THESE ARE THE CORRESPONDING TABLES.
(Boulder code)

Use Tables
4-501 AGRI-BUSINESS USES

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Agricultural Products Processing and Storage		S									●	●	
B	Agricultural Products Retail Outlet		S	S						●	●		●	
C	Commercial Feed Yard		S											
D	Custom Meet or Poultry Processing Facility		S/I										S	
E	Keeping of Non-Domestic Animals	S	S	S	S	S	S	S	S	S	S	S	S	S

LEGEND

●	Uses Permitted by Right
S	Uses Permitted by Special Review
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
R	Uses Permitted by Review of Areas and Activities of State Interest

4-502 AGRICULTURAL USES

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Commercial Nursery	S	●	S								●	●	
B	Equestrian Center	S	●	S										
C	Intensive Agricultural Uses	S	●	S								●	●	
D	Open Agricultural Uses	●	●	●	●							●	●	●

LEGEND

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4-503 COMMERCIAL / BUSINESS SERVICE USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Building Contracting Shop										●		●	
B	Carpentry, Woodworking, or Furniture Making Facility										●		●	
C	Car Wash										●		●	
D	Commercial Bakery										●	●	●	
E	Commercial Laundry & Dry Cleaning										●		●	
F	Kennel		S/I											S
G	Machine Shop										●		●	
H	Printing or Publishing Establishment									●	●		●	
I	Vehicle Sales / Rental Lots									S	S		●	

LEGEND

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4-504 FORESTRY USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Forestry	●	●											●

LEGEND

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4-505 INDUSTRIAL USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Composting Facility		S										S/●	
B	General Industrial												S	
C	Light Industrial											●	●	
D	Outside Storage												●	
E	Recycling Collection Center, Large										S		●	
F	Recycling Processing Facility											S	S	
G	Saw Mill	S	S										●	
H	Solid Waste Disposal Site & Facility		S										S	
I	Solid Waste Transfer Facility	S	S										S	

LEGEND

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4-506 INSTITUTIONAL AND USES OF COMMUNITY SIGNIFICANCE		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Cemetery		S	S		S	S							S
B	Church		●	●	●	●	●	●	●	●	●	●	●	●
C	Day Care Center		S	S	S	S	S	S	S	●	●	●	●	S
D	Emergency Care Facility		S	S		S	●		●	●	●	●	●	
E	Group Care or Foster Home	S	S	S	S	S	S	S	S	S				S
F	Hospital								●	●			●	
G	Nursing, Convalescent, or Residential Care Home Facility		S	S	S	S	S	S	S	S	S	S	S	S
H	Educational Facility		S	S	S	S	S	S	S	S	S	S	S	S
I	Use of Community Significance	S	S	S	S	S	S	S	S	S	S	S	S	S

LEGEND

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I	Uses Permitted by Limited Impact Special Review
R	Uses Permitted by Review of Areas and Activities of State Interest

4-507 LODGING USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Bed and Breakfast	S	S	S		S								S
B	Campground	S	S											S
C	Overnight Lodging								●	●	●	●	●	
D	Resort Lodge, Conference Center or Guest Ranch	S	S						●	●	●	●	●	S

LEGEND

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4-508 MINING USES

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Limited Impact Open Mining	I	I	I	I	I	I	I	I	I	I	I	I	I
B	Oil & Gas Drilling or Production, Subdivided Land	●	●	●	●	●	●	●	●	●	●	●	●	●
C	Oil & Gas Drilling or Production, Unsubdivided Land	●	●	●	●	●	●	●	●	●	●	●	●	●
D	Open Mining	S	S										S	S
E	Subsurface Mining	S/I/●	S										S	S/I/●
F	Subsurface Mining of Uranium	S	S										S	S

LEGEND

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4-509 OFFICE USES

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Professional Office								●	●	●	●	●	

LEGEND

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4-510 RECREATION USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Golf Course	S	S	S	S	S	S		S					S
B	Indoor Recreation								●	●	●	●	●	
C	Livery or Horse Rental Operation	S	S											S
D	Membership Club	S	S						●	●	●	●	●	S
E	Outdoor Recreation, Day Use	S	S						●	●	●	●	●	S
F	Outdoor Recreation, Night Use	S	S						S	S	S	S	S	S
G	Park or Playfield, Day Use	●	●	●	●	●	●	●	●	●				●
H	Park or Playfield, Night Use	S	S	S		S	S	S	S	S				S
I	Public Recreation Center	S	S	S		S	S	S						S
J	Ski Area	S												S

LEGEND

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4-511 RESIDENTIAL USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Boarding House						●		●	●	●		●	
B	Manufactured Home Park							●						
C	Multifamily Dwelling						●		●					
D	Single Family Dwelling	●	●	●	●	●	●	●	●	●	●	●	●	●

LEGEND

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A	Uses Permitted by Special Authorization of the Building Official
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R	Uses Permitted by Review of Areas and Activities of State Interest

4-512 RETAIL AND PERSONAL SERVICE USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Bank									●	●		●	
B	Building Material or Garden Store		S						S		●		●	
C	Convenience Store									●	●		●	
D	Eating or Drinking Place, With Drive-thru Service								S	S	S		S	
E	Eating or Drinking Place, Without Drive-thru Service								S	●	●		●	
F	Indoor Theatre									●	●		●	
G	Mortuary								●	●	●	●	●	
H	Outdoor Theatre										●		●	
I	Reception Halls & Community Meeting Facilities	S	S						S	●	●		●	
J	Recycling Collection Center, Small	I	I						I	I	●	●	●	
K	Retail or Personal Service Facility									●	●		●	
L	Vehicle Service Center									●	●		●	
M	Veterinary Clinic, With Outdoor Holding Facilities		●							●	●		●	
N	Veterinary Clinic, Without Outdoor Holding Facilities	S	●	S	S				●	●	●	●	●	

LEGEND

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4-513 TRANSPORTATION USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Airport		S						S	S	S	S	S	
B	Heliport	S	S						S	S	S	S	S	
C	Helistop	S	S				S		S	S	S	S	S	
D	Park & Ride Facility	S	S	S	S	S	S	S	S	S	S	S	S	S

LEGEND

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4-514 UTILITY AND PUBLIC SERVICE USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Central Office of a Telecommunications Company	R	R	R	R	R	R	R	R	R	R	R	R	R
B	Community Cistern	I	I	I	I	I	I	I	I	I	I	I	I	I
C	Fire Barn	I	I	I	I	I	I	I	I	I	I	I	I	I
D	Fire Station	S	S	S	S	S	S	S	S	S	S	S	S	S
E	Major Facility of a Public Utility	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L
F	Public or Quasi-Public Facility Other than Listed	S	S	S	S	S	S	S	S	S	S	S	S	S
G	Public Safety Telecommunications Facility	I	I	I	I	I	I	I	I	I	I	I	I	I
H	Sewage or Water Transmission Lines	R,L	R,L	R,L	R,L	R,L	R,L	R,L	R,L	R,L	R,L	R,L	R,L	R,L
I	Sewage Treatment Facility	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L
J	Telecommunication Facility, Existing Structure and Meeting Height Limits	●	●	●	●	●	●	●	●	●	●	●	●	●
K	Telecommunications Facility, requiring a new structure or accessory structure exceeding the height limitation of the district in which the facility is located, or exceeding the accessory building size limitations.	S	S	S	S	S	S	S	S	S	S	S	S	S
L	Utility Service Facility	●	●	●	●	●	●	●	●	●	●	●	●	●
M	Water Reservoir	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L
N	Water Tank or Treatment Facility	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L	S,R, L
O	Wind Powered Electric Generator	I	I	I	I	I	I	I	I	I	I	I	I	I

LEGEND

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4-515 WAREHOUSE USES		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Personal Storage Facility										●	●	●	
B	Warehouse & Distribution Center											●	●	

LEGEND

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4-516 ACCESSORY USE

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Accessory Agricultural Retail Sales	●	●	●	●							●	●	●
B	Temporary Accessory Community Meeting Facility													
C	Accessory Concrete or Asphalt Batch Plant		S									S	S	
D	Accessory Dwelling	S/I	S	S	S	S	S	S	S	S	S	S	S	S
E	Accessory Horse Keeping	●	●	●	●	●	●							●
F	Accessory Outside Storage	●	●	●	●	●	●	●	●	●	●	●	●	●
G	Accessory Structure	●	●	●	●	●	●	●	●	●	●	●	●	●
H	Grading of More than 500 Cubic Yards	I	I	I	I	I	I	I	I	I	I	I	I	I
I	Home Occupation	●	●	●	●	●	●	●	●	●	●	●	●	●
J	Household Pets	●	●	●	●	●	●	●	●	●	●	●	●	●
K	Noncommercial Telecommunications Site, One Structure Meeting District Regulations	●	●	●	●	●	●	●	●	●	●	●	●	●
L	Noncommercial Telecommunications Site, All Others	I	I	I	I	I	I	I	I	I	I	I	I	I
M	Solar Energy System	●	●	●	●	●	●	●	●	●	●	●	●	●

LEGEND

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4-517 TEMPORARY USES

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Emergency Noncommercial Telecommunications Facitlity	A	A	A	A	A	A	A	A	A	A	A	A	A
B	Group Gatherings	A	A	A	A	A	A	A	A	A	A	A	A	A
C	Temporary Batch Plant	A	A	A	A	A	A	A	A	A	A	A	A	A
D	Temporary Construction or Sales Office	A	A	A	A	A	A	A	A	A	A	A	A	A
E	Temporary Dwelling Unit	A	A	A	A	A	A	A	A	A	A	A	A	A
F	Temporary Fireworks Stands and Christmas Tree Lot	I	I						I	I		I	I	
G	Temporary Special Use	S	S	S	S	S	S	S	S	S	S	S	S	S

LEGEND

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If there is no letter after the use it is allowed by right restricted by specific requirements in the districts (**4-100**) or in the use regulations (**4-500**).

A	Special Authorization of the **Building Official**
I	Limited impact special use review (**Article 3** and Section **4-600**)
L	Location and extent Review (**Article 8**)
R	Review under areas and activities of state interest regulations (**Article 8**)
S	Special use review (**Article 3** and Section **4-600**)

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LAND USE CODE

4-100 Zoning District Regulations

View Zoning District Table

4-101 Forestry (F) District

A. Purpose: Rural areas established for the purpose of efficiently using land to conserve forest resources, protect the natural environment, and preserve open areas.

B. Principal Uses Permitted
   1. Agri-business Uses (see 4-501)
      a. Keeping of Nondomestic Animals (S)
   2. Agricultural Uses (see 4-502)
      a. Commercial Nursery (S)
      b. Equestrian Center (S)
      c. Intensive Agricultural Uses (S)
      d. Open Agricultural Uses
   3. Commercial/Business Service Uses (see 4-503)
      None Permitted
   4. Forestry Uses (see 4-504)

Article 4
ZONING
Contents

4-100
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4-101
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4-102
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4-103
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4-104
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4-105
Suburban
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a. Forestry

5. Industrial Uses (see 4-505)
   a. Saw Mill (S)
   b. Solid Waste Transfer Facility (S)

6. Institutional and Uses of Community Significance *(6/26/97)* (see 4-506)
   a. Group Care or Foster Home (S)
   b. Use of Community Significance (S)

7. Lodging Uses (see 4-507)
   a. Bed and Breakfast (S)
   b. Campground (S)
   c. Resort Lodge, Conference Center, or Guest Ranch (S)

8. Mining Uses (see 4-508)
   a. Limited Impact Open Mining (I)
   b. Oil and Gas Drilling and Production, on subdivided land
   c. Oil and Gas Drilling and Production, on unsubdivided land
   d. Open Mining (S)
   e. Subsurface Mining;(I) (S) *(6/10/97)*
   f. Subsurface Mining of Uranium (S)

4-106 Multifamily

4-107 Manufactured Home Park

4-108 Transitional

4-109 Business

4-110 Commercial

4-111 Light Industrial

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4-112 General Industrial

4-113 Economic Development

4-114 Historic

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9. Office Uses (see **4-509**)

None Permitted

10. Recreation Uses (see **4-510**)
    a. Golf Course **(S)**
    b. Livery or Horse Rental Operation **(S)**
    c. Membership Club **(S)**
    d. Outdoor Recreation, for day use **(S)**
    e. Outdoor Recreation, for night use **(S)**
    f. Park and/or Playfield, for day use
    g. Park and/or Playfield, for night use **(S)**
    h. Public Recreation Center **(S)**
    i. Ski Area **(S)**

11. Residential Uses (see **4-511**)
    a. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)
    a. Reception Halls and Community Meeting Facilities **(S)** *(9/5/96)*
    b. Recycling Collection Center, Small **(I)** *(9/5/96)*

4-115 Rural Community

4-116 Niwot Rural Community

4-117 Mountain Institutional

4-200 View Protection Overlay

4-300 Natural Resource Protection

4-400 Floodplain Overlay

Use Regulations

4-500 Use Regulations

3

c. Veterinary Clinic, without outdoor holding facilities (S)

13. Transportation Uses *(6/26/97)* (see 4-513)
    a. Heliport (S)
    b. Helistop (S)
    c. Park and Ride Facility (S)

14. Utility and Public Service Uses (see 4-514)
    a. Central Office Building of a Telecommunication Company (R)
    b. Community Cistern (I) *(7/17/97)*
    c. Fire Barn (I)
    d. Fire Station (S)
    e. Major Facility of a Public Utility (R) (S) (L)
    f. Public or Quasi-public Facility other than Listed (S)
    g. Public Safety Telecommunication Facility (I)
    h. Sewage or Water Transmission Line (R) (L)
    i. Sewage Treatment Facility (R) (S) (L)
    j. Telecommunications Facility, existing structure meeting height requirements

4-501 Agri-business

4-502 Agricultural

4-503 Commercial/ Business Service

4-504 Forestry

4-505 Industrial

4-506 Institutional and Uses of Community Significance

4-507 Lodging

4-508 Mining

4

k. Telecommunications Facility, new structure or not meeting height requirements (S)

l. Utility Service Facility

m. Water Reservoir (R) (S) (L)

n. Water Tank or Treatment Facility (R) (S) (L)

o. Wind Powered Electric Generator (I)

15. Warehouse Uses (see 4-515)

None Permitted

C. Accessory Uses Permitted (see 4-516)

1. Accessory Agricultural Retail Sales
2. Accessory Dwelling (S)
3. Accessory Horse Keeping
4. Accessory Outside Storage
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Occupation
8. Household Pets
9. Noncommercial Telecommunication Site,

4-509 Office

4-510 Recreational

4-511 Residential

4-512 Retail and Personal Service

4-513 Transportation

4-514 Utility and Public Service

4-515 Warehouse

4-516 Accessory

4-517 Temporary

one structure which meets setback and height requirements

10. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**

11. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Fireworks Stand or Christmas Tree Sales Lot **(I)**

7. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size...35 acres

2. Minimum setbacks
   a. Front yard...15 feet
   b. Side yard...25 feet
   c. Rear yard...15 feet

4-600 Uses Permitted by Special Review and Limited Impact Special Review

4-800 Site Plan Review

4-900 Development Plan Review for Oil and Gas Operations

4-900A Development Review for Subsurface Mining

4-1000 Nonconforming Structures and Uses

4-1100 Rezoning

6

d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

4-1200 Board of Adjustment

Article 3 ⟵ **Article 5** ⟶

3. Maximum building height
   a. On land in a platted subdivision, approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the subdivision process.

   b. On any other land, 30 feet unless, through a subdivision approval or site plan review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

F. Additional Requirements
   1. **animal units**...Two animal units per acre without going through special review

   2. Special review is required for any use which:
      a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

      b. has an occupant load greater than

or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet; or

e. has a second principal use which does not increase density.

3. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

4. No parcel shall be used for more than one principal use, except for allowed agricultural uses, mining uses, or any combination thereof.

4-102 Agricultural (A) District

A. Purpose: Rural areas where conservation of agricultural resources is of major value, and where residential development compatible with agricultural uses is allowed.

B. Principal Uses Permitted
   1. Agri-business Uses (see **4-501**)
      a. Agricultural Products Processing and Storage **(S)**

      b. Agricultural Products Retail Outlet **(S)**

c. Commercial Feed Yard **(S)**

d. Custom Meat or Poultry Processing Facility **(S) (I)**

e. Keeping of Nondomestic Animals **(S)**

2. Agricultural Uses (see **4-502**)
   a. Commercial Nursery

   b. Equestrian Center

   c. Intensive Agricultural Uses

   d. Open Agricultural Uses

3. Commercial/Business Service Uses (see **4-503**)
   a. Kennel

4. Forestry Uses (see **4-504**)
   a. Forestry

5. Industrial Uses (see **4-505**)
   a. Composting Facility **(S)**

   b. Sawmill **(S)**

   c. Solid Waste Disposal Site and Facility **(S)**

   d. Solid Waste Transfer Facility **(S)**

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Cemetery **(S)**

b. Church

c. Day Care Center **(S)**

d. Emergency Care Facility **(S)**

e. Group Care or Foster Home **(S)**

f. Nursing, Convalescent, or Residential Care Facility **(S)**

g. Educational Facility **(S)** *(11/13/97)*

h. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)
   a. Bed and Breakfast**(S)**

   b. Campground **(S)**

   c. Resort Lodge, Conference Center, or Guest Ranch **(S)**

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling and Production, on subdivided land

   c. Oil and Gas Drilling and Production, on unsubdivided land

   d. Open Mining **(S)**

   e. Subsurface Mining **(S)**

   f. Subsurface Mining of Uranium **(S)**

9. Office Uses (see **4-509**)

   None Permitted

10. Recreation Uses (see **4-510**)
    a. Golf Course **(S)**
    b. Livery or Horse Rental Operation **(S)**
    c. Membership Club **(S)**
    d. Outdoor Recreation, for day use **(S)**
    e. Outdoor Recreation, for night use **(S)**
    f. Park and/or Playfield, for day use
    g. Park and/or Playfield, for night use **(S)**
    h. Public Recreation Center **(S)**

11. Residential Uses (see **4-511**)
    a. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)
    a. Building Material or Garden Store **(S)**
    b. Reception Halls and Community Meeting Facilities **(S)** *(9/5/96)*
    c. Recycling Collection Center, Small

(I) *(9/5/96)*

d. Veterinary Clinic, with outdoor holding facilities

e. Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see **4-513**)
    a. Airport **(S)**

    b. Heliport **(S)**

    c. Helistop **(S)**

    d. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**

    b. Community Cistern **(I)** *(7/17/97)*

    c. Fire Barn **(I)**

    d. Fire Station **(S)**

    e. Major Facility of a Public Utility **(R) (S) (L)**

    f. Public or Quasi-public Facility other than Listed **(S)**

    g. Public Safety Telecommunication Facility **(I)**

    h. Sewage or Water Transmission Line

(R) (L)

i. Sewage Treatment Facility (R) (S) (L)

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements (S)

l. Utility Service Facility

m. Water Reservoir (R) (S) (L)

n. Water Tank and Treatment Facility (R) (S) (L)

o. Wind Powered Electric Generator (I)

15. Warehouse Uses (see **4-515**)

None Permitted

C. Accessory Uses Permitted (see **4-516**)

1. Accessory Agricultural Retail Sales

2. Temporary Accessory Community Meeting Facility *(4/3/2001)*

3. Accessory Concrete or Asphalt Batch Plant (S) *(11/21/96)*

4. Accessory Dwelling (S)

5. Accessory Horse Keeping

6. Accessory Outside Storage

7. Accessory Structure

8. Grading of more than 500 Cubic Yards **(I)**

9. Home Occupation

10. Household Pets

11. Noncommercial Telecommunication Site, one structure which meets setback and height requirements

12. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**

13. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Fireworks Stand or Christmas Tree Sales Lot **(I)**

7. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size...35 acres

2. Minimum setbacks
   a. Front yard...35 feet

   b. Side yard...7 feet

   c. Rear Yard...15 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -**with County concurrence**- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height
   a. Residential structures:
      i. On land in a platted subdivision, approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the subdivision process.

      ii. On any other land, 30 feet unless, through a subdivision approval or site plan review approval, a lower or higher

height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

b. 50 feet for nonresidential structures

F. Additional Requirements

1. **animal units**...Four animal units per acre without going through special review

2. Special review (or limited impact special review if specifically mentioned below) is required for any use which:

   a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

   b. has an occupant load greater than or equal to 100 persons per lot;

   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

   d. has a total floor area greater than 25,000 square feet, except for agricultural uses which may have 25,000 square feet for the first 35 acres of a subject parcel size without triggering special review (in this case, limited impact special review). A parcel may have 1,800 square feet of additional floor area for every additional 5 acres of parcel size above 35 acres, without triggering limited impact special review, but only if the owner grants

the County a conservation easement on the property which prohibits any division of the property which would result in a violation of this Code, and prohibits the addition of structures to the property. To exceed these square footage limitations, limited impact special review approval is required; *(7/23/98)* or

e. has a second principal use which does not increase density.

3. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

4. No parcel shall be used for more than one principal use, except for allowed agricultural uses, mining uses, or any combination thereof.

4-103 Rural Residential (RR) District

A. Purpose: Residential areas developed at a density and character compatible with agricultural uses.

B. Principal Uses Permitted
   1. Agri-business Uses (see **4-501**)
      a. Agricultural Products Retail Outlet **(S)**

      b. Keeping of Nondomestic Animals **(S)**

2. Agricultural Uses (see **4-502**)
   a. Commercial Nursery **(S)**

   b. Equestrian Center **(S)**

   c. Intensive Agricultural Uses **(S)**

   d. Open Agricultural Uses

3. Commercial/Business Service Uses (see **4-503**)

   None Permitted

4. Forestry Uses (see **4-504**)

   None Permitted

5. Industrial Uses (see **4-505**)

   None Permitted

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Cemetery **(S)**

   b. Church

   c. Day Care Center **(S)**

   d. Emergency Care Facility **(S)**

   e. Group Care or Foster Home **(S)**

f. Nursing, Convalescent, or Residential Care Facility **(S)**

g. Educational Facility **(S)** *(11/13/97)*

h. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)
   a. Bed and Breakfast**(S)**

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling and Production, on subdivided land

   c. Oil and Gas Drilling and Production, on unsubdivided land

9. Office Uses (see **4-509**)

   None Permitted

10. Recreation Uses (see **4-510**)
    a. Golf Course **(S)**

    b. Park and/or Playfield, for day use

    c. Park and/or Playfield, for night use **(S)**

    d. Public Recreation Center **(S)**

11. Residential Uses (see **4-511**)
    a. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)
    a. Veterinary Clinic, without outdoor holding facilities **(S)**

13. Transportation Uses (see **4-513**)
    a. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**

    b. Community Cistern **(I)** *(7/17/97)*

    c. Fire Barn **(I)**

    d. Fire Station **(S)**

    e. Major Facility of a Public Utility **(S) (R) (L)**

    f. Public or Quasi-public Facility other than Listed **(S)**

    g. Public Safety Telecommunication Facility **(I)**

    h. Sewage or Water Transmission Line **(R) (L)**

    i. Sewage Treatment Facility **(R) (S) (L)**

    j. Telecommunications Facility, existing structure meeting height requirements

    k. Telecommunications Facility, new

structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(R) (S) (L)**

n. Water Tank or Treatment Facility **(R) (S) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)

None Permitted

C. Accessory Uses Permitted (see **4-516**)

1. Accessory Agricultural Retail Sales
2. Temporary Accessory Community Meeting Facility *(4/3/2001)*
3. Accessory Dwelling **(S)**
4. Accessory Horse Keeping
5. Accessory Outside Storage
6. Accessory Structure
7. Grading of more than 500 Cubic Yards**(I)**
8. Home Occupation
9. Household Pets

21

10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements

11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**

12. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size
   a. In a community service area on subdivided land with connection to public water and sewer facilities...One acre

   b. On other land...35 acres

2. Minimum setbacks
   a. Front yard...25 feet

b. Side yard...7 feet

c. Rear Yard...15 feet

d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height
   a. On land in a platted subdivision, approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the subdivision process.

   b. On any other land, 30 feet unless, through a subdivision approval or site plan review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

F. Additional Requirements
   1. **animal units**...Two animal units per acre without going through special review

   2. Special review is required for any use which:
      a. generates traffic volumes in excess of 150 average daily trips per lot, as

defined by the Institute of Transportation Engineers;

b. has an occupant load greater than or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area);or

e. has a second principal use which does not increase density.

3. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

4. No parcel shall be used for more than one principal use, except for allowed agricultural uses, mining uses, or any combination thereof.

4-104 Estate Residential (ER) District

A. Purpose: Low density urban residential areas

B. Principal Uses Permitted
   1. Agri-business Uses (see **4-501**)
      a. Keeping of Nondomestic Animals **(S)**

24

2. Agricultural Uses (see **4-502**)
   a. Open Agricultural Uses

3. Commercial/Business Service Uses (see **4-503**)

   None Permitted

4. Forestry Uses (see **4-504**)

   None Permitted

5. Industrial Uses (see **4-505**)

   None Permitted

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Church

   b. Day Care Center **(S)**

   c. Group Care or Foster Home **(S)**

   d. Nursing, Convalescent, or Residential Care facility **(S)**

   e. Educational Facility **(S)** *(11/13/97)*

   f. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)

   None Permitted

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling and Production, on subdivided land

   c. Oil and Gas Drilling and Production, on unsubdivided land

9. Office Uses (see **4-509**)

   None Permitted

10. Recreation Uses (see **4-510**)
    a. Golf Course **(S)**

    b. Park and/or Playfield, for day use

11. Residential Uses (see **4-511**)
    a. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)
    a. Veterinary Clinic, without outdoor holding facilities **(S)**

13. Transportation Uses (see **4-513**)
    a. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**

    b. Community Cistern **(I)** *(7/17/97)*

26

c. Fire Barn **(I)**

d. Fire Station **(S)**

e. Major Facility of a Public Utility **(R) (S) (L)**

f. Public or Quasi-public Facility other than Listed **(S)**

g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(R) (S) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(R) (S) (L)**

n. Water Tank or Treatment Facility **(R) (S) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)

None Permitted

C. Accessory Uses Permitted (see **4-516**)

1. Accessory Agricultural Retail Sales
2. Temporary Accessory Community Meeting Facility *(4/3/2001)*
3. Accessory Dwelling **(S)**
4. Accessory Horse Keeping
5. Accessory Outside Storage
6. Accessory Structure
7. Grading of more than 500 Cubic Yards**(I)**
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**
12. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**

28

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size

   a. In a community service area on subdivided land with connection to public water and sewer facilities...One acre

   b. On other land...35 acres

2. Minimum setbacks

   a. Front yard...35 feet

   b. Side yard...10 feet

   c. Rear Yard...25 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than

29

20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height
   a. On land in a platted subdivision , approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the subdivision process.

   b. On any other land, 30 feet unless, through a subdivision approval or site plan review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

F. Additional Requirements
   1. **animal units**...Two animal units per acre without going through special review

   2. Special review is required for any use which:
      a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

      b. has an occupant load greater than or equal to 100 persons per lot;

      c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

      d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area);or

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e. has a second principal use which does not increase density.

3. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

4. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof.

4-105 Suburban Residential (SR) District

A. Purpose: Low density suburban residential areas.

B. Principal Uses Permitted

1. Agri-business Uses (see **4-501**)
   a. Keeping of Nondomestic Animals **(S)**

2. Agricultural Uses (see **4-502**)

   None Permitted

3. Commercial/Business Service Uses (see **4-503**)

   None Permitted

4. Forestry Uses (see **4-504**)

None Permitted

5. Industrial Uses (see **4-505**)

   None Permitted

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Cemetery **(S)**
   b. Church
   c. Day Care Center **(S)**
   d. Emergency Care Facility **(S)**
   e. Group Care or Foster Home **(S)**
   f. Nursing, Convalescent, or Residential Care Facility **(S)**
   g. Educational Facility **(S)** *(11/13/97)*
   h. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)
   a. Bed and Breakfast**(S)**

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**
   b. Oil and Gas Drilling or Production, on subdivided land
   c. Oil and Gas Drilling or Production,

32

on unsubdivided land

9. Office Uses (see **4-509**)

None Permitted

10. Recreation Uses (see **4-510**)
    a. Golf Course **(S)**

    b. Park and/or Playfield, for day use

    c. Park and/or Playfield, for night use **(S)**

    d. Public Recreation Center **(S)**

11. Residential Uses (see **4-511**)
    a. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)

None Permitted

13. Transportation Uses (see **4-513**)
    a. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**

    b. Community Cistern **(I)** *(7/17/97)*

    c. Fire Barn **(I)**

d. Fire Station **(S)**

e. Major Facility of a Public Utility **(R) (S) (L)**

f. Public or Quasi-public Facility other than Listed **(S)**

g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(R) (S) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(R) (S) (L)**

n. Water Tank or Treatment Facility **(R) (S) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)

None Permitted

34

C. Accessory Uses Permitted (see **4-516**)

1. Temporary Accessory Community Meeting Facility *(4/3/2001)*
2. Accessory Dwelling **(S)**
3. Accessory Horse Keeping (see Section (F) (3) below)
4. Accessory Outside Storage
5. Accessory Structure
6. Grading of more than 500 Cubic Yards**(I)**
7. Home Occupation
8. Household Pets
9. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
10. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**
11. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**
2. Group Gathering **(A)**
3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size
   a. In a community service area on subdivided land with connection to public water and sewer...7,500 square feet

   b. On other land...35 acres

2. Minimum setbacks
   a. Front yard...25 feet

   b. Side yard...7 feet

   c. Rear Yard...15 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height

36

a. On land in a platted subdivision, approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the subdivision process.

b. On any other land, 30 feet unless, through a subdivision approval or site plan review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

F. Additional Requirements

1. Special review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

b. has an occupant load greater than or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area);or

e. has a second principal use which does not increase density.

2. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this

Code shall go through limited impact special review.

3. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses provided at least one-half acre of pasture is available for each horse.

4. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof.

4-106 Multifamily (MF) District

A. Purpose: Medium density residential areas which allow for a variety of housing options.

B. Principal Uses Permitted
   1. Agri-business Uses (see **4-501**)
      a. Keeping of Nondomestic Animals **(S)**

   2. Agricultural Uses (see **4-502**)

      None Permitted

   3. Commercial/Business Service Uses (see **4-503**)

      None Permitted

   4. Forestry Uses (see **4-504**)

None Permitted

5. Industrial Uses (see **4-505**)

   None Permitted

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Cemetery **(S)**
   b. Church
   c. Day Care Center **(S)**
   d. Emergency Care Facility
   e. Group Care or Foster Home **(S)**
   f. Nursing, Convalescent, or Residential Care Facility **(S)**
   g. Educational Facility **(S)** *(11/13/97)*
   h. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)

   None Permitted

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**
   b. Oil and Gas Drilling or Production, on subdivided land

39

c. Oil and Gas Drilling or Production, on unsubdivided land

9. Office Uses (see **4-509**)

None Permitted

10. Recreation Uses (see **4-510**)
    a. Golf Course **(S)**

    b. Park and/or Playfield, for day use

    c. Park and/or Playfield, for night use **(S)**

    d. Public Recreation Center **(S)**

11. Residential Uses (see **4-511**)
    a. Boarding House

    b. Multifamily Dwelling

    c. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)

None Permitted

13. Transportation Uses (see **4-513**)
    a. Helistop **(S)**

    b. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)

a. Central Office Building of a Telecommunication Company **(R)**

b. Community Cistern **(I)** *(7/17/97)*

c. Fire Barn **(I)**

d. Fire Station **(S)**

e. Major Facility of a Public Utility **(S) (R) (L)**

f. Public or Quasi-public Facility other than Listed **(S)**

g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(S) (R) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(S) (R) (L)**

n. Water Tank or Treatment Facility **(S) (R) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)

None Permitted

C. Accessory Uses Permitted (see **4-516**)

1. Temporary Accessory Community Meeting Facility *(4/3/2001)*
2. Accessory Dwelling **(S)**
3. Accessory Horse Keeping
4. Accessory Outside Storage
5. Accessory Structure
6. Grading of more than 500 Cubic Yards**(I)**
7. Home Occupation
8. Household Pets
9. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
10. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**
11. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size

   a. In a community service area on subdivided land where the principal structure is a single family dwelling, educational facility, or Church connected to public water and sewer facilities...7,500 square feet

   b. On subdivided land where any other principal structure is connected to public water and sewer facilities...15,000 square feet

   c. On any other land...35 acres

2. Minimum setbacks

   a. Front yard...25 feet

   b. Side yard...7 feet

   c. Rear Yard...15 feet

d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height...50 feet

F. Additional Requirements

1. Maximum gross density

a. On subdivided land where the dwellings are connected to public water and sewer facilities...Nine dwelling units per acre

b. On other land...One dwelling unit per 35 acres

2. Special review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

b. has an occupant load greater than or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area of greater than

25,000 square feet (35,000 square feet in a community service area); or

e. has a second principal use which does not increase density.

3. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

4. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses provided at least one-half acre of pasture is available for each horse.

5. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof.

4-107 Manufactured Home Park (MH) District

A. Purpose: To provide for manufactured home parks in appropriate locations, consistent with comprehensive planning policies to encourage and provide for affordable housing including the preservation of existing housing stocks.

B. Principal Uses Permitted

1. Agri-business Uses (see **4-501**)

a. Keeping of Nondomestic Animals **(S)**

2. Agricultural Uses (see **4-502**)

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None Permitted

3. Commercial/Business Service Uses (see **4-503**)

   None Permitted

4. Forestry Uses (see **4-504**)

   None Permitted

5. Industrial Uses (see **4-505**)

   None Permitted

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Church
   b. Day Care Center **(S)**
   c. Group Care or Foster Home **(S)**
   d. Nursing, Convalescent, or Residential Care Facility **(S)**
   e. Educational Facility **(S)** *(11/13/97)*
   f. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)

   None Permitted

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling or Production, on subdivided land

   c. Oil and Gas Drilling or Production, on unsubdivided land

9. Office Uses (see **4-509**)

   None Permitted

10. Recreation Uses (see **4-510**)
    a. Parks or Playfields for day use

    b. Parks or Playfields for night use **(S)**

    c. Public Recreation Center **(S)**

11. Residential Uses (see **4-511**)
    a. Manufactured Home Parks

    b. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)

    None Permitted

13. Transportation Uses (see **4-513**)
    a. Park and Ride Facility **(S)**

14. Utility Uses and Public Service Uses (see

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4-514)

a. Central Office Building of a Telecommunication Company **(R)**

b. Community Cistern **(I)** *(7/17/97)*

c. Fire Barn **(I)**

d. Fire Station **(S)**

e. Major Facility of a Public Utility **(S) (R) (L)**

f. Public or Quasi-Public Facilities other than Listed **(S)**

g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(S) (R) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(S) (R) (L)**

n. Water Tank or Treatment Facility **(S)**

(R)

o. Wind Powered Electric Generator (I)

15. Warehouse Uses (see **4-515**)

None Permitted

C. Accessory Uses Permitted (see **4-516**)

1. Temporary Accessory Community Meeting Facility *(4/3/2001)*
2. Accessory Dwelling **(S)**
3. Accessory Outside Storage
4. Accessory Structure
5. Grading of more than 500 Cubic Yards**(I)**
6. Home Occupation
7. Household Pets
8. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
9. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**
10. Solar Energy Systems

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Telecommunication Site **(A)**

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size...35 acres, or the area of the parcel or portion of parcel occupied by a manufactured (mobile) home park legally existing on the effective date of the amendments creating this District (February 27, 1992).

2. Minimum setbacks

   a. Front yard...25 feet

   b. Side yard...7 feet

   c. Rear Yard...15 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but

in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum structure height...30 feet

F. Additional Requirements

1. Special review is required for any use which:
   a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
   b. has an occupant load greater than or equal to 100 persons per lot;
   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;
   d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or
   e. has a second principal use which does not increase density.
2. Grading involving the movement of more than 500 cubic yards of material (other than normal grading activity associated with agriculture, allowed mining activity, or foundation construction) shall go through limited impact special review.
3. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof.

4-108 Transitional (T) District

A. Purpose: Areas containing both a variety of residential uses and a limited number of business uses which are compatible with residential development.

B. Principal Uses Permitted

1. Agri-business Uses (see **4-501**)
   a. Keeping of Nondomestic Animals **(S)**

2. Agricultural Uses (see **4-502**)

   None Permitted

3. Commercial/Business Service Uses (see **4-503**)

   None Permitted

4. Forestry Uses (see **4-504**)

   None Permitted

5. Industrial Uses (see **4-505**)

   None Permitted

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Church

b. Day Care Center **(S)**

c. Emergency Care Facility

d. Group Care or Foster Home **(S)**

e. Hospital

f. Nursing, Convalescent, or Residential Care Facility **(S)**

g. Educational Facility **(S)** *(11/13/97)*

h. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)
   a. Overnight Lodging

   b. Resort Lodge, Conference Center, or Guest Ranch

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling or Production, on subdivided land

   c. Oil and Gas Drilling or Production, on unsubdivided land

9. Office Uses (see **4-509**)
   a. Professional Office

10. Recreation Uses (see **4-510**)
    a. Golf Course **(S)**

    b. Indoor Recreation

c. Membership Club

d. Outdoor Recreation, for day use

e. Outdoor Recreation, for night use **(S)**

f. Park and/or Playfield, for day use

g. Park and/or Playfield, for night use **(S)**

11. Residential Uses (see **4-511**)
    a. Boarding House

    b. Multifamily Dwelling

    c. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)
    a. Building Material or Garden Store **(S)**

    b. Eating or Drinking Place, with drive through **(S)**

    c. Eating or Drinking Place, without drive through **(S)**

    d. Mortuary

    e. Reception Halls and Community Meeting Facilities**(S)** *(9/5/96)*

    f. Recycling Collection Center, Small **(I)** *(9/5/96)*

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g. Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see **4-513**)
    a. Airport **(S)**
    b. Heliport **(S)**
    c. Helistop **(S)**
    d. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**
    b. Community Cistern **(I)** *(7/17/97)*
    c. Fire Barn **(I)**
    d. Fire Station **(S)**
    e. Major Facility of a Public Utility **(S) (R) (L)**
    f. Public or Quasi-public Facility other than Listed **(S)**
    g. Public Safety Telecommunication Facility **(I)**
    h. Sewage or Water Transmission Line **(R) (L)**
    i. Sewage Treatment Facility **(S) (R) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(S) (R) (L)**

n. Water Tank or Treatment Facility **(S) (R) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)

None Permitted

C. Accessory Uses Permitted (see **4-516**)

1. Temporary Accessory Community Meeting Facility *(4/3/2001)*

2. Accessory Dwelling **(S)**

3. Accessory Outside Storage

4. Accessory Structure

5. Grading of more than 500 Cubic Yards**(I)**

6. Home Occupation

7. Household Pets

8. Noncommercial Telecommunication Site, one structure which meets setback and height requirements

9. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**

10. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Fireworks Stand or Christmas Tree Sales Lot **(I)** *(10/10/96)*

7. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size

   a. In a community service area on subdivided land where any other principal structure is connected to public water and sewer

facilities...15,000 square feet

b. On any other land...35 acres

2. Minimum setbacks
   a. Front yard...25 feet

   b. Side yard...7 feet

   c. Rear Yard...15 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height...50 feet

F. Additional Requirements
   1. Maximum gross residential density
      a. In a community service area on subdivided land where the dwellings are connected to public water and sewer facilities...Nine dwelling units per acre

      b. On other land...One dwelling unit per 35 acres

   2. Special review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

b. has an occupant load greater than or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or

e. has a second principal use which does not increase density.

3. An exemption plat is required for any single family residential development on vacant land proposed for a subdivision approved prior to March 22, 1978.

4. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

5. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof unless approved through special review. *(9/5/96)*

4-109 Business (B) District

A. Purpose: Areas for the development of restricted retail and business uses which have minimal exterior impact on surrounding properties.

B. Principal Uses Permitted

1. Agri-business Uses (see4-501)
   a. Agricultural Products Retail Outlet
   b. Keeping of Nondomestic Animals **(S)**

2. Agricultural Uses (see **4-502**)

   None Permitted

3. Commercial/Business Service Uses (see **4-503**)
   a. Printing and/or Publishing Establishment
   b. Vehicle Sales/Rental Lot **(S)** *(9/5/96)*

4. Forestry Uses (see **4-504**)

   None Permitted

5. Industrial Uses (see **4-505**)

   None Permitted

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Church

60

b. Day Care Center

c. Emergency Care Facility

d. Group Care or Foster Home **(S)**

e. Hospital

f. Nursing, Convalescent, or Residential Care Facility **(S)**

g. Educational Facility **(S)** *(11/13/97)*

h. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)
   a. Overnight Lodging

   b. Resort Lodge, Conference Center, or Guest Ranch

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling or Production, on subdivided land

   c. Oil and Gas Drilling or Production, on unsubdivided land

9. Office Uses (see **4-509**)
   a. Professional Office

10. Recreation Uses (see **4-510**)
    a. Indoor Recreation

    b. Membership Club

c. Outdoor Recreation, for day use

d. Outdoor Recreation, for night use **(S)**

e. Park and/or Playfield, for day use

f. Park and/or Playfield, for night use **(S)**

11. Residential Uses (see **4-511**)
    a. Boarding House

    b. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)
    a. Bank

    b. Convenience Store

    c. Eating or Drinking Place, with drive through **(S)**

    d. Eating or Drinking Place, without drive through

    e. Indoor Theater

    f. Mortuary

    g. Reception Halls and Community Meeting Facilities *(9/5/96)*

    h. Recycling Collection Center, small **(I)** *(9/5/96)*

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i. Retail or Personal Service Facility

j. Vehicle Service Center

k. Veterinary Clinic, with outdoor holding facilities

l. Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see **4-513**)
    a. Airport **(S)**

    b. Heliport **(S)**

    c. Helistop **(S)**

    d. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**

    b. Community Cistern **(I)** *(7/17/97)*

    c. Fire Barn **(I)**

    d. Fire Station **(S)**

    e. Major Facility of a Public Utility **(S) (R) (L)**

    f. Public or Quasi-public Facility other than Listed **(S)**

    g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(S) (R) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(S) (R) (L)**

n. Water Tank or Treatment Facility **(S) (R) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)

None Permitted

C. Accessory Uses Permitted (see **4-516**)

1. Temporary Accessory Community Meeting Facility *(4/3/2001)*

2. Accessory Dwelling **(S)**

3. Accessory Outside Storage

4. Accessory Structure

5. Grading of more than 500 Cubic Yards **(I)**

6. Home Occupation

7. Household Pets

8. Noncommercial Telecommunication Site, one structure which meets setback and height requirements

9. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**

10. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Fireworks Stand or Christmas Tree Sales Lot **(I)** *(10/10/96)*

7. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size

a. On subdivided land where the principal structure is connected to public water and sewer facilities...no minimum requirement

b. On other land...35 acres

2. Minimum setbacks
   a. Front yard...60 feet from the centerline of the ROW

   b. Side yard...Zero or 12 feet

   c. Rear Yard...20 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height...50 feet

F. Additional Requirements
   1. Maximum gross residential density
      a. In a community service area on subdivided land where the dwellings are connected to public water and sewer facilities...Nine dwelling units per acre

      b. On other land...One dwelling unit per 35 acres

2. Special review is required for any use which:
   a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;
   b. has an occupant load greater than or equal to 100 persons per lot;
   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or
   d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).
3. An exemption plat is required for any single family residential development on vacant land proposed for a subdivision approved prior to March 22, 1978.
4. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.
5. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof unless approved through special review. *(9/5/96)*

4-110 Commercial (C) District

A. Purpose: Areas for the development of

commercial, business, retail, and/or service uses

B. Principal Uses Permitted

1. Agri-business Uses (see4-501)
   a. Agricultural Products Retail Outlet
   b. Keeping of Nondomestic Animals **(S)**

2. Agricultural Uses (see **4-502**)

   None Permitted

3. Commercial/Business Service Uses (see **4-503**)
   a. Building Contracting Shop
   b. Carpentry, Woodworking, or Furniture Making Facility
   c. Car Wash
   d. Commercial Bakery
   e. Commercial Laundry and Dry Cleaning
   f. Machine Shop
   g. Printing and/or Publishing Establishment
   h. Vehicle Sales/Rental Lot **(S)** *(9/5/96)*

4. Forestry Uses (see **4-504**)

None Permitted

5. Industrial Uses (see **4-505**)
   a. Recycling Collection Center, Large **(S)** *(9/5/96)*

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Church

   b. Day Care Center

   c. Emergency Care Facility

   d. Nursing, Convalescent, or Residential Care Facility **(S)**

   e. Educational Facility **(S)** *(11/13/97)*

   f. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)
   a. Overnight Lodging

   b. Resort Lodge, Conference Center, or Guest Ranch

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling or Production, on subdivided land

   c. Oil and Gas Drilling or Production, on unsubdivided land

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9. Office Uses (see **4-509**)
   a. Professional Office

10. Recreation Uses (see **4-510**)
   a. Indoor Recreation

   b. Membership Club

   c. Outdoor Recreation, for day use

   d. Outdoor Recreation, for night use **(S)**

11. Residential Uses (see **4-511**)
   a. Boarding House

   b. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)
   a. Bank

   b. Building Material and Garden Store

   c. Convenience Store

   d. Eating or Drinking Place, with drive through **(S)**

   e. Eating or Drinking Place, without drive through

   f. Indoor Theater

   g. Mortuary

   h. Outdoor Theater

i. Reception Halls and Community Meeting Facilities *(9/5/96)*

j. Recycling Collection Center, Small *(9/5/96)*

k. Retail or Personal Service Facility

l. Vehicle Service Center

m. Veterinary Clinic, with outdoor holding facilities

n. Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see **4-513**)
    a. Airport **(S)**

    b. Heliport **(S)**

    c. Helistop **(S)**

    d. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**

    b. Community Cistern **(I)** *(7/17/97)*

    c. Fire Barn **(I)**

    d. Fire Station **(S)**

    e. Major Facility of a Public Utility **(S)** **(R)** **(L)**

f. Public or Quasi-public Facility other than Listed **(S)**

g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(S) (R) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(S) (R) (L)**

n. Water Tank or Treatment Facility **(S) (R) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)
    a. Personal Storage Facility

C. Accessory Uses Permitted (see **4-516**)
    1. Temporary Accessory Community Meeting Facility *(4/3/2001)*

    2. Accessory Dwelling **(S)**

3. Accessory Outside Storage

4. Accessory Structure

5. Grading of more than 500 Cubic Yards**(I)**

6. Home Occupation

7. Household Pets

8. Noncommercial Telecommunication Site, one structure which meets setback and height requirements

9. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**

10. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**

2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)**

(9/4/97)

E. Lot, Building, and Structure Requirements

1. Minimum lot size

   a. In a community service area on subdivided land where the principal structure is connected to public water and sewer facilities...no minimum requirement

   b. On other land...35 acres

2. Minimum setbacks

   a. Front yard...60 feet from the centerline of the ROW

   b. Side yard...Zero or 12 feet

   c. Rear Yard...20 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height...50 feet

F. Additional Requirements

1. Maximum gross residential density

   a. On subdivided land where the dwellings are connected to public water and sewer facilities...Nine dwelling units per acre

74

b. On other land...One dwelling unit per 35 acres

2. Special review is required for any use which:
   a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

   b. has an occupant load greater than or equal to 100 persons per lot;

   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

   d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

3. An exemption plat is required for any single family residential development on vacant land proposed for a subdivision approved prior to March 22, 1978.

4. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

5. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof without special review. *(9/5/96)*

4-111 Light Industrial (LI) District

A. Purpose: Areas for the development of research, light industrial, warehouse, and/or distribution centers.

B. Principal Uses Permitted

1. Agri-business Uses (see **4-501**)
   a. Agricultural Products Processing and Storage
   b. Keeping of Nondomestic Animals **(S)**
2. Agricultural Uses (see **4-502**)
   a. Commercial Nursery
   b. Intensive Agricultural Uses
   c. Open Agricultural Uses
3. Commercial/Business Service Uses (see **4-503**)
   a. Commercial Bakery
4. Forestry Uses (see **4-504**)

   None Permitted
5. Industrial Uses (see **4-505**)
   a. Light Industrial
   b. Outside Storage **(S)**
   c. Recycling Processing Facility **(S)** *(9/5/96)*

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Church
   b. Day Care Center
   c. Emergency Care Facility
   d. Nursing, Convalescent, or Residential Care Facility **(S)**
   e. Educational Facility **(S)** *(11/13/97)*
   f. Use of Community Significance **(S)**
7. Lodging Uses (see **4-507**)
   a. Overnight Lodging
   b. Resort Lodge, Conference Center, or Guest Ranch
8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**
   b. Oil and Gas Drilling or Production, on subdivided land
   c. Oil and Gas Drilling or Production, on unsubdivided land
9. Office Uses (see **4-509**)
   a. Professional Office
10. Recreation Uses (see **4-510**)
   a. Indoor Recreation
   b. Membership Club

LL

c. Outdoor Recreation, for day use

d. Outdoor Recreation, for night use **(S)**

11. Residential Uses (see **4-511**)
    a. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)
    a. Mortuary

    b. Recycling Collection Center, Small *(9/5/96)*

    c. Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see **4-513**)
    a. Airport **(S)**

    b. Heliport **(S)**

    c. Helistop **(S)**

    d. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**

    b. Community Cistern **(I)** *(7/17/97)*

    c. Fire Barn **(I)**

    d. Fire Station **(S)**

e. Major Facility of a Public Utility **(S) (R) (L)**

f. Public or Quasi-public Facility other than Listed **(S)**

g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(S) (R) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(S) (R) (L)**

n. Water Tank or Treatment Facility **(S) (R) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)
    a. Personal Storage Facility

    b. Warehouse and Distribution Center

C. Accessory Uses Permitted (see **4-516**)

1. Accessory Agricultural Retail Sales
2. Temporary Accessory Community Meeting Facility *(4/3/2001)*
3. Accessory Concrete or Asphalt Batch Plant **(S)** *(11/21/96)*
4. Accessory Dwelling **(S)**
5. Accessory Outside Storage
6. Accessory Structure
7. Grading of more than 500 Cubic Yards**(I)**
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**
12. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**
2. Group Gathering **(A)**

3. Temporary Batch Plant **(A)**

4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Fireworks Stand or Christmas Tree Sales Lot **(I)**

7. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size

   a. In a community service area on subdivided land where the principal structure is not a single family dwelling and is connected to public water and sewer facilities...no minimum requirement

   b. On any other land...35 acres

2. Minimum setbacks

   a. Front yard...60 feet from the centerline of the ROW

   b. Side yard...Zero or 12 feet

   c. Rear Yard...20 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in

accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height...50 feet

F. Additional Requirements

1. **animal units**...Four animal units per acre

2. Special review is required for any use which:
   a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

   b. has an occupant load greater than or equal to 100 persons per lot;

   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

   d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

3. An exemption plat is required for any single family residential development on vacant land proposed for a subdivision approved prior to March 22, 1978.

4. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

5. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof unless approved through special review. *(9/5/96)*

4-112 General Industrial (GI) District

A. Purpose: Areas for the development of general industrial, manufacturing, commercial, and/or retail uses.

B. Principal Uses Permitted
   1. Agri-business Uses (see **4-501**)
      a. Agricultural Products Processing and Storage
      b. Agricultural Products Retail Outlet
      c. Custom Meat and Poultry Processing Facility **(S)**
      d. Keeping of Nondomestic Animals **(S)**
   2. Agricultural Uses (see **4-502**)
      a. Commercial Nursery
      b. Intensive Agricultural Uses
      c. Open Agricultural Uses
   3. Commercial/Business Service Uses (see **4-503**)
      a. Building Contracting Shop

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b. Carpentry, Woodworking, or Furniture Making Facility

c. Car Wash

d. Commercial Bakery

e. Commercial Laundry and Dry Cleaning

f. Machine Shop

g. Printing and/or Publishing Establishment

h. Vehicle Sales/Rental Lot

4. Forestry Uses (see **4-504**)

None Permitted

5. Industrial Uses (see **4-505**)
   a. Composting Facility**(S)** *(11/26/96)*

   b. General Industrial **(S)**

   c. Light Industrial

   d. Outside Storage

   e. Recycling Collection Center, Large *(9/5/96)*

   f. Recycling Processing Facility **(S)** *(9/5/96)*

g. Saw Mill

h. Solid Waste Disposal Site and Facility **(S)**

i. Solid Waste Transfer Facility **(S)**

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Church

   b. Day Care Center

   c. Emergency Care Facility

   d. Hospital

   e. Nursing, Convalescent, or Residential Care Facility **(S)**

   f. Educational Facility **(S)** *(11/13/97)*

   g. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)
   a. Overnight Lodging

   b. Resort Lodge, Conference Center, or Guest Ranch

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling and Production, on subdivided land

   c. Oil and Gas Drilling and Production,

on unsubdivided land

d. Open Mining **(S)**

e. Subsurface Mining **(S)**

f. Subsurface Mining of Uranium **(S)**

9. Office Uses (see **4-509**)
   a. Professional Office

10. Recreation Uses (see **4-510**)
    a. Indoor Recreation

    b. Membership Club

    c. Outdoor Recreation, for day use

    d. Outdoor Recreation, for night use **(S)**

11. Residential Uses (see **4-511**)
    a. Boarding House

    b. Single Family Dwelling

12. Retail and Personal Service Uses (see-4-512)
    a. Bank

    b. Building Materials or Garden Store

    c. Convenience Store

    d. Eating or Drinking Place, with drive through **(S)**

e. Eating or Drinking Place, without drive through

f. Indoor Theater

g. Mortuary

h. Outdoor Theater

i. Reception Halls and Community Meeting Facilities *(9/5/96)*

j. Recycling Collection Center, Small *(9/5/96)*

k. Retail or Personal Service Facility

l. Vehicle Service Center

m. Veterinary Clinic, with outdoor holding facilities

n. Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see **4-513**)
    a. Airport **(S)**

    b. Heliport **(S)**

    c. Helistop **(S)**

    d. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see 5-514)
    a. Central Office Building of a Telecommunication Company **(R)**

b. Community Cistern **(I)** *(7/17/97)*

c. Fire Barn **(I)**

d. Fire Station **(S)**

e. Major Facility of a Public Utility **(S) (R) (L)**

f. Public or Quasi-public Facility other than Listed **(S)**

g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(S) (R) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(S) (R) (L)**

n. Water Tank or Treatment Facility **(S) (R) (L)**

o. Wind Powered Electric Generator **(I)**

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15. Warehouse Uses (see 5-515)
    a. Personal Storage Facility

    b. Warehouse and Distribution Center

C. Accessory Uses Permitted (see **4-516**)
    1. Accessory Agricultural Retail Sales

    2. Temporary Accessory Community Meeting Facility *(4/3/2001)*

    3. Accessory Concrete or Asphalt Batch Plant **(S)** *(11/21/96)*

    4. Accessory Dwelling **(S)**

    5. Accessory Outside Storage

    6. Accessory Structure

    7. Grading of more than 500 Cubic Yards **(I)**

    8. Home Occupation

    9. Household Pets

    10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements

    11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**

    12. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**
2. Group Gathering **(A)**
3. Temporary Batch Plant **(A)**
4. Temporary Construction or Sales Office **(A)**
5. Temporary Dwelling Unit **(A)**
6. Temporary Fireworks Stand or Christmas Tree Sales Lot **(I)**
7. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size
   a. In a community service area on subdivided land where the principal structure is not a single family dwelling and is connected to public water and sewer facilities...no minimum requirement
   b. On any other land...35 acres
2. Minimum setbacks
   a. Front yard...60 feet from the centerline of the ROW
   b. Side yard...Zero or 12 feet
   c. Rear Yard...20 feet

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d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height...50 feet

F. Additional Requirements

1. **animal units**...Four animal units per acre

2. Special review is required for any use which:

   a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

   b. has an occupant load greater than or equal to 100 persons per lot;

   c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

   d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

3. An exemption plat is required for any single family residential development on vacant land proposed for a subdivision approved prior to March 22, 1978.

4. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

5. No parcel shall be used for more than one principal use, except for allowed open agricultural uses, mining uses, or any combination thereof unless approved through special review. *(9/5/96)*

4-113 Economic Development (ED) District

A. Purpose: Urban areas which have economic value for Boulder County, and which can be developed to be compatible with surrounding areas.

B. Uses Permitted by Special Review
   1. The following special uses may be permitted as Principal Uses Permitted upon special review approval:
      a. nonresidential planned unit developments such as office, industrial, research, recreational, and accessory uses, or a mixture of any uses which can be designed to be compatible with each other and with surrounding areas; or

      b. any other use permitted through special review.

C. Minimum district area...five contiguous acres

D. Additional Requirements
   1. Maximum gross residential density

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a. On subdivided land where the dwellings are connected to both public water and public sewer facilities . . . Nine dwelling units/acre, except as such maximum may have been specifically limited as part of the subdivision process for the subject property;

b. On other land . . . One dwelling unit per 35 acres

2. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

4-114 Historic (H) District

A. Purpose: Rural areas in which residential and business uses which can be developed compatibly with established historical areas.

B. Uses Permitted

1. Principal Uses Permitted: Those uses which are required to serve the immediate area and which are public or semi-public uses or are permitted in the Business zoning district subject to the requirements of Section 4-114(C); and

2. Accessory Structures and uses permitted in the Business zoning district.

3. Uses permitted by special review or limited impact special review permitted in the

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Business zoning district.

C. Approval of Building and Structures

1. No person shall construct a new principal building or any structures accessory to a new principal building or change the principal use of a structure within the Historic zoning district unless that person has first received approval of the County Commissioners following a public hearing, notice of which shall be given by publication in a newspaper of general circulation within Boulder County at least 30 days prior to the hearing date and by transmission of written notice by first class mail, postage prepaid, at least 30 days prior to the hearing date to the applicant and to adjacent property owners. A Site Plan Review is not required in this district. *(7/2/98)*

2. Approval of a new principal building or any structures accessory to a new principal building or change of principal use of a structure within the Historic zoning district shall receive approval only if the proposed building or structure meets the following standards and conditions:

   a. The character of the proposed construction is in harmony with the established exterior architectural appeal of structures already located in the surrounding neighborhood.

   b. The character of the proposed construction is in harmony with approved public plans for the surrounding area, so that existing and future land values within the historical area will not be depreciated.

3. In making its determination pursuant to Section 4-114(C)(2), the Board shall restrict its review in each case to the impact of the proposed construction on the health, safety, morals, and general welfare of the inhabitants of Boulder County, keeping particularly in mind the unique characteristics of certain existing structures in the Historic zoning districts within the County. As a minimum, the following specific criteria shall be considered:
   a. architectural compatibility of the proposed structure with other structures in the Zoning District;
   b. the proposed density of occupancy;
   c. the relationship of the proposed use to existing and future open space;
   d. vehicular and pedestrian access; and
   e. the bulk of the proposed building or structure in relationship to surrounding buildings and land.

4. Prior to approval of a building permit which would allow the construction of any new principal building in the Historic zoning district, the Board shall request comments from the owners of properties abutting and from any representative homeowners association formed in the Historic zoning district. Although final action by the Board shall not be bound by such local comments, the opinion of such persons and the ideas expressed on the official plans for the Historic zoning district shall be given careful consideration by the County Commissioners.

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5. Prior to the approving of a building permit which would allow the construction of additions, exterior remodeling or accessory structures in the Historic zoning district, the Director shall request and consider comments from the owners of properties abutting and from any representative homeowners association formed within the Historic zoning district. The decision and action of the Director shall be based upon the standards of 4-114(C)(2) and (3) and shall carefully consider, but not be bound by, local comments.
   a. The Director shall make a decision on the submitted plans and information within 14 days of submission. The findings of the Director shall be transmitted by first class mail, to the applicant and the local group(s) that have commented within seven (7) days of the Director's decision.

   b. The decision of the Director may be appealed pursuant to Section 4-800 of this Code.

D. Size of Zoning District

No area shall be zoned or rezoned Historic unless the area encompasses a minimum of 10 contiguous acres.

4-115 Rural Community (RC) District

A. Purpose: To encourage flexibility in the land use patterns of established rural communities in order to achieve the objectives of the *Boulder County Comprehensive Plan*.

B. Uses Permitted

Any approved RC District may appropriately limit, but may not alter or expand, the uses allowed in the zoning districts which govern the subject parcels immediately prior to rezoning.

C. Additional Requirements

1. A RC District may be permitted in the following established rural communities:
   a. Allenspark
   b. Eldora
   c. Eldorado Springs
   d. Gold Hill
   e. Hygiene
   f. Niwot Community Service Area
2. The RC District shall include only the following;
   a. Parcels with existing structures;
   b. Vacant parcels completely surrounded by parcels with existing structures; or
   c. Vacant parcels contiguous to, or partially surrounded by parcels with existing structures, provided that the vacant parcel is determined by the Board of County Commissioners to be an essential part of the land use pattern of the community.

3. Topographical features and other land forms that provide a natural boundary or edge to the community shall be considered when determining the boundary of an RC District.

4. Each RC District must be established by a separate resolution which shall include a zoning map defining the district, and the district development plan.
   a. The district development plan shall be drafted by County staff based on recommendations from the property owners, neighborhood associations, community associations, business associations, and other parties with an interest in the proposed district. The plan shall include the following:
      i. A development report as defined in Paragraph 3-203 (F) of this Code.

      ii. A site plan showing significant natural features, proposed district boundaries, and existing and proposed land uses.

      iii. A listing of existing and proposed land uses and the total proposed district area in acres with a breakdown in percentages and amounts devoted to specific land.

      iv. The proposed lot, building, and structure design and dimension requirements

      v. The proposed parking

requirements

vi. Standards and guidelines for
   A. the development of site facilities, including, but not limited to, parking, parks and open space, signage, landscape, and lighting;

   B. appropriate architectural design within the district; and

   C. designated historic districts, where applicable.

vii. Any additional relevant information deemed necessary by the Land Use Director.

b. Any proposed modifications to a district development plan shall be reviewed by the Land Use Director.
   i. If found to be a substantial modification, an amendment of the district development plan shall be required.

   ii. The amendment must be reviewed by the Planning Commission and approved by the Board of County Commissioners.

   iii. Any modification to the regulatory portion of the plan shall be considered

substantial.

5. Procedures under Article 15, Historic Preservation, shall control for any recognized historic district or structure.

6. Written consent of greater than 50 percent of the owners of building lots within the proposed district, with no owner having more than one vote, must be obtained prior to approval of the proposed district by the Board of County Commissioners.

7. Notification
   a. At least 30 days prior to the Planning Commission hearing, the final district development plan and all attachments shall be mailed to the property owners of parcels within the proposed district and to all property owners adjacent to the proposed district.

   b. Any changes made to the district development plan as a result of the Planning Commission hearing shall be incorporated into the plan, and the revised plan shall be mailed to property owners within the proposed district at least 14 days prior to the Board of County Commissioner hearing.

4-116 Niwot Rural Community District (Under separate cover)

4-117 Mountain Institutional (MI) District *(6/26/97)*

A. Purpose: Areas established in the mountainous

part of Boulder County for the purpose of permitting more intensive use of land than the surrounding Forestry (F) District, where such use can be accomplished without harm to forest resources, natural environment, open areas and residential uses in the surrounding area.

B. Principal Uses Permitted

1. Agri-business Uses (see **4-501**)
   a. Keeping of Nondomestic Animals **(S)**

2. Agricultural Uses (see **4-502**)
   a. Open Agricultural Uses

3. Commercial/Business Service Uses (see **4-503**)
   a. Kennel **(S)**

4. Forestry Uses (see **4-504**)
   a. Forestry

5. Industrial Uses (see **4-505**)

   None Permitted

6. Institutional and Uses of Community Significance (see **4-506**)
   a. Cemetery **(S)**

   b. Church

   c. Day Care Center **(S)**

   d. Group Care or Foster Home **(S)**

   e. Nursing, Convalescent, or

Residential Care Facility **(S)**

f. Educational Facility **(S)** *(11/13/97)*

g. Use of Community Significance **(S)**

7. Lodging Uses (see **4-507**)
   a. Bed and Breakfast **(S)**

   b. Campground **(S)**

   c. Resort Lodge, Conference Center, or Guest Ranch **(S)**

8. Mining Uses (see **4-508**)
   a. Limited Impact Open Mining **(I)**

   b. Oil and Gas Drilling and Production, on subdivided land

   c. Oil and Gas Drilling and Production, on unsubdivided land

   d. Open Mining **(S)**

   e. Subsurface Mining **(I) (S)**

   f. Subsurface Mining of Uranium **(S)**

9. Office Uses (see **4-509**)

   None Permitted

10. Recreation Uses (see **4-510**)
    a. Golf Course **(S)**

b. Livery or Horse Rental Operation **(S)**

c. Membership Club **(S)**

d. Outdoor Recreation, for day use **(S)**

e. Outdoor Recreation, for night use **(S)**

f. Park and/or Playfield, for day use

g. Park and/or Playfield, for night use **(S)**

h. Public Recreation Center **(S)**

i. Ski Area **(S)**

11. Residential Uses (see **4-511**)
    a. Single Family Dwelling

12. Retail and Personal Service Uses (see **4-512**)

    None Permitted

13. Transportation Uses (see **4-513**)
    a. Park and Ride Facility **(S)**

14. Utility and Public Service Uses (see **4-514**)
    a. Central Office Building of a Telecommunication Company **(R)**

    b. Community Cistern **(I)** *(7/17/97)*

c. Fire Barn **(I)**

d. Fire Station **(S)**

e. Major Facility of a Public Utility **(R) (S) (L)**

f. Public or Quasi-public Facility other than Listed **(S)**

g. Public Safety Telecommunication Facility **(I)**

h. Sewage or Water Transmission Line **(R) (L)**

i. Sewage Treatment Facility **(R) (S) (L)**

j. Telecommunications Facility, existing structure meeting height requirements

k. Telecommunications Facility, new structure or not meeting height requirements **(S)**

l. Utility Service Facility

m. Water Reservoir **(R) (S) (L)**

n. Water Tank or Treatment Facility **(R) (S) (L)**

o. Wind Powered Electric Generator **(I)**

15. Warehouse Uses (see **4-515**)

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None Permitted

C. Accessory Uses Permitted (see **4-516**)

1. Accessory Agricultural Retail Sales
2. Accessory Dwelling **(S)**
3. Accessory Horse Keeping
4. Accessory Outside Storage
5. Accessory Structure
6. Grading of More than 500 Cubic Yards **(I)**
7. Home Occupation
8. Household Pets
9. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
10. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements **(I)**
11. Solar Energy System

D. Temporary Uses Permitted (see **4-517**)

1. Emergency Noncommercial Telecommunication Site **(A)**
2. Group Gathering **(A)**
3. Temporary Batch Plant **(A)**

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4. Temporary Construction or Sales Office **(A)**

5. Temporary Dwelling Unit **(A)**

6. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) **(S)** *(9/4/97)*

E. Lot, Building, and Structure Requirements

1. Minimum lot size...35 acres

2. Minimum setbacks
   a. Front yard...15 feet

   b. Side yard...25 feet

   c. Rear yard...15 feet

   d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may **-with County concurrence-** be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline. *(10/10/96) (11/25/97)*

3. Maximum building height
   a. On land in a platted subdivision, approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the subdivision process.

b. On any other land, 30 feet unless, through a subdivision approval or site plan review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any non-agricultural structure exceed 35 feet.

F. Additional Requirements

1. **animal units**...Two animal units per acre without going through special review

2. Special review is required for any use which:

3. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

4. has an occupant load greater than or equal to 100 persons per lot;

5. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

6. has a total floor area greater than 25,000 square feet; or

7. has a second principal use which does not increase density.

G. Grading involving the movement of more than 500 cubic yards of material as defined and provided in **Section 4-516(G)** of this Code shall go through limited impact special review.

H. No parcel shall be used for more than one principal use, except for allowed agricultural uses, mining uses, or any combination thereof.

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4-200 View Protection Overlay District

A. Purpose

To provide for reduced height in areas potentially affecting significant views.

B. Application

If a structure, lot, or other parcel of land lies partly within the View Protection Overlay District, that part of the structure, lot, or parcel shall meet all the requirements for this district as set forth in this Code.

C. Relationship to Underlying Zoning

With the exception of the maximum structure height requirement, the use, lot, building, and structure requirements of the underlying zoning district shall apply to all development within this district.

D. Maximum Structure Height Requirement

1. For building lots with a slope of less than 20 degrees, no portion of a structure, including additions to an existing structure, may exceed 35 feet in height as measured from the natural grade of the lot at the lowest elevation within 25 feet of the structure.

2. For building lots with a slope of 20 degrees or greater, no portion of a structure, including additions to an existing structure,

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may exceed 25 feet in height as measured from the natural grade of the lot at the lowest elevation of the structure.

4-300 Natural Resource Protection Overlay District

4-301 Purpose

To protect and conserve critical wildlife habitats, migratory corridors, and wetlands and historic drainage by encouraging compatible proposed development under a subdivision sketch plan approved prior to March 22, 1978 which was not otherwise subject to a discretionary review for the purpose of protecting critical wildlife habitats and wetlands.

4-302 Designation of Natural Resources to be Protected

The critical wildlife habitats and wetland areas protected and preserved through the application of this Section are those critical wildlife habitats, critical plant associations, and rare plant sites designated and shown on the Environmental Resources Maps adopted as part of the *Boulder County Comprehensive Plan*, and wetland areas mapped on the Boulder County Wetlands Map. The critical wildlife habitats are further described in the corresponding text of the Environmental Resources Element of the Comprehensive Plan. These maps and corresponding text of the Comprehensive Plan are hereby incorporated into this Section by this reference.

4-303 Applicability and Scope of the Natural Resource Overlay District

A. Application

1. This district shall cover those lands which have subdivision sketch plan approval prior to March 22, 1978, have not been fully developed, and may affect significant wetlands, and wildlife and plant habitats.

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2. Proposals for development under either a building, grading, access, or floodplain development permit on a vacant parcel are subject to this overlay district and require the applicant to go through an exemption plat process.

B. For purposes of this Section, 'vacant parcel' means a parcel upon which no structure for human habitation has been constructed and occupied.

C. No permit may be issued until the applicant for the permit obtains an exemption plat under this Section.

4-304 Preapplication Conference

A. The Director shall schedule a preapplication conference with the applicant.

1. This conference shall be between the applicant and appropriate members of the Land Use and Parks and Open Space Department staffs.

2. The purpose of the conference is to explain the exemption plat process to the applicant, answer any pertinent questions of the applicant, and specify for the applicant, in writing, what impact to the specific environmental resource must be mitigated.

B. The Director will determine which application materials and what standards for review of the proposal are applicable based on the nature and extent of the proposed development under the permit and the potential impact on the environmental resource.

C. As part of this preapplication conference, staff

shall make available to the applicant all public information in the County's possession regarding the environmental resource.

D. Following the preapplication conference, County staff shall provide the applicant with application materials and a written copy of the relevant standards for approval pursuant to Paragraph 4-305, and the required information to be submitted by the applicant.

4-305 Exemption Plat Standards for Approval

A. Review by the Board of County Commissioners

1. An exemption plat shall be approved only if the Board finds that the exemption plat meets the following standards and conditions, or parts thereof determined to be applicable to the specific case at hand.

   a. The development will not have a significant adverse impact on designated plant or wildlife habitat, migration corridors, or sensitive and unique plant or wildlife ecosystems.

   b. The proposed development will not have a significant adverse impact on designated wetland areas or functions. Runoff and erosion from this development will not have a significant adverse impact on the character of the wetland.

2. This determination is to be based on the nature and extent of the proposed development, the potential impact on the environmental resource, and the adequacy of proposed mitigation measures, if any.

3. The Board shall not consider any aspect of the plat other than that directly related to

the impact on the specific environmental resource.

4-306 Approval of an Exemption Plat

A. If the Board finds in reviewing an exemption plat application that the application meets the relevant standards set forth in Paragraph 4-305, the Board shall approve the plat and the applicant may continue the processing of the building, grading, access, or floodplain development permit.

B. If the Board finds that the application does not meet a relevant standard or standards set forth in Paragraph 4-305, the Board may still conditionally approve the application if reasonable conditions exist which can be imposed on the application to avoid or acceptably mitigate significant adverse impacts on the environmental resource. Such conditions may include, but are not necessarily limited to the relocation or modification of proposed structures, uses, activities, and materials, or any other measures necessary to mitigate any significant adverse impact caused by development.

C. While a exemption plat may not be denied, all reasonable measures must be taken to mitigate the significant adverse impact of the development on the environmental resource.

4-307 Contiguous Commonly-held Parcels

A. No permit shall be issued for any lot or combination of lots in an affected subdivision until approval under this section is granted.

B. Notice of the provisions of these regulations has been recorded in the real estate records of the County Clerk and Recorder for each subdivision affected by this regulation. No permits shall be

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granted to any lots separately conveyed subsequent to the notice of adoption of these regulations unless the lots are a part of a unified approval under Paragraph 4-306.

4-400 Floodplain Overlay District

4-401 Application and Liability

A. The provisions and regulations of this section shall apply to all lands within the unincorporated area of Boulder County which are located within the Floodplain Overlay (FO) Zoning District. If a structure, lot, or other parcel of land lies partly within the FO district or the floodway, the part of such structure, lot, or parcel lying within the district or floodway shall meet all requirements for such district or floodway as set forth in this Code.

B. The degree of flood protection intended to be provided by this section has been determined to be reasonable for regulatory purposes and is based on engineering and scientific methods of study. Floods of greater magnitude may occur and flood heights may be increased by man-made or natural causes, such as ice jams and bridge or culvert openings restricted by debris. This article does not imply that the areas outside floodplain area boundaries or land uses permitted within such areas will be free from flooding or flood damages or that compliance with these regulations will prevent any or all damages from flooding. Nor shall this article create a liability on the part of, or a cause of action against, the County of Boulder or any officer or employee thereof for any flood damages that may result from reliance on this article or any administrative decision.

4-402 Designation of Official Maps

A. The following reports designate the location and boundaries of the FO district.

1. That portion of the Floodplain study entitled 'Floodplain Information/Boulder Creek and South Boulder Creek (Boulder County Volume II),' August 1969, prepared for the Denver Regional Council of Governments by the Department of the Army, Omaha District, Corps of Engineers, which includes all of South Boulder Creek and Boulder Creek in the unincorporated areas west of Valley View Road and east of the Boulder City Limits.

2. 'Floodplain Information/Lower St. Vrain Creek (Boulder County Volume III),' June 1972, prepared for the Urban Drainage and Flood Control District/the City of Longmont/Boulder County by the U.S. Army Corps of Engineers (Omaha, Nebraska).

3. 'Floodplain Information Report/Lefthand Creek, Volume 1 (Mouth to Foothills Highway),' December, 1981, prepared for Boulder County, City of Longmont and the Colorado Water Conservation Board by Gingery Associates, Consulting Engineers.

4. 'Floodplain Information Studies/Upper Lefthand Creek, Volume II, (Foothills Highway to Peak to Peak Highway),' August, 1983, prepared for Boulder County and the Colorado Water Conservation Board by Simons, Li and Associates, Consulting Engineers.

5. 'Floodplain Information Report/Upper Boulder Creek and Fourmile Creek,' December, 1981, prepared for Boulder County and the Colorado Water

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Conservation Board by Gingery Associates, Consulting Engineers.

6. 'Flood Hazard Area Delineation/Lower Boulder Creek (Valley View Road to Boulder - Weld County Line),' March, 1983, prepared for Urban Drainage and Flood Control District, Colorado Water Conservation Board and Boulder County by Muller Engineering Company, Inc., Consulting Engineers.

7. That portion of the floodplain study entitled, 'Flood Hazard Delineation/Boulder Creek and Dry Creek (Number Three),' June, 1975, for Urban Drainage and Flood Control District and Boulder County by Leonard Rice Consulting Water Engineers, Inc., which includes Dry Creek Number Three.

8. 'Flood Hazard Analysis/Coal Creek and Rock Creek, Boulder and Weld Counties, Colorado,' October, 1976 prepared by U.S. Department of Agriculture, Soil Conservation Service in cooperation with the Colorado Water Conservation Board, Urban Drainage and Flood Control District, Coal Creek Water Users Association, Boulder County and Weld County.

9. 'Floodplain Information/Dry Creek (Number Two) Boulder County - Weld County, Colorado,' June, 1978, prepared for Boulder County, Weld County and Colorado Water Conservation Board by the Department of the Army, Omaha District, Corps of Engineers.

10. 'Floodplain Information, Flood Control and Floodplain Management Plan for St. Vrain Creek at Longmont, Colorado,' April, 1981,

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prepared for City of Longmont, Boulder County and the Colorado Water Conservation Board by Water Resource Consultants, Inc.

11. 'Floodplain Information and Flood Control and Drainage Plan/Dry Creek Number One,' April, 1980, prepared for Boulder County, City of Longmont and the Colorado Water Conservation Board by Water Resource Consultants.

12. 'Floodplain Information Report/St. Vrain Canyon Upstream of Lyons, Boulder County, Colorado,' October, 1978, prepared for Boulder County and the Colorado Water Conservation Board by Camp, Dresser and McKee, Inc.

13. That portion of the study entitled, 'Floodplain Information/Big Thompson River, Loveland to the Larimer - Weld County Line, Colorado/Little Thompson River, Boulder and Larimer Counties Near Berthoud, Colorado,' June, 1977, prepared for Larimer County, Boulder County, Larimer-Weld Council of Governments and the Colorado Water Conservation Board by the Department of the Army, Omaha District, Corps of Engineers, which includes the Little Thompson River in Boulder County.

14. 'Floodplain Information, Flood Control and Floodplain Management Plan for Coal Creek at Erie, Colorado,' August, 1980, prepared for Boulder County, Weld County, and the Town of Erie and the Colorado Water Conservation Board by Water Resource Consultants.

15. That the portion of the Floodplain study

entitled 'South Boulder Creek Flood Hazard Delineation,' July 1986, prepared for the Urban Drainage and Flood Control District and Boulder County in cooperation with the Colorado Water Conservation Board, which includes South Boulder Creek from Eldorado Springs to the Colorado and Southern Railroad (C&S R.R.) crossing, approximately 1100' downstream from Arapahoe Road (S.H. 7).

B. The maps in these reports depicting the floodplain for the base flood shall be considered the official maps for the purposes of locating the FO district and establishing those areas affected by the provisions and regulations of this Section. These maps and reports, together with all amendments, explanatory matter, technical addenda, water surface elevations, profiles, cross sections where available, and the 'Flood Insurance Study,' effective June 2, 1995, and the Flood Insurance Rate Maps of Boulder County as prepared by the Federal Emergency Management Agency are incorporated by reference into this Code. The location and boundaries of the FO district established by this Section are also incorporated into this Code, and are depicted upon the official zoning district maps.*(6/29/95)*

C. The County Engineer shall keep copies of the reports cited in Section 4-402(A) on file and open to public inspection.

D. Interpretation of Official Maps

1. Where interpretation is needed as to the exact location of the boundaries of the FO district, the County Engineer shall make the necessary interpretation by referring, as necessary, to the engineering study upon which the maps and elevations are based, to the professional engineers who prepare the study, to the Colorado Water

Conservation Board, and/or the Federal Emergency Management Agency.

2. The base flood water surface elevations, as shown on the flood profiles and in the elevation tables, shall be the governing factor in determining accurate boundaries.

E. Review and Amendment due to Physical Change

1. In the event that significant changes occur or are proposed within the FO district, such as flood control measures, channelization, stream improvements or any other alteration or change in the watercourse, there shall be an evaluation of the boundaries of the floodplain as follows:

   a. The County Engineer, in conjunction with the Colorado Water Conservation Board and the Federal Emergency Management Agency, will study the magnitude of the apparent change and determine whether there is need for a full scale study of the boundaries with a view to possible revision.

   b. Should the Planning Commission or any person or persons, as a result of such a study or for other reasons, desire to change the boundaries of any FO district, the procedure for rezoning set forth in Section 4-1100 shall be followed.

2. In addition, proposed boundary changes of any FO district that has been approved and incorporated into the National Flood Insurance Program shall also conform with the Federal Emergency Management Agency's map revision/amendment process.

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F. Amendment Due to the Incorporation of New Studies

1. If the Colorado Water Conservation Board officially designates and approves additional floodplain reports affecting any river or creek in the unincorporated area of Boulder County, and upon review by the Federal Emergency Management Agency, the County Engineer shall review such reports and make recommendations to the Planning Commission regarding necessary amendments or additions to the boundaries of the FO district.

2. The procedure for such amendments is set forth in Article 16 of this Code.

4-403 Floodway

A. No development, encroachment, use, or alteration in, on or over any part of the floodway shall be permitted which alone or cumulatively with other such uses would cause or result in:

1. the occupation of permanent or temporary structures;

2. the development or use of overnight campgrounds;

3. the storing or processing of materials that are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life;

4. solid waste disposal sites and central collection sewage treatment facilities;

5. the potential of solid debris (including, but not limited to garages, storage sheds, decks, fences, etc.) or waste (including, but not limited to septic systems, etc.)

being carried downstream; or

6. an encroachment that would adversely effect the efficiency of the floodway or change the direction of flow or cause any increase in the base flood elevation.

B. The following open uses shall be permitted within the floodway to the extent that they are not prohibited in a particular area by any underlying zoning district and only if they do not adversely affect the efficiency of the floodway, change the direction of flow or increase base flood heights:

1. agricultural uses such as general farming, grazing of livestock and horses, truck farming, sod farming and wild crop harvesting;

2. uses accessory to residential uses, including, but not limited to lawns, open areas, gardens, driveways, and play areas;

3. industrial or commercial uses such as loading areas, railroad rights-of-way (but not including freight yards or switching, storage or industrial sidings), parking areas, airport landing strips, and storage yards for equipment or machinery easily moved or not subject to flood damage (excluding junkyards and solid waste disposal facilities);

4. recreational uses not requiring permanent or temporary structures designed for human habitation;

5. utility facilities such as dams, power plants, spillways, transmission lines, pipelines, water monitoring devices, water supply ditches, irrigation ditches and laterals;

6. open mining; or

7. road and highway structures.

C. Any development in the floodway shall be permitted only upon application to the County Engineer and the issuance of a floodplain development permit.

4-404 Floodfringe

A. Any use permitted by the underlying zoning regulations shall be permitted in the floodfringe, provided the use meets the floodproofing requirements of Paragraph 4-405 of this Section.

B. Any development in the floodfringe shall be permitted only upon application to the County Engineer and the issuance of a floodplain development permit.

4-405 Floodproofing

A. All insubstantial improvements where the lowest floor of the improvement is not above the flood protection elevation shall be floodproofed as follows:

1. The improvement, including attendant and sanitary facilities, be designed so that the structure is watertight with walls substantially impermeable to the passage of water below the flood protection elevation; the structure is anchored to prevent flotation, collapse, or lateral movement of the structure; and the structure is constructed with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

2. The improvement be certified by a

Colorado Registered Professional Engineer that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood. Such certification shall also state the specific elevation (in relation to mean sea level) to which the improvements are floodproofed.

B. Flood protection elevation requirements shall be as follows:

1. New construction of any building or other structure shall have the lowest floor (including basements, garages, carports, and porches) elevated to or above the flood protection elevation.

2. Substantial improvement of any building or other structure shall have the lowest floor of the improvement elevated to or above the flood protection elevation.

3. All new construction and substantial improvements of any building or other structure, within areas of shallow flooding, as specifically defined by the Federal Emergency Management Agency, shall have the lowest floor (including basements, garages, carports, and porches) elevated to or above the flood protection elevation.

   a. For shallow flooding areas, the County Engineer may reduce the elevation requirement, upon evaluation of the floodplain on and around the proposed development.

   b. Such a reduction shall have the lowest floor elevated to or above the base flood elevation, or the highest established adjacent grade plus the

depth of flooding number specified in feet on the Flood Insurance Rate Maps, or at least two feet above the highest established adjacent grade if no depth number is specified.

c. Drainage improvements within a shallow flooding area, as specifically defined by the Federal Emergency Management Agency shall be constructed to allow floodwaters to flow around the perimeter of the structure in a controlled manner, without adversely impacting adjacent properties.

4. Unsubstantial improvements, of any building or other structure, shall either have the lowest floor of the improvement elevated to or above the flood protection elevation or shall be designed and constructed according to the requirements of Paragraph 4-405(A).

5. As built lowest floor elevations (in relation to mean sea level) for all new construction, substantial improvements, other improvements, or for new manufactured home stands, shall be certified by a Colorado Registered Professional Engineer or Colorado Registered Professional Land Surveyor.

6. The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, shall be at or above the flood protection elevation.

7. Concerning manufactured home parks, for new parks; expansions to existing parks; existing parks where the value of the

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repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; an existing park on which a manufactured home has incurred substantial damage as the result of a flood; manufactured homes to be placed or substantially improved on sites in existing parks; and for manufactured homes not placed in a park:

a. Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the flood protection elevation. For homes placed on pilings:
    i. lots shall be large enough to permit steps;
    ii. piling foundations shall be placed in a stable soil no more than ten feet apart; and
    iii. reinforcements shall be provided for pilings more than six feet above the ground level.

b. Adequate surface drainage shall be provided.

c. New manufactured homes shall be anchored by providing over-the-top and frame ties to ground anchors as well as the following:
    i. over-the-top ties at each of the four corners, with two additional ties per side at intermediate locations, with the exception of

manufactured homes less than 50 feet long which require only one additional tie per side;

ii. frame ties at each corner with five additional ties per side at intermediate points, with the exception of manufactured homes less than 50 feet long which require only four additional ties per side;

iii. all components of a manufactured home anchoring system shall be capable of carrying a force of 4800 pounds.

C. Other Floodproofing Requirements

1. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters.

2. Cutoff valves or the elimination of gravity drains below flood protection elevations in new and replacement sanitation or sewerage systems shall be used to minimize or eliminate infiltration of and discharge into flood waters.

3. The location of new and replacement on-site waste disposal systems shall be done in such a manner to avoid impairment to or contamination from the systems during flooding.

4. New and replacement electrical equipment, heating units, and other service facilities shall be located at or above the flood protection elevation.

5. New buildings or other structures shall be placed with their longitudinal axes parallel to the predicted direction of flow of flood waters or be placed so that their longitudinal axes are on lines, parallel to those of adjoining structures, to the extent consistent with other provisions of this Code. This is intended to minimize the obstruction to flow caused by a building or structure.

4-406 Responsibilities of the County Engineer

A. The Boulder County Engineer or his designee, is responsible for the administration and implementation of the requirements of this section. Such responsibilities include, but are not limited to:

1. Review floodplain development permit applications, review and make floodway/floodfringe determinations, and issue permits if the applications are in compliance with the provisions and requirements of this Section. The requirements of this Section include the approval of all necessary local, state, or federal permits.

2. Obtain, review, and reasonably utilize any base flood water surface elevation and floodway data available from state or federal agencies, or other reliable sources.

3. Obtain and maintain for public inspection copies of all floodplain reports and maps, resolutions of official floodplain map amendments, and all records pertaining to floodplain developments.
   a. These records include certified lowest floor elevations, elevation certificates of floodproofing methods

and floodway encroachment, and records of all variance actions.

b. The County Engineer shall report variances issued on an annual basis to the Federal Emergency Management Agency.

4. Notify adjacent communities, potentially affected property owners, and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse.
   a. This is done through the publication of a notice of such proposed alteration or relocation once in a newspaper of general circulation in Boulder County.

   b. The County Engineer shall also submit evidence of such notification to the Federal Emergency Management Agency.

5. For any alteration or relocation of a watercourse, the County Engineer shall require that maintenance of the flood carrying capacity of the altered or relocated watercourse is provided.

6. Make interpretations where needed, as to the exact location of the boundaries of the FO district where there appears to be a conflict between a mapped boundary and actual field conditions based upon an engineering study by the applicant.

7. Review and transmit recommendations to the Board of Adjustment regarding

requested variances to the provisions of this Section.

8. Review floodplain reports approved by the Colorado Water Conservation Board and make recommendations to the Planning Commission and Board of County Commissioners regarding necessary amendments or additions to the FO district.

4-407 Floodplain Development Permit

A. A floodplain development permit shall be obtained from the County Engineer before the start of construction or development within the FO district.

B. Applications for floodplain development permits are to be submitted to the County Engineer and shall include the following information as applicable:
   1. A completed application form with all necessary information completed.

   2. a plan at a scale of 1' = 200' or larger, stamped by a engineer registered by the State of Colorado, which includes:
      a. the site location;

      b. a legal description of parcel;

      c. base flood limits and water surface elevations;

      d. floodway limits;

      e. channel of watercourse;

      f. existing and proposed contours or

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elevations at 2' intervals;

g. existing and proposed structures, with the lowest floor elevations (including basements and garages) of each structure;

h. proposed elevations to which structures will be floodproofed (if applicable);

i. location and elevations of existing streets, water supply, and sanitation facilities;

j. limits and total land area of all existing and proposed impervious surfaces, including structures; and

k. existing water supply ditches, irrigation ditches and laterals.

3. A typical valley cross-section showing:
   a. the channel of the watercourse;

   b. limits of floodplain adjoining each side of channel;

   c. cross-section area to be occupied by the proposed development;

   d. existing and proposed base flood water surface elevations;

4. Specifications for construction and materials of buildings, floodproofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitation facilities as applicable;

5. Description of the extent to which any water course will be altered or relocated as a result of the proposed development;

6. For development proposed within a floodway the following information is required:
   a. A title report prepared by a licensed title insurance or abstract company containing the legal description of the subject property and identifying, listing and certifying the following:
      i. a listing of all owners of record of the subject property;

      ii. all owners and their addresses of real property adjacent to the subject property; and

      iii. all owners of any surface, subsurface, or above surface estates, rights, or interests in the land adjacent to the subject property (including easements and interests in the oil, gas, mineral or water estate) or any other real property associated therewith; the nature and description of each such estate, right, or interest; and the addresses of all owners.

7. A floodway analysis by a Colorado Registered Professional Engineer using methodology acceptable to the Federal Emergency Management Agency and according to the following guidelines:
   a. If a detailed hydraulic floodway analysis has not been performed,

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the responsibility for determining the floodway boundary rests with the floodplain development permit applicant. The need for a detailed hydraulic floodway analysis shall be the decision of the County Engineer.

b. The detailed hydraulic floodway analysis shall be based on the identical hydraulic model which was used to develop the engineering study currently adopted by the Board of County Commissioners. The applicant should obtain, through the County Engineer, a copy of the input data and card deck representing the HEC-2 computer model used for their effective flood hazard study.

c. The model must then be updated to existing hydraulic conditions to determine what surcharge levels have already been achieved by encroachments since the floodplain was established.

   i. Alternate floodway configurations may then be analyzed based on acceptable Encroachment Methods as outlined in the current 'U.S. Army Corps of Engineers HEC-2 Water Surface Profiles Users Manual' and submitted to the County Engineer for review and approval.

   ii. Approval will be based on demonstration that the cumulative effects of the proposed encroachment, plus the effects of

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encroachments since the original flood hazard area was established, does not cause more than a one foot rise in the established base flood water surface elevation.

iii. At the County Engineer's discretion, where a regulatory floodway has been designated, it may not be necessary to determine the cumulative effects of existing encroachments.

d. Floodway boundary configurations will be examined and approved by the County Engineer. The following specific information, for the stream reach 1000 feet upstream and 1000 feet downstream from the proposed encroachment, must be submitted:

i. A copy of the printout for the hydraulic computer model representing the unencroached base flood profile run for conditions existing at the time the currently effective floodplain was developed. The printout must include the full input and output listing.

ii. A copy of the printout from the hydraulic computer model representing the floodway run for the proposed floodway configuration and including encroachments and other hydraulic changes within the floodplain since the currently effective floodplain was established. The printout

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must include the full input and output listing with all input changes from the original model highlighted.

iii. A copy of the floodway data table representing data for the proposed floodway configuration.

iv. A copy of the currently effective official engineering study showing the existing floodplain and the proposed floodway configuration.

v. Certification from a Colorado Registered Professional Engineer that the proposed floodway configuration, in combination with current floodplain hydraulic conditions, meets established requirements when evaluated against flood elevations established for unencroached conditions when the original floodplain study was completed.

8. An engineering report addressing those standards set forth in Paragraph 4-407(B) of this Section.

C. Standards for Permit Review

1. In reviewing an application for a floodplain development permit, the County Engineer shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

2. In addition, the County Engineer shall consider the following factors in reviewing permit applications:
   a. the effect of the proposal upon the efficiency or capacity of the floodway;
   b. the effect on lands upstream, downstream and in the immediate vicinity of the development including the potential danger to persons;
   c. the effect of the proposal on the flood profile and flood heights;
   d. the effect of the proposal on any tributaries to the main stream, drainage ditches, water supply and irrigation ditches, or any other drainage or irrigation facilities or systems;
   e. the relationship of the proposed development to the flood management program for the area in question, including whether additional public expenditures for flood protection or prevention will be necessary;
   f. whether the applicant would obtain an undue advantage compared to later applicants who might request a permit;
   g. if the proposed use is for human occupancy;
   h. the probability that materials may be swept onto other lands or downstream to the injury of others;

i. the susceptibility of the proposed facility and its contents to flood damage;

j. the safety of access to the property in times of flood for ordinary and emergency vehicles;

k. whether any proposed changes in a watercourse will have an environmental effect on the watercourse, including streambanks and streamside trees and vegetation;

l. the relationship of the proposed development to the *Boulder County Comprehensive Plan* and any applicable floodplain management programs;

m. whether the cumulative effect of the proposed development with other existing and anticipated uses will increase flood heights more than one foot; and

n. if the expected heights and velocities of the floodwaters expected at the site will adversely affect the development of surrounding property.

3. If the County Engineer determines that the application for floodplain development permit meets the purposes and requirements of this Section, the floodplain development permit shall be issued, with the attachment of any conditions as deemed necessary to further the purposes of this Section. Such conditions may

include, but are not limited to, specifications for modification of waste disposal methods and facilities, landscaping, periods of operation, operational controls, sureties, deed restriction, and adequate floodproofing.

D. Board of Commissioners Review

1. In the event that the County Engineer determines that a floodplain development permit application for any development in the floodway meets the applicable standards for approval, the permit will not be effective until 14 days after the date of permit issuance. *(6/29/95)*

   a. At the time of permit approval, the County Engineer shall do the following:

      i. within seven days, publish a public notice of the proposed use and the permit issuance in a newspaper of general circulation in Boulder County;

      ii. shall transmit a copy of the notice to property owners adjacent to the property in question; and

      iii. forward to the Board of County Commissioners a written statement which shall include (1) the location and a description of the proposed use under the permit; (2) the reasons for approval of the permit; and (3) any conditions the County Engineer placed on the issuance of the permit.

   b. Upon receiving the Director's

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statement, and before the effective date of the permit, the Board may call the permit up for review at a public hearing.

i. This hearing shall constitute a revocation of the permit.

ii. At the public hearing, the Board shall consider evidence related to the permit which may be presented by the County Engineer, the applicant, or interested members of the public.

iii. The Board shall determine whether the application meets the requirements of this article, and if it so finds, shall issue the permit, with such conditions as the deemed appropriate.

E. Permit Expiration, Certification Enforcement

1. The County Building Official shall not issue any building permit for, nor shall the Director issue any use permit involving any building, structure, or other development within the FO district unless a floodplain development permit has been granted for the development.

2. A floodplain development permit shall expire two years after the date of issuance if the permittee has not commenced construction under the permit.

3. Whenever the County Engineer has personal knowledge of any violation of the provisions of this section, he shall give written notice to the violator to correct such

violation within thirty days after the date of such notice.

a. Should the violator fail to correct the violation within this 30 day period, the County Engineer may request that the sheriff of the County issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.

b. The summons and complaint shall require that the violator appear in County Court at a definite time and place stated therein to answer and defend the charge.

4-408 Nonconforming Structures and Uses

A. Existing Structures and Uses

1. The use of any structure on land within the FO district that was lawful before the adoption or amendment of this Section, but that does not conform to the requirements of this Section may be continued subject to the following conditions:

a. No such building structure or use may be expanded or enlarged unless the expansion or enlargement itself complies with the floodproofing provisions of Paragraph 4-405 of this Section.

i. When a building or other structure has been damaged so that the market value of such repair or replacement does not exceed 50 percent of the market value before the damage occurred, the structure may be restored to its size immediately before

the damage occurred.

ii. Such reconstructed portion shall be constructed as required within Paragraph 4-405 of this Section, and shall not be deemed to be a substantial expansion or enlargement.

iii. Any restoration or replacement of a structure damaged to an extent exceeding 50 percent of its market value before the damage occurred shall be deemed to be a substantial expansion or enlargement, and the entire structure shall be protected as required with Paragraph 4-405 of this Section.

2. A substantial improvement to any building or other structure or change in the use of a building or structure will require that the building or structure conform to the requirements of this article.

3. No person shall store or process materials that are buoyant, flammable, hazardous, toxic or explosive, or that in times of flooding could be harmful to human, animal, or plant life except at or above the flood protection elevation.

4. No person shall expand or enlarge an existing building or other structure or use unless it conforms to the requirements of this Article.

B. If a conflict arises between the requirements of this Section and the provisions of Section 4-1000, Nonconforming Structures and Uses, the requirements of this Section shall control.

4-409 Appeals

A. Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a floodplain development permit or by the decision of the County Engineer based upon or made in the course of the administration or enforcement of the provisions of this Section.

4-500 Use Regulations

4-501 Agri-business Uses

A. **Agricultural Products Processing and Storage**

1. ***Definition***: The processing and storage of agricultural products brought to the site, including but not limited to cleaning, sorting, grading, packaging milling, or storing of products which are intended for direct human or animal consumption or use.

2. *Districts Permitted:* By right in **LI** and **GI**; by special review in **A**

3. *Parking Requirements:* One space per 500 square feet of floor or storage area

4. *Loading Requirements:* One loading space for 10,000 or more square feet of floor or storage area

5. *Additional Provisions:* None

B. **Agricultural Products Retail Outlet**

1. Definition: A location for the retail sale of agricultural products, a majority of which are not grown on site, and are intended for direct human or animal consumption or use.

2. Districts Permitted: By right in B, C, and GI; by special review in A and RR

3. Parking Requirements: One space per 200 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:
   a. One single family dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.

C. **Commercial Feed Yard**

1. Definition: A place of confinement (whether by structures, fences, pens, corals, or enclosures) for cattle, swine, sheep, poultry, fur bearing animals, or other livestock, where the density of **animal units** on the parcel exceeds that allowed in the zoning district within which the use is located. The primary purpose of such confinement is to provide for the ultimate sale of products from such animals or the animals themselves. Educational agricultural projects are excepted from this use.

2. Districts Permitted: By special review in A

3. Parking Requirements: To be determined through the special review

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:
   a. One single family dwelling, occupied by the owner, operator, or manager of the feed yard will be considered customary and incidental as a part of this use.

D. **Custom Meat or Poultry Processing Facility**

1. Definition: A facility for the processing of meat and poultry for individuals, not intended for resale on the premises, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products.

2. Districts Permitted: By special review in A and GI; by limited impact in A as outlined in 4-501(D)(5)(a), below

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:
   a. This use is allowed by limited impact special review in the A district if the facility:
      i. has five or fewer employees on site at one time;

ii. processes no more than 200 poultry or rabbits per day or 60 larger meat animals per week; or

iii. does not include retail sales.

E. **Keeping of Nondomestic Animals**

1. Definition: The location for commercial dealers, breeders, exhibitors, transporters, or researchers of any and all species listed by the Colorado Division of Wildlife as nondomestic.

2. Districts Permitted: By special review in all districts

3. Parking Requirements: To be determined through special review

4. Loading Requirements: To be determined through special review

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state and federal permits.

   b. One single family dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.

4-502 Agricultural Uses

A. **Commercial Nursery**

1. Definition: A use, wholly or partially

contained within one or more greenhouses, where trees, shrubs, flowers, or vegetable plants are grown and sold either wholesale or retail.

2. Districts Permitted: By right in A, LI, and GI; by special review in F and RR

3. Parking Requirements: One space per 1,000 square feet of floor area.

4. Loading Requirements: One space per 10,000 square feet of floor area.

5. Additional Provisions:
   a. Sales of non-plant or animal products may comprise no more than 10% of total sales.

   b. One single family dwelling, occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as a part of this use.

B. **Equestrian Center**
   1. ***Definition***: An establishment where 15 or more different people per month, other than the owner or manager of the property, are, for a fee, trained or instructed in riding, driving, or showing horses.

   2. Districts Permitted: By right in A; by special review in F and RR

   3. Parking Requirements: Sufficient to accommodate the use on site

   4. Loading Requirements: Sufficient to accommodate the use on site

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5. Additional Provisions:
   a. Setback Requirements: Unlighted outdoor equestrian arenas shall be set back 300 feet from existing schools, churches and dwelling on other lots, unless reduced through special review or site plan review.

   b. Limited impact special review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses.

   c. Special review is required for competitive events open to participants outside of those who board or train at the facility.

   d. Existing establishments will be considered conforming at their present levels of use provided a site plan and description of the operation, including number and types of competitive events, is submitted to the Land Use Department by December 31, 1999. Increasing the number of competitive events or lighting for night time riding activities will require special review or limited impact special review as required in (b) above (Section 4-600).

   e. One single family dwelling, occupied by the owner or manager of the equestrian center, will be considered customary and incidental as a part of this use.

   f. This use requires a building lot. Activities related to the use may

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occur on agricultural outlots which do not prohibit the activity, however no structures related to the use are allowed on the outlot.

g. Boarding of horses is permitted. *(8/13/98)*

C. **Intensive Agricultural Uses**

1. Definition: Agricultural uses where the principal nonresidential use of the property is contained within one or more structures, including but not limited to agricultural storage facilities, accessory greenhouses and storage for accessory sales of agricultural or horticultural products.

2. Districts Permitted: By right in A, LI, and GI; by special review in F and RR

3. Parking Requirements: One space per 1,000 square feet of floor area.

4. Loading Requirements: One space per 10,000 square feet of floor area.

5. Additional Provisions:

   a. Sales of non-plant and animal products may comprise no more than 10% of total sales.

   b. One single family dwelling, occupied by the owner, operator, or manager of the farm, would be considered customary and incidental as a part of this use.

D. **Open Agricultural Uses**

1. Definition: Agricultural uses which do not have structures, other than accessory

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structures, associated with their operation, including but not limited to the grazing, keeping and use of livestock, the production of agricultural or horticultural products, and accessory storage.

2. Districts Permitted: By right in F, A, RR, ER, LI, GI, and MI

3. Parking Requirements: One space per 1,000 square feet of floor area.

4. Loading Requirements: One space per 10,000 square feet of floor area.

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located unless it has an associated dwelling.

   b. Sales of agricultural and horticultural products grown on parcels under the same ownership or lease is permitted in F, A, LI, and GI.

   c. One single family dwelling, occupied by the owner or manager of the farm, will be considered customary and incidental as a part of this use.

   d. Boarding of horses is permitted. Improved riding facilities may be provided in connection with boarding and made available to fewer than 15 different individual people per month, in addition to the owner or manager of the property.

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i. Limited impact special review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses. Special review is required for competitive events open to participants outside of those who board or train at the facility. *(8/13/98)*

4-503 Commercial/Business Service Uses

A. **Building Contracting Shop**

1. Definition: A facility providing for general building repair, service, and maintenance including installation of plumbing, roofing, signs, electrical, air conditioning, and heating.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: One space per 200 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

B. **Carpentry, Woodworking, or Furniture Making Facility**

1. Definition: A facility for the making, repairing, or refinishing of furniture or wood products for direct retail sale.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: One Space per 500

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square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

C. **Car Wash**

1. Definition: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.

2. Districts Permitted: By right in C and GI

3. Parking Requirements:
   a. One space per washing bay

   b. Five stacking spaces per washing bay

4. Loading Requirements: None

5. Additional Provisions: None

D. **Commercial Bakery**

1. Definition: A commercial establishment for the production of baked goods, primarily for sale to other commercial establishments.

2. Districts Permitted: By right in C, LI, and GI

3. Parking Requirements: One space per

5000 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

E. **Commercial Laundry and Dry Cleaning**

1. Definition: A facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

F. **Kennel***(10/12/2000)*

1. Definition: Any place or premises, other than a pet shop or veterinary clinic, used in whole or part for the purpose of keeping eight or more dogs or cats in any combination whether the animals are boarded or household pets.

2. Districts Permitted: By special review or limited impact special review in A; by special review in F and MI

3. Parking Requirements: One space per 300 square feet of enclosed floor area, with a

minimum of two spaces.

4. Loading Requirements: None

5. Additional Provisions:
   a. For kennels with eight to 12 dogs or cats:
      i. the animals shall be kept a minimum of 100 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect; and
      ii. kennels of this size require limited impact special review
   b. For kennels with more than 12 dogs or cats:
      i. the animals shall be kept a minimum of 300 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect.
      ii. kennels of this size require special review.
   c. If a single family dwelling is used as the holding facility for boarded animals, the use shall be limited to no more than 12 boarded animals but in no case shall there be more than 15 dogs including household pets or no more than 15 total cats including household pets, and the requirements of 5 (a) above shall apply.
   d. One single family dwelling, occupied by the owner, operator, or manager of the business will be considered

customary and incidental as a part of this use.

e. Kennels which legally existed on April 1, 2000 will be considered conforming at their present levels of use provided a site plan and description of the operation is submitted to the Land Use Department by December 31, 2000.

G. **Machine Shop**

1. Definition: A facility where material is processed or treated by machining, cutting, grinding, welding, or similar processes.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

H. **Printing and/or Publishing Establishment**

1. Definition: A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.

2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements: One space per 500 square feet

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

I. **Vehicle Sales/Rental Lot** ***(9/5/96)***

1. Definition: A parcel designated for the sale or rent of three or more motor vehicles per year. Vehicles include but are not limited to cars, trucks, boats, recreation vehicles, and trailers.

2. Districts permitted: By right in GI; by special review in B and C for operations entirely contained inside a structure.

3. Parking Requirements: one space for every 500 square feet of floor area and 1000 square feet of outside display area.

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area.

5. Additional Provisions:
   a. A vehicle service center to maintain vehicles displayed on the premises shall be considered customary and incidental to this use.

   b. A vehicle sales/rental lot may not be considered accessory to another principal use.

4-504 Forestry Uses

A. **Forestry**

1. Definition: Cultivating and maintaining forests and managing forest land, including the selling of firewood produced on the parcel.

2. Districts Permitted: By right in F, A, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located unless it has an associated dwelling.

   b. One single family dwelling, occupied by the owner, operator, or manager will be considered customary and incidental as a part of this use.

4-505 Industrial Uses

A. **Composting Facility** *(11/26/96)*
   1. Definition: A facility where organic materials are converted into a humus-like material under a process of managed biological decomposition.

   2. Districts Permitted: By special review in A and GI

   3. Parking Requirements: One space per 1000 square feet of floor area.

4. Loading Requirements: One space per 10,000 square feet of floor area.

5. Additional Provisions:
   a. Backyard composting and composting incidental to farming operations are exempt from these requirements when:
      i. None of the materials to be composted are collected on site from the general public;
      ii. Materials to be composted are limited to agricultural and yard by-products such as plant material and manure;
      iii. Composted material is not sold retail from the site;
      iv. The location of the composting is at least 300 feet from any property line if more than 50 cubic yards of material is being composted at any one time; and
      v. The total amount of active composting material does not exceed 1,000 cubic yards at any one time.
      vi. No more than 1,500 cubic yards of composted material may be removed from the site in any 36 month period.
   b. In the General Industrial District, composting and composting incidental to operations are exempt

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from special use when:

i. Materials to be composted are limited to organic materials;

ii. The location of the composting is at least 300 feet from any property line if more than 50 cubic yards of material is being composted at any one time; and

iii. The total amount of active composting material does not exceed 1,000 cubic yards at any one time.

c. Organic materials include but are not limited to leaves, tree trimmings, untreated wood, shrubbery cuttings, or urea.

B. **General Industrial**

1. Definition: Any manufacturing operation or industrial use, including but not limited to milling and processing of ore, junkyards, slaughter houses, and batch plants, which is not specifically listed in this Code.

2. Districts Permitted: By special review in GI

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:

a. This use shall also be granted and maintain all applicable local, state, and federal permits.

b. Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

C. **Light Industrial**

1. Definition: Places for the conduct of any light industrial activity, which is notspecifically listed in this Code, including but not limited to assembling, compounding, food or beverage processing, inside storage, processing or treatment of products, scientific research, and sign manufacturing.

2. Districts Permitted: By right in LI and GI

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

   b. Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

D. **Outside Storage**

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1. Definition: The outside placement of items for a period of more than twenty-four hours.

2. Districts Permitted: By right in GI; by special review in LI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. The items being stored must be screened from the view of adjacent roadways and properties.

   b. Any vehicles or trailers shall be licensed and operable and may not be used for storage.

E. **Recycling Collection Center, Large** *(9/5/96)*
   1. Definition: A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting facility.

   2. Districts Permitted: By right in GI; by special review in C

   3. Parking Requirements: None

   4. Loading Requirements: None

   5. Additional Provisions:
      a. This use shall be considered customary and incidental to a Solid Waste Transfer Facility.

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b. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

c. Organic materials are limited to plant matter including but not limited to tree limbs, leaves, and grass clippings.

F. **Recycling Processing Facility** *(9/5/96)*

1. Definition: A facility where recyclable and organic materials are collected and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

2. Districts Permitted: By special review in GI; by special review in LI when operations are contained entirely inside a structure.

3. Parking Requirements: to be determined through special review

4. Loading Requirements: to be determined through special review

5. Additional Provisions:

   a. Facilities where the sole purpose is to utilize recyclable materials in manufacturing an end product which does not require further processing shall be considered a General Industrial and not a recycling use.

   b. Organic materials include but are not limited to tree limbs, food wastes, leaves, and grass clippings.

G. **Saw Mill**

1. Definition: A facility for the storage, sales, and milling of forest products, not including the cutting of firewood.

2. Districts Permitted: By right in GI; by special review in F and A

3. Parking Requirements: One space per 500 square feet of floor area or area of operation

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

H. **Solid Waste Disposal Site and Facility**

1. Definition: The location and facility at which the collection, storage, treatment, utilization, processing, or final disposal of wastes occur.

2. Districts Permitted: By special review in A, GI

3. Parking Requirements: *none*

4. Loading Requirements: *none*

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

   b. This use is not required to be located on a building lot, or comply with the minimum lot size

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requirements for the district in which it is located.

I. **Solid Waste Transfer Facility**

1. Definition: A facility at which wastes, awaiting transportation to a disposal site and facility, are transferred from one collection vehicle to another.

2. Districts Permitted: By special review in F, A and GI

3. Parking Requirements: To be determined through special review

4. Loading Requirements: To be determined through special review

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

   b. This use is not required to be located on a building lot, or comply with the minimum lot size requirements for the district in which it is located.

4-506 Institutional and Uses of Community Significance

A. **Cemetery**

1. Definition: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.

2. Districts Permitted: By special review in A, RR, SR, MF, and MI

3. Parking Requirements: To be determined through special review

4. Loading Requirements: To be determined through special review

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

B. **Church**

1. Definition: A facility principally used for people to gather together for public worship, religious training, or other religious activities.

2. Districts Permitted: By right in all districts except F

3. Parking Requirements: One space per 30 square feet of the worship area, plus any parking required for incidental uses

4. Loading Requirements: None

5. Additional Provisions:
   a. The structure height limitations of this Code shall not apply to church spires, belfries, or cupolas.

   b. One single family dwelling for the housing of the pastor or similar leader of the church and their family will be considered customary and

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incidental as a part of this use.

C. **Day Care Center**

1. Definition: A facility which provides less than 24-hour care or supervision for nine or more persons who are not related by blood, marriage, or adoption to the owner, operator, or manager, whether such facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose. *(10/3/00)*

2. Districts Permitted: By right in B, C, LI, and GI; by special review A, RR, ER, SR, MF, MH, MI, and T

3. Parking Requirements: One space per employee plus one space per 200 feet of floor area, or as determined through special review

4. Loading Requirements: None

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

D. **Emergency Care Facility**

1. Definition: A health care facility, providing primarily outpatient emergency care for the diagnosis and treatment of individuals.

2. Districts Permitted: By right in MF, T, B, C, LI, GI; by special review in A, RR, and SR

3. Parking Requirements: One space per 330 square feet of floor area

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4. Loading Requirements: None

5. Additional Provisions: None

E. **Group Care or Foster Home**

1. Definition: A facility which provides 24-hour care or supervision of persons who are not related by blood, marriage, or adoption, to the owner, operator, or manager thereof, and who do not meet the definition of family under this Code. A Group Care or Foster Home may be operated by a public, nonprofit, or private agency.

2. Districts Permitted: By special review F, A, RR, ER, SR, MF, MH, MI, T, and B

3. Parking Requirements: To be determined through special review

4. Loading Requirements: None

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

F. **Hospital**

1. Definition: An institution where people are given medical attention and treatment, including related facilities such as laboratories, outpatient clinics, and staff offices.

2. Districts Permitted: By right in T, B, and GI

3. Parking Requirements: One space per patient bed

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4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

G. **Nursing, Convalescent, or Residential Care Facility**

1. Definition: A facility which provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility, and who do not meet the definition of family under this Code. A Nursing, Convalescent, or Residential Care Facility provides some level of skilled nursing or medical service to the residents.

2. Districts Permitted: By special review in all districts except F

3. Parking Requirements: One parking space per three patient beds

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

H. **Educational Facility**

1. Definition: Buildings and uses for educational or research activities associated with an academic institution which has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher

education, including residential facilities for faculty, staff, and students.

2. Districts Permitted: By special review all districts, except F

3. Parking Requirements:
   a. For kindergarten, elementary, and middle school facilities...three spaces per classroom

   b. For all other facilities...10 spaces per classroom

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

I. **Use of Community Significance**

1. Definition: A use which the Board of County Commissioners determines to have significant historic, cultural, economic, social, or environmental value to Boulder County, which does not conform to the use regulations of the district in which the use is located as a result of either the adoption or amendment of this Code, and which cannot be made conforming through any other discretionary review process under this Code.

2. Districts Permitted: By special review in all districts

3. Parking Requirements: To be determined

through special review

4. Loading Requirements: To be determined through special review

5. Additional Provisions:
   a. This use must meet the criteria outlined in Paragraph 4-602(E) of this Code.

4-507 Lodging Uses

A. **Bed and Breakfast**
   1. Definition: An owner-occupied dwelling unit offering transient lodging accommodations where meals may be provided.

   2. Districts Permitted: By special review in F, A, RR, SR, and MI

   3. Parking Requirements: To be determined through special review

   4. Loading Requirements: None

   5. Additional Provisions:
      a. A Bed and Breakfast may have no more than three guest rooms or serve no more than six guests per night.

B. **Campground**
   1. Definition: An area of land on which accommodations for temporary occupation are located or may be placed. This includes, but is not limited to, tents and recreational vehicles.

   2. Districts Permitted: By special review in F,

A, and MI

3. Parking Requirements: To be determined through special review

4. Loading Requirements: None

5. Additional Provisions:
   a. Actual density will be set in the special review; however, in no case shall a campground contain more than 8 camp sites per acre.

   b. A minimum 250 foot landscaped buffer is required adjacent to private lands.

   c. Camping, on a parcel, by the property owner, may occur no more than 14 days a year as a temporary allowed use. *(9/5/96)*

C. **Overnight Lodging**

1. Definition: A facility offering transient lodging accommodations on a daily basis to the general public, and in which no provision is made for cooking in any individual room or suite. The Overnight Lodging facility may also include incidental business uses commonly associated with the main lodging use.

2. Districts Permitted: By right in T, B, C, LI, and GI

3. Parking Requirements: One space per room plus one space per 50 rooms, and any parking required for incidental uses

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4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

D. **Resort Lodge, Conference Center, or Guest Ranch**

1. Definition: A facility, including either a single building or resort cabins, which serves as a destination point for visitors, and generally has accessory recreational facilities for the use of guests.

2. Districts Permitted: By right in T, B, C, LI, and GI; by special review in F, A, and MI

3. Parking Requirements: One and one-half spaces per room or cabin

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:
   a. All buildings must be connected to a central water and sewer system.

   b. Guest residency is limited to no more than 90 days.

4-508 Mining Uses

A. **Limited Impact Open Mining**

1. Definition: The extraction of earth materials by mining directly from the exposed deposits or other materials where mining operations affect less than ten acres of

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land within a parcel and extract less than 70,000 tons of earth materials, and which (a) proposes to export material in excess of 500 cubic yards off the parcel on which the mining occurs, (b) has operations that exceed five consecutive days or 14 days total, and/or (c) utilizes blasting.

2. Districts Permitted: By limited impact special review in all districts

3. Parking Requirements: To be decided through special review

4. Loading Requirements: To be decided through special review

5. Additional Provisions:
   a. Exceptions to this use include:
      i. The removal of decorative building materials naturally exposed at the surface of the earth.

      ii. The extraction of sandstone where such extraction does not exceed a total of 3600 tons in any 12 month period. For the purposes of this provision, sandstone is defined to be a hard, well-bedded sedimentary rock known locally as the Lyons sandstone. This material is rincipally used as a building stone; however, included in the definition of sandstone are waste materials, removed in the process of exposing/extracting usable building stone.

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iii. Excavations below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit, or authorized by a grading permit.

b. The term limited impact open mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying and dredging.

c. This use shall also be granted and maintain all applicable local, state, and federal permits.

B. **Oil and Gas Drilling or Production, on subdivided land** *(9/5/96)*

1. Definition: Any operation utilizing equipment which advances a bore hole into substrata for the purpose of discovery, development, and/or production of oil or gas.

2. Districts Permitted: By development plan review for oil and gas operations in all districts (4-900)

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions: None

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C. **Oil and Gas Drilling or Production, on unsubdivided land** *(9/5/96)*

1. Definition: Any operation utilizing equipment which advances a bore hole into substrata for the purpose of discovery, development, and/or production of oil or gas.

2. Districts Permitted: By development plan review for oil and gas operations in all districts (4-900)

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions: None

D. **Open Mining**

1. Definition: The extraction of earth materials by mining directly from the exposed deposits or other materials. Exceptions to this use include those operations which fit the definition of limited impact open mining and excavations below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit. The term open mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying and dredging.

2. Districts Permitted: By special review in F, A, GI, and MI

3. Parking Requirements: To be determined through special review

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4. Loading Requirements: To be determined through special review

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

   b. This use shall also be granted and maintain all applicable local, state, and federal permits.

   c. Processing of the mined material (to the extent approved through the special use process) may occur on the parcel where the mining is situated, or on a parcel owned or leased by the mining parcel owner, lessee, or operator provided the parcel is located within 1,000 feet of the mining parcel. *(9/5/96)*

E. **Subsurface Mining** *(6/10/97)*
   1. Definition: The extraction of natural mineral deposits, except uranium, by underground methods, including the milling and processing of the ore produced and the reprocessing of tailings.

   2. Districts Permitted: By development plan review, limited impact special review or special review in F and MI; by special review in A, and GI

   3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. The following review is required in F:
      i. Development plan review is required in F and MI when:
         A. the use has a total production level of less than 20,000 tons per year and generates less than 7 average daily truck trips, as defined by the Institute of Transportation Engineers (with trucks defined as vehicles of greater than 26,000 pounds gross vehicle weight);

         B. the use is on federal land, regardless of whether it triggers a higher level of review under subsections (ii) and (iii), immediately below.

      ii. Limited impact special review is required in F and MI when the use:
         A. has a total production level of between 20,000 and up to, but not including, 70,000 tons per year; or

         B. generates between 7 and up to, but not including, 20 average

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daily truck trips, as defined by the Institute of Transportation Engineers (with trucks defined as vehicles of greater than 26,000 pounds gross vehicle weight).

iii. Special use review is required in F and MI when the use:

A. has a total production level of 70,000 tons per year or more; or, generates 20 or more average truck daily trips, as defined by the Institute of Transportation Engineers (with truck trips defined as in (i) above); or,

B. has associated milling to occur above-ground or creates surface tailings; or

C. falls within the threshold limits for development plan review as defined in (i) (A) above, or falls within the threshold limits for limited impact special review as defined in (ii) (A) and (B) above but the area to be disturbed is located within or within 500 feet of a County subdivision or

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substantially developed townsite.

iv. In any of the applicable review processes required under subsections (i)-(iii), immediately above, the Director, Planning Commission and Board of County Commissioners, as applicable, shall consider the cumulative impacts of the proposed subsurface mining use with reference to prior or contemplated subsurface mining in the vicinity of the proposed use when applying the applicable review criteria to the use.

b. Any existing subsurface mining operation may continue at its current level, or the mining activity may expand up to the levels approved in its existing state mining permit issued on or before June 10, 1997, or must have been lawfully established prior to state mining permit requirements and have operated since January 1, 1987.

c. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

d. This use shall also be granted and maintain all applicable local, state, and federal permits.

F. **Subsurface Mining of Uranium**

1. Definition: The extraction of natural uranium deposits by underground methods.

2. Districts Permitted: By special review in F, A, GI, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

   b. This use shall also be granted and maintain all applicable local, state, and federal permits.

4-509 Office Uses

A. **Professional Office**

1. Definition: An office for professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. This use includes medical and dental clinics.

2. Districts Permitted: By right in T, B, C, LI, and GI

3. Parking Requirements: One space per 330 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

4-510 Recreation Uses

A. **Golf Course**

1. Definition: A recreational facility primarily used for the purpose of playing golf, but which may include associated eating and drinking areas, retail sales areas, and staff offices.

2. Districts Permitted: By special review in F, A, RR, ER, SR, MF, T, and MI

3. Parking Requirements: To be determined through special review

4. Loading Requirements: To be determined through special review

5. Additional Provisions: None

B. **Indoor Recreation**

1. Definition: An entirely enclosed facility which offers entertainment or games of skill for a fee, including but not limited to a bowling alley, billiard parlor, or a video game arcade. This use may include associated eating and drinking areas, retail sales areas, and staff offices.

2. Districts Permitted: By right in T, B, C, LI,

http://www.co.boulder.co.us/lu/lunode/article4.htm

and GI

3. Parking Requirements: One space per 200 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

C. **Livery or Horse Rental Operation**

1. Definition: A facility which offers horses, mules, donkeys or other animals for hire, or organizes and/or supervises groups, for riding off the property.

2. Districts Permitted: By special review in F, A, and MI

3. Parking Requirements: Sufficient to accommodate the use on site

4. Loading Requirements: Sufficient to accommodate the use on site

5. Additional Provisions: None *(8/13/98)*

D. **Membership Club**

1. Definition: A facility, including associated eating, drinking, and recreational facilities, owned or operated by a group of people organized for a common social, educational, service, or recreational purpose. These clubs are usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, a constitution, and by-laws.

2. Districts Permitted: By right in T, B, C, LI,

and GI; by special review in F, A, and MI

3. Parking Requirements: One space per 75 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

E. **Outdoor Recreation, for day use**

1. Definition: An area or facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside only during daylight hours. This includes but is not limited to a golf driving range, rifle range, boating facility, tennis facility, or a miniature golf course.

2. Districts Permitted: By right in T, B, C, LI, and GI; by special review in F, A, and MI

3. Parking Requirements: One space per 200 square feet of active area

4. Loading Requirements: None

5. Additional Provisions: None

F. **Outdoor Recreation, for night use**

1. Definition: An area or facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside and may include lighted areas for use after dusk. This includes but is not limited to a golf driving range, rifle range, boating facility, tennis facility, or a miniature golf course.

2. Districts Permitted: By special review in F, A, T, B, C, LI, GI, and MI

3. Parking Requirements: One space per 200 square feet of active area

4. Loading Requirements: None

5. Additional Provisions: None

G. **Park or Playfield, for day use**

1. Definition: A recreational area providing parks and playfields for use during daylight hours only.

2. Districts Permitted: By right in F, A, RR, ER, SR, MF, MH, T, B, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

H. **Park or Playfield, for night use**

1. Definition: A recreational area providing parks and playfields which may include lighted areas for use after dusk.

2. Districts Permitted: By special review F, A, RR, SR, MF, MH, T, B, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

I. **Public Recreation Center**
   1. Definition: A publicly owned recreational area providing recreational facilities such as playgrounds, parks, game courts, swimming pools, and playing fields.

   2. Districts Permitted: By special review in F, A, RR, SR, MF, MH, and MI

   3. Parking Requirements: One space per 200 square feet of active area

   4. Loading Requirements: None

   5. Additional Provisions: None

J. **Ski Area**
   1. Definition: A recreational facility for alpine and nordic skiing, including associated lodge buildings, ski school, eating and drinking areas, and retail sales.

   2. Districts Permitted: By special review in F and MI

   3. Parking Requirements: To be determined through special review

   4. Loading Requirements: To be determined

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through special review

5. Additional Provisions: None

4-511 Residential Uses

A. **Boarding House**

1. Definition: A building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such a building.

2. Districts Permitted: By right in MF, T, B, C, and GI

3. Parking Requirements: One space per bedroom

4. Loading Requirements: None

5. Additional Provisions: None

B. **Manufactured Home Park**

1. Definition: A parcel of land upon which two or more manufactured homes, occupied or intended to be occupied for dwelling purposes, are located.

2. Districts Permitted: By right in MH

3. Parking Requirements: Two off-street parking spaces must be provided for each manufactured home space involved in a

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substantial modification to an existing manufactured home park.

4. Loading Requirements: None

5. Additional Provisions:
   a. Required Park Inventory Report
      i. Any manufactured home park which has received special review approval for the park is not required to submit a park inventory report. Any such manufactured home park shall be considered to be a use by right at the level of development and on the conditions set forth through special review. The special review approval shall become the governing park inventory report for the park.

      ii. The park inventory report shall include the following information:
         A. A site plan at a scale of 1' to 100 feet showing the acreage covered by the existing manufactured home park; the number, location, and

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size of all manufactured home spaces; the location and width of roadways and sidewalks or other pedestrian ways; the location and size of vehicular parking lots and recreation areas and amenities; and the location of service buildings and any accessory structures.

B. An inventory of the existing manufactured homes located in the park, including serial and/or VIN number; model type and description; date of manufacture; and identification of space on which each home is located.

C. Documentation showing source of water supply,

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and methods used for sanitation, garbage disposal, and fire protection, including but not necessarily limited to evidence of all required governmental or quasi-governmental approvals, licenses, and conditions of service.

D. Additional information as may be reasonably requested by the Director to enable him to determine and document the existing level and type of development within the park.

b. Substantial Modifications to Existing Manufactured Home Parks

i. The substantial modification of a manufactured home park from the level of use defined in the park inventory report requires an

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amendment to that report. A substantial modification includes (1) any increase in the number of manufactured homes or home spaces within the park; (2) any change in the location or configuration of manufactured homes or home spaces within the park; (3) any addition of structures to service the park residents; (4) any change in the type or level of public services servicing the park; and (5) any other change which alters the basic character, layout, or the intensity of use of or in the park.

ii. Process for Approving Substantial Modification through Amendment of park inventory report

A. No substantial modification of an existing manufactured home park may occur unless the owner of the park submits a complete application to the Director for administrative approval of an amendment to

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the park inventory report. This application shall sufficiently describe the requested amendment, and shall attach all information required for the park inventory report under Paragraph 4-511(5)(a)(ii), above, and any additional information necessary to address the applicable criteria set forth below.

B. The Director shall refer the application to all appropriate referral agencies and all interest holders in the subject property, as identified in the title report supplied by the applicant for this purpose.

C. The Director shall have the discretion to

approve, conditionally approve, or disapprove the application, in a written decision mailed to the applicant, subject to the approval standards listed below, and based upon an entire review of the materials submitted by the applicant and the referral responses.

D. Any final written decision of the Director may be appealed by any interested party to the Planning Commission for a de novo public hearing, provided that such an appeal is filed in writing with the Director no later than 30 days after the date of his decision. Any interested party may appeal from the Planning Commission decision for a

de novo public hearing before the Board of County Commissioners, provided that such as appeal is filed in writing with the Director no later than 30 days after the date of the Planning Commission's decision.

iii. No application to amend a park inventory report shall be approved unless the Director determines that the following standards have been met for the proposed amendment:

A. Any increase in the number of manufactured homes or home spaces shall not result in more than eight manufactured homes per gross acre being located on the subject parcel.

B. Any development or activity proposed by the

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amendment shall be capable of being serviced by the park's existing services.

C. A minimum of 14 feet shall be provided between any manufactured homes involved in the proposed amendment, and all such homes must be located on a designated manufactured home space.

D. Existing streams, other water bodies or wetland areas, and plant and wildlife habitat, shall be preserved to the maximum extent possible.

E. The proposed change shall not cause any fire or other safety hazard.

F. At least two off-street parking

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spaces per manufactured home involved in the proposed amendment shall be provided.

G. Adequate open space or developed recreation areas shall be provided to serve the residents of the manufactured home park affected by the proposed amendment. At least 12 per cent of the area involved in the amendment shall be dedicated to private park or resident recreational use.

H. A landscaping plan shall be approved to ensure that adequate screening, shade, and vegetation are provided.

iv. The applicant must

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provide a satisfactory financial guarantee to the County to insure that all necessary public improvements are provided.

c. No new, additional, or replacement manufactured home, or any other form of manufactured housing or structure, including but not limited to camper trailers, shall be brought into or located within any manufactured home park for dwelling purposes, unless it meets the definition of manufactured home as set forth in Article 18 of this Code.

C. **Multifamily Dwelling**

1. Definition: A building which is occupied or which is arranged, designed, and intended to be occupied, by two or more families, and contains more than one dwelling unit, but not including hotels, motels, or boarding houses.

2. Districts Permitted: By right in MF and T

3. Parking Requirements: Two spaces per unit; units dedicated to elderly, 0.5 spaces per unit. *(9/5/96)*

4. Loading Requirements: None

5. Additional Provisions:

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a. Subdivision, pursuant to Section 30-28-101(10) C.R.S., required prior to the development of multifamily dwellings.

D. **Single Family Dwelling**

1. Definition: A detached building which is occupied or which is arranged, designed, and intended to be occupied, by not more than one family, and which contains not more than one dwelling unit.

2. Districts Permitted: By right in all districts

3. Parking Requirements: Two spaces

4. Loading Requirements: None

5. Additional Provisions: None

4-512 Retail and Personal Service Uses

A. **Bank**

1. Definition: A financial institution for the extension of credit, and the custody, loan, or exchange of money which may have drive through service.

2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements:

a. One space per 333 square feet of floor area

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b. Five stacking spaces per drive up window or station

4. Loading Requirements: None

5. Additional Provisions: None

B. **Building Material or Garden Store**

1. Definition: A facility for the sale of home, lawn, and garden supplies; landscaping materials; brick; lumber; and other similar materials. This use may include the outside storage of materials.

2. Districts Permitted: By right in C and GI; by special review in A and T

3. Parking Requirements: One space per 200 square feet of sales area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.

C. **Convenience Store**

1. Definition: Any retail establishment selling consumer products including primarily prepackaged food and household items, having a gross floor area of less than 5,000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum

products.

2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements:
   a. One space per 200 square feet of floor area

   b. One stacking space per gas pump

4. Loading Requirements: None

5. Additional Provisions: None

D. **Eating or Drinking Place, with drive through service**
   1. Definition: An establishment for the sale and consumption of food and beverages on the premises, which includes drive through service.

   2. Districts Permitted: By special review in T, B, C, and GI

   3. Parking Requirements:
      a. One space per 75 square feet of floor area

      b. Eight stacking spaces per drive up window or station

   4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

   5. Additional Provisions: None

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E. **Eating or Drinking Place, without drive through service**

1. Definition: An establishment for the sale and consumption of food and beverages on the premises, which does not include drive through service.

2. Districts Permitted: By right in B, C, and GI; by special review in T

3. Parking Requirements: One space per 75 square feet of public seating area *(9/5/96)*

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

F. **Indoor Theater**

1. Definition: A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.

2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements: One space per 30 square feet of floor area or one space per three fixed seats, whichever is greater

4. Loading Requirements: None

5. Additional Provisions: None

G. **Mortuary**

1. Definition: A facility where bodies are prepared for burial or cremation, which may include areas for embalming, performing of autopsies, and the storage of funeral supplies and vehicles.

2. Districts Permitted: By right in T, B, C, LI, and GI

3. Parking Requirements: One space per 200 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

H. **Outdoor Theater**

1. Definition: A facility for outdoor performances where the audience views the production from automobiles or while seated outside.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: If the theater has fixed seats, one space per three fixed seats; otherwise one space per 30 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

I. **Reception Halls and Community Meeting Facilities** *(9/5/96)*

1. Definition: A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.

2. Districts Permitted: By right in B, C, and GI; by special review in A, F, and T

3. Parking Requirements: One space per 30 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

J. **Recycling Collection Center, Small** *(9/5/96)*

1. Definition: A center for the acceptance and temporary storage of recyclable materials to be transferred to a processing facility. Small Recycling Collection Centers involve no more than 3 collection containers up to 40 total cubic yards in size.

2. Districts Permitted: By right in C, LI, and GI; by limited impact special use in F, A, T and B

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Requirements:

a. This shall be considered customary and incidental to Solid Waste Transfer Facilities and commercial or retail uses that are 20,000 square feet or larger.

b. Collection centers located in parking lots, may not occupy required parking spaces. A collection center must be arranged so as to not impede traffic flow.

c. Such a center does not include power driven processing equipment.

d. The owner of the property and the operator of the collection center shall remove products stored at the site at least once a week.

e. The owner of the property and the operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance.

f. Automated can recycling machines are limited to three per site.

K. **Retail or Personal Service Facility**

1. Definition: An establishment for the retail sale of merchandise or the provision of personal services, including drive through service. A

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retail facility includes but is not limited to antique or art shops, clothing. department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, package liquor, paint, pet, shoe, sporting, or toy stores. A personal service facility includes but is not limited to barber or beauty shop, dry cleaners, optometrist shop, photographic studio, or travel bureau.

2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements:
   a. One Space per 200 square feet of floor area

   b. Five stacking spaces per drive up window or station

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: *none*

L. **Vehicle Service Center**
   1. Definition: A facility for the retail sale of gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

   2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements:
   a. One Space per gas pump, plus two spaces per service bay

   b. One stacking space per service bay and car wash bay

4. Loading Requirements: *none*

5. Additional Provisions:
   a. A one bay car wash may be accessory to the vehicle service center.

M. **Veterinary Clinic, with outdoor holding facilities**
   1. Definition: A facility for the diagnosis, treatment, hospitalization, and harboring of animals, which includes outdoor holding facilities.

   2. Districts Permitted: By right in A, B, C, and GI

   3. Parking Requirements: One space per 330 square feet of floor area

   4. Loading Requirements: None

   5. Additional Provisions:
      a. Setback Requirements...300 feet from all lot lines

N. **Veterinary Clinic, without outdoor holding facilities**
   1. Definition: A facility for the

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diagnosis, treatment, hospitalization, and harboring of animals, which does not include outdoor holding facilities.

2. Districts Permitted: By right in A, T, B, C, LI, and GI; by special review in F, RR and ER

3. Parking Requirements: One space per 330 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

4-513 Transportation Uses

A. **Airport**

1. Definition: Areas used for the landing and take off of aircraft, and any appurtenant areas which are intended for use as airport buildings or other airport facilities. Such facilities may include land and buildings necessary or convenient for the accommodation of the public, including but not limited to parking, retail, dining, hotel, and training facilities.

2. Districts Permitted: By special review in A, T, B, C, LI, and GI

3. Parking Requirements: One space per 200 square feet of terminal building floor area

4. Loading Requirements: One loading space for 10,000 or more square

feet of floor area

5. Additional Provisions: None

B. **Heliport**

1. Definition: Any designated area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

2. Districts Permitted: By special review in F, A, T, B, C, LI, and GI

3. Parking Requirements: One space per 200 square feet of terminal building floor area, with a minimum of 5 spaces

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

C. **Helistop**

1. Definition: Any designated area used for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo. This use does not include fueling, refueling, or service facilities.

2. Districts Permitted: By special review in F, A, MF, T, B, C, LI, and GI

3. Parking Requirements: Five spaces

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4. Loading Requirements: None

5. Additional Provisions: None

D. **Park and Ride Facility**

1. Definition: A parking area and transit facility the purpose of which is to allow the parking of motor vehicles with a connection to mass transit service.

2. Districts Permitted: By special review in all districts

3. Parking Requirements: To be determined through special review

4. Loading Requirements: To be determined through special review

5. Additional Provisions: None

4-514 Utility and Public Service Uses

A. **Central Office Building of a Telecommunication Company**

1. Definition: An above ground structure which is in excess of eight feet in height which shelters telecommunications facilities required as an operating unit, including but not limited to the switch or other facilities used to establish connections between customer lines or between lines and trunk or toll lines to other central

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offices.

2. Districts Permitted: By review through areas and activities of state interest in all districts

3. Parking Requirements: To be determined through review

4. Loading Requirements: None

5. Additional Provisions: None

B. **Community Cistern** *(7/17/97)*

1. Definition: An underground water storage container with a capacity of over 5,000 gallons, operated by a municipality or fire district or department, which contains water utilized exclusively for fire protection.

2. Districts Permitted: By limited impact special review in all districts unless waived by the director. *(11/14/00)*

3. Parking Requirements: To be determined through special review

4. Loading Requirements: None

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the

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district in which it is located.

b. Any above ground water storage facility with a capacity over 5,000 gallons is required to meet the requirements of Section 4-514(M) or 4-514(N), as applicable.

c. The requirement for limited impact special review may be waived if the Director determines the community cistern will not have an impact on significant environmental or cultural resources identified in the Comprehensive Plan and that there is no potential for any significant conflict with the criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public. *(11/14/00)*

C. **Fire Barn**

1. Definition: A facility operated by a municipality, fire district, or department which houses fire equipment.

2. Districts Permitted: By limited impact special review in all districts

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3. Parking Requirements: To be determined through limited impact special review

4. Loading Requirements: None

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

D. **Fire Station**
   1. Definition: A facility operated by a municipality, fire district, or department which houses fire equipment and may be used for the housing of personnel and associated meetings.

   2. Districts Permitted: By special review in all districts

   3. Parking Requirements: To be determined through special review

   4. Loading Requirements: None

   5. Additional Provisions: None

E. **Major Facility of a Public Utility**
   1. Definition: Any electric transmission lines, power plants, or substations of electric utilities; major gas

regulator stations, transmission and gathering pipelines, and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities.

2. Districts Permitted: By review under the regulation of areas and activities of state interest, or special review and location and extent review in all districts

3. Parking Requirements: To be determined through the review

4. Loading Requirements: None

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

F. **Public or Quasi-public Facility Other Than Listed**
   1. Definition: A public or quasi-public facility other than those specified in this Section 4-514.

   2. Districts Permitted: By special review in all districts

   3. Parking Requirements: To be determined through special review

   4. Loading Requirements: To be determined through special review

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5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

   b. Electric transmission lines are not required to comply with the height requirement for the district in which it is located.

G. **Public Safety Telecommunication Facility**
   1. Definition: A facility owned and/or operated by a governmental agency or a volunteer public safety agency officially sanctioned by a government agency for that purpose, utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses.

   2. Districts Permitted: By limited impact special review in all districts

   3. Parking Requirements: None

   4. Loading Requirements: None

   5. Additional Provisions:
      a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the

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district in which it is located.

H. **Sewage or Water Transmission Lines**

1. Definition: Pipelines used for the transport of water or sewage.

2. Districts Permitted: By review under the regulation of areas and activities of state interest or location and extent review in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

I. **Sewage Treatment Facility**

1. Definition: A facility for the collection, treatment, and disposal of sewage, which has a designed capacity to receive more than 2000 gallons of sewage per day.

2. Districts Permitted: By review under the regulation of areas and activities of state interest, or special review and location and extent review in all districts

3. Parking Requirements: To be determined through the review

4. Loading Requirements: None

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply withthe minimum lot size requirement for the district in which it is located.

J. **Telecommunications Facility, utilizing an existing structure and meeting the height requirements of the district in which the facility is located**
   1. Definition: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on an existing structure, may or may not require accessory structures, and meets the height requirements of the district in which it is located. This use does not include any other use listed in this Code, devices not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less. *(2/14/02)*

   2. Districts Permitted: By right in all districts

   3. Parking Requirements: None

   4. Loading Requirements: None

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5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

   b. A separate accessory equipment building is allowed as long as it is no more than 10% of the gross floor area of all existing structures on the parcel or 450 square feet, whichever is less. *(2/14/02)*

   c. Site Plan Review is required for this use. *(9/5/96)*

K. **Telecommunications Facility, requiring a new structure or accessory structure exceeding the height limitation of the district in which the facility is located, or exceeding the accessory building size limitations set forth in subsection (J) immediately above** *(2/14/02)*
   1. Definition: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a new structure, requires accessory structures, or exceeds the height requirements of the district in which it is located. This use does not include any other use listed in this Code, devices not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

2. Districts Permitted: By special review in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. In addition to the general requirements for approval of a special use permit, telecommunication facilities shall also be subject to the requirements outlined in Section 4-600 of this Code.

   b. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

L. **Utility Service Facility**
   1. Definition: Any electrical distribution lines, natural gas distribution lines, minor gas regulator stations, cable television lines, telegraph and telephone lines, and gathering lines, or other minor service facilities.

   2. Districts Permitted: By right in all districts

   3. Parking Requirements: None

   4. Loading Requirements: None

214

5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

   b. No buildings shall be associated with this use.

   c. This use is limited to the following sizes:
      i. gas lines less than 12'; and

      ii. electric lines of less than 115,000 volts.

M. **Water Reservoir**
   1. Definition: An area of land where water rights are retained or an area intended for water storage.

   2. Districts Permitted: By review under the regulation of areas and activities of state interest, or special review and location and extent review in all districts

   3. Parking Requirements: To be determined through the review

   4. Loading Requirements: None

   5. Additional Provisions:
      a. This use is not required to be located on a building lot, or

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comply with the minimum lot size requirement for the district in which it is located.

b. This use does not include reservoirs used primarily for agricultural purposes. Agricultural purposes include but are not limited to stock watering ponds, irrigation reservoirs, and fish farms. Any reservoir used primarily for agricultural purposes may also be used for incidental noncommercial recreational, piscatorial and wildlife purposes by the owners of the reservoir.*(10/10/96)*

N. **Water Tank or Treatment Facility**

1. Definition: A facility, excluding community cisterns, with a capacity of 5,000 gallons or more for purifying, supplying, and holding water.*(7/17/97)*

2. Districts Permitted: By review under the regulation of areas and activities of state interest, or special review and location and extent review in all districts

3. Parking Requirements: To be determined through the review

4. Loading Requirements: None

5. Additional Provisions:
   a. This use is not required to be

located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. This use shall also be granted and maintain all applicable local, state, and federal permits.

O. **Wind Powered Electric Generator**

1. Definition: A machine by which mechanical energy supplied by the wind is changed to electric energy.

2. Districts Permitted: By limited impact special review in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

4-515 Warehouse Uses

A. **Personal Storage Facility**

1. Definition: A facility for storage of personal items in individual units, bins, rooms, or containers

2. Districts Permitted: By right in C, LI,

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and GI

3. Parking Requirements: One space per 20 units

4. Loading Requirements: None

5. Additional Provisions: Any unit, bin, room, or container must be a permanent structure.

B. **Warehouse and Distribution Center**

1. Definition: A building used primarily for the inside storage and distribution of goods and materials, which includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

2. Districts Permitted: By right in LI and GI

3. Parking Requirements: One space per 1,000 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

4-516 Accessory Uses

An accessory use must be a use customarily incidental to and on the same parcel as the main use. A use listed in 4-500 may be an accessory

use if the Director determines that the use is customarily incidental to a main use. Except as provided in this article, an accessory use must comply with all regulations applicable to the main use.

A. **Accessory Agricultural Retail Sales**
   1. Definition: A location for the retail sale or wholesale of agricultural or horticultural products which are grown on site.
   2. Districts Permitted: By right in F, A, RR, ER, LI, GI, and MI
   3. Parking Requirements: None
   4. Loading Requirements: None
   5. Additional Provisions:
      a. Products shall be raw and can only be sold on a seasonal basis with no permanent structure.
      b. Products must be grown on site not having been purchased for the purpose of resale.

B. **Temporary Accessory Community Meeting Facility** (4/3/2001)
   1. Definition: An accessory community meeting facility is the use of a legally existing Educational Facility, including

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its accessory structures, for meetings of community groups including, but not limited to, homeowners associations, civic groups, religious groups, philanthropic organizations and other similar groups, provided that the accessory use:

a. does not result in noise, vibration, light, odor, dust, smoke, or other air pollution causing a substantial negative impact on surrounding land uses and/or public use of public facilities in the area,
b. is clearly subordinate to the use of the lot for its principal Educational Facility use and does not change the character of the lot, including, but not limited to, possible limits on hours of use, and is otherwise subject to all restrictions applicable to the principal use except as provided herein,
c. does not include the outside storage of goods, materials, or equipment,
d. has signage limited to a nonilluminated

identification sign two square feet or less in size,

e. does not produce traffic volumes exceeding that approved for the principal use, and

f. does not occur during the principal hours of operation of the principal use

2. Districts Permitted: By special review in all districts in which Educational Facilities are permitted
3. Parking Requirements: Same as that required for the corresponding principal use
4. Loading Requirements: Same as that required for the corresponding principal use
5. Additional Provisions:
   a. The use is limited to no more than a one year's existence on the property from the date of establishment on that property, except that the Land Use Director shall have the authority to extend this term for successive one-year terms after giving notice to property owners within 1,500 feet of the property and provided no significant opposition

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to continuing the use is received (and if it is, the use shall cease unless re-approved through special review).

b. Annually, the principal use shall submit a report to the Boulder County Land Use Department advising them of the groups who are permitted to use the property

C. **Accessory Concrete or Asphalt Batch Plant** *(11/21/96)*

1. Definition: A facility for mixing concrete or asphalt

2. Districts Permitted: By special review in A, LI, and GI

3. Parking Requirements: To be determined through special review

4. Loading Requirements: To be determined through special review

5. Additional Provisions:

   a. This use must comply with all applicable local, state, and federal laws and permits.

D. **Accessory Dwelling**

1. Definition: A dwelling unit, for use as a complete independent living

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facility on the same parcel as a permitted principal use which is determined through special review to be accessory to the permitted principal use. Accessory dwellings do not include dwellings which this Code specifically designates as being part of an allowed principal use and therefore allowed as a use by right.

2. Districts Permitted: By special review in all districts except agricultural accessory dwellings which require limited impact special review in A. *(7/23/98)*

3. Parking Requirements: At least one off-street parking space must be provided

4. Loading Requirements: None

5. Additional Provisions:
   a. The accessory dwelling may be detached from the structure housing the principal use provided it is closely clustered with the principal structure, except in the Agricultural District where the accessory dwelling may be located where appropriate for the agricultural operation with which it is associated.

   b. The accessory dwelling is limited to 700 square feet in size. Accessory dwellings in the Agricultural District which are used to house persons, and their families,

significantly employed for agricultural work on the property may be up to 1,800 square feet. The Board may approve covered porches to proposed accessory dwellings which exceed these specified square footage limitations, provided that no other portion of the floor area of the proposed dwelling exceeds the specified limitation, and provided that the Board approves the additional covered porch area in accordance with the special use criteria. In no event shall any such approved covered porch area ever be enclosed. (8/12/99)

c. A separate entrance to the accessory dwelling is allowed, but only one entrance may be visible from the front property line.

d. The property owner must live on the property or it may be occupied by persons designated by the property owner to care for an immediate relative of the property owner.

e. A notice of these provisions will be recorded in the property records of the Clerk and Recorder's Office.

f. The accessory dwelling unit

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may be used only as approved through special review and any change in how it is used will terminate the use of the accessory dwelling.

g. Agricultural accessory dwellings approved by Boulder County or legally nonconforming prior to October 19, 1994 shall be permitted to be repaired, remodeled or replaced, provided the new structure is in the same general location and does not exceed 1,800 square feet. *(7/23/98)*

E. **Accessory Horse Keeping**

1. Definition: The keeping and use of horses on a parcel where such keeping and use is not the principal use of the parcel.

2. Districts Permitted: By right in F, A, RR, ER, SR, MF, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. The number of horses is controlled by each zoning district.

   b. The term horses shall include

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horses, mules, and donkeys.

F. **Accessory Outside Storage**

1. Definition: The outside placement, for a period of more than 24 hours, of items which are customary and incidental to the main use of the property.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. The area of placement may not exceed five percent of the lot area.

   b. Items must be adequately screened from the view of adjacent roadways and properties.

   c. Accessory outdoor storage of agricultural products and operable agricultural equipment is exempt from these additional provisions.

G. **Accessory Structure**

1. Definition: A subordinate structure detached from, but located on, the same lot as the principal use, the use of which is incidental and accessory to that of the principal use.

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2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. Any accessory structure is subject to the minimum requirements of the zoning district in which it is located.

H. **Grading of more than 500 Cubic Yards**
   1. Definition: Movement of more than 500 cubic yards of material, with the following exceptions:

      a. normal grading activity associated with agriculture, allowed mining activity, or foundation construction.
      b. normal grading activity associated with trail or road construction by a governmental entity on publicly acquired open space land in accordance with an open space management plan approved by the Board of County Commissioners.
   2. Districts Permitted: By limited

impact special review in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

I. **Home Occupation**

1. Definition: A home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, and used only by the individuals who reside therein and one employee, provided that the home occupation:

   a. does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line,

   b. includes only the incidental sale of stocks, supplies, or products,

   c. is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot,

   d. does not include the outside storage of goods, materials, or equipment,

   e. has signage limited to a nonilluminated identification sign two square feet or less

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in size,

f. does not exceed one-half the total floor area of the dwelling including activities carried out in an accessory structure, with the exception of child care which may exceed this limit,

g. does not produce traffic volumes exceeding that produced by the dwelling unit by more than 16 average daily trips or a maximum of 30 trips during any 24 hour period, and

h. does not include nursing homes, restaurants, vehicle repair businesses, or boarding houses.

2. Districts Permitted: By right in all districts

3. Parking Requirements: One off-street space

4. Loading Requirements: None

5. Additional Provisions: None

J. **Household Pets**

1. Definition: Domestic animals kept for pleasure exclusive of livestock.

2. Districts Permitted: No more than four weaned animals in RR, ER, SR, and MF; and no more than

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seven weaned animals in all other districts. Small birds, small reptiles, and fish and small mammals including gerbils, rabbits, mice and similar small animals are not limited in number.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. Household pets shall not include any nondomestic animals (see **4-501E** Keeping of Nondomestic Animals)

K. **Noncommercial Telecommunications Site, one structure which meets setback and height requirements**

1. Definition: A facility utilized for the transmission or reception of electromagnetic or elector-optic information, which is accessory to a residential use, is not commercial in nature, and meets the setback and height requirements of the district in which the facility is located.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions: None

L. **Noncommercial Telecommunications Site, multiple structures and/or not**

meeting setback or height requirements

1. Definition: Any facility or facilities utilized for the transmission or reception of electromagnetic or electro-optic information, which is accessory to a residential use, is not commercial in nature, and does not meet either the setback or height requirements of the district in which the facility is located.

2. Districts Permitted: By limited impact special review in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. Setback requirements...50 feet from all lot lines

M. **Solar Energy System**

1. Definition: A system composed of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy, which may be attached to a residence or other structure.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions: None

4-517 Temporary Uses

A. **Emergency Noncommercial Telecommunications Facility**

1. Definition: A facility owned and/or operated by a governmental agency or a volunteer public safety agency officially sanctioned by a government agency for that purpose, utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses. This facility may operate for a maximum of six months.

2. Districts Permitted: By special authorization of the Building Official in all districts

3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: To be determined by the Building Official

5. Additional Provisions: None

B. **Group Gathering**

1. Definition: Any group of 25 or more persons assembled for a meeting, festival, social gathering, or other similar purpose for a period of time which exceeds 10 hours.

2. Districts Permitted: By special authorization of the Building Official in all districts

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3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: To be determined by the Building Official

5. Additional Provisions: None

C. **Temporary Batch Plant**

1. Definition: A temporary facility for mixing concrete.

2. Districts Permitted: By special authorization of the County Building Official in all districts.

3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: To be determined by the Building Official

5. Additional Provisions: None

D. **Temporary Construction or Sales Office**

1. Definition: A facility temporarily used as a construction or sales office.

2. Districts Permitted: By special authorization of the Building Official in all districts

3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: To be determined by the Building Official

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5. Additional Provisions: None

E. **Temporary Dwelling Unit**

1. Definition: A dwelling unit temporarily used, by the property owner, during construction or remodeling of the principal dwelling unit.

2. Districts Permitted: By special authorization of the Building Official in all districts

3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: None

5. Additional Provisions: None

F. **Temporary Fireworks Stand or Christmas Tree Sales Lot** *(10/10/96)*

1. Definition: Unless otherwise expressly provided in this code, an operation which is open to the public and scheduled to occur over a period not to exceed 42 days in any calender year.

2. Districts Permitted: By limited impact special review in F, A, T, B, LI, and GI.

3. Parking Requirements: To be determined through Limited Impact Special Use.

4. Loading Requirements: To be determined through Limited Impact

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Special Use.

5. Additional Provisions:
   a. Article 4-502(C) entitled 'Open Agricultural Uses' shall govern when products are grown or raised on the same land as the business operation.

   b. One nonilluminated identification sign not to exceed 32 square feet in total surface area shall be permitted.

   c. This use may be allowed on a parcel with an existing principal use.

G. **Temporary Special Use (nonconforming use under Section 4-1004(A)(2))** *(9/4/97)*
   1. Definition: A nonconforming use under Section 4-1003(A)(2) which receives special use approval as a temporary use under Section 4-1004(A)(2).

   2. Districts Permitted: By special review in all districts.

   3. Parking Requirements: To be determined through special review.

   4. Loading Requirements: To be determined through special review.

   5. Additional Provisions: See Section 4-1004(A)(2).

4-600 Uses Permitted by Special Review and Limited Impact Special Review *(9/5/96)*

A. A use permitted by special review may be established in a zoning district only upon approval of the Board, after review by the Planning Commission, and subject to the conditions set forth in an approval of the use by the Board.

B. A use permitted through limited impact special review may be established in a zoning district only upon approval of the Board, and subject to the conditions set forth in an approval of the use by the Board. (See Section 3-205(c)(3))
   1. Referrals as required in Article 3 shall have a return response of 15 days.

   2. Notice for the Board's public hearing shall be 15 days.

4-601 Standards and Conditions

A. A use will be permitted by special review only if the Board finds that the proposed use meets the following standards and conditions:
   1. except as otherwise noted, the use will comply with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;

   2. will be in harmony with the character of the neighborhood and compatible with the surrounding area;

   3. will be in accordance with the Comprehensive Plan;

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4. will not result in an over-intensive use of land or excessive depletion of natural resources;

5. will not have a material adverse effect on community capital improvement programs;

6. will not require a level of community facilities and services greater than that which is available;

7. will not result in undue traffic congestion or traffic hazards;

8. will not cause significant air, odor, water, or noise pollution;

9. will not require amendment to the Regional Clean Water Plan;

10. will be adequately landscaped, buffered, and screened; and

11. will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.

B. If the proposed use is approved or conditionally approved, the Board may impose such conditions and safeguards to insure compliance with the requirements, standards, and conditions of this Section 4-600. The violation of any condition, safeguard, or commitment of record shall be sufficient grounds for revocation of the special review approval by the Board, after a public hearing held in accordance with provisions of Paragraph 3-205(C).

C. A development agreement must be submitted and

approved by the Board.

D. Where appropriate, in order to enable the proposed use to meet the standards set forth in (A) above, the Board may require the dedication of a perpetual conservation easement upon so much of the site as may be determined necessary to mitigate impacts of special uses.

4-602 Special Provisions

A. Special Review Approval for Mining
   1. In addition to the standards of approval set forth in Paragraph 4-601(A), an applicant for open mining, subsurface mining, or limited impact mining must also meet the following:
      a. compliance with a plan of reclamation;
      b. compliance with use, location, and setback regulations established by the Board for the proposed operation; and
      c. compliance with bulk regulations established by the Board for areas reclaimed in accordance with the plan of reclamation.
   2. If the proposed mining use is approved, the Board shall impose such conditions and safeguards as are necessary to insure continued compliance with the requirements set forth in this Paragraph.

B. Special Review for Development in the ED District
   1. In addition to the standards of approval set forth in Paragraph 4-601(A), approval for a planned development in the ED district

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must also meet the following:

a. Employment projections and projected space requirements demonstrate a need for such a development.

b. The applicant is the intended user of the site and has demonstrated legal interest in the property.

c. Direct and indirect local employment opportunities for the community, that would result if the application were to be approved, are consistent with the rate of growth of population as projected within the Comprehensive Plan.

d. The public benefits are substantial and there will be no significant negative impacts on the quality of life of those residents in the surrounding area, and no major negative fiscal, service, environmental, or related land use impacts upon the County, or other communities in the County.

e. Uses Permitted: Uses shall have no harmful or unpleasant effects which would be more objectionable than the normal environmental features of surrounding areas. Uses within the ED district shall be compatible with surrounding areas of noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions, and industrial wastes.

f. Traffic: Traffic going to and from the ED district shall be permitted on nonresidential streets only. Within

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the ED district, access and service roads from existing through streets may be required. Traffic routes within the ED district shall ordinarily be at least 100 feet from outer boundaries of the Economic Development District.

g. Truck Loading Facilities: Adequate provision shall be made for off-street truck loading facilities. These areas shall not be in a front yard and shall not be within 100 feet of a residential zoning district.

h. Landscaping: The front yard of each principal use within an ED district shall be planned (and subsequently maintained) in a dust-free condition by suitable landscaping with trees, shrubs, or other planted or natural ground cover. Other yards within an ED district shall be similarly landscaped or paved with asphaltic, concrete, rock, oil surfacing or other resilient materials.

i. Storage: All materials and equipment used in connection with an economic development project shall be enclosed within a building or enclosed within a solid wall or fence at least six feet in height. Ordinarily such storage areas shall be at least 100 feet from any property line or street line.

j. Lot Coverage: Developed areas may constitute no more than 40% of the entire site, unless it is determined that it is in the best interest of the community to allow a

larger area to be developed in which case developed areas may constitute as much as 50% of the site. The purpose of this requirement is to assure that the development will be compatible with the surrounding area.

k. Construction Plans: Preliminary construction plans for the proposed buildings and preliminary engineering plans for installation of necessary utilities shall be presented prior to approval of a site plan.

l. Number of Employees or Residents: An estimate of the maximum number of employees or residents contemplated for the proposed development shall be presented.

m. Site Plan: The site plan and accompanying documents as approved by the Board shall be filed with the Director. Location and size of the undeveloped area and siting and phasing of the developed area must be approved as part of the application. The effects of phasing on population increases that may result from an expansion of the employment base shall be considered, along with all other relevant impacts.

n. Certificate of Occupancy: Prior to the use or change in use of a structure approved through this process, a certificate of occupancy shall have been issued by the Building Official. Such certificate

shall show that such building or premises and the proposed use are in conformity with the provisions of this Code and with all requirements set forth by official action of the Board in their approval of the site plan.

2. A special review approval for a use within the ED district shall expire three years after the date upon which it was issued, if not more than one-half the floor area of all buildings and improvements shown on the approved site plan has been constructed within that period of time.

C. Special Review for Uses which Exceed Additional Requirements of Zoning Districts

1. In addition to the standards of approval set forth in Paragraph 4-601(A), a use which exceeds these additional requirements must also meet the following:

   a. Employment projections and projected space requirements must demonstrate a need for such a development.

   b. The applicant shall be the intended user of the site and shall have a demonstrated legal interest in the property.

   c. It shall be demonstrated that direct and indirect local employment opportunities for the community that would result, if the application were to be approved, are consistent with the rate of growth of population as projected within the Comprehensive Plan.

   d. The development may be approved

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only if the public benefits are substantial and there will be no significant negative impacts on the quality of life in the surrounding area, and no major negative fiscal, service, environmental, or related land use impacts.

e. Construction Plans: Preliminary construction plans for the proposed buildings and preliminary engineering plans for installation of necessary utilities shall be presented prior to approval of a site plan.

f. Number of Employees or Residents: An estimate of the maximum number of employees or residents contemplated for the proposed development shall be presented.

g. Site Plan: The site plan and accompanying documents as approved by the Board shall be filed with the Director. Location and size of the undeveloped area and siting and phasing of the developed area must be approved as part of the application. The effects of phasing on population increases that may result from an expansion of the employment base shall be considered, along with all other relevant impacts which are likely to result from such siting and phasing.

h. Certificate of Occupancy: Prior to the use or change in use of a structure approved through this process a certificate of occupancy shall have been issued by the

Building Official. Such certificate shall show that such building or premises and the proposed use are in conformity with the provisions of this Code and with all requirements set forth by official action of the Board in their approval of the site plan.

i. A special review approval for a nonurban development shall expire one year after the date upon which it was issued if a site plan for the proposed development is not approved by the Board within that year, or three years after the date upon which it was issued if not more than one-half the floor area of all buildings and improvements shown on the approved site plan has been constructed.

D. Special Review for a Telecommunication Facility

1. In addition to the listing of adjacent owners required as part of the title report submitted with the special review application, the Land Use Staff may prepare a similar listing of all owners and their addresses of real property within one-half mile of the location of the proposed facility. This listing may be used in addition to the adjacent owner list for all referral and notice requirements of Article 3.

2. In addition to compliance with those conditions required within or imposed by the Board of County Commissioners pursuant to Paragraph 4-601(A), an applicant seeking special review approval for a telecommunication facility shall comply with the following conditions and requirements:

   a. Alternative site and/or design

studies provided by the applicant shall show that reasonable consideration has been given to such alternative sites and/or designs and the proposal is the most acceptable alternative to Boulder County.

b. The alternative of consolidation of multiple telecommunication facilities onto a single tower, either by use of an existing tower or moving existing facilities to the proposed tower, shall be studied by the applicant and, when feasible and not otherwise detrimental, shall be considered the preferred alternative. Colocation may not be required when, in the opinion of the Director or the Board of County Commissioners, as appropriate, the consolidation of facilities will create an over-intensive use of the existing site, or will create a significant negative visual impact on surrounding private or public lands. (8/12/99)

c. When feasible, telecommunication facilities shall be located adjacent to, on, or incorporated into existing or proposed buildings or other structures.

d. Where a telecommunication system uses a network of facilities, the applicant shall demonstrate that a comprehensive approach for evaluating potential sites in Boulder County with a view to minimizing the number of sites required and any adverse impact has been taken.

e. Proposed landscaping and/or screening shall be in harmony with the character of the neighborhood and compatible with the surrounding area.

E. Special Review for a Use of Community Significance

1. A use of community significance is a use which the Board determines to be a use having significant historic, cultural, economic, social, or environmental value to Boulder County, which does not conform to the regulations of the district in which the use is located as a result of either the adoption or amendment of this Code, and which can not be made conforming through any other county discretionary review process.

2. A use of community significance may be approved through special review even though it is not in conformance with the Comprehensive Plan, and does not meet the bulk or minimum lot size requirements of the zoning district in which it is located.

3. In addition to the standards of approval set forth in Paragraph 4-601(A), a use of community significance must also meet the following:

   a. The use does not impair the Goals and Policies of the Comprehensive Plan, considering the nature and history of the use.

   b. The use has a significant historic, cultural, economic, social, or environmental value to the inhabitants of Boulder County as a whole, or to a recognized community of interest within the

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County.

c. The significant community interest served by the use can not be served by the relocation of the use to the nearest zoning district in which it could be permitted by right or by special review, or by the existence or location of similar uses elsewhere in the County.

d. The applicant has obtained, or commits to obtain as a condition of the special review approval, all applicable federal, state, and local licenses or permits, and is in compliance with all applicable federal, state, and local regulations.

4-603 Modification of a Special Review Approval

A. No substantial modification of the provisions of a special review approval shall be permitted by the Board of County Commissioners, except upon a finding following review and public hearings held in accordance with the provisions of Article 3 of this Code, that the modification is consistent with the standards set forth in this Section 4-600.

B. No activity or use authorized pursuant to an approval granted subject to the provisions of this article shall be permitted or allowed to commence unless a site specific development agreement has been approved pursuant to the requirements of this Code.

4-604 Limitation of Uses by Special Review

A. Subject to vested rights, no use by special review

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shall commence operation or construction later than five years from the date of the Board approval or conditional approval.

B. Any approved use by special review which does not significantly commence operation or construction on any portion of the special use permit within five calendar years after the use has received Board approval, shall lapse, and shall be of no further force and effect unless a new discretionary approval is granted under this Code. If a vesting period of longer than five years is expressly approved as part of the special use permit, the approval shall lapse if operation or construction is not commenced within the vesting period.

C. Any approved use by special review which commences operation or construction as required under Subsection (B), immediately above, shall lapse, and shall be of no further force and effect, if the use is inactive for any continuous five-year period. If this period of inactivity occurs, the use may not be recommenced without a new discretionary approval granted under this Code. An approved special use shall be deemed inactive under this Subsection (c) if there has been no activity under any portion of the special use permit for a continuous period of five years or more as a result of causes within the control of the special use permittee or agent.

To view and print out just the SPR section of the Land Use Code -- **click here**.

4-800 Site Plan Review (as amended on July 2, 1998)

4-801 Purpose

A. Site plan review is an administrative review

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procedure for certain proposed developments which are considered likely to significantly impact important ecosystems, agricultural lands, surrounding land uses and neighborhoods, and infrastructure needs and demands, and which may be unsafe due to natural hazards. *(9/5/96)*

B. This site plan review process for proposed new development will allow any significant adverse impacts on the environment, agricultural lands, surrounding land uses and neighborhoods, and infrastructure to be identified, evaluated, and avoided or acceptably mitigated through the imposition of reasonable conditions. *(9/5/96)*

4-802 Applicability and Scope of the Site Plan Review Process for Development

A. A site plan must be submitted for any building permit, change in use, unless the change in use is to a residential use. Development occurring in a Rural Community District shall be required to undergo Site Plan Review. Grading permits (except the movement of dirt as part of normal agricultural or mining practices) , access permits, and floodplain development permits, shall be required to undergo Site Plan Review unless the Land Use Director determines that there is no potential for any significant conflict with the criteria listed in Article 4-806 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public. *(5/2/00)*

B. Site plan review is not required:
   1. In subdivisions approved prior to March 23, 1978 and on parcels not subdivided by Boulder County, if a permit is only needed for construction work that does not change the use or increase the floor area of a

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building lot by more than 1,000 square feet over that which existed or which had a building permit approved as of September 8, 1998 (except that Site Plan Review will be required for structural additions of any size requiring a building permit when the site is located within a Natural Landmark, Natural Area as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County, and for structures of 500 square feet or more in the associated 250' buffer). In calculating the 1,000 square-foot threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold. Additionally, any new construction of floor area not previously legally existing as of September 8, 1998, that occurs in a same or different location as the existing structures as of September 8, 1998, shall be counted toward the threshold. *(5/2/00)(8/12/99)(9/8/98)*

In subdivisions approved after March 22, 1978, if a permit is required for construction work that does not change the use or increase the floor area of a building lot by more than 1,500 square feet, or 50% of the existing structure being altered, whichever is less (but not less than 1,000 square feet), over that which existed or which had a building permit approved as of September 8, 1998. In calculating the 1,500 square-foot, or 50% threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold. Additionally, any new construction of floor area not previously legally existing as of September 8, 1998, that occurs in a same or different location as the existing structures as of September 8, 1998, shall be counted toward the threshold. *(5/2/00)*

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2. Construction of an accessory structure which is less than 1,000 square feet;

3. Site Plan Review will be required for:
   a. a commercial telecommunications facility utilizing an existing structure and meeting the height requirements of the district in which the facility is located; or

   b. new structures of any size requiring a building permit when the site is located within a Natural Landmark, Natural Area; or new structures 500 square feet or more in their associated 250' buffer, as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.*(5/2/00)*

   c. In the plains, any accessory structure less than 5,000 square feet, but more than 1,000 square feet, unless the Director determines it will not have an impact on significant natural resources, cultural resources or view sheds. Except on conservation easements held by Boulder County all accessory structures of 1,000 square feet or greater shall require site plan review. *(5/2/00)*

   d. In the mountainous area of the county, any accessory structure less than 2,000 square feet, but more than 1,000 square feet, unless the Director determines it will not have an impact on significant natural resources, cultural resources or view sheds.*(5/2/00)*

4. Development of lots currently vested under the provisions of this Code; or subdivisions approved after February 22, 1994, unless the approval of these processes otherwise require Site Plan Review for the lots. (8/12/99)

5. Restoration of a structure which has been damaged or destroyed by causes outside the control of the property owner or their agent provided the restoration involves the original location, floor area, and height. Such restoration must comply with the current provisions of the *Boulder County Land Use Code* other than 4-800 (also see Nonconforming Structures & Uses, Article 4-1002 D & 4-1003 F).

   a. Such restoration must be commenced within six months after the date on which the structure was damaged or destroyed, or a latent defect discovered and completed within one year after the date on which the restoration commenced. This limitation may be extended in the case of extenuating circumstances as determined by the Director.

   b. The provisions of this Section 4-806 (B)(4) shall not apply to substantial improvements to structures in the Floodplain Overlay District as provided for in Section 4-400 of this Code.

C. If the proposed permit or development has to go through Special Review, Limited Impact Special Review, Development Plan Review or Historic District review (Section 4-114), the applicable Review process shall substitute for site plan review under this section. *(8/20/96)*

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4-803 Pre-application Conference

A pre-application conference as defined in Section 3-201 shall be held prior to the submission of an application for site plan review.

4-804 Application and Submittal Requirements

A. Within four days of the time application is made, all proposed access points, driveways, wells, leach fields, cisterns, turn-out, turn-arounds, and at least four corners of the proposed structures must be visibly marked on the property with clearly labeled stakes.*(5/2/00)*

B. For the purpose of referring the project to applicable agencies, the applicant shall submit a minimum of five copies of the following information:

1. The application form available at the Land Use Department as specified in Section 3-202 of this Code.

2. A vicinity map clearly showing and identifying the general location and boundaries of the subject property prepared by using the 1:80,000 scale County Road Map base; and a location map clearly identifying the subject property and how to access it from the closest county right-of-way. This map must be of acceptable scale to show the names of all public roads.

3. Name of the proposed development or use and total number of acres.

4. A site plan at a scale which best conveys the conceptual aspects of the plan and allows for effective public presentation. This site plan must have the following

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elements:

a. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north)

b. Clearly identified boundary lines, corner pins, dimensions of the subject property, and distance of structures from property lines.

c. Location, and dimension of all structures, existing and proposed,

d. Parking areas, driveways, emergency turn-outs, and emergency turn-arounds will be shown, with locations and dimensions including all proposed grading for the property.

e. All roads, railroad tracks, irrigation ditches, fences, existing and proposed utility lines, and easements on or adjacent to the parcel.

f. Significant on-site features including, but not limited to: natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the County), aquatic habitat, geologic features (including slopes, alluvial fans, areas of subsidence, rockfall areas, USDA soil classification and landslide areas), vegetative cover, dams, reservoirs, excavations, and mines.

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g. Location and size of leach field, sewer service lines, treatment facilities, well(s) and/or water lines to serve the proposed development.

h. (For mountainous area properties only) Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances. The remainder of the site may show greater contour intervals (i.e. 20 foot intervals) or obtain contours from the area's U.S.G.S. topographic map.

i. Any Floodplain, 100 year Floodplain or Floodway located on the property as indicated in Article 4-400 of this code.

j. Any Natural Landmark or Natural Area along with a 250 foot buffer zone surrounding the landmark or area as shown on the Zoning District Maps of Boulder County. Significant Natural Communities, Rare Plant Areas or Riparian Corridors which are indicated in the Natural Resources Element of the Comprehensive Plan must also be included on the site plan.

k. The location and type of proposed exterior lighting.

5. Four elevation drawings showing existing grade, finished grade, and height of the structure above existing grade. The location and dimensions of all windows must also be included on each of the elevations.

6. Verification that the site is a legal building lot under this code and that legal access from a public road has been obtained.

C. The following information may be required to be submitted with a site plan application if the Director determines that such information is necessary to allow the site plan standards of 4-806 to be adequately evaluated:

1. A detailed site plan of developed portions of the property presented at a larger scale than required in (B) above.

2. Land survey data to identify the subject property including section corners and distance and bearing to these corners, quarter corners, township, range, etc.

3. *(For non-mountainous portions of the county)* Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances. The remainder of the site may show greater contour intervals (i.e. 20 foot intervals) or obtain contours from the area's U.S.G.S. topographic map.

4. Location, width, and typical cross-section of all existing and proposed earthwork, including but not limited to: driveways, pedestrian paths, parking areas, and berms. This information may include earthwork calculations, grading plan, drainage plan, and/or geotechnical/soils reports. The Director may request that any or all of this information be certified by a Colorado registered Professional Engineer.

5. Information regarding the use of ignition/fire resistant construction materials.

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6. Location of existing and proposed landscaping including a revegetation plan. The site plan shall illustrate the type, height, and/or caliper of the trunk of proposed plantings. All plantings will be specified by type and location.

7. Location and results of soil percolation tests (County Health Department approval) where septic systems or similar systems are proposed. This may include site approval and discharge permit, if required, as issued by the Colorado Department of Health.

8. Erosion control and revegetation plan.

9. The areas of all development in square feet and percentage of site, including total square feet of developed driveways, parking, and buildings.

10. A development report addressing the standards in 4-806.

11. A letter of verification of a search of Inventory of Cultural Resources from the State Historical Society, a report defining the archaeological or historical resources on the site (based on information available from the State Historic Preservation Officer) or the appropriate archeological field survey report.

12. A wildfire mitigation plan.

13. A Control plan for undesirable plants.

14. A topographic survey certified by a Colorado Registered Surveyor or

Professional Engineer.

15. Information regarding the type of glass used on the structure as it relates to reflectivity of sunlight and their emission of internal lighting.

16. A wildlife impact report meeting the requirements of Section 7-1700 of this Code. The requirement for a wildlife impact report shall not be construed to import the substantive requirements of Article 7-1700 into the site plan review process, but rather shall provide additional information for the County to apply the site plan review criteria to the facts of the application. *(1/26/99)*

4-805 Review by the Director

A. Once an application for SPR is filed, the Director shall promptly forward one copy of the application and supporting materials to the Transportation, Health, Parks and Open Space Departments, local fire district, and any other potentially affected agencies or organizations. The Director shall also post a sign on the property stating the site plan review docket number and the address and phone number of the Land Use Department. Referrals shall be returned to the Director no later than 18 days from date the application is filed.

B. Any determination by the Director to approve, conditionally approve, or deny a site plan application must be in writing and mailed or otherwise provided to the applicant no later than 28 days after the date on which the site plan application is filed. Once the determination is made, the Director shall also provide notice of the determination to all referral agencies and the adjacent property owners within 1500 feet of the property. If the Director fails to make a determination on the site plan application within

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this time period, the application as submitted shall be considered approved and the applicant's building permit shall be processed.

C. The Director may suspend the 28-day decision period required in subsection (B) above at any time during the 28-day period whenever the Director determines that the application is not complete. The Director may deem the application incomplete, based on the application submittal requirements, at the Director's initiative or at the request of any or all referral agencies. In the event that the Director deems an application incomplete, the Director shall immediately notify the applicant of the shortcomings. Once the requested information has been provided, the application shall be deemed filed as of that date and the Director shall render a decision within 28 days. However, if the application is not completed within 6 months of the date of suspension, the Director may declare the application withdrawn. The 6 month time frame may be extended should the Director determine that circumstances beyond the control of the applicant prevent a timely completion of the application.

4-806 Site Plan Review Standards

A. A site plan shall be approved if the Director finds that the site plan is in accordance with the following standards, or parts thereof, which the Director has determined to be applicable based on the nature and extent of the proposed development. When two or more of the standards listed below conflict, the Director shall evaluate the applicability and importance of each of the conflicting standards under the facts of the specific application and make a reasonable attempt to balance the conflicting standards in reaching a site plan decision.

1. The location of existing or proposed buildings, structures, equipment, or uses on the lot will not impose an undue burden

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on public services and infrastructure.

2. The height, size, location, exterior materials, color, and lighting of proposed structures must be compatible with the topography, vegetation, and general character of the surrounding area.

3. Plans for the proposed development have satisfactorily mitigated any geologic hazards, such as soils, landslides, slope, rockfalls, flash flood corridors, floodplains, subsidence, avalanches, and alluvial fans, as identified in the Comprehenive Plan, or identifiable on or near the site.

4. The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and properties in the surrounding area, including with respect to the location of structures, fuel reduction, incorporation of a defensible space around structures, and the use of ignition (fire) resistant building materials. Safe access shall be provided, including a second emergency access where the local fire district finds the primary access to a public road is insufficient and the second access does not create significant environmental impacts. In assessing the applicable wildfire risk and appropriate mitigation measures, the Director shall consider the referral comments of the County Wildfire Mitigation Coordinator and the applicable fire district, and may also consult accepted national standards as amended, such as the *1997 Urban-Wildland Interface Code; NFPA / 80A, 299, 1231*; 1994 Uniform Fire Code; and the *1994 Uniform Building Code.*

5. The proposed development will not have a

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significant adverse impact on riparian areas, or wetland areas, or alter drainage patterns from historic levels as identified in the Comprehensive Plan, or identifiable on or near the site.

6. The development will not have a significant adverse impact on plant communities or wildlife habitat, migration corridors, or sensitive and unique plant or wildlife ecosystems as identified in the Comprehensive Plan, or identifiable on or near the site.

7. The development will not have a significant adverse impact on unique geologic, geomorphic, paleontological, or pedologic features upon the site as identified in the Comprehensive Plan, or identifiable on or near the site.

8. The development will not have a significant adverse impact on agricultural lands of local, state or national significance as identified in the Comprehensive Plan, or identifiable on or near the site.

9. The development will not have a significant adverse impact on historic or archaeological resources as identified in the Comprehensive Plan, the Historic Sites Survey of Boulder County, or identifiable on or near the site.

10. The development will not have a significant negative visual impact on the natural features or neighborhood character of the surrounding area. Development should avoid prominent, steep, or visually exposed portions of the property and minimize the area of site disturbance. Particular consideration should be given to

protecting views from public lands and rights-of-way.

11. The design and scale of the development will not cause unnecessary or excessive site disturbance to the property. Such disturbances include but are not limited to long driveways, parking areas, or severe alteration of a site's topography.

12. Runoff, erosion, and/or sedimentation from the development will not have a significant adverse impact on the surrounding area.

13. The development will not have a significant adverse impact on the unique or distinctive values, features, and purposes of any Natural Landmark or Natural Area as designated as described in the Goals, Policies & Maps Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County. The protection of Natural Landmarks and Natural Areas shall also be extended to their associated buffer zones.

14. Where an existing principal structure is proposed to be replaced by a new principal structure of more than 2,000 square feet, construction or subsequent enlargement of the new structure shall not cause significantly greater impact (with regard to the standards set forth in 4-806) than the original structure. *(9/8/98)*

15. The proposal shall be consistent with the the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

4-807 Land Use Department Director's Determination

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A. If the Director finds in reviewing a site plan application that the application meets the applicable standards set forth in Section 4-806, the Director shall approve the site plan and the applicant can continue to process the building permit.

B. If the Director finds that the application does not meet an applicable standard or standards, and that a reasonable basis for mitigation measures has been demonstrated, the Director shall approve the application with reasonable conditions which will avoid or acceptably mitigate the significant adverse impacts of the development. These conditions may include, but are not necessarily limited to the relocation or modification of proposed structures, additional landscaping, buffering, screening, relocation of access, or any other measures necessary to mitigate any significant impact or reduce hazards. The Director shall specify when the conditions shall be met.

C. If the Director finds that the application does not meet an applicable standard or standards and that a reasonable basis for mitigation measures has not been demonstrated, the Director shall deny the application as proposed. The Director's determination must specify the reasons for the denial based upon the site plan review standards in **Section 4-806**.

4-808 Applicant's Right of Appeal of a Conditional Approval or Denial

A. If the Director denies a site plan or conditionally approves it with conditions to which the applicant objects the applicant shall be entitled to appeal the Director's determination to the County Commissioners.

B. The applicant must file an appeal for this purpose

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with the Land Use Department in writing no later than 14 calendar days after the date of the Director's determination.

C. The Board shall review the Director's determination at a public hearing held as soon as practical after the appeal has been filed. Prior written notice of this hearing shall be provided to the applicant and to property owners within 1500 feet, and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County. *(6/27/95)(9/27/01)*

D. In addition, if the site plan application anticipates new surface development (which most site plans likely will), prior to any public hearing on the appeal the applicant must provide a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the appeal, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.*(9/27/01)*

E. In any case where information becomes known to the Land Use Director or the Board that an applicant has failed to provide notice of the initial public hearing on the appeal as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.*(9/27/01)*

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F. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal, but may review any aspect of the site plan application. Based upon this evidence the Board may affirm the Director's decision, alter conditions, add new conditions, or reverse the Director's determination on any aspect of the site plan review application. In the case of denial of a site plan, the Board shall state its reasons for its decision based upon the site plan review standards in Section 4-806. No permit shall be issued until and unless the Board acts on the Director's determination at the public hearing, and approves the site plan.*(9/27/01)*

G. Any site plan application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be considered to be a "final application" under Section 29-20-108 on which final County action in the event of an appeal shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of this Subsection G., "submission" shall be considered to be the submission of a complete application as required by this Article 4, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.*(9/27/01)*

4-809 Board of County Commissioner's Review ("Call-up") of a Conditional Approval or Denial

A. No permit may be issued for 14 calendar days

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after the date of the Director's approval.

B. At the same time written approval of the site plan is provided to the applicant, the Director shall forward to the Board a written statement including
   1. the location of the affected property,
   2. a description of the proposed development under the permit, and
   3. the basis for the Director's determination. The Director's determination can be either that there is no significant adverse impact, that the significant adverse impacts can be avoided or acceptably mitigated through the conditions imposed as specified in the statement, or that the application be denied for reasons specified in the statement.

C. Upon receiving the Director's statement, and no later than 14 calendar days after the date of the approval, the Board may call the Director's decision up for review.
   1. The Board shall review the Director's determination at a public hearing held as soon as practical after the Director's determination. Prior written notice of this hearing shall be provided to the applicant and to property owners within 1500 feet, and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.*(9/27/01)*

D. In addition, if the site plan application anticipates new surface development (which most site plans likely will), prior to any public hearing on the appeal the applicant must provide a certification of compliance with Article 65.5 of Title 24,

C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the call-up, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.*(9/27/01)*

E. In any case where information becomes known to the Land Use Director or the Board that an applicant has failed to provide notice of the initial public hearing on the call-up as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.*(9/27/01)*

F. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the site plan application. Based upon this evidence, the Board may affirm the Director's decision, alter conditions, add new conditions, or

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reverse the Director's determination on any aspect of the site plan review application. In the case of denialof a site plan, the Board shall state its reasons for its decision based upon the site plan review standards in **Section 4-806**. No permit shall be issued until and unless the Board acts on the Director's determination at the public hearing, and approves the site plan.*(9/27/01)*

G. Any site plan application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be considered to be a "final application" under Section 29-20-108 on which final County action in the event of a call-up shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of this Subsection G., "submission" shall be considered to be the submission of a complete application as required by this Article 4, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.*(9/27/01)*

4-810 The Effect of an Approved Site Plan

A. A Site Plan Review determination shall expire 3 years from the date the application was approved in instances where the approval is for a structure with more than 2,500 square feet above grade. This provision does not apply for projects where a building permit has already been issued.

B. The approval of a site plan by the Director does not result in the vesting of development rights, nor does it permit the violation of any county or state regulations to preclude the Building Official from

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refusing to issue a permit if the plans and specifications do not comply with applicable regulations, or that the work described in the application for the permit does not conform to the requirement of the Uniform Building Code as adopted by Boulder County.

4-811 Amendments to an Approved Site Plan
(9/27/01)

A. Any proposal to change a site plan approved under this Article shall require an application to the Land Use Department to determine whether the proposed change constitutes a substantial modification to the approved plan. If the Director determines that the change constitutes a substantial modification, no such change shall be allowed to proceed until an application to amend the approved site plan is filed with the Director and approval granted in accordance with this Article. The applicant or its successor may appeal the Director's decision to require an amended site plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Land Use Director no later than 30 days following the date of the Director's decision to require a site plan amendment.

4-900 Development Plan Review for Oil and Gas Operations

4-901 Purpose

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A. This development plan review is an administrative review procedure for oil and gas operations considered likely to significantly impact surrounding land uses and infrastructure needs and demands.

B. Development plan review should occur before a full set of working drawings has been completed for submission as part of an application for a building permit. As part of the review procedure, the applicant may be required to submit a development plan indicating building siting and layout, buffering, landscaping, access, lighting, and other specific data.

C. Development plan review is not intended to mandate aesthetics of design, nor is it intended to alter basic development standards such as floor area, density, height, and setbacks.

D. Site Plan Review is not required for projects undergoing a Development Plan Review. *(7/2/98)*

4-902 Development Plan Review Requirements

A. A development plan must be submitted for the site of any oil and gas operation proposed to be located in the unincorporated area of Boulder County. Development plan approval is required prior to the issuance of any County building permits, or associated grading, access, or floodplain development permits, for the oil and gas operation. However, oil and gas operations which may not require a building or other associated County permit must still obtain development plan approval under this Article.

4-903 Application

A. The application for development plan review shall be made on application forms available at the

County Land Use Department. Such forms shall have all spaces completed, designate all agents, exhibit all owner or operator signatures, and be accompanied by required fees and all materials required within these regulations.

4-904 Development Plan Submission

The applicant shall submit eight copies of the proposed development plan with the completed application form to the Land Use Department.

The following information must be submitted with a development plan application:

A. A vicinity map indicating the section, township, and range of the site, and its relation to surrounding public roads and municipal boundaries.

B. A detailed drawing of the site at a scale of 1 inch to 100 feet, including the following:
   1. the dimensions of the site, indicating area in square feet and acres, and the area of the site to be disturbed;
   2. the location of all structures, flowlines or pipelines, tanks, wells, pits, and any other oil and gas operation facilities or equipment;
   3. existing and proposed roads within the site as well as ingress and egress from public or private roads;
   4. lease lines, if applicable;
   5. on-site features such as floodplain designations, water courses, drainage, utility lines and easements, ditches,

wetlands or aquatic habitat, significant plant ecosystems, wildlife habitat and migration routes, geologic features, vegetative cover, dams, reservoirs, mines, and known cultural resources;

6. existing and proposed topography of the site at intervals of five feet; and

7. existing and proposed vegetation, buffers, berms, fences, and other screening devices.

C. Diagram showing adjacent properties and the approximate location of buildings and their uses within a distance of 350 feet of any proposed structure, facility, or area to be disturbed. This may be drawn at a smaller scale than the site plan.

D. Copies of application forms for all applicable local, state, or federal permits, including OGCC Forms 1 and 2.

E. Evidence of surface owner notification, of mineral lease agreements, and of surface agreements where the surface owner is not a party to the mineral lease.

F. Copies of financial guarantees in the form of bonds, letters of credit, cash, certificates of deposit, or other guarantees acceptable to the County, if the Director determines that financial guarantees are necessary to assure the performance of specific conditions of approval of the development plan. This requirement may be waived by the Director if the Director is satisfied that individual bonds posted with the OGCC for the proposed operation cover the conditions of

the development plan approval granted under this Article, or if the operator posts a blanket bond with the Director covering all operations conducted in Boulder County in an amount of $500,000 or more.

G. An operation plan including the method of and schedule for the drilling, completion, production, abandonment, and reclamation phases of the operation.

H. An emergency response plan, including a fire protection and hazardous materials spills plan, which specifies planned actions for possible emergency events, a listing of persons to be notified of an emergency event, proposed signage, and provisions for access by emergency response teams. The emergency plan must be acceptable to the appropriate fire district or the County Sheriff, as appropriate. The plan shall include a provision for the operator to reimburse the appropriate emergency service provider for costs incurred in connection with emergency response for the operator's activities at the site.

I. A reclamation plan, including proposed recontouring, revegetation or other appropriate measures to restore the surface while operations proceed or after they cease.

J. A noise, odor, and dust abatement plan to control impacts on adjacent properties.

K. Any proposed measures necessary to mitigate anticipated adverse impacts on the aesthetic features of the site, views from surrounding properties or public rights-of-way, or on significant environmental resources such as wetlands or plant and wildlife habitats.

L. An access and transportation route plan.

M. A waste disposal plan.

N. A drainage and erosion control plan for both on-site and off-site drainage.

O. An undesirable plant management plan for the site.

4-905 Referral and Review by Director

A. The Director will coordinate the review of the development plan application. Upon the filing of a complete application for development plan review, the Director shall promptly forward one copy to the County Transportation, Health, and Parks and Open Space Departments; the appropriate fire district or County Sheriff; the surface owners of the site; and any adjacent municipality for comment.

1. Referral comments on the proposed development shall be returned to the Director no later than 18 days from the date of application.

2. In addition, the Director shall notify the adjacent property owners within 1,500 feet and post a sign on the site within seven days after receiving the application for development plan review. Both the notice and the sign shall indicate that a development plan review application has been made, and the phone number of the Land Use Department where information regarding the application may be obtained.

3. Any determination by the Director to approve or conditionally approve a development plan application must be in writing and mailed or otherwise provided to the applicant no later than 28 days after the date on which the development

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plan application is filed. Failure to make a determination on the application within this time period shall result in the application being considered approved and the applicant's building permit or associated grading, access, or floodplain development permit being processed.

4-906 Development Plan Review Standards and Criteria for Approval

A. A development plan shall be approved or conditionally approved in accordance with the following standards and criteria.

1. Wells and any associated oil and gas operation facility or structure requiring a building permit shall be set back a minimum of 350 feet from any occupied building or occupied building permitted for construction, and a minimum of 150 feet from any public right-of-way.

   a. A smaller set back may be granted by the Director if the surface owner agrees and if there is no adverse impact on adjacent properties created by the reduced setback. No reduction in setback, however, shall violate the setbacks of the applicable zoning district in which the operation is located, or the major road setbacks of Section 7-1403.

   b. If the OGCC spacing rules require location of wells at a distance less than these minimum requirements, the applicant shall apply for a variance with the OGCC to meet the County's setback requirements. If such a variance is not granted, the setbacks specified in these regulations shall be complied with to the maximum extent possible. The Director may impose additional

mitigation measures as necessary to protect the public health, safety, and welfare where these setbacks cannot be met.

2. Any equipment used in drilling, completion, or production of a well must comply with Section 25-12-103, C.R.S., Maximum Permissible Noise Levels.
   a. For any well which does not comply with the required setback or where noise from the site will have a substantial impact in adjacent areas, additional noise mitigation may be required. One or more of the following additional noise mitigation measures may be required:
      i. acoustically insulated housing or covers enclosing any motor or engine;
      ii. screening of the site or noise emitting equipment by fence or landscaping;
      iii. a noise management plan specifying the hours of maximum noise and the type, frequency, and level of noise to be emitted; and
      iv. any other noise mitigation measures required by the OGCC.
   b. All power sources used in pumping and production operations shall have electric motors or muffled internal combustion engines.

3. Oil and gas operations shall be located in a manner to minimize their visual impact and disturbance of the land surface.
   a. The location of operations shall be away from prominent natural features, designated environmental resources, trails, or distinctive vegetative patterns as identified in the Comprehensive Plan, or identifiable on or near the site.

   b. Oil and gas operations shall be located to avoid crossing hills and ridges, and wherever possible, shall be located at the base of slopes.

   c. All equipment shall be located within the tank battery wherever possible.

   d. Facilities shall be painted in a uniform, noncontrasting, nonreflective color, to blend with the adjacent landscape. Pipelines or flowlines shall be located in existing disturbed areas unless safety or visual concerns or other adverse surface impacts clearly dictate otherwise.

   e. All produced oil or gas shall be transported from the well to the production facilities by buried pipeline. Likewise, all electrical lines servicing pumping and accessory equipment shall be installed below ground.

   f. In areas where the facilities will have a substantial visual impact on the surrounding area, landscaping or screening of the site, or the use of low profile tanks or less intrusive

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equipment, may be required. Specific landscaping or screening requirements may include, but are not necessarily limited to, establishing and properly maintaining ground cover, shrubs, and trees; shaping cuts and fills to appear as natural forms; designing the operation to utilize natural screens; or constructing fences for use with or instead of landscaping.

4. Access roads on the site and access points to public roads shall be reviewed by the County Transportation Department and shall be built and maintained in accordance with the Boulder County Road Specifications. All access and oversize or overweight vehicle permits must be obtained from the County Transportation Department prior to beginning operation. All proposed transportation routes to the site shall also be reviewed and approved by the County Transportation Department to minimize traffic hazards and adverse impacts on public roadways. Existing roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.

5. Each site shall have signs consistent with OGCC regulations.

6. For any oil and gas operation located in a significant wildlife habitat as defined by the Colorado Division of Wildlife or in an environmental resource as designated in the Boulder County Comprehensive Plan, the operator shall consult with the Division or the County as applicable to determine appropriate mitigation procedures. In no

case shall an operator engage in activities which threaten an endangered species.

7. Air contaminant emissions shall be in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Article 7, C.R.S., and the fugitive dust regulations administered by the County Health Department.

8. All operations shall comply with all applicable State Water Quality Control and drinking water standards.

9. All waste disposal or treatment facilities shall comply with all requirements of the OGCC as well as the State or County Health Department and responsible emergency response authorities, as applicable.

10. All production tanks shall be located within a containment berm which is designed to be capable of impounding 100% of the fluid capacity of the largest production tank.

11. The proposed reclamation plan shall provide for a reasonable reclamation schedule in light of the specific surface use and surrounding land uses, and may require recontouring and revegetation of the surface to pre-disturbance conditions. The Director may also approve a plan for an alternative post-disturbance reclamation, provided the surface owner and the applicant agree, and the plan is in harmony with the surrounding land uses and the Comprehensive Plan.

12. Oil and gas operations shall comply with all OGCC requirements. However, to the extent that an OGCC requirement falls within a land use regulatory area addressed by this Article, and conflicts with any conditions of a development plan approved under this Article, the development plan conditions shall be enforceable provided they do not materially impede the State's interest under the Oil and Gas Conservation Act. The applicant may appeal the development plan approval to the Board of County Commissioners under Section 4-908, below (or within thirty days after written notification to the Director of an alleged material conflict if the conflict is discovered after the appeal deadline in Section 4-908 has expired and could not reasonably have been discovered earlier), or any argument as to material conflict shall be deemed waived. If it is possible for the applicant to appeal to the OGCC for a variance to comply with a conflicting development plan condition, there shall be a presumption in any appeal before the Board of County Commissioners that a material conflict does not exist, unless the applicant has pursued an appeal with the OGCC.

13. The proposal shall be consistent with the the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

4-907 Conditions of Approval

A. If the Director finds in reviewing a development plan application that the application meets the applicable standards set forth above, the Director shall approve the site plan, and the applicant may continue the processing of the building or other associated County permit application, or

otherwise engage in the proposed oil and gas operation.

B. If the Director finds that the application does not meet an applicable standard or standards, the application shall be approved with appropriate reasonable conditions imposed to avoid or minimize the significant adverse impacts of the development. Such conditions may include, but are not necessarily limited to, the relocation or modification of proposed access roads, facilities, or structures; landscaping, buffering, or screening; posting of adequate financial guarantees; compliance with specified surface reclamation measures; or any other measures necessary to mitigate any significant impact on surrounding properties and public infrastructure.

4-908 Applicant's Right of Appeal of Conditional Approval

A. In the event that the Director conditionally approves a development plan application, the applicant shall be entitled to appeal the approval to the Board of County Commissioners. The applicant must file an appeal for this purpose with the Director in writing no later than seven days after the date of the Director's determination. If the determination is mailed to the applicant, three additional days for mailing shall be added to the time for filing an appeal.

B. The Board shall review the Director's determination at a public hearing held as soon as practical after the date of the determination. Prior written notice of this hearing shall be provided to the applicant and to property owners within 1,500 feet, and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

C. In addition, if the development plan application

anticipates new surface development, prior to any public hearing on the appeal the applicant must provide a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the appeal, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.*(9/27/01)*

D. In any case where information becomes known to the Land Use Director or the Board that an applicant has failed to provide notice of the initial public hearing on the appeal as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.*(9/27/01)*

E. At the public hearing the Board shall consider evidence related to the Director's determination which may be presented by County staff, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal, but may review any aspect of the development plan application. Based upon this evidence the Board may affirm the Director's determination, or may approve

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the development plan with modified, altered, deleted, or added conditions in accordance with Section 4-906 of this Article. No County building, grading, access, or floodplain development permit shall be issued, or the applicant otherwise allowed to proceed with the operation, until the Board acts on the Director's determination at the public hearing, and approves the development plan with or without the addition or modification of conditions.*(9/27/01)*

4-909 Board of County Commissioners' Review ("Call-up") of a Determination to Approve or Conditionally Approve a Development Plan

A. No County building, grading, access, or floodplain development permit may be issued to the applicant, nor shall the applicant be authorized to proceed with any proposed oil or gas operation not requiring one of these County permits, for 14 days after the date of the Director's approval, in order for the Board of County Commissioners to review the approval. At the same time written approval of the development plan is provided to the applicant, the Director shall forward to the Board a written statement which shall include the location of the site, a description of the proposed oil and gas operation, and, if the development plan is conditionally approved, the conditions of approval.

B. Upon receiving the Director's statement, and no later than 14 days after the date of the approval, the Board may call the Director's determination up for their review at a public hearing. Such public hearing shall be held as soon as practical after the Director's determination. Prior written notice of the hearing shall be provided to the applicant and to property owners within 1,500 feet, and

published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

C. In addition, if the development plan application anticipates new surface development, prior to any public hearing on the Board's call-up the applicant must provide a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the call-up, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.*(9/27/01)*

D. In any case where information becomes known to the Land Use Director or the Board that an applicant has failed to provide notice of the initial public hearing on the call-up as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.*(9/27/01)*

E. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by County staff, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the development plan application. Based upon this evidence, the Board may affirm

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the determination, or alter, delete, or add conditions of approval, in accordance with Section 4-906 of this Article. No County building, grading, access, or floodplain development permit shall be issued, or the applicant otherwise allowed to proceed with the operation, until the Board acts on the Director's determination at the public hearing, and approves the development plan with or without the addition or modification of conditions.

4-910 Effect of the Approved Development Plan

A. After approval of a development plan for an oil and gas operation, the applicant shall be entitled to have processed any necessary building, grading, access, or floodplain development permits or to otherwise proceed with the proposed operation. The approval of a development plan by the Director does not result in the vesting of development rights, nor does it permit the violation of any County or state regulations or preclude the County Building Official or Transportation Department from refusing to issue a permit if the plans and specifications do not comply with applicable County regulations.

4-911 Inspections

A. The applicant shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed County inspection under this Section. Any site under an approved development plan may be inspected by the County at any time, to ensure compliance with the requirements of the approved development plan, provided that one hour's prior notice is given to the contact person at the telephone number supplied by the applicant. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one

hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. The approved development plan shall be considered to grant the applicant's implied consent to such inspections.

4-912 Enforcement

A. In addition to any other remedy authorized under this Resolution to enforce the provisions of this Article, the Director shall be entitled to draw on any financial guarantee provided by an applicant pursuant to this Article, if the applicant violates any term or condition of an approved development plan. If the Director has reason to believe that a violation of an approved development plan for which a financial guarantee has been provided has occurred, the Director shall provide written notice to the applicant describing the violation, and stating a reasonable time within which the violation must be corrected. If, within that time period, the applicant has not either corrected the violation or filed a written appeal with the Board of County Commissioners, the Director shall be entitled to enter upon the site to take any reasonable measures to correct the violation, and may draw on the financial guarantee to cover the costs of corrective measures.

B. If the applicant files a timely appeal with the Board of County Commissioners, the Board shall schedule a hearing on the appeal at the soonest possible time of which the applicant shall receive reasonable prior notice. If the Board confirms at the hearing that the violation has occurred and has not been corrected, the Board in its discretion may give the applicant additional time to correct the violation, or may specify the time at which the Director may take appropriate action to have the violation corrected and draw on the financial guarantee to cover the costs of corrective measures.

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C. To insure the Director's ability to enforce the provisions of any approved development plan, the Director shall not release any financial guarantee provided under this Article for an individual development plan, until the Director confirms that all operations have been completed and all provisions of the plan complied with. The Director shall not release any blanket bond or other blanket financial guarantee provided under this Article unless he is satisfied that the person providing the bond has adequately declared its intention to conduct no further oil and gas operations in Boulder County in the foreseeable future. The Director shall also be empowered to release a financial guarantee if a successor to an operator provides satisfactory guarantees in accordance with this Article.

4-913 Amendments to a Development Plan

A. Any proposal to change a development plan approved under this Article shall require an application to the Land Use Department to determine whether the proposed change constitutes a substantial modification to the approved plan. If the Director determines that the change constitutes a substantial modification, no such change shall be allowed to proceed until an application to amend the approved development plan is filed with the Director and approval granted in accordance with this Article. The applicant or its successor may appeal the Director's decision to require an amended development plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Land Use Director no later than 30 days following the date of the Director's decision to require a development plan amendment.(9/27/01)

4-900A Development Plan Review for Subsurface

Mining *(6/10/97)*

4-901A Purpose

A. This development plan review is an administrative review procedure for subsurface mining which is considered likely to significantly impact important ecosystems, surrounding land uses and infrastructure needs and demands.

B. Development plan review shall occur before subsurface mining commences on a mining site. As part of the review procedure, the applicant shall be required to submit a development plan indicating mine and building siting and layout, buffering, landscaping, access, lighting, and other specific data.

C. This development plan review process for proposed mining will allow any significant adverse impacts on the environment to be identified, evaluated, and avoided or acceptably mitigated through the imposition of reasonable conditions.

4-902A Development Plan Review Requirements

A. A development plan must be submitted for any subsurface mining, proposed to be located in the unincorporated area of Boulder County (see Section 4-508 (E)). Development plan approval is required prior to the issuance of any county building permits, or associated grading, access, or floodplain development permits, for the subsurface mining. In addition, subsurface mining which may not require a building or other associated county permit must also obtain development plan approval under this Article.

4-903A Pre-application Conference

A. A pre-application conference as defined in

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Section 3-201 shall be held prior to the submission of an application for development plan review.

4-904A Application

A. The application for development plan review shall be made on application forms available at the Land Use Department. Such forms shall have all spaces completed, designate all agents, exhibit all owner or operator signatures, and be accompanied by required fees and all materials required within these regulations. *(There is no fee for processing a development plan review application for subsurface mining.)*

4-905A Development Plan Submission

A. The applicant shall submit seven copies of the proposed development plan with the completed application form to the Land Use Department, or alternatively, the plan shall be submitted in a digital form acceptable to the Land Use Department. The following information must be submitted with a development plan application unless waived by the Director where inappropriate or unnecessary. An attempt will be made to reduce the application requirements to the minimum necessary for adequate processing of the application. For any of the following requirements, the State Division of Minerals and Geology (DMG) submittal may be substituted if it contains the same or similar information.

1. A vicinity map indicating the section, township, and range of the site, and its relation to surrounding public roads and municipal boundaries.

2. A detailed drawing of the site (affected surface area) at a scale of 1 inch to 100 feet or other appropriate scale, including the following:

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a. the dimensions of the site, indicating area in square feet and acres, names of the mining claims, if applicable, and the area of the site to be disturbed;
b. the location of all structures, laydown yards, settling ponds, milling facilities, and any other facilities or stationary equipment;
c. existing and proposed roads within the site as well as ingress and egress from public or private roads;
d. on-site features such as floodplain designations, water courses and springs, drainage, utility lines and easements, ditches, wetlands or aquatic habitat, significant plant ecosystems, wildlife habitat and migration routes, geologic features and hazards, vegetative cover including any mapped wildfire hazard areas, dams, reservoirs, mines, and known cultural resources;
e. existing and proposed topographic contours at vertical intervals of five feet maximum within 50 feet of the proposed activity. In terrain where the average cross slope exceeds 15 percent, vertical intervals may be 20 feet maximum for the area within 50 feet of the proposed activity. The remainder of the site may show topography using a U.S.G.S. topographic map; and

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f. existing and proposed vegetation, buffers, berms, fences, and other screening devices.

3. Diagram showing adjacent properties and the approximate location of roads and buildings and their uses within a distance of 200 feet of any proposed structure, facility, or area to be disturbed. This may be drawn at a smaller scale than the site plan.

4. One copy of application forms and/or approvals for all applicable local, state, or federal permits. Where such permits have not yet been applied for, a listing of all such permits which will be needed shall be included, together with an explanation of which particular activities the permits will enable. Supplemental submission of subsequent permit applications and/or approvals may be made a condition of Development Plan approval.

5. A summary of the mining plan, per the State Division of Mining and Geology regulations, including the method of and associated schedules for the production, milling or processing; 'moth balling' and abandonment; hours of operation; an access and transportation route plan; anticipated truck traffic generation; a waste disposal plan; production rates and total volumes of ore and waste rock; a drainage and erosion control plan for both on-site and off-site drainage; and, a description of the water source to be used in the operation where applicable.

6. For all designated mining operations (DMO), as defined in CRS 34-32-103, an emergency response plan, including a list

of all hazardous substances which will be used or generated, fire protection and hazardous materials spills plan, which specifies planned actions for possible emergency events, a listing of persons to be notified of an emergency event, proposed signage, and provisions for access by emergency response teams. The emergency plan must be acceptable to the appropriate fire district or the County Sheriff, as appropriate. The plan shall include a provision for the operator to reimburse the appropriate emergency service provider for costs incurred in connection with emergency response for the operator's activities at the site.

7. A summary of the reclamation plan submitted or intended to be submitted to the DMG, including proposed recontouring, revegetation or other appropriate measures to restore the surface while operations proceed or after they cease.

8. A noise, odor, or dust abatement plan as specified in 4-907A to control impacts on adjacent properties.

9. Any proposed measures, pursuant to the standards in 4-907A, necessary to mitigate anticipated adverse impacts on the aesthetic features of the site, on views from surrounding properties or public rights-of-way, or on significant environmental resources such as wetlands or plant and wildlife habitats.

10. Distance to nearest County approved subdivision or substantially developed townsite.

11. An undesirable plant management plan for

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the site.

4-906A Referral and Review by Director

A. The Director will coordinate the review of the development plan application. Upon the filing of a complete application for development plan review, the Director shall promptly forward one copy to the County Transportation, Health, and Parks and Open Space Departments; the appropriate fire district; the County Sheriff; and any adjacent municipality for comment.

   1. Referral comments on the proposed development shall be returned to the Director no later than 18 days from the date of application.

   2. The Land Use Department shall determine if the application is complete as soon as possible after submittal.

B. In addition, the Director shall notify the property owners within 1,500 feet and surface owners of the subject property, if different from the applicant, and post a sign on the site within seven days after accepting the application for development plan review. Both the notice and the sign shall indicate that a development plan review application has been made, and the phone number of the Land Use Department where information regarding the application may be obtained.

C. Any determination by the Director to approve or conditionally approve a development plan application must be in writing and mailed or otherwise provided to the applicant no later than 28 days after the date on which the development plan application is accepted as complete. Failure to make a determination on the application within

this time period shall result in the application being considered approved and the applicant's building permit or associated grading, access, or floodplain development permit being processed.

4-907A Development Plan Review Standards and Criteria for Approval

A. A development plan shall be approved or conditionally approved in accordance with the following standards and criteria.

1. Any equipment used in production or reclamation of a mine must comply with Section 25-12-103, C.R.S., Maximum Permissible Noise Levels.

a. For any mine where noise from the site will have a substantial impact in adjacent areas, additional noise mitigation may be required. One or more of the following additional noise mitigation measures may be required:

i. acoustically insulated housing or covers enclosing any motor oren gine;

ii. screening of the site or noise emitting equipment by fencing or landscaping;

iii. a noise management plan specifying the hours of maximum noise and the type, periodicity, and level of noise to be emitted, including blasting; and

iv. any other noise mitigation measures required by the Colorado Division of Minerals and Geology, or other responsible agency, or as

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proposed by the operator and accepted by the Director.

2. Subsurface mining facilities shall be located in a manner to minimize their visual and physical impact and disturbance of the land surface, and to maximize their compatibility with the character of the neighborhood and surrounding land uses.
   a. Facilities shall be painted or otherwise finished in a noncontrasting, nonreflective color, to blend with the adjacent landscape.

   b. In areas where the facilities will have a substantial visual impact on the surrounding area, landscaping or screening of the site, or the use of less intrusive equipment, may be required. Specific landscaping or screening requirements may include, but are not necessarily limited to, establishing and properly maintaining ground cover, shrubs, and trees; shaping cuts and fills to appear as natural forms; designing the operation to utilize natural screens; or constructing fences for use with or instead of landscaping.

   c. The development plan will incorporate the use of wildfire mitigation measures, such as location of structures, fuel reduction, incorporation of a buffer around structures, and the use of fire resistant building material, if applicable.

   d. The facilities will not have a significant adverse impact on

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surrounding land uses.

e. The facilities will not have an adverse safety impact on adjacent parcels and rights-of-way.

3. Access roads on the site and access points to public roads shall be reviewed by the County Transportation Department. All access and oversize or overweight vehicle permits must be obtained from the County Transportation Department prior to beginning operation. All proposed transportation routes to the site shall also be reviewed and approved by the County Transportation Department to minimize traffic hazards and adverse impacts on public roadways. Existing roads shall be used to minimize la nd disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.

4. For any subsurface mining located in or adjacent to a significant wildlife habitat, as defined by the Colorado Division of Wildlife; or, Environmental Conservation Area; or, environmental resource, as designated in the Boulder County Comprehensive Plan, or identifialble on or near the site the operator shall consult with the Division of Wildlife or the county as applicable to determine appropriate mitigation procedures. In no case shall an operator engage in activities which jeopardize a state, federal, or otherwise listed threatened or endangered species.

5. Air contaminant emissions shall be in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Article 7, C.R.S.,

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and the fugitive dust regulations administered by the County Health Department.

6. All operations shall comply with all applicable state Water Quality Control and drinking water standards.

7. All waste disposal or treatment facilities shall comply with all requirements of the state or County Health Department and responsible emergency response authorities, as applicable.

8. Subsurface mining shall comply with all state and Federal requirements. However, to the extent that a state or Federal requirement falls within a land use regulatory area addressed by this Article, and conflicts with any conditions of a development plan approved under this Article, the development plan conditions shall be enforceable provided they do not materially impede the state or Federal interest. The applicant may appeal the development plan approval to the Board of County Commissioners under Section 4-909A, below (or within thirty days after written notification to the Director of an alleged material conflict if the conflict is discovered after the appeal deadline in Section 4-909A has expired and could not reasonably have been discovered earlier), or any argument as to material conflict shall be deemed waived. If it is possible for the applicant to appeal to the applicable state or Federal agency for a variance or waiver to comply with a conflicting development plan condition, there shall be a presumption in any appeal before the Board of County Commissioners that a material conflict does not exist, unless the applicant has pursued an appeal with the

applicable agency.

9. The proposal shall be consistent with the the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

4-908A Land Use Director's Determination

A. If the Director finds in reviewing a development plan application that the application meets the applicable standards set forth above, the Director shall approve the development plan, and the applicant may continue the processing of the building or other associated county permit application, or otherwise engage in the proposed subsurface mining.

B. If the Director finds that the application does not meet an applicable standard or standards, and that a reasonable basis for mitigation measures has been demonstrated, the application shall be approved with appropriate reasonable conditions imposed to avoid or acceptably mitigate the significant adverse impacts of the development. Such conditions may include, but are not necessarily limited to, the relocation or modification of proposed access roads, facilities, or structures; landscaping, buffering, or screening; posting of adequate financial guarantees; compliance with specified surface reclamation measures; or any other measures necessary to mitigate any significant impact on surrounding properties and public infrastructure.

C. If the Director finds that the application does not meet an applicable standard or standards and that a reasonable basis for mitigation measures has not been demonstrated, the Director shall deny the application as proposed.*(9/27/01)*

4-909A Applicant's Right of Appeal of Conditional Approval or Denial *(9/27/01)*

A. In the event that the Director conditionally approves or denies a development plan application, the applicant shall be entitled to appeal the approval to the Board of County Commissioners. The applicant must file an appeal for this purpose with the Director in writing no later than seven days after the date of the Director's determination. If the determination is mailed to the applicant, three additional days for mailing shall be added to the time for filing an appeal.

B. The Board shall review the Director's determination at a public hearing scheduled as soon as practical after the appeal has been filed. Prior written notice of this hearing shall be provided to the applicant and property owners within 1,500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

C. In addition, if the development plan application anticipates new surface development, prior to any public hearing on the appeal the applicant must provide a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the appeal, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of

Title 24, C.R.S.*(9/27/01)*

D. In any case where information becomes known to the Land Use Director or the Board that an applicant has failed to provide notice of the initial public hearing on the appeal as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.*(9/27/01)*

E. At the public hearing the Board shall consider evidence related to the Director's determination which may be presented by County staff, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal, but may review any aspect of the development plan application. Based upon this evidence the Board may affirm the Director's determination, or may approve the development plan with modified, altered, deleted, or added conditions in accordance with Section 4-907A of this Article. No County building, grading, access, or floodplain development permit shall be issued, or the applicant otherwise allowed to proceed with the operation, until the Board acts on the Director's determination at the public hearing, and approves the development plan with or without the addition or modification of conditions.*(9/27/01)*

4-910A Board of County Commissioners' Review ("Call-up") of a Determination to Approve or Conditionally Approve a Development Plan

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A. No county building, grading, access, or floodplain development permit may be issued to the applicant, nor shall the applicant be authorized to proceed with any proposedsubsurface mining operation not requiring one of these county permits, for 14 days after the date of the Director's approval, in order for the Board of County Commissioners to review the approval. At the same time written approval of the development plan is provided to the applicant, the Director shall forward to the Board a written statement which shall include the location of the site, a description of the proposed subsurface mining, and, if the development plan is conditionally approved, the conditions of approval.

B. Upon receiving the Director's statement, and no later than 14 days after the date of the approval, the Board may call the Director's determination up for their review at a public hearing. Such public hearing shall be held as soon as practical after the Director's determination. Prior written notice of the hearing shall be provided to the applicant and property owners within 1,500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

C. In addition, if the development plan application anticipates new surface development, prior to any public hearing on the Board's call-up the applicant must provide a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an

additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the appeal, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.*(9/27/01)*

D. In any case where information becomes known to the Land Use Director or the Board that an applicant has failed to provide notice of the initial public hearing on the call-up as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.*(9/27/01)*

E. At the public hearing the Board shall consider evidence related to the Director's determination which may be presented by County staff, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the development plan application. Based upon this evidence the Board may affirm the Director's determination or denial, or alter, delete, or add conditions of approval, in accordance with Section 4-907A of this Article. No County building, grading, access, or floodplain development permit shall be issued, or the applicant otherwise allowed to proceed with the proposed surface mining operation, until the Board acts on the Director's determination at the public hearing, and approves the development plan with or without the addition or

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modification of conditions.*(9/27/01)*

F. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by county staff, the applicant, or interested members of the public. Based upon the consideration, the Board may affirm the determination, or alter, delete, or add conditions of approval, in accordance with Section 4-907A of this Article. No county building, grading, access, or floodplain development permit shall be issued, or the applicant otherwise allowed to proceed with the proposed subsurface mining operation, until the Board acts on the Director's determination at the public meeting, and approves the development plan with or without the addition or modification of conditions.

4-911A Effect of the Approved Development Plan

A. After approval of a development plan for an subsurface mining, the applicant shall be entitled to have processed any necessary building, grading, access, or floodplain development permits or to otherwise proceed with the proposed operation. The approval of a development plan by the Director does not result in the vesting of development rights, nor does it permit the violation of any county, state, or federal regulations or preclude the County Building Official or Transportation Department or County Health Department from refusing to issue a permit if the plans and specifications do not comply with applicable county regulations.

4-912A Inspections

A. Any site under an approved development plan may be inspected by the county at any time, to ensure compliance with the requirements of the

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approved development plan, provided that reasonable prior notice is given to the contact person at the telephone number supplied by the applicant. The approved development plan shall be considered to grant the applicant's implied consent to such inspections.

4-913A Enforcement

A. In addition to any other remedy authorized under this Code to enforce the provisions of this Article, the Director shall be entitled to draw on any financial guarantee provided by an applicant pursuant to this Article, if the applicant violates any term or condition of an approved development plan. If the Director has reason to believe that a violation of an approved development plan for which a financial guarantee has been provided has occurred, the Director shall provide written notice to the applicant describing the violation, and stating a reasonable time within which the violation must be corrected. If, within that time period, the applicant has not either corrected the violation or filed a written appeal with the Board of County Commissioners, the Director shall be entitled to enter upon the site to take any reasonable measures to correct the violation, and may draw on the financial guarantee to cover the costs of corrective measures. The County may not require any financial guarantee which is related to mining operation within the State's purview under the Colorado Mined Land Reclamation Act, as amended.

B. If the applicant files a timely appeal with the Board of County Commissioners, the Board shall schedule a hearing on the appeal at the soonest possible time of which the applicant shall receive reasonable prior notice. If the Board confirms at the hearing that the violation has occurred and has not been corrected, the Board in its discretion may give the applicant additional time to correct

the violation, or may specify the time at which the Director may take appropriate action to have the violation corrected and draw on the financial guarantee to cover the costs of corrective measures.

C. To insure the Director's ability to enforce the provisions of any approved development plan, the Director shall not release any financial guarantee provided under this Article for an individual development plan, until the Director confirms that all applicable provisions of the plan have been complied with.

4-914A Amendments to a Development Plan

A. Any proposal to change a development plan approved under this Article shall require an application to the Land Use Department to determine whether the proposed change constitutes a substantial modification to the approved plan. If the Director determines that the change constitutes a substantial modification, no such change shall be allowed to proceed until an application to amend the approved development plan is filed with the Director and approval granted in accordance with this Article. The applicant or its successor may appeal the Director's decision to require an amended development plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Land Use Director no more than 30 days following the date of the Director's decision to require a development plan amendment.*(9/27/01)*

4-1000 Nonconforming Structures and Uses

4-1001 Principles of Construction as Applied to Nonconforming Structures and Uses *(9/5/96)*

A. In recognition of the broadly accepted policy that nonconforming uses and structures should be brought to conforming status as speedily as justice will permit, and favoring the reasonable regulation of nonconforming uses and structures to minimize their adverse impacts on current comprehensive zoning schemes and the community, this Article shall be strictly construed against the continuation or expansion of nonconformity in Boulder County. *(8/20/96)*

4-1002 Nonconforming Structures *(9/5/96)*

A. A nonconforming structure is any existing structure which does not conform to the structure regulations of this Code for the zoning district in which such nonconforming structure is located, as a result of either (1) the adoption or amendment of this Code, or (2) a final county administrative or judicial decision precluding Boulder County from enforcing this Code specific to a structure on the basis of estoppel, laches, or waiver.

B. A nonconforming structure may continue to be occupied, except as otherwise provided for in this Section.

C. A nonconforming structure may not be altered, repaired, or enlarged in any way which would increase the degree of nonconformity with respect to the setback or height regulations of this Code,

1. For purposes of this Section, an increase in the degree of nonconformity shall be any alteration which adds to the floor area or height of the portion of the structure which violates this Code.

2. This restriction may be waived if the Building Official determines that any such alteration, repair, or enlargement is necessary to rectify a hazardous health or safety situation, or to comply with the

public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.

3. Agricultural structures, either singly or cumulatively, legally constructed which were over 25,000 square feet (or 35,000 square feet in a community service area) as of October 18, 1994, may be altered, repaired, or enlarged provided the total square footage of the structures on a parcel is not increased.

D. A nonconforming structure which has been damaged or destroyed by causes outside the control of the property owner or their agent, may be restored to its original location, floor area, and height, provided that such restoration complies with the current provisions of the Boulder County Building Code.

1. Such restoration must be commenced within six months after the date on which the nonconforming structure was damaged or destroyed and completed within one year after the date on which the restoration was commenced.

2. The provisions of this Section 4-1002 (D) shall not apply to substantial improvements to structures in the Floodplain Overlay District as provided for in Section 4-400 of this Code.

3. Restoration meeting the requirements of this provision are not required to undergo a Site Plan Review. (See Article 4-803 B) *(7/2/98)*

4-1003 Nonconforming Uses *(9/5/96)*

A. A nonconforming use is any existing use which

does not conform to the use regulations of this Code for the zoning district in which such nonconforming use is located, as a result of either

1. the adoption or amendment of this Code, or

2. a final administrative or judicial decision precluding the County from enforcing this Code specific to a use on the basis of estoppel, laches, or waiver.
   a. Uses are not considered nonconforming due to inadequate parking.

   b. Uses which fall within Section 4-1003 (A) (2), above shall not be eligible to apply for a special use permit for a use of community significance (Section 4-506 (J)).

B. Except as otherwise provided in this Section, a nonconforming use may be continued and normal or routine maintenance of a structure containing a nonconforming use shall be permitted. Normal or routine maintenance shall include any maintenance or repair which does not impermissibly enlarge or alter the structure containing a nonconforming use under Section 4-1003(C), below.

C. Enlargement or Alteration of a Nonconforming Use
   1. The right to continue a nonconforming use terminates immediately when the nonconforming use is enlarged, expanded, extended, or altered in any of the following ways, and the property owner does not successfully pursue any of the options specified in Section 4-1003 (H) within 30 calendar days after the Director provides written notification of an alleged illegal enlargement or alteration to the owner.

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a. Addition of a new structure containing or accessory to the nonconforming use;

b. Enlargement or alteration of a structure containing or accessory to the nonconforming use, including but not necessarily limited to an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure;

c. Enlargement or alteration in the land area occupied by the nonconforming use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated or contemplated such an increase or alteration; or

d. Any other enlargement or alteration of the nonconforming use which has the effect or threatened effect of creating a hazard or nuisance on or off the property, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services.

e. Removal or replacement of any structural member in a use for which the County is precluded from enforcing this Code specific to use on the basis of estoppel, laches, or waiver.

2. An impermissible enlargement or alteration shall not include the following:
   a. a change of ownership of the

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property;

b. an alteration or expansion which the Building Official determines is necessary to rectify a hazardous health or safety situation or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure;

c. an extension of the nonconforming use within the structure containing the use, provided that such extension is not accompanied by an alteration of the structure falling within category (b), above;

d. the addition of a solar energy device to a structure containing a nonconforming use; or

e. any replacement or upgrading of outmoded or worn equipment or supplies, provided that such activity does not fall within category Section 4-1003(C)(1)(d), above.

3. Owners of legal building lots containing agricultural uses which have become nonconforming as a result of adoption or amendment of this Code, may restore, modify, and maintain existing conforming structures, and may construct new conforming structures, provided such structures are directly related to the agricultural use, and provided the use is not enlarged or altered in any other way.

D. Change of a Nonconforming Use

1. A nonconforming use may be changed

only to a use which is conforming in the zoning district in which the use is located.

2. Any change of a nonconforming use to any other use shall operate immediately to terminate the right to continue the nonconforming use. Thereafter, the property shall be used only in conformity with the use provisions of its zoning district.

E. Destruction of a Structure Containing a Nonconforming Use

1. A structure containing a nonconforming use shall be deemed destroyed when either greater than 50 percent of its floor area, or greater than 50 percent of its actual value (as determined by the Boulder County Assessor) is destroyed.

2. The right to continue a nonconforming use terminates immediately when the structure containing that use is destroyed by an intentional act of the property or structure owner or their agent.

3. In all other cases, when a structure containing a nonconforming use is destroyed, the structure may be restored, and the nonconforming use may be reestablished.

   a. Restoration of the structure must be commenced within six months after the date on which the nonconforming structure was destroyed and completed within one year after the date on which the restoration was commenced.

   b. These times may be extended for a reasonable period, if approved by the County Commissioners at a

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public hearing upon a showing of extraordinary circumstances by the property owner or their agent.

4. The provisions of this Section 4-1003(E) shall not apply to substantial improvements to structures in the Floodplain Overlay District as provided for in Section 4-400.

F. Damage to a Structure Containing a Nonconforming Use

1. The right to continue a nonconforming use terminates immediately when the structure containing that use is damaged by an intentional act of the property or structure owner or their agent.

2. In all other cases, when a structure containing a nonconforming use is damaged, the structure may be restored, and the nonconforming use may be reestablished.

   a. Restoration of the structure must be commenced within six months after the date on which the nonconforming structure was damaged and completed within one year after the date on which the restoration was commenced.

   b. These times may be extended for a reasonable period, if approved by the Board of County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.

3. The provisions of this Section 4-1004 (F) shall not apply to substantial improvements to structures in the Floodplain Overlay District as provided for in Section 4-400.

4. Restoration meeting the requirements of this provision are not required to undergo a Site Plan Review. (See Article 4-803 B) *(7/2/98)*

G. Abandonment of a Nonconforming Use

1. The right to continue a nonconforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of six months or more, as a result of causes within the control of the property owner or their agent.
   a. Discontinuance of the use shall be a complete cessation of all activity on the property related to the use as determined in relationship to the nature and history of the nonconforming use, based upon available public information on the use.
   b. If the nonconforming use is a seasonal use, the use shall be terminated if it is discontinued for an entire single season based upon the history and nature of the use.
2. Any nonconforming use may be abandoned in less than six months or a season, as applicable, if the property owner expressly states an intent to abandon the use, or engages in action which unambiguously expresses an intent to abandon.

H. Notice of Termination in the Event of Unlawful Enlargement or Alteration of a Nonconforming Use, Change of Use, Abandonment of a Nonconforming Use, or Destruction or Damage to a Structure Containing a Nonconforming Use

1. In the event that the Director receives

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information upon which a determination is made that the right to continue a nonconforming use has been or may have been terminated by operation of Section 4-1003, the Director shall provide a written notification of this determination by first class mail to the property owner, and to the parcel address, all as shown on the records of the Boulder County Assessor. The property owner shall have 30 calendar days after the date of the notification within which to provide evidence satisfactory to the Director to show that the determination is in error, to abate the illegal enlargement or alteration, to apply for approval of a special use or other applicable approval under this Code, or to file an appeal of the Director's determination to the Board of County Commissioners. In any appeal, the property owner shall have the burden to show that the right to continue the nonconforming use was not terminated according to the applicable provisions of this Article, when judged in light of the history and nature of the use and the circumstances of the alleged termination.

2. Nothing in this Section shall alter or diminish the Director's right to take enforcement action against the unlawful continuation of a nonconforming use terminated by operation of Section 4-1003 hereof, as set forth in 30-28-124, C.R.S., as amended, and Article 17 of this code. Moreover, except in the case of an illegal enlargement or alteration for which the owner shall be provided with a 30 day opportunity to abate, any failure by the Director to provide a notification of a determination of termination as provided for in this Section shall in no way entitle the property owner to continue or resume a nonconforming use terminated by operation of this Section 4-1003(H).

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4-1004 Recognition of Nonconforming Uses *(9/4/97)*

A. A nonconforming use may be recognized as a conforming use if:

1. The use was made nonconforming pursuant to Section 4-1003(A)(1), and receives special use review approval as a use of community significance under Sections 4-506(I) and 4-602(E) of this Code, or

2. The use is nonconforming pursuant to 4-1003(A)(2), and receives special use approval as a temporary use under Section 4-600(A). In addition to satisfying the special use criteria of Section 4-601, such a use may receive special use approval only if it meets the following requirements, to assure that these nonconforming uses are brought into conformity as quickly as justice may permit:

   a. The use is required to totally cease, or to be changed to a conforming use, within a reasonable time certain as determined by the Board of County Commissioners through the special use review process, not to exceed 30 years.

   b. During the time certain when the use is allowed to exist as a temporary special use, the property owner grants a conservation easement to the County to assure that no future expansion of the use or its associated structures occurs on the property beyond that approved in the special use. The conservation easement will also require that at the expiration of the temporary use period established in subsection 4-1004(A)(2)(a), the temporary special use shall cease,

and the property's use and structures shall be made to conform to the zoning districts requirements and in accordance with any specific requirement of the special use review and conservation easement.

c. Approval of the use as a temporary special use will result in some measurable decrease in one or more of the adverse land use impacts associated in the nonconforming use (such as in traffic, noise, or adverse visual impact).

3. The use was a legal residential use when it became nonconforming pursuant to subsection 4-1003(A)(1) and receives limited impact special review use approval under Section 4-600(A), and, in addition, the owner/applicant agrees to permanently deed restrict the approved special use as affordable housing under the adopted standards of the BOCC based upon the recommendation and policies of the Boulder County Housing Authority. *(1/15/98)*

   a. No increase in density is permitted through this approval.

   b. Minor expansions to the use may be allowed through the limited impact special use process, so long as the proposed use results in some measurable decrease in one or more of the adverse land use impacts associated with nonconforming use (such as in traffic, noise, or adverse visual impact) and so long as current County Building Code requirements are met.

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4. The nonconforming use is changed to any other conforming use recognized under this Code.

4-1100 Rezoning (Zoning Map Amendments)

4-1101 Initiation of Amendments

A. Initiation of Map Amendments

1. Map amendments may be initiated by the Board of County Commissioners, the Planning Commission, or the legal owner of any property in Boulder County.

2. Map amendments shall be reviewed and acted upon in accordance with the procedural provisions contained within Article 3 of this Code, except the following:

   a. Comprehensive map amendments initiated by the Board of County Commissioners or Planning Commission including map amendments resulting from a text amendment to this Code. In this case, the following notification requirements may be adopted by the Planning Commission.

      i. The newspaper notice need not contain the name of the landowner and applicant, the proposed and existing zoning, or the general location description of the land.

      ii. The property need not be posted with a sign.

      iii. The written notice of the

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hearing need not be provided to the applicant.

iv. A written notice of the hearing need not be mailed to all owners of interest and adjacent land owners identified in the title report.

4-1102 Standards and Conditions

A. No map amendment shall be adopted by the Board of County Commissioners unless the Board has determined that:

1. a public need exists for the map amendment;

2. the amendment is consistent with and in furtherance of the stated intent and purposes of this Code;

3. the amendment is in accordance with the Boulder County Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development;

4. the subject property is an appropriate site for the map amendment, and is a reasonable unit of land for such reclassification;

5. the map amendment would not have a material adverse effect on the surrounding area;

6. the map amendment will not result in an over-intensive use of land;

7. the map amendment will not have a

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material adverse effect on community capital improvement programs;

8. the map amendment will not require a level of community facilities and services greater than that which is available;

9. the map amendment will not result in undue traffic congestion or traffic hazards;

10. the map amendment will not cause significant air, water, or noise pollution;

11. the map amendment will not permit the use of any area designated within the *Boulder County Comprehensive Plan* for the extraction of commercial mineral deposits in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property;

12. it must be demonstrated that any structures to be built on the property will not be affected by geologic hazards if they exist; and

13. the map amendment will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.

4-1200 Board of Adjustment

4-1201 Appeals to the Board of Adjustment

A. Appeals to the Board of Adjustment may be taken by any person aggrieved by any decision of the Land Use Director or County Engineer made in

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the course of the administration or enforcement of Article 4 or any related provision of this code.

B. An application for an appeal must be made within 30 days after the Director or County Engineer makes a written decision on the matter being appealed. The 30 days shall start to run on the third day after the date of mailing of the decision to the last known address of the person concerning whom the decision is made. If not appealed to the Board of Adjustment the decision shall be final.

C. The process for filing an appeal and specifics regarding the public hearing before the Board of Adjustment are outlined in Article 3 of this Code.

4-1202 Standards of Review

A. Interpretations of this Code

1. In hearing an appeal of an administrative decision or interpretation, the Board of Adjustment shall consider the following:

   a. the technical meaning of the provision being appealed;

   b. evidence as to the past interpretation of the provision;

   c. the principles of interpretation and rules of construction in Article 1 of this code; and

   d. the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

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B. Requests for a Variance from the Provisions of this Code

1. The Board of Adjustment shall not grant a variance to this Code which allows:

   a. a use in a zoning district other than those as allowed in Section 4-100 of this Code;

   b. a variance to the minimum lot area requirements or maximum gross density;

   c. the alteration of any definition;

   d. a substantial modification to any planned unit development or special use allowed approved by the County Commissioners;

   e. any increase in the base flood level; or

   f. a change in the height or yard requirements which could be obtained, or have been denied, through special review.

2. In order to grant a variance, the Board of Adjustment shall find that the following criteria have been satisfied:

   a. there exist exceptional or extraordinary physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope;

   b. because of these physical circumstances, the strict application of this Code would create an exceptional or undue hardship upon

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the property owner;

c. the hardship is not self-imposed;

d. the variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;

e. that the variance, if granted, will not change the character of the zoning district in which the property is located, and is in keeping with the intent of this Code and the Boulder County Comprehensive Plan; and

f. that the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Boulder County and is in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

3. In addition to any other procedural requirements which the Board of Adjustment may require in its duly adopted Supplemental Rules, no initial hearing on any variance application which anticipates new surface development may be held until the applicant provides a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any

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such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the variance, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.*(9/27/01)*

4. In any case where information becomes known to the Land Use Director or the Board that an applicant has failed to provide notice of the initial public hearing on a variance as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.*(9/27/01)*

4-1203 Expiration

A. Unless otherwise stated in the motion made by the Board of Adjustment, all rights to permits authorized by the granting of any variance shall expire one year from the time approval for a variance is final.

4-1204 Extensions

A. An extension of up to six months for good cause shown may be granted by the Board of Adjustment.

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Director: Graham Billingsley
Divisions

Mailing Address

Planning, Zoning, GIS/Maps, Wildfire Mitigation
303-441-3930

Building Division
303-441-3925

Resource Conservation Division
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1901 63rd Street 80301

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Office Hours M-F 8:00AM-4:30PM

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