrounding homes through location of windows, doors, other architectural features, or landscaping. This will be reviewed through an examination of the side of the home facing the street.
2. The exterior materials of the home shall be compatible with adjacent properties. This feature will be reviewed by examining exterior materials described and determining whether the proposed building material is compatible with adjacent homes.
3. The width of the home facing the front lot line of the lot should appear to be greater than the length of the home parallel to the side lot line. This will be reviewed by examining whether the width of the home, including additions to the main body such as garages, carports, utility or living rooms, is a minimum of 34 feet in width facing the street frontage.
4. The home must not have a monotonous appearance in relation to the adjacent properties. This will be determined by examining application materials. Consideration will be given to the variation in setbacks, architectural features, landscaping accents, or accessory structures proposed to achieve the required appearance. If the Department determines that any one of these four criteria has not met in the Planning Review, the application will be referred to the Planning Commission for Final Review.

13.330 Residential Duplex District: R-2

3.331 Purpose, Duplex District: A residential District which allows duplexes, provided all units have separate external entrances. A maximum of two residences intended to house one family in each residence is permitted on each individual lot; or, one residence per lot provided that the lot line separating the two lots runs along the common wall of the duplex. Single-family detached residences are allowed in the R-2 District. For single-family detached residences, the general requirements of the R-1-C District (§3.322) apply.

3.332 General Requirements:

21. Minimum Frontage Width at Building Line: 90' - duplexes on one lot (100' - corner lots), 45' - duplexes located on two lots (50' - corner lots).
32. Minimum Lot Size: 9,000 square feet for a duplex on one lot, or 4,500 square feet for each lot when a duplex is located on two lots.
3. Minimum Residence Setback:

Front: 20' (40' on state highway or arterial street).
Side: 17' one side (with attached garage - 5'), 5' other side (on corner lot - 20' from local street, 40' from state highway or arterial street), 0' along common wall for duplex on two lots.
Rear: 15'.
4. Minimum Accessory Building Setback:

Front: same as principal.
Side: 5' (on corner lot - 20' from local street, 40' from state highway or arterial street).
Rear: 5'.
5. Maximum Height: Residence: 25'; Accessory: 16'.
6. Maximum Size Accessory Building - 450 square feet/unit.
47. Minimum Floor Area - 1000 square feet/unit.
8. A duplex or single-family detached residence located within this District shall be compatible in architectural design with adjacent properties; and not monotonous in appearance to adjacent properties.
 - a. The design review process as described below shall be used to determine if a duplex or single-family detached residence meets these neighborhood design requirements.
 - b. Design Review Process:
 1. The party seeking a Design Review shall submit the following materials for Planning Review prior to (or at the same time as) a building permit application to the Department of Planning and Development:
 - a. Site plan;

¹JANUARY 2000

²JANUARY 2000

³JANUARY 2000

⁴JANUARY 2000

- b. Elevations or color photographs of all sides of a residence;
 - c. Roof slope description expressed in a ratio horizontal to vertical feet;
 - d. Description of any proposed visible foundation; and
 - e. Description of exterior finish including materials and colors.
2. Planning Review shall be performed by the Department of Planning and Development and shall occur within five (5) days of submittal of a complete application. The Department will review the case to determine whether the Design Review Criteria has been met. If all Criteria have been met, approval will be forwarded to the Chief Building Official. If all Criteria have not been met, the Final Review shall take place.
 3. Final Review shall be performed by the Adams County Planning Commission. The Department of Planning and Development shall schedule the review at the next available Planning Commission hearing following proper notice. The Department of Planning and Development shall give notice following scheduling of the review. Proper notice shall consist of posting of the property for ten (10) days before the hearing, and notification of neighborhood group representatives for the area who have provided written notice to the Department of Planning and Development that they claim an interest in the outcome of a case in this location. The Planning Commission shall approve, deny the application or it may continue the Review hearing in order to obtain additional information based on the project meeting general requirements listed under A of this section and meeting the intent of the Design Review Criteria.

c. Design Review Criteria:

1. The residence should be displayed toward the street in a compatible manner with surrounding residences through location of windows, doors, other architectural features, or landscaping. This will be reviewed through an examination of the side of the residence facing the street.
2. The exterior materials of the residence shall be compatible with adjacent properties. This feature will be reviewed by examining exterior materials described and determining whether the proposed building material is compatible with adjacent homes.
3. The width of the residence facing the front lot line of the lot should appear to be greater than the length of the home parallel to the side lot line. This will be reviewed by examining whether the width of the residence, including additions to the main body such as garages, carports, utility or living rooms, is a minimum of 34 feet in width facing the street frontage.
4. The residence must not have a monotonous appearance in relation to the adjacent properties. This will be determined by examining application materials. Consideration will be given to the variation in setbacks, architectural features, landscaping accents, or accessory structures proposed to achieve the required appearance. If the Department determines that any one of these four criteria has not been met in the Planning Review, the application will be referred to the Planning Commission for Final Review.

3.340 Residential Moderate Density District: R-3

3.341 Purpose, Moderate Density District: A residential District which allows three or more single-family attached residences on a single lot or on individually owned lots.

3.342 General Requirements:

1. Minimum Frontage Width at Building Line: 25' for attached residences on individual lots; 30' for attached end residences on individual lots; 75' for attached residences on one lot.
2. Minimum Lot Size: 2,500 square feet for attached residences on individual lots; 9,500 square feet for attached residences on one lot.
3. Maximum Residential Density: 14 units per acre.
4. Minimum Residential Setback:

Attached residences on individual lots:

Front: 20' (40' from state highway or arterial street).

Side: 0' for adjoining units; 5' for end units (on corner lot - 20' from local street, 40' from state highway or arterial street).

Rear: 20' (40' from limited access highway).

Attached residences on one lot:

Front: 20' (40' from state highway or arterial street).

Side: 20' (40' from state highway or arterial street).

Rear: 20' (40' from limited access highway).

5. Minimum Setback Accessory Building:

Front: Same as principal.

Side: 5' (on corner lot - 25' from local street, 50' from state highway or arterial street).

Rear: 5'.

6. Maximum Building Height - 35'.
7. Maximum Size Accessory Storage Building - 80 square feet/unit.
8. Minimum Residence Floor Area:

Efficiency/Buffer - 450 square feet.

1 bedroom - 600 square feet.

2 bedroom - 750 square feet.

3 bedroom - 900 square feet.

4 bedroom - 1,000 square feet.

3.350 Residential High Density District: R-4

3.351 Purpose, High Density District: A single-family attached residence District which allows three or more attached residences on one lot.

3.352 General Requirements:

1. Minimum Lot Size: 2 acres.
2. Minimum Residential Density: 14 units per acre.
13. Maximum Residential Density: 35 units per acre.
4. Minimum Residential Setback:
Front: 50'.
Side: 25' (on corner lot - 50' from state highway or arterial street).
Rear: 30' (50' from limited access highway).
5. Minimum Setback Accessory Building:
Front: Same as principal.
Side: 5' (on corner lot - 25' from local street, 50' from state highway or arterial street).
Rear: 5'.
6. Maximum Building Height: 70'.
7. Maximum Size Accessory Storage Building - 80 square feet/unit.
8. Minimum Floor Area:
Efficiency/Buffer - 450 square feet.
1 bedroom - 600 square feet.
2 bedroom - 750 square feet.
3 bedroom - 900 square feet.
4 bedroom - 1,000 square feet.

3.360 General Requirements For All Residential Districts:

3.361 Fence Standards and Requirements:

1. All fences and walls over 42" in height require a building permit.
2. Any retaining walls over 2 feet in height shall require preparation by a professional engineer as a condition for a building permit except where waived by the Building Inspections Section.
3. No fence of any type more than 42 inches in height shall be permitted between the front setback line and a front property line. In single family and duplex Districts, fences up to 72" in height may be permitted on the common street side of corner lots where houses are back to back.
4. Neither barbed wire nor electric fences shall be permitted as an external boundary fence in any residential Zone District, except that horse enclosures, where allowed, may be constructed of barbed wire.
5. The maximum height of any fence within a residential zone is 72 inches except where such development is adjacent to existing or proposed arterial streets or state highways in which case fences bordering such streets may be uniformly built higher with the written permission of the Director of Planning and Development.

6. Traffic view obstruction as outlined in Section 4.290 shall prevail in all cases relating to fence construction.

3.362 Off-Street Parking Requirements:

1. All residential units, regardless of density, are required to have two (2) off-street parking spaces per unit.
2. For single-family detached residences and duplexes, the off-street parking area shall be provided in the garage/carport and/or on the approved paved driveway surface/parking pad. Vehicles shall not be parked and/or stored within the required front and side landscape areas.

3.363 Sight Distance Requirements:

1. Sight distance requirements as outlined in Section 4.290 shall prevail over any other development requirement or standard.

²3.364 Manufactured Housing:

In all Zone Districts where single-family detached residences are allowed, the placement of Manufacturing Housing shall be allowed, subject to the following requirements:

1. The Manufactured Housing has brick, wood, or cosmetically equivalent exterior siding and a pitched roof.
2. The Manufactured Housing shall be installed on an engineered permanent foundation.
3. The Manufactured Housing is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U. S. C. 5401 et. seq., as amended. As demonstrated by a HUD label affixed to the home with a 3 (three) letter identifier, (identifying the inspection agency), and 6 (six) digit HUD number or by approval of the Chief Building Official of the equivalent data sheet for the home being identical to the requirements for the State of Colorado for Adams County.
4. The Manufactured Housing is not less than twenty-four (24) feet in width and thirty-six (36) feet in length.
5. All development standards and requirements of the applicable Zone District shall apply.

3.370 Mobile Home Dwelling District: M-H

- 3.371 Purpose: Mobile Home (M-H): exclusively a Mobile Home Dwelling District with necessary facilities with mobile home spaces or lots, which may (but need not) be owned by different persons. Conditional use approval is required of the site plan and all related documents; upon acceptance of the plan and final approval being granted for the conditional use, the specifications and data contained in the plan shall be binding upon the owners, heirs, successors, and assigns.

3.372 General Requirements:

1. Minimum sizes of new developments: 40 acres.
2. Minimum lot or space size: 5,000 square feet.
3. Minimum Lot Width: 45' up to 20' wide mobile home (at building line); 50' over 20' mobile home.

¹AUGUST 1993

²DECEMBER 1986

4. Minimum Frontage of Development: 250'.
5. Minimum Setback for Mobile Home:

Front: 20'.

Side-Principal with accessory structure: 5' (15' from street on corner lot); Principal without accessory structure 5' one side, 17' other side.

Rear-Principal with accessory structure: 15', detached accessory structure 5'.
6. Minimum Development Setback from other zoning or rights-of-way: 25'.
7. Maximum Height: 10' or height of mobile home, whichever is greater.
8. Minimum Area of Mobile Home: 600 square feet.
9. Maximum Size Accessory Building: 600 square feet; maximum height- 10'; required storage building: 200 square feet.
- ¹10. Parking: 2 off-street spaces per unit, or 1 per unrelated person over the age of 18 plus 1 guest space for each ten units.
11. Minimum Street Width: Hard surfaced with asphalt or portland concrete.

Public: All roadways or driveways intended for public maintenance and ownership shall meet the requirements of the Adams County Subdivision Regulations.

Private: no parking on street: 25' flow line to flow line. Parking both sides: 36' flow line to flow line.
12. At least 2 means of public access to external public constructed and maintained streets shall be provided.
13. An amount of land equal to 10% of the total development or property of equivalent value shall be dedicated for public purposes, in addition to roads or rights-of-way.
14. All utilities shall be underground.
15. Plans for drainage, water, sewer, fire, streets, and other utility systems shall be submitted for review and approval by the Director of Public Works. In addition such plans shall be submitted to utility and fire Districts for comments and recommendations.
16. An area or areas shall be provided for parking and maintenance of boats, boat trailers, motor homes, detachable pickup campers, and similar vehicles or trailers in excess of those allowed on each lot as per section 4.250. Such area(s) shall be enclosed by at least a 6' solid screen fence (one preventing view).
17. A landscaping plan shall be submitted for review and approval. The setbacks of the development and any other area not covered by mobile homes, driveways, ingress and egress, or other structures, shall be landscaped.

18. Architectural Control: Architectural standards for development shall be submitted for review and approval including, but not limited to, exterior appearance of accessory storage building and other structures, clubhouse, skirting, fencing, etc.
19. The space or lots shall be so arranged that all mobile homes and accessory buildings face on an interior road or street. A decorative solid screen fence (one preventing view) shall be provided around the perimeter of the development behind the required landscaping setback area at least 48" in height.
20. Adequate street lighting shall be provided.
21. Walkways shall be provided adjacent to streets or on an interior system.
22. A recreation facility plan shall be submitted for review and approval.
23. Time schedule for all phases of the development shall be submitted for review and approval.
24. Home Owners Organization: A legally authorized organization shall be formed to maintain all common facilities. Such organization's proposed structure shall be subject to the County Attorney's approval.
25. A surety bond or some guarantee in a form acceptable to the Board of County Commissioners shall be provided where deemed necessary to guarantee performance of the plan.
26. Management: The occupant of a space, the owner, and operator of a mobile home development shall be responsible for all provisions of these Regulations.

3.373 Fences and Retaining Walls:

1. All fences and walls over 42" in height require a building permit.
2. Any retaining wall over 2 feet in height shall require preparation by a professional engineer as a condition for a building permit except where waived by the Building Inspections Section.
3. No fence of any type more than 42" in height shall be permitted between the front setback and a front property line.
4. Neither barbed wire nor electric fence shall be permitted as an external boundary fence in any mobile home Zone District.
15. The maximum height of any fence within a residential zone is 72 inches except where such development is adjacent to existing or proposed arterial streets or state highways in which cases fences bordering such streets may be uniformly built higher with the written permission of the Director of Planning and Development.
6. Traffic view obstruction as outlined in Section 4.290 shall prevail in all cases.

3.374 Standards for Placement of Mobile Homes:

1. Minimum portland concrete surfacing for driveway, storage structure, and off-street parking - 800 square feet (not applicable to those in agricultural areas or farm employee residences). The frame of the mobile home shall be placed as close to the ground as possible on a 2 foot wide perimeter portland concrete ribbon and the wheels shall be removed. A 200 square foot patio area of portland concrete, brick, flagstone, or wood shall also be provided.

2. All mobile homes and accessory storage structures shall be attached by a tie-down system as approved by the Building Inspections Section.
3. Skirting or enclosing the space beneath the mobile home shall be installed within ninety (90) days of installation of the mobile home. Skirting shall completely enclose space beneath mobile home, except for access way. Skirting materials shall match as close as possible to exterior of mobile home in appearance.
4. Occupancy Permit: Prior to occupancy of a mobile home on a space or lot, a permit shall be required to insure that tie-down and other requirements have been complied with. A forty five dollar (\$45) permit fee shall be paid.
5. A maximum of one mobile home shall be permitted on each individual lot which is zoned M-H. This Regulation does not apply to Mobile Home Parks which have been approved under the provisions of Section 3.330 of these Regulations.

3.380 Tabulation of Uses for Residential and Mobile Home Districts:

The uses allowed within each District are listed as a "Use by Right", "Conditional Use" (formerly Permitted Use), "Special Use", "Temporary Use", "Not Allowed", or "Certificate of Designation". Within each Zone District only listed "Uses by Right" shall be permitted, subject to standards established in these and other regulation(s); Conditional Uses, Special Uses, and Temporary Uses are listed by way of example and not by way of limitation; "Not Allowed" are prohibited from the relevant Zone District. For uses not listed or clearly fitting within one or more of the categories, the Director of Planning and Development shall determine in what Zone District the use is allowed and by what means (Special Use, Use by Right, etc.).

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

	R-E	R-1-A	R-1-C	R-2	R-3	R-4	M-H
Accessory Uses	X	X	X	X	X	X	X
Animals, 2 dogs, (See performance standards in Chapter 4)	X	X	X	X	X	X	X
Asphalt Mixing Plants (temp)	S	S	S	S	S	S	S
Commercial Kennel	NA	NA	NA	NA	NA	NA	NA
Churches, Places of Worship	C	C	C	C	C	C	C
Day Care Home (See definition on Chapter II-4)	X	X	X	X	X	X	X
Dwelling - Single-Family Detached	X	X	X	X	NA	NA	NA
Dwelling - Duplex	NA	NA	NA	X	NA	NA	NA
Dwelling - Mobile Home (See section 3.370)	NA	NA	NA	NA	NA	NA	X
Dwelling - Single Family Attached	NA	NA	NA	NA	X	X	NA
Essential Governmental Public Utility Services							
Not including bldg. or storage facilities	X	X	X	X	X	X	X
With bldg. and/or storage facilities	C	C	C	C	C	C	C
Fire Station	C	C	C	C	C	C	C
Foster Family Care							
1 to 5	X	X	X	X	X	X	X
In excess of 5 total in residence (use by right where required by State Law	C	C	C	C	C	C	C
² With more than 1 registered sex offender	C	C	C	C	C	C	C
	R-E	R-1-A	R-1-C	R-2	R-3	R-4	M-H
Golf Course	C	C	C	C	C	C	C

SEPTEMBER 1993

²JUNE 2000

Table 2

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

¹ Group Living Facility 1 to 5	X	X	X	X	X	X	X
In excess of 5 total in residence (Use by right where required by State Law)	C	C	C	C	C	C	C
² With more than 1 registered sex offender	C	C	C	C	C	C	C
Home Occupation (See definition)	X	X	X	X	X	X	X
Hospitals	C	C	C	C	C	C	C
Libraries, Public	X	X	X	X	X	X	X
³ Non-Commercial Radio & T.V. Tower up to 90' from ground in excess of 90' (Other restrictions may apply if located within an Aviation Influence Area Overlay Zone)	X C	X C	X C	X C	X C	X C	X C
Oil Well Drilling and Production	See Performance Standards in Chapter 4						
Parks, Public	X	X	X	X	X	X	X
Police Stations	C	C	C	C	C	C	C
Post Office	C	C	C	C	C	C	C
Residential Uses such as Nursing Homes, Boarding Houses, Etc.	C	C	C	C	X	X	C
Roadside Stands (unsubdivided only - primarily to sell products produced on the property)	T	T	T	T	T	T	T
Schools	R-E	R-1-A	R-1-C	R-2	R-3	R-4	M-H
Day Care	C	C	C	C	X	X	C

¹JUNE 2000

²JUNE 2000

³JANUARY 1991

Table 2

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

Public, Private, Parochial, K-12	C	C	C	C	C	C	C
¹ Sexually Oriented Businesses	NA						
Waste Disposal Site and/or Processing Facility	NA						
Water Storage (closed structure)	C	C	C	C	C	C	C
² Yard/Garage Sales (maximum 2 weekends/yr.)	X	X	X	X	NA	NA	X

¹FEBRUARY 1994

²AUGUST 1993

Table 2

**3.400 COMMERCIAL DISTRICTS AND INDUSTRIAL DISTRICTS:
C-0, C-1, C-2, C-3, C-4, C-5, I-1, I-2, AND I-3.**

3.410 Purpose and General Restrictions:

For all commercial Districts, all products produced on the premises shall be sold at retail on the premises where produced.

1. C-0: An office District designed to provide administration and professional services. All operations shall take place within an enclosed building; no outside display, sale or storage of merchandise and no retail sales or drive-in facilities or service except as a minor accessory use to a lawful principal use.
2. C-1: A small local retail District designed to provide small convenient retail shopping and personal services for persons residing in adjacent residential areas. The maximum floor area/use (excluding basement) is 1,000 square feet per operation; maximum hours of operation 7 a.m. to 10 p.m.; all operations shall take place completely within a building, except for minor sales such as ice machines and newspaper stands; no outside display, sale, or storage of merchandise; no drive-in facilities; maximum of 2 company vehicles at site (maximum 1-1/2 ton factory rated capacity).
3. C-2: A local retail District designed to provide convenient retail shopping and personal service for persons residing in neighborhood residential areas. The maximum floor area/use (excluding basement) is 3,000 square feet per operation, maximum hours of operation 7 a.m. to 12 a.m.; all operations shall take place completely within a building except for minor sales such as ice machines and newspaper stands; no outside display, sale, or storage of merchandise; no drive-in facilities; and maximum of 4 company vehicles at site (maximum size 1-1/2 ton factory rated capacity).
4. C-3: A retail and service District designed to provide most retail shopping and personal services for persons residing in community residential areas. The maximum floor area/use (excluding basement) is 8000 square feet per operation; all operations shall take place completely within a building except for minor sales such as ice machines and newspaper stands; no accessory outside storage, display, or sale of merchandise except by conditional use permit; no drive-in facilities except by conditional use permit; and maximum of 6 company vehicles at site (maximum size - 1-1/2 ton factory rated capacity).
5. C-4: A general retail and service District designed to provide services and products for both the general and traveling public. All operations shall take place completely within a building except for drive-in facilities; accessory outside storage shall not exceed 10% of gross building area and shall be concealed by a 6' to 8' solid screen fence. No vehicles in excess of 1-1/2 ton factory rated capacity or semi-trailers shall be kept at site; and maximum of 6 company vehicles at site (maximum size 1-1/2 ton factory rated capacity) except by conditional use permit.
6. C-5: A general retail and service District designed to provide the broadest scope of compatible services for both the general and traveling public. All operations shall be for retail sale or rent of products from the property; accessory outside storage of products not for retail sale or rent shall not exceed 10% of gross building area and shall be concealed by a 6' to 8' solid screen fence; no more than 2 vehicles in excess of 1-1/2 ton factory rated capacity shall be kept at site; no semi-trailers shall be kept at site; and maximum of 6 company vehicles at site (maximum size 1-1/2 ton factory rated capacity) except by conditional use permit.
7. I-1: A general commercial and restricted industrial District designed to provide for a variety of compatible business, warehouse, wholesale, offices and very limited industrial uses. All operations shall take place completely within a building except for drive-in facilities and minor accessory outside storage (not to exceed 10% of gross building area). All accessory storage shall

be concealed by a 6' to 8' solid screen fence. Not more than 2 vehicles of 1-1/2 ton factory rated capacity and 2 semi-trailers shall be kept at site.

8. I-2: An industrial District intended to accommodate light manufacturing, processing, fabrication, assembly, and storage of non-hazardous and/or non-obnoxious material and products as well as allowing service facilities for industries and their employees. All outside storage shall be concealed by a 6' to 8' solid screen fence.
9. I-3: A heavy industrial District designed to accommodate most industrial enterprises. In cases where the intended use may be hazardous or obnoxious to the surrounding area, uses and/or environment, use of land and structures shall be restricted to protect the surrounding area and the public health, safety, and general welfare. All outside storage shall be concealed by a 6' to 8' solid screen fence.

3.420 General Requirements:

1. Minimum Frontage Width (measured at minimum front setback building line):

C-0, C-1, C-2, C-3: 75'.
C-4, C-5, I-1, I-2, I-3: 125'.

12. Minimum Lot Size: C-0 through C-5: None.
I-1: 1 acre.
I-2 and I-3: 2 acres.

3. Minimum Building Setback:

²Front: 50' local street; 75' collector, arterial, or state highway street.
35' Temporary Display Structures (see definition Section 2.345) Non-conforming Temporary Display Structures shall meet the setback requirement within one year from the date of adoption of this regulation.

Side: 15' one side; 5' other side (or 0' only if fireproof building one side); abutting residential 15' or equal to height of building, whichever is greater (25' maximum); 50' from local street on corner lot, 75' on state highway, collector or arterial street.

Rear: 15' may include 1/2 an alley (applicable to property abutting interstate or other non-access highway).

4. Maximum Building Height:

C-0, C-1, C-2: 25';
I-1: 60';
I-3: 90';
C-3, C-4, C-5: 35';
I-2: 75'

Any height in excess of 25% allowed by conditional use permit; otherwise by variance.

3.430 Fences and Retaining Walls, Commercial and Industrial Districts:

1. No fences of any type more than 42" in height shall be permitted within any required landscaped area, nor shall any closed fence (one preventing view) enclose any landscaped area.

¹ JULY 1997

² FEBRUARY 1996

2. Except as provided in (1.) above, the maximum height of any fence is 96", which may include not more than 4 strands of barbed wire forming the top 18" or less of the fence which may be placed at a 45° angle. Electric fencing and fencing consisting only of barbed wire are prohibited as an external boundary fence.
3. Where allowed, accessory outside storage shall be enclosed and concealed by a 6' to 8' closed fence (one preventing view). Screen fencing shall be maintained in an attractive condition. When abutting a residential Zone District, such fence shall be wooden or masonry, or replaced with mature hedge. Such fence shall be constructed and maintained in good condition and be at least 6' high. Fencing material shall be approved in advance by the Planning and Development Department so as to be attractive to the neighborhood. As used in this Section, accessory outside storage shall not include employee or customer parking lots or merchandise displayed for sale. Accessory outside storage shall not exceed the height of the fence, except for operable vehicles, trailers, and other equipment designed to be towed or lifted as a single component. Where the topography of the land is such that a fence would not prevent view from adjoining property or right-of-way or where outside storage areas abut each other, the Director of Planning and Development may waive this requirement. No accessory outdoor storage shall be allowed within any required landscaped area.
4. Where abutting residential in rear, a 6' solid wood or masonry fence shall be installed.
5. Traffic view obstruction as outlined in Section 4.290 shall prevail in all cases.
6. Any retaining wall over 2' in height shall require preparation by a professional engineer as a condition for a building permit except where waived by the Building Inspections Section.

3.440 Minimum Off-Street Parking Requirements:

Auto Body and Mechanical Services and Repair: 2 parking spaces, plus 1 parking space for every 150 sq. ft. of gross floor area.

Auto, Truck, Mobile Home Sales: 10% of total lot area.

Bowling Alley: 4 per alley plus 10% for employees.

Commercial Retail or Recreation (not mentioned specifically): 1 for every 150 sq. ft. of gross usable area up to 5,000 sq. ft. ; 1 every 200 sq. ft of gross usable area over 5,000 sq. ft.

(Gross usable area means total floor area within building excluding storage area, common hallways, etc.)

Convention Halls, Theaters, etc. (enclosed seating or assemblies): 1 per 3 seats, plus 5% for employees.

Gasoline Station:

Gasoline only: 1 parking space for each 200 sq. ft. of gross floor area.

Gas with Service and Repair: 2 parking spaces plus and Repair 1 parking space for every 150 sq. ft. of gross floor area.

Manufacturing, Storage, or Processing: 1 per employee on the largest shift, plus 1 for each company vehicle stationed at facility, 10% for visitors and customers, and 10% for each additional shift. (Not less than 1 for every 600 sq. ft. gross floor area.)

Medical, Dental, or other clinics: 1 parking space for every 150 sq. ft. of gross floor area.

Membership Organizations: 1 for each member plus 10% for employees.

Mortuaries, Funeral Homes: 1 parking space for every 3 seats.

Nursing or Convalescent Homes: 1 for every 10 beds plus 1 for each employee.

Office: 1 for every 200 sq. ft. plus 1 per 2 employees.

Restaurant:

Drive-in: 1 parking space for every 25 sq. ft. of gross floor area.

Seating: 1 parking space for every 100 sq. ft. of service floor area.

Retirement Home: 1 per 2 dwelling units, plus 1 for each employee.

Wholesale and Service, Warehousing: 1 parking every 200 sq. ft. of office area, plus 1 parking space for every 1,000 sq. ft. of gross floor area.

For uses not listed or not fitting within one of the above categories, the Planning and Development Department shall determine the parking requirements, taking into account similar uses and requirements or needs of similar businesses.

3.450 An accessory dwelling intended for caretaker or watchman on premises in a commercial or industrial Zone District:

1. Principal use must be a lawful conforming use.
2. An apartment within or attached to principal building of at least 750 square feet shall be allowed, or a single family dwelling of at least 800 square feet, which complies to the minimum requirements of R-1-C District shall be allowed. Setback of the relevant District shall apply.
3. The use of a mobile home as an accessory dwelling shall be allowed by Special Use permit only after demonstration that such mobile home is essential for the operation of a principal lawful use and a regular accessory dwelling cannot be constructed.
4. Only one accessory dwelling shall be allowed.

3.460 Tabulation of Uses for Commercial and Industrial Districts:

The uses allowed within each District are listed as a "use by right", "conditional use", "Special Use", "temporary use", "certificate of designation", or "not allowed". Within each Zone District only listed "uses by right" shall be permitted subject to standards established in these and other Regulations; conditional uses, Special Uses, and temporary uses are listed by way of example and not by way of limitations; "not allowed" are prohibited from the relevant Zone District. For uses not listed or not clearly fitting within one or more of the categories, the Director of Planning and Development shall determine in what Zone District the uses is allowed and by what means (Special Use, use by right, etc.).

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

	C-0	C-1	C-2	C-3	C-4	C-5
Accessory Use	X	X	X	X	X	X
Administrative Offices	X	X	X	X	X	X
¹ Amusement Centers	NA	NA	NA	C	C	C
Amusement Establishments	NA	NA	NA	C	X	X
Animal Hospital (no outside pens or runs except by conditional use)	NA	NA	NA	NA	X	X
Asphalt Mixing Plants (temporary)	S	S	S	S	S	S
Assembly Halls or Auditoriums	NA	NA	NA	C	X	X
Automobile Parking Lots or Parking Garages for use of the public in area	NA	NA	NA	C	X	X
Automobile Repair & Service (no dismantling or storage of wrecked vehicles)	NA	NA	NA	NA	C	X
Automobile & Small Trailer Sales & Rental (new and used, vehicles up to 1 - 1/2 tons factory rated capacity.)	NA	NA	NA	NA	C	X
Banks, Savings & Loan Institutions (setback for drive-in facilities: 40').	X	X	X	X	X	X
Battery, tire, muffler, glass, and seat cover service	NA	NA	NA	NA	X	X
Boat Sales, new & used	NA	NA	NA	NA	C	X
Building Material Sales & Service With accessory outside storage more than 10%	NA NA	NA NA	NA NA	NA NA	X NA	X C
Bus & Other Passenger Terminals	NA	NA	NA	NA	X	X
Cabinet Shops	NA	NA	C	C	X	X
Carnival or Circus	NA	NA	NA	T	T	T
Car Washing and Waxing	NA	NA	NA	C	X	X
Christmas Tree Lots	T	T	T	T	T	T
	C-0	C-1	C-2	C-3	C-4	C-5

¹AUGUST 1982

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

Churches and Places of Worship	X	X	X	X	X	X
Clinics, Medical or Dental	X	X	X	X	X	X
Cold Storage Plants	NA	NA	NA	C	X	X
Commercial Kennels, Animal Shelters & Boarding of Animals	NA	NA	NA	NA	C	C
Concrete Mixing Plants (temporary)	S	S	S	S	S	S
¹ Convenience Retail Store w/gas pumps, setback for pumps: 40' ² w/canopies, setback for canopies: 35'	NA	X	X	X	X	X
Crop & Tree Farming, Truck Gardening, Turf Farms	X	X	X	X	X	X
Drive-in Establishments (see definition on Chapt. II-4)	NA	NA	NA	C	C	X
Driving Ranges (Golf)	NA	NA	NA	NA	NA	C
Dry Cleaners	NA	X	X	X	X	X
Dwelling - Accessory Mobile Home Single Family	S X	S X	S X	S X	S X	S X
Eating Establishments	NA	X	X	X	X	X
Essential Governmental Public Utility Services Including Office Buildings With storage facilities & other buildings	X C	X C	X C	X C	X C	X C
Farm Equipment Sales & Service	NA	NA	NA	NA	NA	C
Farm Supply Sales (including bagged feed & fertilizer)	NA	NA	NA	NA	X	X
Firewood Stands, Seasonal (no sawing or splitting, bundles only - no loose wood)	NA	NA	NA	NA	X	X
Fireworks Stands, Seasonal (Retail Sales Only)	NA	NA	NA	T	T	T
	C-0	C-1	C-2	C-3	C-4	C-5
Fire Station	C	C	C	X	X	X

¹ MARCH 1993

² OCTOBER 1995

Table 3

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

Flea Markets	NA	NA	NA	NA	NA	C
Garage, Motor Vehicle, Repair & Service (see definition on Chapt. II-11)	NA	NA	NA	NA	C	X
Gas or Fuel below ground for use on property	X	X	X	X	X	X
Gas or Fuel above ground for use on property	C	C	C	C	C	C
Gasoline Service Station (excluding trailer sales or rental in C-3 & C-4 setback for pumps: 40')	NA	NA	NA	C	X	X
Golf Course	C	C	C	C	C	C
Golf Miniature	NA	NA	NA	C	X	X
Greenhouses	NA	NA	NA	NA	X	X
Health Studios & Spas	NA	NA	NA	NA	X	X
Heliports Public	See Chapter 3 Zone District					
Private	C	C	C	C	C	C
Hospitals	NA	NA	NA	NA	C	C
Hotel & Motel	NA	NA	NA	NA	X	X
Horse Trailer Sales & Rental	NA	NA	NA	NA	C	X
Libraries, Public	X	X	X	X	X	X
Lodges, Fraternal & Social Organizations	NA	NA	NA	X	X	X
Massage Parlors (subject to applicable licensing)	NA	NA	NA	NA	X	X
Mobile Home & Vacation Camper Sales	NA	NA	NA	NA	C	X
Motorcycle Sales & Service	NA	NA	NA	NA	C	X

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

	C-0	C-1	C-2	C-3	C-4	C-5
¹ Non-Commercial Radio & T.V. Tower Up to 90' in height from ground In excess of 90' (Other restrictions may apply if located within an Aviation Influence Overlay Zone)	X C	X C	X C	X C	X C	X C
Nursing Homes	C	C	C	C	C	C
Office Buildings	X	X	X	X	X	X
Oil Well Drilling & Production	See Performance Standards in Chapter 4					
Painting & Body Shops	NA	NA	NA	NA	C	X
Parks, Public	X	X	X	X	X	X
² Pawn Shops	NA	NA	NA	NA	C	C
Police Station	C	C	C	X	X	X
Professional Offices	X	X	X	X	X	X
Radio & T.V. Broadcasting Station	NA	NA	NA	NA	X	X
Retail Sales unless otherwise mentioned herein (See restriction in section 3.410)	NA	X	X	X	X	X
Schools, Day Care, Public, Private, Parochial	X	X	X	X	X	X
Schools, Commercial - equipment must conform to relevant Zone District as a use by right	NA	NA	NA	C	X	X
Service Outlets not otherwise mentioned herein (See restrictions in Section 3.410)	NA	X	X	X	X	X
³ Sexually Oriented Businesses (Subject to requirements of Section 11.800)	NA	NA	NA	NA	X	X
Theater						
Indoor	NA	NA	NA	C	X	X
Outdoor, drive-in	NA	NA	NA	NA	NA	C
Transmission Shop	NA	NA	NA	NA	C	X
	C-0	C-1	C-2	C-3	C-4	C-5

¹JANUARY 1991
²JULY 1997
³FEBRUARY 1994

Table 3

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

Truck Stop (including restaurant, truck service & repair)	NA	NA	NA	NA	NA	C
Upholstery Service	NA	C	C	X	X	X
Uses involving storage, sales and/or service of items or products not similarly named herein and not excluded from I-1	NA	C	C	C	C	C
Vacation Campground (60 days maximum)	NA	NA	NA	NA	NA	C
Warehousing & Wholesaling Items not excluded from I-1	NA	NA	NA	NA	NA	X
Mini-warehousing only	NA	NA	NA	NA	X	X
¹ Waste Disposal Site and/or Processing Facility	NA	NA	NA	NA	NA	NA
Water Storage (closed structures)	NA	NA	NA	NA	NA	C
Welding Shop	NA	NA	NA	NA	C	X

¹AUGUST 1991

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

	I-1	I-2	I-3		I-1	I-2	I-3
Abrasives, Manufacture or bulk storage	NA	NA	C	Bone Reduction	NA	NA	C
Accessory Uses	X	X	X	Book Binding	X	X	X
¹ Accessory Outdoor Storage of Non-Hazardous Materials				Broom/Brushes Mft.	NA	X	X
Up to 10% of Bldg. area	X	X	X	Brick or Tile Mft.	NA	C	X
Up to 100% of Bldg Area	C	X	X	Bldg. Materials Sales & Storage (10% outside storage in I-1) (With Accessory Outside Storage more than 10% in I-1)	X	X	X
Over 100% of Bldg. Area	NA	C	C	Bus & Other Passenger Terminals	C	C	C
Acid, manufacture or bulk storage	NA	NA	C	Bus Repair & Storage	NA	X	X
Airports & Heliports	C	C	C	Can Manufacture	NA	C	X
Alcoholic Beverages, Wholesaling or Warehousing	X	X	X	Candy Products Mft. for sale off premises	NA	C	X
Animal Hospital	C	X	X	Canvas Products Mft.	X	X	X
Animal Slaughter (for commercial sale)	NA	NA	X	Carnival or Circus	T	T	T
Asbestos Products Mft.	NA	NA	C	Caustic Soda Mft. & bulk storage	NA	NA	C
Asphalt Mixing Plants (Temporary)	S	S	S	Celluloid Mft.	NA	NA	C
(Permanent)	NA	NA	X	Cement, Cinder Block, Concrete, Lime, or Plaster Mft.	NA	C	X
Auction House (completely enclosed, excluding live-stock)	C	X	X	Churches, Place of Worship	C	C	C
Auction Yard				Clinic, Medical or Dental	X	X	X
Excluding Livestock	NA	X	X	Clothing, or Cloth Mft.	X	X	X
Including Livestock	NA	NA	X	Coal, Coke Yards, or Coal Classifications, Fossil Fuel Mft. and/or Storage Dist.	NA	NA	C
Automobile and other salvage	NA	NA	C				
Bakery, wholesale, with or without retail	X	X	X				
Beverage Mft. (excluding alcohol)	C	X	X				
	I-1	I-2	I-3		I-1	I-2	I-3
Boiler or Tank Works	NA	C	C	Cold Storage Plants	X	X	X

Commercial Kennel (See Performance Standards Chapter 4)

¹MARCH 1982

Table 4

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

Commercial Radio & T.V. Towers (setback from property equal to height of tower) (Other restrictions may apply if located within an Aviation Influence Area Overlay Zone)	C	C	C	Eating Establishments	X	X	X
Computer Manufacturer	X	X	X	Electric Small Appliance Mft. & Assembly (outside storage 10% or less in I-1)	X	X	X
Concrete Mixing Plants	S	S	X	Electroplating	NA	C	C
Cosmetic & Perfume Manufacture	NA	C	X	Electronic Manufacture	X	X	X
Creosote Manufacture or Treatment Plants	NA	C	X	Enameling, lacquering, or galvanizing of metals	NA	C	C
Crop & Tree Farming, Truck Gardening, Turf Farms	X	X	X	Essential Governmental Public Utility Services Including Office Bldgs. With storage facilities and other buildings	X C	X X	X X
Dairy Farms (see performance standards in Chapter 4 for Confinement Operation Permit)	NA	C	X	Explosive Mft. & Storage	NA	C	C
Detergent, Soaps & by-products mft. using animal fat	NA	NA	C	Farm Equipment Sales & Service	NA	X	X
Disinfectant, Insecticides, or Poison Mft. Dist. for use off-premises	NA	NA	C	Farm Machinery Mft. and/or Assembly	NA	X	X
Distillation of bones, refuse, grain & wood	NA	NA	C	Fat Rendering Production of edible fats & oils from animal or vegetable products	NA	C	X
Driving Ranges (Golf)	C	C	C	Feedlots, Fur Farming or other Commercial Production of Animals or Poultry (See Performance Standards in Chapter 4)	NA	NA	X
Drug Manufacture	C	C	C	Felt Manufacture	NA	NA	X
	I-1	I-2	I-3		I-1	I-2	I-3
Dry Cleaning Plants	X	X	X	Fertilizer Manufacture or Processing Open Sale	NA	NA	X
Dwelling - Accessory Mobile Homes	S	S	S	Firewood Sales, Storage & Splitting (screen fencing required)	NA	X	X
Single Family	X	X	X				
Dye Manufacture	NA	NA	C				

Table 4

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

¹ Fireworks Stands, Seasonal (Retail Sales Only) (See Section 3.131)	T	T	T	Horse Trailer Sales & Rental	C	X	X
Fish Hatchery & Farm	C	X	X	Hosiery Manufacture	C	X	X
Flea Market	C	X	X	Hospitals	C	C	C
Flour Mills	C	C	X	Insulation Material Storage and Sales	X	X	X
Food Processing, Storage or Packaging including sale at retail on premises but excluding the killing and dressing of any flesh or fowl	X	X	X	Light Mft. or Processing of products otherwise not named herein, provided no operations are carried on, or likely to be carried on, which will create smoke, fumes, noise odor, vibration or dust, or which will be detrimental to the health, safety, or general welfare of the community	C	X	X
Forging Plants & Foundaries	NA	C	X	Linseed Oil, Shellac, Turpentine Mft. or Refinery	NA	NA	C
Fuel Oil, Gasoline & Petroleum Products, bulk storage and/or sale.	NA	NA	C	Livestock Sale Rings	NA	NA	X
Furnace Installation Repair Cleaning Business	C	X	X	Lodges, Fraternal & Social Organizations	C	C	C
Gas or Fuel below ground for use on property	X	X	X	Lubrication, Grease, Mft. or Oil Compounding	NA	NA	C
Gas or liquefied petroleum gases in approved portable metal cylinder for storage above ground	C	C	X	Lumber Mills	NA	NA	X
Glass or Glass Products Manufacture	NA	C	X	Machine Shops	C	X	X
Golf Courses	C	C	C	Machine Tool Mft.	C	X	X
Grain Elevators	NA	C	X				
	I-1	I-2	I-3				
Hazardous Waste Treatment Facility (exempted from Certificate of Designation)	NA	NA	C	Machinery Sales	C	X	X
Heliports Public Private	C	(See Chapt. 3) C	C	Manufacturing, Assembly and/or Production of Small Components & Instruments	X	X	X
				Meat Processing, Packing & Slaughter	NA	C	X

¹SEPTEMBER 1984

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

Metals Ingots, Casting Sheets or Bearings, Forging or Rolling Mills	NA	C	X	Railroad Yards (together with related buildings)	NA	NA	X
Metal Products Mft.	NA	C	X	Rodeo & Rodeo Practice areas with related events and facilities	NA	C	C
Millinery Manufacture	NA	C	X	Roadside Stands	T	T	T
Mobile Home Sales	X	X	X	Sanitariums	C	C	C
Mobile Homes Mft. & Storage	NA	C	X	Schools (commercial schools equipment must conform to relevant zone districts as a use by right)	X	X	X
Motorcycle Sales & Service	X	X	X	³ Sexually Oriented Businesses (subject to the requirements of Section 11.800)	X	X	X
Moving & Transfer Co.	X	X	X	⁴ Scrap Processing or Shredding Yard	NA	NA	C
Non-Commercial Radio & T.V. Tower Up to 90' in height above ground In excess of 90' (Other restrictions may apply if located within an Aviation Influence Area Overlay Zone)	X	X	X	Sheet Metal Shops	C	X	X
Nursing Home	C	C	C	Shoe Manufacture	C	X	X
Oil Well Drilling & Production	See Performance Standards in Chapter 4			Sign Manufacture, Repair or Maintenance	C	X	X
¹ Outside Storage of Non-Hazardous Materials	NA	C	C	Smelting or Refinery of Metals	NA	NA	C
Paint & Enamel Mft.	NA	NA	C	Stockyards (See Performance Standards in Chapt. 4)	NA	NA	X
Paper & Pulp Products Manufacture	NA	NA	C		I-1	I-2	I-3
	I-1	I-2	I-3	Sugar & Sugar Beet Refining	NA	NA	C
² Pawn Shops	NA	NA	NA	Tannery	NA	NA	C
Pickle Manufacture	NA	NA	C	Tar & Waterproofing Materials Manufacture Treatment & bulk storage	NA	NA	C
Public Utility Storage, Yards & Service Installments	C	X	X	Textile or Cloth Manufacture	NA	X	X
				Theater (outdoor, drive-in)	C	C	C

¹MARCH 1982

²JULY 1997

Table 4

³FEBRUARY 1994

⁴FEBRUARY 1985

X - USE BY RIGHT
C - CONDITIONAL USE
S - SPECIAL USE
T - TEMPORARY USE
CD - CERTIFICATE OF DESIGNATION
NA - NOT ALLOWED

Trailer, Truck & Mobile Home Manufacture	NA	C	X				
Trailer, Truck Sales & Service (over 1 1/2 ton factory rated capacity)	C	X	X				
Truck Stop (including restaurant, truck service & repair)	C	C	C				
Use by Right in C-5 (Subject to requirements of Section 11.800)	X	X	X				
Vacation Campground (30 days maximum)	C	C	C				
Vacation Camper Manufacture	NA	C	X				
Warehouse & Wholesaling	X	X	X				
¹ Waste Disposal site and/or Processing Facility							
² Trash Transfer Station	NA	C	C				
Landfill	NA	CD	CD				
Incinerator	NA	CD	CD				
Waste Processing Facility	NA	CD	CD				
Hazardous Waste Disposal Site	NA	NA	CD				
Water Storage (closed storage)	C	C	C				
	I-1	I-2	I-3				
Water & Sewer Treatment Plant	C	C	C				

¹AUGUST 1991

²MAY 1999

PLANNED UNIT DEVELOPMENT

3.500 PURPOSE:

A District approved by the Board of County Commissioners for an area of land controlled by one or more landowners under a unified control or a unified plan of development for residential, commercial, educational, recreational, industrial, any combination of the foregoing, or other uses. All uses and structures must conform to the approved Final P.U.D. Plan and any change must be granted by amending such Plan, not by variance.

3.510 P.U.D. Limitations:

1. An approved and filed P.U.D. Plan shall be binding upon the applicant, his heirs, successors, and assigns; it shall limit and control the issuance and validity of all building permits and occupancy permits, and shall restrict and limit the construction, location, use and operation of all land and structures included within the Plan to all conditions and limitations set forth in such Plan. Temporary uses and signs may be allowed by the Building Inspections Section provided such uses or signs are within the intent of the P.U.D. and the Adams County Zoning Regulations. In addition, unless specifically stated on the approved and filed P.U.D. Plan, all exclusions, prohibitions, and standards as outlined in these Regulations shall apply.
2. The P.U.D. Plan should follow the specifications and standards in the Adams County Subdivision Regulations where applicable. However, the uniqueness and purpose of the P.U.D. is such that modifications in those standards may be allowed for good cause and adequate justification.
3. If a zone change application is submitted to the County requesting other than a P.U.D. and through the normal hearing process, the Board of County Commissioners finds that the proper zoning for the application should be a P.U.D., the applicant shall then submit all materials required for a preliminary P.U.D. to the Planning and Development Department. It will then be scheduled for public hearings with proper notice and referral before the Planning Commission and the Board of County Commissioners.

3.520 P.U.D. Submittal and Approval Process in addition to those applicable requirements as outlined in Chapter Six (6) of these Regulations, the following process shall apply:

1. A Preliminary or Final P.U.D. Plan shall be submitted for approval along with supporting documentation. The public notice procedure for P.U.D. requests shall be the same as for any other zone change as specified in Chapter Six (6) of these Regulations.

¹If a Preliminary P.U.D. Plan is submitted, it must be considered by the Planning Commission and the Board of County Commissioners. After approval of the Preliminary P.U.D. Plan by the Board of County Commissioners, a Final P.U.D. Plan encompassing the entire parcel or portion of the parcel shall be submitted and considered by the Planning Commission and the Board of County Commissioners, with notice given to persons who expressed interest at the Preliminary P.U.D. Plan hearing and relevant agencies.
2. A Final Plat as described in the Adams County Subdivision Regulations must be submitted for approval within 90 days of Preliminary P.U.D. approval unless the County Commissioners have approved otherwise. A Final P.U.D. Plan shall not be approved unless accompanied by a Final Plat or unless a Final Plat has previously been approved for the property which conforms to the P.U.D.
- ²3. If a Preliminary P.U.D. Plan is approved by the Board of County Commissioners and filed, a Final P.U.D. Plan shall be submitted to the Planning and Development Department for consideration by the Planning Commission and the Board of County Commissioners. A hearing shall be scheduled by the Planning and Development Department not less than 15 days after submittal. The Planning and Development Department and other appropriate agencies shall review the Final P.U.D. Plan and report on the Final Plan's

¹JUNE 1986

²JUNE 1986

conformance to the Preliminary P.U.D. Plan. If a plat accompanies the Final P.U.D. Plan submittal, it shall be approved by the Planning Commission prior to considering the Final P. U. D. Plan.

14. For Final P.U.D. Plans, the original and five (5) folded prints must be submitted a minimum of 24 hours prior to the first hearing. A copying charge of thirty dollars (\$30) per page is required.

23.530 Data Required in a Preliminary P.U.D. Plan:

The following requirements unless waived by the Director of Planning and Development shall be submitted to the Planning and Development Department in the following manner:

1. Cover Sheet containing:

- a. Title or Name of the P.U.D. above the term: "Preliminary P.U.D. Plan".
- b. Key or area map showing the relationship of the proposed P.U.D. to the surrounding area within a two mile radius.
- c. Complete legal description of the property.
- d. Certificate of Ownership as follows:

Certificate of Ownership: (Name of Owner(s) being the owner of (Name of P.U.D.) located in the County of Adams, State of Colorado, hereby submit this Preliminary Planned Unit Development and agree to perform under the terms noted hereon. (Owner's signature).

- e. The owner's signature(s) shall be acknowledged as follows:
State)
County) SS
City)

The foregoing ownership certificate was acknowledged before me this ___ day of __, 19. ___

Notary Public _____

My Commission expires: _____

- f. Approval by the Planning Commission; wording shall be as follows:

Planning Commission Approval:

Approved by the Adams County Planning Commission this _____ day of _____, 19_____

Chairman

- g. Approval of the County Commissioners; wording shall be as follows:

Board of County Commissioners Approval

¹JUNE 1986

²MARCH 1982

Approved by the Adams County Board of Commissioners this _ day
of _____, 19____.

Chairman

- h. Certificate of the Clerk and Recorder; wording shall be as follows:

This Preliminary P.U.D. Plan was filed for record in the Office of the Adams County Clerk and Recorder in the State of Colorado at _____m. on the_____day
of _____19._____.

County Clerk and Recorder

By Deputy:_____

- I. In the lower right hand corner of the cover sheet the following shall appear:

File No. _____
Map No. _____
Reception No._____

- j. An Additions and Deletions block shall be as follows:

The following Additions and Deletions in the P.U.D. were made by the Board of County Commissioners at the time of approval. (To be followed by four (4) horizontal lines each below the other, three (3) inches in length.

- k. Staff Review: wording to be as follows:

Approved as to form by:

Director of Planning and Development

County Attorney

2. Written Program Narrative containing statements addressing:

- a. Explanation of the characteristics of the P.U.D. and its potential impact on the surrounding area.
- b. Expected densities and land coverage.
- c. Number, type, and size of buildings, and/or units.
- d. Provisions for parking.
- e. Circulation and road patterns.
- f. Ownership and maintenance of common areas.
- g. Type, location, examples of copy, and construction of signs.
- h. Type and allocation of all uses.

- i. Location and types of landscaping and maintenance provisions.
 - j. Description of building envelopes, including square footage and/or number of units, minimum building setback(s), height, and general external characteristics.
 - k. Covenants to be imposed on the P.U.D.
 - l. Additional controls such as an architectural control committee of a Property Owner's Association.
 - m. Utilization and location of any outdoor storage.
 - n. Utility services.
 - o. Estimated time table for development.
 - p. Any other pertinent factors concerning the development.
3. Site Plan containing:
- a. P.U.D. Title.
 - b. North Star.
 - c. Scale (written and graphic). The scale may be: 1" = 20', 1" = 50', 1" = 100', or 1" = 200'.
 - d. All property boundary lines and building envelope lines with dimensions.
 - e. All proposed streets, roads, or thorough-fares with rights-of-way.
 - f. All easements and 100 year flood hazard areas.
 - g. All minimum building setback areas.
 - h. Minimum and maximum square footage and/or number of units in each building envelope.
 - i. Any other pertinent data.
4. All sheets shall be numbered sequentially in the upper right hand corner : _____ of _____.

3.540 Data Required in a Final P.U.D. Plan:

Sheet size shall be 18" vertical by 24" horizontal with 1/2" border on the top, bottom, and right hand side, and 1-1/2" border on the left side. If a Preliminary P.U.D. Plan has been approved, 8 folded copies of the Final P.U.D. Plan shall be submitted. If a Preliminary P.U.D. Plan shall has not been submitted, 20 copies (minimum) of the Final P.U.D. Plan shall be submitted. After review, the Department of Planning and Development shall notify the applicant when the original, sepias, mylars, and additional prints are needed:

- 1. Cover Sheet:
 - a. The cover sheet shall contain the same information as required for the Preliminary P.U.D. Plan (3.530 (1)) except the word "Final" shall be substituted for the word "Preliminary."

- 1b. If a Preliminary P.U.D. Plan has been approved, the recording File No., Map No., and Reception No. shall be noted on the Final P.U.D. Plan as follows:

The Preliminary P.U.D. Plan for (name of P.U.D.)
was recorded on Date File No. , Map No. , Reception No.

2. Detailed Site Plan:

- a. Title
- b. North arrow
- c. Scale (written and graphic). The scale may be 1" = 20', 1" = 50', 1" = 100', 1" = 200'
- d. Actual building location and setbacks indicated by the actual building perimeters. The square footage total of each building or number of units shall be indicated within each building outline.
- e. Detailed parking plans showing the type of paving, exact area, location, and number of all parking spaces.
- f. Detailed landscaping plans showing the exact location of all plant material. A separate block chart on the same sheet shall show the type of species, number to be planted, and size of the plant material. The chart shall be keyed to the landscape plan. Representative details may be used for areas utilizing such features as railroad ties, decorative fencing, rock or stone, earthworks, and similar materials. Irrigation systems are required and shall be shown, described, and keyed to the landscape plan.
- g. Detailed scale drawings of all signs, indicating the kinds of materials and showing all faces to be used on the site, including directional and informational signs.
- h. Scaled building elevations for each structure showing front, side, and rear views. Typical floor plans are required for residential structures.
- i. A material list indicating the type of construction materials shall be included on the elevation sheet.
- j. Location of any other above ground features such as fencing or utility service areas.
- k. Any additional information pertinent to the site design. All sheets shall be numbered sequentially in the upper right hand corner: of .

3.550 Approval:

1. When a Preliminary P.U.D. Plan has not been filed, the Planning Commission and the Board of County Commissioners may approve the Final P.U.D. Plan if they determine:
 - a. That the Final P.U.D. Plan is in substantial compliance with the approved Preliminary Plan (if applicable.)
 - b. That the Final P.U.D. Plan has complied with all other applicable standards of Adams County.
2. If approved, the Final P.U.D. Plan shall be filed, recorded, and building permits may be issued subject to all requirements or conditions. A recording fee shall be charged in accordance with State Law.

3. If disapproved, the applicant shall be notified in writing, detailing the grounds on which the Plan was denied. The applicant may either submit a revised Final P.U.D. Plan which is in conformance with the approved Preliminary P.U.D. Plan (correcting those reasons for denial) or apply for an amendment to the Preliminary P.U.D. Plan.

3.560 Amendment to a P.U.D. Plan:

1. Amendments to existing Preliminary or Final P.U.D. Plans shall be considered by both the Planning Commission and the Board of County Commissioners.
2. The applicant shall submit a completed and signed land use application and 20 copies (minimum) of the proposed amendment on 18" vertical and 24" horizontal sheets, using the appropriate borders. The Cover Sheet shall contain:
 - a. Title of the P.U.D.
 - b. Dates when the Preliminary/Final P.U.D. Plans were recorded and the particular File, Map, and Page Nos. (see Section 3.540(1)(c)).
 - c. Legal description.
 - d. Certificate of Ownership as indicated in 3.530(1)(d).
 - e. Ownership acknowledgment as indicated in 3.530(1)(e).
 - f. Planning Commission approval as indicated in 3.530(1)(f).
 - g. Board of County Commissioners approval as indicated in 3.530(1)(g).
 - h. Clerk and Recorder Certificate, File, Map, and Reception Nos. as indicated in 3.530 (1), (h) and (i)
 - i. The proposed amendment. The amendment shall be clearly indicated in a site plan and/or a written narrative explaining the change in the foregoing format.
 - j. All sheets shall be numbered sequentially in the upper right hand corner: _____ of _____.
 - k. If the proposed amendments are of such magnitude as to change the overall character of the P.U.D., the applicant shall be requested to re-apply for P.U.D. approval under Section 3.520. The applicant shall consult with the Planning and Development Department prior to re-applying.
3. After submittal to the Planning and Development Department, the Amendment request shall be scheduled not less than 15 days prior to the next available Planning Commission date. All persons who expressed concern at the Preliminary or Final P.U.D. Plan hearing before the Planning Commission shall be notified of the time, place, and reason for the Amendment hearing. The Planning Commission may recommend approval or denial or continue the request for up to 60 days. Any continuance past 60 days shall be with the approval of the applicant. If the Planning Commission does not act within 60 days, the request shall be forwarded to the Board of County Commissioners with a recommendation of denial.
4. After action by the Planning Commission, the amendment shall be scheduled before the Board of County Commissioners on the next available hearing date. If approved, the amendment shall be filed and recorded.

- 3.570 The Director of Planning and Development may approve slight modifications in location, size, use, design, appearance, parking areas, utility systems, landscaping heights of structures, fences, buildings, and other factors upon the showing that such modification is necessitated by engineering requirements, building requirements or other physical circumstances not foreseen at the time the Final P.U.D. Plan was approved, provided that such slight modification does not:**

1. Violate a specific standard, condition, or requirement of the Board of County Commissioners' approval of the Final P.U.D. Plan.
2. Change the character of the P.U.D. or substantially increase the intensity of use.
3. Substantially reduce the originally approved separation between buildings, setbacks from property lines, off-street parking and loading areas, driveway and walkway areas, or fencing.
4. Substantially increase external effects on adjacent property or increase internal problems of circulation, safety, and utilities.
5. Substantially decrease the common open space or recreation facilities in the area.
6. Substantially change the subject, size, lighting, or orientation of originally approved signs.

¹A \$100 processing fee shall be charged to defray the cost of review of the slight modification. The Director of Planning and Development shall notify the Board of County Commissioners in writing of any slight modification.

3.580 Disagreements between Developers and the Director of Planning and Development:

If the Developer disagrees with the Director of Planning and Development over the nature of a P.U.D. change and whether it should be considered as an Amendment or a Modification, the Director of Planning and Development shall schedule a meeting with the Board of County Commissioners, who shall make the final determination on the type of change.

²3.600 AVIATION ZONE, INTERNATIONAL AIRPORT CLEAR ZONE, AND AVIATION INFLUENCE AREA OVERLAY ZONE DISTRICT:

3.610 General Provisions:

3.611 Purpose: This section is intended to minimize exposure of residential and other land uses to aircraft noise, to minimize the risks to public safety, to minimize hazards to aviation users and those employed or residing in proximity to public aviation facilities, and to promote sound land use planning and zoning practices in lands influenced by aviation operations.

¹DECEMBER 1994

²JANUARY 1991

- 3.612 Intent: In consideration of the hazards to aircraft of uncontrolled land use in proximity to public aviation facilities, and in consideration of the noise, fumes, and other negative impacts of low-flying aircraft, and furthermore, in consideration that these influences and impacts vary in accordance with the proximity to runways, this Regulation establishes a hierarchy of restrictions dependent upon location of the land in relation to the aviation facility. In accordance with the potential hazards, these Regulations impose the strictest restrictions on land located closest to the aviation facility, and are less restrictive farther from the facility.
- 3.613 Applicability: This Regulation shall apply to all land within the unincorporated portions of Adams County located within a designated Aviation Influence Area (A.I.A.) Overlay Zone District surrounding public aviation facilities and heliports, as defined herein, and regulated by the Federal Aviation Administration. If a portion of a lot, parcel, or tract lies within the Aviation Zone, The International Airport Clear Zone, the A.I.A. Overlay Zone District, or one of the sub-areas described herein, these restrictions upon uses and structures apply to that portion of the lot, parcel or tract located within the Zone or Overlay Zone District subareas. For ease of enforcement, restriction area boundaries described herein are drawn to the nearest quarter section of land lying outside the A.I.A.. These areas are particularly described on the Official Adams County Zone District Map Series, as amended, and are recorded at the office of the Adams County Clerk and Recorder.

This Chapter applies to the excavation for, erection of, and construction of new buildings structures, and the conducting of uses on the land. It also applies to the reconstruction, remodeling or change of use of a building or structure; movement, or relocation of a building or structure to a new site or location; and to the addition or expansion of an existing building or structure. Changes, as itemized above, to existing buildings, structures, and uses conducted on the land which do not conform to the provisions of this Chapter must follow the provisions outlined in Chapter 5, Non-Conforming Conditions.

- 3.614 Exceptions: This Regulation does not apply to lawfully constructed buildings, structures, and uses conducted on the land in existence at the effective date of this Regulation, except as stipulated under the non-conforming provisions of this Regulation. In addition, this Chapter does not apply to future construction of a structure or building, or future use in accordance with a formally approved Site Specific Development Plan or Building Permit issued by the County and effective at the commencement of construction. Uses allowed by approved Subdivision Plats and Site Plans, but not conducted prior to the adoption of this Regulation must comply with the provisions outlined in Chapter 5, Non-Conforming Conditions.
- 3.615 Relationship to Other Regulations: The Aviation Zone and the International Airport Clear Zone are separate Zone Districts which establishes Uses by Right on the property used for aviation facilities or Clear Zone. Appropriate uses and structures are limited to those directly related to the operation of the aviation facility.

The Aviation Influence Area Overlay Zone District shall be administered as a supplemental Regulation on zoned land, including Planned Unit Developments, when the land is located in proximity to public airports or heliports. All land use restrictions associated with the underlying zone are in full force and effect, and the A.I.A. Overlay Zone District imposes additional restrictions on those of the underlying zone. In the case of overlapping or conflicting requirements, the most strict provisions shall apply. Figure 1 graphically illustrates the relationship of the Aviation Zone and the Overlay Zone.

- 3.616 Boundaries: These Regulations restrict the uses allowed on lands containing aviation facilities, and the uses of land surrounding aviation facilities. The boundaries of each are determined as cited below:

1. Aviation Zone: The boundaries of the Aviation Zone shall, at a minimum, encompass runways, clear zones, aprons, aviation related structures including terminals and hangars, and other aviation-related services and support facilities as depicted on the approved Airport Layout Plan. Minimum areas to be included within the Aviation Zone are illustrated in Figure 2, and the size of the area may vary according to the type of aviation facility. The Board of County Commissioners, following a review and recommendation for action by the Planning Commission, establishes the official boundary of the Aviation Zone at the time the aviation facility is zoned. Changes in the size of the Aviation Zone are reviewed through the Zone Map Amendment process as itemized in Chapter 6 herein.
2. The International Airport Clear Zone: The area boundaries of this Zone District are limited to those areas described in exhibit 'A' in article IV entitled "Annexation and Land Acquisition", A part of the Adams County/Denver Intergovernmental Agreement on a new Airport signed and dated 21 April 1988.
3. A.I.A. Overlay Zone District: The limit of the A.I.A. Overlay Zone District is the A.I.A. boundary. This boundary shall at a minimum encompass the limits of the Aviation Zone, the International Airport Clear Zone, if applicable, and the Noise and Height Overlays described herein, but may be larger in order to fulfill the purpose and intent of this Section. The boundary of the A.I.A. Overlay Zone District shall be determined as outlined below at the hearing concerning the Zone Map Amendment held for the establishment of the aviation facility by the Adams County Board of Commissioners following a review and recommendation for action by the Planning Commission. Changes in the size of the Aviation Overlay Zone District are reviewed through the Zone Map Amendment process as itemized in Chapter 6 herein.
 - a. Noise Overlay: This area includes all land heavily impacted by the noise created by low-flying aircraft, and lying within the 60 Ldn or greater noise contour Area. The extent of this area shall be determined based upon the measurements of sound computed by the methods contained in Title 14 of the Code of Federal Regulations, Subchapter I, Federal Aviation Regulations (F.A.R., hereafter) Part 150, "Airport Noise Compatibility Planning". These computations shall be based upon the fleet mix which forms the "worst case scenario" for the type and volume of aircraft activity proposed at full build-out of the facility. The geographic extent of the noise overlay for each aviation facility affecting Adams County will be drawn to the nearest quarter-section of land lying outside the noise overlay as illustrated on the Adams County Zoning Map. These maps are available for review at the Adams County Planning and Development office, and at the office of the Adams County Clerk and Recorder.
 - b. Height Overlay: This area includes all land where the height of structures, or natural features may obstruct or otherwise influence aviation activities. The extent of this area is determined by applying the standards and criteria listed in Title 14 of the Code of Federal Regulations, Subchapter E, F.A.R. Part 77 entitled "Objects Affecting Navigable Airspace". Figure 3 illustrates how the geographic extent of the navigable airspace is determined. The geographic extent of the height overlay for each aviation facility affecting Adams County will be drawn to the nearest quarter-section of land lying outside the height overlay as illustrated on the Adams County Zoning Map. The maps are available for review at the Planning and Development Office, and at the office of the Adams County Clerk and Recorder.

3.620 AIA Overlay Zone - Use Restrictions:

The following restrictions upon use shall apply to lands within the A.I.A. and it's various sub-areas. All site development requirements itemized elsewhere in this Regulation will be in full force and effect.

3.621 Aviation Zone: This area is devoted to those non-residential land uses most directly associated with aviation operations. Allowed uses must adhere to the Performance Standards listed below. Adherence to these standards will be determined by the Director of Planning and Development, and this determination will be based upon a description of the uses on the land, and of any proposed buildings or structures as submitted by the applicant.

1. Uses by Right:

- a. Runways, taxiways, take off and landing areas, aprons, clear zones, and; aircraft tie-down areas;
- b. Air passenger terminal buildings, hangars, and air traffic control facilities;
- c. Noise and weather monitoring devices, navigational aids;
- d. Aircraft sales, repair, service, storage;
- e. Training schools relating to aircraft operations and service work;
- f. Support facilities essential for aviation operations such as fuel storage, hangar use, and associated offices;
- g. Flight kitchens and related facilities;
- h. Air cargo terminals and freight forwarding facilities;
- i. Public and quasi-governmental buildings, structures, and uses essential to the health, safety, and welfare of the area including fire stations, pump stations, water tanks, and public utility facilities;
- j. Parking areas for employees and passengers;
- k. Snack shops, restaurants, and lounges for airport clientele;
- l. Ground transportation facilities such as taxi and bus terminals;
- m. Retail and personal service outlets catering to aviation passengers and employees;
- n. Farming, grazing, and open space;
- o. Underground fuel tanks;
- p. Accessory outside storage of non-hazardous materials not to exceed 10% of the building area;
- q. Other non-residential uses as determined by the Director of Planning and Development to directly depend and associate with aviation operations.
- r. Aviation related manufacturing and distribution uses which meet the following performance standards as determined by the Director of Planning and Development:

1. The activity does not involve the generation or storage of animal, vegetable, or other wastes which attract insects, rodents, or birds, or otherwise create a hazard to aircraft operations.
2. The activity does not emit smoke, fly ash, dust, vapor, gases, or other forms of air pollution that would interfere with the safe operation of aircraft, or that may conflict with present or planned operations of the airport; and
3. The activity does not involve water impoundments, solid waste disposal, or other uses which attract birds or other animal species that may present a hazard to aircraft operations.
4. The activity does not emit glaring light or employ highly reflective surfaces which interfere with a pilot's ability to locate runways or landing pads;
5. The activity does not create electronic interference with communications among aviators and ground control personnel;
6. Accessory storage shall be enclosed and concealed by a 6' to 8' closed fence which prevents views of the interior. Screen fencing shall be maintained in an attractive condition. Fencing material shall be approved in advance by the Planning and Development Department so as to be attractive to the area. Accessory outside storage shall not exceed the height of the fence, except for operable vehicles, trailers, and other equipment designed to be towed or lifted as a single component.

2. General Requirements:

The following requirements are applied in conjunction with the noise and height restrictions itemized herein, as well as those requirements specified by the Federal Aviation Administration.

- a. Minimum Lot Size: Airport: 40 acres; Heliport: 2 acres.
- b. Minimum Setbacks from property lines for Airport Runways, Taxi-ways, and Related Facilities:

All facilities must be located to maintain a minimum of 700 feet between the centerline of the runway or taxiway and the perimeter property line.

- c. Minimum Setbacks from property lines for Helicopter Take Off and Landing Areas:

Front: 300 feet;
Side: 300 feet;
Rear: 300 feet.

- d. Minimum distance to nearest existing residential uses and structures: 1,000 feet.

- e. Minimum Building Setback:

Front: 50' local street; 75' collector or arterial streets, or state highways.

Side: 15'; (50' from local street on corner lot, 75' on collector or arterial streets or state highways.)
Rear: 15'.

- f. Maximum Building Height:
100 feet (or as restricted by FAA requirements)
Air Traffic Control Towers and Navigational Aids are exempt from these height restrictions but will be subject to FAA height restrictions.
- ¹g. Fencing:
A perimeter fence 60 inches or taller shall be erected to surround the Aviation Zone.

3.622 International Airport Clear Zone: This area is devoted to those uses identified in Article IV of the Intergovernmental Agreement on a New Airport. Allowed uses must adhere to the performance standards listed below. Adherence to these standards will be determined by the Director of Planning and Development, and this determination will be based on a description of the uses on the land, and of any proposed building or structures as submitted by the applicant.

1. Uses by Right:

- a. Installation, Operation, or Maintenance of Navigation or other aids used by aircraft for landing at or taking off from the New Airport;
- b. Installation, Operation, or Maintenance of Aviation-Related Weather Reporting Equipment;
- c. Installation, Operation, or Maintenance of Noise Monitoring Equipment;
- d. Installation, Operation, or Maintenance of other equipment required by the FAA for the safe operation of the New Airport;
- e. Easements to permit Public Rights-of-Way for roads and trails;
- f. Passive uses.

2. Performance Standards:

- a. No road or trail may be closer than 2700 feet from the end of any runway;
- b. Uses may not interfere with airport operations, nor interfere with aerial approaches.

3.623 Noise Overlay: Areas included within the Noise Overlay are subjected to noise levels of such duration and frequency that they constitute a nuisance to residential and associated uses. In light of the associated hazards the following restrictions apply:

1. Development Restrictions:

- a. New residential Zonings are prohibited;
- b. One single family dwelling may be constructed per lot or parcel in existence at the effective date of these Regulations, or as may be created per Article 28, Title 30, Section 101 (10) of the Colorado Revised Statues, as amended. These residences must conform to the performance standards listed below;

- c. Existing residential uses may continue, but may be limited by the restrictions itemized in the non-conforming use, Chapter 5 herein;
 - d. Residential uses that are allowed in accordance with a formally approved Site Specific Development Plan, or Building Permit effective at the time of commencing construction may be allowed if the use conforms with the performance standards listed below;
 - e. Institutions and areas of public assembly are prohibited. Examples of these uses include, but are not limited to: schools, hospitals, rest or nursing homes, day-care centers, churches, and outdoor amphitheatres;
 - f. Permitted office, commercial, non-residential structures, including hotels and motels, and industrial uses may be allowed pending conformance with the performance standards listed below;
 - g. Height restrictions as itemized below in item Section 3.624, shall apply to lands within the Noise Overlay District;
 - h. All provisions associated with the underlying zone shall be in full force and effect.
2. General Requirements:
- a. The General Requirements of the Noise Overlay are the same as those of the underlying Zone District(s), and are described in Chapter three (3) of this Regulation.
 - 2b. A signed " Aircraft Activity Covenant with Disclosure" must be filed prior to issuance of a building permit.
3. Performance Standards for Non-conforming Residential and Commercial and Industrial structures: The Performance standards listed below are in addition to those cited in Chapters Three (3) and Four (4) herein.
- a. Those residential uses allowed in accordance with the provisions cited herein must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB on the A-weighted scale;
 - b. The portions of the commercial or industrial structures devoted to office uses, or occupied by members of the public must incorporate noise level reduction measures sufficient to achieve an interior noise level of 45 dB on the A-weighted scale. The noise reduction measures cited above are described in Chapter 35 of the Appendix of the Uniform Building Code, and as adopted by Adams County. Assurance that these measures have been incorporated into the structure is illustrated by submission of noise reduction plans certified by a registered professional engineer at the time of application for a building permit, and implemented prior to issuance of a Certificate of Occupancy;
 - c. Uses must not produce steam, smoke, or otherwise pose a hazard to aviators;
 - d. Uses must not emit glaring light or employ highly reflective surfaces which may impair the visibility of aviators, nor shall the use create interference with the electronic communication among aviators and ground control;

- e. Uses must lack the potential of attracting birds and other wildlife species which may pose a hazard to flight operations.

Adherence to these standards will be determined by the Director of Planning and Development, and this determination will be based upon a description of the uses on the land, and of any proposed buildings or structures as submitted by the applicant. Information received from the Authority or Manager of the affected aviation facility also may be utilized in this determination.

3.624 Height Overlay: This area is characterized by frequent overflights by aircraft flying low to the ground upon an approach to landing, upon take-off, or operating in a traffic pattern at an aviation facility. Not only do the hazards of noise, particulates, and odors exist as in the entire A.I.A., but the location of natural and man-made objects may create severe hazards to aviation and must be regulated accordingly.

1. Development Restrictions:

- a. Applicants requesting zone changes, conditional uses, temporary and Special Uses, certificates of designation, site plans, site specific development plans, and building permits must complete an FAA aeronautical study on obstructions to determine the existence of a hazard to Air Navigation. If no hazard is determined, the proposed development may proceed, pending compliance with other County requirements. If a hazard to air navigation is found to exist by the FAA, then:
 - 1. The applicant is encouraged to alter the proposal in a manner which does not present a hazard to air navigation;
 - 2. If alternatives designs or locations which do not pose a compelling reasons exist to allow this use, structure, or building within the height overlay Zone District, the County will prepare Findings of Fact, to be entered in the application record by the appropriate official, citing the reasons why the use is compatible with the intent of the Height Overlay Zone District. The Director or Manager of the pertinent aviation facility shall be notified of this procedure. Factors to consider in these findings include the importance of services provided by the proposed facility to the community, and the compatibility of the proposed use with the airport layout plan, and the Adams County Comprehensive Plan.
- b. Applicants for development proposals as described in Section 3.624 (1)(a). above will be required to fully document site elevations in relation to the F.A.R. Part 77 height restrictions. Documentation of site elevations shall consist of a topographic map of the site showing contours for every 5 feet of elevation change to illustrate the elevation above mean sea level; the location and height of any proposed buildings or structures, as well as natural features that impinge upon the Part 77 surfaces; and the elevation of the aviation facility affecting the applicant's property.
- c. Signed and recorded aviation easements will be required prior to issuance of a building permit.
- d. Landowners may be required to install, operate, and maintain, at the owner's expense, such markers and lights that may be necessary to indicate to flyers the presence of a hazard which affects the aviation facility. This marking and lighting requirement may also extend to objects of natural growth (trees, primarily) on site.
- e. Applications for zone changes, conditional uses, temporary and Special Uses, certificates of designation, site plans, and site specific development plans will be forwarded to the director of the aviation facility(ies) for review and comment concerning the impact of the proposal on aviation operations.

f. All provisions associated with the underlying zone shall be in full force and effect.

2. General Requirements:

The General Requirements of the Height Overlay are the same as those of the underlying Zone District(s), and are described in Chapter Three (3) of this Regulation.

3.630 Compliance:

No structure or land within the boundaries of the A.I.A. shall hereafter be constructed, located, extended, converted in use, or altered without full compliance with the terms of this section and other applicable Regulations. Administration and enforcement of these provisions shall proceed in accordance with the provisions outlined in Chapter 8 herein.

3.640 Severability:

If any of the provisions of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions for applications of the Chapter or Resolution.

3.700 FRONT RANGE AIRPORT INFLUENCE ZONE (AIZ):

3.710 Purpose:

It is the intent of this District to provide areas within the County suitable for the economical development and safe operation of air carrier and/or general aviation airports for public use without adversely affecting the activities upon surrounding properties. No public use airport may be constructed except within the Airport Influence Zone.

3.720 Preliminary Airport Influence Zone:

1. Upon selection of a site for a proposed public use airport, an airport sponsor shall make application through the Planning & Development Services Department for rezoning of the proposed site to Preliminary Airport Influence Zone under the provisions of Section 6.100.
2. This application shall be accompanied by the following based upon the best preliminary information available to the sponsor:
 - a. A map of the proposed site showing:
 1. Proposed boundaries of the airport influence zone.
 2. Existing structures, oil or gas wells, and other pertinent features.
 3. Proposed runway configurations.
 4. Proposed building areas on airport property.
 5. Topographic contour lines at intervals of 20 feet or less.
 6. Horizontal extent of proposed imaginary surfaces based on FAA Part 77.
 7. Section lines and numbers.
 8. Existing and proposed arterial transportation facilities, utility transmission lines, etc.
 - b. A complete meets and bounds description of the boundaries of the proposed zone.
 - c. Types of aircraft to be served by the proposed airport.
 - d. Projections of aircraft operations in ten-year increments.
 - e. Location map showing major thoroughfares, airports, and urban areas within a radius of 10 miles of the site.
 - f. A letter from the Federal Aviation Administration acknowledging receipt of a Notice of Landing Area Proposal for the proposed facility.
 - g. A narrative description of methods to be used in acquiring necessary land, airspace, and mineral interests and provisions for allowing mineral extraction where these interests are not to be acquired.
 - h. List of owners of property encompassed by the site and within one mile of the airport boundaries, including mineral interest owners.

- i. Other information requested by the Planning Director.
13. After designation of preliminary AIZ, the Planning Director, in his discretion, may suspend or postpone any requests for rezoning or conditional use within the designated area until after the application for the final AIZ has been either approved or disapproved by the Board of County Commissioners.
- a. The proposed development is allowed as a use by right by the zoning in existence prior to the establishment of the Preliminary Airport Influence Zone.
 - b. It has been determined to the satisfaction of the airport sponsor and the Planning Director that the proposed development will not adversely affect the future safe and efficient operation of the airport based upon the best existing information.
 - c. The failure to grant the applicant permission to proceed with the proposed development prior to the establishment of the Final Airport Influence Zone will cause him undue economic hardship which is not the result of actions taken by the applicant subsequent to establishment of the Preliminary Airport Influence Zone.
 - d. The owners sign an instrument to be filed of record which agrees to hold harmless all present and future owners of the airport from any damages resulting from the normal operations of the airport.

3.730 Final Airport Influence Zone:

- 1. Within 270 days of the designation of a Preliminary Airport Influence Zone, the airport sponsor shall submit an application to the Planning and Development Department for the final Airport Influence Zone designation.
- 2. The airport influence zone shall include the following areas.
 - a. The airport property.
 - b. All land contained within the 65 Ldn contours projected for 20 years after the airport beginning operation.
 - c. All land under the Imaginary Surfaces up to 150 feet above the Primary Surface.
 - d. Such other areas which should reasonably be included to allow sound planning of airport-related development.
- 3. This application shall be accompanied by the following documents meeting all requirements of FAA Advisory Circular 150/5070-6 and subsequent revisions where applicable.
 - a. Cover Sheet containing the following:
 - 1. Name of Airport.
 - 2. Area map showing all airports, major thoroughfares, areas of environmental significance, and other significant features within a 10 mile radius.
 - 3. Complete legal description based upon a survey performed within the last three months by a registered land surveyor of the airport property.
 - 4. Sponsor's Certificate as follows:

(Sponsor's Name) being sponsor of (Airport Name) located in the County of Adams, State of Colorado, hereby submit this Airport Influence Zone and agree to develop the Airport property shown hereon in accordance with the terms of this agreement.

5. The sponsor's signature(s) shall be acknowledged as follows:

County)
City)SS

The foregoing sponsor's certificate was acknowledged before me this _____ day
of _____, 19 _____.

Notary Public

My commission expires: _____

6. Planning Commission Approval shall be as follows:

Approved by the Adams County Planning Commission this
_____ day of _____, 19 _____

Chairman

7. Approval of the Board of County Commissioners; wording shall be as follows:

Board of County Commissioners Approval:

Approved by the Adams County Board of County Commissioners this _____ day
of _____, 19 _____

Chairman

8. Certificate of Clerk and Recorder; wording shall be as follows:

This Airport Influence Zone was filed for record in the office of the Adams County Clerk and Recorder in the State of Colorado at _____ m. on the _____ day of _____, 19 _____.

Clerk & Recorder

By: _____
Deputy

9. In the lower right hand corner of the cover sheet, the following shall appear:

File No. _____
Map No. _____
Reception No. _____.

- b. Airport Layout Plan
- c. Airport Building Area Plan as required by FAA Advisory Circular 150/5070-6.
- d. Airport Land Use Plan as required by FAA Advisory Circular 150/5070-6, and showing the boundaries of the airport Influence Zone and land uses for all land within the AIZ expressed as Adams County Zoning Districts or in terms of specific uses.
- e. Imaginary Surface Plan meeting requirements of Federal Aviation Regulations Part 77.

- f. Airport Master Plan Study meeting FAA requirements in Advisory Circular 150/5070-6.
 - g. A plan for allowing exploration for and extraction of subsurface minerals where the sponsor does not hold title to all mineral rights. This plan must include a map showing locations provided for oil and gas exploration and extraction.
 - h. Private sponsors shall provide a certified copy of warranty deed(s) to the airport property or fully executed sales contract(s) naming the airport sponsor as purchaser of said property.
 - i. Government jurisdictions, special Districts, and airport authorities sponsoring an airport shall provide a copy of warranty deeds conveying the airport property to the sponsor or a copy of a resolution by the governing body to acquire said property by eminent domain.
 - j. A letter from the regional office of the FAA indicating approval of the Airport Layout Plan and Master Plan.
4. The Cover Sheet, Airport Layout Plan, Airport Building Plan, and Airport Land Use Plan shall be submitted in the following form:
- 1 original, 3 clothback or linen or mylar copies, 3 sepia copies, 20 paper prints.

3.740 Approval Process:

- 1. Applications for both Preliminary AIZ and Final AIZ shall be heard and considered by the Planning Commission and Board of County Commissioners according to the provisions of Section 6.100.
- 2. Applications for AIZ designation may be approved by the Planning Commission and Board of County Commissioners if they determine:
 - a. That the location of a public use airport at the proposed site will provide public benefits which outweigh any adverse impacts created by the airport.
 - b. That the sponsors have adequately considered the adverse impacts of the airports, and have made all reasonable efforts to compensate adversely affected landowners and residents.
 - c. The land uses indicated on the Airport Building Plan and Airport Land Use Plan meet appropriate guidelines of the FAA, Environmental Protection Agency, and Department of Housing and Urban Development.
- 3. Upon approval of the Final AIZ by the Board of County Commissioners, the Cover Sheet, Airport Building Plan, and Airport Land Use Plan shall be filed with the Adams County Clerk and Recorder.

¹3.750 Land Development Within the Final AIZ:

- 1. The uses by right within the Final AIZ are shown as uses by right in the A-3 Zone District (Section 3.260), subject to FAA Regulations and restrictions imposed by the Airport Area Overlay Zone District.
- 2. Upon approval of the Final AIZ, no uses, other than those allowed by right, shall be permitted in the AIZ except in accordance with the Airport Layout Plan, Airport Building Plan, and Airport Land Use Plan.
- 3. All applications for permission to develop shall be submitted in accordance with Adams County Planned Unit Development procedures as outlined in Sections 3.520 and 3.530.

4. All proposed uses and building plans shall be subject to FAA Obstruction and Approach Zone Regulations (Part 77).

CHAPTER 4

DEVELOPMENT AND PERFORMANCE STANDARDS

4.100 GENERAL:

Provisions of this Chapter are of general and specific application to the districts and requirements described in Chapter 3. It is the intent of this Chapter to provide uniform standards that shall apply to the use of land and structures within all zone districts and to establish specific standards which only apply within specific zone districts and in specific situations.

4.200 EXCLUSIONS:

- 4.210 No junk, materials, wastes, or trash shall be removed from one parcel of property and disposed of by depositing upon another parcel of property or in the streets or public right-of-way except by being delivered to an authorized landfill site.
- 4.220 No junk or waste shall be stored outdoors, except in authorized zone districts.
- 4.230 No trash container, firewood, or other residential related storage shall be left in front of a dwelling or within the front setback for more than a 24 hour period and all trash containers shall be covered.
- 4.240 No vehicle in excess of one (1) ton factory rated capacity shall be kept, stored, or parked in Residential Districts, except while making normal deliveries, or as per Section 4.250. This shall include street cleaners, motor graders, and similar maintenance or construction equipment.
- 4.250 A combined total of two boats, boat trailers, travel trailers, trailers, campers, motor homes, stock cars, ski mobiles, or any other recreational vehicles or machines may be kept or stored outside in conjunction with a residence in residential, mobile home, and subdivided A-1 zoned districts where lots are greater than 3750 square feet and less than 1 acre in size; where lots are more than 1 acre and less than 2-1/2 acres, a total of 2 vehicles per acre up to no more than 5 vehicles may be allowed. Where recreation vehicles are stored on a trailer, it will be counted as 1 vehicle. No motor homes shall be occupied by guests longer than 1 month in conjunction with a residence.
- 4.260 No boat, boat trailer, travel trailer, tent trailer, horse trailer, stock car, motor home, tractor trailer, detached pick-up camper, or construction or road maintenance equipment shall be kept, stored, or parked on any public right-of-way for periods in excess of 24 hours.
- 4.270 The sale of any products from a temporary stand, motor vehicle, or trailer is prohibited, except by special or temporary use permit.
- 14.280 The outdoor parking of any inoperable vehicle, or unlicensed vehicle, or unused vehicle, other motor vehicle or trailer without a valid State Motor Vehicle Registration Certificate and (if required) a valid State Air Quality Control Emissions Certificate State Inspection Certificate, shall be prohibited, except where storage, sale, or rental of motor vehicles or trailers is allowed as a use by right or granted by special or Conditional Use permit.
- 4.290 The erection of any fence, tree, shrub, hedge or any object which obstructs the view of traffic, authorized traffic control devices, or otherwise constitutes a hazard to drivers or pedestrians shall not be permitted. This shall include corner lots within a triangle measured from a point of intersection of the lot lines abutting the streets for a distance of 50 feet along each such lot line, and in any other area so as to restrict the traffic view. Should said obstruction occur, the County Traffic Engineer shall send a letter requiring the owner of the property abutting the right-of-way to trim or remove within 10 days, at the owner's expense, any object which thus constitutes a traffic hazard.

4.300 STANDARDS:

4.310 Operation Standards:

¹4.311 Lighting: Lighting facilities shall be arranged and positioned so that no direct light or reflection creates a nuisance or hazard on any adjacent property or right-of-way, or make it difficult for pilots to distinguish airport lights from others, result in glare in the eyes of the pilots using an aviation facility, impair visibility in the vicinity of an aviation facility or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering or aircraft intending to use an aviation facility.

4.312 Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the property on which the use is located.

4.313 Noise: The maximum permissible sound pressure levels of any continuous source of sound shall be herein established for a time period and zoning district listed. Sound pressure levels shall be measured at the property line or boundary of a public right-of-way, at a height of at least four (4) feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network. Continuous sound shall mean a steady, fluctuating or impulsive noise which exists essentially without interruption for a period of 5 minutes or more, or for an accumulation of 15 minutes or more for any one hour period.

1. Permissible Sound Pressure Levels - DB(A)

Zone District	Day	Night
	7 am - 10 pm	10 pm - 7 am
A1 (unsubdivided), R1A, R1C, R2, R3 R4, MH, CO, C1, C2	55	50
C3, C4, C5, II	60	55
A3, A2, I2, I3	80	75
PUD (unless otherwise specified in PUD)	55	50

2. Construction activities - No person shall engage in construction activities in any subdivided A-1, residential, M.H., C-0, C-1, and C-2 district between the hours of 10 p. m. and 6 a. m. Construction projects shall be subject to the maximum permissible noise level specified for industrial districts. Construction activities directly connected with abatement of an emergency are excluded from the time restriction of this subsection.

3. Quiet Zone - The Board of County Commissioners may by resolution establish "quiet zones" prohibiting the creation of unnecessary noise which unduly interferes with the workings or unduly disturbs the residents or patients of a nursing home, hospital, school, or similar institutions provided conspicuous signs are displayed in adjacent, surrounding, or contiguous streets to such an institution indicating the restriction.

4.314 Dust and Debris Control:

1. The blowing of dirt, sand, or debris from one property to adjacent, or surrounding property, or right-of-way shall be prevented.

2. The prevention of blowing of dirt, sand, or debris may be accomplished by oiling, placement of base course, asphaltting, application of calcium chloride, watering and wetting down the area, installation of a snow fence or barrier, chiseling the ground, and/or other effective means.

- 14.315 Electromagnetic, Electrical Interference: No equipment shall be operated in such a manner as to adversely effect the operation of any off-premises electrical, radio or television equipment. Notwithstanding any other provision of this chapter. No use may be made of land or water within the county that will create electrical interference with navigational signals for radio communications between an aviation facility and aircraft.
- 4.316 Humidity, Heat, Glare, Smoke, or Radiation: Every use shall be so operated that it does not emit any offensive, harmful, hazardous, or annoying amount of heat, glare, humidity, smoke, or radiation at any point on any boundary line of the lot on which the use is located.
- 4.317 Odor: Every use shall be so operated so that it does not create a malodorous condition.

4.320 Minimum Standards for Moving Buildings or Structures:

- 4.321 No building or structure shall be moved into, within, or set down in the unincorporated area of Adams County or transported upon any public right-of-way within said area until a moving permit and a building permit have been obtained.
- 4.322 Buildings or structures proposed to be moved shall meet all the regulations of Adams County.
- 4.323 Buildings or structures proposed to be moved shall be compatible in size, structure, age, value, and general architectural design to the neighborhood in which they are proposed to be moved.
- 4.324 An application to move a building shall be accompanied by a pre-moving inspection fee of \$25. Upon approval from the Building Inspections Section of the pre-moving inspection, a building permit fee and moving permit fee shall be paid.

4.330 Other Standards:

- 4.331 Swimming Pools: A swimming pool may be permitted in any zone district as a private accessory use, subject to the following requirements:
1. No swimming pool shall be located in the front yard.
 2. All swimming pools shall be completely enclosed by a fence not less than 48" in height with no opening large enough to permit children to pass through other than gates or doors that are equipped with self-latching devices placed on the inside top of the gate. Such fence may enclose only the pool area, or a portion of the lot on which the pool is located for private pools; however, the pool area itself for a public or semi-public pool shall be enclosed.
 3. All pools existing at the time of passage of this regulation shall be completely enclosed as described above. The above provision shall not apply to wading pools with a maximum possible water depth of 20" or less.
- 4.332 Sidewalk Maintenance: The property owner of land abutting a constructed public right-of-way is responsible for construction and maintenance of curb, gutter, and sidewalk along the right-of-way abutting his property including snow removal for pedestrian access.
- 4.333 Fencing During Development: Land under development, where buildings are being constructed, may be surrounded by a chain link fence or solid wood fence a minimum of 72" and a maximum of 96" in height to include not more than 4 strands of barbed wire forming the top of the fence which may be placed at a 45° angle. The fence from top to bottom shall

be installed within or along the property lines of the development, surrounding it, and shall also conform to the traffic view requirements as specified in Section 4.290.

1. Gates into the fenced enclosure may be provided as needed, subject to approval of the County Traffic Engineer.
2. The fence surrounding a development shall be properly posted for emergency and trespassing purposes, and may exist during the period of construction for the project. It shall be removed with completion of the project and issuance of occupancy permits.

4.334 All utilities shall be installed underground except in unsubdivided agricultural zones.

¹4.335 Wind powered electric generators for domestic use are a use by right in all zone districts provided the following standards are met:

1. The height of the generator, including blades, must be no higher than 75% of the distance to any property line, or overhead electrical line, or 80 feet, whichever is less. Minimum height of blades above the ground shall be not less than 20 feet. The maximum height of the generator may be further restricted if located within the Aviation Influence Area Overlay District.
2. Only one such generator per property, and the generator serving the structure must be located on the same lot or parcel as the structure which it serves; joint use is not allowed.
3. Plans for foundations supporting the structure and all anchoring devices must meet the approval of the Building Inspections Section and be designed by a registered engineer.
4. Written approval required from utility supplier (Public Service Company, United Power Association, Inc., etc.) accepting method of disbursement of excess power.
5. Provide County with a copy of rider to owner's insurance showing coverage of liability.
6. Provide County with assurance from the manufacturer that safety features to mitigate the effects of high wind conditions have been designed for the particular generator.
7. Storage batteries, if applicable, shall be housed in accordance with the following standards:
 - a. The structure shall be accessory to, and detached from, the residence.
 - b. Adequate ventilation shall be provided in the structure to eliminate the accumulation of explosive gases.
8. Permitted noise levels shall not exceed those allowed in Section 4.313 of these Regulations.
9. The provision of Section 4.315 shall apply concerning electromagnetic or electrical interference on off premises electrical, radio and television equipment.
10. Exceptions from standards 1 or 2 above may be granted by the Board of County Commissioners upon a Conditional Use approval.

²4.336 Noise Barrier Fencing: Where existing and proposed arterial streets or State Highways traverse, or are adjacent to areas of proposed residential or commercial development, the Board of County Commissioners, pursuant to Section 8.240 of these Regulations, may

¹JANUARY 1991

²MARCH 1982

require as a condition for development of such sites, that noise barrier fencing be installed by the developer. Such fencing shall meet the minimum standards of the Colorado Department of Highways. Additional standards may be required by the Board of County Commissioners.

¹4.340 Amusement Center Conditional Use Permits:

An Amusement Center shall only be allowed in relevant zone districts (See Use Charts) provided that the operator obtains a Conditional Use Permit from the Board of County Commissioners.

4.341 Criteria for Conditional Use Permit for Amusement Center: The Board of County Commissioners shall consider, but not be limited to the following in making their decision:

1. No establishment of amusement will be permitted to operate within 500 feet of a public or private school serving students in the 12th grade or under.
2. The Commissioners may also consider safety standards, compatibility of surrounding zone uses, and the effect of the proposed establishment on the neighborhood.

4.342 Operation Standards for Amusement Centers:

1. Amusement establishments shall not be open to the public before 11:00 a. m. and not later than 11:00 p. m.
2. The owner of the premises shall maintain a full-time adult manager responsible for the premises during all hours of operation. In addition, the owner shall maintain one full-time security guard for every 20 coin operated amusement devices.
3. Any place of amusement or recreation which becomes the location of frequent or repeated violations of County regulations or public disturbance, shall be declared to be a nuisance and the Conditional Use Permit may be revoked by the Board of County Commissioners for said premises.

²4.350 Weeds and Offending Vegetation:

4.351 Definitions (The following words and phrases, when used in this article, shall have the meaning respectively ascribed to them):

- "Dangerous Trees" shall include those trees or their parts within the boundaries of any lot or open area which may be considered troublesome, a hindrance to the general public, or (which) in any way endanger the security and usefulness of any public street, highway, alley, sewer or sidewalk.
 - "Offending Vegetation" shall include that vegetation which violates the sections of this article.
 - "Open Area" shall mean any real property in single or joint ownership of a total area of five (5) acres or more.
 - "Owner (Occupant)" shall include any person who alone, jointly, or severally with others.
1. Has a legal, possessory or equitable interest in a dwelling unit, with or without accompanying actual possession thereof; or

¹AUGUST 1982

²NOVEMBER 1986

2. Acts as the agent of a person having a legal, possessory or equitable interest in a dwelling or dwelling unit thereof; or
3. Is the general representative or fiduciary of an estate through which a legal or equitable interest in a dwelling unit is administered.

- "Ownership" shall mean ownership of land which shall be deemed to extend from the center line of any abutting alley, to and including the curb and gutter area (or the edge of the improved roadway where there is no curb or gutter) of any abutting street of any such lot or tract of land.

4.352 Duty to Control Weeds:

1. It shall be the duty of every owner (occupant) to keep the weeds and offending vegetation on all premises cut to a height of not more than twelve (12) inches and any failure to do so shall be deemed a violation of this section. Provided, however, when weeds exceed the twelve-inch limitation, the owner or occupant shall cut them to a height of six (6) inches or less.
2. It shall be the duty of every owner or (occupant) of an open area, as that term is herein defined in Section 4.351 to cut, or destroy, or cause to be cut, or destroyed, all weeds in excess of twelve (12) inches in height growing thereon to a height of six (6) inches or less on property located within two hundred (200) feet of any developed area, dedicated street or existing thoroughfares.

4.353 Duty to Control Dangerous Trees:

1. It shall be the duty of every owner or occupant of a lot or open area to keep the trees on all premises trimmed to a clear height of twelve (12) feet above the surface of public streets, alleys or highways, and eight (8) feet above public sidewalks.
2. It shall be the duty of every owner or occupant of a lot or open area to correct the dangerous trees upon the lot or open area whose roots are causing interference with public sidewalks and sewers.
3. It shall be the duty of every owner or (occupant) of a lot or open area to correct any dangerous tree upon the lot and open area which may be considered troublesome, a hindrance to the general public, or which in any way endangers the security and usefulness of any public street, highway, aviation facility, alley, sewer or sidewalk.

14.354 Notice to Cut Weeds: In addition to any other violation or penalty provided for in this article, the Building Inspector, acting through Zoning Inspectors is hereby authorized to give written notice to the owner or occupant ordering the cutting of any weeds or offending vegetation which area in violation of section of this article to a height of no more than six inches. The notice shall indicate that the owner or (occupant) has seventeen (17) days from the transmission of this notice to bring his property in compliance with the provisions of this article.

4.355 Notice to Cut Trees: The Building Inspector, acting through the Zoning Inspectors, is hereby authorized to give written notice to the owner or occupant, ordering the cutting of dangerous trees which are in violation of Section 4.353 of this article to a height of twelve (12) feet above the surface of the street, alley, or highway and eight (8) feet above the surface of the sidewalks unobstructed by branches, and such owner or (occupant) or his agents shall not permit dead branches and stubs on such tree or trees which are or may become a menace to travelers on the public highway, streets, alleys, or sidewalks of the County to remain in the public right-of-way. The notice shall indicate that the owner or occupant has seventeen (17)

days from the transmission of this notice to bring the property in compliance with the provisions of this article. However, this requirement does not apply to trees on the County's right-of-way.

¹4.355.5 Notice to Cut or Mark trees located within the Aviation Influence Area Overlay District: The Chief Building Official, acting through the Zoning Inspectors, is hereby authorized to give written notice to the owner or occupant ordering the cutting, marketing, or lighting of trees (or allow the cutting, marking, or lighting of trees by another party) that intrude into the Aviation Influence Area Overlay District, and pose a hazard to flyers. This notice shall indicate that the owner or occupant had seventeen (17) days from the transmission of the notice to bring the property in compliance with the provisions of this article.

4.356 Non-compliance with Notice:

1. Action By County: If notice has been given to an owner or (occupant) pursuant to the terms of Section 4.354 or 4.355 and the violation continues to exist after the seventeen (17) days, the Environmental Compliance Agent shall be authorized to direct the appropriate County personnel to enter upon the owner's lot or open area to correct or cut such offending vegetation.
2. Employment of Private Individuals Compensation: Should County personnel be unavailable to carry out this function, the Zoning Administrator is furthermore authorized to employ private individuals to carry out the task of correcting or cutting such weeds or offending vegetation. Should the County be required to employ private individuals to engage in this activity, the County shall forthwith compensate such private individuals for their services.
3. Costs: The cost for correcting such violation, and any administrative costs in conjunction therewith, through either the services of County personnel or private individuals shall be recovered against the owner in accordance with the provisions of Section 4.357.
4. When Property is Deemed a Nuisance: If notice has been given one time to an owner pursuant to the terms of Section 4.354 and weeds or offending vegetation continues to exceed a height of more than twelve (12) inches at the time of each notice pursuant to the terms of Section 4.354 then the County shall have the authority to proceed in accordance with Section 4.356 without further notice to the property owner and costs shall attach as provided for in Section 4.357 of the 1980 Zoning Regulations for Adams County as amended.

4.357 Recovery of Costs and Creation of Lien:

1. Notification of Costs: Failure to Pay

The Building Inspector, using the appropriate filing form as supplied by the Director of Finance, shall notify in writing the owner of the cost of vegetation cutting if it is necessary for the County or its contractors to cut vegetation. Administrative costs shall be charged in the amount of 5% of the actual costs of weed control on behalf of said owner by the County. If the owner shall fail within thirty (30) days after the date of transmission of notification to pay the costs and expenses of cutting the weeds, or cutting of trees to the County Clerk, written notice shall issue that after 45 days the said costs and expenses shall become a lien against the property and the Director of Finance shall proceed to collect in the same manner as general property taxes are collected.

2. Amount: The amount certified by the Director of Finance for collection shall include the actual cost of cutting, or destroying of the weeds plus (5) percent.

3. Superiority of Lien: The liens created hereby shall be superior to all prior liens, regardless of date, except liens for general property taxes and special improvement district taxes.

¹4.358 Director of Finance to Collect:

Upon receipt of said assessment roll for control of offending vegetation, the Director of Finance of the County shall proceed to collect the amounts so assessed and certified against the property affected thereby in the same manner as the collection of general property taxes and the redemption thereof.

4.359 Establishment of Special Revenue Fund:

A special revenue fund is hereby established for control of offending vegetation and shall be expanded solely by the Department of Highways/Engineering for expenses related to the cutting and control of offending vegetation, in the County of Adams. All funds appropriate or transferred to this fund and any interest earnings of the fund, upon receipt, shall be considered appropriated and budgeted without further action by the Board of County Commissioners other than the passage of this section. Should, in any year, expenditures pursuant to this section fall short of the fund balance, the difference shall be carried over to the next subsequent year and shall not be permitted to lapse. Those funds collected from the property owners under the provisions of Section 4.357 shall be deposited in this fund.

²4.370 **Transfer Station Conditional Use Permit**

Solid Waste Transfer Stations may only be allowed in I-2 and I-3 Zone Districts provided that the owner or operator obtains a Conditional Use Permit from the Board of County Commissioners.

- 4.371 Applicants for a Conditional Use Permit to operate a trash transfer station must first submit an operation plan to Adams County. The operation plan will be forwarded to the Solid Waste Unit, Colorado Department of Public Health and Environment (CDPH&E) for technical review, comment, and determination pursuant to Section 7, 6 CCR 1007-2. CDPH&E will be afforded a 90 working day period in which to respond. State determination shall be included as a Finding of Fact in the Staff Report for the Conditional Use Permit.

- 4.372 Materials required for application for permit in addition to the operation plan required in Section 4.371:

1. Application review fee in accordance with the provisions outlined in Section 6.113 of the Adams County Zoning Regulations.
2. Traffic impact analysis, including the type and number of daily truck trips, and major haul routes, to be prepared in accordance with the guidelines set by the County Engineering Section.
3. Traffic control plan
4. Site plan showing all drainage features, buildings, stockpiling, temporary waste storage areas, washing areas, buildings, roadways, parking, and all other pertinent features
5. Drainage plan.
6. Hours of operation.
7. Estimated life of the operation and proposed after-use for the site.

¹NOVEMBER 1986

²MAY 1999

8. Provisions to minimize nuisance conditions on site such as those described in Section 4.310 of the Adams County Zoning Regulations.
 9. Fire protection plan, including all elements of the waste acceptance procedure plan (Section 4.372 (14)), reviewed and approved by the local fire protection district.
 10. Proof of adequate water supply and adequate provision for wastewater management.
 11. Plans which can be put into effect should water contamination occur or when nuisance conditions are confirmed on or off-site
 12. Signage plan to clearly mark entrance to site, provide name and phone number of operator, list types of material accepted, schedule of charges, and any other necessary information.
 13. Daily quantities and types of waste to be processed through the facility
 14. Waste acceptance procedure plan, to include list of wastes that will not be accepted at the facility and procedures to be used for detecting, characterizing, storing, and properly disposing of unacceptable wastes that are intentionally or inadvertently brought to the facility. .
 15. Names and addresses of property owners within 1,000 feet of the property boundary in urban areas or within one half mile in agricultural areas.
 16. Closure plan.
 17. Health and safety plan for transfer station employees to be reviewed by Tri-County Health Department
- 4.373 Criteria for Conditional Use Permit for Solid Waste Transfer Station: The Board of County Commissioners shall consider, but not be limited to the following in making their decision:
1. That for the benefit of Adams County there is a need for the facility.
 2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
 3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
 4. The proposed facility will not cause significant traffic congestion or traffic hazards.
 5. The request is compatible with the surrounding area.
 6. The site is accessible to Adams County residents and other potential users.
 7. The site will not impact health and welfare of the community based upon specific facility design and operating procedures.
- 4.374 Operating and Performance Standards:
1. Operators shall remove trash, or other waste material, of the type which is brought to the transfer station, along all public rights-of-way within one half mile of the facility.

2. Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with operating conditions of the Permit, the amount of which shall be established by the Board of County Commissioners. Should any corrective actions be required by the County in order to protect the public health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams county involved in such corrective actions.
 3. Prior to commencing operations, and thereafter during the active life of the facility, and for five years after closure, the operator shall post a bond sufficient to ensure compliance with the closure plan, and to effect remedial measures if environmental damage is found to be taking place.
 4. Provisions of the approved traffic control plan shall be followed.
 5. Six to eight foot solid screen fence or other screening material as approved by the Director of Planning and Development shall enclose all transfer stations.
 6. Maintain a clean, neat and orderly appearance of site.
 7. Litter, dust, and odors may not leave the boundaries of the site.
 8. Transfer vehicles may not be parked on public streets.
 9. Maintain vector controls as prescribed by the approved plan.
 - 10 All solid wastes not transferred within 24 hours must be stored in closed containers or in totally enclosed buildings. In no case may solid waste be stored longer than 7 days.
 11. Colorado Department of Public Health and Environment Regulations 6 CCR 1007-2, Section 7, are hereby incorporated in these Zoning Regulations.
- 4.375 All trash transfer stations in existence, or approved through a public hearing process specifically to operate a trash transfer station, prior to the adoption of this amendment, are considered legally non-conforming. Existing trash transfer stations' owners and operators meeting that specification will not be required under these regulations to obtain a Conditional Use Permit to continue operations. Existing trash transfer stations meeting the requirements of this Section 4.375 shall conform to the following subparagraphs in Section 4.374, Operating and Performance Standards: (1), (4), (5), (6), (7), (8), (9), and (10).

4.400 DRAINAGE:

4.410 Development Design:

All developments shall be designed and constructed such that the 100 year (1%) and more frequency storms are retained within the development and released at no more than the natural historic rate for the frequency of the storm. All drainage plans are subject to approval of the Director of Public Works and may be required for any building or other permit. Structures intended for human habitation or occupation shall be designed and constructed such that the 1st floor or window wells of a waterproof basement are 2 feet above the natural water level for the area during a 100 year storm.

4.420 Areas Subject to Flooding:

In cases where the Director of Planning and Development feels that there is a reasonable expectation that land is within the 100 year flood plain of a watercourse regardless of the zoning (subject to

submission and acceptance of competent proof by a qualified registered engineer to the contrary), the provisions of the Flood Control Overlay zone shall apply.

14.500 SOLID AND HAZARDOUS WASTE DISPOSAL SITES AND/OR PROCESSING FACILITIES (CERTIFICATE OF DESIGNATION):

1. Purpose and Intent:

- a. The purpose of this Section is to establish standards for permitting, operations, and revocation of permits, if necessary, of waste disposal sites to assure health and safety of the community and to assure land use compatibility of such activities with surrounding, existing and planned uses as allowed and under the authority granted by State Statutes. Such authority is granted by 30-20-101 et seq. CRS for Solid Waste Disposal Sites and Facilities and 25-15-101 et. seq. and 201 et. seq. CRS for hazardous waste disposal sites and facilities. A public or private nonhazardous or Hazardous Waste Disposal Site and/or processing Facility shall only be allowed in relevant zone districts (see use charts in Chapter 3 of this Regulation) provided that the operator obtains a Certificate of Designation from the Board of County Commissioners.
- b. The permitting process for nonhazardous facilities includes a public hearing to determine Preliminary Findings of Fact regarding land use compatibility impact and other siting impacts. It is the intent of this step in the permitting process to indicate to the applicant whether a particular site is an appropriate location for a waste disposal site or facility prior to development of a complete technical plan and review of the technical plan by the Colorado Department of Health in order to limit the applicant's liability for investment in technical data for an application submittal.
- c. It is also the purpose of this section to coordinate review, approval, and monitoring of such facilities with the Colorado Department of Health which shares authority with Adams County in these matters.

2. Contents of the Section:

- 4.530 Operations and Activities Requiring a Certificate of Designation
- 4.540 Definitions
- 4.550 Permitting Process
- 4.560 Materials Required for Application for Permit
- 4.550 Criteria for Review and Approval
- 4.560 Operating and Performance Standards for Certificates of Designation.
- 4.570 Duration of Certificate of Designation
- 4.580 Amendments and Changes to a Certificate of Designation
- 4.590 Enforcement Provisions

4.510 Operations and Activities Requiring a Certificate of Designation:

4.511 Certificates of Designation shall be required for all of the following:

1. Sites and facilities where the collection, storage, treatment, utilization, processing, and/or final disposal of solid wastes occurs except as specifically exempted in Section 4.512.
2. Infectious waste treatment facilities.
3. Hazardous waste disposal sites.
4. Waste impoundment operations.

5. Commercial composting operations.
 6. Construction and Demolition landfills.
 7. Other sites or facilities not specifically mentioned herein as may be required by 30-20-101 et. seq. CRS, or 25-15-101 et. seq. and 201 et. seq. CRS.
- 4.512 Specifically excluded from this requirement are:
1. Wastewater treatment plants.
 2. Facilities operated for the sole purpose of reclaiming or recycling metal, glass, plastics, paper or cloth.
 3. Inert material landfills.
 14. Transfer station. Transfer Stations shall obtain a permit issued in accordance with procedures under Section 6.200 and shall meet standards as specified in Section 4.374.
 5. Hazardous waste treatment facilities, as defined in CRS 25-15-200.3(4) (a), at which waste disposal activities do not take place.
 6. Facilities permitted under the Resource Conservation Recovery Act, Part B, as administered by the Colorado Department of Health, are not required to get a Certificate of Designation for management of nonhazardous waste.
 7. Other exceptions as specified in 30-20-102, CRS, or 25-15-201, CRS
- 4.513 No waste disposal site and/or processing facility as described in Section 4.511 may operate without a Certificate of Designation.

²4.520 Definitions:

1. "Autoclave" means a pressurized, steam heated vessel used for sterilization. When used as a verb the term means the process of sterilization accomplished through the use of such a vessel.
2. "Demolition and Construction Debris Landfill" is a disposal site for metal, plastic, glass, concrete, asphalt, brick, wood, dirt, and limited amounts of paper products if such paper is an integral part of materials used for construction purposes.
3. "Hazardous Waste" means any material so defined in 25-15-101 (9), CRS
4. "Hazardous Waste Disposal Site" means any disposal site as defined in 25-15-200.3 (5) CRS
5. "Inert material" as defined in 25-15-101 (14) CRS which includes non-water soluble and non-putrescible solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids, in accordance with the rules and regulations of the Colorado Department of Health. The term includes, but is not limited to, earth, sand, gravel, rock, concrete (which has been in a hardened state for at least sixty days), masonry, asphalt paving fragments which are not located in the water table, and other inert solids including those the Colorado Department of Health may identify by regulation. Street sweepings from street cleaning machines are not considered inert material and are instead considered solid waste.

¹ MAY 1999

² AUGUST 1991

6. "Infectious Waste" means any material as defined in 25-15-402 (1) CRS. This includes waste capable of producing an infectious disease and requires the consideration of certain factors as described in State Statutes necessary for induction of disease. Generally, the waste must contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in disease.
7. "Sanitary Landfill" is a disposal site for solid waste in which the waste is spread in layers, compacted, and covered with soil or other suitable material at the end of each day of operation.
8. "Significant Change" means a change consisting of or relating to the essential nature, fundamental or characteristic part or quality of the approved Certificate of Designation. See Section 4.581 (2) (B) for more specific information and description.
9. "Solid Waste" means any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial or commercial operations or from community activities. "Solid Waste" does not include any solid or dissolved materials in domestic sewage, or agricultural wastes, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under the provisions of the "Colorado Water Quality Control Act," Article 8 of Title 25, CRS or materials handled at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25, CRS.
10. "Solid Waste Disposal Site and Facility" means the location and/or facility at which the deposit and final treatment of solid wastes occur.
11. "Transfer Station" means a facility at which waste material is stored on an interim basis (less than 7 days) while awaiting transportation to a final disposal or treatment site. The waste is generally brought in on one type of collection vehicle and transferred to a larger vehicle at such a site.
12. "Waste Impoundment" means any pit, pond, lagoon, trench, or basin used for the storage, treatment, or disposal of solid waste.
13. "Waste Processing Facility" means a site or structure in which waste materials are collected, stored on a temporary basis, separated by material, compacted and/or treated in preparation for some use or for shipment to a final disposal or additional treatment site. Such facilities may include, but are not limited to: transfer stations; operations where sorting, crushing, grinding, chipping, and baling occur; sterilizers, incinerators, and composting operations. Disposal, intentional or not, is not permitted at such a facility unless the disposal activity is separately addressed in a permit.
14. In addition, all of the definitions listed in 30-20-101 CRS and the regulations promulgated pursuant to the Solid Waste Disposal Sites and Facilities Act, and 25-15-101, CRS and the Colorado Hazardous Waste Regulations as promulgated by the Colorado Department of Health are hereby incorporated in these regulations.

24.530 Permitting Process:

4.531 Permitting Procedure for Certificate of Designation for nonhazardous waste disposal sites and/or processing facilities:

1. Preapplication Conference:

¹ MAY 1999
² AUGUST 1991
AUGUST 1991

A pre-application conference with a staff member of the Department of Planning and Development is required. At such a meeting the applicant shall provide basic information as to site location, type of operation, duration of operation, and intended reclamation (if applicable). The purpose of the conference is to allow Staff to advise the applicant as to policies and procedures of Adams County regarding the proposal.

2. Public Hearings to determine Preliminary Findings of Fact regarding Land Use Compatibility and Siting Impact Issues of a proposal:

- a. The applicant will submit an application for Certificate of Designation with information necessary to evaluate land use compatibility and other siting impact issues as described in Section 4.541. Public hearings before the Planning Commission and Board of County Commissioners will be scheduled when the information is complete.
- b. Submitted information will be referred by staff to relevant agencies for review and comment for a minimum of 35 days prior to public hearing.
- c. Notice of the public hearings to determine Preliminary Findings of Fact regarding land use compatibility and other siting issues of a proposal shall be published in a newspaper having general circulation in the County at least ten days, but not more than thirty days, prior to the date of the first public hearing. Notice shall contain the date, time and place of the public hearings and shall state that the matter to be considered is the applicant's proposal for the specific type of waste disposal site or facility.
- d. The property shall be posted with a sign containing the same information as required in the newspaper publication at least ten days prior to the first public hearing.
- e. Property owners within 1,500 feet in urban areas or within one mile in agricultural areas, at a minimum, shall be given notice by mail. The boundary area of the direct mail notification area may be expanded to a reasonable area related to potential impacts of the facility by the Director of Planning and Development to ensure adequate public notice.
- f. This notice provision to nearby property owners and posting of the property is intended to provide reasonable notice to the general public and adjacent property owners who may have some concern regarding the subject property. Failure of a property owner to receive a mailed notice, or failure of the sign to remain in place on the property, will not necessitate the delay of a public hearing by the Planning Commission or Board of County Commissioners, and shall not be regarded as constituting inadequate notice.
- g. The Planning Commission shall conduct a Preliminary Fact Finding public hearing at the published time and location, and consider all relevant evidence regarding land use compatibility and site impacts concerning the application. This hearing shall include, but not be limited to, information of the impact on the surrounding land uses, access and traffic impact, conformance with requirements of the Adams County Zoning and Subdivision Regulations, and conformance with policies of the Adams County Comprehensive Plan. At such hearing, the Planning Commission shall forward a recommendation in the form of recommended Findings of Fact, to the Board of County Commissioners as to whether or not the proposed land use is in accordance with the criteria listed in Section 4.551 (1), (2), (4), (5), and (6).
- h. The Board of County Commissioners shall conduct a Preliminary Fact Finding public hearing at the published time and location, and consider all relevant evidence

regarding land use compatibility and site impacts concerning the application. If the Board of County Commissioners finds that the proposed land use is not in accordance with the criteria listed in Section 4.551 (1), (2),(4), (5), or (6) it shall make a finding of fact and such findings may be the basis of a denial at future hearings should the applicant wish to proceed with the remainder of the permitting process.

3. Public Hearings to review the Operations Plan and Technical Report and determination as to whether the Certificate of Designation shall be granted:

Following the determination of Findings of Fact regarding land use compatibility and siting impact issues of a proposal by the Board of County Commissioners, the operations plan and technical report described in Section 4.542 shall be submitted to the Department of Planning and Development no later than 180 days following the date of the public hearing determining Preliminary Findings of Fact by the Board of County Commissioners, unless a longer time period is approved in writing by the Director of Planning and Development.

- a. Staff shall immediately refer 5 copies of the operations plan and technical report to the Colorado Department of Health for a recommendation of approval or disapproval. Two copies of the plan shall also be referred to Tri County Health Department for their recommendation to Adams County at that time for review of the adequacy of the report and whether the facility should be approved, denied or conditionally approved.
- b. Upon receipt of a written recommendation for approval from the Colorado Department of Health, public hearings on the operations plan and technical report shall be set before the Adams County Planning Commission and the Adams County Board of Commissioners. No hearings shall be set if the Colorado Department of Health recommends disapproval.
- c. The operations plan and technical report information and notice of hearing shall be sent to all other relevant agencies for a minimum of 35 days prior to hearing date.
- d. Public notice in the form of posting the property and publication in a general circulation newspaper shall again be provided as described in Section 4.531 (2) (E) and (F) above, together with a letter to all those persons who appeared and registered their names and addresses as interested in or wishing to speak at the Planning Commission hearing discussed in Section 4.531 (2)(G) above.
- e. The Planning Commission shall then conduct a public hearing at the published time and location, and consider all relevant evidence concerning the Operations Plan and Technical Report application. After consideration of such evidence, the Planning Commission shall forward a recommendation of disapproval, approval, or approval subject to conditions, to the Board of County Commissioners.
- f. The Board of County Commissioners shall then conduct a public hearing. The Board of County Commissioners may approve the request, in whole or in part, with or without modifications and requirements, or deny the request. Approval, if given, shall not be in conflict with the Colorado Department of Health's recommendation, but the Board of County Commissioners may impose any additional requirements or conditions that it deems necessary to meet the purpose and intent of these Regulations.

4.532 Waiver of Public Hearings to Determine Preliminary Findings of Fact Regarding Land Use Compatibility and Siting Impact Issues of a Proposal.

Such a waiver may be granted by the Director of Planning and Development, upon request of the applicant or with the applicant's concurrence, if the following determination is made:

1. That due to the nature of the proposed operation, issues related to land use compatibility and siting impact cannot be separated from the information required in the operations plan and technical report, or
2. That due to the nature of the proposed operation that the operations plan and technical report is minor in nature and that no public purpose would be served by separating consideration of the two components of the request.

4.533 Permitting Procedure for Certificate of Designation for Hazardous Waste Disposal Sites and Facilities:

1. The procedure as described in Section 4.531 shall be followed with the following exceptions:
 - a. For hazardous waste disposal sites, the Preliminary Finding of Fact process as described above in Section 4.531 (2) is not conducted. Instead a copy of both the siting and technical application shall be forwarded to the Colorado Department of Health and the Colorado Geological Survey within ten working days of receipt of the application. The process described in Section 4.531(3) (A) - (F) shall be followed.
 - b. The Board of County Commissioners shall notify the Colorado Department of Health of any approval of an application for a Certificate of Designation for a hazardous waste disposal site within five days after such approval, pursuant to 25-15-203 (2), CRS

4.540 Materials Required for Application for Permit:

4.541 Nonhazardous Waste Disposal Sites and/or Processing Facilities Application Requirements for Determination of Preliminary Findings of Fact:

1. Application review fee in accordance with the provisions outlined in 30-20-103 CRS, as amended, and a completed land use application form. (3 copies)
2. Names and addresses of property owners within one mile of the property boundary in agricultural areas or within 1,500 feet of the property boundary in urban areas. If the boundary of the direct mail notification area is expanded to a reasonable area related to potential impacts of the facility by the Planning and Development Department to ensure adequate public notice, such additional names and addresses shall be provided. (3 copies)
3. Proof of Ownership and Certificate of Taxes Due. A copy of the lease contract or other suitable legal instrument shall be furnished if the operator is not the owner of the site. (3 copies)
4. Information necessary to determine Preliminary Findings of Fact, including: (35 copies)
 - a. Address, legal description, and certified property boundary survey of site.
 - b. Vicinity map.
 - c. Area of site in acres.

- d. Type of facility, including general description of proposed waste handling and disposal or treatment procedures, types of waste expected; projected daily volumes of waste; the estimated life of the operation; and proposed after-use for the site.
- e. A general description of the facility service area.
- f. Traffic impact analysis, including the type and number of daily truck trips, and major haul routes, to be prepared in accordance with the guidelines set by the County Traffic Engineer.
- g. An assessment of community need for the proposed use at the proposed location. Such an assessment shall include but not be limited to information describing need for service in Adams County, proposed marketing area and anticipated volumes of material to be handled. Ability to meet the goals, objectives, and policies pertaining to waste management in the Adams County Comprehensive Plan should be addressed.
- h. An assessment of the impact of the use on surrounding land uses.
- i. An assessment of whether adequate utilities and public services are available for the proposed use including, but not limited to water, sewer, fire protection, emergency response, etc.
- j. Provision of any other relevant information reasonably required by the Director of Planning and Development in order to assure there is adequate information to determine Preliminary Findings of Fact regarding land use compatibility and other siting impacts relating to the criteria for review as listed in Section 4.551.

4.542 Nonhazardous Waste Disposal Sites and/or Processing Facilities Application Requirements for Operations Plan and Technical Report Review:

Application requirements are listed below by category. Some waste disposal sites and/or processing facilities may fall into more than one of the categories listed. Application requirements from all applicable categories are to be provided.

- a. General
- b. Landfills
- c. Incinerators
- d. Composting
- e. Waste Impoundments
- f. Infectious Waste Disposal Sites and/or Processing Facilities

1. General Application Requirements for all facilities: (35 copies)

- a. An updated list of the information requested in 4.541 (2) and (3). Information shall be prepared within 60 days of submittal of the report.
- b. Technical, engineering and scientific information as follows:

All information submitted for review must display the qualifications of the individual responsible for its preparation. Geology reports shall be prepared by a certified professional geologist. Engineering plans and details must be certified by a registered Colorado Professional Engineer. Land survey descriptions and maps shall be prepared by a registered Colorado Professional Land Surveyor.

21. Soil and Geology:

- a. Type, class, composition, and thickness of soil on the site.
 - b. Geologic structures.
 - c. Geologic and topographic hazards.
2. Hydrogeology and Hydrology:
- a. Lakes, streams, springs or wetlands on or within one mile of the site boundary.
 - b. Site location in relationship to designated 100-year floodplains of drainages located within one mile of the site, if any.
3. Site Plans and Maps. Plans shall be on 18" x 24" sheets folded to file size. Maps, at a scale of 1" = 200', with 2' contour intervals (unless otherwise specified); showing the following information:
- a. Location, dimensions, and grades of surface water diversion structures.
 - b. Location and dimensions of surface water containment structures.
 - c. Location and dimensions of all proposed buildings and structures, fences, parking and loading areas, landscaping, and access roads. These details must conform to the minimum requirements of the zone district in which the facility is proposed to be located.
 - d. Location of all proposed groundwater, surface water, and other monitoring points.
 - e. Phasing of operations, if applicable.
 - f. Construction details of all proposed groundwater, surface water, and other monitoring systems.
4. Operating Plan:
- a. Names, qualifications, addresses and telephone numbers of persons responsible for the facility who will be available at all times to ensure safe operations and have the authority to take corrective actions in the event of non-compliance. If specific names relating to this information are not available at the time of application, an organization chart for the operator shall be provided showing specific positions which are responsible for the above.
 - b. Hours of operation.
 - c. Types and daily volumes of waste expected.
 - d. Projected life of the facility.
 - e. Number, classification, and job descriptions of personnel to be employed at facility.
 - f. List and description of types and maximum anticipated numbers of vehicles and other equipment to be used at facility including equipment that will be stored overnight and including haul vehicles.
 - g. System of records to be maintained, including provisions for payment of State and County waste disposal fees.

- h. Provisions to minimize nuisance conditions on site such as those described in Section 4.310 of the Adams County Zoning Regulations.
 - i. Provisions for fire protection.
 - j. Provisions and procedures for retrieval of windblown waste on and off- site.
 - k. Plans which can be put into effect should water contamination occur or when nuisance conditions are confirmed off-site.
 - l. Proof of adequate water supply and adequate provision for wastewater management.
 - m. Signage plan to clearly mark entrance to site, provide name and phone number of operator, list types of material accepted, schedule of charges, and any other necessary information.
 - n. List of wastes that will not be accepted at the site and general categories of wastes including any special wastes that will be accepted at the site.
 - o. Designation of haul routes to and from the site.
 - p. Provisions for monitoring incoming wastestream.
 - q. Proposed schedule of charges at opening of the facility.
 - r. Frequency of groundwater monitoring and parameters which will be tested.
 - s. All other information as required by the Solid Wastes Disposal Sites and Facilities Act, 30-20-101 et seq, CRS, and the regulations promulgated by the Colorado Department of Health thereunder, 6 CCR 1007-2, known as the Regulations Pertaining to Solid Waste Disposal Sites and Facilities and any subsequent amendments thereto.
 - t. Itemized estimates of closure and remedial action costs for use in calculating the performance bond (financial assurance) at the start of operations and at 5 year intervals thereafter.
 - u. Method of erosion control.
5. Closure Plan:
- a. Plan for final closure of the facility, including type and thickness of final cover material, erosion control, landscaping, proposed post-closure use for the site, maintenance plan for the post-closure period, and ultimate long-term responsibility for the property including mitigation of any environmental damage.
 - b. Itemized cost estimate for facility closure in accordance with the closure plan.
6. Information on independent certification program for specialized equipment and structures: The applicant shall advise what method and by whom certification shall be provided to meet the standard for assuring that specialized structures and equipment have been properly installed or constructed as described in Section 4.561 (B).

7. Information on Waste Minimization Program:
 - a. A description of programs to be implemented in Adams County for educational efforts with generators, schools, and the general public for waste reduction efforts including efforts to encourage use of nonhazardous or more easily disposed of/more easily recycled materials. The description shall include employee hours, financial cost, and other resources made available for this effort.
 - b. A description of on site operational efforts at the facility to reduce, reuse, and recycle waste materials.
8. Waste Disposal Sites and/or Processing Facilities within 1,000 feet of a residential use or residentially zoned property shall provide information on potential health impacts on adjacent residents of the use. Information shall be provided on natural or proposed manmade buffers to be located between uses in this 1,000 foot area in order to minimize health or other impacts. The exact nature of this information is dependent upon the type of operation, however it could include: available studies on air emissions; noise studies; and detailed landscape and screening plans to limit or eliminate unattractive views by neighbors.
 - c. Additional relevant information as may be reasonably required by the Director of Planning and Development in order to review the plan for ability to meet the purpose and intent of these Regulations.
2. Additional Requirements for Landfills (materials required in addition to General requirements listed in Section 4.542 (1) above): (35 copies)
 - a. Soil and Geology:
 1. Representative horizontal and vertical permeabilities of the soil present at the site.
 2. Type of bedrock.
 - b. Hydrogeology and Hydrology:
 1. Depth to top of uppermost aquifer and isolated perched zones. Existing on-site water quality based on quarterly groundwater monitoring of the uppermost aquifer and isolated perched zones should be provided one year prior to date of operation. Data should include at a minimum: specific conductance, pH, total organic carbon, calcium, iron, chloride, sulfate, nitrate.
 2. Hydrologic properties of uppermost aquifer and isolated perched zones, including flow directions, potentiometric surfaces and flow rates.
 3. Depth, water level, and water quality of domestic wells within one mile of property boundary, or as may be otherwise specified.
 - c. Site Plans and Maps:
 1. Location and size of disposal cells location and dimensions of proposed disposal cells.
 2. Landfill gas monitoring points.
 3. Phasing of fill operations.
 4. One opaque and one reproducible vertical aerial photograph at the same scale as the site plans, taken within one year of the date of application.

5. Cross-sections and descriptions of disposal cells including liners, cover materials, and leachate collection systems. If a clay liner is to be used, the soils used for the clay liner construction shall be classified under the Unified Soil Classification System as CL, CL - CH, or CH. The recompacted soil liner shall be placed to achieve a laboratory permeability of 1×10^{-7} cm/sec.
 6. Construction details of all proposed groundwater, surface water, and landfill gas monitoring systems.
 7. Frequency of application, type and quantity of cover.
 8. Frequency of landfill gas monitoring.
 9. Final contours of the site after reclamation.
3. Additional Requirements for Incinerator (materials required in addition to General requirements listed in Section 4.542 (1) above): (35 copies)
- a. Incinerator specifications including type, capacity, temperature levels, etc.
 - b. Provisions for sampling and analysis of ash for toxic characteristics (TCLP).
 - c. Provisions for monitoring the feed rate and combustion efficiency of the incinerator to control the amount of the recognizable solids remaining in the ash. Suggested methodology is to collect composite samples and analyze from the initial load of ash, and at least quarterly for the first year. If this methodology is not followed, an explanation of alternative methodology should be provided.
 - d. Provisions for residue collection from the air pollution control devices to be tested for toxic characteristics using TCLP. Pending the results from the sample, provisions for a management plan for the handling of this material to be submitted to the County for review and approval.
 - e. Waste Minimization Program - Describe local efforts that will be undertaken to 1) educate generators to minimize or use alternatives to products containing significant amounts of toxic organics and heavy metals, or 2) eliminate specific materials from the waste stream prior to combustion. A combination of education and source separation is also acceptable. Particular emphasis should be placed on minimizing lead, cadmium, mercury, and chlorinated compounds from entering the waste stream.
 - f. Provide information as to on site soil and air monitoring program. If these are not proposed, the applicant shall address why such a monitoring effort is not appropriate for the facility.
 1. On Site Air Monitoring: Advise as to provisions for monitoring of emissions which would be representative and would characterize the material incinerated at this facility.
 2. On Site Soil Monitoring: Provisions for background, ongoing, and post closure soil sampling for site specific. It is encouraged that soil samples be collected from the same location every ten years, prior to renewal of the Certificate of Designation, and prior to final bond release. If this methodology is not the proposed program, an explanation of alternative methodology shall be provided.
4. Additional Requirements for Composting Operations (materials required in addition to General requirements listed in Section 4.542 (1) above): (35 copies)

- a. Describe method of leachate control.
 - b. Describe type of material to be composted and in particular detail the extent of outside
 - c. Describe method of vector control.
 - d. Describe odor control measures in detail.
 - e. Describe method of final disposal and location of final disposal.
5. Additional information for waste impoundments (materials required in addition to General requirements listed in Section 4.542 (1) above): (35 copies). Provide information as required by Colorado Department of Health regulations.
 6. Additional information for infectious waste disposal and/or processing facilities (materials required in addition to General requirements listed in Section 4.542 (1) above): (35 copies)
 - a. Provide information on truck washing frequency and methodology.
 - b. Establishment of a radiation monitoring program prior to treatment.

4.543 Waiver of Some Information Requirements for Waste Disposal and/or Processing Facilities:

The Director may waive provision of some of the information required under Section 4.542, except that required by the Colorado Department of Health, if the information is not applicable to the nature of the operation.

4.544 Hazardous Waste Disposal Sites and Facilities Application Requirements

1. Application fee of \$50,000.
2. A report prepared pursuant to 25-15-202, CRS (35 copies)

4.550 Criteria for Review and Approval for Certificates of Designation:

The Board of County Commissioners may approve an application for a Certificate of Designation only upon a positive finding of all the following factors:

4.551 Review Criteria for all nonhazardous waste disposal sites and/or processing facilities:

1. That for the benefit of Adams County there is a need for the facility.
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Certificate of Designation is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies.
4. The proposed facility will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site is accessible to Adams County residents and other potential users.

7. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures.
8. The site conforms to siting standards described in Section 4.552.

4.552 Siting Standards:

1. A public or private nonhazardous waste disposal site and/or waste processing facility shall only be allowed in relevant zone districts (see Sections 3.260 (Agricultural Use Charts); 3.340 (Residential Use Charts), and 3.461 (Commercial and Industrial Use Charts).
2. Disposal or operation areas of facilities, specifically buildings or outside yards containing processing facilities and disposal cells, shall be set back a minimum of 500 feet from any residence which meets the definition of "Principal Building or Use" and is existing at the time of application for a Certificate of Designation, or from the property boundary of parcels zoned or designated residential or A-1 (rural residential) in the Adams County Comprehensive Plan. This condition applies to newly proposed operations and not to lawful nonconforming operations lawfully operating at the effective date of this Section 4.552(2) on July 8, 1991.

4.553 Review Criteria for hazardous waste disposal sites and facilities:

1. Compliance with the requirements of 25-15-203, CRS
2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Certificate of Designation is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The proposed facility will not cause significant traffic congestion or traffic hazards and will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures.
4. Section 4.553 (2) and (3) shall constitute the official policy of Adams County pursuant to 25-15-203 (1)(f) CRS.

4.560 Operating and Performance Standards:

Operating and performance standards are listed below by category. Some waste disposal sites and processing facilities may fall into more than one of the categories listed. Operating and performance standards from all applicable categories are to be met by all existing or new facilities unless otherwise specifically stated herein. An exception to this provision is that Hazardous Waste Disposal Sites are only required to meet Section 4.567 Operating and Performance Standards.

- 4.561 General Standards for Nonhazardous Waste Disposal Sites and/or Processing Facilities
- 4.562 Landfills
- 4.563 Incinerators
- 4.565 Composting
- 4.566 Infectious Waste Disposal Sites and/or Processing Facilities
- 4.567 Hazardous Waste Disposal Sites and Facilities

4.561 General Operating and Performance Standards Applicable to All Nonhazardous Waste Disposal Sites and/or Processing Facilities:

1. Operators shall comply with the Colorado Solid Waste Act (Title 30-20, CRS), and all regulations promulgated pursuant to said Act by the Colorado Department of Health.
2. Operators shall comply with all adopted State and Federal regulations, whether such regulations are adopted prior to, or after, approval of a Certificate of Designation under these Regulations.
3. Operators shall remove trash, or other waste material, of the type which is disposed of or treated at the facility under consideration, along all public rights-of-way within one mile of the facility and up to five miles along the approved haul routes, or as otherwise specified.
4. Operators shall submit quarterly reports to be submitted no later than 30 calendar days following the end of the calendar quarter to the Department of Planning and Development, Tri-County Health Department, and the Colorado Department of Health, summarizing:
 - a. The results of air and water monitoring data, monitoring of landfill gas, and other environmental monitoring data, as applicable, prepared by a qualified independent firm or other qualified professionals, including in house certified staff and laboratories acceptable to the Director of Planning and Development.
 - b. Daily average and cumulative figures for the quantity and types of waste received. The cumulative figure shall be related to a percentage completion figure for the current phase of operation, or approved operating capacity.
 - c. Gross quarterly revenues for calculation of the County's Solid Waste Management Fee.
5. Operators shall submit annual reports to the Department of Planning and Development, Tri County Health Department, and the Colorado Department of Health, summarizing the following information. This information will be reviewed to determine continued adequacy of the amount of the performance bond required and determine whether timely progress is being made toward completion or closure, if applicable to the specific operation.
 - a. Waste types and volumes handled during the year.
 - b. Percent completion of the operation.
 - c. Interpretation of all monitoring information on a yearly basis.
 - d. Tabulation of reclamation activities to date.
 - e. Description of operational plans for the next year.
6. All uncovered loads shall be charged double the normal disposal rate.
7. At no time will a waste disposal site or waste processing facility create malodorous conditions, as defined in Section 2.257.
8. At no time will a waste disposal site or processing facility allow soil loss or erosion beyond that provided for in the erosion control measures approved in the design and operations plan.

9. Storage of untreated or unprocessed waste of the type authorized to be accepted at the waste disposal site or facility shall not exceed the time limit described in the approved plan, conditions of approval required with the Certificate of Designation, or otherwise required by the Colorado Department of Health.
10. Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with the operating conditions of the Certificate, the amount of which shall be established by the Board of County Commissioners following review of the information provided by the operator as required in Section 4.542 (1) (B) 4.t. Should any corrective actions be required by the County in order to protect the public health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
11. Prior to commencing operations, thereafter during the active life of the facility, and throughout the post-closure period, the operator shall post a bond sufficient to ensure compliance with the closure plan, and to effect remedial measures if environmental damage is found to be taking place. Such bond shall remain in effect, at a minimum, for the following periods of time:
 - a. Transfer station, commercial composting facilities: five years after closure.
 - b. Demolition and construction debris landfill, infectious waste sites and facilities: ten years after closure.
 - c. All other solid waste disposal sites and/or processing facilities: thirty years after closure, or as otherwise required under Subtitle D of the Resource Conservation and Recovery Act of 1976, when promulgated.
12. All solid waste disposal site and/or processing facility operators shall collect service charges from users for the purpose of solid waste management in the County. Such charges shall be collected pursuant to the Board of County Commissioners Resolution of August 28, 1985, as amended.
13. All nonhazardous waste disposal site and/or processing facility operators shall maintain adequate liability insurance in the amount of one million dollars and submit evidence of such insurance upon request from the Director of Planning and Development.
14. All nonhazardous waste processing facility operations shall take place completely enclosed within a building unless otherwise specifically provided for in the approved plan.
15. All allowed accessory outside storage shall be concealed by a six to eight foot solid screen fence or other effective screening material as approved by the Director of Planning and Development.
16. All facilities shall provide and maintain attractive visual screening from any public right-of-way from which it is visible. This applies to new operations approved after the effective date of this Section 4.500 in July 8, 1991.
17. All operators shall conduct a waste minimization program both with the community and with generators providing public information and assistance, when appropriate, for waste reduction, recycling, and reuse programs.

18. Special structures not addressed in the Adams County Building Code, and processing equipment which has the potential to create external environmental impacts (through air emissions, groundwater impacts, etc.), shall be certified by a registered professional engineer or other qualified expert as determined by the Director of Planning and Development as to proper installation and construction in accordance with the approved design and operations plan prior to start of operations.
- 4.562 Operating and Performance Standards for Landfills (standards Required in Addition to General Standards Listed in Section 4.561 above):
1. All operators shall fund an independent quality assurance (QA) quality control program to ensure that construction of synthetic or clay liners for cells to be constructed after the effective date of this Section 4.500 on July 8, 1991, meet required specifications in the approved design and operations plan. The QA program shall be performed by a qualified professional approved by the Director of Planning and Development representing the County with the expense to be charged to the operator.
 2. Operate a radiation monitoring program in accordance with an approved plan.
 3. The quantity of paper permitted in a demolition and construction debris landfill is limited and is established by the Board of County Commissioners for each landfill. This standard shall be followed during operations.
- 4.563 Operating and Performance Standards for Incinerators (standards required in addition to General standards listed in Section 4.561):
1. The specific monitoring program approved by the County for on site soils and air monitoring shall be followed.
 2. The waste minimization program approved by the County shall be followed.
 3. All ash will be transported in a manner that minimizes the release of fugitive dust.
 4. The program for residue collection from air pollution control devices approved by the County shall be followed.
 5. The incinerator shall be operated in accordance with the approved design and operations plan.
 6. Operate a low level radioactivity monitoring program in accordance with an approved plan.
- 4.564 Operating and Performance Standards for Composting Operations (Standards Required in Addition to General Standards Listed above):
1. Maintain a clean, neat and orderly appearance of site.
 2. Maintain odor and vector control as required by the approved plan.
- 4.565 Operating and Performance Standards for Infectious Waste Disposal Sites and/or Processing Facilities (Standards Required in Addition to General Standards Listed in Section 4.561 above):
1. Operate a radiation monitoring program in accordance with the approved plan.

2. The general monitoring program, approved by the County for each infectious waste disposal and/or processing facility, will be adhered to.
3. Temperature operating charts from an infectious waste disposal and/or processing facility shall be retained for 2 years for review by the Department of Planning and Development. The County may require additional monitoring if a facility has problems maintaining a temperature or other operational standard.
4. All trucks shall be washed at least once a week with a detergent and disinfectant to minimize nuisance conditions, unless spills or leaks are detected which must be disinfected immediately. All wash water shall be properly controlled to prevent runoff.
5. Infectious waste incineration facilities shall be permitted to burn infectious waste only. Incineration of waste paper, contraband, or other materials is not permitted unless specifically approved as part of the wastestream.

4.566 Hazardous Waste Disposal Sites shall meet the standards established by State and Federal regulatory requirements.

4.570 Duration of Certificate of Designation:

4.571 The Certificate of Designation shall be issued for a specified time period, which may be extended by the Board of County Commissioners through an amendment pursuant to Section 4.582(2)(B) to the Certificate of Designation if determined warranted.

4.572 Extension of Certificate of Designation.

A request for extension shall be submitted in accordance with Section 4.582 (1) of these regulations at least six months prior to termination of the Certificate.

4.580 Amendments and Other Changes to a Certificate of Designation:

4.581 Written Request for Change:

An operator requesting approval of changes for all waste disposal and sites and/or processing facilities shall submit a written request which clearly describes the changes requested and their effect on the operation of the facility and the surrounding area to the Director of Planning and Development, and that request shall identify the changes. The operator shall also submit a review fee in accordance with a schedule established by the Board of County Commissioners as provided for in 30-20-103 CRS, as amended. Approval of all changes shall be given in writing. The method of review and decision depends upon the type of the change requested, as described below.

4.582 Amendments and Changes to Nonhazardous Disposal Sites and/or Processing Facilities.

1. State Review of Type of Change:

- a. A determination as to the type of the change under State regulations shall be made. The proposed change shall be referred to the Colorado Department of Health for a finding of fact as to whether or not the proposed change constitutes a substantial change with regard to State regulations.
- b. The State will be afforded a 20 working day period in which to respond. Upon receipt of a determination from the State as to the type of the change, the applicant will be advised of the determination and whether additional information is needed to complete the technical review of the change.

- c. If the State does not respond with a determination as to whether the change is substantial or not within 20 working days, the County may proceed based upon its own determination.

2. County Review of Type of Change:

A determination shall be made as to the nature of the change with regard to County requirements as listed in the Certificate of Designation and with regard to potential impact on neighboring properties, the general public, or those intended to occupy or use the nonhazardous disposal site and/or processing facility shall be made. This determination shall be made by the Director of Planning and Development. The change shall fall into one of the following categories:

- a. Minor:

1. A minor change from the permit (including approved plans) is one which will have no discernible or will have limited impact on neighboring properties, the general public, or those intended to occupy or use the site and facility. No change which has been determined by the State to be a "substantial change" under State regulations shall fall into this category. Minor changes are routine in nature. They may include, but are not limited to, corrections of typographical errors in the approved permit; equipment replacement or upgrading with functionally equivalent components, increased frequency in monitoring or maintenance activities; closure of the facility at an earlier than permitted date; changes in information listed in facility contacts or coordinators listed in plan; replacement of a monitoring facility that has been damaged or rendered inoperable without change in location, design or depth; changes in the site plan which provide for more efficient operations on site but have no impact on operation methods or the surrounding area. A change to allow additional elements in the wastestream may be determined to be minor provided the waste is not specifically prohibited by the permit, is a common variation in the type and quantity of the waste managed under the facility permit, and does not require a change in methods of operation, additional monitoring to assure public health requirements are met, nor result in a change in reclamation of the site. These items are listed as illustrations and are not intended to be all inclusive.
2. Another type of minor change is a change necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

- b. Significant: A significant change from the permit (including approved plans) has been determined to potentially have a significant impact on neighboring properties, the general public, or those intended to occupy or use the waste disposal site and facility. Changes which have been determined to be a "substantial change" under State regulations shall fall into this category. They would include, but are not limited to, change in ownership of the facility, extension of the Certificate's duration, changes in site plan which reduce or change the character of approved buffering, reduction in quantity or quality of monitoring (unless such change is mandated by regulatory requirements), change in a specific condition, standard or requirement of the Board of County Commissioners' approval which would change the character of the facility or substantially increase the intensity of use. A change which allows additional elements in the wastestream which are prohibited by the permit, or require a change in the operations plan or change the approved reclamation plan or allow a waste which is not a common variation in the type and quantity of the waste managed under the facility permit is a significant change. These items are listed as illustrations and are not intended to be all inclusive.

3. State Review of the Substance of the Request:

If the State recommends:

- a. Approval of a substantial change: See Section 4.582 (4) (b).
- b. Disapproval of a substantial change:

If the Colorado Department of Health recommends disapproval of the requested substantial change, no public hearings shall be set. The request shall be denied.

- c. Approval of a nonsubstantial change: See Section 4.582 (4) (a).
- d. Disapproval of a nonsubstantial change: If the Colorado Department of Health recommends disapproval of the requested nonsubstantial change the request shall be denied.
- e. No comment within the review period on a nonsubstantial change: If the State does not respond with a recommendation on the requested change as to whether the change is approved or not within 60 calendar days, the County may proceed based upon its own determination. The applicant shall be advised that it is the operator's responsibility to assure that the minimum standards of the Solid Waste Disposal Sites and Facilities Act, 30-20-101 et. seq. CRS have been met.

4. County Review of the Substance of the Request:

- a. If the Colorado Department of Health recommends approval of a nonsubstantial change, and the change is a minor change as determined by the Director of Planning and Development, then the Director may approve the request with conditions determined necessary to assure the intent of these Regulations is met. If the Director of Planning and Development denies the request, the applicant may apply for a change in accordance with the procedure for a significant change.
- b. If the Colorado Department of Health recommends approval of a substantial or nonsubstantial change, and the change is a significant change as determined by the Director of Planning and Development, the review procedure as established in Section 4.531 (3) Public Hearings to Review the Operations Plan and Technical Report shall be followed. The request shall be evaluated in accordance with Section 4.551 Review Criteria.

4.583 Information Requirements for an Amendment (significant change) to a Nonhazardous Disposal site and Facility:

1. Application form and a review fee in accordance with a schedule established by the Board of County Commissioners as provided for in 30-20-103 CRS, as amended.
2. Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area.
3. Provision of any other relevant information required by the Director of Planning and Development in order to assure there is adequate information to review the amendment.

4.584 Amendments or Substantial Changes and Modification to Hazardous Disposal Sites:

1. For hazardous waste disposal sites, an Amendment to the Certificate of Designation is required for all changes except for changes in:

- a. On-site operations.
 - b. On-site monitoring requirements.
 - c. Changes as described above in (a) and (b) are subject to regulation by the Colorado Department of Health pursuant to Title 25-15-Part 3, CRS, and are not subject to County review unless it is a substantial change. Substantial changes require County approval pursuant to Title 25-15-206.
2. Procedures for Review of Amendments to a Certificate of Designation for Hazardous Waste Disposal Sites:
- a. The proposed amendment or substantial change shall be referred to the Colorado Department of Health for a finding of fact as to whether or not the proposed amendment constitutes a substantial change, as defined in the rules and regulations promulgated by the Colorado Department of Health. The State will be afforded a 20 working day period in which to respond. Upon receipt of a determination from the State as to the type of the change, the applicant will be advised of the determination and whether additional information is needed to complete the technical review of the change. If the State does not respond with a determination as to whether the change is substantial or not within 20 working days, the County may proceed based upon its own determination.
 - b. After receipt of the Colorado Department of Health's finding of fact or upon determination of staff that the required State review period has expired, a public hearing shall be set. Staff shall appear before the Board of County Commissioners during a public hearing and present relevant testimony concerning whether or not any proposed changes constitute a substantial change.
 1. The Board of County Commissioners shall make a finding of fact based upon staff's testimony and recommendations of the Department of Health.
 2. If the Board of County Commissioners finds that the proposed amendment constitutes a substantial change, public hearings shall be set in accordance with the procedures defined in 4.533 and the findings required by 4.553.
 3. If the Board of County Commissioners finds that the proposed amendment does not constitute a substantial change, no public hearings shall be set. A decision on changes determined to not be substantial is made by the Colorado Department of Health in accordance with State regulatory requirements and applicable State Statutes.
 - c. If the recommendation of the Colorado Department of Health is denial, no public hearing shall be set and the request shall no longer be considered.
- 4.585 Information Requirements for an Amendment or Substantial Change to a Hazardous Waste Disposal Site:
1. Application form and the a fee of \$10,000.
 2. Plans and written narrative which clearly describe the changes requested and their effect on the operation of the facility and the surrounding area.
 3. Provision of any other relevant information required by the Director of Planning and Development in order to assure there is adequate information to review the amendment.

4.590 Enforcement Provisions:

The Board of County Commissioners shall have the power to revoke, suspend, or amend the Certificate for violation of these Regulations, regulations promulgated by the Colorado Department of Health, conditions imposed by said Board, or for activities that may endanger the public's health, safety or welfare. Following at least ten calendar days written notice to the permittee, the Board shall hold a public hearing to determine the nature and extent of the alleged violation(s) in accordance with Title 30-20-112, CRS, or Title 25-15-206.5, CRS, and shall have the power to suspend, revoke, or amend the Certificate; or to require corrective measures to be taken pending consideration of revocation. Provisions, as described in Section 8.160, shall be followed in order to enforce conditions of approval or standards of the Certificate of Designation or provisions of the approved design and operations plan.

14.600 EXCAVATION AND HAULING PERMITS:

The purpose of this section is to establish permitting procedures and operation and reclamation standards for activities involving the excavation and hauling of soils: in order to protect the health, safety and welfare of area residents and to assure the land use compatibility of such activities with adjacent existing and planned uses. Permit applications shall be required for all new operations and for the expansion of existing operations.

4.610 Materials Required for Application for Permit:

- ²1. Application Fees:
 - a. \$200 for a Minor Excavation and Hauling Permit
 - b. \$500 base + (\$75 X $\sqrt{\text{acres}}$ to be disturbed) for a Major Excavation and Hauling Permit
 - c. Collateral financial security in the amount of \$2,000 per acre, based on the number of acres subject to the activity, to guarantee compliance with these Regulations and the permit requirements. The collateral financial security provided to the County may be reduced commensurate with the amount of security posted for other governmental agencies to secure compliance with regulations and requirements duplicative of County requirements.
2. Proof of right to operate on property.
3. Legal description of property and a map showing the exact boundaries of the project site.
4. Description in both narrative and graphic form of applicable operations including, but not limited to: a description of the material to be excavated and hauled, purpose of the project, destination of hauled material, depth of excavation, existing contours, equipment to be used, number of expected vehicle trips per day, hours of operation, and proposed beginning and ending dates of the operation.
5. Copies of other applicable permits, i.e., Fugitive Dust Permit, Mined Land Reclamation Permit, etc.
6. Description in both narrative and graphic form of the after-use of the property, final contours resulting from the operation, drainage features resulting from the operation, proposed drainage improvements, if any and plans for revegetation.
7. Other requirements that may be deemed appropriate by the Director of Planning and Development.

¹APRIL 1992

²DECEMBER 1994

4.620 Excavation and Hauling Permits, Minor

1. A Minor Excavation and Hauling Permit is issued in accordance with the procedures for Temporary Use Permits (Section 3.130) and shall be required for excavation and hauling of material and soil on sites of less than ten acres in size, or on sites of more than ten acres, but with an area to be disturbed of less than ten acres.
2. Minor Excavation and Hauling Permits may be issued for a maximum of 180 days and may be renewed by the Director of Planning and Development for a maximum of 180 additional days.
3. If the Director of Planning and Development finds that the application is of sufficient impact to warrant public review and comment, the matter may be referred to the Planning Commission for review in accordance with Subsection 4.630 of these Regulations.

4.630 Excavation and Hauling Permits, Major:

1. A Major Excavation and Hauling Permit is issued in accordance with the procedures for Conditional Use Permits (Section 6.200) and shall be required for excavation and hauling when the operation meets one or more of the following criteria:
 - a. The area to be disturbed is ten acres or more in size.
 - b. The proposed term of the operation is longer than 360 days.
2. In addition to the application materials listed in Subsection 4.610, the application materials required in Subsection 11.330 of these Regulations shall also apply for Major Excavation and Hauling Operations.

4.640 Operation and Reclamation Standards:

All new and existing excavation and hauling operations and necessary uses shall be subject to the operation and reclamation standards set forth in Section 11.340 of these Regulations and to the approved excavation and reclamation plan.

4.700 MINIMUM OFF-STREET PARKING, LOADING AND UNLOADING, AND CURB CUT REQUIREMENTS:

4.710 General:

Areas subject to motor vehicle traffic parking in all zone districts shall be subject to the following requirements:

- 4.711 Safety Barricades: A rail, fence, or other continuous safety barricade or guard of a height or design sufficient to retain vehicles within the parking area shall be provided except single family residences and duplexes.
- 4.712 For each boundary line of a parking area abutting directly on a residential lot behind any required landscaped area, a wall, fence, or screen planting of a year round nature shall be installed at least 48" high to serve as a barrier for passage of persons and waste material, to conceal glare from headlights, and to reduce noise, fumes, and pavement heat.
- 4.713 Wheel or bumper guards shall be located so that no part of any vehicle extends beyond the boundary lines of the parking area or comes in contact with walls, fences, plantings, or any other structures.
- 4.714 Surface or Parking Area: Except for agricultural areas, off-street parking areas shall be surfaced and maintained with a portland or asphalt concrete surface, or other suitable surface

as determined by the Department of Planning and Development. Drainage shall be subject to the approval of the Director of Public Works.

- 4.715 Lighting: Any lighting used to illuminate required off-street parking areas shall be so arranged as to direct light away from adjoining residential properties and/or rights-of-way.
- 4.716 Sign: Only signs indicating entrances and exits or designating conditions of use, direction, or identification shall be maintained on a parking area. Signs indicating entrances, exits, or conditions of use shall not exceed four (4) square feet in area, nor shall there be more than one (1) such sign for each entrance or exit.
- 4.717 The parking area must be provided on the same property as the principal building or use, except that in multiple family developments, parking may be within 200 feet of the principal use; for commercial or industrial developments, the parking area may be within 600 feet of the principal use, provided in either case, the zoning for the parking area is the same as the principal use or parking lots are allowed by the use chart in the zoning district.

4.720 Entrances and Exits, Curb Cuts, Curb Returns:

- 4.721 All curb cuts are subject to approval of the Traffic Engineer or the Colorado Department of Transportation for state highways and are not a use by right. Their placement, size, use, signing, and construction shall conform (at the developer's expense) to the Traffic Engineer's written requirements. In cases where a curb cut or cuts would impede or interfere with the designed planned traffic flow of a street, or create a traffic hazard, a curb cut may be denied, subject to review by the Board of Adjustment through a variance procedure.
- 4.722 No new curb cut shall be permitted closer than 10 feet to any property line, except when curb cuts for adjacent properties are combined by written agreement of the adjacent property owners.
- 4.723 No new curb cuts shall be permitted within 50' of a corner of an intersection, except for access to a single family residence or duplex.
- 4.724 For any commercial, multiple family, or industrial use, curb cuts shall be a minimum of 20 feet and a maximum of 35 feet measured at the throat of the curb.
- 4.725 There shall be a minimum of 20 feet between curb cuts or radius point for curb returns and no more than 1 curb cut of return shall be permitted for each 75 feet or a major portion thereof street frontage, nor shall more than 2 curb cuts be permitted for any individual property per street frontage.

4.730 Expansion or Enlargement of Use:

Whenever any building or use is enlarged in height or in ground coverage, off-street parking for said expansion or enlargement shall be in accordance with the requirements of these Regulations. Nothing in this section shall be construed to require off-street parking spaces for any building or use existing at the time of passage of these Regulations or amendment thereof.

4.740 Conditions Required for Joint Use of Parking Facilities:

Application may be made to the Department of Planning and Development for joint use of off-street parking areas for 2 or more buildings or uses, provided that:

- 4.741 The off-street parking facilities are located within 600 feet of all the buildings or uses proposed to use the parking facilities.
- 4.742 The applicant shows that there is no substantial conflict in the principal operating hours of the involved building or uses proposed to use the parking facilities.

4.743 The applicant presents for approval by the County Attorney a properly drawn legal instrument, executed by the parties for the joint use of off-street parking facilities. Such instrument is to be filed and made a condition of occupancy of the building and uses.

4.744 The area of off-street parking area under consideration be equal to the greatest requirement of any involved use, plus 25% for each additional use.

4.750 Off-Street Parking Spaces:

Off-street parking spaces shall be a minimum of 9 feet in width, 19 feet in length, have provided not less than 300 square feet in area which shall include the area required for ingress and egress, and if covered, be at least 7 feet in height for clearance. Parking stall designs, driveways, and other details of a plan for parking shall be subject to the Traffic Engineer's approval. Where alternative standards are indicated, the greater requirements shall apply; where the requirement results in a fraction, the next highest full unit shall be provided; and where more uses are involved, the required parking area shall be the combined total requirement.

4.800 OIL AND GAS WELLS:

4.810 Drilling and Production Standards:

The drilling for and production of gas and oil, along with the installation of pumps, tanks, pits, treaters, and separators and other equipment shall be a use by right in all zone districts of the unincorporated areas of Adams County, subject to the performance standards set forth herein.

4.811 The purpose of these oil and gas regulations, as herein set forth, is to protect the health, safety, and welfare of Adams County residents, to provide for sound environmental practices through the control of all oil and gas operations in the unincorporated areas of Adams County; and to prevent damage to County roads and bridges. The provisions of these Regulations shall apply to the construction, alteration, repair, erection, location, and maintenance of any gas and/or oil well or related structures within the unincorporated areas of the County.

4.812 If a well is completed as a producing oil and/or gas well, a building permit shall be required for the installation of pumps, tank batteries, and all other above ground structures. Building permit fees shall be based on the existing Building Inspections Section fee schedule. The building permit application shall be reviewed by the Department of Planning and Development and the Oil and Gas Well Inspector. All building permits shall be issued subject to the general performance standards as set out in subsection 4.813, the applicable provisions of the County Building Code, the provisions of the drilling permit, and the special performance standards found to be applicable.

1. Each applicant for a building permit shall submit the following information with the application or shall refer to a current valid policy of liability insurance or letter of indemnity or self-insurability on file with the Building Inspections Section:

a. Evidence of insurance in the following amounts:

1. General Liability Insurance: Limits of \$100,000 for injuries or death to 1 person and \$300,000 for injuries or death in 1 accident; property damage with limits of \$100,000 and \$250,000 aggregate; or

2. In lieu thereof, the applicant may request the County to substitute a letter of indemnity or self-insurability in place of a liability policy. If, in the determination of the Board of County Commissioners, a letter of indemnity or self-insurability provides sufficient coverage for damages which might occur, the substitution shall be allowed.

- b. The Evidence of Insurance, the letter of indemnity or the letter of self-insurability as provided for hereinabove, shall hold the County harmless from all claims, judgments, and liability which may be incurred as a result of Operator's operation under any and all permits issued under this subsection by said County, or where any such liability results from damage to any persons or the property of any person, firm, or entity, as a result of Operator conducting operations under all such permits and to insure the County against any and all claims which may arise due to the Operator's operations under any and all building permits issued by the County hereunder.
- c. No letter of indemnity, policy of liability insurance or letter of self-insurability shall be permitted to lapse, be canceled, or be withdrawn unless 10 days written notice thereof is given to the County prior to any lapse, cancellation, or withdrawal. The Operator shall cease all operations until compliance is made with the provisions of subsection 4.812(1) hereof.

4.813 General Performance Standards: In all cases a proposed oil and gas well installation shall comply with the following:

1. Oil and gas well installation shall be individually located so as to provide convenient access to meet their requirements.
2. Any interior transportation network shall be paved, or the company shall undertake appropriate dust abatement measures as approved by the Building Inspections Section.
3. All storage tank batteries shall be bermed, subject to requirements placed on oil and gas well components according to State of Colorado Oil and Gas Conservation Commission rules and regulations.
4. On completed oil and gas wells, retaining (mud, oil, water, etc.) pits which contain hydrocarbons shall be covered with a solid or screened mesh material. Open areas in the screening shall not be larger than a 4" x 4" mesh. Any opening around the perimeter of the screen covering created between the lower edge of the screen covering the berm or ground level shall not be greater than 6 inches in height. All pits shall have a minimum slope of 3 feet horizontal to 1 foot vertical (3:1).
5. Oil and gas well pumping units shall meet existing County Zoning Sound Pressure Levels. (See Section 4.313)
6. Oil and gas well installation sites shall be maintained in a weed free, clean condition.
7. Operator shall, upon plugging and abandonment of any well, remove all pumps, tank batteries, and other equipment from the location, and restore the surface of the land, including revegetation, to its original contour and condition consistent with the Oil and Gas Conservation Commission requirements.
8. A statement as to the means by which liquid spills will be removed from the diked areas of catchment basins shall be provided.

4.814 Special performance standards may be imposed if a proposed oil or gas well location meets 1 or more of the following criteria:

1. The request is not compatible with the surrounding area:

- a. Any facility located within 1000 feet of an existing wall of a dwelling, unless a waiver is obtained in writing from the homeowners; or
 - b. Public facilities including public parks, schools, hospitals, commercial establishments and similar facilities are within a ½ mile radius of the proposed location; unless a waiver is obtained in writing from the County, school district, hospital association, or the owner of the commercial establishment or other similar facility.
 - c. The request would have an adverse impact on the health, safety, and welfare of the local inhabitants.
2. The request would have an adverse effect on the future development of the area:
 - a. The proposal would conflict with or adversely affect the implementation of the Comprehensive Plan; or,
 - b. The proposal would conflict with written economic and/or social policies adopted by the Board of County Commissioners.
 3. Where development or land use conditions have changed with regard to paragraphs (1) or (2) above.
- 4.815 Special Performance Standards: The Chief Building Official may specify any one or more of the following standards on a specific site basis as a condition of the building permit in accordance with 4.814 (1), (2), and (3):
1. The location and type of pumps, tank batteries, pit treaters, separators, and other production equipment shall be approved by the Building Inspections Section consistent with Federal and State Safety Laws and Regulations.
 2. Holding tanks may be required in lieu of retaining pits.
 3. Open or closed (solid screen) fencing may be required around any or all facilities.
 4. Landscaping and berming may be specified as to type, height, and location.
 5. Electric motors or multi-cylinder engines, and mufflers may be specified.
 6. Servicing time may be limited.
 7. Color of paint to be used on surfaces may be specified.
- 4.816 Appeals and Variances: Persons desiring to appeal any of the special performance standards imposed as a condition of a building permit issued may do so by appealing to the County Board of Adjustment as per Section 7.540. Persons desiring to seek exemption from any of the general performance standards may apply to the Board of Adjustment for a variance from the requirements of this general performance standard as provided in Section 7.510.
- 4.817 Adams County will cooperate fully with the State of Colorado by notifying the Oil and Gas Conservation Commission of any and all violations of the Colorado Laws and Regulations.
- 4.818 One condition of every building permit issued in association with any oil and gas well is the requirement that all taxes as provided by statute be paid when said taxes become due. If any of these taxes become delinquent by more than 30 days, all building permits of that major leaseholder or operator shall be canceled and all production shall cease upon the cancellation.

4.819 All existing oil and gas wells and components shall be brought into compliance within 1 year of notice.

4.820 Moving and Culvert Installation Permit for Oil and Gas Wells:

4.821 A \$500 Moving and Culvert Installation Permit must be obtained from the County Building Inspections Section each time a County road is used for the transportation of a drilling rig. The names of both the Operator and Mover (as defined in Section 4.825) shall appear on the application for the Permit. The Building Inspections Section must be notified of the day and time of the move prior to commencing the move. The Oil and Gas Well Inspector may temporarily postpone moves due to inclement seasonal weather conditions where road or bridge damage might occur. If a move is temporarily postponed due to inclement seasonal weather conditions, the life of the Permit shall be extended for the number of days during which the move was temporarily postponed.

4.822 The Moving and Culvert Installation Permit shall be issued upon receipt of the following from the Operator and Mover separately as follows:

1. Evidence of insurance shall be submitted by the Operator and Mover separately as follows:
 - a. A policy of liability insurance obtained by each of the parties named on the application wherein the County shall be named as an insured party. The endorsement of Adams County as an insured party shall be obtained by each applicant. The policy shall specify that damage to County roads, bridges, and other property of the County is an insured item, with a minimum liability coverage of \$100,000 to guarantee payment for damage to any County roads, bridges, and/or property of Adams County during any moving operations and under all Moving and Culvert Installation Permits issued hereunder.
 - b. In lieu thereof, the applicant may request the County to substitute a letter of indemnity or self-insurability in place of a liability policy. If in the determination of the Board of County Commissioners, a letter of indemnity or self-insurability provides sufficient coverage for damages which might occur, the substitution shall be allowed.
 - c. If such insurance or letter of indemnity has been previously filed, and is currently valid and in force, a reference to such policy or letter of indemnity shall be sufficient.
 - d. No policy or liability insurance shall be permitted to lapse, be canceled, or be withdrawn unless 10 days written notice from the insurance company is given to Adams County prior to any lapse, cancellation, or withdrawal. In the event of any such lapse, cancellation, or withdrawal, the Moving and Culvert Installation Permit shall be deemed canceled and no further moves shall be allowed until reinstatement of this policy of liability or letter of indemnity. The policy or letter of indemnity shall be kept valid and in force as long as the drilling rig remains in the County and until such rig leaves the County.
2. A copy of the drilling permit issued by the State of Colorado Oil and Gas Conservation Commission.
3. A list of the roads and distances which will be used in the move.
4. A scaled sketch of the proposed location setting out the following:
 - a. Legal description and well location.

- b. Surface occupant or owner.
 - c. Location of production facilities, if needed.
 - d. Access road.
5. The name of the moving contractor and/or subcontractor or party moving the drilling rig, the P. U. C. number, registration number, make and type of vehicle, gross vehicle weight, vehicle license number, and the maximum length and width of the vehicle.
6. When it is determined that a culvert will be required after inspection by the Oil and Gas Well Inspector and with consultation, when necessary, with the County Highway Department, the following information shall be submitted:
- a. The installation contractor.
 - b. Address.
 - c. Phone number.
 - d. Name of supervising foreman.

4.823 Moving and Culvert Installation Permits shall be issued for a period not to exceed 90 days. Any operator who has been issued and not used a Moving and Culvert Installation Permit may apply in writing to the Chief Building Official for a refund of the permit fee less a 20% handling fee, if such application is made within the 90 day life of the permit. After 90 days, all permits shall expire and no refunds shall be issued, unless the move was postponed under Section 4.821 above.

4.824 If moving of vehicles and equipment subject to these Regulations is done on County roads without a permit first having been obtained, then in each and every case a permit fee of \$1000 shall be charged the mover for that move.

4.825 Definitions:

- 1. Operator: The mineral estate owner, the mineral estate lessee, drilling contractor or production company that has control or management of operations of the oil or gas well.
- 2. Mover: The drilling contractor or trucking contractor actually transporting the drilling rig for the operator.

¹4.900 ANIMAL CONTROL REGULATIONS:

4.910 Agriculture Advisory Board:

4.911 Procedure:

²The Board of County Commissioners of Adams County shall appoint an Agricultural Advisory Board consisting of five members. Each member of the Board shall be a resident of the County and owner of agriculturally zoned and used real property situated therein. The term of appointed members shall be three years or until their respective successors have been appointed; but the terms of office may be staggered by making the initial appointment for 1, 2, or 3 years.

4.912 Associate Member:

¹SEPTEMBER 1994

²OCTOBER 1995

The Board of County Commissioners may appoint associate members to this Board; and in the event that any regular member is temporarily unable to act owing to absence from the County, illness, interest in any matter before the Board, or any other cause, their place may be taken during such temporary disability by an associate member designated for that purpose.

4.913 Officers:

The Agricultural Advisory Board shall elect a Chairman and a Vice Chairman from among its members whose term shall be for one year. A Secretary shall be appointed by the Agricultural Advisory Board for a term of one year.

4.914 Rules of Procedure:

The Agricultural Advisory Board shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times.

4.915 Authority and Responsibility:

The Agricultural Advisory Board, through the authority granted to it by the Board of County Commissioners, is empowered to perform the following functions:

1. Review any regulatory amendments proposed to be made to the Adams County Zoning Regulations pertaining to the keeping of animals on agriculturally zoned properties and make recommendations to the County Planning Commission and Board of County Commissioners concerning such proposed amendments.
2. Recommend, to the Director of Planning and Development, the resolution of disputes that may arise between property owners of agriculturally zoned land within the County and the Director concerning interpretation of these regulations pertaining to the keeping of animals on agriculturally zoned lands.

4.920 Household Pets and other Animals:

4.921 Household pets shall be allowed as an accessory use in all Agricultural and Residential Zone Districts according to Tables 4-1 through 4-5.

4.922 Except on agriculturally zoned lands, all household pets shall be penned or otherwise confined to their owner's property except when on a leash and in the control of the owner. Unconfined animals are a violation of the "Adams County Animal Control Regulations", as adopted September 2, 1992 and promulgated by the Adams County Animal Control Center.

4.923 The keeping of household pets shall not be regulated on agriculturally zoned properties of more than 35 acres. However, the keeping of more than 10 dogs and/or cats, shall conform to the Performance Standards listed in §4.931(6) for Private Kennels and/or Catteries.

4.924 Pigeons are allowed in Agricultural, Residential Estate, Single-Family Residential, Duplex/Mobile Home, and Multi-Family Zone Districts, in conformance with the animal density tables in §4.970.

4.925 Guard Dogs, patrolling for the protection of property, shall be allowed in all Commercial and Industrial Zone Districts, subject to the following:

1. The area being patrolled shall be fenced with a minimum 72" high chain link or solid screen fence;

2. A sign stating the name of the owner and the handler of the dog(s), with a phone number where the handler can be reached; and
3. A sign warning of the presence of said dog(s), and during what hours the dog(s) is on patrol.

4.926 The keeping of pigeons is allowed in conformance with the density tables in §4.970. In addition, the keeping of pigeons shall be in conformance with the following performance standards:

1. The pigeon loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
2. There shall be at least one (1) square foot of floor space in any loft for each mature pigeon kept therein.
3. The construction and location of the loft shall be set back a minimum of 25 feet from any residence and the structure shall meet the minimum building setback standards from property lines for the zone district in which the loft is located.
4. All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
5. The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations.
6. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of said pigeons.
7. All pigeons shall be fed within the confines of the loft.
8. Pigeons will not be released for flying within 4 hours after feeding.

4.930 Private Kennels and Catteries:

4.931 In all Agricultural, Residential Estate, Single Family Residential, and Duplex/Mobile Home Zone Districts, private kennels and catteries may be maintained according to the following conditions:

1. A Special Use Permit must be obtained unless the use is not regulated (NR) in the density tables in §4.970.
2. The number of dogs and/or cats shall not exceed the total of the number of dogs and/or cats allowed as a Use By Right plus the additional dogs and/or cats allowed in the use charts for the applicable zone district and lot size.
3. A Building Permit shall be obtained for all kennels, pens, shelters or other similar structures. Said Building Permit Application shall be reviewed and approved by the responsible governmental agency.
4. Boarding dogs and/or cats other than those animals owned by the resident and/or owner and immediate family shall be prohibited.
5. All dogs and/or cats shall be contained on the premises at all times unless under the control of a handler.

6. The following Performance Standards shall be applicable to all private kennels:

a. Minimum space requirements per dog and/or cats at all times:

1. Dogs - Each dog shall be provided a minimum space equal to the following equation:

Width of Kennel = Length of dog from nose to base of tail + 2 feet.

Length of Kennel = Width of Kennel + 2 feet.

Height of Kennel = Head height of dog standing on all four legs + 1 feet.

2. Cats - Each adult cat shall be provided a minimum of 6 cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of 8 cubic feet of area.

b. All animal and food wastes shall be handled and disposed of in a sanitary manner as approved by the responsible governmental agency.

c. Environmental and/or chemical and scientific controls shall be provided for pest control.

d. Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.

e. A washroom consisting of a basin or sink and a lavatory shall be provided to maintain the cleanliness among animal caretakers.

f. Dogs shall not be housed in the same primary enclosure with cats.

g. All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by the responsible governmental agency.

h. All Private Kennels shall be accessory to a primary structure already on the property.

4.940 Commercial Kennel:

4.941 The operation of Commercial Kennels and/or Catteries is allowed in Agricultural, Commercial and Industrial Zone Districts. Commercial Kennels and/or Catteries shall not be conducted without first having obtained a Conditional Use Permit and approval of a Management Plan from the Board of County Commissioners.

4.942 The total number of dogs and/or cats allowed under the Conditional Use Permit shall not apply to offspring under five (5) months of age, belonging to one of the adult animals.

4.943 In addition to the application requirements set forth in the Adams County Land Use Application Form, the following must also be submitted:

1. All required submittal information must be submitted at least 50 days prior to the first available Planning Commission hearing agenda;

2. Plans and methods of disposal of sewage and other wastes;

3. Plans and methods of water supply;

4. Plans and methods of drainage facilities;
 5. An area map showing the location of surrounding buildings, structures, residences, roads, subdivisions, and zoning within a 1,000 foot radius;
 6. The names and addresses of property owners within a 1,000 foot radius. However, the Director of Planning and Development may require the names of property owners in excess of 1,000 feet for larger Commercial Kennel requests.
- 4.944 Criteria for Approval of Management Plan: The Planning Commission, in making their recommendation, and the Board of County Commissioners, in their decision, should consider, but not be limited to the following:
1. Compliance with the requirements of the Zoning Regulations;
 2. Consistency with the purposes of the Zoning Regulations and with the Comprehensive Plan;
 3. Compatibility with the surrounding area, harmony with the character of the neighborhood, and potential detrimental effects to the immediate area, and to the health, safety, and welfare of the inhabitants of the area and the County;
 4. Is the Management Plan reasonable and functional?
- 4.945 A Building Permit will be required for all facilities, kennels, pens, shelters or other similar structures. Said Building Permit application shall be reviewed and approved by the Colorado Department of Agriculture.
- 4.946 The following Performance Standards shall be observed in the operation of a Commercial Kennel and/or Cattery:
1. Minimum space requirements per dog and/or cats at all times:
 - a. Dogs - Each dog shall be provided a minimum space equal to the following equation:

Width of Kennel = Length of dog from nose to base of tail + 2 feet.

Length of Kennel = Width of Kennel + 2 feet.

Height of Kennel = Head height of dog standing on all four legs + 1 foot.
 - b. Cats - Each adult cat shall be provided a minimum of 6 cubic feet of area. Adult female cats with kittens below three (3) months of age shall be provided with a minimum of 8 cubic feet of area.
 2. All animal and food wastes shall be handled and disposed of in a sanitary manner as approved by the responsible governmental agency.
 3. Environmental and/or chemical and scientific controls shall be provided for pest control.
 4. Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
 5. A washroom consisting of a basin or sink and a lavatory shall be provided to maintain the cleanliness among animal caretakers.
 6. Dogs shall not be housed in the same primary enclosure with cats.

7. All dogs and/or cats shall be cared for in a humane and sanitary manner as approved by the responsible governmental agency.
 8. All breeding and boarding kennel operators shall be licensed by the appropriate governmental authority.
 9. A person responsible for the commercial kennel or cattery, whether the owner of the facility or an employee, shall reside permanently on the subject property. If a responsible party is not available on site, the kennel shall be posted with the name and phone number of a responsible party.
 10. Any dwelling unit newly constructed to house the owner or employee shall meet the applicable zone district requirements.
- 4.946 Those operations exempt from obtaining a Commercial Kennel Operation Permit shall be as follows: (however, such operations shall conform to those standards in §4.931(6) applicable to private kennels).
- a. A public or private zoological park; or
 - b. A public animal pound; or
 - c. A veterinary hospital operated by a licensed veterinarian; or
 - d. A research institution using animals for scientific research; or
 - e. An animal shelter operated by an organized humane society; or
 - f. A pet shop; or
 - g. A circus.

4.950 Non-Commercial Livestock and Poultry Operations:

- 4.951 The keeping of poultry and/or livestock as defined in §2.200 is only allowed in the Agricultural and Residential Estate Zone Districts. Livestock may be kept on property in the RE, Residential Estate Zone District only if the owner of said livestock resides on the property and is a registered member of a 4-H or FFA or other agricultural education program. This does not apply to horses kept for recreational purposes.
- 4.952 The keeping of non-commercial livestock and poultry is allowed in accordance with Tables 4-1 through 4-6. On those properties where livestock and poultry are allowed, the following performance standards shall be observed:
1. All manure shall be removed periodically or incorporated into the soil on a regular basis such that the manure does not draw flies, or other insects, or cause obnoxious odors. (Not applicable to properties over 35 acres in size).
 2. Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property.
 3. Spillage and left-overs from livestock feedings must be removed or so disposed of as to prevent fly, bird, or rodent propagation, or creation of odors. (Not applicable to properties over 35 acres in size).

4. Any new shed, shelter, pen or enclosure for livestock shall not be closer than 100 feet to any off-property residence or place of business and shall be set back 25 feet from the side lot line and 50 feet from the front lot line.
 5. All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
 6. Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams, or other bodies of water from pollution.
 7. In subdivided areas, all livestock shall be kept within a fenced area.
 8. Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Health, Water Quality Control Commission.
- 4.953 On agriculturally zoned properties of greater than 35 acres, the number of livestock are not regulated, unless the operation meets the definition of a Livestock Confinement Operation. However, the keeping of such livestock must comply with the performance standards listed above.
- 4.954 The maximum number of allowable livestock per lot does not apply to young animals below weaning age, or six (6) months of age, whichever is less.

4.960 Livestock:

- 4.961 A livestock and/or poultry confinement operation, as defined in §2.200, shall not be operated without first having obtained a permit from the Board of County Commissioners.
- 4.962 An application for a permit to operate shall include the following requirements which shall be submitted to the Department of Planning and Development at least 50 days prior to the first unfilled Planning Commission hearing agenda:
1. Application form, completed and signed by the property owner, with a \$500 application fee;
 2. Certified boundary survey;
 3. Plot plan showing the location of all present and/or proposed buildings, parking areas, ingress and egress, stable areas, pens and other constructional features;
 4. Description of the proposed operation in sufficient detail to indicate effects of operation in producing water pollution or other environmental or social impacts;
 5. Submission of a Proposed Management Plan which, at a minimum, addresses the following:
 - a. Plans and methods of disposal of sewage and other wastes;
 - b. Plans and methods of water supply;
 - c. Plans and methods of drainage facilities;
 - d. Soil and geologic reports; and
 - e. The Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Health, Water Quality Control Commission.

6. An area map showing the location of surrounding buildings, structures, residences, roads, subdivisions, and zoning within 1 mile of the facility;
 7. The names and addresses of property owners within a 1 mile radius, unless increased by the Director of Planning and Development.
- 4.963 Procedures: The same procedures as applicable to a rezoning request (See §6.114) shall be followed.
- 4.964 Criteria for approval of the Management Plan: The Planning Commission and Board of County Commissioners shall consider, but not be limited to, the following:
1. Does the proposed Operation comply with the requirements of all applicable Regulations?
 2. Is the proposed Operation consistent with the purposes of these Regulations and with the Comprehensive Plan?
 3. Is the proposed Operation compatible with the surrounding area, in harmony with the character of the area, and would it pose any potential detrimental effect to the immediate area, to the health, safety, or welfare of the inhabitants of the area or the County?
 4. Is the Proposed Management Plan reasonable and functional?
- 4.965 Permit Requirements: If approved, the Livestock and/or Poultry Confinement Operation shall be issued subject to strict adherence to the approved Management Plan and to the Performance Standards as specified below:
1. All such operations shall be located at least 100 feet away from any on-property residence, 50 feet from any right-of-way and 500 feet from any off-property residence (unless the operation is an existing operation and has been deemed to be a legal non-conforming use);
 2. Manure shall be handled and disposed of in a sanitary method, approved by Tri-County Health Department;
 3. Environmental and/or chemical and scientific controls shall be provided as approved by Tri-County Health Department;
 4. Drainage facilities or improvements as approved by the Tri-County Health Department shall be constructed to protect any adjacent rivers, streams or other bodies of water;
 5. Adequate means of scraping, grading and cleaning shall be provided at all times as approved by the Tri-County Health Department;
 6. All animals shall be cared for in a humane and sanitary manner as approved by the Colorado Department of Agriculture, State Veterinarian's Office;
 7. Grazing lands shall be maintained in accordance with standards and specifications outlined by the United States Department of Agriculture and the local Soil Conservation Service;
 8. All Operations shall comply with the "Confined Animal Feeding Operations Control Regulations" specified by the Colorado Department of Health.
- 4.966 Administration of the Livestock and/or Poultry Confinement Permit:

1. Cancellation of Permit: The Board of County Commissioners shall have the power to cancel permits for violation of any of these Regulations or conditions imposed by said Board, or for good cause. Upon at least ten days written notice to the permittee, the Board shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power to suspend or revoke the permit and to require correctional measures to be taken.
2. Transfer of a Permit: The approved Management Plan and conditions of the permit shall be applicable and binding as long as a Confinement Operation is in operation on the property. The Permit will be considered to run with the land unless specifically granted to an individual as a condition of approval of the Permit.
3. Recording: All Confinement Operation Permits shall be so designated on the official, recorded Zoning Maps of Adams County by a star with the initials L-C-O inside to denote the location of the Permit.

4.967 Buffer Zone for Livestock and/or Poultry Confinement Operation: For all new Confinement Operations established after August 8, 1977, no residential zoning or subdivision of agricultural land shall be allowed within a one mile radius of such a facility.

4.970 TABULATION OF ANIMAL UNIT DENSITIES:

4.971 The types, and densities, of animals allowed have been detailed on Tables 4-1 through 4-6. To determine the maximum number of animals allowed on a given property:

1. Locate the Table corresponding to the zone district in which the property is located.
2. Within that Table, locate the column which best identifies the lot size of the property.
3. Locate the desired animal from among those listed in the left-hand column.
4. The box in which the lot size column and the animal type row intersect will specify the maximum number of that animal allowed on the property.

4.972 The following are acronyms used in Tables 4-1 through 4-6 and their meaning:

NR = Not Regulated
 NA = Not Allowed
 AC = Acre
 CUP = Conditional Use Permit

4.973 Any combination of allowed animals may be kept, but at no time shall the maximum number of any specific type of animal be exceeded, nor shall the total maximum number of household pets or the total maximum number of livestock be exceeded. Where allowed, the number of livestock is *in addition* to the number of household pets permitted; and the number of household pets is *in addition* to the number of livestock permitted.

4.974 For animals not listed or not clearly fitting within one or more the categories listed, the Director of Planning and Development shall determine in what zone district(s) the animal is allowed and in what lot size categories the keeping of such an animal is appropriate. Should the property owner disagree with the determination of the Director of Planning and Development, the matter shall be referred to the Agricultural Advisory Board for a recommendation to resolve the issue.

TABLE 4-1
A-1, A-2 and A-3 AGRICULTURE ZONE DISTRICTS

	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	10	10	20	20	20	20	NR ¹
Maximum Number of Livestock Equivalent Units Allowed	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹

See next page

Type of Animal	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Alpacas	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Beefalo	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Bees (Colonies)	NA	NA	5	5	5	10	NR	NR
Buffalo	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Cats	3 ²	3 ²	4 ²	4 ²	4 ²	5 ²	8 ²	NR ¹
Cattle	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Chickens (Hens/Roosters)	NA	50/AC	50/AC	50/AC	50/AC	50/AC	NR	NR ¹
Chinchillas	2	2	50/AC	50/AC	50/AC	50/AC	NR	NR ¹
Deer	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Dogs	3 ²	3 ²	3 ²	3 ²	4 ²	6 ²	8 ²	NR ¹
Ducks/Geese	NA	NA	50/AC	50/AC	50/AC	50/AC	NR	NR ¹
Elk	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Emus	NA	NA	40/AC	40/AC	40/AC	40/AC	NR	NR ¹
Ferrets	2 ²	2 ²	50/AC	50/AC	50/AC	50/AC	NR	NR ¹
Game Fowl	10 ³	10 ³	NR	NR	NR	NR	NR	NR ¹
Goats	NA	NA	8/AC	8/AC	8/AC	8/AC	NR	NR ¹
Guinea Pigs	2 ²	2 ²	50/AC	50/AC	50/AC	50/AC	NR	NR ¹
Horses	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Llamas	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Mules	NA	NA	4/AC	4/AC	4/AC	4/AC	NR	NR ¹
Ostriches	NA	NA	15/AC	15/AC	15/AC	15/AC	NR	NR ¹
Peafowl	See Note 3	See Note 3	NR	NR	NR	NR	NR	NR ¹
Pigeons	See Note 3	See Note 3	NR	NR	NR	NR	NR	NR ¹
Rabbits	See Note 3	See Note 3	50/AC	50/AC	50/AC	50/AC	NR	NR ¹
Sheep	NA	NA	8/AC	8/AC	8/AC	8/AC	NR	NR ¹
Swine	NA	NA	8/AC	8/AC	8/AC	8/AC	NR	NR ¹
Turkeys	NA	NA	50/AC	50/AC	50/AC	50/AC	NR	NR ¹

Type of Use	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Private Kennel/Cattery ⁴	4	4	4	22	22	22	22	¹ NR
Commercial Kennel	NA	NA	NA	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5
LCO	NA	NA	NA	NA	NA	NA	NA	CUP

- ¹ The numbers of animals on property over 35 acres in size shall not be regulated, unless the definition of a Livestock and/or Poultry Confinement Operation is met.
- ² This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.
- ³ Allowed by Special Use Permit.
- ⁴ Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use By Right.
- ⁵ Allowed by Conditional Use Permit.

¹b. Notwithstanding compliance with all other provisions of this section, home occupations shall not include nursing homes, restaurants, vehicle repair or painting businesses, or boarding and rooming houses.

- 2.270 Hospital: A building used for the diagnosis, treatment, and care of human ailments, including necessary accessory facilities such as laboratories.
- 2.271 Hospital, Animal: A building used for the diagnosis, treatment, and care of animals or pets, including the boarding of animals for limited periods of time not requiring medical or surgical treatment.
- 2.272 Hotel or Motel: A building that provides temporary lodging in guest rooms for compensation for 6 or more guests with or without meals, entertainment, or other accessory personal services.
- ²2.273 Household Pets: Domesticated dogs and cats, small animals, reptiles (non-venomous only) and birds (such as canaries or parrots) which are customarily kept in the home. These pets are those that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants. Small animals are defined as rabbits, guinea pigs, hamsters, chinchillas, mice, and fish. Birds are defined as parakeets, parrots, cockatiels, canaries and other such birds that are customarily kept inside cages inside the home.
- ³2.274 Incidental Sign: A sign, usually informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- 2.275 Junk: Any manufactured goods, appliances, fixtures, furniture, machinery, motor vehicle or trailer which is abandoned, demolished or dismantled, and such discarded or generally unusable material as scrap metal, scrap material, waste, bottles, tin cans, paper, garbage, boxes, crates, rags, used lumber, building materials, motor vehicles, machinery parts, and used tires (these are by way of example and not by way of limitation).
- 2.276 Junk Yard: A place where junk, waste, discarded, or salvage materials are bought, sold, exchanged, stored, baled, packed, assembled, or handled, including automobile wrecking yards, but not including scrap processing or shredding.
- ⁴2.277 Livestock Equivalent Unit: A livestock equivalent unit is as follows: 1 large livestock unit (horse, cattle, buffalo, elk, alpaca, llama, mules) is equal to 2 small livestock units (sheep, goats, swine). Where there is a question as to whether or not a proposed livestock animal is considered a large unit or a small unit, the presumption shall be that such animal is a large unit until the owner can provide the Director of Planning and Development with sufficient evidence that the animal is considered a small unit.
- ⁵2.278 Livestock and Poultry: Livestock includes but is not limited to horses, mules, cattle, burros, llamas, alpacas, swine, sheep, and goats. Poultry includes, but is not limited to chickens, turkeys, game birds, peafowl and Ostriches. In the event of uncertainty concerning whether a particular animal is a species of livestock or poultry, the presumption shall be that such animal is a species of livestock or poultry until the owner of such animal can provide the Director of Planning and Development with sufficient evidence that the animal is not a species of livestock.
- ⁶2.279 Livestock and Poultry Confinement Operation: An operation for the growing, feeding and fattening of livestock and/or poultry for commercial purposes, where the following conditions exist:

¹NOVEMBER 1986

²SEPTEMBER 1994

³JANUARY 1994

⁴SEPTEMBER 1994

⁵SEPTEMBER 1994

⁶SEPTEMBER 1994

TABLE 4-2
RE, RESIDENTIAL ESTATE ZONE DISTRICT

	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	10	10	20	20	20	30	30
Maximum Number of Livestock Equivalent Units Allowed	NA	NA	NA	2/AC	2/AC	2/AC	2/AC	2/AC

Type of Animal	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Alpacas	NA	NA	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Beefalo	NA	NA	NA	2/AC	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Bees (Colonies)	NA	NA	NA	5 ³	5 ³	5	10	25
Buffalo	NA	NA	NA	2/AC	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Cats	3 ²	3 ²	3 ²	4 ²	4 ²	5 ²	5 ²	5 ²
Cattle	NA	NA	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Chickens (Hens/Roosters)	NA	NA	NA	2/AC ¹	2/AC ¹	4/AC ¹	10/AC ¹	10/AC ¹
Chinchillas	2 ²	2 ²	2 ²	2 ²	2 ²	4 ²	4 ²	4 ²
Deer	NA	NA	NA	2/AC	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Dogs	2 ²	2 ²	2 ²	3 ²	3 ²	4 ²	4 ²	5 ²
Ducks/Geese	NA	NA	NA	2/AC ¹	2/AC ¹	4/AC ¹	10/AC ¹	10/AC ¹
Elk	NA	NA	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Emus	NA	NA	NA	5/AC ¹	10/AC ¹	10/AC ¹	10/AC ¹	10/AC ¹
Ferrets	2 ²	2 ²	2 ²	2 ²	2 ²	5 ²	5 ²	5 ²
Game Fowl	10 ³	10 ³	10 ³	15 ³	25 ³	30	35	40
Goats	NA	NA	NA	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹
Guinea Pigs	10 ²	10 ²	10 ²	20 ²	20 ²	20 ²	30 ²	30 ²
Horses	NA	NA	NA	2/AC	2/AC	2/AC	2/AC	2/AC
Llamas	NA	NA	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Mules	NA	NA	NA	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹	2/AC ¹
Ostriches	NA	NA	NA	2/AC ¹	5/AC ¹	5/AC ¹	5/AC ¹	5/AC ¹
Peafowl	10 ³	10 ³	10 ³	15 ³	25 ³	30	35	40
Pigeons	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
Rabbits	10 ²	10 ²	10 ²	20 ²	20 ²	20 ²	30 ²	30 ²
Sheep	NA	NA	NA	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹
Swine	NA	NA	NA	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹	4/AC ¹
Turkeys	NA	NA	NA	2/AC ¹	2/AC ¹	4/AC ¹	10/AC ¹	10/AC ¹

Type of Use	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Private Kennel/Cattery ⁴	4	4	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5
LCO	NA	NA	NA	NA	NA	NA	NA	NA

- ¹ These livestock are permitted only if the owner or resident is a registered member of a 4-H or FFA or other agricultural educational program.
- ² This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.
- ³ Allowed by Special Use Permit.
- ⁴ Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use By Right.
- ⁵ Allowed by Conditional Use Permit.

TABLE 4-3
R-1-A, R-1-C, SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS

	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Maximum Number of Household Pets Allowed	10	10	10	20	20	20	30	30

Type of Animal	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Alpacas	NA	NA	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA	NA	NA
Bees (Colonies)	NA	NA	NA	5 ²	5 ²	5	10	25
Buffalo	NA	NA	NA	NA	NA	NA	NA	NA
Burros	NA	NA	NA	NA	NA	NA	NA	NA
Cats	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹	4 ¹	5 ¹	5 ¹
Cattle	NA	NA	NA	NA	NA	NA	NA	NA
Chickens (Hens)	NA	NA	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA	NA	NA
Chinchillas	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Deer	NA	NA	NA	NA	NA	NA	NA	NA
Dogs	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Ducks/Geese	NA	NA	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA	NA	NA
Ferrets	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	4 ¹	4 ¹	4 ¹
Game Fowl	NA	NA	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA	NA	NA
Guinea Pigs	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	4 ¹	4 ¹	4 ¹
Horses	NA	NA	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA	NA	NA
Pigeons	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Rabbits	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	4 ¹	4 ¹	4 ¹
Sheep	NA	NA	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA	NA	NA

Type of Use	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Private Kennel/Cattery ³	4	4	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA	NA	NA

- ¹ This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.
- ² Allowed by Special Use Permit.
- ³ Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.

TABLE 4-4
R2, DUPLEX ZONE DISTRICT
AND
MH, MOBILE HOME ZONE DISTRICTS⁴

	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Maximum Number of Household Pets Allowed	8	8	8	15	15	15	25	25

Type of Animal	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Alpacas	NA	NA	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA	NA	NA
Bees	NA	NA	NA	NA	NA	NA	NA	NA
Buffalo	NA	NA	NA	NA	NA	NA	NA	NA
Burros	NA	NA	NA	NA	NA	NA	NA	NA
Cats	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Cattle	NA	NA	NA	NA	NA	NA	NA	NA
Chickens (Hens)	NA	NA	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA	NA	NA
Chinchillas	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Deer	NA	NA	NA	NA	NA	NA	NA	NA
Dogs	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Ducks/Geese	NA	NA	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA	NA	NA
Ferrets	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Game Fowl	NA	NA	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA	NA	NA
Guinea Pigs	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Horses	NA	NA	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA	NA	NA
Pigeons	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Rabbits	2 ¹	2 ¹	2 ¹	3 ¹	3 ¹	3 ¹	4 ¹	4 ¹
Sheep	NA	NA	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA	NA	NA

Type of Use	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Private Kennel ³	4	4	4	22	22	22	22	22
Commercial Kennel	NA	NA	NA	NA	NA	NA	NA	NA
LCO	NA	NA	NA	NA	NA	NA	NA	NA

- ¹ This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.
- ² Allowed by Special Use Permit.
- ³ Maximum allowed by Special Use Permit. The number specified is the maximum additional dogs and/or cats permissible over the number allowed as a Use by Right.
- ⁴ Within the MH Zone District, the numbers listed above apply to individual mobile home lots or spaces.

TABLE 4-5
R-3, R-4, MULTI-FAMILY ZONE DISTRICTS¹

Maximum Number of Household Pets Allowed	5
--	---

Type of Animal	
Alpacas	NA
Beefalo	NA
Bees	NA
Buffalo	NA
Burros	NA
Cats	1 ²
Cattle	NA
Chickens (Hens)	NA
Chickens (Roosters)	NA
Chinchillas	2 ²
Deer	NA
Dogs	1 ²
Ducks/Geese	NA
Elk	NA
Emus	NA
Ferrets	2 ²
Game Birds	NA
Goats	NA
Guinea Pigs	2 ²
Horses	NA
Llamas	NA
Mules	NA
Ostriches	NA
Peafowl	NA
Pigeons	See Note 3
Rabbits	2 ²
Sheep	NA
Swine	NA
Turkeys	NA

Type of Use	
Private Kennel	NA
Commercial Kennel	NA
LCO	NA

- ¹ All Restrictions noted in this table are on a "per unit" basis and apply to each individual unit in a multi-family development.
- ² This animal is considered a "household pet" in this category and the number of animals specified shall be counted toward the maximum number of household pets allowed.
- ³ Allowed by Special Use Permit.

TABLE 4-6
C-0 THROUGH C-5, COMMERCIAL AND I-1, I-2, AND I-3 ZONE DISTRICTS¹

Type of Animal	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Alpacas	NA	NA	NA	NA	NA	NA	NA	NA
Beefalo	NA	NA	NA	NA	NA	NA	NA	NA
Bees (Colonies)	NA	NA	NA	5	5	10	25	25
Buffalo	NA	NA	NA	NA	NA	NA	NA	NA
Burros	NA	NA	NA	NA	NA	NA	NA	NA
Cats	NA	NA	NA	NA	NA	NA	NA	NA
Cattle	NA	NA	NA	NA	NA	NA	NA	NA
Chickens (Hens)	NA	NA	NA	NA	NA	NA	NA	NA
Chickens (Roosters)	NA	NA	NA	NA	NA	NA	NA	NA
Chinchillas	NA	NA	NA	NA	NA	NA	NA	NA
Deer	NA	NA	NA	NA	NA	NA	NA	NA
Dogs								
Guard Dogs	2 ²	2 ²	2 ²	2 ²	2 ²	2 ²	2 ²	2 ²
Ducks/Geese	NA	NA	NA	NA	NA	NA	NA	NA
Elk	NA	NA	NA	NA	NA	NA	NA	NA
Emus	NA	NA	NA	NA	NA	NA	NA	NA
Ferrets	NA	NA	NA	NA	NA	NA	NA	NA
Game Birds	NA	NA	NA	NA	NA	NA	NA	NA
Goats	NA	NA	NA	NA	NA	NA	NA	NA
Guinea Pigs	NA	NA	NA	NA	NA	NA	NA	NA
Horses	NA	NA	NA	NA	NA	NA	NA	NA
Llamas	NA	NA	NA	NA	NA	NA	NA	NA
Mules	NA	NA	NA	NA	NA	NA	NA	NA
Ostriches	NA	NA	NA	NA	NA	NA	NA	NA
Peafowl	NA	NA	NA	NA	NA	NA	NA	NA
Pigeons	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4	See Note 4
Rabbits	NA	NA	NA	NA	NA	NA	NA	NA
Sheep	NA	NA	NA	NA	NA	NA	NA	NA
Swine	NA	NA	NA	NA	NA	NA	NA	NA
Turkeys	NA	NA	NA	NA	NA	NA	NA	NA

Type of Use	Up to .25 AC	>.25 AC to <.50 AC	.50 AC to <1.0 AC	1 AC to 2.0 AC	>2 AC to 5.0 AC	>5 AC to 10 AC	>10 AC to 35 AC	>35 AC
Private Kennel/Cattery	NA	NA	NA	NA	NA	NA	NA	NA
Commercial Kennel	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3	See Note 3
LCO	NA	NA	NA	NA	NA	NA	NA	NA

- ¹ Non-conforming single family residences located in these zone districts will be required to conform to the requirements of Table 4-3 for the R-1-A and R-1-C Zone Districts.
- ² An additional three (3) guard dogs, over the two (2) allowed as a Use-by-Right, may be allowed by Special Use Permit.
- ³ Allowed by Conditional Use Permit.
- ⁴ Allowed by Special Use Permit.

CHAPTER 5

NONCONFORMING CONDITIONS

5.100 CONTINUATION OF USE:

A nonconforming use may be continued and a nonconforming building may continue to be occupied, except as both of the foregoing are otherwise provided for in this Chapter 5.

5.200 REPAIR, MAINTENANCE AND RECONSTRUCTION OF NONCONFORMING STRUCTURES OR USES:

5.210 Minor repairs to and routine maintenance of property where nonconforming conditions exist are permitted and encouraged. Such work may be done pursuant to receipt of building permit approval if required. Major repairs, i.e. work or renovation estimated to cost more than 50 percent of the market value of the structure to be renovated, may be done only in accordance with a zoning review approval and building permit issued pursuant to this Zoning Regulation.

5.220 If a structure is located on a lot where a nonconforming situation exists and it requires major repairs, that is, it is damaged to an extent that the costs of repair or replacement would exceed 50 percent of the market value of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning review approval and building permit issued pursuant to this Zoning Regulation. Such work requires approval by the Director of Planning and Development and must meet the requirements of Section 5.300 Extension or Enlargement of Nonconforming Situation. (However, this subsection does not apply to structures used for single family purposes. Those structures may be reconstructed, enlarged or replaced as provided in Subsection 5.350.)

5.230 Definitions and procedures regarding determination of value for purposes of Subsections 5.210 and 5.220:

1. The costs of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.
2. The cost of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Subsection 5.210 and 5.220 by doing such work incrementally.
3. The market value shall mean either the market value for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by an independent qualified appraiser, mutually selected by the Director of Planning and Development and the applicant. A qualified appraiser shall be a Member of the Appraisal Institute (M.A.I.) or an Accredited Rural Appraiser (A.R.A.). The applicant shall pay the cost of said appraisal.

5.240 The Director of Planning and Development shall approve issuance of a zoning review approval authorized by this section if he finds that, in completing the renovation, repair or replacement work:

1. No violation of Section 5.300 Extension or Enlargement of Nonconforming Conditions will occur, and
2. The permittee will comply to the extent reasonably possible with all provisions of this Zoning Regulation applicable to the existing use with the following limitations:
 - a. Except that the permittee shall not lose the right to continue a nonconforming use.

- b. Compliance with a requirement of this Zoning Regulation is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting site design standards such as paved parking or landscaping does not constitute grounds for finding that compliance is not reasonably possible.

5.300 EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS:

5.310 Except as specifically provided in this Section 5.300, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

1. An increase in the total amount of space devoted to a nonconforming use, or
2. Greater dimensional nonconformity with respect to restrictions such as setback requirements, height limitations, density requirements.
3. Increase in exposure to natural or man-made hazards restricting development. Requirements or restrictions of these specifically named Overlay Zones, Flammable Gas, Flood Control, Airport Area, International Airport Noise Overlay Zones must be met prior to allowing any expansion or enlargement of a nonconforming situation.
4. An exception to Subsections 5.310 (1) and (2) is noted in Section 5.350 for single family residences.

5.320 In accordance with Section 5.340, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this chapter, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

5.330 A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

5.340 The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur. However, such improvements may not violate other standards or requirements of the Zoning Regulations, for example, those found in Chapter 4 Development and Performance Standards related to dust, noise, and traffic.

5.350 As an exception to Section 5.310, any structure used for single family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities, that is, nonconformities not in existence at the time of such enlargement or replacement, or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in Section 5.600 Abandonment of Use and Discontinuance of Nonconforming Conditions. The intent of this subsection is to allow, for example, a room addition for a home which may have a nonconforming setback. Extension of the nonconforming wall would be allowed as long as the degree of setback encroachment was not increased or a new setback encroachment did not occur. Also, this would allow replacement of a home which is a primary use (and nonconforming) in an industrial zone district.

- ¹5.360 Legal nonconforming properties housing more than one registered sex offender must be brought into conformity with the Zoning Regulations by obtaining a Conditional Use Permit, or discontinued within 24 months of the adoption of regulations relating to registered sex offenders.

5.400 NONCONFORMING MANUFACTURED HOME PARK REQUIREMENTS:

5.410 Continuation of Use of Existing Mobile Homes in a Nonconforming Mobile Home Park:

1. Continued use of those owner-occupied mobile homes existing within a Nonconforming Mobile Home Park at the time of passage of these Regulations, as evidenced by records found in the County Assessors Office, shall be allowed regardless of whether past approval of building permit or occupancy permit was granted by the County, and regardless of whether it meets Section 3.332 General Requirements of the Mobile Home Dwelling Zone District, provided the following minimum standards are met:
 - a. The mobile home remains in its existing location as shown on the required site plan on file with the Department of Planning and Development within a Nonconforming Mobile Home Park.
 - b. The mobile home is not subject to a condition which constitutes an immediate public health and/or safety problem for the residents of the mobile home park as determined by the Director of Planning and Development with advice from the Chief Building Official, the State Electrical Inspector, the fire chief or his designee for the appropriate fire protection district, and the director of the water and sanitation district serving the park. (If not connected to public water and sewer then the State Division of Water Resources (wells) and Tri County Health department (on-site sanitation systems) would provide such advice.) Examples of such immediate public health and safety problems include but are not limited to the following: improper installation of gas lines, unstable blocking or tie downs which could cause the unit to collapse, additions to mobile homes that are considered dangerous structures under provisions of the County Building Code, mobile homes located in a public right of way, mobile homes located over a slope that is considered unstable or excessively steep, inadequate water pressure for fire protection at a particular mobile home or inadequate access within the nonconforming mobile home park to assure the ability to reach a particular mobile home for fire fighting purposes, contaminated well water, and blocked or failed on-site sanitation systems.
2. Residences which do not meet the definition of Mobile Home, but are instead considered recreational vehicles or travel trailers are not considered to be nonconforming under this provision and are not allowed to be used as dwelling units in Nonconforming Mobile Home Parks.

5.420 Placement or Replacement of a Mobile Home in a Nonconforming Mobile Home Park:

Placement of a home on a vacant space or replacement of an existing mobile home within a Nonconforming Mobile Home Park is allowed under certain conditions described below:

1. The Mobile Home Park shall have on file with the Department of Planning and Development certain specific items of information indicating the existing physical conditions of the park and that certain safety standards are met:
 - a. A complete site plan meeting the requirements described in Section 8.210 Application for Permits of these Regulations which establishes the location of mobile home spaces and utility hookups and the total number of mobile home spaces allowed historically.

- b. A fire protection plan approved by the Fire Chief for the Fire Protection District within which the Park is located addressing the following items: adequate water pressure for fire protection, adequate minimum distance for fire hydrants, and adequate access for fire protection purposes.
 - c. Demonstration of adequacy of water and sewer service through approval of the water and sanitation district serving the Park (or approval of well and on-site sanitation systems by the Division of Water Resources and Tri County Health Department).
 - d. No mobile homes within the mobile home park have been determined to be subject to a condition which constitutes an immediate public health and/or safety problem for the residents as described in Subsection 5.410 (1) (b).
 - e. Provision of screening or buffering of adjacent less intense uses if determined necessary by the Director of Planning and Development.
2. New units may replace existing units provided the following general requirements are met:

Mobile Home Setbacks:

- a. Side Setback: That is the minimum required distance between manufactured homes (not including any attached structures), with the distance between units measured from the longest dimension side of one unit to the longest dimension side of the other unit is 10 feet
- b. Rear Setback: That is the minimum required distance between manufactured homes (not including any attached structures), with the distance between units measured from the most narrow dimension side of one unit to the most narrow dimension side of another unit is 6 feet.
- c. Rear to Side Setback: If the mobile homes are placed such that a most narrow dimension side of one unit is placed in proximity to a longest dimension side of another unit, the setback between these units on those sides (not including any attached structures) shall be 6 feet.
- d. Front Setback: That is the minimum required distance between a mobile home (and any attached structures) and the street is 3 feet.

Attached or Detached Accessory Structures:

- e. Minimum required distance between a mobile home and a detached accessory structure: 3 feet for a noncombustible structure and 6 feet for a combustible structure.
- f. Minimum required distance between a mobile home and an attached accessory structure not used for living quarters (such as a garage) on an adjacent mobile home: 3 feet for a noncombustible attached structure, and 6 feet for a combustible attached structure.
- g. Minimum required distance between a mobile home and an attached accessory structure used for living quarters (such as a kitchen or bedroom): 10 feet.

Off Street Parking:

- h. Minimum off street parking shall be provided in the following manner: Two off street parking spaces of 9 feet by 19 feet dimensions shall be provided for each mobile home, unless the street fronting the mobile home is 35 feet or more in width, in which case a maximum of one on street parking space and one off street parking space of 9 feet by 19 feet dimensions per mobile home is allowed.

Setbacks from Property Lines:

- i. Minimum required setbacks for those mobile homes placed on spaces adjacent to property lines and not other mobile home units is 5 feet from the property line unless utility easements are greater than 5 feet. A greater minimum required setback is required in those circumstances. The setback is to be to the easement line or closer up to the minimum 5 feet setback if allowed by the utility companies.

Minimum Floor Area:

- j. Minimum Floor Area: No minimum floor area is required by the Zoning Regulations for a mobile home, however minimum floor area required by State of Colorado regulations in order to be registered as mobile homes shall be met. As of the date of this amendment, the minimum floor area required by the State of Colorado is 256 square feet.
3. Installation and construction of attached and detached accessory structures are subject to the provisions of the County Building Code.
 4. Set up and tie down provisions of the County Building Code and Section 3.334 Standards for Placement of Manufactured Homes of the Mobile Home Dwelling Zoning District shall be met.

5.500 CHANGE IN USE:

- 5.510 A change in use of property where a nonconforming situation exists may not be made except in accordance with Section 5.300 Extension or Enlargement of Nonconforming Conditions.
- 5.520 If the intended change in use is a principal use that is permissible in the district where the property is located, and if all of the other requirements of the Zoning Regulations applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with the provisions of the Zoning Regulations is achieved, the property may not revert to its nonconforming status.
- 5.530 If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of the Zoning Regulations applicable to that use cannot reasonably be complied with, then the change is permissible if the entity authorized by the Zoning Regulations to issue a permit for that particular use (the Director of Planning and Development for zoning review approval and temporary uses, Board of Adjustment for special uses, or Board of County Commissioners for Conditional Uses) issues the particular type of required permit which would authorize the change. Conditions may be placed on any permit issued in order to mitigate any impact that would result from not meeting full standards or requirements. This permit may be issued if the permit issuing authority finds, in addition to any other findings that may be required by the Zoning Regulations that:
 1. The intended change will not result in a violation of Section 5.300 Extension or Enlargement of Nonconforming Situation.
 2. All of the applicable requirements of the Zoning Regulations that can reasonably be complied with will be complied with. Compliance with a requirement of this chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such site design standards as paved parking or landscaping does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

5.540 If the intended change in use is to another principal use that is also nonconforming in the zone district in which it is located, then the change is permissible if the permit issuing authority, (the entity authorized by the Zoning Regulations to issue a permit for that particular use, i.e. the Director of Planning and Development for zoning review approval and temporary uses, Board of Adjustment for special uses, or Board of County Commissioners for Conditional Uses), formally approves the change. Conditions may be placed on any permit issued in order to mitigate any impact that would result from not meeting full standards or requirements. The permit issuing authority may issue the permit if it finds, in addition to other findings that may be required by the Zoning Regulation, that:

1. The use requested is one that is permissible in some zoning districts with either a zoning review approval and building permit, special use, or Conditional Use permit, and
2. All of the conditions applicable to the permit authorized in Section 5.530 are satisfied, and
3. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for. Public notice shall be given to property owners located within a minimum of 500 feet (or a minimum of 1 mile in rural areas) of the property boundaries of the subject site 10 days in advance of such a decision in order that their concerns and input may be obtained to assist in making such a decision. A greater distance for public notice may be required by the Director of Planning and Development. Names and addresses of applicable property owners shall be provided by the applicant requesting the change.

5.600 ABANDONMENT OF USE AND DISCONTINUANCE OF NONCONFORMING SITUATION:

If active and continuous operations are not carried on in a nonconforming use during a continuous period of six months, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing. The burden of proof that an operation has been continuous rests with the owner or operator of the use. The evidence that an operation has been continuous must be clear, indicate that at the specific time in question the use was in operation, and must be conclusive.

5.700 ADMINISTRATIVE REMEDIES FOR EXTENSION OR ENLARGEMENT OF NONCONFORMING CONDITIONS:

- 5.710 Those persons owning properties which have nonconforming uses may apply for a Special Use Permit, Conditional Use Permit or Rezoning, as appropriate, in an effort to come into compliance with the requirements of these Zoning Regulations.
- 5.720 Those persons owning properties with structures or uses with dimensional nonconformities, however a conforming use of land or buildings is taking place within those structures or upon the land, may apply to the Board of Adjustment for a variance if they wish to expand or enlarge the structure or use of land.
- 5.730 Those owners or developers of land who disagree with the interpretation of an administrative official regarding a determination that a nonconforming situation exists may apply to the Adams County Board of Adjustment for an appeal of an administrative decision in accordance with Section 7.440 of the Zoning Regulations.
- 5.740 Final decisions of the Board of County Commissioners or Board of Adjustment may be appealed to the District Court in accordance with the provisions of State Statutes.

5.800 NONCONFORMING LOT:

- 5.810 No lot existing at the time of passage of these Regulations or any amendment thereto, shall be required to be reduced or enlarged to conform to the requirements on lot sizes, except those requirements pertaining to the use of individual wells and septic systems.

5.820 On previously existing tracts of land in the A-3 and A-2 Zone Districts, that were created prior to July 1, 1972, which do not meet the minimum lot size requirement of the A-2 or A-3 Zone Districts, construction of a single family dwelling shall be allowed subject to the minimum requirements of the A-1 Zone District and the Subdivision Regulations.

15.900 NON-CONFORMING USES, STRUCTURES, AND NATURAL OBJECTS LOCATED WITHIN THE AVIATION INFLUENCE AREA:

This Section shall not be construed to require the removal, or alteration of any lawful constructed building, structure, or use in existence at the time this regulation is adopted. Nor shall this section be construed to require any change in the construction, alteration, or intended use of any structure in cases which a building permit for the construction or alteration of a structure has been issued prior to the adoption of this article.

5.910 Non-conforming Uses located in Noise Overlay:

1. Previously approved and lawfully constructed residences may continue, but are subject to the provisions regarding enlargement or reconstruction of the residence as cited below.
2. Previously zoned and platted residential areas that are vacant are encouraged to change land uses in order to ensure future compatibility with this Overlay District.
3. New Single Family Dwellings may be constructed on parcels or lots created prior to the effective date of these regulations, or as allowed by State Statute, or when located on previously zoned and platted residential areas, provided that interior noise level reduction measures are employed during construction to achieve an interior noise level of 45 dB on the A-weighted scale. The plans which illustrate the noise reduction measures that will be employed must be certified by a registered professional engineer. Issuance of certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.
4. Proposals to enlarge, or reconstruct non-conforming single-family residences and subject to the provisions of Chapter 5, section 5.350 must employ interior noise level reduction measures to achieve an interior noise level of 45 dB A-weighted levels for the structure or portion of the structure subject to the building permit. The plans which illustrate the noise reduction measures to be employed must be certified by a registered professional engineer. Issuance of a certificate of occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.
5. Proposals to reconstruct non-conforming office, commercial, or other non-residential structures which are subject to the provisions in Chapter 5, Subsection 5.220 herein, must employ interior noise level reduction measures to achieve an interior noise level of 45dB in A-weighted levels for the structure, or portion of the structure occupied by members of the public. The plans which illustrate the noise reduction measures that will be employed must be certified by a registered professional engineer. Issuance of a Certificate of Occupancy shall remain dependent upon the faithful execution of the certified noise reduction construction plan as submitted upon building permit application.

26.000 NON CONFORMING USES LOCATED OUTSIDE THE NOISE OVERLAY ZONE DISTRICT, YET IN THE AVIATION INFLUENCE AREA:

1. Avigation easements which acknowledge and permit the creation of noise by aviation operations shall be signed and recorded prior to issuance of a building permit.

FEBRUARY 1989

¹JANUARY 1991

²JANUARY 1991

2. The owner of any existing nonconforming structure is required to permit the installation, operation, and maintenance of markers and lights as shall be deemed necessary by the Aviation Authority or Operator, to indicate to the operators of aircraft in the vicinity of the aviation facilities of the presence of aviation hazards.

CHAPTER 6

AMENDMENT TO ZONE MAP AND ZONING REGULATIONS

6.100 AMENDING ZONE MAP:

6.110 Initiation of a zone change:

- 6.111 Zone changes may be initiated by the Planning Commission, the Board of County Commissioners, or by the owner of record.
- ¹6.111.5 A Municipality, Airport Authority, or other owner or operator of an aviation facility available for public use may petition the Board of County Commissioners for an amendment to the Zone District map of Adams County to establish or amend an Aviation Zone or Influence Area Overlay District for the area including and surrounding such Aviation facility.
- 6.112 When zone changes are initiated by the Planning Commission or by the Board of County Commissioners, the owner of record shall be notified by certified mail or by legal publication giving not less than 30 days notice of the time and place of the Planning Commission and Board of County Commissioners hearings by not less than one publication in a newspaper of general circulation in the County.
- 6.113 Application procedure: The following requirements unless waived by the Director of Planning and Development shall be submitted to the County Planning Department at least 50 days prior to the first unfilled Planning Commission hearing agenda in the required amount of copies as specified by the Planning and Development Department.

21. Application form completed and signed by the property owner or his attorney-in-fact, with the following application fee:

Zoning :	$\$400 \text{ base} + (\$40 \times \sqrt{\text{acres}})$ Maximum Fee: \$925
Conditional Use :	\$500
PUD:	$\$500 \text{ base} + (\$75 \times \sqrt{\text{acres}})$
Amendment to a PUD:	\$500
Conditional Use for Excavation and Rehabilitation Plan in accordance with §11.330	$\$500 \text{ base} + (\$75 \times \sqrt{\text{acres}})$

If a conditional use application is filed concurrently with an application for rezoning, the conditional use fee shall be reduced to \$125, however, each concurrently filed conditional use application shall be charged the \$125 fee. This provision does not affect the rezoning application fee. In addition, any review fees due to any state

¹JANUARY 1991

²DECEMBER 1994

agency which a referral of the rezoning or conditional use case is made, must be paid prior to the Planning Commission's consideration of the application.

¹All of the aforementioned applications may also be subject to a pre-application meeting. If the Department of Planning and Development elects to conduct a pre-application meeting with applicant, prior to submittal of a Zoning, Conditional Use, PUD, or Amendment to PUD, a \$100 pre-application fee shall be charged. Said pre-application fee shall also be credited towards a formal application fee, if said application is submitted for processing within six months of the date of the pre-application meeting.

2. Certificate of taxes due from the Treasurer's Office as proof of ownership, and where applicable, attorney-in-fact.
3. Certified boundary survey of property if previously subdivided, or a subdivision preliminary plat for unsubdivided property.
4. Plot plan showing all relevant details of proposed development including, but not limited to: location of all buildings and structures, parking and loading areas, ingress and egress, waste disposal areas, landscaping and screening (including fencing), lighting, signs, and other constructional features. These details must conform to minimum requirements of zone district in which use is to be located, unless a variance is granted.
5. Description of proposed operation and construction in sufficient detail as to indicate effects of operation on area.
6. Time schedule for development.
7. Proof of water and sewer service.
8. Plans for drainage and drainage facilities.
9. Names and addresses of adjacent property owners within a minimum of 500 feet. However, the Director of Planning and Development may require the names of property owners in excess of 500 feet for larger rezoning requests.
10. Soil and geologic reports.
11. Such additional information as may be required by the Director of Planning and Development, these Regulations, or submitted by the applicant.

6.114 Processing Procedure: The following procedures shall be followed for each rezoning request:

1. Referral of the request to all relevant agencies for review and recommendation at least 35 days prior to the Planning Commission hearing.
2. Posting of the premises by the County no later than ten days prior to the Planning Commission hearing with a sign containing the date, time, and place of the hearing, purpose of the hearing, and the phone number and address of the Planning and Development Department. For properties without contiguity with a public street, the sign shall be placed within the right-of-way of a public street in proximity to the property for which rezoning is requested. Failure of the sign to remain posted prior to the Planning Commission hearing shall not necessitate the delay of a hearing by the Planning Commission or Board of County Commissioners, and shall not be regarded as constituting inadequate notice. The posting sign upon placement on the property by the Planning

Department becomes the sole responsibility of the landowner. Such sign must be removed by the landowner within ten days after the hearing date specified.

13. Notify property owners who are within five (500) hundred feet of the applicant's property by mail at least ten days prior to the Planning Commission hearing in accordance with the list supplied by the applicant. This notice provision is intended to provide reasonable notice to persons who may have some concern regarding the subject property. Failure of a property owner to receive a mailed notice will not necessitate the delay of a hearing by the Planning Commission or Board of County Commissioners, and shall not be regarded as constituting inadequate notice.
4. Publish the time and location of both the Planning Commission and Board of County Commissioners hearings not less than one time in the official County newspaper at least 30 days prior to the Board of County Commissioners' hearing.
5. The Planning Commission shall then conduct a public hearing at the date, time, and place as posted and consider all relevant evidence concerning the proposed rezoning. After consideration of such evidence, the Planning Commission shall recommend disapproval, approval, or approval subject to conditions, to the Board of County Commissioners.
6. The Board of County Commissioners shall then conduct a public hearing at the published time and location. The Board of County Commissioners may approve in whole or in part, with or without modifications and requirements, or deny the request. For all rezoned land, a subdivision plat must be filed and subdivision requirements met within ninety days of approval or within some greater time period as approved by the Board of County Commissioners. All requirements must be completed within 90 days or within some greater time period as approved by the Board. Failure to comply with all requirements within the time period allowed shall constitute withdrawal of the request.

6.115 Criteria for rezoning: The Planning Commission in making their recommendation and the Board of County Commissioners in approving should consider, but not be limited to the following:

1. Comply with the requirements of these Regulations and with the area in which it is to be located.
2. Is consistent with the purposes of these Regulations and with the Comprehensive Plan.
3. Is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

6.116 Map Changes: Upon final approval and fulfillment of all requirements of the Board of County Commissioners, the Planning Department shall make necessary changes in official County zone district maps.

6.200 CONDITIONAL USE:

A Conditional Use (formerly permitted use) is a use of land, structures, or both that may be allowed with restrictions deemed necessary upon approval of the Board of County Commissioners and be designated a "C" on the zone map. Zoning standards and regulations in the applicable zone district which would otherwise govern that use in terms of density, height, setbacks, off-street parking, minimum square footage, or similar requirements shall apply.

6.210 Restrictions on a Conditional Use: In order to make such use compatible to an area, the Board of County Commissioners may require conditions including, but not limited to:

1. Hours of operation.
2. Street and road capacity.
3. Off-street parking.
4. Fencing, screening, and landscaping.
5. Building bulk, height, setback, location, and external appearance.
6. Usable open space.
7. Noise, vibration, air pollution, or similar environmental considerations.

6.220 All procedures, requirements, and fees applicable to a zone change request shall be followed for a Conditional Use request.

6.230 For applications pertaining to site selection and construction of a major energy facility, see Section 11.110

6.300 AMENDING ZONING REGULATIONS:

- 6.310
1. Any amendment to the Zoning Regulations shall have been proposed by or first submitted to the Planning Commission for approval, disapproval, or suggestions.
 2. Except upon concurrence of at least four members of the Planning Commission, any proposed amendment to the Zoning Regulations shall be submitted to the County Planning and Development Department at least 30 days prior to the hearing thereon.
 3. A legal publication of all proposed amendments with the date and time of the hearings shall be made at least 7 days prior to the Planning Commission hearing and shall be made at least 30 days prior to the Board of County Commissioners hearing. Such notice shall be given by not less than one publication in a newspaper of general circulation in the County. The two notices may be combined or be published separately provided the above notice requirements are complied with in either case.

6.320 If the proposed amendment to the Zoning Regulations is disapproved by the Planning Commission, to become effective, it shall receive a favorable vote of the majority of the Board of County Commissioners.

¹6.400 **REAPPLICATION FOR SUBSTANTIALLY SIMILAR REQUESTS FOR REZONING, PLANNED UNITED DEVELOPMENT, CONDITIONAL USE AND CERTIFICATE OF DESIGNATION CASES** will not be accepted prior to one year after the date of the final decision by the Board of County Commissioners. Should the applicant and the Director of Planning and Development disagree on what constitutes "substantially similar" requests, the matter will be scheduled before the Board of County Commissioners for determination.

²6.500 **REHEARINGS OF REQUESTS SPECIFIED IN SECTION 6.400 ABOVE** may be granted on written request of the applicant to the Board of County Commissioners through the Planning Department or on the Board's own motion. Such requests must be made within thirty days of the date of the final decision. Action on any request for rehearing shall be taken after the Board considers factors including, but not limited to, the following criteria:

¹JANUARY 1983

²JANUARY 1983

- a. Any procedural defect.
- b. Any new information not available to the applicant at the time of the first hearing.
- c. Lack of opportunity for a fair hearing.

The Board, at its discretion, may grant or deny any request for a rehearing.

16.600 APPLICATION FOR A ZONE CHANGE TO LOCATE A COMMERCIAL AVIATION FACILITY:

Only those commercial aviation facilities, as defined in this Regulation, which are approved by the Board of County Commissioners at a public hearing for the establishment of an Aviation Zone in conjunction with the Noise and Height Overlays within the Aviation Influence Area District shall be allowed to operate within the unincorporated portions of the County. Zoning may be granted on land held by municipalities, aviation authorities, or other owners or operators by the Board of County Commissioners when in accordance with the provisions itemized herein. Interested parties are advised to review the Adams County Comprehensive Plan, the Airport Environs Plan, and Chapter 3 of this Regulation, the Aviation Zone, and the Aviation Influence Area Overlay District for more information on land use planning adjacent to airports and heliports.

6.610 Siting Requirements:

- 1. Minimum size requirements for location of a commercial aviation facility:
 - a. Airport: 40 acres;
 - b. Heliport: 2 acres.

2. Application:

Upon selection of a site for a proposed airport or heliport, the sponsor shall make application through the Planning and Development Department for a Zone Map Amendment. The following requirements shall be submitted to the County Planning Department at least 50 days prior to the first unfilled Planning Commission hearing, and the applicant will supply to required amount of copies as specified by the Planning Department. The application shall include maps, narrative descriptions, and related materials necessary to completely describe the use and the site, and includes, at a minimum, the following submittals:

- a. Items (1) through (10) listed in Section 6.113 herein, in addition to the following:
- b. A copy of the permit issued by the County Commissioners authorizing the applicant to engage in development in an area of state interest or to conduct an activity of state interest, and supporting documentation, if applicable;
- ²c. map(s) of existing site conditions drawn to a scale of sufficient detail (1:12000 or 1 inch = 1,000 feet is recommended), to show the following information:
 - 1. The property boundary on a map showing sections within Townships and Ranges;
 - 2. existing structures, oil or gas wells, and other pertinent features permanently affixed to the site;
 - 3. existing transportation facilities, utility lines, and easements;

¹JANUARY 1991

²JANUARY 1991

4. topographic contour lines drawn at intervals of 20 feet or less;
 - d. a vicinity map drawn at a scale of 1:24,000 showing access routes to the site, other airport or heliport boundaries, and existing land uses within the proposed A.I.A..
 - e. a map drawn at a scale of 1:24,000 showing patterns of land ownership, including owners of mineral interests.
 - f. map(s) of the Aviation Zone drawn at a sufficient scale to detail:
 1. proposed runway configurations, takeoff and landing areas, and clear zones at the time of build-out. The phasing of improvements will be illustrated also;
 2. proposed building areas including terminal(s), hangers, and aviation-related offices, tenant spaces, and facilities. The phasing of building improvements will be illustrated.
 - g. map(s) of the proposed Noise Overlay illustrating 60 Ldn and greater noise impact areas based upon the master plan of the airport for fleet mix and number of flight operations. These maps shall be prepared on reproducible materials at a scale of sufficient detail (1:24000 is recommended) to show:
 1. existing residences, and commercial and industrial structures;
 2. platted subdivisions, including agricultural, residential, commercial, and industrial plats;
 3. areas included within site specific development plans.
 - h. maps of the Height Overlay to include at a minimum the F.A.R. Part 77 Surfaces for the proposed facility. Maps shall be prepared on reproducible materials at a scale of sufficient detail (1:6000 or 1 inch = 500 feet is recommended), to show the height of the proposed imaginary surfaces above ground level.
 - ¹i. a general description of operations, services, and facilities, including the functional category of the aviation facility, the types of aircraft to be served, the need for the facility, projections of aircraft operations, and the phasing of improvements;
 - j. a narrative describing utility and service providers, including fire, and emergency services;
 - k. narrative(s) describing proposed methods to acquire necessary land, residential development rights, airspace and mineral interests, and provisions for allowing mineral extraction where these interests are not planned for acquisition.
 - l. a letter from the FAA acknowledging that the applicant's site has sufficient airspace available for the type of facility proposed;
 - m. other information as requested by the Director of Planning & Development in order to clarify the application.
3. Processing Procedure: see chapter 6, section 114.
 4. Review criteria for establishment of an Aviation Zone: The Planning Commission and the Board of County Commissioners will consider the following criteria when reviewing an application for location of an aviation facility in Adams County.

- a. Airports and heliports are located so as to minimize conflict with surrounding residents, schools, churches, places of public assembly, power or transmission lines, or any preexisting airport influence area.
- b. The Airport is located on forty or more acres and the centerline of the runways and taxiways is located at least 700 hundred feet from all property lines, and are oriented that aircraft approaches, both landing and taking off, do not pass within 1,000 feet in both vertical and horizontal dimensions of dwellings, schools, churches, or other places of public assembly.
- c. The Heliport is located on two or more acres and the takeoff and landing areas are located at least 300 feet from property lines.
- ¹d. When residential zoning, subdivision plats, or viable site specific development plans preexist, the airport/heliport operator has purchased or made provisions for the purchase of the associated residential development rights.
- e. The Airport/heliport conforms with applicable local and regional plans, including the Adams County Comprehensive Plan, and The Denver Regional Council of Government's adopted Regional Aviation Plan.
- f. The Airport or Heliport controls sufficient land area to construct runways, terminals, appurtenant facilities, and to provide adequate buffers to protect the public from the severe hazards and annoyances associated with low-flying aircraft.
- g. The proposed use is related to present land use patterns in the area, is conveniently located and accessible by various modes of transport.
- h. The applicant has demonstrated a sufficient need for the aviation facility, and has addressed in depth how the facility will benefit the residents of Adams County.
- i. The applicant has shown that the Federal Aviation Administration has or will approve the Master Plan of the aviation facility prior to recordation of the of the zoning.

²6.700 CONDITIONAL USE PERMITS FOR PRIVATE AIRPORTS AND HELIPORTS:

Private Airports and Heliports, as defined herein, may be allowed as a Conditional Use in Adams County. Private airports may be allowed as a Conditional Use on Agricultural Three parcels totaling 40 acres or more in size following the process outlined above in Chapter 6.2 herein. Private heliports may be considered as a Conditional Use on land zoned Agricultural, Commercial, or Industrial, and on PUDs with comparable uses. In all cases the facility must be located on parcels totaling 2 acres or more in size as specified in Chapter 6.2.

In addition to the requirements cited in Chapter 6.210, applicants seeking a permit for a private airport or heliport must submit verification from the Federal Aviation Administration that the site does not present a hazard to air navigation.

¹JANUARY 1991

²JANUARY 1991

CHAPTER 7

BOARD OF ADJUSTMENT

7.100 APPOINTMENTS:

The Board of County Commissioners of Adams County shall appoint a Board of Adjustment consisting of five members. In addition to the five appointed members, the Board of County Commissioners shall appoint one of the members of their Board as an ex officio member of such Board. Each member of the Board shall be a resident of the County and the owner of real property situated therein. The term of appointed members of the Board shall be five years or until their respective successors have been appointed, but the terms of office shall be staggered by making the initial five appointments for one, two, three, four, and five years respectively. The members of the Board of Adjustment shall receive such compensation as fixed by the Board of County Commissioners.

7.200 ASSOCIATE MEMBERS:

The Board of County Commissioners may appoint associate members of the Board; and in the event that any regular member be temporarily unable to act owing to absence from the County, illness, interest in any matter before the Board, or other cause, the place may be taken during such temporary disability by an associate member(s) designated for this purpose.

7.300 OFFICERS:

The Board shall elect a Chairman and a Vice Chairman from among its members, whose term shall be for one year. A secretary shall be appointed by the Board for a term of one year.

7.400 RULES OF PROCEDURE:

Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Chairman, or in his absence, the Vice 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 shall keep minutes of the proceedings, showing the vote and 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 Board and shall be a public record. The Board may adopt supplementary rules or procedures not inconsistent with these Regulations or state statutes.

7.410 Application Procedure and Processing

7.411 Application Procedure:

The following requirements, unless waived by the Director of Planning and Development, shall be submitted to Adams County at least 20 days prior to the first unfilled Board of Adjustment hearing in the required amount of copies as specified by the Development Review Section.

- ¹ 1. Application form completed and signed by the property owner or his attorney-in-fact with a fee of \$50 for properties located in the A-1, A-2, A-3, RE, R-1-C, or R-2 zone districts; or \$450 for properties located in any other zone district. If more than one

variance and/or special use application is filed concurrently, the second and subsequent application(s) will be charged an application fee of \$25 each for properties located in the

A-1, A-2, A-3, RE, R-1-C, or R-2 zone districts; or \$112 each for properties located in any other zone district.

2. Certificate of taxes due from the Treasurer's Office as proof of ownership, and where applicable, attorney-in-fact.

7.412 Processing Procedure: The following procedure shall be followed for a variance/special use request.

1. Referral to all relevant agencies for review and recommendation at least 10 days prior to the Board of Adjustment hearing.
2. Posting of the premises by the County for at least 10 days prior to the Board of Adjustment hearing with a sign containing the date, time, and place of hearing, purpose of hearing, the phone number and address of the Development Review Section, and the name of the point of contact within the Section from whom additional information may be obtained. In addition, the Development Review Section shall notify by letter property owners from the list provided by the applicant.
3. The Board of Adjustment shall then conduct a public hearing at the date, time, and place as posted and consider all relevant evidence concerning the proposal. After consideration, the Board of Adjustment may approve in whole or part, with or without modifications and requirements, or deny the request. All requirements must be completed within 90 days or within some greater time period as approved by the Board. Failure to comply with all requirements within the time period allowed shall constitute withdrawal of the request.
4. Review of the Board of Adjustment decision shall be pursuant to statutes and rules of civil procedure.

¹7.500 AUTHORITY AND RESPONSIBILITY

The Board of Adjustment shall have the following powers:

7.510 Variance:

- ²1. The Board of Adjustment shall have the authority to grant a variance from the terms of these Regulations relating to special physical requirements, but not to use, of the property. In addition, the Board of Adjustment may not grant a variance from the noise and height restrictions within the Aviation Zone, or the International Airport Clear Zone, or the Height and Noise Overlay Zone Districts.
2. The special physical requirements of the property shall include the following:
 - a. The unusual configuration of property with respect to shape, shallowness, narrowness, size, or topography.
 - b. Where the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to the property.
 - c. Where exceptional and undue hardship would result with the development of the specific property.
3. The Board of Adjustment in its consideration of a variance may not grant relief if it would create a substantial detriment to the public good or if it would substantially impair the intent and purpose of these Zoning Regulations.

¹OCTOBER 1981

²JANUARY 1991

¹7.511 The Criteria for Variance is as follows:

1. That special physical requirements or circumstances exist which are peculiar to the land, the lot or some proposed use inherent in the land that causes the hardship, and which are not applicable to other lands in the same district.
2. The literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations.
3. That granting of the variance requested will not confer on the applicant any special advantage that is denied by these Regulations for other land in the same district.
4. That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of these Regulations.
5. That such unnecessary hardship has not been created by voluntary action or negligence.
6. That the granting of the variance will be in harmony with the general purpose and intent of these Regulations and with the Comprehensive Plan of Adams County.
7. That the granting of a variance from strict application of these Regulations so as to provide relief for exceptional practical difficulties or exceptional and undue hardship, but such relief may not be granted if it causes substantial detriment to the public good or impairs the intent of the Zoning Regulations.

²7.512 In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with these Regulations. Violations of such conditions and safeguards, if made a part of the terms when the variance is granted, shall void the variance.

³7.513 A variance must be utilized by the recipient within one year of the date of approval. The variance shall be void if a building permit in which the variance is utilized is not issued to the recipient within that period of time.

⁴7.520 **Special Uses:**

The Board of Adjustment shall have the authority to approve or deny a non-permanent exception from these Regulations for uses of land, structures or both. Said use may be granted for a specific period of time not to exceed five years and may have conditions specified deemed necessary by the Board of Adjustment. Under no circumstances may a special use permit be extended or renewed beyond the maximum five year period, except under the following conditions

- a. Those special use permits which were issued prior to January 10, 1983, may be extended at the discretion of the Board of Adjustment, for one maximum additional period of two years.
- b. Those special use permits for Mobile Homes which were issued prior to January 10, 1983, which are being used as principal dwellings in agricultural zone districts may be renewed at the discretion of the Board of Adjustment without consideration for the definition of "permanent" as stated in Section 2.251.

¹OCTOBER 1981

²OCTOBER 1981

³MAY 1985

⁴JANUARY 1983

- c. Those special use permits which allow private kennels, as per Section 4.930, may be renewed at the discretion of the Board of Adjustment.
- 7.521 The Board shall consider the following in making its determination:
1. Compatibility with the surrounding area.
 2. Harmony with the character of the neighborhood.
 3. Need for the proposed use.
 4. Its effect upon the immediate area.
 5. Its effect on the future development of the area.
 6. Its effect on the health, safety, and welfare of the inhabitants of the area and the County.
 7. Hardship.
- 7.522 In granting any special use, the Board may prescribe conditions, requirements, and safeguards in conformity with these Regulations. Violations of such conditions, requirements, or safeguards shall be deemed a violation of these Regulations.
- 7.523 The Board shall prescribe a time limit within which the special use and conditions shall be begun, or completed, or both. Failure to conform to such shall void the special use.
- 7.524 The Board in granting a special use, shall grant such use to a specific parcel and operator; change in ownership or operator, or a violation of a condition shall void the special use and new application must be applied for under these provisions prior to continuance of such a use.
- 7.530 Under no circumstances shall the Board grant a variance and/or special use excluded or not permissible under the terms of these Regulations with the zoning district in which it is located. Nor shall a variance and/or special use grant a privilege inconsistent with limitations placed upon other property in the district.
- ¹7.540 **Appeals to the Board of Adjustment:** In addition, the Board shall act as an appeal body to any administrative decision of administrative County officials in enforcement of these Regulations. The Board may, so long as such action is in conformity with the terms of these Regulations, reverse or affirm wholly or partly, or may modify the order, decision, requirement, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken. A \$100 processing fee shall be charged. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination.
- 7.550 **Decisions of the Board of Adjustment** shall not be appealed to the Board of County Commissioners, but shall be pursuant to statutes and rules of civil procedure.

¹DECEMBER 1994

CHAPTER 8

ADMINISTRATION AND ENFORCEMENT

8.100 METHOD OF ADMINISTRATION:

The provision of these Regulations shall be administered and enforced by the Board of County Commissioners and their delegated representatives through the following methods:

8.110 Requirement of building and occupancy permits:

¹8.120 Inspection:

The Chief Building Official or his authorized representatives are hereby empowered to inspect and examine any building, other structure, or tract of land concerning which they have reasonable cause to believe that a use exists or construction or alternation work is being performed, or has been performed, in violation of the applicable provisions of this regulation. If a violation shall be found to exist, the Chief Building Official or his authorized representatives shall by written notice or order direct that such remedial action be taken forthwith as will result in full compliance with the applicable provisions of this regulation; provided, however, that the issuance of such notice or order shall in no way or manner be deemed a pre-requisite to the institution of such enforcement proceedings as are set forth in this article 8; and provided further that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of this Zoning Regulation 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.

²8.130 Proceedings in accordance with applicable statutes and civil procedures:

³8.140 Violations:

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 Regulation shall be punished by a fine in an amount not to exceed one hundred dollars (\$100.00) for each violation, such fine to inure to the County of Adams, or by imprisonment in the County Jail for no more than ten (10) days, or both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. If any land is or is proposed to be erected, constructed, reconstructed, altered, maintained or used in violation of any regulation or provision of this Zoning Regulation, or amendments therefore, or the applicable statutes of the State of Colorado, the Board of County Commissioners by the County Attorney or Assistant County Attorney, in addition to other remedies provided by law, may institute injunction, mandamus, 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 hereabove provided for may be recovered in that same civil action wherein such injunction, mandamus and/or abatement is sought, or separate and distinct proceedings may be instituted seeking varying forms of relief, as the law may allow.

⁴8.150 Damages and Abatement:

In any civil or criminal action brought to enforce the provisions of the 1980 Zoning Regulations for Adams County, Colorado, or to enforce the provisions of the Uniform Building Code as amended and adopted by the County of Adams, Colorado, the County Attorney may request an order of court authorizing the County to abate any violation of said regulations or code at the expense of the

¹NOVEMBER 1986

²NOVEMBER 1986

³NOVEMBER 1986

⁴NOVEMBER 1986

violator. The violator shall be granted a reasonable period of time in which to correct such violations, not less than 30 days, before the County may abate the violations. The costs of abatement shall be supported by competent evidence and reduced to judgment in the same action upon a hearing before the court.

18.160 Enforcement of Conditions and Performance Standards for Permits:

8.161 Cease and Desist Order to Stop Operations:

Violation of any performance standard or failure to abide by such terms, requirements, and conditions of a Permit as provided for within these Regulations may result in a Cease and Desist Order to stop operations which may be issued by the Director of the Department of Planning and Development.

1. The maximum term of such an order is fourteen calendar days. No further Cease and Desist Order may be issued unless followed by a hearing as described in Section 8.163.
2. Such an order may be issued to temporarily stop the operation, for cause, when conditions and circumstances exist which present an immediate health and safety danger and which are of such immediacy and magnitude that allowing the operation to continue during the pendency of the process described in Section 8.163 is more likely than not to result in significant risk to the adjacent community.
3. No person may continue to make use of the land in the manner authorized by the permit after such an order has been issued in accordance with this Section until a determination on suspension or revocation of the Permit is made as described below in Section 8.163.

8.162 Authority to Suspend or Revoke a Permit:

A Permit may be suspended or revoked by the Permit Issuing Authority if the operator conducting the use allowed by the Permit fails to abide by terms, requirements, and conditions of the Permit. A suspension may be required to allow the operator to perform necessary changes or correct conditions in order to meet the performance standards of this Regulation, or the purpose and intent of this Regulation or revocation of the Permit may be determined appropriate. No person may continue to make use of land in the manner authorized by the permit after such permit has been revoked in accordance with this section. The determination as to whether a Permit is to be revoked or suspended rests with the Permit Issuing Authority.

8.163 Procedure for Determination of Suspension or Revocation of a Permit:

1. Before a Permit is suspended or revoked the following notice and hearing provisions shall be complied with. The notice shall inform the operator of the alleged grounds for revocation.
2. Before making a decision on a petition from the staff to suspend or revoke a Permit, the Permit Issuing Authority shall hold a hearing on the request. If the Permit Issuing Authority is the Director of Planning and Development, instead of a hearing, a Fact Finding review shall be conducted.
 - a. The hearing shall be open to the public and all persons interested in the outcome of the petition shall be given an opportunity to present evidence and arguments and ask questions of persons who testify. In the case of a Fact Finding Review, the Director of Planning and Development shall consider all written comments submitted by members of the public and all other interested persons presenting concerns and evidence regarding the issues being considered.

- b. The Permit Issuing Authority may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- c. The Permit Issuing Authority may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be given unless a period of six weeks or more elapses between hearing dates. In the case of a Fact Finding Review, the Director of Planning and Development may delay a determination in order to obtain additional information. Should the continuation of a hearing or a delay of determination during a Fact Finding Review exceed six weeks (6), a ten (10) day notice period as described in Section 8.163 (2) (D) and (E) below, shall apply prior to a final decision.
- d. Notice shall be given to the permittee, and owner of record if another party, and any other person who makes a written request for such notice by mailing to such persons a written notice not later than ten (10) days before the hearing or Fact Finding Review.
- e. The notice required by this Section shall state the date, time, and place of the hearing, reasonably identify the lot or land parcel that is the subject of the petition, and give a brief description of the action requested or proposed.
- f. Any decision made by the Permit Issuing Authority regarding suspension or revocation of a Permit shall be reduced to writing and mailed by Certified Mail to the operator and copies mailed through normal mailing methods to all other persons who make a written request for a copy.
- g. In addition to a statement of the Permit Issuing Authority's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the findings and conclusions, as well as supporting reasons or facts.

¹8.200 PERMITS REQUIRED:

No person shall commence the excavation for, erection, construction, reconstruction, remodeling, or changing the use of any structure in the unincorporated areas of Adams County without first obtaining a written permit from the Chief Building Official who shall not issue any permit unless the plans fully conform to all zoning and other County Regulations then in effect. Exemptions from permitting may include Temporary Display Structures meeting the definition under Section 2.345.

²8.210 Application of Permits:

Application for permits shall be accompanied by the following:

- 1. Site Plan including the following:
 - a. The person or company preparing the plan.
 - b. A north arrow.
 - c. Scale (1"=10', 1"=20', 1"=30', 1"=40', 1"=50').
 - d. Exact dimensions and location of all existing structures, parking areas, landscaping, drainage systems, and other existing features on the lot at the time of the new permit request.

¹FEBRUARY 1996

²AUGUST 1982

- e. Exact description, in narrative form, of all proposed uses to be conducted on the lot.
 - f. Exact dimensions and location of proposed new structure(s) to be located on the lot with exact setbacks from all property lines shown.
 - g. Exact dimensions and location of off street parking, with spaces delineated and proposed surface identified.
 - h. Exact location of landscaping material which includes type of vegetation and inorganic material, and ground cover of vegetation at maturity expressed as a percentage of landscaped area. (See Section 12.000).
 - i. Elevation of all proposed structure(s).
 - j. Number of employees anticipated (if commercial or industrial use).
 - k. Delineation of right-of-way dedication required by the Adams County Right-of-Way Agent and street improvements required by the Adams County Engineering Department.
 - l. Requires drainage detention areas showing capacity of structure expressed in cubic feet and the release rate expressed in cubic feet per second.
 - m. Any other features proposed to be located on the lot.
2. A soils report prepared by a Registered Engineer which identifies the soil type(s) on the lot and provides specific recommendations for foundation, footing, and building design.
 13. Submittal of a drainage plan and report, prepared by a Professional Engineer, registered in the State of Colorado, may be required in conjunction with a building permit application. The drainage plan and report shall be prepared in accordance with Chapter 6 of the Adams County Subdivision Regulations, Storm Drainage Design and Technical Criteria.

Fees for such permits, unless contained within these Regulations, shall be established by resolution of the Board of County Commissioners and are not refundable. The Chief Building Official is empowered to waive any or all of the submittal items in this Section upon his or her finding of good cause.

28.220 Plans for permits shall be referred to the Planning and Engineering Departments for their recommendation of approval or disapproval of the permit. The Building Inspections Section shall also refer the plans to the applicable Fire District and applicable Water and Sanitation Districts and may refer the plans to other relevant agencies.

8.230 No Building or Occupancy Permit shall be issued for any structure, except fences, if:

- 8.231 The lot on which the structure is proposed to be located does not conform to the definition of "lot" as defined in these Regulations.
- 8.232 The lot on which the structure is proposed to be located does not have at least 30 foot frontage on a dedicated, constructed, and maintained right-of-way except by variance or conditional use approval.
- 8.233 The structure requires sanitary facilities and the lot on which said structure is proposed to be located is not served by public water and sanitary facilities or by private facilities not approved by the Tri-County District Health Department.

¹FEBRUARY 1989

²AUGUST 1982

- 8.234 The lot and the proposed structure does not meet the requirements of these and other County Regulations, except:
1. No lot existing at the time of passage of these Regulations or any amendment thereto, shall be required to be reduced or enlarged to conform to these Regulation requirements on lot sizes, except those pertaining to the use of individual wells and septic systems.
 2. Where 50% or more of the building sites along the frontage roadway, as measured from the proposed side building line, for a distance of 300 feet in both directions or to the nearest dedicated and constructed road, whichever is less, have been improved with buildings, no new building intended to house a principal use need conform to a setback greater than the average prevailing setback of the existing buildings in both directions. Notwithstanding the foregoing, traffic obstruction view requirements shall prevail in all cases.
- ¹8.240 The Chief Building Official, upon notice from the Planning or Engineering Departments, shall require as a condition for issuance of a permit, an agreement for construction of public improvements to County specifications should such improvements not be in place and/or dedication of land for right-of-way or other public purposes.
- 8.250 The Chief Building Official shall issue or deny a permit based upon and subject to the requirements of the County's building, zoning and other Regulations and with consideration for the recommendation of the Planning Department, Engineering Department, and any other concerned agency.
- 8.260 If the work described in any permit issued by the Chief Building Official has not begun within a reasonable time period from the date of issuance thereof, said permit shall expire and shall be cancelled by the Chief Building Official. Once started, work described in any permit shall proceed in an orderly, continuous manner, shall conform to the plans as approved, and shall be completed within a time period deemed reasonable by the Chief Building Official. The Chief Building Official may cancel any permit where he feels the work has not proceeded in a reasonable time period, is not in conformance with the plans and conditions as approved, or is in violation of the County Regulations. Any building permit issued prior to the effective date of these Regulations shall be valid provided that construction is started within 60 days thereof and diligently continued.
- ²8.270 No final occupancy permit or approval shall be issued by the Building Inspections Section until all specifications on the approved plans have been completed and approved by the Planning, Engineering and Building Inspections Sections, the applicable Fire District, the applicable water and sanitation district and any other relevant agency, or until and unless the applicant has entered into a written agreement with collateral acceptable to the Board of County Commissioners to guarantee completion.
- 8.280 When a building or structure is occupied without a final inspection and a Certificate of Occupancy or Temporary Certificate of Occupancy having been obtained, the Chief Building Official is to make a late final inspection upon the payment of an additional fee in an amount equal to 50% of the original building permit fee. This fee is to be collected prior to the making of the late final inspection and prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy. At the time the request for a late final inspection is made and the fee paid, the Building Inspector will make the final inspection and may issue either the Certificate of Occupancy or a Temporary Certificate of Occupancy for a period not to exceed 30 days. If the Chief Building Official determines the building or structure is not habitable, he may order the building or structure vacated.
- ³8.290 No building or structure shall be used or occupied, and no change in the existing occupancy classification or a building or structure or portion thereof shall be made until the Building Official

¹AUGUST 1982

²AUGUST 1982

³NOVEMBER 1986

has issued a Certificate of Occupancy therefore, as provided herein, and in the Uniform Building Code of 1985, as amended and adopted.

8.300 COMPLAINTS REGARDING VIOLATIONS: Any person having knowledge of a violation may file a complaint with the Building Inspections Section. The Chief Building Official shall cause all complaints lodged with his office to be investigated and shall also conduct regular investigations and surveys throughout the County to determine compliance or non-compliance with the provisions of these Regulations as a duly authorized agent of the Board of County Commissioners.

18.400 BUILDING AND CONSTRUCTION REGISTRATION OF CONTRACTORS:

8.410 Registration Required:

Any contractor performing a business involving the construction, alteration, remodeling, repairing or equipping of buildings or other structures, shall be registered as a contractor as required in this Section 8.400 Building and Construction Registration. Those contractors performing work involving installation of underground utilities or construction of roads and streets and storm drainage facilities in Unincorporated Adams County are exempt from this registration requirement, although other applicable standards and permits required by the County shall apply.

8.420 Application Form and Procedure:

8.421 Applications for contractors' registration shall be on such forms as the Chief Building Official may require, and each application shall be accompanied by a Certificate of Insurance, indicating that the applicant has liability insurance coverage in an amount no less than \$100,000, to be applicable to the type of registration applied for.

8.422 The Chief Building Official may register, without examination, applicants who are duly licensed under the laws of the State of Colorado, the City and County of Denver, and other counties, or municipalities within the State of Colorado for the licensing and the regulating of the plumbing trade, mechanical trade building trade, etc., deemed by the Chief Building Official to be equivalent to the requirements of the Adams County Building Code.

8.423 Registration of Electrical Contractors: Electrical Contractors shall be licensed by the State of Colorado and registered with the Building Inspection Section of the County of Adams before performing any electrical work within Unincorporated Adams County. Registrations shall be valid for a period of one (1) year from the date of issuance.

8.424 Registration of Plumbing contractors: Plumbing Contractors shall be licensed by the State of Colorado and registered with the Building Inspection Section of the County of Adams before performing any plumbing work within Unincorporated Adams County. Registration shall be valid for a period of one (1) year from the date of issuance.

8.425 Registration of all other Construction Contractors: All contractors performing any of the construction activities described in Section 8.410 above, in Adams County, shall be licensed by the City and County of Denver, or other counties, or municipalities within the State of Colorado. Registration shall be valid for a period of one (1) year from the date of issue.

28.430 Classification of Registrations:

8.431 Class A Registration: To erect, add to, alter or repair any building or structure, in all occupancy groups.

8.432 Class B Registration: To erect, add to, alter or repair any building or structure not over 2 stories in height, in group B, M & R occupancies.

¹FEBRUARY 1989

²FEBRUARY 1989

8.433 Class C Registration: To erect, add to, alter or repair any building or structure of a non-structural nature, in group R & M occupancies.

8.434 Class D Registration: Any specialty contractor including but not limited to the following Plumbing, Electrical, Siding, Fences, Glass and Glazing, Insulation, and Heating

8.440 Expiration and Renewal of Registration:

8.441 All registrations shall expire one (1) year from the date of issue.

8.442 Application for renewal of registration shall be performed in accordance with the provisions of Section 8.420.

8.450 Responsibility of Registration:

All registered contractors shall be responsible for work requiring a permit under the provisions of the Adams County Building Code without limitation to the items as herein listed:

1. To provide Minimum safety measures and equipment to protect workers and the public in general as proscribed by the Adams County Building Code.
2. To present a registration card when requested by the Chief Building Official or his authorized representative.
3. To obtain a permit when required.
4. To construct faithfully, without substantial departure from or disregard of drawings and specifications when such drawings and specifications have been filed and approved by the Building Inspection Section.
5. To complete all work authorized on the permit issued under the authority of the Adams County Building Code, unless good cause is shown.
6. To obtain inspection services when the same are required by the Adams County Building Code
7. To pay any fee assessed under the authority of the Adams County Building Code.
8. To obey any order issued under the authority of the Adams County Building Code.
9. To provide honest, factual and complete information on all applications for permits.

8.460 Validity of Registration:

8.461 A change in name, business designation or ownership of a registered contractor shall have the legal effect of transferring the registration and of operating without a valid registration. All such changes shall be reported by the registrant to the Building Inspection Section within ten days after such change occurs.

8.462 In the case where it is desired to change the name of a presently registered firm, partnership, or corporation where there is no change in ownership, a new license shall be issued under the new name, without charge, upon the surrender of the registration originally issued.

8.470 Suspension or Revocation of Registration:

8.471 Authority: The Chief Building Official may suspend or revoke a registration when the registrant commits one or more of the following acts or omissions:

1. Failure to comply with any of the registrant's responsibilities as set forth herein.
2. Knowingly combining or conspiring with a person, firm or corporation by permitting one's registration to be used by such other person, firm or corporation.
3. By acting as agent, partner, associate or in any other capacity with person, firms or corporations to evade the provisions of the Adams County Building Code.
4. Willfully refusing to correct the registrant's violation of any provision of the Adams County Building Code, Subdivision Regulations, Zoning Regulations, or other County requirements including provisions of development agreements.

8.472 Procedure: When any of the acts or omissions as herein enumerated are committed by a contractor and the Chief Building Official deems that such registration shall be suspended, the procedure shall be as follows:

1. The registrant shall be notified, in writing, by Certified Mail or by personal service, at least seven (7) days prior to the effective date of the suspension or revocation.
2. Upon the receipt of the notice, the registrant may request a hearing. Such request shall be in writing to the Chief Building Official within seven (7) days of the receipt of the notice.
3. If a hearing is requested by the registrant, the Chief Building Official shall set a time, date, and place for the hearing and shall so notify the licensee.
4. When a hearing is conducted, the registrant and other interested parties may be in attendance. The hearing shall be conducted in accordance with the procedures and requirements outlined in the bylaws of the Board of Appeals.

8.473 The hearing shall be conducted by the Board of Appeals:

1. At the hearing, the Board of Appeals shall consider all the evidence presented and shall determine whether the suspension or revocation of registrant was justified pursuant to Section 8.480.
2. The burden of proof at said hearing shall be upon the Chief Building Official by a preponderance of the evidence.

8.474 Notwithstanding the burden of proof at the hearing, a registrant shall not be permitted to perform any construction activities in Adams County after the effective date of the suspension or revocation by the Chief Building Official until the occurrence of one of the following circumstances:

1. The Board of Appeals rules that the suspension or revocation was not justified; or
2. The registrant posts a performance bond for the amount of the construction being performed, where applicable, or for \$5000, whichever is the greater amount.
3. The period of suspension expires.

8.475 The Board of Appeals shall issue a written order within ten (10) business days from the hearing date. The order or a copy thereof shall be available to registrant at the Adams County Building Inspection Section. The date of such availability shall be deemed to be the date of the order. Failure to issue an order within ten (10) business days from the date of the hearing shall be deemed to be a final order reversing the decision of the Chief Building Official.

8.476 If the registration is revoked, the contractor shall not be granted another registration under this Chapter for at least twelve (12) months after the date of revocation.

8.500 PENALTIES:

Any person, firm or corporation violating these regulations:

1. By performing in a business involving the construction, alteration, remodeling, repairing or equipping of buildings or other structures or performing any other activity requiring the registration and registration of contractors hereunder; and,
2. Failing to register with the Chief Building Official of Adams County; or,
3. Performing any of the activities requiring a registration while said registrant is suspended or revoked or without having first posted an adequate performance bond, when required under these regulations; is guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance of use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, remodeled, used, or maintained in violation of these license registration regulations, the Board of County Commissioners, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus, or abatement to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance, or use.

CHAPTER 9

MISCELLANEOUS PROVISIONS

9.100 PROVISIONS AND MINIMUM REQUIREMENTS:

In their interpretation and application, these Regulations shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity, and welfare. These Regulations shall be regarded as remedial and shall be liberally construed to further its underlying purpose. Whenever the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants conflict with these Regulations, the most restrictive or that imposing the higher standards shall govern.

9.200 SEVERABILITY:

It is hereby the intent that the provisions of these Regulations shall be severable so that:

- 9.210 If any provision of these Regulations is declared to be invalid or unconstitutional, the effect of such decision shall be limited to that lot, building, other structures, or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity is rendered.
- 9.220 If any provisions of the Regulations is declared to be invalid or unconstitutional, such decision shall not affect, impair, or nullify these Regulations as a whole or any of the remaining portions thereof, or the application of any provision thereof to any other lot, building, structure, or tract of land.

9.300 REPEAL OF CONFLICTING REGULATIONS:

- 9.310 All Regulations of the County of Adams inconsistent or in conflict with these Regulations are hereby repealed to the extent of such inconsistency or conflict and no further.
- 9.320 Such repeals shall not affect or prevent the enforcement for the violation of any regulation repealed hereby; nor for any violation existing or committed prior to the repeal; nor extend the termination date for a non-conforming use, if under both these and previous Regulations, such a use was declared non-conforming.

1CHAPTER 10

SIGNS AND OUTDOOR COMMERCIAL ADVERTISING DEVICES

10.100 PURPOSE:

The purpose of these Sign Regulations are: to encourage the effective use of signs as a means of communication in the County; to maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign Regulations. These sign Regulations are adopted under zoning authority of the County in furtherance of the more general purposes set forth in the Zoning Regulations and the Comprehensive Plan.

10.200 APPLICABILITY-EFFECT:

A sign may be erected, placed, established, painted, created, or maintained in the County only in conformance with the standards, procedures, exemptions and other requirements of these Regulations.

The effects of these Regulations as more specifically set forth herein, are:

To establish a permit system to allow a wide variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zone districts, subject to the standards and the permit procedures of these Regulations;

To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of these Regulations, but without a requirement for permits;

To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;

To prohibit all signs not expressly permitted by these Regulations; and

To provide for the enforcement of the provisions of these Regulations.'

10.300 SIGN PERMIT FEES: The fees for sign permits shall be:

Structural review fee (pole signs, billboards, cabinet wall signs, etc.).	***
Sign permit, initial, including inspection, per lot.	\$75
Reinspection Fee.	\$35
Additional Fee for signs extending over public right-of-way, per sign.	\$50
Temporary Sign Permit, Private Property, per sign.	\$75
Temporary Sign Permit, Public Property, plus \$ per sign.	\$25 \$2

¹JANUARY 1994

*** Permit fees that deal with structural review shall be collected by the Chief Building Official. All other sign permit fees shall be collected by the Director of Planning and Development. Fees are based on the value of the work to be done as specified in the Uniform Building Code fee schedule.

10.310 Exemption:

The following signs are exempted from permits and fees:

1. Signs erected by governmental bodies or agencies (all Public Notice signs placed by the Department of Planning and Development as required for development review cases or special events shall be removed by the property owner after the date of the hearing or the special event);
2. Election signs, except that the signs may not be placed within public rights-of-way, must be removed within 10 days after the election to which they pertain by the person or organization that placed the sign, or by the property owner of the property on which the sign is located;
3. All signs as indicated under Table 10.5A of Section 10.600.

10.400 DEFINITIONS AND INTERPRETATION:

Words and phrases used in these Regulations shall have the meanings set forth in Chapter 2. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly indicates otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of these Regulations.

10.500 COMPUTATION: THE FOLLOWING PRINCIPLES SHALL CONTROL THE COMPUTATION OF SIGN AREA AND SIGN HEIGHT.

10.510 Computation of Area of Individual Signs:

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework, bracing, or other decorative fence or wall when such fence or wall otherwise conforms to these Regulations and is clearly incidental to the display itself. For canopy signs, if the canopy is back-lit, the entire canopy area shall be used to determine sign area.

10.520 Computation of Area of Multi-faced Signs:

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces. If the sign area of the faces is not equal, computation will be based on the larger of the two sign faces.

10.530 Computation of Sign Height:

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed based on the elevation of the base of the sign being equal to the elevation of the nearest point of the crown of the adjacent public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.

10.540 Use Categories:

Use categories are established in order to permit sign square footage according to uses being conducted on the property. Due to the nature of the Zone Districts in the County and the cumulative effect of uses in the Zone Districts, this method allocates signage based on the use of the buildings on the property. For example: If a property is zoned I-1 or I-2 but is used for a retail furniture store, the signage would be based on the retail use category, not the Light Industrial category. *Note: This does not pertain to Outdoor Advertising Signs (Billboards).*

In instances where there are mixed uses on one property (commercial/industrial complexes), the maximum square footage per property shall be based on the less restrictive standard. Individual sign square footage shall be based on the use category for each particular use in the complex. For example: If a complex is zoned industrial and has several retail businesses as well as industrial uses in the complex, the total square footage for the property would be based on the retail category (Table 10.5B). Each retail business would be permitted individual signs based on the retail category, and each industrial use would be permitted individual signs based on the applicable industrial use category (Table 10.5C).

The following use categories shall be used in the calculations of total sign square footage and individual signage requirements.

Agricultural

Residential SF: Single Family/Duplex.

Residential MF: Multi-Family/mobile home parks.

Institutional: Churches, schools, funeral homes, cemeteries, and similar uses.

Office: Offices, professional and medical clinics, banks, and similar uses.

Retail: Retail sales and services.

Light Industrial: Wholesale businesses, light manufacturing, warehousing.

Heavy Industrial: Heavy manufacturing, outside storage.

10.550 Computation of Maximum Total Permitted Sign Area for a Lot:

The permitted total of the area of all individual signs on a lot shall be computed by applying the formula contained in Table 10.5B, Maximum Total Sign Area, to the maximum number of total square feet, percentage of ground floor area of the principal building, or square feet of signage per linear street frontage, as appropriate, for the use category on which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

Once total square footage per lot is established, Table 10.5C shall be used to determine the total amount of square footage allowed for each type of sign permitted on the lot. Individual uses within a commercial/industrial complex shall divide the total amount of wall signage allowed under Table 10.5C in a manner such that the applicable percent for the entire complex would be equal for each separate user, based on the front wall area for each separate user. For example, if a complex were

allowed to have 15% of the wall area in wall signage, each individual user in the complex would be permitted to have a sign sized at 15% of the front wall area assigned to that individual user.

10.600 SIGNS ALLOWED ON PRIVATE PROPERTY WITH AND WITHOUT PERMITS:

Signs shall be allowed on private property in the County in accordance with, and only in accordance with, Table 10.5A. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the use category represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the use category represented by that column. Special conditions apply in some cases. If the letter "N" appears for a sign type in a column, such sign is not allowed in the use category represented by that column under any circumstances. Although permitted under the previous paragraph, a sign designated by a "P" or an "A" in Table 10.5A shall be allowed only if:

The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the use category in which the lot is located as specified in Table 10.5B;

The size, location, and number of signs on the lot conform with the requirements of Tables 10.5C and 10.5D, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 10.5A;

The characteristics of the sign conform with the limitations of Table 10.5A.

In use categories which allow signs both in the "P" and "A" categories, signs that do not require permits shall not count towards the total size and numbers of signs that do require permits.

10.700 PROHIBITED SIGNS:

All signs not expressly permitted under these Regulations or are exempt from these Regulations in accordance with Section 10.800 are prohibited in the County. Such signs include, but are not limited to:

Animated Signs;

Beacons;

¹Graffiti;

Pennants;

Roof Signs;

Strings of light not permanently mounted to a rigid background, except those exempt under other sections of these Regulations;

Inflatable signs and tethered balloons;

Signs that are mechanically agitated or are designed to move, rotate, revolve, spin, flash, swing, flap, wave, or make any other motion whatsoever;

¹JUNE 1995

Signs that exhibit changing light or color effects;

Signs that, because of light, glare, focus or intensity of illumination causes a traffic hazard as determined by the County Transportation Engineer;

Signs that use any radio, phonograph, tape recorder, whistle, bell, gong, siren or other sound or noise making or transmitting device or instrument in connection with any sign;

Signs that block any window, doorway, or other opening which is required for proper ventilation or exit facilities;

Any sign, handbill, poster, advertisement or notice of any kind, that is fastened, placed, painted, or attached in any way upon any public right-of-way except as provided herein;

Signs that use or maintain a portable or movable sign of any kind, including sandwich boards, advertising flags, banners, or pennants; except as authorized in these Regulations;

Signs attached or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal, day-to-day operations of the business;

Signs that are structurally unsafe or constitute a hazard or dilapidation as determined by the Chief Building Official;

Any sign that violates any part of these Regulations as to size, height, setback, or other standard;

Any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises, or for any other reason. The fact that a non-conforming sign becomes obsolete shall not be construed as modifying any of the requirements of this regulation.

10.800 SIGNS EXEMPT FROM REGULATION UNDER THESE REGULATIONS:

The following signs shall be exempt from regulation under these Regulations:

Any public notice or warning required by valid and applicable federal, state, or local law, regulation, or ordinance;

Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;

Holiday lights and decorations with no commercial message, but only between November 15, and January 15; and

Traffic control signs and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

10.900 PERMITS REQUIRED:

If a sign requiring a permit under the provisions of these Regulations is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall receive approval of a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of these Regulations.

No signs shall be erected in the public right-of-way except in accordance with Section 10.1300 and the permit requirements of Section 10.1400.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of these Regulations (including those protecting existing signs) in every respect.

10.910 Design, Construction, and Maintenance:

All signs shall be designed, constructed and maintained in accordance with the following standards:

All signs shall comply with, and maintain compliance with, applicable provisions of the currently adopted Building Code of the County and with the electrical code of the State of Colorado at all times.

Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these Regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

10.1000 GENERAL PERMIT PROCEDURES:

The following procedures shall govern the application for, and issuance of, all permits under these Regulations.

10.1010 Applications: All applications for sign permits shall be submitted to the Director of Planning and Development on an application form or in accordance with application specifications published by the Director of Planning and Development. All applications requiring structural review and approval shall be submitted to the Chief Building Official.

10.1020 Fees: Prior to receipt of a sign permit, the applicant shall pay the applicable permit fee.

10.1030 Completeness: Within five days of receiving an application for a sign permit the Director of Planning and Development shall review it for completeness. If the Director finds that it is complete, the application shall then be processed. If the Director finds that it is incomplete or if zoning or building violations exist on the lot, they shall, within the five day period, send to the applicant a notice of the specific ways in which the application or the lot is deficient, with appropriate references to the applicable sections of these Regulations.

10.1040 Action: Within seven days of the submission of a complete application for a sign permit, the Director of Planning and Development shall either;

Issue a sign permit, if the sign(s) which is (are) the subject of the application conforms in every respect with the requirements of these Regulations; or

Deny the sign permit if the sign(s) which is (are) the subject of the application fails in any way to conform with the requirements of these Regulations. In case of a denial, the Director of Planning and Development shall specify the section or sections of these Regulations with which the sign(s) is (are) inconsistent.

If the property on which the sign is to be constructed or placed on is found to be in violation of any of the provisions of the Adams County Zoning Regulations, these violations shall be corrected to the satisfaction of the Chief Code Enforcement Officer and/or the Director of Planning and Development prior to issuance of any sign permit.

10.1100 PERMITS TO CONSTRUCT OR MODIFY SIGNS:

Signs identified as "P" on Table 10.5A shall be erected, installed, or created only in accordance with a duly issued and valid sign permit from the Director of Planning and Development. Such permits shall be issued only in accordance with the following requirements and procedures.

10.1110 Permits for New Sign or for Sign Modifications: An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. Sign modifications that do not involve structural changes ("copy changes"), do not require a new sign permit.

10.1120 Inspection: The Director of Planning and Development shall cause an inspection of the lot for which each permit for a sign or for modification of an existing sign is issued during the six months after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse, and become void. If the construction is complete and in full compliance with these Regulations and with the building and electrical codes, the Director of Planning and Development shall issue to the premises a certificate identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with these Regulations and applicable codes, the Director of Planning and Development shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Director of Planning and Development shall issue to the premises the certificate described above.

10.1200 PERMITS FOR TEMPORARY SIGNS ON PRIVATE PROPERTY:

Temporary signs on private property requiring a permit pursuant to these regulations shall be allowed only upon the issuance of a Temporary Sign Permit; which shall be subject to the following requirements:

10.1210 Term: A temporary sign permit shall allow the use of a temporary sign for a specified 30 day period.

A temporary sign permit used in conjunction with a temporary use, such as a Christmas tree lot, a fireworks stand, a seasonal produce stand, shall allow the use of the temporary sign for a maximum 90 day period.

10.1220 Number: Only one temporary sign shall be issued to the same business on the same lot in any calendar year.

10.1230 Other Conditions: A temporary sign shall be allowed only in categories with a letter "P" for "Temporary Sign" on Table 10.5A and subject to all of the requirements for temporary signs as noted therein. Setbacks for temporary signs shall be as stated in Table 10.5C.

Temporary signs allowed in conjunction with Special Use permits granted by the County Board of Adjustment shall be subject to all the requirements for temporary signs as noted herein.

10.1300 SIGNS IN THE PUBLIC RIGHT-OF-WAY:

No signs shall be allowed in the public right-of-way, except for the following:

10.1310 Permanent Signs, including:

Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

Bus stop signs erected by a public transit company;

¹Bus shelters and associated signs erected by a public or private company at a designated transit stop. Such signs shall only be permitted after entering into a contract with the County which shall address: County liability, sign distances, maintenance, and annual revenue payment.

Informational signs of a public utility regarding its poles, lines or facilities; and,

Signs made nonconforming by acquisition of right-of-way but such signs shall be subject to all conditions of Section 10.1400.

10.1320 Temporary Signs: Temporary privately owned signs for which a permit has been issued in accordance with Section 10.1330, which shall be issued only for signs meeting the following requirements:

Such signs shall contain no commercial message; and,

Each such sign shall be no more than twenty square feet in area.

10.1330 Permits for Temporary Privately Owned Signs in Public Right-of-Way: Permits for temporary private signs in the public right-of-way shall be issued in accordance with the following conditions:

10.1331 Term and Number of Permits: The term of such a permit shall be limited to a maximum of 60 days. No more than one permit for temporary signs shall be issued to any applicant in any calendar year.

10.1332 Number of Signs: No more than 10 signs may be erected under one permit.

10.1333 Other Conditions: In addition to applicable fees otherwise payable, the applicant shall post a bond of \$25 for each sign authorized by the Chief Building Official or the Director of Planning and Development, which bond shall be held to ensure the removal of the signs and shall be refundable upon the surrender to the Chief Building Official or the Director of Planning and Development of the actual sign(s) or proof that all signs have been removed.

10.1340 Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way are authorized.

10.1350 Other Signs Forfeited: Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the County shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

10.1400 TIME OF COMPLIANCE: NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS:

Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of these Regulations or for which there is no current and valid sign permit may be obligated to remove such sign or, in the case of a nonconforming sign, to bring it into

¹FEBRUARY 1998

conformity with the requirements of these Regulations. All provisions of Chapter 5 of the Adams County Zoning Regulations, "Nonconforming Uses," where applicable, shall govern the administration of nonconforming signs and signs without permits.

10.1500 ENFORCEMENT AND REMEDIES

Any violations or attempted violation of these Regulations or of any condition or requirement adopted pursuant hereto shall be considered a violation of the Zoning Regulations of the County and subject to the provisions of Chapter 8 of these Regulations.

10.1600 OUTDOOR ADVERTISING SIGN (BILLBOARD):

Although Outdoor Advertising Signs are mentioned in several areas of these Regulations, all requirements for the permitting of Billboards are contained in this Section.

10.1610 Purpose: To direct attention to a business, commodity, service, activity or product sold, conducted, or offered off the premises where such sign is located.

10.1620 Type Allowed: Freestanding, supported by not more than two poles or supports.

10.1630 Maximum Size and Zone Districts Allowed: 300 square feet per face in the C-5, I-1 Zone Districts, and 672 square feet in the I-2, and I-3 Zone Districts.

10.1640 Maximum Height: 40 feet above the grade of the right-of-way on which the sign fronts. If located within 1,000 feet of an intersection of two or more of public rights-of-way, the lowest point of the sign face(s) shall be at least 8 feet above the ground.

10.1650 Limitations:

1. One single or double faced sign on each properly zoned lot;
2. Minimum distance between each such sign on the same side of a street or highway:
 - a. 800 linear feet between 300 square foot signs,
 - b. 2,400 linear feet between signs over 300 square foot and any other Outdoor Advertising Sign, regardless of size.
3. Minimum setback requirements shall be consistent with minimum setback requirements for structures in the commercial and industrial zone districts;
4. Such signs may not be located within 500 feet of a Residential Zone District or residential portion of a Planned Unit Development;
5. Sign shall not block a scenic view.

10.1660 Other:

1. May be illuminated;
2. Where a sign has two faces which are back to back, these faces shall not at any point be more than 3.5 feet from one another;
3. Before any off-premise sign is erected, a Sign Permit must be approved and a valid Building Permit must be issued by the Chief Building Official.

4. Sections 5.500 and 5.600 of the Zoning Regulations shall not be construed to require removal of any nonconforming Outdoor Advertising Sign (Billboard).

10.1700 OFF-SITE DIRECTIONAL SIGN:

10.1710 Purpose: To direct attention to a business, commodity, service, activity or product sold, conducted, or offered off the premises where such sign is located. An Off-Site Directional Sign would be used to advertise a business, commodity, service, campaign, drive, or special event that is located within 1000 feet of the property on which the sign is placed. This type of sign differs from billboards in size of the sign and in the location of the advertised business.

10.1720 Type Allowed: Freestanding, supported by not more than one pole or support.

10.1730 Maximum Size and Use Categories Allowed: Twenty square feet per face in the retail, light industrial, and heavy industrial use categories.

10.1740 Maximum Height: Twenty feet above the grade of the right-of-way on which the sign fronts.

10.1750 Limitations:

1. One single or double faced sign on each lot;
2. Minimum distance between each Off-Site Directional Sign on the same side of a street or highway, shall not be less than 800 linear feet. Minimum distance between an off-site sign and any other permitted sign shall not be less than 100 feet;
3. Minimum setback requirements shall be consistent with minimum setback requirements for all signs in the commercial and industrial use categories as stated in Table 10.5C;
4. A maximum of two Off-Site Directional Signs are allowed for the business being advertised via the Off-Site Directional Signage. These two signs shall not be located on the same lot;
5. Off-Site Directional signs shall be limited to one business, corporation, or entity only and cannot be transferred to any other entity without review and permitting by the Director of Planning and Development.

10.1760 Other:

1. May be illuminated;
2. Any Off-Site Directional signs shall be counted towards the maximum number of freestanding signs permitted on the lot on which it is located;
3. Before any Off-Site Directional sign is erected, a valid permit must be issued by the Chief Building Official and/or the Director of Planning and Development.

10.1800 DESIGN CORRIDOR SIGN REGULATIONS:

10.1810 Purpose: To promote high quality design in signage, including adding consistency in signage heights, and limiting the proliferation of signs along roadway corridors leading to the new airport.

10.1820 Type allowed: Freestanding, Building

10.1830 Maximum number of signs per use: Two

- 
1. Commercial and or Industrial Complex: One joint identification (freestanding) sign per street frontage; one building sign per tenant.

10.1840 Maximum Height: Eight feet above grade.

10.1850 Prohibited Signs: Billboards and Off-Site Directional Signs.



Table 10.5A. PERMITTED SIGNS BY TYPE AND USE CATEGORY

Sign Type	(Agricultural)	(Residential SF)	(Residential MF)	(INS) ^a	(Office)	(Retail)	(Light Ind.)	(Heavy Ind.)
<i>Freestanding</i> bk								
Incidental ^c	N	N	A ^d	A ^d	A	A	A	A
Billboards	N	N	N	N	N	pi	pi	pi
Off-Site	N	N	N	N	N	pi	pi	pi
Special Signs	P	P	P	P	P	P	P	P
Other	N	N	P	P	P	P	P	P
<i>Building</i> bk								
Banner	N	N	N	N	P	P	P	P
Building Marker ^e	A	A	A	A	A	A	A	A
Canopy	N	N	N	N	P	P	P	P
Identification ^d	A	A	A	A	A	A	A	A
Incidental ^c	N	N	A ^f	A ^f	A ^c	A	A	A
Marquee ^g	N	N	N	N	N	P	N	N
Projecting ^g	N	N	N	N	N	P	P	P
Real Estate Sales	A	A	A	A	A	A	A	A
Roof	N	N	N	N	N	N	N	N
Special Signs	P	P	P	P	P	P	P	P
Suspended	N	N	N	N	N	A	N	N
Temporary ^g	N	N	N	N	P	P	N	N
Wall	N	N	N	A	P	P	P	P
Window	N	N	N	N	P	P	N	N
<i>Miscellaneous</i>								
Banner ^c	N	N	N	N	P	P	N	N
Flag ^h	A	A	A	A	A	A	A	A
Portable	N	N	N	N	N	pi	N	N

a. This column does not represent a Zoning District. It applies to institutional uses permitted under the Zoning Regulations in residential zone districts. Such uses may include, but are not limited to, churches, schools, funeral homes, and cemeteries.

b. Residential signs, as defined in Section 2.325 and regulated in Table 10.5C & D, shall be allowed without a permit.

c. No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.

d. Only address and name of occupant allowed on sign.

e. May include only building name, date of construction, or historical site; must be cut or etched into masonry, bronze, or similar material.

f. No commercial message of any kind allowed on sign.

g. The conditions of Section 10.1200. of this regulation apply.

h. Flags of the United States, the State, the County, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a freestanding sign and shall be subject to regulations as such.

i. Permitted on the same terms as a temporary sign, in accordance with Section 10.1200., except that it may be freestanding.

j. Billboard signs shall be permitted in the C-5, I-1, I-2, and the I-3 Zone Districts only and in accordance with Section 10.1600. Off-Site signs shall be permitted in all retail, light and heavy industrial use categories under the conditions of Section 10.1700.

k. Non-commercial signs in the Office through Heavy Industrial categories are permitted but shall count toward the total square footage for the property and shall meet all relevant restrictions in tables 10.5C & D. Note: Additional sign restrictions may apply to uses located adjacent to Airport Environs Design Corridors. Please refer to Sec. 10.1800.

TABLE 10.5B MAXIMUM TOTAL SIGN AREA PER LOT BY USE CATEGORY

The maximum total area of all signs on a lot except incidental, building marker, identification signs, and flags^b shall not exceed the lesser of the following:

Sign Type	(Agricultural) ^{cl}	(Residential SF) ^j	(Residential MF) ^{di}	(INS) ^a	(Office) ⁱ	(Retail) ⁱ	(Light Ind.) ⁱ	(Heavy Ind.) ⁱ
Maximum Number of Total Square Feet Percentage of Ground Floor Area of Principal Building	3	3	100	100	100	400eh(300)g	400eg	1500eg
Square Feet of Signage Per Linear Foot of Street Frontage ^f	NA	NA	NA	NA	4%	3%	2%	2%
	NA	NA	0.5	0.5	2.0	2.0eh	NA	NA

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Regulations in residential zoning districts and for Special or Conditional Uses permitted in residential zone districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- b. Flags of the United States, the State, the County, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a freestanding sign and shall be subject to regulations as such.
- c. Businesses and institutional uses permitted in the Agricultural Zone Districts by the Zoning Regulations or permitted by Special or Conditional Use shall be limited to sign square footages as stipulated in the INS category.
- d. Nonconforming mobile home park uses in commercial or industrial zone districts shall be restricted to sign square footage as stipulated in the Residential (MF) Use category.
- e. Billboard signs shall be restricted to a maximum of 300 square feet per face and shall be regulated in accordance with Section 10.2000.
- f. Corner lots with two or more street frontages shall count the total of a maximum of two street frontages for this calculation.
- g. For Commercial/Industrial Complexes: Maximum number of total square feet per property shall be 300 square feet per acre.
- h. Properties that have buildings smaller than 2,000 square feet shall be allowed at least 60 square feet of signage for this category. On corner lots that front on two major streets (collectors, minor and major arterials, and State highways) with building sizes of less than 4,000 square feet, shall be allowed 120 square feet for this category.
- i. Special Signs for the development of real estate shall be limited to 100 square feet total for the Agricultural through INS categories, and 250 square feet total for Office through Heavy Industrial. Other standards: Min. Setback-25 feet, Max. Height-25 feet, One year renewable permit required.

TABLE 10.5C NUMBER, DIMENSIONS, AND LOCATION OF INDIVIDUAL SIGNS BY USE CATEGORY.

Individual signs shall not exceed the applicable maximum number and dimensions, or setback minimum distances as shown on this table and on Table 10.5D. If the total of sign area for a lot as calculated from Table 10.5B, differs from the signage allowed from this table, the more restrictive figure shall apply.

Sign Type	(Agricultural)hk	(Residential SF)k	(Residential MF)gk	(INSak)	(Office)	(Retail)	(Light Ind.)	(Heavy Ind.)
Area (sq. ft.) ^e	3	3	40	40	40	160	80	100
Height (feet) ⁱ	5	5	12	12	12 ^b	36 ^c	25 ^c	25 ^c
Setback (front, ft.) ^{di}	2	2	8	8	8 ^b	8 ^c	8 ^c	8 ^c
Number Permitted	1	1	1	1	1	1	1	1
Per Lot ^l								
Per Foot of								
Street Frontage ^e	NA	NA	1 per	NA	1 per	1 per	1 per	1 per
				500	500	500	500	500
Building								
Area (max. sq. ft.)	3	3	40	40	NA	NA	NA	NA
Wall Area (percent) ^f	NA	NA	NA	NA	10%	15%	5%	5%
Number Permitted								
Per Lot	1	1	1	1	1j	1j	1j	1j

- This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Regulations in residential zone districts and for Special or Conditional Uses permitted in residential zone districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.
- Maximum sign height is 12 feet, and minimum front setback is ten feet; however, side setbacks from an adjacent lot that is zoned and used for residential purposes shall not be less than the height of the sign. For example, if the sign is seven feet high, the side setback from such a lot may be no less than seven feet.
- Maximum sign heights are between 25 and 36 feet respectively, and minimum front setback is eight feet; however, side setbacks from an adjacent lot that is zoned and used for residential purposes shall not be less than the height of the sign. See example in note b.
- In addition to setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of 2 feet and 8 feet in a triangle formed by the corner points of the property line 50 feet from the intersection. For driveway entrances, signs shall be located such that there is clear view between heights of 2 feet and 8 feet in a triangle formed by the corner and points 8 feet inside from the front property line and 70 feet along the front property line.
- Maximum square footage allowed for freestanding signs per lot shall be divided between total amount of freestanding signs located on the lot. Commercial/Industrial Complexes fronting on two or more streets are allowed the permitted number of freestanding signs for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.
- Number, dimensions, and locations of signs in nonconforming mobile home parks located within commercial and industrial zone districts shall be limited to the stipulations of the Residential MF Use Category.
- Businesses and institutional uses permitted in the Agricultural Zone Districts by the Zoning Regulations or permitted by Special or Conditional Use shall be limited to number, dimensions, and locations as stipulated in the INS category.
- Sign height and front setback shall be directly related on a one to one basis. For example, for a 25 foot high sign, a 25 foot front setback would be required. The maximums and minimums listed above are the extreme limits for height and setback.
- Buildings on lots with two or more frontages shall be permitted a maximum of two building signs, each to be located on different building walls. Total building sign area shall not exceed the percentage figure for building signage for the largest wall along the multiple street frontages. Separate uses in Commercial/Industrial Complexes may have one building sign per user. Maximum numbers of building signs are further defined on Table 10.5D.
- Signs in all agricultural and residential use categories, and in the INS category, shall be limited to one sign only, either a freestanding or wall sign.
- In retail and industrial use categories, on lots with less than or equal to 500 feet of street frontage, only one freestanding sign shall be permitted. Non-Commercial/Industrial Complexes, located on two or more street frontages, shall be permitted two freestanding signs, one of which shall be less than or equal to six feet in height. Each freestanding sign shall be oriented toward each respective street frontage. Note: Additional sign restrictions may apply to uses located adjacent to Airport Environs Design Corridors. Please refer to Sec. 10.1800.

TABLE 10.5D NUMBER AND DIMENSIONS OF SELECTED INDIVIDUAL SIGNS BY SIGN TYPE

No sign shall exceed any applicable maximum numbers or dimensions, or encroach on any applicable minimum clearance shown on this table.

	Number Allowed	Maximum Sign Area	Vertical Clearance	
			From Sidewalk or Private Drive or Parking Lot	From Public Street
<i>Freestanding Residential, Other, and Incidental</i>	See Table 10.5C	See Table 10.5C	NA	NA
<i>Building</i>				
Banner	NA	NA	9 ft.	12 ft.
Building Marker	1 per bldg.	4 sq. ft.	NA	NA
Canopy	1 per bldg.	25% of vertical surface of canopy	9 ft.	12 ft.
Identification	1 per bldg.	NA	NA	NA
Incidental	4 per zone lot ^b	40 sq. ft. total	NA	NA
Marquee	1 per bldg.	NA	9 ft.	12 ft.
Projecting	1 per bldg.	40 sq. ft.	9 ft.	12 ft.
Real Estate Sales	1 per zone lot	10 sq. ft.	NA	NA
Residential	1 per zone lot	NA	NA	NA
Special Sign	800 feet apart	See Table 10.5B(f)	NA	NA
Suspended	1 per entrance	3 sq. ft.	9 ft.	NA
Temporary	See Section 10.12**	NA	9 ft.	NA
Wall	NA	NA	NA	NA
Window	NA	25% of total window area	NA	NA
<i>Miscellaneous</i>				
Banner	NA	NA	9 ft.	12 ft.
Flag	NA	60 sq. ft.	9 ft.	12 ft.
Portable	1 where allowed	20 sq. ft.	NA	NA

a. Permitted on the same terms as a temporary sign, in accordance with Section 10.12**, except that it may be freestanding.

b. The total number of incidental signs on a zoned lot shall be four. This total number can be divided among the two types, freestanding or building signs. All freestanding incidental signs shall meet relevant setbacks.

CHAPTER 11

SUPPLEMENTAL REQUIREMENTS

11.100 SITE SELECTION AND CONSTRUCTION OF MAJOR ENERGY FACILITIES:

11.110 Applicability:

- 11.111 This section shall apply to all areas within the jurisdiction of the County.
- 11.112 Nothing in these Regulations shall be construed as exempting an applicant from any other requirements of this County, or other State and Federal laws and regulations.

11.120 Application for Conditional Use:

- 11.121 No person shall locate or construct a major energy facility in unincorporated Adams County prior to approval of a Conditional Use.
- 11.122 In addition to complying with all requirements of a Conditional Use application (Sections 6.111, 6.113, 6.114, 6.115, 6.116, 6.200, 6.210, 6.220), the applicant shall comply with all the requirements specified in this section, but not necessarily prior to the pre-application conference, except that the application fees for lineal facilities shall be as per 6.112 (1) and for site facilities shall be \$125 per acre or portion thereof for the first 5 acres and \$5 per acre thereafter, or one-tenth of one per cent (.1%) of the total facility cost, whichever is greater, up to a maximum fee of \$50,000. A plat shall be filed in both instances. Proof of ownership may be a commitment, if necessary, to use powers of eminent domain where applicable.
- 11.123 An applicant shall first discuss with the staff the general feasibility of the proposal so that major problems and issues can be identified and defined in order to direct the data gathering and assessment that are to accompany the application. The following shall be submitted, when applicable, in the required amount of copies as specified by the Director of Planning and Development.
 - 1. Description of the proposed facility and site.
 - 2. Description of present land use and zoning.
 - 3. Location map showing the proposed site and clearly indicating the relationship of the site to the roads, water courses, reservoirs, lakes, public facilities (schools, government buildings, parks, etc.), existing public utilities and historical and archaeological sites within 10 miles of the proposed site.
 - 4. Type of facility - specify where applicable:
 - a. Voltage and length of transmission line.
 - b. Function and size of substation, power plant, or gas processing plant.
 - c. Diameter and length of pipeline and operating pressure.
 - d. Capacity of storage tanks, and type of petroleum derivative to be stored.
 - e. Service area.

- f. Resource area and capacity (e. g. source of power being generated or transmitted and the generating derivative being transported and the capacity).
5. Projected development schedule:
 - a. Estimate beginning and completion of construction and beginning of operation of facility.
 - b. Specify any future phases or extensions of the facility and relationship of the facility (if currently foreseen) to larger programs and plans.
 - c. Estimate maximum number of employees per shift during the following phases: construction, operation, and maintenance.
6. Hazards and Emergency Procedures:
 - a. Describe hazards and emergency procedures, if any, of fire, radiation, explosion, and other dangers to the health, safety, and welfare of employees and the general public.
 - b. Describe hazards, if any, of environmental damage and contamination due to materials used at, or activities taking place at the proposed facility.
 - c. Describe any natural hazards that will affect, or be affected by development, and describe mitigating measures to be taken to reduce danger due to such natural hazards.
7. Map showing all Special Districts (schools, fire, water, sanitation, recreation, etc.) affected by the proposal.
8. Delineation of impact area (that area whose physical and socioeconomic environment is likely to be impacted, beneficially and/or adversely, by the site selection and construction of the proposed facility).
9. Description of the relationship of the project to adopted local, state, and federal land use policies and comprehensive plans.
10. Description of the relationship of the project to other existing and planned utility facilities of similar nature, and other energy generation and transmission facilities.
11. For the following, provide information for both during and after construction and the long and/or short term impacts:
 - a. Describe water and air pollution loads (point and non-point sources) expected directly from development. Specify seasonal variations, include background ambient air quality and water quality when applicable.
 - b. Estimate requirements to provide police and fire protection, public road maintenance, educational and health service, and facilities and services for adequate water supply and sewage treatment.
 - c. Estimate anticipated revenues to Local, State, and Federal governments and to Special Districts.
 - d. Describe employment opportunities.
 - e. Map all access and travel routes, public areas, and residential areas, and indicate those areas that will have a view of the project.

- f. Describe and map where possible expected noise levels by immediate and future facility operation.
 - g. Describe the impact on housing requirements both during and after construction.
 - h. Describe the impact on transportation networks.
 - i. Map surface and subsurface hydrologic conditions that may be impacted.
 - j. Describe water usage requirements and the source. Indicate the water rights and dependability of supply. Indicate any effect on upstream or downstream users.
 - k. Description of air or water pollution control measures.
12. Provide a site plan with topographic contours before and after construction in sufficient detail to determine the adequacy of the facility.
13. For the following provide information from existing data or where no data exists, from a minimal investigation which is representative of the area:
 - a. Describe any historical and archaeological resources.
 - b. Map extent of 100 year floodplain if present.
 - c. Map and evaluate mineral and energy resources.
 - d. Map and evaluate agricultural resources.
 - e. Map and evaluate flora and fauna communities:
 1. Determine species present, seasonal occurrence, status and relative importance.
 2. Map distribution of species.
 3. Map biological features migration routes, breeding grounds, spawning runs and beds, nesting areas, etc.
 4. Identify species included on official federal or state list of endangered or threatened species.
 5. Identify species that are unique in their Colorado distribution.
14. Analyze the long term effects of the proposed site selection and construction upon the physical and socioeconomic development of the impact area.
15. Describe a program to minimize and mitigate adverse impacts, and to maximize the positive impacts of the proposed site selection and construction.
16. Analyze alternatives:
 - a. Alternative locations and routes.
 - b. Alternative types of facilities.
 - c. Use of existing right-of-way with other facilities.
 - d. Upgrading of existing facilities.

e. Conservation measures.

¹11.200 FLOOD CONTROL (F. C.) - OVERLAY ZONE DISTRICT:

²This section consists of 7 subsections as follows: 11.210 Statement of Purpose; 11.220 General Provisions; 11.230 Description of Uses; 11.240 Provisions for Flood Hazard Reduction: Design and Development Standards; 11.250 Establishment of and Requirements for Issuance of a Floodplain Use Permit; 11.260 Appeals, Variances and Floodplain Boundary Reviews; 11.270 Administration Flood Hazard Area Definitions are found in Chapter 2 Definitions.

11.210 Statement of Purpose:

It is the purpose of this overlay district to establish reasonable and uniform limitations, safeguards, and controls of uses of land lying within the 100 year floodplain of a water course in order to promote the public health, safety, and general welfare, to minimize flood losses in areas subject to flood hazards, and to promote wise use of the floodplain. This floodplain regulation has been established with the following purposes and methods of achieving those purposes intended:

11.211 Reduce Flood Hazard:

To reduce the hazards of floods to life and property by:

1. Prohibiting certain uses which are dangerous to life or property in time of flood.
2. Restricting uses which would be hazardous to the public health in time of flood.
3. Restricting uses which are particularly susceptible to flood damage, so as to alleviate hardship and eliminate demands for public expenditures for relief and protection.
4. Requiring permitted floodplain uses, including public facilities which serve such uses, to be protected against floods by providing flood proofing and general flood protection at the time of initial construction.

11.212 Notice to Public of Floodplain Hazard:

To alert floodplain occupants or potential occupants to flood damages, which may result from their own, or other, land use and which is or may be undertaken without full realization of the danger by:

1. Regulating the manner in which structures designed for human occupancy may be constructed so as to prevent danger to human life within such structures.
2. Regulating the method of construction of water supply, sanitation systems and other utilities, so as to prevent disease, and unsanitary conditions.
3. Delineating and describing areas that could be inundated by floods so as to protect individuals from purchasing floodplain lands for purposes which are not in fact suitable.

11.213 To Protect the Public from financial burden:

To protect the public from the burden of avoidable financial expenditures for flood control and relief by regulating all uses within the floodplain areas so as to produce a method of construction and a pattern of development which will minimize the probability of damage to property and loss of life or injury to the inhabitants of the flood hazard areas; minimize damage to public facilities and utilities such as gas mains, electric, and telephone lines, streets and bridges located in areas of special flood hazard; minimize future flood blight

¹MAY 1989

²AUGUST 1995

areas by helping maintain a stable tax base by providing for the sound use and development of areas of special flood hazard; minimize prolonged business interruptions, minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; and to ensure that those who occupy the areas of special flood hazards assume responsibility for their action.

11.214 To protect water storage capacity of floodplains:

To protect the storage capacity of floodplains and to assure retention of sufficient floodway area to convey flood flows which can reasonably be expected to occur by:

1. Regulating filling, dumping, dredging, and alteration of channels by deepening, widening, or relocating.
2. Prohibiting unnecessary and potentially damaging encroachments.
3. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
4. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
5. Encouraging open space uses such as agriculture and recreation especially through approval of master planned developments which maximize the use of floodplain areas for open space/recreational corridors with careful design to accomplish such purposes.
6. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
7. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

11.215 To Protect Watercourse Hydraulic Character:

To protect the hydraulic characteristics of the small watercourses, including the gulches, sloughs and artificial water channels used for conveying flood waters, which make up a portion of the urban drainage system by:

1. Regulating filling, dumping and channelization so as to maintain natural storage capacity and slow flow characteristics.
2. Prohibiting encroachment into the small watercourses to maintain their water carrying capacity.
3. Encouraging uses such as greenbelt, open space, recreation, and riding trails especially through approval of master planned developments which maximize the use of floodplain areas for open space/recreational corridors with careful design to accomplish such purposes.

11.220 General Provisions:

11.221 Lands to which the Flood Control Overlay Zone District Regulation applies:

This overlay zone district regulation applies to any land which is within the 100 year (1% frequency) floodplain of a water course, areas of special flood hazard, and to land which is in an Area of Shallow Flooding as defined in this Regulation within the jurisdiction of unincorporated Adams County.

11.222 Basis for establishing areas of special flood hazard:

1. Boundaries: The boundaries of the Flood Control Overlay Zone District are areas of special flood hazard identified by Urban Drainage and Flood Control District and/or by the Federal Emergency Management Agency in scientific and engineering reports described in Section 11.223 of these Regulations. The boundaries shall be as they appear on the floodplain maps kept on file with the Engineering Department. The boundary lines on the map shall be determined by use of the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, the dispute shall be settled according to Section 11.261 of this Regulation. For the purpose of final determination of the floodplain limits, the flood water surface profile shall control.
2. Adoption of Floodplain Maps: The location and boundaries of the Flood Control Overlay Zone District established by this regulation shall be as they appear on the maps and profiles contained in the Flood Hazard Area Delineation Studies described in Section 11.223 of this Regulation. These studies and any changes in the official maps shall be adopted by the Board of County Commissioners in accordance with the provisions of Section 6.300, Amending Zoning Regulations, of these Regulations.
3. Subdivision of the floodplain into the floodway, and flood storage area has been provided in some Flood Hazard Area Delineation studies described in Section 11.223 of these Regulations. This subdivision must be based upon the assumption that all of the Flood Storage Area reach is being filled. Creation of the Floodway and Flood Storage Area divisions must be made only with the full understanding that such subdivision may tend to increase flood peaks downstream.

¹11.223 Listing and Location of Flood Hazard Area Delineation Studies:

The Flood Hazard Area Delineation studies listed below are on file at the Adams County Department of Engineering and the Development Resource Center. The Flood Control Overlay Zone District shall include the areas delineated on the maps and profiles for the 100 year floodplain limits for the watercourse within these studies as adopted by the Board of County Commissioners in accordance with Section 6.300, Amending Zoning Regulations, of these Regulations. The reports listed below are adopted by reference and declared to be part of this Regulation.

1. "Flood Hazard Area Delineation - Brantner Gulch and Tributaries," prepared through Urban Drainage and Flood Control District by Sellards and Grigg, Inc., dated January, 1983.
2. "Flood Hazard Area Delineation, Big Dry Creek: Westminster Area," prepared for Urban Drainage and Flood Control District by Greiner Engineering, dated December, 1988, and supplemented by "Flood Hazard Area Delineation, Big Dry Creek (Adams County)," prepared for Urban Drainage and Flood Control District by Muller Engineering Company, dated November, 1986 and supplemented by "Flood Hazard Area Delineation, Big Dry Creek (Adams County) North Area Tributaries," prepared for Urban Drainage and Flood Control District by Wright Water Engineers, Inc., dated July 1989. That portion of Morris Creek and Morris Creek South Upstream of Station 42 + 25, as shown on sheets 14, 15, 16, and 17 of the study would not be adopted but would be replaced by sheets 1 of 2 and 2 of figure 5 of the "Morris Run Flood Hazard Area Delineation" prepared by Resource Consultants, Inc., revised December 4, 1990.
3. "Hidden Lake Drainageway 100 Year Floodplain Revisions," prepared for Urban Drainage and Flood Control District by Hydro-Triad Ltd., dated May, 1986.

¹MAY 1990

²JANUARY 1991

4. "Flood Hazard Area Delineation - Second Creek and Third Creek," prepared through the Urban Drainage and Flood Control District by Gingery Associates, dated February, 1976.
5. "Major Drainageway Planning - First Creek Phase B, Volumes I and II," prepared through the Urban Drainage and Flood Control District by Engineering Consultants, Inc., dated March, 1977.
6. "Flood Hazard Area Delineation - South Platte River," prepared through the Urban Drainage and Flood Control District by Gingery Associates, dated September, 1977, as supplemented by

"Flood Hazard Area Delineation - South Platte River, Sand Creek to Oxford Avenue," prepared through Urban Drainage and Flood Control District by Wright Water Engineers, dated September, 1985.
7. "Major Drainageway Planning - Grange Hall Creek, Phase B Report," prepared through Urban Drainage and Flood Control District by Hydro Triad, Ltd., dated December, 1977.
8. "Flood Hazard Delineation - Little Dry Creek," prepared through Urban Drainage and Flood Control District by Merrick and Company, dated June, 1978.
9. "Flood Hazard Area Delineation - Broomfield Area," prepared through Urban Drainage and Flood Control District by Wright-McLaughlin Engineers, dated June, 1979.
10. "Flood Hazard Area Delineation - Direct Flow Area 0054," prepared through Urban Drainage and Flood Control District by Merrick and Company, dated October, 1979.
11. "Flood Hazard Area Delineation - Clear Creek," prepared through Urban Drainage and Flood Control District by Gingery Associates, Inc., dated November, 1979.
12. "Flood Hazard Area Delineation, Todd Creek," prepared for Urban Drainage and Flood Control District by Muller Engineering, dated December, 1985.
13. "Flood Hazard Area Delineation, Quail Creek and Tributaries and McKay Lake Basin," prepared for Urban Drainage and Flood Control District by Greenhorne & O'Mara, Inc, dated July, 1986.
- ¹ 14. "Flood Hazard Area Delineation, Beebe Draw and Left Bank Tributaries," prepared for Urban Drainage and Flood Control District by Kiowa Engineering Corporation, dated July, 1993.
- ² 15. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Adams County, Colorado and Incorporated Areas, dated August 16, 1995 with accompanying Flood Insurance Rate Maps (FIRM).

11.224 Conflicts Between Studies:

Where conflicts between the Flood Insurance Study--Adams County, Colorado, and other studies approved by the Board of County Commissioners exist, the more restrictive data shall apply.

11.225 Compliance:

¹AUGUST 1995

²AUGUST 1995

No vacant land shall be occupied or used and no buildings shall hereafter be erected, altered, or moved on any floodplain of any water course nor shall such buildings be occupied until a Zoning Review approval has been approved and issued by the Floodplain Administrator indicating that the use complies with the provisions herein. A Certificate of Occupancy shall be applied for upon completion of any project, construction, or use for which a Floodplain Use Permit was granted, and the expected land use shall not commence until the Certificate of Occupancy is issued.

11.226 Abrogation and Greater Restrictions:

This regulation is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this regulation and other regulations, easements, covenant, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11.227 Interpretation:

In the interpretation and application of this regulation, all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the governing body.
3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

11.228 Disclaimer of Liability:

- 1 The degree of flood protection required by this Regulation is considered reasonable for the protection of life and property and is based on engineering and scientific methods of study. Larger floods may occur periodically or the flood height may be increased by man-made or natural causes. This regulation does not imply that areas outside the designated floodplains or land use permitted within such floodplain will be free from flooding or flood damages. This regulation shall not create liability on the part of Adams County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.

11.230 Description of Uses:

11.231 Uses by Right Allowed in the Flood Control Overlay Zone District:

1. The following open and accessory uses shall be allowed within the Flood Control Overlay Zone District to the extent that they are allowed in the underlying zone district, do not require any structures, facilities, fill, storage of materials or equipment, or change in a channel of a watercourse, and meet the requirements of other County Regulations. (Such development does require normal building permits/zoning review approval and shall be reviewed and approved by the Floodplain Administrator through the zoning review approval process). These uses are allowed in the Flood Storage Area, Area of Shallow Flooding, or the Floodway provided the Performance Standards described in Section 11.241 are met.
 - a. Agricultural uses such as: general farming, pasture, truck farming, forestry, sod farming and wild crop harvesting.
 - b. Industrial-commercial uses such as: loading areas, parking areas, airport landing strips, runways and taxiways, railroad rights-of-way (not including freight yards or switching, storage or industrial sidings).

- c. Accessory residential uses such as lawns, gardens, driveways, and play areas.
 - d. Public and private recreational uses (not including structures): parks, swimming pools, golf course, driving ranges, picnic grounds, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, and hunting, fishing and hiking areas.
 - e. Utility facilities such as: flowage areas, transmission lines, (not including support towers), pipelines, water monitoring devices, roadways (which do not require fill and not including bridges).
 - f. Fences: barbed wire and split rail fence; other types of fences such as chain link, solid screen types are allowed as a use by right only if necessary for safety or security reasons provided the fence is specially designed to minimize impeding the flow of flood waters, accumulation of debris or being subject to being easily moved during flood periods. Fence designs which can be demonstrated to meet the above criteria, such as certain "breakaway" fencing or fencing with slatted design allowing water to pass through will be allowed if properly certified as meeting performance standards by a registered professional engineer. (Fences in the floodway shall require a Floodplain Use Permit)
2. Although a Floodplain Use Permit is not required for the uses listed above, a written permit for Zoning Review approval and/or a building permit as appropriate is required for conduct of the above uses or installation of the described structures. See Section 8.200 of these Regulations. The Building Inspections Section shall refer such applications to the Floodplain Administrator for review for compliance with the requirements of the Flood Control Overlay Zone District as part of the Zoning Review approval process.
 3. Uses very similar in nature to the uses described in Section 11.231 (that is uses of the same land use category and meeting the description found in 11.231(1) stating that the use does not require any structures, facilities, fill, storage of materials or equipment, or change in a channel of a watercourse) and not specifically listed as requiring a Floodplain Use Permit may be allowed as a use by right provided that they are consistent with the provisions of this Regulation.

11.232 Uses Requiring Floodplain Use Permit:

A Floodplain Use Permit is required for any structure, facility, fill, storage or processing of materials or equipment, or change in a channel of a watercourse within the Flood Control Overlay Zone District. Specifically, any use enumerated below may be permitted only upon the issuance of a Floodplain Use Permit by the Floodplain Administrator. These uses may be permitted in either the Flood Storage Area or Floodway provided the applicable Performance Standards described in Section 11.241 are met and that the uses are not expressly prohibited in those areas.

1. Residential Structures:

- a. New construction or substantial improvement of any residential structure may be permitted only upon a finding by the Floodplain Administrator that the lowest floor, including basement, is to be elevated to or above the flood protection elevation. A registered professional engineer shall certify to the Floodplain Administrator that the standards of this subsection are satisfied prior to issuance of a Floodplain Use Permit.
- b. No residential building (or any substantial improvement to a residential building) shall be allowed in the floodway.

2. Non-Residential Structures:

- a. New construction or substantial improvement of any commercial, industrial or other non-residential structure may be permitted only upon a finding by the Floodplain Administrator that the lowest floor, including basement is to be elevated to or above the flood protection elevation or, together with attendant utility and sanitary facilities, is to be floodproofed so that below the flood protection elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify to the Floodplain Administrator that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 11.241. Such certifications shall be provided to the official as set forth in Section 11.272 (2) (B).
- b. No non-residential building designed for human occupancy (or substantial improvement to such a building) shall be allowed in the floodway.

3. Manufactured Homes are allowed within the Flood Control Overlay Zone District if the following requirements are met:

- a. All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces. Specific requirements may be:
 1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than fifty feet long requiring one additional tie per side.
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than fifty feet long requiring four additional ties per side.
 3. All components of the anchoring system be capable of carrying a force of 5000 pounds.
 4. Any additions to the manufactured home be similarly anchored.
- b. Construction standards for a manufactured home to be placed in an existing manufactured home park or subdivision which was developed prior to the time these regulations are implemented: All such manufactured homes must be elevated so that either (I) the lowest floor of the manufactured home is at or above the flood protection elevation, or (II) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement as certified by a registered professional engineer.
- c. Construction standards for a manufactured home to be placed on a single lot or in a new or expansion to an existing manufactured home park or subdivision: All manufactured homes or those to be substantially improved on sites (I) outside of a manufactured home park or subdivision, (II) in a new manufactured home park or subdivision, (III) in an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the

result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the flood protection elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement as certified by a registered professional engineer.

- d. No manufactured homes (including such structures to be used for other than residential purposes) or any substantial improvement to a mobile home shall be allowed in the floodway.
4. Fills or Deposits of Materials may be permitted only upon a finding by the Floodplain Administrator that:
 - a. Any fill or deposit of materials will comply with Section 11.241 Performance Standards of this Regulation.
 - b. The fill or deposit of materials will have some beneficial purpose and the amount thereof will not be greater than is necessary to achieve that purpose, as demonstrated by a final development plan submitted by the owner with specific information showing the final dimensions of the proposed fill or other material and the specific use to which the filled land will be put.
 - c. The fill or deposit of materials does not imprudently reduce the flood storage capacity of the waterway and the other requirements of this Chapter are met; and the fill or deposit of materials does not encroach on that portion of the floodplain which would have significant flow during the flood, and which for that reason would help convey the flood waters. Any filling that potentially reduces the hydraulic capacity requires appropriate hydraulic studies and a review of the urban impact of such reduction. In no instance shall fill be allowed that restricts drainageways from reaching the floodplain of the major watercourse of the area.
 - d. The fill or other materials will be protected against erosion by rip-rap, strong vegetative cover or bulkheading.
 5. Storage or processing of materials and equipment within the floodplain shall require a Floodplain Use Permit. The storage or processing of materials that are buoyant, flammable, hazardous, explosive, or those materials defined as solid waste by the Colorado Health Department, or those materials that in times of flooding could be injurious to human, animal, or plant life, shall be at or above the flood protection elevation for the particular areas. Other permits or restrictions described in this Regulation are applicable to such uses.
 6. Gravel mining or Grading/Hauling/Excavating activities requires a Floodplain Use Permit and may be allowed provided the use will comply with Section 11.241 Performance Standards, and meets the intent of the Adams County Comprehensive Plan for floodplain areas encouraging the use of floodplain areas for open space/recreational uses and maintenance of adequate, stabilized drainageways as provided for through drainageway studies, particularly the South Platte River Master Plan.
 7. Uses very similar in nature to the uses described in Section 11.232 (that is uses of the same land use category and meeting the description found in 11.231(1) stating that the use does not require any structures, facilities, fill, storage of materials or equipment, or change in a channel of a watercourse), but not specifically listed as requiring a Floodplain Use Permit, may be allowed with a Floodplain Use Permit as determined necessary by the Floodplain Administrator, provided they are consistent with the provisions of this Regulation.

11.233 Nonconforming Uses in the Flood Control Overlay Zone:

The existing lawful use of a structure or premises which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions:

1. No such use shall be expanded or enlarged except in conformity with the provisions of this Section 11.200 Flood Control Overlay Zone District and Chapter 5 Nonconforming Conditions.
2. Substantial improvement, as herein defined, to any nonconforming structure or use in the Flood Control Overlay Zone District, must result in the permanent change of the structure or use to a conforming use. This requirement may be more restrictive than provision of Chapter 5 Nonconforming Conditions in some circumstances.
3. If such use is discontinued for six consecutive months, any future use of the building and premises shall conform to this Regulation.
4. Uses, or their accessory uses, in the Flood Control Overlay Zone District which are public nuisances shall not be permitted to continue as nonconforming uses.
5. Any alteration, addition, or repair to any existing nonconforming structure in the Flood Control Overlay Zone District shall be protected, where applicable, by approved floodproofing measures. Substantial improvements may be subject to additional restrictions as described in Section 11.232.

11.240 Provisions for Flood Hazard Reduction: Design and Development Performance Standards

¹11.241 Performance Standards for Development in the Floodplain and Floodway Areas:

In all areas of special flood hazards the following standards are required notwithstanding that such uses may be permitted as a use by right or through a Floodplain Use Permit under the terms of this Regulation:

1. Floodway Development Standards or Restrictions:
 - a. No new construction; substantial improvement; fill, including fill for roads and levees; deposit; obstruction; as herein defined; storage of materials, or other floodplain uses which acting alone or in combination with existing or future floodplain uses, shall be permitted that decreases the efficiency or the capacity of the floodway.
 - b. No floodplain uses shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.
 - ²c. Encroachments within the floodway are prohibited, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not result in any increase in the base flood elevation. If this requirement is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 11.240.
2. All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

¹MAY 1990

²AUGUST 1995

3. Construction materials and methods:
 - a. All new construction and substantial improvements within the floodplain shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - c. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
4. Utilities:
 - a. All new and replacement water supply systems within the floodplain shall be designed to minimize or eliminate infiltration of flood waters into the system; and
 - b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - c. Onsite waste disposal systems within the floodplain shall be located to avoid impairment to them or contamination from them during flooding.
5. If a structure is floodproofed, the following standards must be met: Any area below the base flood elevation must be floodproofed so that the structure is watertight with walls impermeable to the passage of water and structural components, capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Floodproofing methods must be adequate to withstand the flood depths, pressures, velocities, uplift, and impact forces associated with the base flood as demonstrated by certification by a registered professional engineer. Possible floodproofing methods include: anchorage to resist flotation and lateral movement; installation of watertight doors bulkheads and shutters; reinforcement of walls to resist water pressures; use of paints, membranes or mortars to reduce seepage of water through walls; addition of mass or weight to structures to resist flotation; installation of pumps to lower water levels in structures; construction of water supply and waste treatment systems to prevent the entrance of flood waters; pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures; construction to resist rupture or collapse, caused by water pressure or floating debris; cutoff valves on sewer lines or the elimination of gravity flow basement drains.
6. The maximum flood elevation or overtop to which private access drives and parking lots within a proposed development are to be built is 18 inches during the base flood. Maximum flood elevation or overtop requirements to which public roads, bridges, and other accessways are to be built are found in Chapter 6 Storm Drainage Design and Technical Criteria, of the Adams County Subdivision Regulations.
7. Gravel mining or grading/hauling/excavating operations shall meet the specific performance standards and guidelines described in the "Technical Review Guidelines for Gravel Mining Activities Within or Adjacent to 100 Year Floodplains" prepared by Wright Water Engineers, Inc., for Urban Drainage and Flood Control District dated December 1987, or shall meet comparable standards as recommended by the Executive Director of Urban Drainage and Flood Control District for unique situations not anticipated within the "Technical Review Guidelines" referenced above, but which accomplish the same purpose (to protect rivers and streams from erosion and degradation which may result from such operations).

11.242 Performance Standards for Areas of Shallow Flooding:

1. Residential Structures:

Within Areas of Shallow Flooding, all new construction and substantial improvement of residential structures shall be allowed only upon a finding of the Floodplain Administrator that the lowest floor, including basement, will be elevated to one foot above the highest adjacent grade and at least as high as one foot above the depth of flooding noted on the Flood Hazard Area Delineation Study for the site.

2. Nonresidential Structures:

Within Areas of Shallow Flooding, all new construction and substantial improvements of nonresidential structures shall be allowed only upon a finding of the Floodplain Administrator that the lowest floor, including basement, will be elevated one foot above the highest adjacent grade and at least as high as one foot above the depth of flooding noted on the Flood Hazard Area Delineation Study for the site, or together with attendant utility and sanitary facilities, will be completely flood proofed to or above that level so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

11.243 Performance Standards for Subdivision and Rezoning Proposals within the Flood Control Overlay Zone District:

1. All subdivision proposals shall be consistent with the need to minimize flood damage. For instance all subdivisions approved for development shall have adequate land area within each lot for the type of development allowed by the underlying zone district as constrained by the requirements of the Flood Control Overlay Zone District.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Base flood elevation data shall be provided for all subdivision proposals and other proposed development.
5. Rezonings for property located within the Flood Control Overlay Zone District shall meet this one additional criterion (as written below in this subsection) in addition to those listed in Section 6.115 of these Regulations:

Development proposals outside the urban developed areas of unincorporated Adams County shall maximize the use of floodplain areas for open space and recreational/wildlife preservations uses, and are in accordance with policies of the Adams County Comprehensive Plan for use of floodplain areas as open space corridors with minimal and no channelization of waterways allowed. In those existing urban developed areas with already existing infrastructure such as utilities, streets, and nonconforming structures in use, channelization to remove these areas from the floodplain shall be encouraged only in accordance with Major Drainageway Plans adopted by the Board of County Commissioners.

11.250 Establishment of and Requirements for Issuance of a Floodplain Use Permit:

11.251 Requirement for a Floodplain Use Permit:

A Floodplain Use Permit must be obtained from the Floodplain Administrator before any new land use or substantial improvement, as described in Section 11.232, may be initiated.

11.252 Application Procedure to be Followed and Materials to be Submitted:

The Floodplain Administrator shall require the following application requirements for a Floodplain Use Permit as deemed necessary for the evaluation of the effects of the proposal upon flood flows and floodplain storage as well as meeting the purpose and intent of these Regulations. Information may include, but not be limited to plans in drawn to scale showing the nature, location, dimension, and elevations of the area in question; existing or proposed structure, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Preapplication Conference:

¹ A preapplication conference with the Floodplain Administrator or his designee, a Development Review Planner, and a representative of Urban Drainage and Flood Control District if appropriate, is required. At that conference the potential applicant should present a Floodplain Modification (or Revision) Study Scoping Document (5 copies) which contains information described below. (This type of Document is also described in Chapter 6, Section 2.6 of the Storm Drainage Design and Technical Criteria of the Adams County Subdivision Regulations).

- a. References which will be used in the study, data which will be utilized and a discussion of the appropriateness of the data.
- b. A description of surveys and field investigations proposed.
- c. A preliminary assessment made for channel design improvements. This assessment may be conducted in accordance with the recommendations in "Design of Channel with Wetland Bottoms" by Mr. Ben Urbonas of the Urban Drainage and Flood Control District and kept on file in the Engineering Department.
- d. The proposed methods to be utilized for the hydrologic and hydraulic analysis.
- e. Purpose for the Floodplain Modification or Revision.

2. Submittal Items for a complete Floodplain Use Permit Application:

- a. A completed Land Use Application Form (5 copies).
- b. Required fee of \$250 for application review.
- c. A narrative describing the proposed operation, its purpose, and timing of the project. This should include a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (5 copies).
- d. A Floodplain Modification or Revision Study (5 copies) The study must address the following points through actual analysis or through reference to adopted drainage master plans and must be prepared and certified by a registered professional engineer:

- ²1. A description of the site consistent with the outline for a Final Drainage Report as described in Chapter 6, Section 2.3 of the Storm Drainage Design and Technical Criteria of the Adams County Subdivision Regulations.
- ³2. A description of the Major Drainage Basin in accordance with the outline for a Final Drainage Report as described in Chapter 6, Section 2.3.1 of the Storm Drainage Design and Technical Criteria of the Adams County Subdivision Regulations.

¹AUGUST 1995

²AUGUST 1995

³AUGUST 1995

3. The identification of drainage master plan reports, FHAD reports, or Flood Insurance Studies with the analysis of the applicability of data to the Floodplain Modification or Revision Study.
 4. Hydrology analysis.
 5. Characteristics of the proposed channel including but not limited to slope, roughness, depth, velocity, Froude number, centerline alignment and stationing, and cross sections. Existing topographic maps may be utilized if they are field verified to determine if changes have occurred. The profile and plan shall be given for existing conditions and for the proposed channel alignment including the cross section locations.
 6. A description of the method of hydraulic analysis and its application in the study.
 7. Identification and discussion of all input parameters and basis for input parameters.
 8. Discussion of the results and conclusions of the hydraulic analysis. This shall include a narrative summary of the results as well as comprehensive output data.
 9. The delineation of the existing and proposed 100 year floodplain and water surface profile. Include cross section locations.
 10. A description of impacts on other property owners along the floodplain.
 11. A conceptual design for the channel including embankment protection, drop structures, culverts, bridges, and the hardened trickle channel or low flow channel.
 12. If appropriate, an analysis of sediment transport and fluvial morphology.
 13. A Floodplain Modification or Revision Study for changing a FEMA-designated floodplain must address compliance with the FEMA requirements for the project. This includes federal regulations published in 44 CFR, Part 65, on technical and submittal requirements for a Letter of Map Revision. (For Appeals, Revisions, and Amendments to Flood Insurance Maps, refer to "A Guide for Community Officials, September, 1985, FEMA and F.I.A."). Adams County is required to make submittals for the floodplain map revisions to FEMA. The applicant shall prepare the FEMA submittal packages and provide the FEMA review fee. The Floodplain Modification or Revision Study shall include a schedule for obtaining a Letter of Map Revision for the project. The schedule shall include: submittal of a Conditional Letter of Map Revision to Adams County for review by Adams County and Urban Drainage and Flood Control District, submittal of the Conditional Letter of Map Revision to FEMA, submittal of a draft FEMA Letter of Map Revision package including as built data for review by Adams County and the Urban Drainage and Flood Control District, submittal of the Letter of Map Revision package to FEMA.
- e. Building Specifications: Specifications for building construction and materials, "flood proofing," filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities. This should include a certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 11.240. (5 copies).

- f. Elevation Information: Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures and the level to which any structure has been floodproofed.

3. Referral of Application:

The Floodplain Administrator shall refer application materials to the Adams County Director of Planning and Development, to Urban Drainage and Flood Control District (when the site is located within that District), and affected Federal, State or Local governments or other interested agencies for review and comment for a minimum of 14 days prior to rendering a decision. A greater referral period shall be allowed, for a maximum of 60 days, if additional time is needed for analysis of information as determined necessary by the Floodplain Administrator or for review of additional information requested by referral agencies. Such an extension of time may be necessary for areas of complex hydraulic character, areas in which the hydraulic character had not been previously determined, or if information is incomplete or contains suspected inaccuracies.

4. Written Decision:

At the completion of this referral and review period, a written decision shall be made granting or denying a Floodplain Use Permit. The decision shall set forth the Administrator's findings of fact and reasons for the decision.

5. Appeals Process:

The applicant or any affected member of the public or affected local government shall have the right to appeal any adverse finding or decision to the Adams County Board of Adjustment as described in Section 11.260 of this Chapter. Such appeal must be made within 30 days of the date of the written decision of the Floodplain Administrator is mailed to the applicant.

6. Issuance of a Floodplain Use Permit:

The floodplain administrator issues a floodplain use permit with required conditions listed upon it. Submittal of a fee of \$100 is required prior to issuance of the permit. Payment is for review of required certifications and conditions, inspections, and administrative filing and clerical costs.

11.253 Criteria for Review of Floodplain Use Permit:

The decision of the Administrator on each Floodplain Use Permit application shall be based on the effects of the proposed land use with respect to the objectives and purposes of this Regulation as listed in Section 11.210 Statement of Purpose and its subsections. The technical recommendations of the Director of Planning and Development and Urban Drainage and Flood Control District and other interested agencies shall be compiled and provide the basis for a determination within the framework of these Regulations.

11.254 Conditions Attached to Floodplain Use Permits:

1. Upon consideration of the factors listed above and the purposes of this Regulation, the Floodplain Administrator may attach such conditions as deemed necessary in furthering the purposes of this Regulation. Such conditions may include specifications for the modification of other waste disposal methods and facilities, landscaping, periods of operation, operational controls, development agreements with collateral for guarantee of improvements, deed restrictions, adequate floodproofing, or other conditions necessary to achieve the purposes of this Regulation.

2. The issuance by FEMA of a Conditional Letter of Map Revision will be required before Adams County issues permits allowing overlot grading or development within a floodway or before Adams County issues permits allowing overlot grading or development of areas to be removed from the floodplain through placement of fill, channelization, or other such mechanism. Structures constructed in the flood storage area which meet the requirements of this Chapter for flood protection such as elevation or floodproofing to the flood protection elevation do not require a Letter of Map Revision.

11.255 Certificate of Occupancy Required for Floodplain Use Permit Activities:

1. A Certificate of Occupancy shall be applied for upon completion of any project construction or site preparation for which a Floodplain Use Permit was granted, and the approved land use shall not commence until a Certificate of Occupancy is issued.
2. The Floodplain Administrator shall require the applicant to submit a certification by a registered professional engineer that the finished fill and building floor elevations, floodproofing measures, or other flood protection factors were accomplished in compliance with the provisions of these Regulations. If all requirements of the Floodplain Use Permit have been met, then the Floodplain Administrator shall recommend approval of a Certificate of Occupancy to the Chief Building Official.
3. If a new use is proposed, an existing use is in progress, or a change in use is applied for, the Floodplain Administrator shall recommend approval of a Certificate of Occupancy to the Chief Building Official upon receipt of proof that a use or structure is expressly permitted by this Regulation, such as those uses listed in Sections 11.231 and 11.232.
4. Prior to Adams County granting final acceptance of public improvements in a subdivision or before it issues a Certificate of Occupancy for a structure located within a floodway or for a structure which has been removed from a floodplain through channelization, fill or other such method, all requirements of other governmental agencies, such as FEMA, shall be met.

11.260 Appeals, Variances, and Floodplain Boundary Reviews:

11.261 Floodplain Boundary Review:

The Floodplain Administrator makes interpretations, where needed, as to the exact location of the boundaries of the floodplain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). When there are questions as to the location of the floodplain, the Floodplain Administrator shall not allow deviations from the boundary as mapped unless the Floodplain Boundary Review procedure listed below is followed. In all cases the person contesting the location of the boundary as mapped shall be given an opportunity to submit technical evidence regarding the issue and shall be given a reasonable opportunity to appeal the interpretation as provided in Section 11.264.

1. Application Submittal Items for a Floodplain Boundary Review:
 - a. A completed Land Use Application Form (5 copies).
 - b. Required fee of \$150 for application review.
 - c. A narrative description of the basis of the contested boundary.
 - d. Submittal of technical information, certified by a registered professional engineer or a registered professional land surveyor, which is of appropriate scale and detail to demonstrate the correct floodplain boundary and flood water surface profile.
2. Process for Review of Information:

The evidence shall be referred by the Floodplain Administrator to the Adams County Director of Planning and Development, to Urban Drainage and Flood Control District (when the site is located within the District) and affected Federal, State or Local governments or other interested agencies for review and comment for a minimum of 14 days prior to rendering a decision. A greater referral period shall be allowed, for a maximum of 60 days, if additional time is needed for analysis of information as determined necessary by the Floodplain Administrator or for review of additional information requested by referral agencies. Such an extension of time may be necessary for areas of complex hydraulic character, areas in which the hydraulic character had not been previously determined, or if information is incomplete or contains suspected inaccuracies.

3. Criteria for Review:

The Floodplain Administrator shall not allow deviations from the boundary as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect. For the purpose of final determination of the floodplain limits, the flood profile shall control. The technical recommendations of the Director of Planning and Development and Urban Drainage and Flood Control District and other interested agencies shall be compiled and provide the basis for a determination within the framework of these Regulations.

4. Written Decision:

At the completion of this referral and review period, a written decision shall be made granting or denying a Floodplain Boundary Review. The decision shall set forth the Administrator's findings of fact and reasons for the decision.

5. Appeal of Floodplain Administrator's Decision:

Objectors shall have the right to appeal such decisions to the Board of Adjustment as described in Section 11.264 of this Chapter and Section 7.540. Such appeal must be made within 30 days from the date of mailing of the Floodplain Administrator's decision.

6. Zoning Review Approval or Floodplain Use Permit Issuance Following a Floodplain Boundary Review:

- a. A floodplain use permit shall be required if it is determined by the Floodplain Administrator that the site in question is located within the Flood Control Overlay Zone District and that the use is not a use by right.
- b. The usual zoning review approval and the appropriate building permit/change in use process described in Chapter 8 Administration and Enforcement of these Regulations, shall be required prior to start of development if it is determined that the site in question is not located within the Flood Control Overlay Zone District. Prior to Adams County issuing permits allowing overlot grading or any other development within the 100 year floodplain in such a case of improper mapping or error in mapping (if a floodplain use permit with associated provisions for flood protection such as elevation or floodproofing to the flood protection elevation are not provided), all requirements of other governmental agencies, such as FEMA, shall be met.

11.262 Variance Procedure:

The Board of Adjustment shall hear and decide variances from the requirements of this Chapter.

1. In passing upon such applications for variances of the specific physical requirements, not use, of this Chapter, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter or of these Regulations, and:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of services provided by the proposed facility to the community.
 - e. The necessity of the facility to the water front location, where applicable.
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - g. The compatibility of the proposed use with the existing and anticipated development.
 - h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of Adams County.
 - i. The safety of access to the property in time of flood for ordinary and emergency vehicles.
 - j. The expected height, velocity, duration, rate of rise, and sediment transport of the flood water and the effects of wave action as described by a registered professional engineer, if applicable, expected at the site.
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, telephone, and water systems, and streets and bridges.
2. Upon consideration of these factors and the purposes of this Regulation, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Regulation.
3. The Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

11.263 Variance Conditions and Limitations:

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section 11.263.
2. Variances shall not be issued within any designated floodway if any increase in flood levels outside the channel would occur during the base flood discharge or if increases within the channel exceed those standards specified in Chapter 6 Storm Drainage Design and Technical Criteria of the Adams County Subdivision Regulations.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 11.262 (1), or conflict with existing local laws, regulations or ordinances.
 - d. The variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Any applicant to whom a variance is granted shall be given written notice by the Floodplain Administrator that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.
6. Variances shall be applied for and conducted in accordance with the requirements of Section 7.410.
7. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (A-K) in Section 11.262(1) have been fully considered. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.

11.264 Appeal Procedure:

1. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Regulation.
2. Appeals shall be applied for and conducted in accordance with the requirements of Section 7.540 and 7.550.
3. The Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.
4. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the District Court of Adams County, as provided in Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

11.270 Administration:

11.271 Designation of Floodplain Administrator:

- ¹ The Director of Public Works is designated the Floodplain Administrator. The Floodplain Administrator shall administer and implement the Flood Control Overlay Zone District Regulation in accordance with the provisions herein.

11.272 Duties and Responsibilities of the Floodplain Administrator:

1. Floodplain Use Permit Review:

- a. Determine that the Floodplain Use Permit requirements of this Chapter have been satisfied.
- b. Determine that all necessary permits have been obtained prior to development from those Federal, State, or Local governmental agencies from which prior approval for uses or activities in the floodplain is required, including but not limited to: FEMA for Letters of Map Amendment or Revision, Army Corps of Engineer 404 Permits, and EPA Clean Water Discharge Permits.
- c. Review all Floodplain Use Permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the requirements of Section 11.241, Performance Standards, are met.
- d. When base flood elevation data has not been provided in accordance with Section 11.222 Basis for Establishing the Areas of Special Flood Hazard, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in the Flood Control Overlay Zone District are administered in accordance with Section 11.240.

2. Information to be Obtained and Maintained:

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
- b. For all new or substantially improved "floodproofed" structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - 2. Maintain the floodproofed certifications required in Section 11.255(2).
- c. Maintain for public inspection all records pertaining to the provisions of this Flood Control Overlay Zone District Regulation.
- d. Maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Administration.

3. Responsibilities upon Approval of Alteration of Watercourses:

- a. Notify adjacent communities, the Urban Drainage and Flood Control District, and the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished over time. Encourage development to meet Urban Drainage and Flood Control District standards to enable the County to reach agreement with the Urban Drainage and Flood Control District to assume maintenance of such altered watercourses.

4. Interpretation of Floodplain Boundaries:

Make interpretations, where needed, as to the exact location of the boundaries of the floodplain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) When there are questions as to the location of the

floodplain, the Floodplain Administrator shall not allow deviations from the boundary as mapped unless the Floodplain Boundary Review procedure listed in Section 11.261 is followed. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation of the floodplain administrator as provided in Section 11.264.

11.300 MINERAL CONSERVATION (M. C.) - OVERLAY ZONE DISTRICT:

11.310 Purpose:

1. M. C.: It is the purpose of this district to establish reasonable and uniform limitations, safeguards, and controls for the conservation and wise utilization of natural resources and for rehabilitation of excavated land. Land within this classification is designated as containing commercial mineral deposits as defined in section 2.246 in sufficient size parcels and in areas where extraction and rehabilitation can be undertaken while still protecting the health, safety, and welfare of the inhabitants of the area and the County. In cases where the location of the district or use abuts other zoning or use of land, structures, excavation, and rehabilitation may be restricted to be compatible with and protect the adjoining area.
2. The following areas shall be exempt from the M. C. restriction:
 - a. Any parcel of land intended for uses which were allowed in the underlying zoning district prior to July 1, 1973.
 - b. Any parcel of land 5 acres or less in size which was in existence as a separate parcel prior to July 1, 1973.
 - c. Any parcel of land in excess of 5 acres where it can be demonstrated that the mineral resource is not of commercial quality and quantity.

The Director of Planning and Development shall exempt land falling under the above three categories. He may require competent proof of the above, including a written opinion from the State Geological Survey where he deems necessary. His decision is appealable to the Board of Adjustment as per section 7.540.

3. The following areas may be exempt from the M. C. section if the Board of Adjustment determines the following:
 - a. Any parcel of land where the property owner can demonstrate that the M. C. restriction would make it impossible to develop the land for any reasonable economic compatible use in the area including gravel extraction.

Procedures and fees for the above shall be the same as section 7.410.

11.320 Restriction on Uses - For any land which contains commercial deposits as provided in section 11.310, no permanent structures or permanent uses may be allowed in Mineral Conservation Overlay Districts except:

1. Fences, not needed during excavation and rehabilitation, subject to the minimum requirements of the underlying zone district. For fencing requirements during excavation and rehabilitation see Section 11.340.
2. Structures within 200' of a public maintained and constructed road or an existing principal structure subject to the structures and use being in conformance with the requirements of the underlying zone district.
3. Non-permanent use of the land, provided such use is in conformance with the underlying zone district and would not prohibit the eventual extraction of commercial mineral deposits.

11.330 Procedure for Excavation and Rehabilitation Requests:

The extraction of commercial mineral deposits with necessary accessory uses shall be allowed in all zone districts as a conditional use upon approval and in conformance with an approved excavation and rehabilitation plan. Any plan approved and being followed under previous regulations shall fulfill its requirement. Such a plan shall contain, in addition to those relevant requirements outlined in Chapter 6 for a zone change, the following in the required number of copies as designated by the Planning and Development Department:

1. A detailed description of the method of operation of excavation and rehabilitation to be employed including any necessary accessory uses.
2. An excavation plan showing the areas to be mined with accompanying time schedules, fencing, depth and other pertinent factors.
3. A detailed rehabilitation plan showing detailed proposed rehabilitation with time schedules including, but not limited to, finished contours, grading, sloping, types, placement, and amount of vegetation, after other proposed factors.
4. The operator's estimated cost of each of the following segments of the reclamation process, including, where applicable, back filling, grading, re-establishing top soil, planting, revegetation management, and protection prior to vegetation establish and administrative costs.
5. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.
6. Type, character, and density of present and proposed vegetation.
7. Reclamation projects involving landfills must submit proof that the lining of the pit will prevent seepage of polluting materials into the water system.
8. A water report and evaluation prepared by a registered engineer analyzing the effect and/or feasibility of both ground and surface water.
9. A drainage report and drainage plan prepared by a registered engineer with consideration of natural drainage, drainage during excavation, and drainage after rehabilitation such that the proposed rehabilitation and excavation will have no adverse effect in excess of natural conditions. (Where applicable, the report should consider floodway and storage aspects).
10. Such additional information as may be requested by the Planning Department.
11. Upon approval, the excavation and rehabilitation plans and a final plat shall be filed with the County Clerk and Recorder. Any change in the excavation and rehabilitation plan shall be prohibited unless amended by approval of the Board of County Commissioners.
12. The procedure for consideration of such a request shall be the same as a zone change as is outlined in Chapter 6.

11.340 Operation and Rehabilitation Standards for all Mining Operation - Mining and necessary accessory uses shall be subject to the following conditions and to the approved excavation and reclamation plan:

1. A permit to excavate issued by the State of Colorado.
2. No excavation or deposit of overburden within 25 feet of the boundary of adjacent property, easement, irrigation ditch or right-of-way unless by written agreement of the owner(s) of such property, easement, irrigation ditch, or right-of-way.

3. No excavation within 125 feet of any existing residence unless by written agreement of the owners and occupants of such residence, and no excavation involving the use of rock crushers or other similar equipment shall take place within 250 feet of a residence.
4. Haulage roads within the premises shall be maintained in a reasonably dust free condition.
5. Hours of operation - 6:00 A. M. to 10:00 P. M. normally; however, shorter hours may be imposed in urbanized areas, as part of conditional use approval.
6. All sand and gravel shall be excavated in such a manner as to have an average of 2 feet of undisturbed sand and gravel to provide a water bearing strata, unless the reclamation plan provides for a permanent lake or a landfill.
7. In no event shall a slope of less than 2:1 be left for dry pits, or a slope of 3:1 to a depth of 10 feet and 2:1 thereafter for a wet pit when operations are completed, except as provided in (16) hereof.
8. The operator shall submit a route plan to the County Engineer and receive permission to use for haulage any public right-of-way not designated for such haulage by reason of load limit, dust, right-of-way or pavement width or other relevant factors. The County Engineer may place reasonable restrictions on such right-of-way use.
9. The floor excavation pits whether wet or dry shall be left in a reasonably smooth condition.
10. The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.
11. Prior to starting excavation, the operator shall fence gravel pit operations with a "V" mesh or chain link fence to a height of 72" topped with three strands of barbed wire canted to a 45° angle outward. Where the operation is adjacent to subdivided and/or developed commercial, residential, or industrial property (except I-2 or I-3) a solid screen fence will be erected to prevent the visibility of the mining operation if deemed necessary by the Planning and Development Department, subject to appeal to the Board of Adjustment. The operator may fence the entire area immediately, or fence only areas of excavation; however, no fence shall be removed until rehabilitation has been completed.
12. All operations shall conform to noise, vibration, and other standards in Chapter 4, Adams County Zoning Regulations.
13. Where the operation is adjacent to subdivided property and/or to developed commercial, residential or industrial (except I-2 or I-3), once mining has been completed, that site is not to be used as an area to stockpile sand and gravel resources. The mining operator is to reclaim those areas as rapidly as possible.
14. All air emissions shall conform to standards established by the Tri-County District Health Department and the State Health Department.
15. All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the water laws of the State of Colorado.
16. All slopes shall be stabilized and land remaining in the natural water level must be revegetated in a manner compatible with the surrounding area, and subject to the approval of the Adams County Planning and Development Department. Slopes of pits designated as Sanitary Landfills by Certificate of Designation may remain unstabilized and vertical provided a Certificate of Designation is applied for and granted within one year of excavation and provided fencing remains in place.

17. The revegetation plan must meet the standards of the Colorado State University Extension Agency.
18. After revegetation of an area, the area must be maintained for a period of three years or until all vegetation is firmly established in the reclaimed area.
19. A time limit for reclamation will be placed on each project. This time limit will be dependent upon the type of reclamation effort.
20. An annual report shall be submitted to the Planning and Development Department to ascertain whether the approved reclamation plan is progressing satisfactorily. This report shall be the same report as is submitted to the Land Reclamation Board.
21. Cancellation of Conditional Use - The Board of County Commissioners shall have the power to cancel the Conditional Use, for violation of any of these Regulations or conditions imposed by the Board. Upon at least 10 days notice to the owner and operator, the Commissioners may hold a hearing to determine the nature and extent of the alleged violation, and shall have the power, upon showing of good cause, to cancel or revoke the plan and to require corrective measures to be taken.

11.350 Mineral Conservation Area:

1. Pursuant to State Law, those areas identified with resource classification "I" on maps contained in Special Publications 5A and 5B "Atlas of Sand, Gravel, and Quarry Aggregate Resources, Colorado Front Range Counties" (1975) prepared by the Colorado Geological Survey shall receive the M. C. designation.
2. Boundaries of the Mineral Conservation Overlay areas may be appealed to the Board of Adjustment based on technical information. The Planning and Development Department shall designate mineral conservation overlay areas as per Sections 3.110 and 3.120 on the official zoning maps.

11.400 FLAMMABLE GAS (G) OVERLAY ZONE DISTRICT:

11.410 Purpose:

1. G - It is the purpose of this Overlay District to establish reasonable and uniform limitations, safeguards, and controls over uses of land designated as and/or adjacent to an operating or former solid waste disposal site. Any building, excavation, construction, or other use proposed in this zone district shall require flammable gas testing and approval as indicated in this section prior to commencing operations. The requirements of this section are intended to assure the protection of life and property from such related hazards as flammable gas, gas migration, asphyxiation, settlement, and explosion.

11.420 Restrictions on Uses:

11.421 Review of Proposed Construction on Landfill Site:

1. For any parcel of land which is or has been a solid waste disposal site, no construction of structures or other land uses shall be allowed until the proposed action is referred to the Planning and Development Department, the local fire department, and Tri-County District Health Department.
2. Tri-County District Health Department and the local fire department will be primarily responsible for obtaining flammable gas readings from the site and supply safety information related to construction on a landfill.
3. The Planning and Development Department's primary responsibility shall be to deal with the proposed land use and the engineering design.

4. All comments and recommendations shall be presented to the Chief Building Official for his review and decision as per Sections 11.422 and 11.423.

11.422 Building Permits and Construction on a Former Landfill Site:

The Chief Building Official shall issue a permit on any such proposed development only after determining that the following criteria has been met, based on the 20% lower explosive limit (LEL) standard formulated by the National Institute of Occupational Safety and Health of the Bureau of Mines of the U.S. Department of the Interior:

1. Flammable gas testing shall be conducted at the proposed site in order to determine if flammable gas is present in concentrations of 5% or more by volume (5% flammable gas is the lower explosive limit).
2. All new construction shall be designed by a registered professional engineer to exclude and protect against buildup of over 1% of flammable gas in the building.
3. For construction on a known and fill area, the following steps shall be taken during the construction activity:
 - a. A flammable gas indicator shall be utilized at all times during trenching, excavating, drilling, or when working within 10 feet of an open excavation.
 - b. When trenching, excavating, or drilling deeper than 2 feet into the fill, or in the presence of detectable concentrations of 1% flammable gas, the soils shall be wetted and the operating equipment shall be provided with spark proof exhausts.
 - c. A dry chemical fire extinguisher, ABC rated, shall be provided on all equipment used in the landfill.
 - d. Personnel within or near an open trench or drill hole shall be fully clothed, wear shoes with non-metallic soles, wear a hard hat and wear safety goggles or glasses.
 - e. Exhaust blowers shall be used in instances where trenches may show a buildup of flammable gas of 1% or less than 18% oxygen.
 - f. Smoking shall not be permitted in any area within 100 feet of the excavation.
 - g. Personnel shall be kept upwind of any open trench unless the trench is continuously monitored.
 - h. Before personnel are permitted to enter an open trench, the trench shall be monitored for flammable gas and at least an 18% oxygen sufficiency. When in the excavation, each work party shall be working no more than 5 feet from a continuous flammable gas and oxygen monitor.
4. The applicant shall have a registered professional engineer submit an affidavit to the Chief Building Official stating the following:
 - a. That all new construction is in compliance with these Regulations, that all testing and monitoring has been done and is being done pursuant to these Regulations, and the result of such testing and monitoring be submitted to the Chief Building Official.
5. All construction or excavation sites shall be subject to inspection by the local fire department.

11.423 Building Permits and Construction Within 1000 Feet of Known Landfill Area:

The Chief Building Official shall issue a permit on any proposed development only after determining that the following safety precautions have been taken:

1. The area under construction shall be checked with a flammable gas indicator before excavation in order to determine if flammable gas is in the area.
2. Any excavation shall be monitored for the presence of flammable gas reading of a maximum of 1% and oxygen deficiency reading of a minimum of 18%. This shall be carried out continuously unless there is no presence of flammable gas in the area.
3. Should flammable gas of 1% or oxygen of less than 18% occur, those precautions applicable to excavating the landfill as outlined in sections 11.421 and 11.422 also apply to this situation.
4. The applicant shall submit an affidavit by a registered professional engineer stating that all testing and monitoring as required by these Regulations has been conducted and stating the result of the testing and monitoring.
5. Any construction or excavation site shall be subject to inspection by the local fire department.

11.424 In cases where a building permit has been granted, the uses, restrictions, and standards of the underlying zone district shall apply.

11.430 Flammable Gas Hazard Areas:

1. Those areas identified in the report dated April 19, 1978 titled "Landfills in Which Methane Generation Has Been Documented", prepared by Tri-County District Health Department, as well as the surrounding property to within 1000' feet shall receive the Flammable Gas Hazard (G) designation. These areas are defined as:
 - a. Berkeley Village. The hazardous area is bounded by the Adams County line on the south and west, Clear Creek on the north, and the north-south line 500' east of the center-line of Tennyson Street. This area corresponds to No. 1 on the Zoning Restriction Map: Overlay Restriction Flammable Gas hereinafter called Zoning Restriction Map.
 - b. Adams County Landfill. The hazardous area is bounded beginning at the intersection of Federal Blvd. and the Denver Salt Lake Railroad Crossing tracks, thence 6375' east along the Denver Salt Lake Railroad tracks, thence north 1800', thence west 2250', thence south 1000', thence west 3350', thence north 200' to Clear Creek, thence west along Clear Creek to the centerline of Federal Blvd., thence south to the point of beginning. This area corresponds to No. 2 on the Zoning Restriction Map.
 - c. Adams County Landfill. The hazardous area is bounded beginning at Clear Creek 900' from the centerline of Federal Blvd., thence east along Clear Creek 3500', thence east 300', thence south 1700', thence west 3350', thence north 200' to the point of beginning. This area corresponds to No. 3 on the Zoning Restriction Map.
 - d. Property Improvements, Inc. The hazardous area is bounded by the area beginning at the point of intersection of West 62nd Avenue and Huron Street, thence north along Huron 2300', thence east 3300', thence south 3300', thence west 2600' along West 60th Avenue, thence north 1000', thence west 700', to the point of beginning. This area corresponds to No. 4 on the Zoning Restriction Map.
 - e. Property Improvements, Inc. The hazardous area is bounded beginning at a point 900' east from the centerline of Pecos Street at Clear Creek, thence south 2300', thence east 250', thence south 650', thence east 1500', thence north 3350' along Huron Street, thence

west 500' to Clear Creek, thence west 1400' along Clear Creek to the point of beginning. This area corresponds to No. 5 on the Zoning Restriction Map.

- f. Landfill, Inc. The hazardous area is bounded beginning at a point at Clear Creek 150' west from the centerline of I-25, thence west along Clear Creek 4100', thence south 150', thence east 3300', thence south 650', thence east 300', thence north 2500' to the point of beginning. This area corresponds to No. 6 on the Zoning Restriction Map.
 - g. Western Paving. The hazardous area is bounded beginning at a point 900' east from the centerline of Pecos Street at Clear Creek, thence west along Clear Creek, thence south 1100', thence east 1750', thence north 2300' to the point of beginning. This area corresponds to No. 7 on the Zoning Restriction Map.
 - h. Fiore & Sons. The hazardous area is bounded by the area beginning at a point at the intersection of West 62nd Avenue and Huron, thence 700' east, thence 950' south, thence 1000' east on 60th Avenue, thence 1050' south, thence 2700' west, thence 1000' north, thence 1000' east, thence 950' north to the point of beginning. This area corresponds to No. 8 on the Zoning Restriction Map.
 - i. Property Improvements, Inc. The hazardous area is bounded by the area beginning at the intersection of the Brantner Ditch and East 144th Avenue, thence north 2300' along the Brantner Ditch, thence west 3000', thence south 2350', thence 1700' east to the Brantner Ditch, thence north 500' to the point of beginning. This area corresponds to No. 13 on the Zoning Restriction Map.
 - j. Eaton Industrial Subdivision. The hazardous area is bounded by the area beginning at a point 950 feet north of the intersection of 56th Avenue and Washington Street, thence 1250 feet east, thence 850 feet southeast, thence 950 feet south, thence 1750 feet southwest, thence 900 feet west of Washington Street, thence 1200 feet northwest, thence 1200 feet north of 56th Avenue, thence 1400 feet northeast to the point of beginning, excluding those areas within the City and County of Denver. This area corresponds to Number 15 on the Zoning Restriction Map.
2. Boundaries of the Flammable Gas Hazard Overlay Area may be appealed to the Board of Adjustment on technical information. The Planning and Development Department shall designate flammable gas overlay areas as per sections 3.110 and 3.120 on the official zoning maps.
 3. Appeals to the Chief Building Official's decision as per section 11.420 may be made to the Board of Adjustment as per section 7.540.
 4. The above restrictions shall also apply to any site discovered to have been a solid waste disposal area.

¹11.500 FRAGILE SOILS (F. S.) REGULATIONS:

11.510 Purpose and Intent:

- 11.511 To ensure proper management of soils in the County that are particularly susceptible to wind and water erosion.
- 11.512 To ensure that land-disturbing activities in areas containing privately owned Fragile Soils shall be conducted in a manner which will adequately control wind and water erosion at an acceptable level and minimize any other adverse impacts on surrounding property.
- 11.513 To establish certain requirements which must be met before tillage of fragile soils is permitted.

11.514 To ensure that Fragile Soil resources are stabilized and conserved to the extent possible for the present and future residents of Adams County.

11.520 Authority:

These regulations are adopted pursuant to C. R. S. 1973, 29-20-101, et seq.

11.530 Definitions:

11.531.1 "Applicant" means the owner of real property ("subject property") which includes lands defined as Fragile Soils under this regulation or any person authorized by the owner or owners through a written Power of Attorney to act in the owner or owners' name in regard to applying for a Conservation Plan Permit under these regulations. The power of attorney must be signed by each owner of the subject property.

11.531.2 "Conservation Plan" means any written plan submitted by the applicant to the appropriate soil conservation district which describes measures designed to prevent, to the extent possible, soil erosion from occurring on the land for which the plan was developed. The Conservation Plan shall include a revegetation plan to be implemented upon termination of tillage.

11.531.3 "Conservation Plan Permit" means the approved Conservation Plan signed by all parties concerned and recorded with the County Clerk and Recorder.

11.531.4 "Contour tillage/contour farming" means a conservation tillage and planting system that consists of farming sloping land in such a way that preparing the land, planting, and cultivating are done on the contour by following established grades of terraces, diversions, or contour strips.

11.531.5 "District" means any Soil Conservation District in Adams County organized pursuant to C. R. S. 1973, 35-70-101(ff).

11.531.6 "Day" means calendar day.

11.531.7 "Fragile Soils" means those soils which (1) have not been under tillage within the five years previous to the filing of an application for a permit to till Fragile Soils under this Regulation and (2) are designated as Class VI or Class VII soils in the Soil Survey of Adams County, Colorado published by the United States Department of Agriculture in cooperation with the Colorado Agricultural Experiment Station in October, 1974, and any other subsequent soil survey of Adams County issued by the above-named agency. Although soils classified as Class III and Class IV have not been designated as Fragile Soils under this regulation, it is highly recommended that cultivation of these soils be undertaken only as set forth in a Conservation Plan.

11.531.8 "Grassed waterway/sod waterway" means a natural or constructed waterway or outlet shaped or graded and established in suitable vegetation as needed for the safe disposal of runoff from a field, diversion, terrace, or other structure.

11.531.9 "No Till/Slot Planting" means a conservation tillage system in which the soil is left undisturbed prior to planting. Planting is completed in a narrow seedbed approximately 1 to 3 inches wide. Weed control is accomplished primarily with herbicides. Residue from the preceding crop is to be retained on the soil surface with the exception of that buried by the drill.

11.531.10 "Permanent Grass" means a conservation system in which native grass has been left untilled or reseeded to native or adapted/introduced grasses.

- 11.531.11 "Reduced-till/Minimum-till" means a tillage and planting system that meets at least 1000 pounds flat small grain residue equivalent for wind erosion control and at least thirty percent ground cover for water erosion control.
- 11.531.12 "Revegetation" means the reseeding or planting of native or introduced plant species that are adapted to the land site and have been approved by the Soil Conservation District Board.
- 11.531.13 "Strip Cropping" means growing crops in a systematic arrangement of strips or bands to reduce wind and water erosion. To counteract wind erosion the rows of wind-resisting crops are arranged at angles to offset adverse wind effects. To counteract water erosion the strips are on or near the contour of the land. The crops are arranged so that a strip of grass or a close-growing crop is alternated with a no-till, reduced-till, clean-till or fallow strip.
- 11.531.14 "Subject Property" means property for which a Conservation Plan Permit is sought.
- 11.531.15 "Terracing" means an earth embankment, channel, or combination ridge and channel constructed across the slope.
- 11.531.16 "Tillage" means the practice of plowing or disking or any other mechanical or chemical preparation of the land for the purpose of producing a crop for harvest by any means other than grazing of animals.

11.540 Applicability and Relationship to Other Regulations:

- 11.541 Any person seeking to commence tillage of any Fragile Soils in this County shall obtain a permit pursuant to these regulations.
- 11.542 Nothing in these regulations shall be construed as exempting an applicant for a permit from any other requirements of this jurisdiction or State or Federal laws.
- 11.543 To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

11.550 Application and Submittal Procedure for Conservation Plan Permits:

- 11.551 The applicant whose property includes lands defined as Fragile Soils under this regulation and who intends to commence tillage on said Fragile Soils must request an application form to till Fragile Soils from the Adams County Planning and Development Department.
- 11.552 The applicant shall return the completed application packet to the Adams County Planning and Development Department. The completed application packet will contain:
1. The completed application form;
 2. A copy of the most recent deed granting ownership of the land involved;
 3. A copy of the lease authorizing the lessee to cultivate the land involved if the land is leased;
 4. A written Power of Attorney from the owner or owners authorizing the applicant to apply for a Conservation Plan Permit to till the land if the applicant is not the owner of the land. The power of attorney must be signed by each owner of the subject property.
 5. Current addresses of each owner of the subject property;
 6. A map acceptable to the Department of Planning and Development delineating the proposed land use change; and,

7. An application fee of twenty-five dollars (\$25).

The Planning and Development Department shall submit a copy of the application packet to the appropriate Soil Conservation District Board in Adams County.

- 11.553 The applicant will submit a Conservation Plan to the Soil Conservation District Board of the Soil Conservation District in which the property at issue is located at least thirty-one (31) days prior to the board meeting at which the Conservation Plan is to be presented. Should the property be located in more than one Soil Conservation District in Adams County, the applicant may submit the Conservation Plan or Conservation Plan Request to the Soil Conservation District Board in Adams County of his choice.
- 11.553.1 The Conservation Plan may be developed by the applicant himself, by a private conservationist, agriculturist, or other competent consultant engaged by the applicant, or by a representative or agent of the Soil Conservation Service (SCS) of the United States Department of Agriculture. If the applicant desires the SCS to prepare a Conservation Plan, the applicant shall request the SCS to prepare a Conservation Plan at least thirty-one (31) days prior to the desired date of submission of the Conservation Plan to the Soil Conservation District Board.
- 11.553.2 The Conservation Plan shall constitute a resource management system to adequately control wind and water erosion at an acceptable level. The Conservation Plan will combine conservation practices with management methods designed to improve and maintain resources under a specific land use. The specific farming practices to be utilized in the Conservation Plan may include but are not limited to the following:
1. Permanent grass;
 2. No-till or slot planting;
 3. Reduced till or minimum till;
 4. Grassed waterway or sod waterway;
 5. Terracing;
 6. Contour tillage or contour farming;
 7. Strip cropping.
- 11.553.3 The Conservation Plan shall include a revegetation plan to be implemented upon termination of tillage.
- 11.553.4 The Conservation Plan shall include a map or aerial photograph delineating the full area of the Fragile Soils and the area on which tillage is intended in sufficient detail to describe adequately the proposed Conservation Plan. Any map or maps included with the Conservation Plan must be acceptable to all reviewing entities.
- 11.554 The appropriate Soil Conservation District will recommend the approval or disapproval of the Conservation Plan no later than the second regularly scheduled monthly meeting following the submission of the Conservation Plan. Each owner of the subject property shall be sent notice of the Soil Conservation District Board meeting. Each owner of property abutting the subject property shall receive notice of the Soil Conservation District Board meeting. The applicant or his agent must appear at the appropriate Soil Conservation District Board meeting at which a hearing is held concerning the Conservation Plan for his land. The applicant may explain his position and present evidence to the Soil Conservation District Board. If the applicant or his agent does not appear at the hearing, the review of the

Conservation Plan will be held over until the next meeting of the Soil Conservation District Board. If the applicant or his agent does not appear at that meeting, the application shall be considered void and invalid.

- 11.554.1 The recommendation of the Soil Conservation District Board will consist of Findings of Fact which may recommend approval of the Plan, disapproval of the Plan, or approval of the Plan subject to specific conditions precedent. The Soil Conservation District Board will recommend the approval of an application for a Conservation Plan Permit to engage in tillage of Fragile Soils if the application and Conservation Plan comply with the following requirements:
 1. The applicant has submitted all information required on the proper application form.
 2. The proposed Conservation Plan insures that tillage of the land for which the Conservation Plan Permit is requested shall adequately control wind and water erosion at an acceptable level and minimize any other adverse impacts on surrounding property.
- 11.554.2 The Conservation Plan shall be signed by the applicant, each owner of the subject property and the appropriate Soil Conservation District Board. Should the applicant and/or owner or owners of the land disagree with the recommendation of the Soil Conservation District Board, or any conditions precedent to the recommendation of approval, said applicant and/or owner or owners will sign the Conservation Plan indicating disapproval. Should the Soil Conservation District Board not recommend the approval of a Conservation Plan, the Soil Conservation District Board will so indicate through the appropriate signature.
- 11.554.3 Each owner of the subject property involved and every legal owner of property abutting the land involved shall be sent a written notice of the outcome of the Soil Conservation District Board Meeting.
- 11.554.4 The Soil Conservation District Board shall submit the Conservation Plan and a letter stating the reasons for recommending the approval or disapproval of the Conservation Plan to the Planning Commission through the Planning and Development Department with a copy to the applicant.
- 11.554.5 Should the appropriate Soil Conservation District Board not act within sixty (60) days of submittal of the Conservation Plan, unless the applicant has submitted a written request for an extension of time to implement changes suggested by the Soil Conservation District Board, the Conservation Plan will be scheduled before the Planning Commission and regarded as having been recommended for approval by the Soil Conservation District Board.
- 11.554.6 The applicant whose Plan has been recommended for disapproval by the appropriate Soil Conservation District Board may choose to make any changes in the Conservation Plan suggested by the Soil Conservation District Board or to present the original Conservation Plan before the Planning Commission.
- 11.554.7 Should the applicant choose to make the changes in the Conservation Plan suggested by the Soil Conservation District Board, such changes must be made within ninety (90) days of the recommendation of the Soil Conservation District Board or the application will be invalid unless an extension is approved by the Soil Conservation District Board. After the applicant has incorporated the suggested changes, he will present the revised Plan to the Soil Conservation District Board for recommendation of approval or disapproval. The revised Plan presented by the applicant shall be signed by the applicant and each owner of the subject property. The Soil Conservation District Board shall submit the Conservation Plan and letter stating the reasons for recommending the approval or disapproval of the Conservation Plan to the Planning Commission through the Planning and Development Department with a copy to the applicant.

- 11.555 After receiving the Conservation Plan and letter recommending approval or disapproval from the Soil Conservation District Board, the Planning Commission shall act on the application within thirty-one (31) days following the action of the Soil Conservation District Board. Failure to act on the part of the Planning Commission shall constitute a recommendation of approval of the Conservation Plan. Each owner of the subject property involved shall receive notice of the Planning Commission hearing. The applicant or his agent must appear at the Planning Commission hearing at which a recommendation is made concerning the Conservation Plan for his land. He may explain his position and present evidence to the Planning Commission if he so desires. If the applicant or his agent does not appear at the hearing, the review of the application will be held over until the next meeting of the Planning Commission. If the applicant or his agent does not appear at that hearing, the application shall be considered void and invalid.
- 11.555.1 The Planning Commission will recommend the approval of an application for a Conservation Plan Permit to engage in tillage of Fragile Soils if the proposed Conservation Plan insures that tillage of the land for which the Conservation Plan Permit is requested shall adequately control wind and water erosion at an acceptable level and minimize any other adverse impacts on surrounding property.
- 11.555.2 The recommendation of the Planning Commission will consist of Findings of Fact which may recommend approval of the plan, disapproval of the plan, or approval of the plan subject to specific Conditions Precedent.
- 11.555.3 All changes required by the Planning Commission must be made within ninety (90) days of the decision of the Planning Commission or the application will be invalid unless an extension is approved by the Planning Commission. After the applicant has incorporated the suggested changes, he will present the revised Plan to the Planning Commission for recommendation of approval or disapproval. The revised Plan presented by the applicant shall be signed by the applicant and each owner of the subject property.
- 11.555.4 The Planning Commission will forward the Conservation Plan and its recommendation of approval or disapproval to the Director of Planning and Development.
- 11.555.5 The Director of Planning and Development will approve or disapprove the Conservation Plan within seven (7) days of receipt from the Planning Commission.
- 11.555.6 Each owner of the subject property involved shall be sent written notice of the decision of the Director of Planning and Development.
- 11.555.7 The Director of Planning and Development will approve an application for a Conservation Plan Permit to engage in tillage of Fragile Soils if the proposed Conservation Plan insures that tillage of the land for which the Conservation Plan Permit is requested shall adequately control wind and water erosion at an acceptable level and minimize any other adverse impacts on surrounding property.
- 11.556 Appeals from the Decision of the Director of Planning and Development.
- 11.556.1 The Board of Adjustment shall hear appeals from the decisions of the Director of Planning and Development in regard to the implementation of these Fragile Soils Regulations pursuant to Adams County Zoning Regulation 7.540.
- 11.556.2 The applicant may file a Notice of Appeal with the Board of Adjustment within fifteen (15) days of the decision of the Director of Planning and Development. A processing fee of fifty dollars (\$50.00) will be charged.
- 11.556.3 The Board of Adjustment shall hear the issues on appeal within thirty-one (31) days of the filing of the Notice of Appeal.

- 11.556.4 Each owner of the subject property involved shall be sent a copy of the Notice of Appeal and notice of the hearing before the Board of Adjustment.
- 11.556.5 The applicant or his agent must appear at the Board of Adjustment hearing at which a decision is made concerning the Conservation Plan for his land. The applicant may explain his position and present evidence to the Board of Adjustment if he so desires. If the applicant does not appear at the hearing, the review of the application will be held over until the next meeting of the Board of Adjustment. If the applicant or his agent does not appear at that hearing, the appeal shall be considered void and invalid.
- 11.556.6 The Board of Adjustment may approve the Conservation Plan in whole or in part, with or without modifications and requirements, or disapprove the Plan.
- 11.556.7 The Board of Adjustment will approve an application for a Conservation Plan Permit to engage in tillage of Fragile Soils if the proposed Conservation Plan insures that tillage of the land for which the Conservation Plan Permit is requested shall adequately control wind and water erosion at an acceptable level and minimize any other adverse impacts on surrounding property.
- 11.556.8 Each owner of the subject property involved shall be sent written notice of the decision of the Board of Adjustment.
- 11.556.9 All changes required by the Board of Adjustment must be made within ninety (90) days of the decision of the Board of Adjustment or the application will be invalid unless an extension is approved by the Board of Adjustment. After the applicant has implemented the suggested changes, he will present the revised Plan to the Board of Adjustment for approval or disapproval. The revised Plan presented by the applicant shall be signed by the applicant and each owner of the subject property.
- 11.556.10 Review of the Board of Adjustment decision shall be pursuant to the Statutes and Rules of Civil Procedure of the State of Colorado.

11.560 Recording and Validity of Conservation Plan Permits:

- 11.561 The Conservation Plan approved by the Director of Planning and Development or the Board of Adjustment will be forwarded to the Planning and Development Department which will: (1) record the Conservation Plan with the Adams County Clerk and Recorder, after which action the Conservation Plan shall be known as the Conservation Plan Permit; and (2) send notice to the applicant, each owner of the subject property every legal owner of the property abutting the land involved, and the appropriate Soil Conservation District Board of the approval. The application then will have been approved and the applicant may begin to implement the Conservation Plan.

11.570 Exclusions:

- 11.571 The applicant whose property includes lands defined as Fragile Soils under this regulation may apply for an exclusion from this regulation on the basis that his property was inaccurately classified as Class VI and VII land in the Soil Survey of Adams County, Colorado referred hereunder in 11.531.7.
- 11.572 The applicant seeking an exclusion shall employ a Soils Expert, either:
 - 1. A Soil Scientist or Soil Classifier registered with the American Registry of Certified Professionals in Agronomy, Crops, and Soils or (2) a person with a Bachelor of Science degree in Soils plus at least two years' experience in mapping soils.
- 11.573 The Soils Expert will determine the proper soils classification of the subject property pursuant to Agricultural Handbook Number 210, Land-Capability Classification, issued

September, 1961, by the Soil Conservation Service of the United States Department of Agriculture, and Technical Note, Agronomy Note Number 56 (Revision 3), "Determining Capability Class of Soils," dated July, 1983, issued by the Soil Conservation Service in Colorado, and any subsequent revisions of the above Handbook or Technical Note.

- 11.574 The Soils Expert shall prepare a report including the findings relating to determination of the classification of soils on the subject property.
- 11.575 The applicant shall submit the report prepared by the Soils Expert to the Director of Planning and Development 1986.
- 11.576 Within thirty-one (31) days from the date of receipt of said report, the Director of Planning and Development shall issue a written decision as to whether the subject property is excluded from the provisions of these Fragile Soils Regulations.
- 11.577 Should the Director of Planning and Development determine that the subject property is excluded from these Regulations, the Director's written decision and the Soil Expert's Report shall be recorded with the Adams County Clerk and Recorder, and the applicant, each owner of the subject property, and the appropriate Soil Conservation District Board shall be sent notice of the decision.
- 11.578 The applicant may appeal a decision of the Director of Planning and Development which does not grant a requested exclusion pursuant to Regulations 11.556.1 through 11.556.10 hereunder.

11.580 Renewal and Revision of Conservation Plan Permits:

- 11.581 Renewal of Conservation Plan Permits: The Conservation Plan Permit may be renewed for an additional period not to exceed five (5) years upon request by the applicant.
- 11.581.1 If the applicant desires to renew the Conservation Plan Permit, the applicant must file an application for renewal before the end of the original five (5) year period.
- 11.581.2 The applicant will request an Application for Renewal of Conservation Plan Permit (Application for Renewal) from the Adams County Planning and Development Department.
- 11.581.3 The applicant will return the completed Application for Renewal to the Planning and Development Department. The Application for Renewal shall include:
 - 1. A five dollar (\$5.00) renewal fee.
 - 2. A Conservation Plan, either the existing operational plan or a proposed revision.
 - 3. Signatures of the applicant and each owner of the subject property.
- 11.581.4 The Planning and Development Department shall forward the Application for Renewal to the appropriate Soil Conservation District Board.
- 11.581.5 The Soil Conservation District Board shall review the Conservation Plan and the property at issue within thirty-one (31) days of the submission of the Application for Renewal.
- 11.581.6 The procedures, time parameters, appeals, standards, and all other considerations set forth above in these Fragile Soil Regulations 11.553 through 11.556.10 shall apply to the Application for Renewal.
- 11.581.7 Each owner of the subject property involved shall be sent notice of every hearing held and each recommendation or decision made in regard to the Application for Renewal.

- 11.581.8 Failure to renew any Conservation Plan Permit issued under these Fragile Soil Regulations shall constitute termination of said permit.
- 11.581.9 Continued tillage of land after termination of a Conservation Plan Permit constitutes a violation of these Fragile Soil Regulations.
- 11.581.10 Should the applicant decide to cease tillage of the land at any point in time after he has been issued a Conservation Plan Permit, the applicant shall implement the revegetation section of the Conservation Plan Permit.
- 11.582 Revision of Conservation Plans:
- 11.582.1 The applicant or any legal owner of the land involved may request a Revision of the Conservation Plan annually.
- 11.582.2 The applicant or owner will file a Request for Revision of Conservation Plan (Request for Revision) with the Adams County Planning and Development Department. The Request for Revision shall include:
1. A Revised Conservation Plan developed according to the guidelines of 11.553.1 through 11.553.4 of these Regulations;
 2. A letter stating the reasons necessitating the revision signed by the applicant and each owner of the subject property;
 3. A five dollar (\$5.00) revision fee.
- 11.582.3 The Planning and Development Department shall submit a copy of the Request for Revision to the Soil Conservation District Board which originally approved the Conservation Plan.
- 11.582.4 The Soil Conservation District Board will consider the Request for Revision within thirty-one (31) days from the date of receipt.
- 11.582.5 The applicant and each owner of the subject property shall be sent a copy of the Request for Revision and shall be sent notice of the hearing date before the Soil Conservation District Board and any and all further hearing dates.
- 11.582.6 The applicant or his agent must appear at the Soil Conservation District Board meeting at which a recommendation is made concerning the Request for Revision. The applicant may explain his position and present evidence to the Soil Conservation District Board if he so desires. If the applicant or his agent does not appear at the hearing, the review of the Request for Revision will be held over until the next meeting of the Soil Conservation District Board. If the applicant or his agent does not appear at that hearing, the Request shall be considered void and invalid.
- 11.582.7 The procedures, time parameters, appeals, standards, and all other considerations set forth in these Fragile Soils Regulations 11.553.1 through 11.556.10 shall apply to the Request for Revision.
- 11.582.8 The Revised Conservation Plan approved by the Director of Planning and Development or the Board of Adjustment will be forwarded to the Planning and Development Department which will (1) record the Revised Conservation Plan with the Adams County Clerk and Recorder, after which action the Revised Conservation Plan shall become a part of the Conservation Plan Permit; and (2) notify the applicant, each owner of the subject property involved, every legal owner of property abutting the land involved, and the appropriate Soil Conservation District Board of the revision.

11.590 Enforceability and Miscellaneous Provisions:

- 11.591 These Regulations will be enforced by the penalties authorized by Colorado Revised Statute 30-28-124 (Supp. 1985).
- 11.591.1 Any person, firm, or corporation violating this Regulation or any part thereof is guilty of a misdemeanor and, upon conviction thereof, will be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment. Each day during which such illegal violation continues shall be deemed a separate offense.
- 11.591.2 Any person, firm, or corporation violating this Regulation or any part thereof will be enjoined in a civil suit from continuing to violate this Regulation and with any and all other remedies authorized by the statute, including abatement.
- 11.592 If any section, subsection, paragraph, sentence, clause or phrase of this regulation is, for any reason, held or decided to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions.
- 11.593 The provisions of this Regulation shall not apply to any nonconforming use existing on the date of issuance of this Regulation.
- 11.594 The Board of County Commissioners of Adams County, Colorado, hereby declares that it would have passed this Regulation and each and every section, subsection, paragraph, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases might be declared to be unconstitutional or invalid.

¹11.600 AIRPORT AREA OVERLAY ZONE DISTRICT:

11.610 Purpose:

It is the purpose of this Overlay Zone District to establish reasonable and uniform limitations on uses of land adjacent to public airports. Noise impacts, the danger of aircraft crash and the necessity of preventing runway approach zone obstruction have made certain limitations imperative which will protect the health, safety, and welfare of County citizens.

11.620 Restriction on Use:

1. Restriction Area One is located adjacent to the ends of airport runways where aircraft routinely operate very close to the ground. In this area noise impacts and crash danger are greater than in other locations around the airport. Area One also encompasses land with severe structure height limitations imposed by the Federal Aviation Administration to allow unobstructed aircraft take-off and landing operations. Within Area One no structures designed for full or part-time occupation for residential, commercial, or industrial uses shall be permitted.
2. Restriction Area Two surrounds the airport to include the most probable take-off, landing, and circling patterns for aircraft using the airport. Noise impacts, aircraft crash potential and structure height restrictions are greater in this area than elsewhere in the AIZ. Within Area Two, no structures designed for use as residences shall be permitted; except that existing residences may be occupied and new residences constructed on lots platted prior to the adoption of this Overlay Zone District.

11.630 Determination Procedure:

1. The boundaries of the Restriction Areas are shown on the Adams County Zoning Maps. Any person owning land in either Restriction Area may apply to the Director of Planning and

¹AUGUST 1983

Development for a determination that the existing or proposed use is compatible with the intent of the Overlay Zone District. In making his determination, the Director of Planning and Development shall consider:

- a. FAA Obstruction and Approach Zone Regulations (Part 77).
 - b. Noise impacts at the site measured in average loudness day/night (Ldn).
 - c. Existing and projected noise impacts at the site measured in numbers of events clearly audible during an average day.
 - d. Compatibility of the proposed use with the Airport Layout Plan, Airport Building Plan, and Airport Land Use Plan.
 - e. The importance of services provided by the proposed facility to the community.
 - f. The availability of alternative locations for the proposed use which are not subject to noise impacts or height restrictions.
2. After consideration of the factors outlined in subsection (1), the Director of Planning and Development may attach conditions to the use which will mitigate airport-related impacts.

¹11.700 DOMESTIC SEWAGE SLUDGE APPLICATION PERMITS:

11.710 Miscellaneous Provisions:

11.711 Purpose and Intent:

1. The purpose of these Regulations is to ensure that the quality of domestic sewage sludge applied on agricultural land meets defined health standards as required by the Colorado Department of Health and accepted farming practices as determined by the Soil Conservation Districts of Adams County and is applied only for beneficial uses.
2. A Domestic Sewage Sludge Application Permit shall be required in all zone districts in unincorporated Adams County for the discharge or disposal of domestic sewage sludge. Any contiguous parcel of land, or any number of noncontiguous parcels which are owned by the same individual or group of individuals may be permitted under one Domestic Sewage Sludge Application Permit. However, fees shall be submitted for each 320 acres or fraction thereof.

11.712 Applicability:

1. Any person filing an application for a Domestic Sewage Sludge Application Permit with the Colorado Department of Health, Water Quality Control Division, shall also comply with the County procedures and regulations contained herein. Upon receipt of a "Letter of Intent to Apply Domestic Sewage Sludge" from the Colorado Department of Health, the Department of Planning and Development shall notify the potential applier of Adams County requirements as provided in this Section 11.800.
2. Appliers who have already received a "Notice of Authorization to Apply Domestic Sewage Sludge" on sites within unincorporated Adams County from the Colorado Department of Health, Water Quality Control Division prior to the effective date of this Regulation, shall be required to submit an application for a Domestic Sewage Sludge Application Permit within 60 days of receipt of "Notice of County Sludge Permit Requirement."

3. The Department of Planning and Development shall send a "Notice of County Sludge Permit Requirement" to those appliers described in 11.812, subsection 2 above, within 30 days of adoption of this Regulation.

11.713 Definitions:

"Applier" means the operator or agent who has applied or wishes to apply domestic sewage sludge to agricultural lands on behalf of or in cooperation with a farmer's operations on site.

"Soil Conservation District" means any Soil Conservation District in Adams County organized pursuant to CRS 35-70-101 (ff) as amended.

11.720 Processing of Permit Request:

11.721 Application Submittal Requirements for a Permit:

The following information must be submitted:

1. Evidence that demonstrates that the use will be in compliance with the Colorado Department of Health's Domestic Sewage Sludge Regulations 5CCR 1003-7, 1986. This requirement may be met by the submittal of the Notice of Authorization to Apply Domestic Sludge received for the site from the State (2 copies).
2. A copy of the information supplied to the Colorado Health Department in their application and any other submittal information required by the Colorado Department of Health (2 copies).

11.722 Review and Decision on Permits:

1. Upon receipt of a completed application, staff will forward the application to the appropriate Soil Conservation District.
2. The application will be reviewed by the Soil Conservation District according to their rules and regulations with regards to standards required for acceptable farming practices and in accordance with the time schedule for review.
3. Upon receipt of a recommendation from the Soil Conservation District, the Director of Planning and Development shall either approve, deny, or conditionally approve the request based upon the Soil Conservation District recommendation and compliance with County regulations.

11.723 Issuance of the Permit:

The permit shall be issued if the Director of Planning and Development approves the request. A copy of the permit shall be forwarded to the applicable Soil Conservation District. Upon receipt of the written permit containing a "Notice to Proceed" statement, the applicant may proceed with the activity. Notice shall be provided by the applier to the Soil Conservation District prior to start of sludge application.

11.724 Payment of an Operations Fee:

1. Payment of the Operations Fee is required based on the actual amount of dry sludge applied during the term of the permit. Payments shall be made on a semi annual basis. Payment must be made within 180 days of the date of issue of the Notice to Proceed as described in Section 11.824, and again within 360 days of the date of issue of the Notice to Proceed. However, this schedule may coincide with the payment schedule required by the Colorado Department of Health if requested by the applier.

2. The Operations Fee shall be in the amount of \$.50 per dry ton of material placed on the site. The fee shall be used to offset administrative, review and monitoring costs incurred by Adams County or a Soil Conservation District in implementing the regulations regarding Domestic Sewage Sludge Permits.

11.730 Performance Standards:

1. The applier must operate in compliance with the Colorado Department of Health's Domestic Sewage Sludge Regulations 5CCR 1003-7, 1986.
2. Monitoring reports (2 copies) required as a condition of the State permit shall be forwarded to the Adams County Department of Planning and Development as they are forwarded to the Colorado Department of Health.
3. The applier shall operate in accordance with all approved plans and required conditions of approval as stated in the permit issued by Adams County.

11.740 Amendments to and Modifications of Permits:

11.741 Written Request for Change:

1. An operator requesting approval of changes shall submit a written request (2 copies) for such approval to the Director of Planning and Development and that request shall identify the changes. Approval of all changes by the Department of Planning and Development must be given in writing.
2. Evidence of approval of changes by the Colorado Department of Health, Water Quality Control Division, shall be provided at the time of request for a change.
3. Upon receipt of a completed request, staff will forward the request for change to the appropriate Soil Conservation District.
4. The application will be reviewed by the Soil Conservation District according to their rules and regulations with regards to standards required for acceptable farming practices and in accordance with their time schedule for review.
5. Upon receipt of a recommendation from the Soil Conservation District, the Director of Planning and Development shall either approve, deny, or conditionally approve the request based upon the Soil Conservation District recommendation regarding ability to meet the standards described in Section 11.830 and based upon compliance with County regulations.

11.750 Enforcement of Conditions and Performance Standards of Permits and Existing Operations:

Authorized agents of the County will enforce the provisions of this Section, and the terms, requirements, and conditions of an approved Domestic Sewage Sludge Permit in accordance with Section 8.160 and other applicable provisions of these Regulations. If additional information on the adequacy of the operation in meeting the requirements of the permitted plan or the required performance standards is desired by the County, then the frequency of monitoring required in accordance with the Colorado Department of Health approval may be increased.

¹11.800 SEXUALLY ORIENTED BUSINESS:

11.810 Location of Sexually Oriented Businesses.

- 11.811 A person commits a misdemeanor if he operates or causes to be operated a Sexually Oriented Business outside of the C-4, C-5, I-1, I-2, or I-3 Zone Districts.
- 11.812 A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1,500 feet of:
1. Any church;
 2. Any school meeting all requirements of the compulsory education laws of the state;
 3. The boundary of any residential district;
 4. A dwelling unit (single or multiple); or
 5. A public park adjacent to any residential district.
- 11.813 A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within 1,500 feet of another sexually oriented business.
- 11.814 A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof.
- 11.815 For purposes of this Section, distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.
- 11.816 For purposes of this Section, distance between any sexually oriented business and any church, school, public park, dwelling unit (single or multiple) or residential district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the property on which the sexually oriented business is conducted, to the nearest property line of the premises of a church, school, or dwelling unit (single or multiple), or the nearest boundary of an affected public park, or residential district.
- 11.817 Any sexually oriented business lawfully operating on February 1994 that is in violation of this Section will be deemed a nonconforming use as provided for in Chapter 5 (Nonconforming Conditions) of these Regulations.
- 11.818 If two (2) or more sexually oriented businesses are within 1,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at the particular location will be deemed to be in compliance with this Section and the later established business(es) will be deemed to be in violation of this Section.
- 11.819 A sexually oriented business lawfully operating is not rendered in violation of this Section by the subsequent location of a church, school, dwelling unit (single or multiple), public park, or residential district, within 1,500 feet of the sexually oriented business.
- 11.820 The provisions of this Section regulating nude model studios do not apply to:
1. A college, junior college, or university supported entirely or partly by taxation.
 2. A private college or university which maintains and operates, educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 3. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for

viewing; and where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one nude model is on the premises at any one time.

¹CHAPTER 12

LANDSCAPING AND BUFFERING REGULATIONS

12.100 PURPOSE

The purpose of these landscaping and buffering regulations shall be to increase the desirability of living and working in the County by enhancing the appearance of residential neighborhoods and commercial/industrial Districts. The purpose shall also be to mitigate the impact of otherwise incompatible uses which abut each other.

12.200 DEFINITIONS

1. **Buffering:** Buffering shall mean the installation of plant materials, or fencing, or landforms (or a combination of these measures), between two or more properties which inhibits visibility and/or mitigates the transmission of noise from one property to another.
2. **Intensity:** For the purposes of this Section, intensity shall mean a measure of the magnitude and negative impact of a land use on neighboring land uses. The intensity of a particular land use is relative to other land uses. Below is a list of land uses in order of increasing intensity. The order of intensities provided shall be the basis for determining particular buffering requirements.
 - a. Single-Family Residential Detached.
 - b. Single-Family Residential Attached.
 - c. Multiple-Family Residential.
 - d. Retail or Service Commercial.
 - e. Wholesale Commercial.
 - f. Support Industrial (no manufacturing).
 - g. Manufacturing Industrial
3. **Landscaped Area:** Landscaped area shall mean, for purposes of these Regulations, land set aside for the purpose of planting and maintaining trees, shrubs, ground cover or grasses, as well as associated ornamental non-living materials. Landscaped areas in commercial and industrial Districts shall neither be enclosed by a fence nor used for a parking area.
4. **Landscaping:** Landscaping shall mean those plants and associated non-living ornamental materials which are permitted in Section 12.200 (6) and Section 12.620, below.
5. **Maturity:** For the purposes of these Regulations, maturity shall mean 5 years after planting for shrubs, 10 years after planting for trees, and 1 year after planting for ground covers. Large trees shall be those which typically reach a height of over 20 feet at maturity, and ornamental trees shall mean those which typically reach a height of 20 feet or under at maturity.
6. **Non-living Material:** Material associated with landscaping such as lava rock, washed river rock, wood chips, and other similar non-living decorative material.
7. **Xeriscape:** A reduced water usage landscape achieved through the use of good planning and design, limited turf areas, soil improvements, efficient irrigation, mulching, low water use plants, and appropriate turf material.

8. Plains Area of Adams County: For purposes of these Regulations, the Plains Area of Adams County shall mean those areas east of the areas designated for urban uses in the Airport Environs Plan, as shown on the following map.
9. Urban Adams County: For purposes of these Regulations, Urban Adams County shall mean those areas west of the Airport Environs Plan, and including the urban uses identified in the Airport Environs Plan, as shown on the following map.

12.300 MINIMUM REQUIREMENTS

12.310 Residential Requirement (Urban Adams County):

12.311 Single-Family Residential and A-1 Subdivided Lots served by centralized water and sewer services.

The following minimum landscaping requirements shall apply:

- a. The entire front and side setbacks shall be landscaped, except for driveways. A minimum 30% of the back yard shall be landscaped.
- b. A minimum of 30% of the required front and side landscape area must be covered by living ground material, such as low growing ground cover, shrubs, or grass, within 2 years following establishment and thereafter.
- c. A minimum of 1 large tree and 5 shrubs, or 2 ornamental trees and 5 shrubs, shall be required for each lot.

12.312 Multiple Family Residential

For multiple family residential developments, the following minimum landscaping requirements shall apply:

- a. Not less than 30% of the site area shall be landscaped.
- b. A minimum of one-third of the required landscape area must be covered by living ground material within two years following establishment and thereafter.
- c. For all Multiple Family Residential zones, a minimum of one large tree and two shrubs, or two ornamental trees and two shrubs, shall be required for each increment of 600 square feet.
- d. All parking lots which consist of 30 spaces or more must be designed to include landscaped islands between rows. This landscaping shall be credited toward the total landscaped area required.
- e. The selection of trees shall be a mix of large deciduous (10% - 50%), ornamental (10% - 50%), large evergreen (10% - 50%) and small evergreen (10% - 50%).

f. Minimum size requirements for trees and shrubs shall be:

<u>Plant Type</u>	<u>Maturity Height</u>	<u>Plant Size at Planting (Minimum)</u>
Ornamentals	Less than 20'	1" to 1-1/2" cal.
Large Deciduous	Over 20'	2" to 2-1/2" cal.
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gal.
Upright Shrubs	3' to 10'	5 gal.

g. A fully automatic irrigation system is required.

12.313 Mobile Home Parks

A landscaping plan shall be submitted for review and approval. The setbacks of the development and any other area not covered by mobile homes, driveways, ingress and egress, or other structures, shall be landscaped.

12.320 Commercial/Industrial Requirements (Urban Adams County):

12.321 For commercial and industrial zones, the minimum area to be landscaped is as follows:

<u>SITE AREA</u>	<u>LANDSCAPE AREA</u>	<u>NUMBER OF TREES & SHRUBS</u>
0-2 acres	15% of site area	1 tree, 2 shrubs per 700 sq. ft. of landscaped area
2-4 acres	14% of site area	same as above
4-6 acres	12% of site area	same as above
6-10 acres	10% of site area	same as above
10-35 acres	10% of site area	same as above

35+ acres A site specific landscape plan shall be submitted for review by the Department of Planning and Development

Lots with more than one street frontage shall be required to increase their landscape area by 5%. For example, a 5 acre lot with two street frontages would have a landscape area requirement of 17%. For the purpose of calculating landscape percentages, alleys and limited access highways shall not be considered street frontage.

12.322 The above requirements for landscaped area may be reduced a maximum of 5% if the quantity of plant material is increased.

REDUCTION IN % OF # OF TREES & SHRUBS REQUIRED LANDSCAPED AREA

1%	1 tree, 2 shrubs per 620 sq. ft. of landscaped area
2%	1 tree, 2 shrubs per 540 sq. ft. of landscaped area
3%	1 tree, 2 shrubs per 460 sq. ft. of landscaped area
4%	1 tree, 2 shrubs per 380 sq. ft. of landscaped area
5%	1 tree, 2 shrubs per 300 sq. ft. of landscaped area

12.323 An average distance of 15 feet deep along each property frontage abutting a public right-of-way must be landscaped area. The 15 feet is measured from the property line towards the interior of the site. Alleys and limited access highways are excluded from this requirement. All of the required landscaped area must be situated in the front and/or side setbacks, and must be visible from abutting rights-of-way. Landscaped areas shall not be enclosed by a fence which limits its visibility.

12.324 A minimum of 30% of the required landscape area must be covered by living ground material such as ground cover, low growing shrubs, or grass, within two years after establishment and thereafter.

12.325 The selection of trees shall be a mix of ornamental deciduous (10% - 50%), large deciduous (10% - 50%), ornamental large evergreen (10% - 50%) and small evergreen (10% - 50%).

12.326 Minimum size requirements for trees and shrubs shall be:

<u>Plant Type</u>	<u>Maturity Height</u>	<u>Size at Planting</u>
Ornamental	Less than 20'	1" to 1-1/2" cal.
Large Deciduous	Over 20'	2" to 2-1/2" cal.
Evergreens (Sm.)	Less than 20'	5' tall
Evergreens (Lg.)	Over 20'	6' tall
Low Shrubs	1' to 3'	5 gal. container
Upright Shrubs	3' to 10'	5 gal. container

12.327 All parking lots which consist of 30 spaces or more must be designed in such a manner as to include landscaped islands between rows. This landscaping shall be credited toward the total landscape area required. Landscaping materials shall conform to Section 12.620 of these Regulations.

12.328 A fully automatic irrigation system is required.

12.330 Residential Requirements (Plains Area Adams County):

12.331 Single Family Residential - Landscape not required, however, xeriscaping is encouraged.

12.332 Multiple Family Residential

- a. Not less than 30% of the site area shall be landscaped.
- b. A minimum of one-third of the required landscape area must be covered with living ground material such as low-growing ground cover shrubs or grass within two growing seasons following establishment and thereafter.
- c. A minimum of 1 tree and 2 shrubs shall be required for each increment of 1200 square feet.
- d. The selection of trees should be a mix of large deciduous (10% - 50%), ornamental (10% - 50%), large evergreen (10% - 50%), and small evergreen (10% - 50%).
- e. One tree shall be the equivalent of 5 shrubs.
- f. The minimum size requirements for trees and shrubs shall be as follows:

<u>Plant Type</u>	<u>Size At Planting</u>
Ornamental	1" to 1-1/2" cal.
Large Deciduous	1-1/2" to 2"
Evergreens (Sm.)	3' tall
Evergreens (Lg.)	5' tall

12.340 Commercial/Industrial Requirements (Plains Area):

12.341 For Commercial and Industrial zones, the minimum area to be landscaped is as follows:

<u>Site Area</u>	<u>Landscape Area</u>	<u>Trees & Shrubs</u>
0 - 2 acres	10% of site area	1 tree, 2 shrubs per 1,000 sq. ft. of landscape area
2 - 4 acres	09% of site area	same as above
4 - 6 acres	08% of site area	same as above
6 - 10 acres	07% of site area	same as above
10 acres +	06% of site area	1 tree, 2 shrubs per 1,200 sq. ft. of landscape area

12.342 An average distance of 15 feet deep along each property frontage abutting a public right-of-way must be landscaped. The 15 feet is measured from the property line towards the interior of the site. Alleys and limited access highways are excluded from this requirement.

12.343 A minimum of 30% of the required landscape area must be covered by living ground material such as ground cover, low growing shrubs, or grass.

12.344 Minimum size requirements for trees and shrubs shall be:

<u>Plant Type</u>	<u>Size at Planting</u>
Ornamental Deciduous	1" to 1-1/2" cal.
Large Deciduous	1-1/2" to 2" cal.
Evergreens (Sm.)	3' tall
Evergreens (Lg.)	5' tall

12.345 One tree shall be the equivalent of 5 shrubs.

12.346 No automatic irrigation system shall be required.

12.347 No landscape is required for properties zoned Commercial or Industrial, which are serviced exclusively by wells which are restricted by the Colorado Division of Water Resources to inside use only.

12.348 Development applications for projects located in the Plains Area shall be referred by the Planning and Development Department to the applicable citizens council or owners association for review and comment on the landscaping plan; particularly concerning irrigation requirements, plant material types and quantities, and any phasing proposed.

12.350 General Requirements:

12.351 All living and non-living material shall conform to the standards as specified in Section 12.620 of these Regulations. All required landscaping and buffering shall be installed prior to issuance of a Certificate of Occupancy. If weather conditions necessitate a delay in installation of landscaping or buffering, a Certificate of Occupancy may be issued only if collateral is filed with the County in an amount designated by the Director of Planning and Development, along with a schedule of completion, and a Development Agreement. The amount will reflect the estimated cost of purchasing and installing the landscaping.

12.352 The Director of Planning and Development may waive a portion of the above landscaping requirements for interior lots within industrial subdivisions when such lots are located on streets where the purpose of the street is to provide access to the interior of the industrial subdivision, and the adjustment to such requirements is appropriate.

12.353 A development agreement will be accepted in partial lieu of landscape if the applicant chooses to install landscape in phases. A phasing plan shall be submitted to the Department of Planning and Development.

12.400 BUFFERING

12.410 All lesser intensity uses shall be buffered from higher intensity uses. Buffering shall be required on the higher intensity development, when that development occurs. Plant material used for buffering will be counted toward the total plant material required.

12.420 Additional buffering between outside storage areas and publicly dedicated rights-of-way, where landscaping and screening are not otherwise installed, may also be required. The purpose of such additional buffering is to provide appropriate barriers between outside storage areas and road systems.

12.430 In addition to the above requirements, any new Residential, Mobile Home, Commercial, or Industrial developments abutting any portion of the designated Adams County Trail System, a public park, or limited access highway, shall be buffered from the trail, park, or highway property, unless waived by the Director of Planning and Development.

12.500 XERISCAPING:

Landscape plans shall be developed to assure a successful, low water and low maintenance landscape by incorporating the six fundamental principles of xeriscaping into their plan. Those principles are outlined below:

12.510 Planning and Design:

12.511 In addition to aesthetics and function of plants, the soils, drainage patterns, exposure to heat and wind, and the manner in which the site is irrigated, must be considered.

12.520 Limited Turf Areas:

12.521 Where feasible, use less water demanding materials, such as ground covers, low water usage plants, or mulches instead of turf, and locate turf only in areas where it provides functional benefits. Turf is best separated from planting of trees, shrubs, ground covers and flowering plants so that it may be irrigated separately.

12.522 Areas close to the building or where uniform turf is desired, are best planted with fine-bladed, sod-forming turf varieties such as Buffalo grass or Bluegrass. Outlying areas, where soil cover is needed, but foot traffic is limited, can be planted with various coarse grasses such as Tall Fescue, Smooth Brome, and Wheatgrasses.

12.523 Species of grass which grow with the average rainfall received by Adams County per year include Tall Fescue, Smooth Brome Fairway Crested Wheatgrass, Ephraim Crested Wheatgrass, Buffalograss, Blue Gramma, and others. Some varieties of Bluegrass which are relatively drought tolerant include Majestic, America, and Merion.

12.524 The above listed drought tolerant grasses need water to become established. They also need occasional irrigation during a prolonged dry spell. The key to drought tolerance is deep root development. This is brought about by deep, thorough soil preparation and deep, infrequent watering.

12.530 Soil Improvements:

12.531 Soil improvement allows for better absorption of water and improved water-holding capacity of the soil. Soils that have organic matter also provide nutrients to plants. Improve the soil prior to planting and installation of any irrigation system by digging in a minimum of 3 cubic yards of organic matter per 1,000 square feet to be planted. Organic matter could include aged manure, sphagnum peat moss, humus, compost or aged sawdust.

12.540 Efficient Irrigation:

12.541 When used, well planned sprinkler systems can save water. For efficient water use, irrigate turf areas separately from other plantings. Landscape plantings should also be grouped according to similar water needs. Turf areas are best watered with sprinklers. Trees, shrubs, and groundcovers can be watered efficiently with low volume drip or

spray systems. Rates of application of water should vary with the type of plant community water requirements.

- 12.542 Regardless of how drought tolerant a plant may be, relatively frequent watering is needed until a plant is established. For most woody plants, establishment takes at least two growing seasons. Once established, gradual reduction of watering frequency can be accomplished.

12.550 Mulches:

- 12.551 Mulched planting beds are an ideal replacement for turf areas. Mulches cover and cool the soil, minimize evaporation, reduce weed growth and slow erosion. Mulches also provide landscape interest. Organic mulches are typically bark chips, wood grindings or pole peelings. Inorganic mulches include rock and various gravel products. Mulches should be placed over geo-textile fabric (filter fabric) where ground cover or shrubs are to be used in order to allow water and air to pass through the fabric and discourage weed growth.

12.560 Low Water Use Plants:

- 12.561 Low water use plants can serve nearly every landscape function. See Tables 7 and 8 for a list of recommended xeriscape plants for the front range area. Recommended drought resistant plants are indicated by the asterisk (*) sign.

12.600 GENERAL LANDSCAPING STANDARDS

12.610 LANDSCAPING PLAN:

- 12.611 For all new developments, a landscaping plan is required which shall contain the following items:

- a. Scale - written and graphic;
- b. North arrow;
- c. Existing plant material, if applicable;
- d. Plants to be removed or relocated, if applicable;
- e. Existing and proposed structures, overhangs, and pavings, if applicable;
- f. Planting details specifying mulching materials;
- g. Details of berms, walls, or any other structural buffering device if required by these Regulations;
- h. Title block with name of project, name of person preparing plan and date;
- i. A written statement describing type of irrigation system proposed;
- j. Plant schedule showing the following:
 - key;
 - number and location of plants of each species;
 - plant name (common name, botanical name and variety name);

- size and condition of plants - size be expressed in terms of size of container, height of plant, or caliper of tree; condition to be expressed in terms of size of container, ball and burlap, and/or bare root plant division (list shall be divided according to trees, shrubs and ground covers, turf types).

- k. Cost estimate including materials and cost of installation, when installation of landscaping is deferred.

12.620 Minimum Requirements for Plant Materials:

12.621 No noxious weeds (as defined by the Colorado Department of Agriculture) will be permitted in any area designated for landscaping.

12.622 When questions arise concerning which category a particular plant species falls into, the Director of Planning and Development shall make the determination. Tables 7 and 8, consist of a partial listing of trees common to the front range and the category into which they fall. This list is provided to guide the Developer in choosing the most desirable trees for Adams County, but is not necessarily all-inclusive.

12.700 MAINTENANCE STANDARDS:

All landscaping and required buffering shall be continually maintained including irrigation if applicable, weeding, pruning and replacing in a substantially similar manner as originally approved. The following survival standards shall apply to all landscaping and required buffering:

- a. Living ground covers must be 50% established after the first growing season, and 90% established thereafter.
- b. Non-living ground covers, such as rock or mulch must be 100% intact after one year and 80% intact thereafter.
- c. Trees and shrubs must have a 100% survival rate after 1 year and a 90% survival rate thereafter.

12.800 LANDSCAPE REQUIREMENTS FOR A CHANGE-IN-USE

See Section 5.530 (2) for landscape requirements regarding change-in-use.

Following is a reference list of those plant materials most highly recommended for the Adams County area. The asterisk (*) sign indicates plant materials which are known to be more drought tolerant and are therefore recommended for xeriscape designs.

TABLE 7

DECIDUOUS TREES

Large

Ash, Autumn Purple (*Fraxinus americana* "Autumn Purple")*
Ash, Green (*Fraxinus pennsylvanica*)*
Buckeye, Ohio (*Aesculus glabra*)*
Catalpa, Common (*Catalpa* sp.)
Cottonwood, Acuminata (*Populus acuminata*)
Cottonwood, Angustifolia (*Populus angustifolia*)
Cottonwood, Common cottonless (*Populus sargentii*)
Hackberry (*Celtis occidentalis*)*
Honeylocust (*Gleditsia triacanthos* sp.)*
Horse Chestnut (*Aesculus hippocastanum*)
Linden, American (*Tilia americana*)
Linden, Greenspire (*Tilia cordata* 'Greenspire')
Linden, Littleleaf (*Tilia cordata*)
Linden, Redmond (*Tilia euchlora* 'Redmond')
Maple, Norway (*Acer platanoides*)
Oak, English (*Quercus robur*)
Oak, Red (*Quercus Rubra*)
Willow, Weeping (*Salix alba*)

Ornamental

Alder (*Alnus* sp.)
Aspen (*Populus tremuloides*)
Cherries, Ornamental (*Prunus* sp.)
Crabapples (*Malus* sp.)*
Golden Rain Tree (*Koereuteria paniculata*)
Hawthorn (*Crataegus* sp.)*
Lilac, Japanese (*Syringa japonica*)
Larch (*Laris decidua*)
Maple, Ginnala (*Acer Ginnala*)*
Plums, Ornamental (*Prunus* sp.)*
Russian Olive (*Eleagnus angustifolia*)*
Sumac (*Rhus* sp.)*

***Drought Resistant Plants**

TABLE 8
EVERGREEN TREES

Large

- Fir, Douglas (Pseudo-Tsuga menziesi)
- Fir, White (Abies concolor)*
- Pine, Austrian (Pinus nigra)*
- Pine, Ponderosa (Pinus ponderosa)*
- Pine, Scotch (Pinus sylvestris)*
- Spruce, Blue (Picea pungens)
- Spruce, Norway (Picea abies)

Small

- Arbor-vitae (Thuja occidentalis)
- Juniper, Upright (Juniperus sp.)*
- Pine, Bristlecone (Pinus aristata)
- Pine, Limber (Pinus flexilis)
- Pine, Pinon, (Pinus edulis)*

*** Drought Resistant Plants**

12.630 Grading Standard: The grading standard in Table 9 shall apply to all new landscaping and buffering areas:

Landscaping Area	Maximum Allowable Slope	Minimum Allowable Slope
Lawn and grassed areas	4:1	100:1
Berms and Mounds		
- Grassed	5:1	20:1
- Non-Maintenance	2:1	N/A

CHAPTER 13

SPECIAL DISTRICT GUIDELINES AND REGULATIONS

13.100 PURPOSE:

These Regulations will identify the requirements for submittal and the procedures for review of Special District service plans in unincorporated Adams County.

13.200 DEFINITIONS:

For the purpose of these Regulations, the following words, terms, and phrases are defined:

1. Annual Report: A form requiring certain information about the District that will be mailed to each District once a year by the Adams County Department of Planning and Development, and thereby returned by each District to the Department with comments and/or additional information supplied by the District.
2. Buildout Rate: Actual or projected amount of development that has been built, sold, or leased or is expected to be built, sold, or leased as presented in a ratio of units of development to time, such as residential dwelling units per year or square feet per year.
3. Comparable Basis: Generally equivalent in terms of costs, timeliness, and quality of service.
4. Compatible: In accordance with the standards adopted by the Adams County Board of County Commissioners and the standards adopted by any interested party as defined in 32-1-204 (1), CRS
5. Department: The Adams County Department of Planning and Development.
6. District: A special service District organized under, and existing by virtue of, the provisions of Title 32 of the Colorado Revised Statutes.
7. District Review Team: Staff representatives from departments within Adams County government who are responsible for the review of Special District service plans and the writing of staff reports to the Planning Commission and the Board of County Commissioners.
8. Economical Service: Service equivalent in terms of cost to the service proposed in the service plan under review.
9. Extraordinary Costs: Unique and/or one-time costs defined as such according to Generally Accepted Accounting Principles (GAAP).
10. Financial Plan: One of the required elements of a Special District service plan containing but not limited to all the information required in Section 13.730 (2) of these Regulations.
11. Inclusion: The process by which a Special District's boundaries are altered through the addition of real property as described in Sections 32-1-401 to 402, CRS
12. Material Modification: A basic or essential change to the method of providing services including the exclusion or addition of services.
13. Planned Unit Development: A Zoning District approved by the Adams County Board of County Commissioners for an area of land controlled by one or more landowners under a unified control or a

unified plan of development for residential, commercial, educational, recreational, industrial, any combination of the foregoing, or other uses.

14. Pre-Application Conference: A scheduled meeting between the applicant and one or more members of the District Review Team. The representative of the District Review Team from the Department and one staff person from the Development Review Section of the Department must attend this meeting. At the pre-application conference, the proposed District, the State Statutes, and these Regulations shall be discussed in detail.
15. Professionally Prepared: Meeting the standards set for service plans by the District Review Team, to include but not limited to, quality of map preparation, organization, and readability.
16. Pro Forma: A presentation of all projected expenses to be incurred and revenues to be generated by the proposed District showing the year-end financial status of the District for each year from the organization of the District until the repayment of all proposed debt.
17. Service Plan: The documentation submitted to Adams County by an applicant proposing the organization of a Special District, including text, maps, charts, and tables, and containing all the information required in the Colorado Revised Statutes and these Regulations.
18. Service Provider: Any municipal or quasi-municipal organization which currently has or plans to have the ability to provide any or all of the services proposed in the service plan under review.
19. Sufficient Service: Service adequate in terms of technical, mechanical, organizational, and operational criteria, to meet the public need as proposed in the service plan under review.

13.300 POLICIES:

These policies are the basis for Section 13.730, Service Plan Requirements, and for Section 13.830, Relationship Between Requirements and Review Criteria:

- 13.310 Adams County encourages land development to occur in the incorporated areas of the County.
- 13.320 The creation of one multi-purpose Service District is preferred over the proliferation of single-purpose Districts.
- 13.330 Before any service plan for the creation of a Title 32 District will be reviewed by the County, service provision from all existing service providers should be investigated to examine if the proposed services are available from other service providers.
- 13.340 If land development does occur in an unincorporated area, Adams County encourages service provision be acquired through an existing service provider by agreement or inclusion. The County recognizes, however, that in certain circumstances a new Special District may be the most logical and economical alternative for service. If this is the case, the County advocates the formation of a metropolitan District.
- 13.350 Adams County will only consider in public hearing complete service plans as defined in these Regulations.
- 13.360 Adams County promotes cooperation with other governmental jurisdictions in the planning process and in the service plan review process.
- 13.370 When a new Special District is proposed in partner with a Planned Unit Development, the proposed District formation should be coordinated with the Planned Unit Development application. In situations where a development and a District are being planned jointly, much of the information required in the service plan may have been prepared previously for the Planned

Unit Development hearing. So as not to cause any duplication of work by staff or the applicant, and to ensure compatibility between the development and the District, it is imperative that the development review and the service plan review processes be coordinated from the start of any such proposal.

13.400 RELATIONSHIP TO COLORADO REVISED STATUTES:

These Regulations correspond to Sections 32-1-201 to 208, CRS, and are designed to be used with and as an addition to the Colorado Revised Statutes. All Sections of the Colorado Revised Statutes that are directly quoted in these Regulations are in italics.

13.500 SCOPE:

These Regulations apply to all service plans for those Special Districts that propose to have any portion of the District located in unincorporated Adams County.

13.600 SUBMITTAL AND REVIEW PROCESS:

13.610 The submittal and review process will follow the sequence of actions listed below. This process corresponds to Section 32-1-202 (1), CRS, concerning the filing of the service plan which states:

Persons proposing the organization of a Special District, except for a Special District which is contained entirely within the boundaries of a municipality . . . shall submit a service plan to the Board of County Commissioners of each county which has territory included within the boundaries of the proposed Special District prior to filing for the organization of the proposed Special District in any District court.

13.620 The service plan submittal and review process will follow these eight steps:

1. Persons proposing the formation of a Special District (the applicant) shall contact the Department of Planning and Development in the early stages of the proposal for a pre-application conference. This conference is used to identify any concerns early in the process and to evaluate the feasibility of the proposed service plan.
2. After attending the pre-application conference, and after the applicant has gathered and prepared the appropriate materials, the applicant shall submit six (6) copies of a draft service plan to the Department.
3. The District Review Team, comprised of County staff from the Departments of Planning and Development, Highway, Engineering, Fiscal Affairs and Management Information Services, and Parks and Community Resources shall review the draft service plan for consistency with the Colorado Revised Statutes and these Regulations. The staff person from the Department will act as liaison to the applicant and will forward any comments from the District Review Team to the applicant within thirty (30) days. These comments may include suggested changes concerning format, content and adherence to the State Statutes and County Regulations.
4. After reviewing the comments, the applicant shall submit one (1) copy of the service plan to the Adams County Clerk and Recorder and twenty (20) copies of the service plan and an application fee of \$200 to the Department of Planning and Development.
5. The Department of Planning and Development shall refer the service plan to all municipalities and existing Special Districts, within a radius of three miles from the boundaries of the

proposed District. In addition, in support of Adams County's policy to coordinate land development planning, the service plan shall be referred to any municipality whose Intergovernmental Agreement with the County includes any part of the area proposed to be in the District, and to the appropriate school District or Districts for information and comment. The District Review Team shall review the service plan and shall submit all comments, findings and recommendations, including those from referral agencies, in the form of a staff report to the applicant, the Planning Commission and the Board of County Commissioners. It is understood that the applicant can withdraw the service plan at any time during this process.

6. A hearing will be scheduled before the Planning Commission at which hearing the Planning Commission shall consider the service plan and recommend denial, conditional approval, or approval to the Board of County Commissioners.
7. The Department will schedule a public hearing before the Board of County Commissioners according to Section 32-1-202 (1), CRS:

At the next regular meeting of the Board of County Commissioners immediately following the filing of a service plan with the Adams County Clerk and Recorder, the Board of County Commissioners shall set a date within thirty days of such meeting for a public hearing on the service plan of the proposed Special District.

8. The Board of County Commissioners shall consider the service plan at public hearing and shall deny, conditionally approve, or approve the service plan. If the Board of County Commissioners finds that sufficient information has not been presented at the scheduled hearing, the Board may continue the hearing on the service plan until a subsequent hearing date mutually agreed upon by the Board and the applicant.

13.700 CONTENTS OF THE SERVICE PLAN:

The County requirements include each of the items listed in Section 31-1-202 (2), CRS and the further specifications stated in these Regulations.

13.710 The State requires certain information to be included in the service plan:

- a. A description of the proposed services;
- b. A financial plan showing how the proposed services are to be financed;
- c. A preliminary engineering or architectural survey showing how the proposed services are to be provided;
- d. A map of the proposed Special District boundaries and an estimate of the population and valuation for assessment of the proposed Special District;
- e. A general description of the facilities to be constructed and the standards for such, including a statement of how the facility and service standards of the proposed Special District are compatible with facility and service standards of any county within which all or any portion of the proposed Special District is to be located, and of any municipalities which are interested parties pursuant to Section 32-1-204 (1);
- f. A general description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the District;

- g. A description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed Special District and such other political subdivision and, if the form contract to be used is available, it shall be attached to the service plan;
- h. Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in Section 32-1-203, if applicable, is met;
- i. Such additional information as the board of county commissioners may require by resolution on which to base its findings pursuant to Section 32-1-203;

13.720 Standards of Preparation: In addition to its contents, the service plan should meet the standards required of a professionally prepared document. The narrative should be presented clearly, any maps or other graphics should be legible and contain explanatory legends, titles, and text. The plan should contain a table of contents, be well organized, and clearly demonstrate that it meets the requirements as stated in the State Statutes and in these Regulations.

13.730 Service Plan Requirements:

- 1. **Description of the District:** The plan shall include an explanation of the proposed services and a discussion of the criteria, such as buildout rate or market conditions, which would be used to determine when and if certain services are to be supplied. This requirement is similar to that requirement of the financial plan (below) which asks for a description of any phasing plans.
- 2. **The Financial Plan:** This is the most important Section of the service plan. All figures shall be in constant dollars. The financial plan shall contain but is not limited to:
 - a. A letter from the person or organization responsible for the financial plan evaluating the financial and economic presentation and identifying sources and methods used in estimating interest rates, buildout rates, mill levy, and other data included in the plan.
 - b. A pro forma with a year by year listing for the period of expected indebtedness beginning with the expected date of District formation. The pro forma shall include a detailed description of all funding mechanisms to be employed by the District. This pro forma shall list individual yearly totals for bond issues, debt service, operating and maintenance expenses, legal and administrative expenses, capital expenses, buildout rate, assessed valuation, mill levy, facility fees, other fees, and all other costs and revenues. Any extraordinary or one-time expenses shall be explained.
 - c. Maximum bonded indebtedness proposed to be incurred by the District and justification for that amount of indebtedness. Because the issuance of bonds by one entity may adversely affect the bond rating of another entity due to overlapping debt, the plan shall contain a list of indebtedness for all cities, counties, and Special Districts within which the proposed District will be included.
 - d. A description of the scheduling and phasing of improvements and their relationship to the financial stability of the District.
 - e. If the financial plan identifies any contributions by the developer to the District, any agreement between the developer and the proposed District explaining the developer's financial participation shall be included.
 - f. A description of the flexibility that has been built into the financial plan, including alternative means of repaying the debt, if the estimated revenue stream is not realized.

- b. An explanation of the proposed District's policy for inclusion which provides objective procedures for the determination of costs, standards and criteria to allow the orderly extension of services to developable adjacent lands.
- c. A list of the persons or organizations responsible for each Section of the service plan to include the name and telephone numbers of the engineer, the legal counsel, the developer, and the financial analyst.
- d. A legal description of the area to be included in the proposed Special District.
- e. A list of all persons, corporations, and other private or public entities involved in the formation of this District and an explanation of the role played by each of those involved, and a discussion of the entities' previous work in Adams County or the region related to District and land development.
- f. A list of owners of real property within and adjacent to the proposed District.

13.800 SERVICE PLAN REVIEW:

13.810 Authority of the Board of County Commissioners: In review of a service plan, Section 32-1-203, CRS gives the Board of County Commissioners the authority:

- a. To approve without condition or modification the service plan submitted;
- b. To disapprove the service plan submitted;
- c. To conditionally approve the service plan subject to the submission of additional information relating to or the modification of the proposed service plan.

13.820 Review Criteria: Section 32-1-203 (2) of the State Statutes also lists two sets of review criteria that the Board of County Commissioners must consider in their decision:

1. The Board of County Commissioners shall disapprove the service plan unless evidence satisfactory to the Board of each of the following is presented:
 - a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed District;
 - b. The existing service in the area to be served is inadequate for present and projected needs;
 - c. The proposed Special District is capable of providing economical and sufficient service to the area within its proposed boundaries;
 - d. The area to be included in the proposed Special District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
2. The board of county commissioners may disapprove the service plan if evidence satisfactory to the board of any of the following, at the discretion of the board, is not presented:
 - a. Adequate service is not, or will not be, available to the area through the County, other existing municipal or quasi-municipal corporations, including existing Special Districts, within a reasonable time and on a comparable basis;

- b. The facility and service standards of the proposed Special District are compatible with the facility and service standards of each county within which the proposed District is to be located and each municipality which is an interested party under Section 32-I-204 (1);
- c. The proposal is in compliance with a master plan adopted pursuant to Section 30-28-106, CRS;
- d. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area;
- e. The creation of the proposed District will be in the best interest of the area proposed to be served.

13.830 Relationship Between Submittal Requirements and Review Criteria: In order to assist the applicant in the preparation of the service plan, the County offers some examples of how it may review the criteria from the State Statutes. It is important that the applicant understand the relationship between the submittal requirements and the review criteria.

- 1. Projected need for the District may be determined by the zoning and by the Future Land Use Plan in the Adams County Comprehensive Plan.
- 2. The map of the proposed District and the explanation of services required in Section 13.730 may be used to review the criterion that the existing service to the area is inadequate.
- 3. Sufficient service may be evaluated through an examination of the site plan and the description of the facilities, including standards and cost estimates. Economical service may be evaluated through an examination of the financial plan and the cost estimates.
- 4. The financial abilities of the District may be evaluated by examining the financial plan and by determining if the financial plan includes reliable and reasonable projections of market performance. For Districts of certain size and impact, a market study may be the appropriate vehicle to demonstrate the validity of the District's development assumptions.
- 5. In evaluating the criterion that adequate service will not be available through other means, the County may take into consideration the distance of the proposed District from existing service providers and the expansion and/or master plans of those providers in examining the provision of service in a "reasonable time". Also important in the evaluation of this criterion is the information required in Section 13.730, concerning the investigation of all service provision alternatives. In evaluating services on a "comparable basis", the review may be similar to that for the review of "economical and sufficient service" (see above).
- 6. The detailed explanation of the facilities and improvements required in Section 13.730 may be used to review the criterion that the District's proposed standards are compatible with existing standards. The applicant needs to demonstrate that the planned improvements the District proposes to make, such as roads and water and sewer lines, meet the specifications of the County, existing Special Districts, and any interested party.
- 7. The proposed District must be in conformance with the Adams County Comprehensive Plan as well as the master plans of any applicable city which is an interested party. If proposed Districts are to be located in areas that are included in an Intergovernmental Agreement between Adams County and one of the municipalities in the County, the service plan will be evaluated in terms of that agreement.
- 8. The current Clean Water Plan prepared through the Denver Regional Council of Governments and adopted by the Water Quality Control Commission is the official long-range water quality management plan for Adams County and will be used to satisfy this criterion.

9. The "best interest" may be evaluated by reviewing the service plan and comparing it to other viable alternative means of providing the proposed services. This review may take into consideration the master plans of the municipalities in the area, the plans for existing Special Districts, and the plans for any water user associations or other providers.

13.900 ANNUAL REPORT:

This report will take the form of a survey mailed out to each of the Districts by the Department not later than April 1 of each year and returned by the Districts to the Department by June 1 of each year. The District shall be responsible for checking existing information and for filling in new information. Adams County will coordinate information gathering with the State Division of Local Government. The authorization for requiring annual reports is described in Section CRS 32-1-207 (3) (c), A Board of County Commissioners may request any Special District located wholly or partially within the county's unincorporated area to file, not more than once a year, a Special District annual report.

Zoning Regulations.....	VI-7
Public Hearing.....	VI-8
Animals.....	II-2, II-15, II-16, III-7, IV-37
Animal Hospital.....	II-15, III-13, III-50
Automobile or Other Salvage.....	II-15
Beauty Shops (See Home Occupation).....	II-14
Board of Adjustment - (see Adjustment, Board of)	
Board of County Commissioners.....	I-2, II-3, VI-1, VI-4, VI-5, VIII-1, VIII-3
Boundaries	
Definition.....	III-1
Zone District.....	III-2
Building, Height of.....	II-2
Certificate of Designation.....	IV-13, IV-16
Civil Procedure, Administration.....	VIII-1
College.....	II-24
Commercial Districts	
Fences and Retaining Walls.....	III-39
General Requirements.....	III-38
Minimum Off-Street Parking.....	III-41
Purpose and General Restrictions.....	III-34
Tabulation of Uses.....	III-4
Commercial Mineral Deposits.....	II-22
Commercial School.....	II-24
Commissioners (See Board of County Commissioners)	
Commission, Planning (See Planning Commission)	
Complaints Regarding Violations.....	VIII-7
Conditional Use.....	II-26, III-1, III-11, VI-6, XI-1, XI-27, XI-33
Conflicting Regulations.....	IX-1
Conservation Districts (See Overlay Zone Districts)....	XI-1
Curb Cut Requirements.....	IV-19
Day Care Home.....	II-3, III-13
Debris Control.....	IV-5
Definitions.....	II-1

Density/Acre Limitation for Livestock.....	IV-45
Development and Performance Standards	
Animal Control Regulations.....	IV-37
Drainage.....	IV-13
Exclusions.....	IV-1
Excavation, Grading, Off-Premise Hauling.....	IV-17
General.....	IV-1
Minimum off-street Parking, Loading, Curb Cuts.....	IV-19
Oil and Gas Wells.....	IV-24
Solid Waste Disposal Permits.....	IV-13
Standards.....	IV-3
Dog Kennel.....	II-3, IV-37, IV-43
Drainage.....	II-7, IV-13, XI-8
Drive-In Establishment.....	II-3, III-46
Dust and Debris Control.....	IV-5
Dwelling	
Accessory in Industrial Zone District.....	III-43
Farm Employees.....	III-11
Type of (Single Family, Duplex, etc.).....	II-4
Unit.....	II-5
Electro-Magnetic Interference.....	IV-6
Enforcement.....	VIII-1
Excavation.....	IV-17, XI-27
Exclusions.....	IV-1
Expansion or Enlargement of Use.....	IV-22
Expansion of Non-Conforming Use.....	V-1
Explosives.....	II-6
Family.....	II-6
Feedlots.....	II-16, IV-47
Fees	
Appeals.....	VII-9
Excavation (non-commercial).....	IV-18
Livestock Confinement Operation Permit.....	IV-48
Special Uses.....	VII-3
Temporary Uses.....	III-2
Variance.....	VII-3
Zoning Application.....	VI-1

Fence, Definition.....	II-6
Fencing.....	IV-19
During Development.....	IV-8
Flammable Gas (G) Overlay Zone District.....	XI-34
Building Permits and Construction	
On a Former Landfill Site.....	XI-35
Building Permits and Construction	
Within 1000' of Known Landfill Area.....	XI-38
Flammable Gas Hazard Areas.....	XI-40
Purpose.....	XI-34
Restrictions on Uses.....	XI-35
Flood Control (F.C.) Overlay Zone District.....	XI-8
Building Permits.....	XI-15
Determination Procedure.....	XI-10
Fencing.....	XI-25
Fills, Deposits or Levees.....	XI-21
Flood Hazard Area.....	XI-22
Purpose.....	XI-8
Restrictions on Uses.....	XI-10
Standards of Construction.....	XI-17
Floodplain.....	II-9
Flood Profile.....	II-9
Flood Proofing.....	XI-21
Flood Storage Area.....	II-9
Flooding, Areas Subject to.....	XI-22
Floodway Area (Definition).....	II-9
Floor Area.....	II-12
Foster Family Care.....	II-12
Garage	
Motor Vehicle Repair and Service.....	II-13
Private.....	II-13
Gas and Oil Wells.....	IV-24
Gasoline Service Station.....	II-13, III-47
Gasoline or Fuel Storage (below ground).....	III-52
(above ground).....	III-52

Grading of Material Not Considered a	
a Commercial Mineral Deposit.....	IV-16
Group Quarters.....	II-13, III-32
Hauling of Material Not Considered	
Commercial Mineral Deposit.....	IV-16
Home Occupation.....	II-14
Home Owners Organization.....	III-28
Horses, Density per acre.....	II-16
Hotel or Motel.....	II-15, III-47
Housing	
Day Care Home.....	II-3
Group Quarters.....	II-13
Nursing Home, Convalescent Home.....	II-23
Retirement Home.....	II-24
Industrial District	
Accessory Dwelling.....	III-43
Fences and Retaining Walls.....	III-39
General Requirements.....	III-38
General Restrictions.....	III-34
Maximum Dwelling Height.....	III-39
Minimum Off-Street Parking.....	III-41
Purpose.....	III-34
Tabulation of Uses.....	III-44
Interpretation of Zoning Regulations.....	II-1
Inspection, Administration.....	VIII-1
Junk.....	II-15
Junk Yard.....	II-15
Kennel (Commercial).....	II-3, III-13, IV-37
(Private).....	IV-43
Landfills.....	IV-13
Landscaping.....	XII-1
Lighting.....	IV-3
Livestock.....	II-16, IV-44

Livestock Confinement Operation (LCO).....	II-16, IV-47
Density/Acre Limitation.....	II-16
Permit	
Application.....	IV-47
Criteria for Approval of Management Plan.....	IV-49
Permit Requirements.....	IV-50
Procedures.....	IV-49
Loading.....	IV-19
Loading or Unloading Space.....	II-17
Lot	
Area.....	II-17
Coverage.....	II-17
Definition of.....	II-17
Depth.....	II-17
Frontage.....	II-17
Lines.....	II-18
Type of.....	II-18
Width.....	II-19
Major Energy Facilities.....	XI-1
Applicability.....	XI-1
Application for Conditional Use.....	XI-1
Definitions.....	II-19
Mineral Conservation (M.C.) Overlay Zone District.....	XI-25
Mineral Conservation Area.....	XI-34
Operation Standards (Mining).....	XI-29
Purpose.....	XI-25
Restrictions on Uses.....	XI-27
Mineral Deposits.....	II-22
Mining Operation Standards.....	XI-29
Mobile Home Dwelling District.....	III-23
Architectural Control.....	III-27
Fences and Retaining Walls.....	III-28
General Requirements.....	III-24
Purpose.....	III-23
Standards for Placement.....	III-29
Tabulation of Uses.....	III-30

Multiple Family District.....	III-20
General Requirements.....	III-20
Minimum Floor Area.....	III-22
Purpose.....	III-20
Noise.....	IV-3
Non-Conforming Uses and Structures.....	II-22, V-1
Definition.....	V-1
Destruction of.....	V-1
Discontinuance.....	V-1
Expansion.....	V-1
Repairs to.....	V-1
Termination.....	V-2
Nursing Home.....	II-23, III-14, III-47
Occupancy Permit.....	VIII-1
Occupation, Home.....	II-14
Oil and Gas Wells.....	IV-24
Outdoor Storage.....	III-40, IV-1
Overlay Zone Districts.....	XI-1
Flammable Gas.....	XI-34
Flood Control.....	XI-8
Mineral Conservation.....	XI-25
Parking Facility, Joint Use of.....	IV-23
Parking, Off-Street.....	II-23, IV-19
General.....	IV-19
Lighting.....	IV-20
Safety Barricades.....	IV-19
Signs.....	IV-20
Surface or Parking Area.....	IV-20
Permits, Types of	
Appeals.....	VII-9
Building.....	VIII-1
Application.....	VIII-1
Occupancy Permit.....	VIII-4
Plans.....	VIII-3
Violations.....	VIII-7

Commercial Kennel.....	IV-37
Drilling and Culvert.....	IV-24, IV-32
Livestock Confinement Operation (LCO).....	IV-47
Oil and Gas Wells.....	IV-24
Special Uses.....	VII-7
Temporary Uses.....	II-26
Variance.....	VII-4
Zoning Application.....	VI-1
Planning Unit Development.....	III-55
Final Planned Unit Development Plan.....	III-63
Limitations.....	III-55
Preliminary Development Plan and Program.....	III-58
Purpose.....	III-55
Slight Modification.....	III-68
Submittal and Approval Process.....	III-56
Planning Commission.....	I-2, I-4, VI-1
Associate Members.....	I-3
Authority and Responsibility.....	I-3
Officers.....	I-3
Procedure.....	I-2
Rules of Procedure.....	I-3
Pools, Swimming.....	IV-7
Procedure, Civil.....	VIII-1
Public Utility Service.....	II-5
Quiet Zone.....	IV-5
Radiation.....	IV-6
"Reach".....	II-10
Repeal of Conflicting Regulations.....	IX-2
Requirements, Minimum.....	IX-1
Residential Districts.....	III-16
Mobile Home Dwellings District.....	III-23
Multiple Family Districts.....	III-20
Single Family District.....	III-16
Tabulation of Uses.....	III-30

Retirement Home.....	II-24
Safety Barricades.....	IV-19
Signs.....	IV-20
Sanitary Landfill.....	IV-13
Application.....	IV-14
Criteria for Certificate of Designation.....	IV-16
Processing Procedure.....	IV-15
Revocation of Certificate.....	IV-17
Schools	
College or University.....	II-24
Commercial.....	II-24
Parochial.....	II-24
Private.....	II-24
Public.....	II-24
Setback.....	II-24
Severability.....	IX-1
Signs and Outdoor Commercial Advertising Devices.....	X-1
Advertising and/or Identification Signs	
Allowed Within Zone Districts.....	X-12
Definitions.....	X-3
Exemptions.....	X-2
General.....	X-1
Non-Conforming.....	X-11
Other Signs - All Zone Districts.....	X-13
Permit Fees.....	X-2
Prohibited.....	X-9
Single Family District	
Fences and Retaining Walls.....	III-19
General Requirements.....	III-16
Minimum Floor Area.....	III-18
Purpose.....	III-16
Tabulation of Uses.....	III-30
Solid Waste.....	II-25
Special Uses.....	II-26, III-11, VII-7
Application.....	VII-2
Processing Procedure.....	VII-3

Standards, Development and Performance.....	II-25, IV-1
Exclusions.....	IV-1
General.....	IV-1
Parking.....	IV-2
Use Operations Standards.....	IV-3
Statutes.....	VIII-1
Street.....	II-26
Structures, Non-Conforming.....	V-1
Temporary Uses.....	II-26, III-2
Use	
Accessory.....	II-27
By-Right.....	II-26
Conditional.....	II-26, VI-6
Expansion or Enlargement of.....	IV-22
Non-Conforming.....	V-1
Operation Standards.....	IV-3
Special Use.....	II-26, VII-7
Tabulation of Uses	
Agricultural Districts.....	III-12
Commercial.....	III-44
Industrial.....	III-44
Mobile Home.....	III-30
Residential.....	III-30
Temporary.....	II-26
Variances.....	II-27, VII-1
Application Procedure.....	VII-2
Vibrations.....	IV-3
Weed Control.....	IV-6
Wheel or Bumper Guards.....	IV-20
Zone Districts.....	III-1
Boundaries.....	III-1
Definition.....	III-2