

CHAPTER 12
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ARTICLE I

Assembly Permits

Sec. 12-1-10. Intent and purpose.

It is the purpose of this Article to prevent and suppress riots, routs, affrays, disturbances and disorderly assemblies in any public or private place, in order to protect the health, safety and welfare of all persons of the County.

Sec. 12-1-20. Permit required.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, organize or manage an assembly on public or private lands where it is reasonably anticipated that attendance will exceed three hundred fifty (350) people, where such assembly continues or can reasonably be expected to continue for three (3) or more consecutive hours, unless a permit to hold such an assembly has first been issued by the Board of County Commissioners. A permit approved by the Board of County Commissioners to hold an assembly shall allow the applicant, his or her agents and employees to engage in any lawful activity in connection with the holding of the permitted assembly. Application for a permit to hold an assembly of three hundred fifty (350) or more persons as heretofore described must be made at least thirty (30) days in advance of the assembly. *Assembly* means a company of persons gathered together at any location at any single time for any purpose.

A. A separate permit shall be required for each event where three-hundred fifty (350) or more people assemble or can reasonably be anticipated to assemble at any one (1) location, unless the location is properly zoned for such assembly, in which case one (1) permit shall be required for the total number of events scheduled for that location for the remainder of the calendar year, not to exceed ten (10) events per year. As used herein, the term *event* means an assembly or anticipated assembly which is scheduled to last for three (3) consecutive days or less.

B. A permit shall allow the assembly of only the maximum number of people stated in the permit. The person obtaining such permit shall not sell tickets to nor permit the assembly of more than the number of persons stated on the permit.

C. The applicant shall not allow the sound of the assembly to carry unreasonably beyond the boundaries of the location of said assembly. For the purposes of this Article, sound created by the assembly which measures more than fifty-five (55) decibels beyond the boundaries of the place of assembly shall be presumed to be unreasonable.

D. This Article shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, fairgrounds, coliseum, picnic or camping area, sale or auction of agricultural lands or personal property, or other similar permanently established place of assembly, provided that said places are being used for the established and normal use and attendance does not exceed by more than two hundred fifty (250) persons the maximum seating capacity of the structure where the assembly is held.

E. This Article shall not apply to government-sponsored affairs held on regularly established fairgrounds, nor shall it apply to assemblies required to be licensed by other laws and regulations of the County. (Weld County Code Ordinance 2001-3)

Sec. 12-1-30. Minimum conditions.

Before a person may be issued a permit, the following must be satisfied:

A. The applicant must state the maximum number of persons who will be assembled or admitted to the location of the assembly. In no case shall the number of persons to be assembled or admitted to the location of the assembly exceed the number which can reasonably assemble within the boundaries of the location of the assembly.

assembly. In determining the number of people to be allowed to assemble at the permit location, the nature of the assembly, the size of the assembly, the size of the boundaries covered by the permit applied for, the health, water and sewerage facilities to be provided, traffic congestion which may occur at the permit location, the proximity of dwelling units or other structures or land uses which may be adversely affected by such an assembly, as well as any other adverse effects on the health, safety and welfare of persons in the County, may be considered by the Planning Commission and the Board of County Commissioners. Where the assembly is to continue overnight, the maximum number of people to be permitted to assemble shall not exceed the number which can sleep within the boundaries of the location of the assembly in accordance with state and local health standards and Chapter 23 of this Code.

B. The applicant shall provide assurances that the applicant will furnish or cause to be furnished the following before the assembly commences:

1. An adequate and safe supply of potable water meeting requirements set forth by the Colorado Department of Health. Where water is not available under pressure and nonwater carriage toilets are used, potable water, meeting all federal and state requirements for purity, shall be provided for bathing and drinking at the rate of at least three (3) gallons per person per day. Where water is distributed under pressure and flush toilets are used, the water supply system shall deliver water at normal operating pressures (twenty [20] pounds per square inch minimum) to all fixtures at the rate of at least thirty (30) gallons per person per day. There shall also be provided a lavatory with running water under at least twenty (20) pounds pressure located at each medical facility.

2. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide healthful facilities for the maximum number of people to be assembled. There shall be a minimum of one (1) toilet for every one hundred (100) males and one (1) toilet for every one hundred (100) females, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with state and local laws and regulations.

3. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of persons to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and collecting such waste at least once each day of the assembly. The plan shall provide for trash cans, dispersed throughout the area of the assembly which are sufficient to prevent solid wastes from escaping the location of the assembly. The plan must call for sufficient personnel to perform such tasks, and the premises and immediate surrounding properties must be cleaned within forty-eight (48) hours after the event.

4. Two (2) persons trained in emergency medical technology for the first three hundred fifty (350) persons and one (1) for every three hundred fifty (350) persons after that, together with at least one (1) emergency ambulance available for use at all times. An enclosed structure where treatment may be rendered shall also be provided.

5. Repealed. (Weld County Code Ordinance 2001-3)

6. If the assembly is to continue during hours of darkness, illumination sufficient to light the area of attention (stage, actors, band, etc.) shall be provided at the rate of at least five (5) foot-candles. Such illumination shall not be allowed to shine or reflect unreasonably beyond the boundaries of the location of the assembly.

7. A parking area sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons, with a density of no more than one hundred forty-five (145) passenger cars or seventy-five (75) buses per acre. The flow of traffic on County roads shall not be blocked or hindered, and no cars, buses or bicycles shall be allowed to park along the side of or in the County roads.

8. Adequate communication with hospital, police and fire services based in the medical station.

9. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements for the maximum number of persons to attend the assembly.

10. Adequate security to control any disturbances which might occur. As a minimum requirement, the applicant shall provide security guards at the rate of two (2) for every three hundred fifty (350) persons attending the assembly. For security within and among the assembled people, at least five (5) security guards shall be provided, or in the alternative, an adequate plan of peer group control may be used. All security guards shall be off-duty peace officers or private guards licensed in Colorado.

11. Fire protection services (off-site).

12. If electrical systems are not self-supporting, electrical systems installation and maintenance in compliance with minimum County electrical standards.

13. A bond filed with the Clerk to the Board, either in cash or underwritten by a surety company, licensed to do business in the State, in an amount which is determined by the Board of County Commissioners to be reasonable in relation to the risks and hazards relating to the event. Upon breach by the applicant of any term of the permit, the Board of County Commissioners may undertake to perform such condition or cause such condition to be performed by another and may use the proceeds of such bond to recoup its costs.

14. Insurance, in an amount which is determined by the Board of County Commissioners to be adequate and reasonable in light of the risks and hazards relating to the event. In no event shall such insurance provide aggregate coverage of less than five hundred thousand dollars (\$500,000.00). In addition, the applicant shall indemnify and hold harmless the County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting the permit, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

C. The applicant shall determine those factors necessary in the design and location of permanent or temporary facilities on the site, and in maintenance of the site, that will insure:

1. That trees, underbrush, large rocks and other natural features shall be left intact and undisturbed.

2. That natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage, prevent erosion and preserve scenic attributes.

3. That the site shall be maintained in such a manner so as to abate dust. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-3)

Sec. 12-1-40. Application.

Application for a permit to hold an assembly of three hundred fifty (350) or more persons shall be made in writing to the Board of County Commissioners at least thirty (30) days in advance of such assembly. The application shall contain a statement made upon oath or affirmation that the statements

contained therein are true and correct to the best of the knowledge of the applicant and shall be signed and sworn to or affirmed, by the individual making application in the case of an individual, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there is no officer, by all members of such association, society or group. The application shall contain and disclose:

A. The name, age, residence and mailing address of all persons required to sign the application and, in the case of a corporation, a certified copy of the articles of incorporation.

B. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owners of such property.

C. A notarized statement by the record owners of such property consenting to such assembly.

D. The nature or purpose of the assembly.

E. The dates and hours during which the assembly is to be held.

F. The maximum number of persons which the applicant shall permit to assemble at any time.

G. The maximum number of tickets to be sold, if any.

H. The plans of the applicant to limit the maximum number of people permitted to assemble.

I. The plans for supplying potable water including the source, number and location, type and means of disposing of waste deposited.

J. The plans for holding, collecting and disposing of solid waste material.

K. The plans to provide for medical facilities, including the location and construction of a structure, the names, addresses and hours of availability of medical technologists and nurses and provisions for emergency ambulance service.

L. The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps.

M. The plans for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots.

N. The plans for communication, including the source, amount and location of communication equipment.

O. The plans for camping facilities, if any.

P. The plans for fire protection.

Q. The plans for security, including the number of guards, their deployment and their names, addresses, credentials and hours of availability; description of peer group control, if any.

R. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.

S. If applicable: plans for meeting County health standards for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.

T. The plans, if any, for electrical systems.

U. The plans to insure that trees, underbrush, large rocks and other natural features shall be left intact and undisturbed; that natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage, prevent erosion and preserve the scenic attributes; and that the location of the site be maintained in a manner so as to abate dust.

V. A statement by a bonding company licensed to do business in the State stating its intent to furnish the bond required in Section 12-1-30 B.13 above.

W. A statement by an insurance company licensed to do business in the State, stating its intent to insure the assemblage as required by Section 12-1-30 B.14 above.

X. The permit fee, which shall not be refundable even if the permit is not granted. (Weld County Code Ordinance 2001-3)

Sec. 12-1-50. Review procedures.

A. The Board of County Commissioners shall hold a hearing on the application within twenty (20) days of receipt of the application. Such hearing shall be held at a regularly scheduled public Board meeting. Legal notice of said hearing shall be published once in the newspaper designated by the Board of County Commissioners for publication of notices. Said notice shall be published at least seven (7) days prior to the public hearing.

B. In acting on the application, the Board of County Commissioners shall consider all evidence whether presented orally or in writing and may act by resolution. If the Board of County Commissioners determines that the application is to be approved, or approved subject to the applicant fulfilling conditions placed on said approval, the Board shall so indicate by placing such conditions on the permit and endorsing the permit.

C. In no event shall the permit be issued prior to the furnishing of the bond, the furnishing of evidence of insurance and the signing of an agreement to indemnify as required by Subsection 12-1-30 B.13 and 14 above.

Sec. 12-1-60. Issuance.

The application for a permit shall be processed within twenty-five (25) days from the time of its receipt from the applicant and shall be issued if all conditions and requirements set forth herein are met.

Sec. 12-1-70. Revocation.

The permit may be revoked by the Board of County Commissioners at any time if any of the conditions necessary for the issuance of the permit are not complied with, or if any condition previously met ceases to be met. The bond may also be forfeited.

Sec. 12-1-80. Penalties.

A permit shall be required for any assembly regulated by this Article, and any person holding such an assembly without a permit or otherwise violating this Article shall be fined not more than three hundred dollars (\$300.00) for each such violation, or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine and imprisonment.

Sec. 12-1-90. Enforcement.

Violations of this Article will be enforced by the Sheriff's office.

ARTICLE II

Liquor Licenses

Sec. 12-2-10. Local licensing authority.

The Board of County Commissioners shall act as the local licensing authority pursuant to the Colorado Liquor Code, to hold public hearings on the suspension or revocation of any license issued by it, and to conduct such other business authorized by the Board under the Colorado Liquor Code. (Weld County Codification Ordinance 2000-1)

Sec. 12-2-20. Suspension or revocation of license.

After a public hearing has been held to determine whether there have been any violations by the licensee or by any of the agents, servants or employees of the licensee of the provisions of the Colorado Liquor Code, of any of the rules or regulations authorized pursuant to the Colorado Liquor Code or of any of the terms, conditions or provisions under which the license was issued, and after a determination by the Board of County Commissioners that such violations

did occur, the following factors will be considered to determine the sanction to be imposed:

- A. Seriousness of the violation in terms of the affront to the public.
- B. Corrective actions taken by the license holder.
- C. Prior violations and offenses at the licensed premises and effectiveness of prior corrective action.
- D. Prior violations and offenses by the licensee.
- E. Violation as a repeated course of conduct or as a single event.
- F. Likelihood of recurrence.
- G. All circumstances surrounding the violation.
- H. Willfulness of the violation.
- I. Hardship on the licensee of the penalty imposed.
- J. Length of time the license has been held by the licensee being disciplined.
- K. Previous sanctions imposed against the licensee.
- L. Other factors making the situation unique to the licensee or premises subjected to discipline. (Weld County Codification Ordinance 2000-1)

Sec. 12-2-30. Application for renewal.

The Board of County Commissioners may set a public hearing on the renewal application if it finds probable cause to believe that any one (1) of the factors contained in Section 12-2-40 below exists. Fees for 3.2% beer or liquor licenses may be found on Appendix 5-H. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-3)

Sec. 12-2-40. Refusal to renew; public hearing, Phase I.

The Board of County Commissioners may consider the following factors in a public hearing to determine if good cause exists to refuse the renewal of any liquor license. Such consideration is denoted as Phase I of the public hearing:

- A. Evidence that the licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this Article or any rules and regulations promulgated pursuant the Colorado Beer Code or the Colorado Liquor Code.
- B. Evidence that the licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or arose in the context of potential disciplinary proceeding.
- C. Evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the establishment is located, which evidence must include a continuing pattern of fights, violent activity or disorderly conduct. For purposes of this Paragraph C, *disorderly conduct* has the meaning as provided for in Section 18-9-106, C.R.S.
- D. Evidence that the licensee is no longer of good character. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-3)

Sec. 12-2-50. Refusal to renew; public hearing, Phase II.

Phase II of such public hearing shall be a determination of whether the following items mitigate or aggravate the effects of the factors listed in Section 12-2-40 above, if any one (1) of the Phase I factors are found to exist; such factors to be considered in determining whether denial of renewal is justified:

- A. Seriousness of the factor in terms of the affront to the public.
- B. Corrective actions taken by the license holder.
- C. Prior violations, offenses and occurrences at the licensed premises and effectiveness of prior corrective action.
- D. Prior violations and offenses by the licensee.
- E. Violation, offense or occurrence as a repeated course of conduct or as a single event.
- F. Likelihood of recurrence.
- G. All circumstances surrounding the violation, offense or occurrence.
- H. Willfulness of violations, offenses, or occurrences.
- I. Length of time the license has been held by the licensee being disciplined.
- J. Previous sanctions imposed against the licensee.
- K. Other factors making the situation unique to the licensee or premises subjected to discipline. (Weld County Codification Ordinance 2000-1)

Sec. 12-2-60. Vote by Board members.

A. Where only three (3) members of the Board of County Commissioners are present for the renewal, suspension or revocation hearing under the Colorado Liquor Code, the licensee may request a continuance to a hearing date at which additional members of the Board will be present.

B. Where four (4) members of the Board of County Commissioners are present, the hearing shall proceed, at the discretion of the Board, provided that if any vote on the ultimate issues of suspension, revocation or renewal results in a 2-2 tie vote, the hearing shall be adjourned until such time as the fifth Commissioner has had an opportunity to review the record. (Weld County Codification Ordinance 2000-1)

ARTICLE III

Small Personal Care Boarding Homes

Sec. 12-3-10. Board of Health.

The Board of County Commissioners shall sit as the Board of Health for purposes of regulating the licensing of small personal care boarding homes, as set forth in this Article. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-20. Definitions.

The following words, as used in this Article, shall have the meanings set forth below:

Personal services means those services which the licensee, operator and employees of a personal care boarding home provide for each resident, including, but not limited to: an environment which is sanitary and safe from physical harm; individualized social supervision; assistance with transportation; and assistance with activities of daily living, including but not limited to bathing, dressing and eating.

Protective oversight means guidance of a resident as required by the needs of the resident or as reasonably requested by the resident, including the following: being aware of a resident's general whereabouts, although the resident may travel independently in the community; monitoring the activities of the resident while on the premises to ensure his or her health, safety and well-being, including monitoring of prescribed medications; reminding the resident to carry out daily living activities; and reminding the resident of any important activities, including appointments.

Small personal care boarding home means a residential facility that provides room and board to one (1) or two (2) adults who are not related to the owner and who, because of impaired capacity for independent living, elect protective oversight, personal services and social care but do not require regular twenty-four-hour medical or nursing care. The term does not include a facility holding a current certificate of authority to operate a life care facility issued pursuant to Article 13, Title 12, C.R.S., residential care facilities for the developmentally disabled or personal care boarding homes regulated under 6 CCR 1012-1. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-30. General requirements.

A. All small personal care boarding homes shall be licensed in accordance with the regulations contained in this Article.

B. All small personal care boarding homes shall be in compliance with all applicable zoning, housing, fire, sanitary and all other codes and ordinances of the municipality, County or city and county where the home is situated.

C. A nonrefundable fee as set by separate action of the Board of Health shall be required for each application and renewal. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-40. Appeal process.

A. Any action to deny, sustain or revoke an operating license or application may be appealed by submitting a written statement of intent to appeal with the Department of Public Health and Environment within fifteen (15) days of the postmarked date of the decision to deny, suspend or revoke.

B. The Department of Public Health and Environment shall have the burden of proof by a preponderance of the evidence at the appeal hearing.

C. The initial hearing on the appeal will be held by the Department of Public Health and Environment Advisory Board within twenty (20) days after receipt of notice to appeal.

D. Notice of time, date and place of the hearing shall be mailed to the parties seeking appeal at least ten (10) days prior to the hearing.

E. The licensee shall be entitled to retain counsel on his or her own behalf, and the Department of Public Health and Environment or the licensee may examine documentary evidence, present testimony on his or her behalf and cross-examine and impeach witnesses presented by the opposing party.

F. The hearing shall not be subject to strict judicial or technical rules of procedure or evidence. Evidence presented at the hearing may include oral testimony, witnesses, briefs or memoranda, inspection reports, site visits of the facility and other relevant information

G. A record, by a method selected by the Advisory Board, of the hearing shall be kept. The methods may include the use of a court reporter, electronic recording device, detail transcription or detailed minutes. If the Advisory Board chooses a method other than a court reporter and a licensee requests the use of a court reporter, the licensee shall be responsible for the costs of the court reporter.

H. The Advisory Board shall, within ten (10) days of the termination of the hearing, make a written report of its findings and recommendations as to whether or not the decision of the Department of Public Health and Environment was correct, supported by concise statements citing the basis of the Advisory Board's decision. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-50. Review of decision.

The Board of County Commissioners shall, upon written request for a review of the decision filed by the applicant or licensee with the Clerk to the Board within fifteen (15) days of mailing of the notice of decision, issue and mail to the licensee an order which either adopts, with or without amendments,

the findings or recommendations of the Advisory Board; substitutes to the Board of County Commissioners' own findings and conclusions based upon the record; or remands the matter to the Advisory Board to take further evidence. This review shall be on the record with the notice and conducted in accordance with the terms of Section 12-3-40 A through G above. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-60. Right of entry.

All small personal care boarding homes shall permit access by the State and designated local long-term-care ombudsman to the premises and residents during reasonable hours for the purpose set out in the federal "Older Americans Acts of 1965."

Sec. 12-3-70. Building and fire safety.

A. The small personal care boarding home shall be in compliance with the Fire Code for the appropriate fire district or municipality, and the premises shall remain available for inspection by the local fire department at appropriate times.

B. Facilities in existence as of February 15, 1987, may request approval for an extended time for correcting fire code violations provided that:

1. The fire district or municipality has granted an extended time for making corrections;
2. All hazardous areas and vertical openings, if any, are protected;
3. Smoke detectors are installed in all living rooms or similar congregate areas, hallways and bedrooms;
4. Copies of estimates and contracts are submitted, including an adequate description of finances sufficient to make the corrections; and
5. A timetable submitted for completion appropriate to the nature and extent of deficiencies, not to exceed thirty-six (36) months.

C. There shall be eighty (80) square feet for one (1) bedroom and sixty (60) square feet per person for mobile bedrooms, exclusive of toilet rooms. There shall be no more than two (2) residents per room.

D. Extension cords or multiple-use sockets shall not be permitted.

E. Each bedroom shall contain at least one (1) window. (See also Subsection A above)

F. Cooking shall not be permitted in sleeping rooms. Cooking activities shall be confined to areas provided and approved for such purpose.

G. Each floor having resident bedrooms shall have a toilet room directly accessible without going through an adjacent bedroom, one (1) for each two (2) residents.

H. Bathing facilities with tub or shower shall be provided in a ratio of one (1) bathing facility per two (2) residents.

I. Lighting, adequate to meet the needs of the residents, shall be provided in all toilet and bathing rooms.

J. Grab bars shall be properly installed at each tub and shower, and adjacent to each toilet.

K. Bathtubs and shower floors shall have nonskid surfaces.

L. Toilet seats shall be constructed of nonabsorbent material, and free of cracks.

M. Dayroom or living/recreation room space shall be provided for daily living activities and shall be well lighted, heated and ventilated.

N. No resident or group of residents shall be excluded from contact with other residents at meal time.

O. Meals shall not be routinely served in resident rooms.

P. There shall be a written fire escape plan and diagram developed with consultation from the local fire department officials. The fire escape plan and diagram shall be posted in a conspicuous place. The plan and diagram shall be explained to each resident within seven (7) days of admission to the small personal care boarding home.

Q. In addition to Subsections A through P above, the following shall apply to personal care boarding homes if occupied by one (1) or more nonambulatory residents:

1. Bedrooms and all living areas shall be accessible to wheelchair-bound clients.
2. A minimum of two (2) entryways shall provide for wheelchair access and for egress out and away from the building.
3. All doors to those rooms requiring wheelchair access shall be at least thirty-two (32) inches wide.
4. All fixtures, including bathtubs, showers, lavatories, stools, mirrors and towel racks shall be accessible to wheelchairs.

R. The small personal care boarding home shall provide a clean environment, free of hazards to health and safety.

S. There shall be an adequate supply of safe, potable water available for domestic purposes and in compliance with state and local laws and regulations.

T. Sewage shall be discharged into a public sewer system or disposed of in a manner approved by the state and local health authority and the Colorado Water Quality Control Commission.

U. Electric, space or kerosene heaters shall not be permitted.

V. No resident shall be assigned to any room other than a regularly designated bedroom.

W. Furnished resident rooms shall be equipped per bed as follows:

1. Comfortable standard-sized bed. Rollaway type beds, cots, folding beds or bunk beds shall not be permitted. Residents may, if both request, share a double bed.
2. Beds shall be equipped with a comfortable, clean mattress, mattress protector and pad. A comfortable, clean pillow and appropriate bedding shall be provided.
3. At least two (2) clean sheets and one (1) clean pillow case shall be provided weekly or more frequently if needed.
4. A standard-sized chair in good condition.
5. An incombustible wastebasket with impervious disposable liner.
6. Storage facilities adequate for clients' clothing and personal articles.
7. A closet or locker space.
8. A towel rack for each client.

X. Carpets or floor coverings shall be securely fastened to the floor and in good condition.

Y. At least three (3) nutritionally balanced meals, using a variety of foods from the basic four food groups, shall be served at regular times daily.

Z. There shall not routinely be more than a fourteen-hour span between the evening meal and breakfast.

AA. There shall be recipes available for food items used in the menus. Menus and recipes shall be available for review.

BB. There shall be enough food on hand to prepare the menus for two (2) days.

CC. In facilities capable of and willing to provide therapeutic diets, appropriately qualified dietary consultant services shall be obtained.

DD. Therapeutic diets shall be prescribed by a physician.

EE. All food shall be free from spoilage, filth or other contamination, and shall be safe for human consumption.

FF. A two-compartment sink or domestic dishwashing machine shall be required.

GG. Laundry equipment and/or arrangements with a commercial laundry shall be available.

HH. Separate storage for soiled linen and clothing shall be provided. Such storage may consist of individual plastic bags or hampers.

II. The use of common towels, washcloths or personal care articles is prohibited.

JJ. All resident equipment (wheelchairs, walkers, oxygen equipment) shall be maintained in safe and sanitary conditions defined in the admission agreement.

KK. A facility may keep household pets, including dogs, cats, caged birds, fish and other animals, if permitted by local ordinance, and in accordance with facility policies and guidelines. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-80. Personnel.

The operator of the personal care boarding home shall employ a sufficient number of personnel able to perform their respective duties, services and functions to ensure the provision of personal and social care, including twenty-four-hour monitoring by on-site personnel. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-90. Qualifications and orientation.

A. Each employee shall be given on-the-job training or have related experience in the job assigned to them.

B. All personnel shall have access to the facility's policies, procedures manuals and other information necessary to effectively perform their duties and to carry out their responsibilities.

Sec. 12-3-100. Health requirements.

The operator, employees and volunteers shall be in good health, free of signs of communicable disease.

Sec. 12-3-110. In-service training.

All staff shall receive documented on-the-job training appropriate to their position and shall include at least:

A. Residents' rights.

B. Simulated fire prevention drills (at least four [4] fire drills per year).

C. Emergency procedures.

Sec. 12-3-120. Volunteers.

A. Volunteers may be utilized in the facility but may not be included in the facility's staffing plan in lieu of facility employees.

B. Volunteers shall be supervised and familiar with resident's rights and the facility's policies and procedures.

C. Volunteers who provide personal care to residents shall be in good health and competent to perform the task assigned.

D. Residents may participate voluntarily in performing housekeeping duties and other tasks suited to the residents' needs and abilities. Residents shall not be used as substitutes for required staff. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-130. Fitness.

Any person who is involved in substance abuse, uses alcohol excessively, uses narcotic or dangerous drugs, is physically or mentally unable to adequately and safely perform the duties of an operator or employee, or has been convicted of a felony or a crime of moral turpitude, shall not be approved as a licensee or be hired as an employee, subject to the provisions of Section 24-5-101, C.R.S.

Sec. 12-3-140. Admissions.

Only residents whose needs can be met by the personal care boarding home shall be admitted.

Sec. 12-3-150. Physician's assessment.

A. All facilities shall adopt a policy which identifies when a physician's assessment will be required, such as a significant change in the resident's condition or evidence of possible infection (open sores, etc.).

B. If required by the personal care boarding home, a physician's assessment shall be obtained, including at least the following:

1. The resident is free of communicable disease or any condition which would preclude admission to the facility.
2. A list of current prescribed medications including:
 - a. Dosage, time of administration and route.
 - b. Whether medication is self-administered and what assistance, if any, is required from facility staff.
3. Type of diet and restrictions or special instructions, if any.
4. Allergies, if any.
5. Any physical or mental limitations or restrictions on activity.

Sec. 12-3-160. Resident's agreement.

A. A written "Resident's Agreement" shall be executed at the time of admission or prior thereto, between the operator and the resident or legal guardian. Each party will be provided with a copy of such agreement.

B. Each agreement shall set forth the following terms:

1. Rates and charges (thirty-day written notice), refunds and deposits.
2. Types of services provided which include, but are not limited to:
 - a. List of "personal services" provided to the resident for daily living activities as defined in the regulations contained in this Article.
 - b. List of "supportive services" provided and requested by the resident and provided by the operator.
 - c. A "board and care plan" outlining the functional capability of the resident and the need for personal assistance.
 - d. Residents' rights and grievance policies, as provided in Section 12-3-230 below.
 - e. House rules and policies, such as smoking or drinking.
 - f. Acceptance, retention, discharge and eviction policies.
 - g. Conditions under which the agreement may be terminated.
 - h. Any agreement regarding management of the residents' personal funds or property consistent with the provision of Section 12-3-260 below.

3. No contract, or any provision therein, shall be construed to relieve the facility of any requirement or obligation imposed by the rules and regulations contained herein.

4. This "Resident's Agreement" can be amended at the request of either party, and shall include at least thirty (30) days' advance notice. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-170. Board and care plan.

A. A board and care plan on each resident shall be a part of the admission packet and shall define the resident's needs and the services the facility will provide to meet those needs.

B. The board and care plan shall be reviewed and updated at least yearly or more frequently, if necessary, to note significant changes in the resident's physical, mental or social condition or needs.

C. The resident may request additional services at any time and/or request a change in the board and care plan.

Sec. 12-3-180. Resident activities.

A. The facility shall provide opportunities for social and recreational activities within and outside the facility.

B. The facility shall coordinate community resources and promote resident participation in activities both in and away from the facility.

C. The facility shall encourage resident participation in planning, organizing and conducting the residents' activity program.

D. The facility shall provide residents with information on available community activities.

E. Residents shall not be required to participate in any program activities.

Sec. 12-3-190. Records.

A. A record shall be maintained on each resident and shall contain at least, but not be limited to the following:

1. The resident's full name, including maiden name if applicable.
2. The resident's former address of residence.
3. Date and time of admission.
4. Date of departure and next place of residence, when applicable.
5. Name, address and telephone number of relatives and/or legal guardian or responsible person to be notified in an emergency.
6. Name, address and telephone number of the resident's primary physician and alternate physician.
7. The resident's sex, date of birth, marital status and Social Security number.
8. Full legal name of spouse, if applicable.
9. The board and care plan.
10. A current record of the resident's medications, including name of drug, dosage, route of administration and directions for administration; and documentation of resident self-administration of medication. If the resident refuses to take medications as ordered, there shall be documentation that the physician has been notified.
11. An anecdotal record of any accidents, injuries, illnesses or incidents of violent behavior towards self or others occurring after admission to the personal care boarding home.
12. The resident's admission agreement.
13. An inventory of valuable personal property.

B. Records shall be legibly recorded in ink, dated and available for inspection by the resident or legal guardian.

C. Records shall be maintained and/or stored in such a manner as to be protected from loss, damage or unauthorized use.

D. The confidentiality of all medical, psychological and sociological information shall be protected at all times.

E. Records shall be maintained for a period of one (1) year following the termination of the resident's stay in the personal care boarding home.

F. Except in an emergency, the facility shall not release any information or a copy of the record to anyone except the resident or legal guardian, the resident's physician, an individual with written authorization by the resident or the State Department of Health. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-200. Prescription medications.

A. Residents shall maintain and self-administer only medications prescribed by the physician and that belong to the resident. No resident shall be required to surrender his or her right to possess or self-administer any medication belonging to him or her and described in the board and care plan unless so ordered by his or her physician.

B. If an operator or employee of the personal care boarding home has reason to doubt the wisdom or safety of a resident's self-administration of medications (either prescription or over-the-counter drugs), the operator or employee shall immediately bring this question to the attention of the physician. If an operator determines that prescribed medications are not being taken by the resident according to the physician's instructions, the operator shall notify the physician for instructions.

C. All medications shall be maintained and stored in a manner that ensures the safety of all residents.

D. If requested by residents, a locked cabinet or drawer for medication storage shall be provided.

E. No resident shall be permitted to use or take another resident's medication.

F. Stock supplies of nonprescription medications shall not be maintained in the personal care boarding home.

G. The personal care boarding home shall establish a system of monitoring residents' self-administration of medications.

H. Residents shall be permitted to self-administer oxygen when prescribed by the physician.

I. Oxygen tanks, when used, shall be secured and shall be properly stored at all times.

J. Rooms in which oxygen is used or stored shall be posted with a conspicuous "No Smoking" sign.

K. Medications which require refrigeration shall be properly maintained.

L. No disinfectants, insecticides, bleaches, rubbing alcohol and/or household poisons shall be stored with medications and food supplies.

Sec. 12-3-210. Disposal and release of medications.

A. All personal medication is the property of the resident and shall be returned to the resident or responsible person upon transfer, discharge or death of the resident.

B. Any discontinued personal medication shall be returned to the resident or responsible person for proper disposition.

C. The administrator shall document the return of centrally stored prescribed medication.

Sec. 12-3-220. Residents' rights.

A. There shall be a written policy of residents' rights. This policy shall not exclude, take precedence over or in any way abrogate legal and constitutional rights enjoyed by all adult citizens and shall include:

1. The right to be accepted and treated as a resident. A resident may not be kept apart from other residents.
2. The right to reasonable privacy, including privacy of self and possessions, in their room, or portion of room, in personal affairs.
3. The right not to be physically or psychologically abused or punished by the operator, the operator's employees or family, other clients or others.
4. The right to live free from physical restraint, involuntary confinement and financial explanation.
5. The right to full use of the facility, including freedom to use the living room, dining room and recreation areas, in compliance with the documented house rules. The right to voice grievances and recommend changes in policies and services.
6. The right to communicate privately by mail or telephone with anyone, including relatives, friends, caseworkers, medical and psychiatric facilities and members of public agencies. The right to reasonable use of the telephone, in accordance with house rules, that define frequency and duration of calls and use of telephone for long distance.
7. The right to have visitors, provided that the visits are conducted at reasonable hours and the visitors are not actively disruptive to the operator, the operator's employees or family, or other residents.
8. The right to make visits outside the home. However, there is a shared responsibility by the operator and the resident to make mutual arrangements for keeping in touch with each other.
9. The right to make their decisions and choices in the management of their personal affairs, funds or property in accordance with their abilities.
10. The right to expect the cooperation of the provider in achieving the maximum degree of benefit from placement.
11. The right to exercise their choice to attend and participate in religious activities.

B. The policy on residents' rights shall be posted in a conspicuous place, and there shall be documentation in the resident's record that the resident has read or had explained the policy on residents' rights.

Sec. 12-3-230. Grievances.

There shall be a written policy and procedure for handling grievances and problems which shall indicate that, if the procedures outlined are not resolved to the residents' satisfaction, residents may contact any of the following agencies:

- A. The long-term care ombudsman.
- B. The Adult Protection Services of the appropriate County Department of Social Services.
- C. The Advocacy Services of the Area Agency on Aging.
- D. The Colorado Department of Health or local Department of Public Health and Environment.

Sec. 12-3-240. House meetings.

House meetings shall be held at least quarterly with residents, operator and appropriate staff so that residents can voice grievances and make recommendations concerning facility policies.

Sec. 12-3-250. Smoking policy.

There shall be a policy on smoking. If smoking is permitted in any areas, such areas shall be designated and residents and staff shall be informed upon admission or employment of any prohibitions. Smoking policies shall apply to both residents and staff.

Sec. 12-3-260. Personal funds.

A. A resident may authorize the operator to handle the resident's personal funds or property. Such authorization must be in writing and shall specify the financial management services to be performed. In this event, the operator shall exercise fiduciary responsibility for these funds and property. There shall be no requirement for the operator to handle resident funds or property. Personal care boarding homes which accept responsibility for residents' personal funds shall post a surety bond in the amount of five thousand dollars (\$5,000.00) to protect the residents' personal funds or provide other adequate security.

B. There shall be a running account (in ink) of all financial transactions. Each entry shall be dated. There shall be at least a monthly accounting to the resident or legal guardian of all transactions which shall include: the date the money was received from the resident and disbursed, source of funds including any bank or other accounts, any and all deductions for room and board and other expenses, any advancements, and the balance. An account shall begin with the date of the first handling of the personal funds of the resident and shall be kept on file for no less than three (3) years and shall be available for inspection by the Department of Public Health and Environment.

C. Funds of each resident handled by the operator shall be protected from theft and loss, and the operator shall be responsible for their safekeeping. These funds shall not be made available for the operator's personal use or for operating expenses of the facility above and beyond the agreed monthly room and board charges. These funds must be kept in separate resident escrow accounts. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-270. Treatment of residents.

Physical restraint, isolation, corporal punishment, personal humiliation or the withholding of food, water or clothing to any resident is prohibited.

Sec. 12-3-280. House rules.

There shall be written policies outlining house rules or responsibility of the resident in regard to the facility. These rules or policies shall be shared with the resident at the time of admission.

Sec. 12-3-290. Discharge policies.

A. The resident shall be discharged, transferred or evicted only for one (1) or more of the following reasons:

1. When the facility is no longer able to meet the resident's identified needs.
2. Non-payment for basic services as per the resident agreement.
3. Failure of the resident to comply with written policies or rules of the facility.
4. When a resident poses a danger to self or other residents.

B. The resident or responsible person must have thirty (30) days' advance written notice of discharge, except in cases of medical emergency for the physical safety of themselves or others or for nonpayment of rent, in which case the responsible person shall be notified as soon as possible.

C. Discharge or transfer shall be coordinated with the resident, his or her family or responsible person or appropriate agency.

Sec. 12-3-300. License application.

A. The Department of Public Health and Environment has been designated for the licensing of small personal care boarding homes.

B. It shall be unlawful for any person to operate or cause to be operated a small personal care boarding home as defined herein unless the facility has been approved and regularly licensed in the manner set forth in the rules and regulations contained herein.

C. Any person desiring a license to operate a small personal care boarding home shall follow the Department of Public Health and Environment application and forms provided by the Department of Public Health and Environment.

D. Failure of a licensee to show ability to meet the requirements of this Article shall result in a denial of the application for license. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-310. Inspection for license.

The inspection of small personal care boarding homes shall be conducted by an authorized agent of the Department of Public Health and Environment in consultation with the Area Agency on Aging and a determination made as to whether the small personal care boarding home facility meets the requirements of the rules and regulations set forth herein.

Sec. 12-3-320. License renewal.

Annual renewal of the operating license is required thirty (30) days prior to the date of expiration and shall require a submittal of the information required in the application, except that the complete renewal application may indicate that there has been no change where appropriate.

Sec. 12-3-330. Posting of license.

The small personal care boarding home operator shall place the license in a conspicuous place in the facility.

Sec. 12-3-340. License not assignable.

The license granted shall not be assignable or transferable and shall apply only to the building described therein. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-350. Revocation, denial or suspension of license.

A. Grounds and procedures for revocation, denial or suspension of a license are as follows:

1. Obtaining or attempting to obtain a license by fraudulent means or misrepresentation of any fact and misappropriation of property of residents.
2. Violation of these regulations.
3. Refusal to permit entry by Department of Public Health and Environment personnel or other agents for the annual licensing inspection.
4. Conduct or practices determined by the Department of Public Health and Environment to be detrimental to the welfare of the residents of the small personal care boarding home.

B. If such a license issued hereunder is suspended or revoked, or upon denial of an application, a written notice shall be given to the licensee stating the grounds of denial, revocation or suspension. Said notice shall indicate the date the decision is effective and the reasons for the denial, revocation or suspension and shall be sent by certified mail, return receipt requested, to the address of the licensee indicated in the application.

C. Temporary suspension of license for a period of time not to exceed thirty (30) days may be invoked for those emergency circumstances which require immediate action pending a hearing on suspension or revocation of a license. The Department of Public Health and Environment first must find that the conduct of the licensee/operator or other agents or employees or the condition of a small personal care boarding home presents an imminent danger to the health, safety and welfare of the residents of the personal care boarding home before a temporary order of suspension may be issued. Notice shall be given as in Section 12-3-40 D and by posting at the small personal care boarding home.

D. If a license is denied, revoked or suspended, reinstatement of the annual operating license shall be considered by the Department of Public Health and Environment if, within thirty (30) days, conditions upon which revocation was based have been corrected and evidence of this fact has been furnished to the Department of Public Health and Environment. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-360. Inspection of boarding home.

Each small personal care boarding home shall be periodically inspected, after the initial inspection for license, by an authorized agent of the Department of Public Health and Environment at least once annually.

Sec. 12-3-370. Closure of boarding home.

Any licensee of a facility licensed under this Article shall give thirty (30) days' notice to the Department of Public Health and Environment prior to closing a facility or to closing any part of a facility. The resident's records shall be given to the resident or a party responsible for the continuing care of the resident. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-380. Changes on license.

The Department of Public Health and Environment shall be notified by the licensee of the change of the operator of the small personal care boarding home within thirty (30) days of change. Notification shall be in writing and shall contain the name of the present and new operator and the date the new operator is to be responsible for the small personal care boarding home. The new licensee is responsible for making application for an amended license under the requirements of this Section. (Weld County Codification Ordinance 2000-1)

Sec. 12-3-390. Liability.

Nothing in this Article is intended to create a duty of care or create liability on the part of the Board of County Commissioners or any agency, officer or employee of the County. (Weld County Codification Ordinance 2000-1)

ARTICLE IV

Utility Permit

Sec. 12-4-10. Purpose and intent.

The purpose of this Article is as follows:

A. To ensure that the installation and construction of lines of telegraph, telephone, electric light, wire, power, gas or pipelines along, across, upon and under any County road rights-of-way do not obstruct or hinder the usual travel upon such rights-of-way.

B. To ensure that said installation and construction is done in a manner which provides for the safety of the traveling public upon said rights-of-way and in a manner which prevents damage to said rights-of-way.

C. To enable the Department of Public Works to be apprised of the location of said lines along, across, upon and under said rights-of-way and to provide for the marking of the same. (Weld County Codification Ordinance 2000-1)

Sec. 12-4-20. Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein:

Contractor means any party performing the installation and construction for a permittee who obtains a permit pursuant to this Article. A permittee may be a contractor under this definition.

Lines means lines of telegraph, telephone, electric light, wire, power or pipelines.

Permittee means the owner and/or operator of any lines to be installed and constructed upon any County road right-of-way and who has obtained a permit pursuant to this Article. (Weld County Codification Ordinance 2000-1)

Sec. 12-4-30. Applicability.

These regulations apply to permits to install and construct lines of telegraph, telephone, electric light, wire, power, gas or pipelines along, across, upon and under any County road rights-of-way.

Sec. 12-4-40. Relationship to other regulations.

A. Nothing in these regulations shall be construed as exempting an applicant for a permit from any other requirements of this jurisdiction or other state or federal laws.

B. To the extent that the requirements of this Article differ from any other applicable requirements, the more restrictive requirements shall apply.

Sec. 12-4-50. Delegation of authority.

The Board of County Commissioners hereby delegates its authority, pursuant to Section 38-5-101, C.R.S., to regulate the installation and construction of lines of telegraph, telephone, electric light, wire, power or pipelines along, across, upon and under any County road rights-of-way to the Director of Public Works and his or her employees.

Sec. 12-4-60. Permit required.

A. No person shall install or construct lines of telegraph, telephone, electric light, wire, power or pipeline along, across, upon and under any County road rights-of-way without first obtaining a permit from the Director of Public Works for such use.

B. Any domestic or foreign telegraph, telephone, electric light, wire, power, gas or pipeline company authorized to do business under the laws of the State or any city or town owning electric power producing or distribution facilities may obtain a permit, pursuant to this Article, to install and construct lines of telegraph, telephone, electric light, wire, power, gas or pipeline along, across, upon and under any County road rights-of-way.

C. Said permit shall address the following, and shall be substantially in the form of the permit, a copy of which is available at the office of the Director of Public Works:

1. Completion date of all installation and construction work permitted.
2. Submittal of plan drawings showing the positions of lines to be installed or constructed.
3. Surety bond or other security for the total amount required to restore the rights-of-way.
4. Insurance policies provided by the permittee and/or contractor naming the County as an "Insured."
5. Marking of lines.
6. Recording of the location and type of lines installed or constructed.
7. Shutoff of lines and the removal of all combustible materials from the rights-of-way when requested by the County, because of necessary highway construction and/or maintenance operations.

8. Removal or relocation of lines installed or constructed on County road rights-of-way at the permittee's expense because of changes made to said roadways or their appurtenances within the rights-of-way.
9. Notification to the Department of Public Works of the desire or need to close rights-of-way during installation and construction.
10. Provision of all necessary signs and barricades in accordance with the *Manual on Uniform Traffic Control Devices* and its latest Colorado Supplement in order to warn oncoming motorists of any installation and construction work or closure.
11. Maintenance of traffic upon rights-of-way during installation and construction.
12. Prohibition of cleated or track equipment working upon asphalt surfaces without mats.
13. Return of all disturbed portions of rights-of-way to their original condition.
14. Removal of all materials used in the installation and construction at the end of each work day.
15. Restriction of the cutting of asphalt surfaces.
16. Means to facilitate future line location when nonferrous lines are installed in any rights-of-way.
17. Placement of gravel surfaces where any damage has occurred to the right-of-way surface from equipment, trenching or storage of material.
18. Encasement of lines from toe of slope to toe of slope under all paved roads, intersections and approaches, unless otherwise stated.
19. Positioning of manholes and other points of access to underground lines within rights-of-way.
20. Damage and replacement of drainage facilities or siphons.
21. Restriction of the installation of aboveground appurtenances, including but not limited to meters, launchers, receivers and/or valve stations within the rights-of-way.
22. Requirement of thrust blocks on all vertical and horizontal bends in water pipes.
23. Removal of any wet or incompactable materials produced from excavations from the rights-of-way and the replacement of the same with compactable materials.
24. Complete road restoration.
25. Prohibition of the cutting or damaging of culverts, drain lines, utility lines or any other installations within the rights-of-way.
26. Prohibition of line installation or construction when the ground is frozen to a depth which will cause damage to the right-of-way as determined by the Director of Public Works.
27. Underground lines installed and constructed with a minimum of three (3) feet of ground cover.
28. Spreading of gravel over the road surfaces upon completion of the line installation or construction.
29. The understanding that all line installation and construction is to be performed at no expense whatsoever to the County.
30. The understanding that the permittee shall own, maintain and operate any line installed or constructed.
31. Agreement for indemnification.
32. The right of the County to order the permittee to stop work.

- 33. The right to revoke by the County.
- 34. Venue in any civil court action brought pursuant to the permit or this Article shall be in the County.
- 35. Setting of fees.

D. Grounds for denial of permit. Any application for permit pursuant to this Article shall be denied if, in the opinion of the Director of Public Works, the applicant has failed to cooperate in providing any information requested by the Director of Public Works or in providing the surety bond and insurance referred to above. If the Director of Public Works denies the permit, the applicant may submit a written appeal within ten (10) days after the denial to the Board of County Commissioners for a hearing to consider whether the Director of Public Works was in error in denying said permit and whether said permit should be approved.

- 1. Within twenty (20) days after receiving a written appeal, the Board of County Commissioners shall set a date for hearing. At the hearing, the applicant may be present, testify and present evidence on his or her behalf if he or she so desires. Said hearing shall be de novo and the burden of proof shall rest upon the Director of Public Works.
- 2. The Board of County Commissioners shall approve said permit if the applicant proves to the Board of County Commissioners that he or she shall provide the requested information to the Director of Public Works and provide the bond and insurance referred to above.

E. The County may, at its option, hire inspectors on major projects to inspect the work done pursuant to the permit. Whenever such an inspector is hired, the permittee shall pay the direct expense of such inspection. (Weld County Codification Ordinance 2000-1)

Sec. 12-4-70. Enforcement provisions.

A. The Director of Public Works shall have the right to order the permittee to stop work any time the Director of Public Works believes that a violation of the permit has occurred or if there is a danger to the public safety if the work continues. If the Director of Public Works orders the permittee to stop work, the permittee may submit a written appeal within ten (10) days after receiving the Director's order to the Board of County Commissioners for a hearing to consider whether the order to stop work was in error and whether the permittee should be allowed to continue with said work.

- 1. Within five (5) days after receiving an appeal, the Board of County Commissioners shall set a date for a hearing. At the hearing, the permittee may be present and testify and present evidence on his or her behalf if he or she so desires. Said hearing shall be de novo and the burden of proof shall rest upon the Director of Public Works.
- 2. The Board of County Commissioners shall reverse the order to stop work if the permittee proves that said order was in error and was unnecessary or if the permittee agrees with the Board of County Commissioners to remedy the defects or problems which prompted the stop work order.
- 3. If the Board of County Commissioners decides to uphold the order of the Director of Public Works to stop work, the permit under which said work was permitted shall be deemed to be revoked. Upon revocation, the acquisition of a new permit and payment of all fees required therein shall be necessary in order for work upon the project to continue.

B. The Board of County Commissioners may revoke any permit issued pursuant to this Article at any time should the permittee and/or contractor fail

to comply with any of the requirements of the permit. Upon revocation, the acquisition of a new permit and payment of all fees required therein shall be necessary in order for work upon the project to continue.

Sec. 12-4-80. Penalties.

A. Criminal penalty. Any person violating this Article shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine or imprisonment. Each day during which such illegal activity continues shall be deemed a separate offense.

B. Civil remedies. In the case of any violation of any provision of this Article, the County Attorney, or where the Board of County Commissioners deems it appropriate, the District Attorney, in addition to any other remedies provided by law, ordinance, or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin and/or abate the activity which is in violation of this Article.

C. In the event any County road right-of-way is damaged by the installation and construction permitted and said damage is not repaired by the permittee and/or contractor, the County shall:

1. Notify the permittee and/or contractor that said damage must be repaired by the permittee and/or contractor within a reasonable period of time as determined by the Director of Public Works.
2. If the permittee and/or contractor does not repair said damage within the reasonable time as determined by the Director of Public Works pursuant to Paragraph 1 above, then the permittee and/or contractor shall forfeit its surety bond in order to pay for the repair of said damages.
3. The County shall have the right to bill the permittee and/or contractor for an additional twenty-five percent (25%) of the remedial cost as an administrative fee for effectuating said repair.

Sec. 12-4-90. Liability.

This Article shall not be intended to create a civil cause of action against the Board of County Commissioners, the Director of Public Works or any other persons that may administer this Article in any manner.

Article V

**Public Dance Hall, Booth, Pavilion or
Other Place Where Public Dances Are Held**

Sec. 12-5-10. Scope and authority.

This Article shall apply to all public dance halls, booths, pavilions or other places in the unincorporated portions of the County where public dances are held for two (2) or more occasions per year. (Weld County Code Ordinance 2001-3)

Sec. 12-5-20. License required.

No person, partnership or corporation shall operate, conduct, carry on or maintain a public dance hall, booth, pavilion or other place where public dances are held for two (2) or more occasions per year without first obtaining a license therefor. The Board of County Commissioners has the authority, within its discretion, to grant such license for the current calendar year or part thereof unexpired upon the payment of a fee of twenty-five dollars (\$25.00) and after public hearing. Such license shall authorize the person, firm or corporation receiving it to operate, conduct and carry on a public dance hall, booth or pavilion at such place for the term from the date of its issue to the end of the current calendar year for which it is issued. No license issued under the provisions of this Article shall be assigned or transferred by the person, firm or corporation to whom it is issued, and no license shall be available or used for more than one (1) particular place, building or premises described in the application and in such license. (Weld County Code Ordinance 2001-3)

Sec. 12-5-30. Application.

Application for a license issued pursuant to this Article shall be made to the Board of County Commissioners. Forms of such application shall be available from the Clerk to the Board. The application shall state the name and address of the applicant, if a person; the names and addresses of all the persons composing the partnership, if a partnership; and the names and addresses of the officers and directors of the corporation, if a corporation; a full description of the place and premises at which it is proposed to conduct and carry on such public dances; and the term for which such license is desired. (Weld County Code Ordinance 2001-3)

Sec. 12-5-40. Notice; posting; hearing.

A. Public notice shall be given of the public hearing to consider an application for a new license, pursuant to this Article, by the posting of such notice in a conspicuous place on the premises where the dances are to be held. Such notice shall be posted for a period of not less than ten (10) consecutive days prior to the date of the public hearing.

B. At the public hearing upon the application, the Board of County Commissioners shall consider the testimony of the applicant, any adjacent landowners and the public, and consider any written or tangible exhibits submitted as evidence.

C. To grant the application, the Board of County Commissioners must find that the premises is a safe and proper place for the intended purpose, and that the public morals, public safety or public health of the community shall be satisfied by the issuance of the license.

D. Such notice and public hearing shall not be required for license of a place, building or premises for which a valid license was in effect pursuant to this Article during the calendar year immediately preceding the date of the submittal of the current application. (Weld County Code Ordinance 2001-3)

Sec. 12-5-50. Relationship to other provisions of Code.

The provisions of this Article are in addition to, not in place of, other rules, regulations and requirements of this Code. No license may issue pursuant to this Article if the place and/or building proposed for public dances therefor is not properly zoned or is otherwise not in compliance with the requirements of Chapters 23, 29 and 30 of this Code. (Weld County Code Ordinance 2001-3)

Sec. 12-5-60. Revocation of license.

The Board of County Commissioners has full power and authority, at its discretion, to revoke and cancel any license issued by it under this Article whenever the Board, by proper resolution, determines that the public morals or public safety or public health of the community requires such revocation or cancellation. (Weld County Code Ordinance 2001-3)

Sec. 12-5-70. Penalty, enforcement and jurisdiction.

Any person violating any of the provisions of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for each offense, or by imprisonment in the County jail for not less than ten (10) days nor more than thirty (30) days for each offense, or by both such fine and imprisonment. Each day during which such illegal activity continues shall be deemed a separate offense. The Sheriff's office shall have authority to enforce the penalty provided herein. The County Court has full jurisdiction to try and punish all cases for violation of the provisions of this Article, subject to the right of appeal in such cases as provided by law. (Weld County Code Ordinance 2001-3)

CHAPTER 23

Zoning

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HISTORY OF AMENDMENTS

<i>Ord. No.</i>	<i>Effective Date</i>	<i>Description</i>
89	8/25/81	Original Document (Zoning Ordinance)
89-A	12/28/81	Article II, Procedures and Permits
89-B	9/7/82	§23-1-90, Definitions; Art. II, Procedures and Permits; Art. III, Zone Districts; Art. IV, Supplementary District Regulations; Art. V, Overlay Districts; Art. VII, Nonconforming Lots, Uses and Structures
89-C	9/7/82	§23-7-40, Setback requirements on existing structures
89-D	3/9/83	§23-5-230, Revisions to panels 615, 750, 975 and 1075 of the Flood Insurance Rate Maps and Flood Insurance Study
89-E	6/1/83	Zoning Map and rezoning plats; Article III, Police and Fire Stations or Facilities
89-F	10/24/83	Art. II Div. 9, Payment of fees to state agency for land use application reviews
89-G	8/16/84	§23-1-90, Kennel definition; Art. II Div 9, consulting services fees; Art. III Div. 2, Setbacks for fences, maximum animal units and minimum front yard setbacks for mobile home subdivisions; Art. III Div. 3, Setbacks for fences for Commercial Zone Districts; Art. III Div. 4, Setbacks for fences in Industrial Zone Districts; Art. V Div. 1, Airport Overlay District
89-H	12/17/84	§23-1-90, Definitions; Art. II Div. 4, Uses by Special Review; Art. II Div. 7, Geologic Hazard Overlay District; Art. III Div. 1, A (Agricultural) District; Art. IV Div. 2, Signs; Art. IV Div. 3, Mobile homes and accessory dwelling units; §23-4-700, manufactured homes
89-I	7/1/85	§23-1-90, Definitions; Art. II Div. 9, Investigation fees; Art. III Div. 1, A Zone District uses by right and by special review; Art. III Div. 2, Residential Zone Districts, uses by right; Art. IV, Div. 3, Accessory structure mobile homes; §23-4-380. Solid waste sites and facilities or hazardous waste disposal sites; §23-4-700, manufactured homes approved by administrative review
89-J	4/28/87	Art. II Div. 8, Procedures and Requirements of PUD District; Art. V Div. 4, Planned Unit Development Overlay District
89-K	8/4/87	§23-1-90, Definitions; Art. II Div. 1, Zoning map amendment sign posting requirements; Art. II Div. 4, Uses by special review sign posting requirements and performance guarantees; Art. II Div. 5, Major facilities special review permit performance guarantees; Art. III Div. 1, A (Agricultural) Zone District uses; Art. III Div. 2, Residential Zone Districts uses and site plan review requirements; Art. III Div. 3, Commercial Zone Districts site plan review requirements and commercial performance standards regarding storage areas and trash collection; Art. III Div. 4, Industrial Zone Districts site plan review requirements, commercial junkyard and industrial performance standards regarding areas for storage and trash collection; Art. III Div. 6, PUD performance standards regarding compatibility and water and sewer provisions; §23-6-20, Appeals of administrative decisions
89-L	10/22/87	§23-1-90, Definitions; Art. II Div. 6, Flood Hazard Overlay District development permits; Art. II Div. 9, Fees; §23-3-50, A (Agricultural) District bulk requirements; Art. V Div. 3, Flood Hazard Overlay District; §23-6-50, Appeals procedure for variances within the Flood Hazard Overlay District
89-M	2/10/88	Art. VIII, Vested property rights

HISTORY OF AMENDMENTS

<i>Ord. No.</i>	<i>Effective Date</i>	<i>Description</i>
89-N	3/22/88	Art. II Div. 3, Major facilities of public utilities or agencies site plan review; Art. III Div. 1, A (Agricultural) Zone District; Art. III Div. 3, renumbering sections; Art. III Div. 6, Mining site plan review within PUD District
89-O	7/4/88	§23-1-90, Definitions; Art. III Div. 1, A (Agricultural) Zone District
89-P	8/2/88	§23-1-90, Definitions; Art. II Div. 1, Amendments to zoning map; Art. II Div. 4, Uses by special review; Art. II Div. 8, PUD District sketch plan; Art. III Div. 1, A (Agricultural) Zone District; Art. III Div. 2, Residential Zone Districts
89-Q	7/4/89	Art. II Div. 3, Site plan review; Art. II Div. 4, Uses by special review; Art. III Div. 3, Commercial Zone District; Art. III Div. 4, Industrial Zone Districts; Art. IV Div. 2, Signs; Art. V Div. 3, Flood Hazard Overlay District; Art. VII, uses allowed by special review permit not nonconforming uses
89-R	8/15/89	Art. III Div. 1, A (Agricultural) Zone District, livestock feeding; §23-3-160, Residential Zone District bulk requirements; §23-4-710, Livestock feeding performance standards
89-S	11/21/89	Art. III Div. 1, Domestic sewage sludge disposal in A (Agricultural) Zone District; Art. III Div. 4, Domestic sewage sludge disposal in Industrial Zone Districts; Art. IV Div. 6, Domestic sewage sludge regulations
89-T	5/1/91	§23-1-90, Definitions; 23-3-220, C-2 Commercial Zone District, adult business, service or entertainment establishment; Art. V Div. 3, definitions; Art. IX, Adult business, service or entertainment establishment regulations
89-U	6/11/91	§23-1-90, Definitions; Art. III Div. 1, Domestic septic sludge disposal in A (Agricultural) Zone District; Art. IV Div. 7, Domestic septic sludge regulations
89-V	1/21/92	Art. V Div. 3, Flood Hazard Overlay District mapping
89-W	10/27/92	§23-1-90, Definitions; Art. II Div. 1, Zoning map amendments, legal notice; Art. II Div. 4, Uses by special review; Art. III Div. 1, A (Agricultural) Zone District minimum lot size; Art. III Div. 2, Residential Zone District noncommercial junkyards and animal units; Art. III Div. 5, E (Estate) Zone District; Art. IV Div. 2, Signs
89-X	12/29/92	Art. III Div. 1, A (Agricultural) Zone District single-family dwelling unit
89-Y	3/8/93	Art. III Div. 1, A (Agricultural) Zone District single-family dwelling unit
89-Z	7/6/93	Art. III, Oil and gas production facilities; Art. IV Div. 2, Signs; Art. IV Div. 3, Mobile homes; §23-4-700, Manufactured homes
89-AA	6/28/94	§23-1-90, Definitions; Art. II Div. 8, PUD Plans; Art. III Div. 1, A (Agricultural) Zone District fencing requirements; Art. III Div. 2, Residential Zone District fencing requirements
89-BB	10/4/94	Art. II Div. 1, Zoning map amendments hearing standards; Art. II Div. 4, Uses by special review hearing standards; Art. II Div. 5, Special review permits for major facilities of public utility or agency hearing standards; Art. II Div. 8, PUD District hearing standards
89-CC	3/7/95	§23-1-90, Definitions; Art. II Div. 1, Zoning map amendments sign posting; Art. II Div. 4, Uses by special review sign posting; Art. II Div. 8, PUD District sign posting; Art. III Div. 1, A (Agricultural) Zone District bed and breakfast; Art. III Div. 2, Residential Zone District vehicles; Art. IV Div. 3, Mobile homes sign posting; §23-4-700, Manufactured homes sign posting

HISTORY OF AMENDMENTS

<i>Ord. No.</i>	<i>Effective Date</i>	<i>Description</i>
89-DD	3/13/95	§23-1-90, Definitions; Art. III Div. 2, Residential Zone Districts; §23-4-700, Manufactured homes
89-EE	10/31/95	Art. V, Overlay Districts; Art. V Div. 1, A-P (Airport) Overlay District
89-FF	6/11/96	§23-1-90, Definitions; Art. II Div. 1, Zoning map amendments; Art. II Div. 3, Site plan review; Art. II Div. 4, Uses by special review; Art. II Div. 5, Special review permit for major facilities of a public utility; Art. II Div. 6, Flood Hazard Overlay District development permit; Art. II Div. 7, Geologic Hazard Overlay District development permit; Art. II Div. 8, PUD District procedures and requirements; Art. III, Div. 3, Commercial Zone Districts; Art. III Div. 4, Industrial Zone Districts; Art. IV Div. 6, Domestic sewage sludge regulations; §23-4-570, Application requirements for domestic septic sludge permit
89-GG	7/30/96	§23-1-90, Definitions; Art. II Div. 4, Uses by special review; Art. II Div. 5, Special review permit for major facilities of public utility or agency; Art. III, Div. 3, Commercial Zone Districts; Art. III Div. 4, Industrial Zone Districts; Art. V Div. 3, Flood Hazard Overlay District
89-HH	10/21/97	§23-1-90, Definitions; Art. II Div. 1, Amendments to Zoning Map; Art. II Div. 3, Site Plan Review; Art. II Div. 4, Uses by Special Review; Art. III Div. 1, Agricultural Zone District; Art. IV Div. 3, Mobile Homes; Art. IV Div. 8, Manufactured Homes, Livestock Feeding Performance Standards; Rep. Uses Allowed by Special Review Permit Are not Nonconforming Uses
89-II	8/10/98	Add §23-1-80, transition to PUD Chapter
89-JJ	8/30/99	Repeals and readopts entire Zoning Ordinance
89-KK	12/1/99	Art. III Div. 1, A (Agricultural) Zone District, setback from oil/gas facilities; Art. III Div. 6, E (Estate) Zone District, setback from oil/gas facilities; Art. VI, Board of Adjustment; adds §23-10-50, Relationship to other ordinances
2001-1	5/14/01	Art. I, definitions; Art. II, procedures and permits; Art. III, zone districts, temporary accessory structures; Art. IV, supplementary regulations, signs; Art. V, overlay districts

ARTICLE I**General Provisions****Sec. 23-1-10. Title.**

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

Sec. 23-1-20. Authority.

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

Sec. 23-1-30. Scope.

This Chapter shall apply to all PUBLIC and private lands situated within the unincorporated portions of the COUNTY, over which the County has jurisdiction under the Constitutions and laws of the State of Colorado and of the United States of America.

Sec. 23-1-40. Purpose and intent.

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

1. Lessening congestion in the STREETS or roads or reducing the waste caused by excessive amounts of roads.
2. Securing safety from fire, FLOOD waters and other dangers.
3. Providing adequate light and air.
4. Classification of land USES and distribution of land DEVELOPMENT and utilization.
5. Protecting the tax base of the COUNTY.
6. Securing economy in governmental expenditures.
7. Fostering the COUNTY'S agricultural, business, MINING and other economic bases.
8. Protecting both urban and nonurban DEVELOPMENT.
9. Conserving the value of property.
10. Encouraging the most appropriate USE of land.

B. This Chapter is further intended to protect the public health, safety and welfare by:

1. Regulating activities and DEVELOPMENT in hazardous areas.
2. Protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species.
3. Preserving areas of historical and archaeological importance.

4. Regulating, with respect to the establishment of, roads on public lands administered by the federal government; this authority includes authority to prohibit, set conditions for or require a permit for the establishment of any road authorized under the general right-of-way granted to the public by 43 U.S.C. 932 (R.S. 2447) but does not include authority to prohibit, set conditions for or require a permit for the establishment of any road authorized for mining claim purposes by 30 U.S.C. 21 et seq., or under any specific permit or lease granted by the federal government.

5. Regulating the location of activities and DEVELOPMENTS which may result in significant changes in population density.

6. Providing for phased DEVELOPMENT of PUBLIC services and facilities.

7. Regulating the USE of land on the basis of the impact of land USE changes on the community or surrounding areas.

8. Otherwise planning for and regulating the USE of land so as to provide planned and orderly USE of land and protection of the environment in a manner consistent with constitutional rights.

Sec. 23-1-50. Interpretation.

A. The word *person* includes a firm, association, governmental entity, organization, partnership, trust, company or corporation, as well as an individual.

B. The word *shall* is mandatory.

C. The word *may* is permissive.

D. The words *used* or *occupied* include the words *intended*, *designed* or *arranged to be used or occupied*.

E. The word *LOT* includes the words *plot* or *parcel*.

F. Words used in the present tense include the future tense.

G. Words in the singular number include the plural number, and words in the plural number include the singular number, unless the context clearly indicates the contrary.

H. The particular controls the general.

I. Words and phrases used in this Chapter which are not specifically defined in Section 23-1-90 shall be assigned their ordinary, contemporary meanings.

J. All Uses Allowed by Right, Temporary Uses and Uses by Special Review listed in this Chapter are representative and are not all-inclusive.

Sec. 23-1-60. Relationship with other laws.

A. In their interpretation and application, the provisions of this Chapter shall be regarded as the minimum requirements for the protection of public health, safety, comfort, morals, convenience and welfare.

B. This Chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

C. Whenever a provision of this Chapter and any other provision of this Chapter, or any provision of any other law, rule, contract, resolution, ordinance or regulation of the State, federal government or the County, of any kind, contain restrictions covering the same subject matter, the more restrictive requirements or higher standards shall govern, except where preempted.

Sec. 23-1-70. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is for any reason held or decided to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions. The Board of County Commissioners hereby declares that it would have passed the

ordinance codified herein and each and every section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, paragraphs, sentences, clauses or phrases might be declared to be unconstitutional or invalid.

Sec. 23-1-80. Implementatiou procedures.

A. Repeal of Previous Zoning Resolution: Applicable only to 1981 Redistricting. The Official Weld County Zoning Resolution adopted May 29, 1961, was repealed on August 18, 1981. The maps accompanying the repealed Official Weld County Zoning Resolution shall be amended according to the redistricting procedures in Subsection B of this Section. The Weld County Flood Hazard Overlay District Zoning Maps, recorded April 22, 1980, in Book 901, Reception Numbers 1822844 through 1822908, inclusive; and the Geologic Hazard Area Map of Potential Ground Subsidence Areas in the County recorded May 22, 1978, in Book 832, Reception Number 1754240, are not repealed or amended by this Section. The repeal of the Official Weld County Zoning Resolution shall not prevent the prosecution and punishment of any person for any violation committed prior to its repeal and map amendment. The repeal of the Zoning Resolution shall not affect or repeal any conditions or standards imposed as a condition for approval of any land use decision by the Board of County Commissioners prior to the effective date of the Zoning Ordinance codified herein and any amendment thereto.

B. Redistricting Procedure for Amending the Official Zoning Map.

1. Intent. The repealed Official Weld County Zoning Resolution and accompanying map contain zone district classifications which are different from the zone district classifications in this Chapter. The intent of this redistricting procedure is to ensure an orderly and harmonious transition from the repealed Official Weld County Zoning Map zone district classifications to the zone district classifications in this Chapter. The Planning Commission and the Board of County Commissioners shall consider the following redistricting procedures during the adoption of the Zoning Ordinance codified herein and the amendment to the Official Weld County Zoning Map. It is not the intent of the redistricting process to correct zoning errors or deficiencies or faulty zoning, or to rezone land because of changing conditions or because it does not conform to the provisions contained in Chapter 22 of this Code.

a. If a parcel of land has been originally zoned by the Board of County Commissioners under the provisions of the Weld County Zoning Resolution and that parcel now contains a number of separate parcels and different USES, the Planning Commission and the Board of County Commissioners may redistrict the entire parcel of land to the least restrictive zone district in this Chapter which most closely corresponds to the previous zoning within the original zone district boundaries.

b. All land zoned Agricultural on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed Agricultural on the Official Zoning Map of the Weld County Zoning Ordinance.

c. All land zoned Estate and Residential on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed R-1 on the Official Zoning Map of the Weld County Zoning Ordinance. Developed land or land which has an existing USE which is zoned High Density RESIDENTIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate R-2, R-3 or R-4 RESIDENTIAL Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing use. Undeveloped land which is zoned High Density RESIDENTIAL on the Official Zoning Map of the repealed Weld County Zoning

Resolution will be renamed to the most appropriate R-2, R-3 or R-4 RESIDENTIAL Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the intent or conditions of the original zone amendment or according to the procedures established in this Subsection 1 and Subsection 2 below. All land zoned MOBILE HOME on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed R-5 on the Official Zoning Map of the Weld County Zoning Ordinance.

d. Developed land or land which has an existing USE which is zoned Transitional on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate Residential or Commercial Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped land which is zoned Transitional on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate RESIDENTIAL or COMMERCIAL Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the intent or conditions of the original zone amendment or according to the procedures established in this Subsection 1 and Subsection 2 below.

e. Developed land or land which has an existing USE which is zoned Business or COMMERCIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate COMMERCIAL, Industrial or Agricultural Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped land zoned Business or COMMERCIAL on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed C-1 on the Official Zoning Map of the Weld County Zoning Ordinance.

f. All land zoned Scientific on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to I-1 on the Official Zoning Map of the Weld County Zoning Ordinance.

g. Developed land or land which has an existing USE which is zoned Industrial on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to the most appropriate Industrial, COMMERCIAL or Agricultural Zone District on the Official Zoning Map of the Weld County Zoning Ordinance according to the existing USE. Undeveloped or vacant land zoned Industrial on the Official Zoning Map of the repealed Weld County Zoning Resolution will be renamed to I-1 on the Official Zoning Map of the Weld County Zoning Ordinance.

2. If a parcel of property or LOT zoned under the provisions of the repealed zoning resolution may be redistricted or renamed to more than one (1) zone district in this Chapter due to the nature of the USE conducted on the property or LOT, the Planning Commission and Board of County Commissioners shall use the following standards to determine the most appropriate zone district designation for the USE and the property: The Planning Commission and the Board of County Commissioners shall consider the intent statement in Subsection 1 above and the specific standards contained in Subparagraphs 1a to g inclusive. If, after applying these standards, there is still a choice between two (2) different zone districts, the Planning Commission and the Board of County Commissioners shall consider the following standards:

a. If one (1) zone district in this Chapter would allow the USE in question to be allowed by right and the other zone district would allow the USE by permit, the Planning Commission and the Board of County Commissioners shall assign the zone district designation which would allow the USE by right.

3) A.Policy 3.1.3. A proposal that identifies the appropriate time that infrastructure improvements and maintenance charges should be applied.

b. A.Policy 3.2. A municipality's adopted comprehensive plan goals and policies will be considered when an agricultural business is proposed to be located within an urban growth boundary area.

D. A.4 goal and policies.

1. A.Goal 4. Provide a mechanism for the division of land which is agriculturally zoned. The intent of this goal should be to maintain and enhance the highest level of agricultural productivity in the County.

2. A.Policy 4. Applications for the division of land which is zoned agricultural shall be reviewed in accordance with all potential impacts of the division on the agricultural community. The criterion shall include but not be limited to:

a. A.Policy 4.1. Soil Classifications:

- 1) A.Policy 4.1.2. Agricultural productiveness of the site;
- 2) A.Policy 4.1.3. Availability of existing infrastructure and utilities;
- 3) A.Policy 4.1.4. The level of development associated with the site;
- 4) A.Policy 4.1.5. Utilization of existing housing;
- 5) A.Policy 4.1.6. Feasibility for continued farm production on the site;
- 6) A.Policy 4.1.7. The fiscal impacts on the County; and
- 7) A.Policy 4.1.8. Utilize techniques such as easements, clusters, building envelopes and setbacks to minimize the impacts on surrounding agricultural land when conversion to another use occurs.

E. A.5 goal and policies.

1. A.Goal 5. The extraction of mineral and oil and gas resources should preserve or minimize the impact on prime agricultural land.

2. A.Policy 5. The County encourages oil and gas drilling activities to be coordinated with seasonal production schedules.

a. A.Policy 5.1. When feasible, existing service roads should be utilized to provide access for oil and gas activities.

F. A.6 goal and policy.

1. A.Goal 6.. Public facilities and services such as sewer, water, roads, schools and fire and police protection must be provided and developed in a timely, orderly and efficient manner to support the transition of agricultural land to urban development. The expansion of public facilities and services into predominantly rural agricultural areas, when the expansion conflicts with other existing goals and policies, will be discouraged. In evaluating a land use application, County representatives and the applicant will consider the public facilities and services goals and policies.

2. A.Policy 6. The County will encourage developers and utility providers to deliver urban services prior to development.

G. A.7 goal and policy.

1. A.Goal 7. Protect agricultural land from encroachment by those urban uses which hinder the operational efficiency and productivity of the agricultural uses.

2. A.Policy 7. The County recognizes the "right to farm." In order to validate this recognition, the County has established an example covenant which should be incorporated on all pertinent land use plats. A copy of Weld County's Right to Farm is located in Appendix 22-E of this Chapter.

H. A.8 goal and policy.

1. A.Goal 8. Water currently associated with a farm or rural unit of land should be retained for agricultural uses.

2. A.Policy 8. Regulations which discourage the out-of-basin transfer of water will be incorporated into County ordinances.

1. A. goal.

1. A.Goal 9. The minimum lot size of parcels in the agricultural zone district should remain at eighty (80) acres to encourage parcels large enough to retain viable farming operations or to accommodate modern agricultural equipment and irrigation practices. Lots of lesser size are not generally practical to farm due to large-scale management practices existing today. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 22-2-70. Urban development.

Population and economic growth will create a demand for conversion of land to urban uses. The urban development goals and policies are designed to plan for this anticipated growth by directing urban uses to where urban services exist or can more easily be provided, i.e., to existing municipalities and the I-25 Mixed Use Development area. The County recognizes that it is appropriate for its municipalities to plan for growth at their current boundaries and in the surrounding areas. To accomplish this, the County and the municipalities should cooperate in joint planning efforts to achieve a consistent vision. The urban development section addresses the preservation of agricultural land by encouraging efficient development and discouraging urban sprawl. These goals and policies reflect a basic commitment to conserving natural and managed resources while directing growth and enhancing economic development through efficient use of infrastructure.

Sec. 22-2-80. Urban growth boundaries.

A. Efficient and orderly land development and the preservation of agricultural land require that urban-type development take place in or adjacent to existing municipalities. Development is encouraged within municipal boundaries where public services such as water, sewer and fire protection are available.

B. Development adjacent to municipalities is appropriate if municipal services can be extended to serve the area, and if the municipality wants to expand in that location and manner. Orderly development in the area surrounding a municipality requires coordination between the County and the municipality. This coordination is achieved by three (3) methods: the three-mile referral, intergovernmental urban growth boundary agreements and the standard one-half-mile urban growth boundary.

C. The County, in accordance with state statutes, refers land use proposals for review and comment to any jurisdiction within three (3) miles of the site of the proposed change. The municipality is given an opportunity to comment, and the comments are considered by the Planning Commission and the Board of County Commissioners when they vote on the proposed land use change. Regardless of any other agreements between a municipality and the County for growth and service areas, the County will continue the three-mile referrals.

D. The intergovernmental urban growth boundary agreement is by far the best tool for coordinating development at the municipality/county interface. In the spring of 1994, the Board of County Commissioners began contacting each municipality and challenged them to establish their own tailor-made growth areas. Believing each community can and should direct its own growth, the Board of County Commissioners imparted three (3) criteria to guide the municipalities:

b. If both zone districts in this Chapter would allow the USE by right or if both zone districts in this Chapter would allow the USE by permit, the Planning Commission and Board of County Commissioners shall consider the intent statements at the beginning of the zone district in the text of this Chapter to determine the most appropriate zone district to assign to the property.

c. If both zone districts in this Chapter would allow the USE by right or if both zone districts in this Chapter would allow the USE by permit, and the Planning Commission and the Board of County Commissioners cannot make a determination for naming a new zone district based upon the standards and procedures contained in this Subsection 2 and Subsection 1 above, the Planning Commission and Board of County Commissioners shall assign a district designation most similar in name and uses allowed to the district designation that existed on the property under the provisions of the repealed Weld County Zoning Resolution.

d. If a landowner has initiated substantial DEVELOPMENT of a parcel of land and this DEVELOPMENT is allowed in the zone district under the provisions of the repealed Weld County Zoning Resolution, but is not permitted in the zone district proposed under the provisions of this Chapter, the Planning Commission and the Board of County Commissioners may redistrict a legally definable part of the land or the entire parcel to a zone district in this Chapter which would allow the USE as a use allowed by right or by permit. Substantial DEVELOPMENT shall be considered to be issuance of a building permit or actual physical DEVELOPMENT of the property which conforms to the provisions of the existing COUNTY regulations.

3. Minor Corrections. A property owner may request a meeting before the Board of County Commissioners for the purpose of making a minor correction resulting from the application of the redistricting procedures by the Board of County Commissioners. This request shall be filed with the Clerk to the Board of County Commissioners within one hundred eighty (180) days of August 18, 1981. Such request for a minor correction shall be in writing and directed to the Board of County Commissioners, and shall state therein the specific reasons for such request. The Board of County Commissioners shall consider such request at a regularly scheduled meeting within a reasonable period of time, and at such meeting may initiate any minor corrections it deems necessary.

C. Transition to Chapter 27, Planned Unit Development.

1. All properties which have received land use approval for a change of zone to PUD prior to the effective date of Ordinance No. 197 (January 27, 1998) and meet the following additional conditions shall adhere to regulations and processing method for PUD development set forth in this Chapter:

a. The application for final plan conforms to the approved PUD District; and

b. The applicant has diligently pursued the final plan or has received an extension of time in accordance with Section 23-2-790 E of this Chapter.

2. All other PUD applications shall adhere to the rules and regulations as set forth in Chapter 27 of this Code.

Sec. 23-1-90. Definitions.

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

ACCESSORY BUILDING or USE: any BUILDING or USE which:

- a. Is subordinate in purpose, area or intensity to the principal BUILDING or USE served.
- b. Is normally associated with the principal building or use.
- c. Contributes to the needs of the occupants, business enterprise or industrial operation within the principal BUILDING or USE served.
- d. Is located on the same LOT as the principal BUILDING or USE.

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

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

AGRICULTURAL EXEMPT BUILDING: BUILDINGS or STRUCTURES in the A (Agricultural) Zone District designed and constructed to house farm implements, hay, grain, poultry, LIVESTOCK or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

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

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

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

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

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

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

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

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

ANIMAL UNIT: A term and number used to establish an equivalency for various species of LIVESTOCK. The number of LIVESTOCK allowed by right is dependent upon bulk requirements of the Agricultural, Estate or R-1 (Low-Density Residential) Zone Districts. LIVESTOCK in excess of the bulk requirements for the Agricultural Zone District shall require a Use by Special Review Permit for a LIVESTOCK CONFINEMENT OPERATION. All LIVESTOCK shall have the following ANIMAL UNIT equivalents and bulk requirements contained in Tables 23.1A, 23.1B and 23.1C:

*Table 23.1A
Animal Units in the A (Agricultural) Zone District*

	<i>Animal Unit Equivalents</i>	<i>Number of Animals Equivalent to One Animal Unit</i>	<i>Maximum Number Per Acre</i>
Cattle	1	1	4
Bison	1	1	4
Mule	1	1	4
Ostrich	1	1	4
Elk	1	1	4
Horse	1	1	4
Swine	.2	5	20
Sheep	.1	10	40
Llama	.1	10	40
Goat	.1	10	40
Alpaca	.075	13	52
Poultry	.02	50	200
Rabbit	.02	50	200

*Table 23-1B
Animal Units in the E (Estate) Zone District*

	<i>Animal Unit Equivalents</i>	<i>Number of Animals Equivalent to One Animal Unit</i>	<i>Maximum Number Per Acre</i>
Cattle	1	1	1
Horse	1	1	1
Swine	1	1	1
Mule	1	1	1
Burro	1	1	1
Sheep	.5	2	2
Goat	.5	2	2
Llama	.1	10	10
Alpaca	.075	13	13
Poultry	.04	25	25
Rabbit	.04	25	25

*Table 23-1C
Animal Units in the R-1 (Low-Density Residential)
Zone District*

	<i>Animal Unit Equivalents</i>	<i>Number of Animals Equivalent to One Animal Unit</i>	<i>Maximum Number Per Lot</i>
Cattle	1	1	2
Horse	1	1	2
Swine	1	1	1
Sheep	.2	5	10
Goat	.2	5	10
Poultry	.02	50	100
Rabbit	.02	50	100

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

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

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

AUXILIARY QUARTERS: One (1) or more interconnected rooms permanently attached to or located within a SINGLE-FAMILY DWELLING which are arranged, designed, used or intended for USE as a complete independent living facility for one (1) FAMILY. All AUXILIARY QUARTERS shall comply with the following requirements:

- a. The AUXILIARY QUARTERS may not be used on any basis as a rental
- b. The USE is subordinate in purpose, area or intensity and the occupants contribute to the needs of the occupants of the SINGLE-FAMILY DWELLING served.
- c. The gross floor area of the SINGLE-FAMILY DWELLING shall be no less than one thousand six hundred (1,600) square feet in size.
- d. The minimum lot size shall be no less than two and one-half (2½) acres.
- e. The minimum GROSS FLOOR AREA of the AUXILIARY QUARTERS shall be no less than three hundred (300) square feet in size, and the maximum shall not exceed fifty percent (50%) in size of the GROSS FLOOR AREA of the SINGLE-FAMILY DWELLING, not to exceed one thousand (1,000) square feet in size.
- f. The AUXILIARY QUARTERS shall be attached by common roof and foundation.
- g. The AUXILIARY QUARTERS and the SINGLE-FAMILY DWELLING shall be connected by a party wall or shall not be separated by more than twice the width of the projected view of the shortest exterior wall of the AUXILIARY QUARTERS.

BASE FLOOD: See *INTERMEDIATE REGIONAL FLOOD*.

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

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

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

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

BUILDING ENVELOPE: The two-dimensional space within which a structure is permitted to be built on a lot. The bulk requirements for the specific zone districts addressed in this Code shall also be followed.

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

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

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

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

CHILD CARE CENTER: A facility, by whatever name known, which is maintained for the whole or part of a day for the care of more than eight (8) children under the age of sixteen (16) years and not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery SCHOOLS, kindergartens, preschools, play groups, day camps, summer camps and centers for developmentally disabled children and those facilities which give twenty-four-hour care for dependent and neglected children, and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a PUBLIC, private or parochial college or a private or parochial SCHOOL; except that the term shall not apply to any kindergarten maintained in connection with a PUBLIC, private or parochial elementary SCHOOL system of at least six (6) grades or to any preschool established pursuant to the provisions of Article 28 of Title 22, C.R.S., which is maintained in connection with a public school system of at least six (6) grades so long as the school system is not also providing extended day services.

CLUSTER: A residential development technique that concentrates individual lots on part of the site to allow the remaining land to be used for recreation, common open space and the preservation of environmentally sensitive features such as wildlife habitat, riparian zones and agricultural lands. If a CLUSTER development is proposed on agricultural lands, the land shall be currently used or capable of being used for agricultural production such as farming and ranching operations for the next forty (40) years. The intent of the A (Agricultural) Zone District as outlined in Chapters 22, 23, 24 and 27 of this Code, including Weld County's Right to Farm, shall be met. A CLUSTER development may be used in URBAN and NONURBAN AREAS.

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

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

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

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

COMPREHENSIVE PLAN: The duly adopted Weld County Comprehensive Plan, Chapter 22 of this Code.

CONSERVATION EASEMENT: An encumbrance upon an identified parcel of land stipulating the restriction on additional or future development. The easement restricts the development rights to the land, but the landowner still holds the title to the property, the right to restrict public access and the right to sell, give or transfer ownership of the property.

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

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

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

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

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

DERELICT VEHICLE: A vehicle that is inoperable (unable to move under its own power); is partially or totally dismantled; has all or portions of its body work missing or is substantially damaged; is not registered with the State, as required by Section 42-3-103, C.R.S., or by Section 42-3-138 or 42-12-102, C.R.S., and/or the number plate assigned to it is not permanently attached to the vehicle, as required by Section 42-3-123, C.R.S.; or is lacking proper equipment to the extent that it would be unsafe or illegal to USE on public road rights-of-way or otherwise not equipped with lamps and other equipment as required in Sections 42-4-202 to 42-2-227, C.R.S. This definition shall not include implements of husbandry, farm tractors or vehicles customarily operated in a FARMING operation.

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

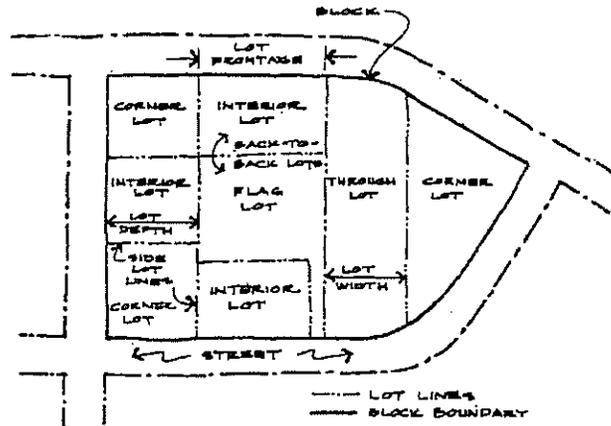
DEVELOPMENT: The placement, construction, erection, reconstruction, movement and/or alteration of BUILDINGS and/or other STRUCTURES, the placement of paved areas, drainage improvements or alterations on the historic flow of drainage patterns or amounts, and the placement of lighting and/or other appurtenances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

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

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

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

DOUBLE FRONTAGE: A lot that fronts upon two (2) parallel streets, or a lot that fronts upon two (2) streets that do not intersect at the boundaries of the lot. A DOUBLE FRONTAGE LOT is often referred to as a Through Lot, as illustrated below.



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

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

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

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

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

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

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

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

EXISTING MANUFACTURED HOME PARK or SUBDIVISION (This definition applies only to *MANUFACTURED HOME PARK or SUBDIVISION* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A parcel (or contiguous parcels) of land divided into two (2) or more MANUFACTURED HOME LOTS for rent or sale.

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

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

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

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

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

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

FARMLAND – U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICES: The availability of a consistent supply of clean water must exist in order to have prime FARMLAND. Prime FARMLAND is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and is also available for these USES (the land could be cropland, pastureland, rangeland, forest land or other land, but

not urban build-up land or water). It has the soil quality, growing season and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable FARMING methods. In general, FARMLANDS have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, salt and sodium content and few or no rocks. Prime FARMLANDS are permeable to water and air. Prime FARMLANDS are not excessively erodible or saturated with water for a long period of time, and they either do not FLOOD frequently or are protected from flooding. (U.S. Department of Agriculture, Soil Conservation Services [Special Series 17], January 1980; additional supplements.)

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

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

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

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

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

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

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

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

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

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

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

FLOODWAY: The CHANNEL of a river or WATERCOURSE and the adjacent land areas which is required to carry and discharge the

floodwaters of the INTERMEDIATE REGIONAL FLOOD without increasing the WATER SURFACE ELEVATION more than one (1) foot. The FLOODWAY is shown on the Official Weld County Flood Hazard Overlay District Zoning Maps as the FW (FLOODWAY) District.

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

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

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

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

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

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

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

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

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

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

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

- a. Such USE is conducted entirely within a DWELLING UNIT and carried on by the residents thereof and no others.
- b. Such USE is clearly incidental and secondary to the USE of the dwelling for dwelling purposes and shall not change the character thereof.
- c. The total area USED for such purposes does not exceed three hundred (300) square feet.

d. There is no advertising or other indication of the HOME OCCUPATION on the LOT or any STRUCTURE or vehicle located on or ADJACENT to the LOT, with the exception that one (1) nameplate shall be allowed which may display the name of the occupant and/or the name of the HOME OCCUPATION where such nameplate does not exceed one (1) square foot in area, shall be nonilluminated and attached flat to the main STRUCTURE or visible through a window.

e. There is no exterior storage, display or sales of materials, goods, supplies or equipment related to the operation of such HOME OCCUPATION nor of any highly explosive or combustible materials.

f. There is no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference or other hazard or nuisance noticeable off the LOT if the occupation is conducted in a SINGLE-FAMILY DWELLING or outside the DWELLING UNIT if conducted in other than a SINGLE-FAMILY attached dwelling.

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

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

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

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

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

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

JUNK: Scrap brass, iron, lead, tin, zinc; all other scrap metals and alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles, old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials;

fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; DERELICT VEHICLES; used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

KENNEL: Any place other than a PET SHOP or veterinary clinic or HOSPITAL, where five (5) or more HOUSEHOLD PETS of one (1) species, or a total of eight (8) or more household pets of two (2) or more species, are kept or maintained. Property that is zoned (A) Agricultural and not part of a platted subdivision or unincorporated town and which is larger than ten (10) acres shall be permitted to keep or maintain eight (8) HOUSEHOLD PETS of one (1) species or sixteen (16) HOUSEHOLD PETS of two (2) or more species without being considered a KENNEL.

LANDSCAPING: Includes any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or turf, and may include natural features such as rock, stone and bark, and architectural features including, but not limited to, fountains, reflecting pools, art works, screen walls, fences, STREET furniture, walks, decks and ornamental concrete or stonework.

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

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

- a. Any parcel lawfully in existence at the time of adoption of the ordinance codified herein.
- b. Any parcel created subsequent to the adoption of the ordinance codified herein, which:
 - 1) Meets the minimum area and similar requirements specified by this Chapter and which was created in conformance with Chapter 24 of this Code.
 - 2) For parcels in the A (Agricultural) Zone District, meets the minimum area and similar requirements specified by this Chapter or which was created in conformance with Chapter 24 of this Code.
 - 3) For which a Use by Special Review has been approved in conformance with this Chapter and for which any required documents have been recorded with the County Clerk and Recorder.
 - 4) Be approved in conformance with Section 23-3-40 L of this Chapter.

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

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

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

LIVESTOCK CONFINEMENT OPERATION (L.C.O.): A place of confinement for LIVESTOCK, corralled, penned or otherwise caused to remain in pens or corrals, where feeding is other than grazing, or where the capacity at any one (1)

time is greater than permitted in the bulk requirements for the zoning district in which it is located. For example, an L.C.O. may include DAIRIES, feedlots and poultry and swine production facilities.

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

LOT: The basic DEVELOPMENT unit, an area with fixed boundaries, USED or intended to be USED by one (1) BUILDING and its ACCESSORY USES, STRUCTURES and/or BUILDINGS. A Lot shall not be divided by any public highway, STREET or ALLEY. A LOT must meet the requirements of the zoning district in which it is located and must have access to a PUBLIC STREET or an approved private STREET.

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

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

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

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

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

MANUFACTURED HOME (This definition applies only to MANUFACTURED HOMES when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A STRUCTURE transportable in one (1) or more sections, which is built on a permanent chassis and is designed for USE with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. A MANUFACTURED (MOBILE) HOME shall not be allowed to deteriorate to the condition of a DERELICT MANUFACTURED (MOBILE) HOME.

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

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

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

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

MOBILE HOME (This definition applies only to MOBILE HOMES when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.): A MOBILE HOME shall be required to have a permanent engineered foundation and be used as an Accessory to the Farm. The elevation of any interior grade of a crawl space or the top of the floor in any basement, walk-out, etc., must be one (1) foot above the Base Flood Elevation.

MOBILE HOME PAD: The concrete base, footing or blocking which is set on or in level soil to provide support for the placement of a MOBILE HOME. This base, footing or blocking may consist of separate concrete blocks or a single concrete slab as described in Sections 29-2-100 A through E of this Code.

MOBILE HOME PAD (This definition applies only to MOBILE HOME PADS when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District.): A MOBILE PAD is not allowed.

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

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

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

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

NEW CONSTRUCTION: STRUCTURES for which the START OF CONSTRUCTION commenced on or after the effective date of the ordinance codified herein, August 25, 1981, 1999.

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

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

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

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

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

NONURBAN SCALE DEVELOPMENT: Developments comprised of nine (9) or fewer residential lots, located in a nonurban area as defined in Chapter 22 of this Code, not adjacent to other PUDs, subdivisions, municipal boundaries or urban growth corridors. NONURBAN SCALE DEVELOPMENT shall also include land used or capable of being used for agricultural purposes and including development which combines clustered residential uses and agricultural uses in a manner that the agricultural lands are suitable for farming and ranching operations

for the next forty (40) years. NONURBAN SCALE DEVELOPMENT on PUBLIC WATER and septic systems may have a minimum lot size of one (1) acre and an overall density of two and one-half (2½) acres per septic system. NONURBAN SCALE DEVELOPMENT proposing individual, private wells and septic systems shall have a minimum lot size of two and one-half (2½) acres per lot. This definition does not affect or apply to those Coordinated Planning Agreements between the County and municipalities which are in effect as of May 14, 2001.

NOXIOUS WEEDS: Includes one (1) or more annual, biennial or perennial plants which are causing or may cause damage or loss to a considerable portion of land or livestock in the COUNTY. Includes, but is not limited to, those species listed at Section 15-1-20 of this Code.

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

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

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

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

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

OIL AND GAS SUPPORT AND SERVICE: Location and operation bases for businesses whose primary activity includes the following kinds of USES:

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

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

PARKING LOT: An area used for the purpose of TEMPORARY, daily or overnight storage of vehicles, which is not located in a dedicated public right-of-way, a travel lane, a service drive or any easement for PUBLIC ingress or egress.

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

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

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

PRINCIPALLY EMPLOYED or PRINCIPALLY ENGAGED: This definition applies to an employee who is PRINCIPALLY EMPLOYED at or PRINCIPALLY ENGAGED in the employment activities occurring on the subject property. This subject property shall be under review for a Zoning Permit for a Mobile Home to be used as a TEMPORARY ACCESSORY Farm use, or for activities and USES as a Use by Special Review. The USE of the MOBILE HOME shall be substantiated by verification of employment necessary to the operation of the site where the MOBILE HOME is located. Such verification shall consist of tax records, employment agreements or other documentation as determined suitable by the Department of Planning Services. Such verification shall substantiate the need for the employee and on-site living quarters to the operation of the Agricultural Land USE.

PROGRAM DEFICIENCY (This definition applies only to *PROGRAM DEFICIENCY* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A defect in a community's FLOODPLAIN management regulations or administrative procedures that impairs effective implementation of those FLOODPLAIN management regulations or of NFIP standards in 44 C.F.R. Sections 60.3, 60.4, 60.5 or 60.6.

PUBLIC: When used as modifying a STRUCTURE, activity or purpose, means a STRUCTURE, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the STRUCTURE or facility available for the USE of all members of the PUBLIC without regard to membership status.

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

PUD (PLANNED UNIT DEVELOPMENT): A zoning district which includes an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of DEVELOPMENT for a number of DWELLING units, COMMERCIAL, educational, recreational or industrial USES, or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of USE, density, LOT coverage, open space or other restriction to the existing land use regulations. A PUD is created in accordance with Chapter 27 of this Code.

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

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

a. *PUBLIC RECREATIONAL FACILITIES*: PUBLIC parks, zoos, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which fall within the definition of the word PUBLIC, as defined above.

b. *PRIVATE RECREATIONAL FACILITIES*: Includes golf courses, tennis courts, swimming pools, country clubs and RECREATIONAL FACILITIES for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them.

c. *COMMERCIAL RECREATIONAL FACILITIES*: Includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities and the like, operated on a commercial basis for USE by the paying PUBLIC.

RECREATIONAL VEHICLE: A transportation STRUCTURE or self-propelled vehicle with or without flexible, removable or collapsible walls and partitions designed to be used as a dwelling for travel, recreation or vacation USES. The term RECREATIONAL VEHICLE shall include: motor home, camper bus and travel trailer, but shall not include pickup trucks with camper shells that do not extend above the cab of the truck. For the purpose of this Code, a RECREATIONAL VEHICLE shall be subject to all requirements and restrictions for MOBILE HOMES as provided in this Chapter when its placement is intended for nontransient residency. A RECREATIONAL VEHICLE shall not be used for TEMPORARY Storage, TEMPORARY ACCESSORY Farm USE, TEMPORARY ACCESSORY USE During a Medical Hardship, TEMPORARY ACCESSORY USE as an OFFICE, or as a Principal DWELLING UNIT.

RECREATIONAL VEHICLE (This definition applies only to RECREATIONAL VEHICLE when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): A vehicle which is built on a single chassis; is four hundred (400) square feet or less when measured at the largest horizontal projection; is designed to be self-propelled or permanently towable by a light-duty truck; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD DATUM: One (1) foot above the elevation of the surface of the water of an INTERMEDIATE REGIONAL FLOOD. If only the depth of the floodwater of

an INTERMEDIATE REGIONAL FLOOD has been determined, the REGULATORY FLOOD DATUM is equal to the depth of the FLOOD water plus one (1) foot.

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

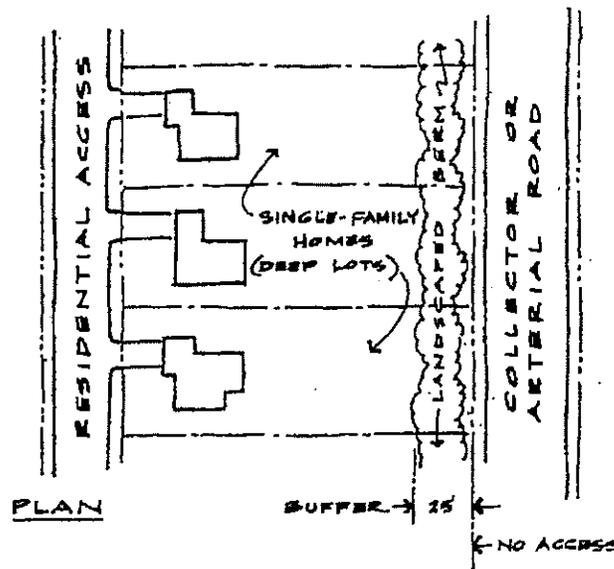
REMEDY A VIOLATION (This definition applies only to *REMEDY A VIOLATION* when used in the administration of a Flood Hazard Overlay District DEVELOPMENT Permit or the FLOOD HAZARD Overlay District): To bring the STRUCTURE or other DEVELOPMENT into compliance with state or local FLOODPLAIN management regulations,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

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

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

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

REVERSE FRONTAGE: A through lot that is not accessible from one (1) of the parallel or nonintersecting streets upon which it fronts.



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

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

SCREENED: Construction and maintenance of fences, earth berms or the USE of LANDSCAPING materials or other materials USED with the approval of the Department of Planning Services to lessen the noise, light, heat or visual impacts of a USE on surrounding uses. A SCREENING PLAN shall be submitted and approved by the Department of Planning Services.

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

SETBACK: The horizontal distance between any BUILDING or STRUCTURE and the established PUBLIC or private STREET right-of-way line. If the abutting PUBLIC STREET is designated to be upgraded to a higher classification as defined by the Transportation Plan necessitating additional right-of-way, then the SETBACK shall be measured from the future right-of-way line. The future right-of-way line (measured from the center of the road) is determined by dividing the needed right-of-way as defined below in half. The following is a list of the right-of-way needed for road designations as defined in the Transportation Plan. Road classifications and applicable right-of-way requirements are found in Article VII, Chapter 24 of this Code.

- a. Principal ARTERIAL (interstate) – three-hundred-foot right-of-way.
- b. Principal ARTERIAL (other) – one-hundred-fifty-foot right-of-way.
- c. Minor ARTERIAL – One-hundred-foot to one-hundred-fifty-foot right-of-way.
- d. County ARTERIAL – one-hundred-foot right-of-way.
- e. County COLLECTOR – eighty-foot right-of-way.
- f. County LOCAL – sixty-foot right-of-way.

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

SIGN: Any object, device, display, structure or part thereof, situated outdoors or indoors, and used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means. A *SIGN* is any writing (including any combination of a letter, word or number), pictorial representation (including illustration, figures, design, colors, symbols or declaration), product, form (including shapes resembling any human, animal or product design that conveys a recognizable meaning, identity or distinction) or any part thereof, or is written, painted, projected upon, illuminated, printed, designed into, constructed or otherwise placed on or near a building, board, plate or upon any material object or device whatsoever, which by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject or to the premises upon which it is situated, or is used as a means of identification, advertisement or announcement.

SIGN, FLUSH WALL: Any sign attached to, painted on or erected against the wall of a building in such a manner that the sign face is parallel to the plane of the wall and is wholly supported by the wall. Banners, canvas or any other similar material may be used for this type of sign only if the material is securely attached directly to the building fascia or to a rigid sign structure in a manner which prevents the material from flapping, waving or otherwise moving.

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

STORAGE AREA: Any facility, including appurtenant facilities, designed to store fifty million (50,000,000) cubic feet or more of natural gas or similar petroleum derivatives, or one hundred thousand (100,000) barrels or more of liquid petroleum derivatives.

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

a. *FREEWAY:* A major regional highway, including interstate highway, designed to carry very large volumes of vehicular traffic, with full control of access and all intersections grade-separated.

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

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

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

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

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

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

STRUCTURE: Anything that is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up or

composed of parts joined together in some definite manner, poles, lines, cables or distribution facilities of public utilities. Semi-trailers as defined in Section 42-1-102(70), C.R.S., situated as TEMPORARY or permanent storage units, not safe, not operable or illegal to be used on public road rights-of-way, which are not licensed, shall be considered *STRUCTURES* in accordance with this definition, shall comply with requirements set forth in this Chapter, including required zoning SETBACKS and OFFSETS, and shall be installed in accordance with the requirements set forth in Chapter 29 of this Code.

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

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

SUBSTANTIAL DAMAGE (This definition applies only to *SUBSTANTIAL DAMAGE* when used in the administration of a Flood Hazard Overlay District Development Permit or the Flood Hazard Overlay District): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

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

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

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

SUPERELEVATION: The raised portion of highway above the normal cross slope to prevent a vehicle from sliding outward, or counteracting all the centrifugal force of a vehicle traveling at an assumed speed.

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

TEMPORARY: Less than six (6) months.

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

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

THRESHOLD: That imaginary line on the RUNWAY perpendicular to the RUNWAY centerline which marks the useful limit of the RUNWAY. The threshold of all RUNWAYS is the physical end of that particular RUNWAY, with the exception being RUNWAY 927 which has its displaced threshold eight hundred feet (800) feet west of the physical end.

TRAINING FACILITY: A facility in which domestic animals or LIVESTOCK not owned by the property owner are trained.

TRAVEL WAY: That portion of the roadway for movement of vehicles, exclusive of shoulders and auxiliary lanes.

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

URBAN SCALE DEVELOPMENT: DEVELOPMENTS exceeding nine (9) lots and/or located in close proximity to existing PUDs, subdivisions, municipal boundaries or urban growth corridors and boundaries. All URBAN SCALE DEVELOPMENTS shall pave the internal road systems of the DEVELOPMENTS. URBAN SCALE DEVELOPMENT requires support services such as central water, sewer systems, road networks, park and recreation facilities and programs, and storm drainage. This definition does not affect or apply to those Coordinated Planning Agreements between the County and municipalities which are in effect as of May 14, 2001.

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

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

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

VEHICLE RENTAL ESTABLISHMENT: Any USE of property primarily for the rental of vehicles such as automobiles, motorcycles, trucks, trailers, RECREATIONAL VEHICLES, boats, farm machinery construction equipment and other heavy rolling stock; and whereon such vehicles are stored.

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

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

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

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

WATERCOURSE: Any natural CHANNEL through which water flows.

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

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

YARD: The area of a LOT, between a LOT LINE and the required SETBACK. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

ARTICLE II

Procedures and Permits

Div. 1. Amendments to Zoning Map

Sec. 23-2-10. Amendment procedures.

A. The Board of County Commissioners may amend the Official Zoning Map of Weld County. All requests for such changes of zone must be

reviewed by the Planning Commission, whose recommendation shall be sent to and considered by the Board of County Commissioners. Such amendments shall be made in compliance with state statutes and with COUNTY procedures and regulations as established herein.

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

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

D. Applications for a Change of Zone shall be completed as set forth in Section 23-2-50 below; provided, however, that any zone change initiated by the Planning Commission or Board of County Commissioners shall only be required to meet the applicable requirements of Section 23-2-30 for the Planning Commission and Section 23-2-40 for the Board of County Commissioners. The completed application and application fees shall be submitted to the Department of Planning Services. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-20. Duties of Department of Planning Services.

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

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

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

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

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

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

5. A sign shall be posted for the applicant on the property under consideration for a rezoning. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing and include the following information.

- a. Rezoning request number.
- b. Date, place and time of public hearing.
- c. Location and phone number of the public office where additional information may be obtained.
- d. Applicant's name.
- e. Size of the parcel of land.
- f. Type of rezoning request.

6. Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within twenty-one (21) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-one (21) days may be deemed to be a favorable response to the Planning Commission. The reviews and comments solicited by the County are intended to provide the COUNTY with information about the proposed Change of Zone. The Planning Commission and Board of County Commissioners may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority and responsibility for making the decision to approve or deny the request for Change of Zone rests with the officials of the County.

- a. The planning commission or governing body of any town and county whose boundaries are within a three-mile radius of the parcel under consideration for a Change of Zone.
- b. The planning commission or governing body of any city or town that has included the parcel in its MASTER PLAN area or Intergovernmental Agreement.
- c. Department of Public Health and Environment.
- d. Department of Public Works to check the legal description of the parcels and review of other engineering aspects of the proposal.
- e. Colorado Department of Health.
- f. Colorado Geological Survey.
- g. Colorado Historical Society.
- h. Colorado Department of Transportation.
- i. Colorado Water Conservation Board.
- j. U.S. Army Corps of Engineers.
- k. U.S. Soil Conservation Service.
- l. U.S. Forest Service.
- m. U.S. Bureau of Land Management.
- n. Any irrigation ditch company with facilities on or ADJACENT to the parcel under consideration.

o. Any other agencies or individuals whose review the Department of Planning Services, Planning Commission or Board of County Commissioners deems necessary.

7. Prepare staff comments for use by the Planning Commission addressing all aspects of the application, its conformance with Chapter 22 of this Code, and the Comprehensive Plan or MASTER PLAN of affected municipalities, Intergovernmental Agreements, sound land USE planning practices, comments received from agencies to which the proposal was referred and standards contained in this Chapter.

C. A reproducible copy of the Official Weld County Zoning Map shall be maintained which includes all of the rezoning approvals made since the last adoption of the map by the Board of County Commissioners. The map shall be available for public inspection with the Department of Planning Services.

D. Submit to the County Clerk and Recorder the rezoning plat as required in Subsection 23-2-50 D for recording. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-30. Duties of Planning Commission.

A. The Planning Commission shall hold a hearing to consider the application for the Change of Zone. The public hearing may involve either the rezoning application alone or may include the review of concurrent applications under the County's regulations concerning uses by special review, overlay districts or subdivisions. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested change. The Planning Commission shall recommend approval of the request for the Change of Zone only if it finds that the applicant has met the standards or conditions of this Subsection A and Section 23-2-50. The applicant has the burden of proof to show that the standards and conditions of this Subsection A and Section 23-2-50 are met. The applicant shall demonstrate:

1. That the proposal is consistent with Chapter 22 of this Code; if not, then that the zoning of the property under consideration is faulty, or that changing conditions in the area warrant a Change of Zone.

2. That the USES which would be allowed on the subject property by granting the Change of Zone will be compatible with the surrounding land USES.

3. That adequate water and sewer service can be made available to the site to serve the USES permitted within the proposed zone district.

4. That STREET or highway facilities providing access to the property are adequate in size to meet the requirements of the proposed zone district. In the event that the STREET or highway facilities are not properly sized and are planned to be properly sized in the future, in conformance with the Thoroughfare Plan or in conformance with the MASTER PLANS of affected municipalities, the applicant may either wait to secure the rezoning until the improvements are made by the appropriate unit of government or the applicant may express a willingness to upgrade the STREET or highway facilities at his or her own expense in order to expedite approval of the requested Change of Zone. In the latter event, it will be necessary for the applicant to either construct the necessary improvements before the building permits are issued, or submit suitable performance guarantees to the County to ensure construction of the required STREET or highway facility improvements.

5. That, in those instances where the following characteristics are applicable to the rezoning request, the applicant has demonstrated compliance with the applicable standards:

a. If the proposed Change of Zone is located within any Overlay District identified by maps officially adopted by the COUNTY, that the applicant has demonstrated compliance with the COUNTY regulations concerning Overlay Districts. Compliance may be demonstrated in a previous public hearing or in the hearing concerning the rezoning application.

b. That the proposed rezoning will not permit the USE of any area known to contain a COMMERCIAL MINERAL DEPOSIT in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property.

c. If soil conditions on the site are such that they present moderate or severe limitations to the construction of STRUCTURES or facilities proposed for the site, that such limitations can be overcome and that the limitations will be addressed by the applicant and/or the applicant's successors or assigns prior to the DEVELOPMENT of the property.

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

C. If the Planning Commission recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, the ten-day period shall commence upon submission of the items by the applicant to the Department of Planning Services. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-40. Duties of Board of County Commissioners.

A. The Board of County Commissioners shall:

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

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

3. Arrange for the Department of Planning Services to post a sign on the property under consideration for rezoning according to the requirements of Section 23-2-20 B.5.

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

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

B. The Board of County Commissioners shall hold a public hearing to consider the application and to take final action thereon. In making a decision on the proposed Change of Zone, the Board of County Commissioners shall consider the recommendation of the Planning Commission, and from the facts presented at the public hearing and the information contained in the official record which includes the Department of Planning Services case file, the Board of County Commissioners shall approve the request for the Change of Zone only if it finds that the applicant has met the standards or conditions of Paragraphs 1 through 5 below and Section 23-2-50. The applicant has the burden of proof to show that the standards and conditions of Paragraphs 1 through 5 below and Section 23-2-50 are met. The applicant shall demonstrate:

1. That the proposal is consistent with the policies of Chapter 22 of this Code; if not, then that the zoning of the property under consideration is faulty, or that changing conditions in the area warrant a Change of Zone.

2. That the USES which would be allowed on the subject property by granting the Change of Zone will be compatible with the surrounding land USES.

3. That adequate water and sewer service can be made available to serve the site. If the rezoning is approved, the applicant shall demonstrate, prior to issuance of building permits on the site, that the water and sewer services are available at the site and are adequate and appropriate to meet the DEVELOPMENT requirements.

4. That STREET or highway facilities providing access to the property are adequate in size to meet the requirements of the proposed zone district. In the event that the STREET or highway facilities are not properly sized and are planned to be properly sized in the future, in conformance with the Thoroughfare Plan or in conformance with the MASTER PLAN of affected municipalities, the applicant may either wait to secure the rezoning until the improvements are made by the appropriate unit of government or the applicant may express a willingness to upgrade the STREET or highway facilities at his or her own expense in order to secure approval of the requested Change of Zone. In the latter event, it will be necessary for the applicant to either construct the necessary improvements before building permits are issued, or submit suitable performance guarantees to the COUNTY to ensure construction of the required STREET or highway facility improvements. No rezoning shall be finally approved by the Board of County Commissioners until the applicant has submitted an improvements agreement or contract approved by the Board of County Commissioners which sets forth the form of improvements guarantees. Any such agreement or contract shall be made in conformance with the COUNTY policy on collateral for improvements.

5. That, in those instances where the following characteristics are applicable to the rezoning request, the applicant had demonstrated compliance with the applicable standards:

a. If the proposed Change of Zone is located within any Overlay District identified by maps officially adopted by the COUNTY,

that the applicant has demonstrated compliance with the COUNTY regulations concerning Overlay Districts. Compliance may be demonstrated in a previous public hearing or in the hearing concerning the rezoning application.

b. That the proposed rezoning will not permit the USE of any area known to contain a COMMERCIAL MINERAL DEPOSIT as defined by state statutes in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property.

c. If soil conditions on the site are such that they present moderate or severe limitations to the construction of STRUCTURES or facilities proposed for the site, that such limitations will be addressed by the applicant and/or the applicant's successors or assigns prior to DEVELOPMENT of the property.

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

D. The Board of County Commissioners shall arrange for the County Clerk and Recorder to record the resolution and, if the proposed Change of Zone is approved, the Department of Planning Services shall record the rezoning plat.

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

F. The Board shall participate in the formation of an Intergovernmental Urban Growth Boundary Agreement with all willing municipalities. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-50. Application requirements for Change of Zone.

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

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

1. Name, address and telephone number of the applicant.
2. Name and address of the fee owners of the property proposed for the Change of Zone if different from above.
3. Legal description of the property under consideration as determined from a certified boundary survey (at the option of the applicant, the certified boundary survey may be submitted subsequent to the Planning Commission hearing but prior to final approval of the Board of County Commissioners if the Director of Planning Services approves a general legal description which sufficiently describes the site).
4. Total acreage of the parcel under consideration.
5. Address of the parcel, if available.
6. Present zone and overlay zones, if appropriate.
7. Proposed zone.
8. Signatures of the applicant and fee owners or their authorized legal agent.
9. A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records

of the County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.

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

11. Such additional information as may be required by the Planning Commission or the Board of County Commissioners in order to determine that the application meets the standards and policies set forth in this Chapter and in Chapter 22 and any other applicable code provision or ordinance in effect.

12. The applicant shall provide the Department of Planning Services with a certificate from the County Treasurer showing no delinquent taxes for the parcel area.

13. The applicant shall submit to the Department of Planning Services a copy of an agreement with the mineral owners associated with the subject property. Such agreement shall stipulate that the oil and gas activities on the subject property have been adequately incorporated into the design of the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the mineral owners on the subject property.

14. The applicant shall submit to the Department of Planning Services a copy of an agreement with the owner of any ditch located on or adjacent to the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the ditch owners. The agreement shall stipulate that ditch activities have adequately been incorporated into the design of the site. If such agreement cannot be reached, the applicant shall present evidence that an adequate attempt to reach such agreement has been made.

C. A vicinity and land USE map of the area shall be submitted as part of the general application. These maps shall be drawn to the following specifications:

1. The maps shall be delineated on reproducible material approved by the Department of Planning Services.

2. The dimensions of the land USE map shall be thirty-six (36) inches wide by twenty-four (24) inches high and prepared at a scale one (1) inch equals one hundred (100) feet (1" = 100') or at other suitable scale when approved by the Department of Planning Services. The vicinity map shall be drawn at suitable scale on the land USE map.

3. The following information, when applicable, shall be shown:

a. Outline of the perimeter of the parcel proposed for the Change of Zone.

b. Title, scale and north arrow.

c. Ditches on or within two hundred (200) feet of the property.

d. Location of rivers and other drainage systems on or within two hundred (200) feet of the property.

e. Location of easements, rights-of-way and other similar interests of record on the parcel and within fifty (50) feet of the parcel.

- f. Location of all existing utilities (electricity, gas, water and sewer) on the parcel, as well as within fifty (50) feet of the parcel.
- g. FLOOD HAZARD AREAS on the property.
- h. Areas of GEOLOGIC HAZARD on the property.
- i. Mineral resource areas on the property.
- j. Areas of moderate or severe soil limitations as defined by the Natural Resource Conservation Service or by a soil survey and study prepared by a soils engineer or soil scientist for the uses and associated STRUCTURES permitted within the proposed zone district.
- k. Other information as may be reasonably required by the Department of Planning Services in order to determine that the application meets the standards and policies set forth in this Chapter and in Chapter 22.

D. A rezoning plat shall be submitted as part of the general application. If the applicant elects the option provided in Subsection B.3 above, the rezoning plat will not be required until the certified boundary survey has been made. This map shall be drawn to the following specifications:

1. The map shall be delineated in drawing ink on Mylar or other material acceptable to the Department of Planning Services.

2. The dimensions of the map shall be eight and one-half (8½) inches wide by fourteen (14) inches high.

3. The following information shall be shown:

a. Certified boundary survey of the parcel under consideration, showing all bearings and distances outside the perimeter boundary lines. The closure error of the survey may not exceed one to five thousand (1:5,000).

b. Legal description, including total area involved, as certified by the surveyor.

c. Title, scale and north arrow.

d. Date of drawing.

4. The following certificates shall appear on the map:

a. Surveyor's certificate.

b. Planning Commission certificate.

c. Board of County Commissioners certificate.

5. Adequate space shall be provided on the rezoning plat for the addition of the following information by the Department of Planning Services.

a. Zoning case number.

b. Current zone classification.

c. Requested zone classification.

E. The following supporting documents shall be submitted as part of the general application:

1. Where an authorized agent signs the application for the fee owners, a letter granting power of attorney to the agent from the owners.

2. A copy of the deed or legal instrument by which the applicant obtained an interest in the property under consideration.

3. A statement on how the proposed rezoning is consistent with the policies of Chapter 22 and any other applicable code provision or ordinance in effect.

4. A statement which demonstrates how the proposed rezoning will correct what the applicant perceives as faulty zoning, or that demonstrates how the proposed rezoning will fit with what the applicant perceives as the changing conditions in the area.

5. A statement which demonstrates how the USES allowed by the proposed rezoning will be compatible with the surrounding land USES.

6. Statements from PUBLIC water and sewer utilities which indicate that they are able to provide service for the site. If PUBLIC utilities are not to be used, the applicant shall submit information which documents the availability of water and suitability of the site for the sewage disposal system chosen by the applicant. The evidence shall document the adequacy of the proposed utility service for the USES permitted in the proposed zone district.

7. A soil survey and study of the site proposed for the Change of Zone with a statement of the suitability of soils to support all USES allowed in the proposed zone. If the soils survey and study indicates soils which present moderate or severe limitations to the construction of STRUCTURES or facilities on the site, the applicant shall submit information which demonstrates that the limitations can be overcome.

8. If STREET or highway facilities which provide access to the property are not adequate to meet the requirements of the proposed zone district, the applicant shall supply information which demonstrates willingness and financial capability to upgrade the STREET or highway facilities in conformance with the Thoroughfare Plan and thereby meet the requirements of Section 23-2-40 B.4 of this Chapter. This shall be shown by an improvements agreement or contract guaranteeing installation of improvements by the applicant made in conformance with the County policy on collateral for improvements.

9. If, according to maps and other information available to the COUNTY, the Department of Planning Services determines that there appears to be a sand, gravel or other mineral resource on or under the subject property, the applicant shall provide a mineral resource statement prepared by a certified geologist or other qualified expert. The statement shall indicate the estimated quantity of resources and indicate the economic feasibility of recovery, now and in the future, of the resources so that the Planning Commission and Board of County Commissioners can determine whether a COMMERCIAL MINERAL DEPOSIT is contained on or under the subject properties.

10. If the proposed Change of Zone is located within an Overlay District identified by maps officially adopted by the COUNTY, the applicant shall submit information which either documents how the COUNTY regulations concerning Overlay Districts have been satisfied or documents how the applicant intends to meet the requirements of the COUNTY regulations concerning Overlay Districts.

11. Applications for a Change of Zone located in the Mixed Use Development area shall adhere to any and all applicable regulations in Chapter 19 and any other applicable County ordinances as amended.

12. A sign shall be posted for the applicant on the property under consideration for a rezoning. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing, and include the following information:

- a. Change of Zone number.
- b. Date, time and place of public hearing.
- c. Location and telephone number of the public office where additional information may be obtained.
- d. Applicant's name.
- e. Size of parcel of land.
- f. Type of request. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-60. Effective date of approved amendments.

Any approved amendments to the Official Zoning Map shall be effective immediately upon approval by the Board of County Commissioners unless otherwise specified by the approving resolution of the Board of County Commissioners. (Weld County Codification Ordinance 2000-1)

Div. 2. Amendments to Chapter Text

Sec. 23-2-100. Amendments to Chapter.

The Board of County Commissioners may, upon its own motion or upon petition of the Planning Commission, amend the text of this Chapter. The proposed amendments must be reviewed by the Planning Commission, whose recommendation shall be sent to and considered by the Board of County Commissioners. Such amendments shall be made in compliance with state statutes and with COUNTY procedures and regulations as established herein. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-110. Duties of Department of Planning Services.

Upon submission of a request from the Board of County Commissioners for any proposed amendments to the text of this Chapter, the staff of the Department of Planning Services shall:

- A. Draft all text amendments as directed by the Board of County Commissioners with the counsel of the County Attorney.
- B. Set a Planning Commission hearing date after the completion of the proposed amendment.
- C. Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. The date of publication shall be at least ten (10) days prior to the hearing.
- D. Upon the approval of all proposed text amendments, arrange for the publication of the Zoning Ordinance; such publication shall be made available as soon as possible after final approval has been given the amendment by the Board of County Commissioners.
- E. Perform other tasks as assigned by the Planning Commission and the Board of County Commissioners. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-120. Duties of Planning Commission.

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

- B. In making its final recommendation, the Planning Commission shall determine:
 1. That the existing text is in need of revision as proposed.
 2. That the proposed amendment will be consistent with the future goals and needs of the COUNTY as set out in Chapter 22 and any other applicable code provision or ordinance in effect.
 3. That the proposed amendment will be consistent with the overall intent of this Chapter.

C. The Secretary of the Planning Commission shall forward the official recommendation and the information contained in the official record, which includes the Department of Planning Services case file, to the Board of County Commissioners. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-130. Duties of Board of County Commissioners.

A. The Board of County Commissioners shall:

1. Set a Board of County Commissioners public hearing date.
2. Arrange for legal notice of said hearing to be published once in the newspaper designated by the Board of County Commissioners for publication of notices. The date of publication shall be at least fourteen (14) days prior to the hearing.

B. The Board of County Commissioners shall hold a public hearing to consider the proposed text amendment and take final action.

C. In making its final determination, the Board of County Commissioners shall:

1. Take into consideration the recommendation of the Planning Commission and the information contained in the official record, which includes the Department of Planning Services case file.
2. Find that the existing text is in need of revision as proposed.
3. Find that the proposed amendment will be consistent with the future goals and needs of the COUNTY as set out in Chapter 22, Intergovernmental Agreement of the affected municipality and any other applicable code provision or ordinance in effect.
4. Find that the proposed amendment is consistent with the overall intent of this Chapter.

5. At the close of the public hearing, the Board of County Commissioners may amend this Chapter. This Chapter shall be amended according to the procedures established in Section 3-14 of the Home Rule Charter.

D. The Board of County Commissioners shall arrange for the recording of the ordinance and, if approved, the full text of the amendment. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Div. 3. Site Plan Review

Sec. 23-2-150. Intent and applicability.

A. The intent of the Site Plan Review procedure is to provide present and future residents and users of land in the COUNTY a means whereby orderly and harmonious DEVELOPMENT is ensured in the COUNTY. Site Plan Reviews require additional consideration to ensure that the USES permitted are established and operated in a manner that is compatible with existing and planned land USES in the NEIGHBORHOOD. The regulation of Site Plan Reviews is designed to protect and promote the health, safety, convenience and general welfare of the present and future residents of the COUNTY.

B. A Site Plan Review is required for USES in the following Zone Districts: Residential R-2, R-3 and R-4 Zone Districts except for those uses containing a single-family dwelling unit or duplex units where the two (2) units are not held in separate ownership, all Commercial Zone Districts, all Industrial Zone Districts, and any PUD Districts where a use would require a site plan review in an R-4, Commercial or Industrial Zone District.

C. No land, BUILDING or STRUCTURE shall be USED, changed in use or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in any zone district that requires a Site Plan Review until a Site Plan Review has been approved by the Department of Planning Services.

D. The Department of Planning Services shall not issue a building permit for any BUILDING or STRUCTURE in a zone district which requires a site plan review until a site plan review has been submitted, approved and recorded by the Department of Planning Services.

E. No Site Plan Review shall be required for:

1. Normal repairs and maintenance of an existing building or structure.
2. Alterations which do not affect more than twenty-five percent (25%) of the external dimensions of an existing building or structure unless such alterations are made to change the USE or type of occupancy within part or all of the altered BUILDING or STRUCTURE.
3. Signs, fencing, oil and gas production facilities in the I-3 (Industrial) Zone District, temporary structures used for the sale of fireworks or the TEMPORARY sale of Christmas trees.

F. A BUILDING or STRUCTURE which was in place prior to the effective date of Ordinance No. 89-FF on June 11, 1996, can have its external dimensions enlarged up to twenty percent (20%) of those external dimensions in existence as of June 11, 1996, before a Site Plan Review shall be required, unless such enlargement is made to change the use or type of occupancy within part or all of the enlarged BUILDING or STRUCTURE.

G. The Director of Planning Services may waive the site plan review requirement for COMMERCIAL and industrial USES in a Planned Unit Development (PUD) upon determination that sufficient detailed information was submitted and reviewed in the Final PUD Plan.

H. Any person filing an application for a Site Plan Review shall comply with the County procedures and regulations as set forth herein.

I. Any person filing an application for a site plan review shall comply with Article V of this Chapter if the proposal is located within any Overlay District Area identified by maps officially adopted by the COUNTY.

J. Applications for a Site Plan Review shall be completed as set forth in Section 23-2-160 below. The completed application and application fees shall be submitted to the Department of Planning Services.

K. Applications for a Site Plan Review located in the Mixed Use Development area shall adhere to any and all applicable regulations in Chapter 19 and any other County ordinance in effect.

L. Any approved Site Plan Review shall be limited to the items shown on the Site Plan Review map. Major changes from the approved Site Plan Review map shall require the approval of an amendment of the Site Plan Review map by the Department of Planning Services. The Department of Planning Services is responsible for determining whether a major change exists. Any changes shall be filed in the Department of Planning Services with the Site Plan Review file. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-160. Application requirements for site plan review.

The purpose of the application is to give the applicant an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Chapter. The following supporting documents shall be submitted as a part of the application:

- A. A site plan review application form provided by the Department of Planning Services.
- B. A copy of a deed or legal instrument identifying the applicant's interest in the property under consideration.
- C. A party wall agreement and legal description for duplex or triplex USES where units are held in separate ownership.
- D. A condo declaration and legal description for the condo, if applicable.
- E. A detailed description of the proposed USE.
- F. Evidence that the USE in the zone district shall have an adequate source of potable water and meet the requirements of the zone district.
- G. Evidence that the USE in the zone district shall have adequate sewage disposal facilities and meet the requirements of the zone district. If there is an existing septic system located on the site, the applicant shall include in the application a copy of the septic permit. This information can be obtained from the Department of Public Health and Environment.
- H. A completed County Road Access Information Sheet provided by the Department of Planning Services.
- I. The number of employees associated with the USE.
- J. A statement indicating that the proposed USE meets the required SETBACK and OFFSET requirements of the zone district.
- K. A generalized sketch of BUILDING elevations depicting the style, size and exterior construction materials of the BUILDINGS proposed in sufficient detail to exhibit the relative compatibility of the proposed site with the character of the surrounding land USES.

L. A plan describing any proposed signage, drawn to an appropriate scale, which shall include specifications of the proposed sign and sign structure along with the method of construction and attachment to the BUILDING or ground. The position and distance of the sign in relation to property lines and BUILDINGS and STRUCTURES on the property shall be shown on the Site Plan Review map. The applicant shall apply for and receive a building permit for all proposed signs.

M. Statements describing that the LANDSCAPE requirements listed below have been met:

1. The lot shall adhere to the Maximum Lot Coverage requirements of the zone district in which it is located in, as shown in the Bulk Requirements in this Chapter, or Chapter 26 or 27, if applicable. Land shall not be deemed covered if it is used for growing grass, shrubs, trees, plants or flowers or if it is otherwise suitably LANDSCAPED.

2. That portion of a LOT in the zone district which abuts a public or private street right-of-way shall have a minimum fifteen-foot wide LANDSCAPE SETBACK, unless the LOT is governed by a more restrictive LANDSCAPE SETBACK contained in an overlay district, Chapter 26 of this Code or any other applicable County ordinance. The LANDSCAPE SETBACK is measured at a right angle from the existing or planned future right-of-way to any PARKING LOT, fencing, storage area or STRUCTURE. Sidewalks and driveways may pass through the required LANDSCAPE SETBACK.

3. Landscaping techniques shall be utilized in design of PARKING LOTS to aid in buffering PARKING LOTS from roadways.

4. The applicant shall submit to the Department of Planning Services a detailed LANDSCAPING plan delineating the existing and proposed trees, shrubs, ground covers, natural features such as rock outcroppings and other LANDSCAPING elements. The plan shall show where LANDSCAPING exists or will be located, along with planting and construction details, species name and size. Where existing plantings are to be retained, the applicant shall include in the plan proposed methods of protecting the plantings during construction.

5. The applicant shall submit to the Department of Planning Services a maintenance plan for the proposed LANDSCAPING on the site.

N. A statement accompanied by evidence explaining how the stormwater runoff will be handled. If physical changes to the site are proposed (grading, paving, increased roof areas, etc.), then evidence, maps and calculations explaining how stormwater retention facilities are designed to retain the stormwater runoff in excess of the historic flow from the undeveloped site shall be designed for a one-hundred-year storm and release retained water at a rate not to exceed a five-year storm falling on the undeveloped site.

O. A statement explaining that the proposed USE, BUILDING or STRUCTURE meets the Off-Street Parking Requirements listed in Article IV, Division 1 of this Chapter or a more restrictive ordinance. Sufficient SCREENED, off-street, paved parking areas shall be provided in all districts.

P. A statement explaining that the loading/service areas in all districts shall be located, designed and constructed in a manner that is in conformance with the standards below:

1. Sufficient space shall be provided in loading/service areas to accommodate the vehicles being loaded or unloaded without encroachment upon neighboring property or rights-of-way. Loading/service areas shall be paved.

2. Loading areas located within the I-1 (Industrial) Zone District and I-2 (Industrial) Zone District shall be designed to comply with the appropriate use regulations under either Section 23-3-310 or 23-3-320 of this Chapter.

Q. A statement explaining that the LOT shall have safe access to an approved public or private STREET. The design designation of a STREET or highway as to type shall be in conformance with that shown on the Transportation Plan and/or the MASTER PLAN of the affected municipality.

R. A statement explaining that new accesses to public rights-of-way shall be constructed using the minimum standards below. Designs exceeding these minimums may be required by the Department of Public Works, depending upon the number and type of vehicles generated by the USE proposed.

1. Size of drainage structure – fifteen (15) inches minimum in diameter.
2. Length of drainage structure – twenty (20) feet minimum.
3. Depth of cover over pipe – twelve (12) inches.
4. Width of access – ten (1) to fifteen (15) feet for a one-way single access, twenty-four-foot minimum for two-way traffic.
5. Maximum grade of access – fifteen percent (15%).
6. Flare radius – twenty-foot minimum in a residential zone district, forty-foot minimum in commercial and industrial zone districts.
7. Depth of surfacing – per engineered design and subject to approval by the Department of Public Works.

S. A statement explaining how acceleration/deceleration lanes, when required by the Department of Public Works or the Colorado Department of Transportation, will provide safe, efficient access to ARTERIAL or COLLECTOR STREETS.

T. A statement explaining that the trash collection areas or facilities are located, designed and USED in a manner that shall meet the requirements of the zone district.

U. A statement explaining that the USE is compatible with the existing or future development of the surrounding areas as permitted by the existing zoning and with the future development of the area as projected by the Comprehensive Plan or Master Plan of affected municipalities and any Intergovernmental Agreement. Such USE shall adhere to the following operation standards, to the extent that they are affected by location, layout and design prior to construction and operation. Once operational, the operation shall conform to the standards listed below:

1. Noise. USES and STRUCTURES in the COMMERCIAL and Industrial Zone Districts shall be located, designed and operated in accordance with the noise standards as established in Section 25-12-101, C.R.S.
2. Air Quality. USES in the COMMERCIAL and Industrial Zone Districts shall be located, designed and operated in accordance with the air quality standards established by the Colorado Air Pollution Control Commission.
3. Water Quality. USES in the COMMERCIAL and Industrial Zone Districts shall be located, designed and operated in accordance with the standards established by the Colorado Water Quality Control Commission.
4. Radiation and Radioactive Materials. The handling, USE, storage and processing of radioactive materials shall be in accordance with the applicable regulations of the State and the United States government.

5. Heat. USES located within the COMMERCIAL and Industrial Zone Districts shall not emit heat in such an amount sufficient to raise the temperature of the air or of materials at or beyond the LOT line more than five degrees (5°) Fahrenheit.

6. Glare. Any lighting USED to illuminate an OFF-STREET PARKING AREA, outside storage area, outside activity area, sign or other structure shall be arranged to deflect light away from any adjoining residential zone and from County roads. Any lighting, including light from high-temperature processes such as welding or combustion, shall be designed, located and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto ADJACENT properties; neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS; and no colored lights may be used which may be confused with or construed as traffic control devices.

7. Property Maintenance. All property shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than twelve (12) inches. The property owner shall not allow the growth of NOXIOUS WEEDS.

8. Any off-site improvements agreement shall be made in conformance with the County policy on collateral for improvements.

V. SITE PLAN REVIEW MAP. The site plan map shall show and comply with the following requirements:

1. The size of the map shall be twenty-four (24) inches by thirty-six (36) inches.
2. The scale shall be one (1) inch equals two hundred (200) feet or another suitable scale if approved by the Department of Planning Services.
3. Legal description of the parcel.
4. North arrow.
5. Outline of the perimeter of the LOT.
6. A vicinity map at a suitable scale. The map shall locate the site with respect to adjacent roads and other major land features.
7. The location and name of any water features or irrigation ditches within the perimeter of the LOT.
8. The location and names of all roads and highways abutting the LOT.
9. The location and name of any water features or irrigation ditches within the perimeter of the LOT.
10. All existing and proposed STRUCTURES and their dimensions.
11. The location, dimensions and design of any existing and proposed signs on the site.
12. All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.
13. The location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrians entrances, exits, walks and walkways.
14. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information.
15. Any other information deemed necessary by the Department of Planning Services.

W. SITE PLAN REVIEW PLAT: A Site Plan Review Plat shall be prepared after a Site Plan Review application is approved. The plat shall be submitted to the Department of Planning Services

and be ready for recording at the County Clerk and Recorder's office within thirty (30) days of approval. The plat shall meet the following requirements:

1. The plat shall be delineated in nonfading permanent black ink on a dimensionally stable polyester sheet such as cronar or Mylar or other product of equal quality, three (3) millimeters or greater in thickness. The plat shall bear original signatures and seals in permanent black ink. The size of each shall be twenty-four (24) inches in height by thirty-six (36) inches in width. The mixing of sheet sizes is prohibited. No plat submitted shall contain any form of stick-on type material such as, but not limited to "sticky-back," adhesive film or kroy lettering tape. The drawing shall be at sufficient scale to show all necessary detail.

2. REPEALED. (Weld County Code Ordinance 2001-1)

3. REPEALED. (Weld County Code Ordinance 2001-1)

4. The plat shall be titled "Site Plan Review No. _____." The Department of Planning Services shall fill in the appropriate number.

5. The plat shall include all of the items approved in the site plan review map.

6. The plat shall bear the following certifications:

a. Property owner's certificate:

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

Signature of Property Owner

The foregoing instrument was subscribed and sworn to be before me this ____ day of _____, ____, by _____.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

b. Department of Planning Services' Administrative Review Certificate:

This plat is accepted and approved for filing.

Director of Planning Services

The foregoing certificate was acknowledged before me this ____ day of _____, ____, by _____.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

c. Easement Certificate example: This certificate shall be used when any easement crosses any of the proposed lots of the Site Plan Review. The plat shall also identify the benefited lot and purpose of the easement.

I (we) do hereby dedicate, for the benefit of the property(ies) shown or described hereon, easements for the purposes shown or described hereon.

Signature

Signature

Printed/typed name

Printed/Typed name

X. The applicant shall provide the Department of Planning Services with a certificate from the County Treasurer showing no delinquent taxes for the parcel area.

Y. The applicant shall submit to the Department of Planning Services a copy of an agreement with the mineral owners associated with the subject property. Such agreement shall stipulate that the oil and gas activities on the subject property have been adequately incorporated into the design of the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the mineral owners on the subject property.

Z. The applicant shall submit to the Department of Planning Services a copy of an agreement with the owner of any ditch located on or adjacent to the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the ditch owners. The agreement shall stipulate that ditch activities have adequately been incorporated into the design of the site. If such agreement cannot be reached, the applicant shall present evidence that an adequate attempt to reach such agreement has been made. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Div. 4. Uses by Special Review

Sec. 23-2-200. Intent and applicability.

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

B. The Board of County Commissioners may approve the establishment of a Use by Special Review by granting a Special Review Permit. All requests for Special Review Permit shall be reviewed by the Planning Commission. The Planning Commission recommendation shall be forwarded to and considered by the Board of County Commissioners except for the following conditions. Any DEVELOPMENT or USE which requires a Special Review Permit and which is initiated by a general purpose local government, State, United States government, special district or authority created under the provisions of the laws of the State, or any public utility whether publicly or privately owned, shall require review and approval by the Planning Commission only as set forth in Division 5 below.

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

D. Ordinary repairs and maintenance may be performed upon STRUCTURES associated with a Use by Special Review so long as such repairs and maintenance do not have the effect of expanding or enlarging the USE.

E. If the Use by Special Review has not commenced from the date of approval or is discontinued for a period of three (3) consecutive years, it shall be presumed inactive. The COUNTY shall initiate an administrative hearing to consider whether to grant an extension of time to commence the use or revoke the Use by Special Review. If the Use by Special Review is revoked, it shall be necessary to follow the procedures and requirements of this Section in order to reestablish any Use by Special Review.

F. Applications for Special Review Permits shall be completed as set forth in Section 23-2-260. The complete application and application fees shall be submitted to the Department of Planning Services.

G. Any decrease in the land mass occupied by a Use by Special Review shall qualify the landowner to be able to request a partial vacation of the Use by Special Review from the Board of County Commissioners, permitting the following:

1. The subject property under consideration for a partial vacation of the Use by Special Review has received permission to release the property from the permit from applicable County and State agencies. An example would be the release of a portion of a gravel mining operation from the Division of the Army Corps of Engineers at the completion of the reclamation activities on the subject property. Evidence of such release shall be provided to the Department of Planning Services with the request to vacate such portion of the property.

2. This process does not create separate parcels.

3. To obtain a partial vacation of the Use by Special Review permit, the applicant shall:

a. Submit a letter to the Department of Planning Services requesting the partial vacation.

b. Submit a revised map to the Department of Planning Services illustrating the vacated portion of the property and the existing permit.

4. Upon determination of compliance with the original Use by Special Review permit and all applicable applications, this Chapter and Chapter 29 of this Code by the Department of Planning Services, the applicant shall be granted a partial vacation of the Use by Special Review permit.

5. Once approved, the applicant must submit a plat conforming to Section 23-2-260 D of this Code. This plat shall illustrate the vacated portions of the property/operation. The plat shall contain two (2) vicinity maps. The first shall illustrate the use boundary prior to the partial vacation. The second shall illustrate the use boundary after the partial vacation. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-210. Duties of Department of Planning Services.

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

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

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

2. Give notice of the application for a Special Review Permit and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.

3. Give notice of the application for a Special Review Permit and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the

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

4. A sign shall be posted for the applicant on the property under consideration for a Use by Special Review permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing, and include the following information:

- a. Special Review Permit number.
- b. Date, place and time of Public Hearing.
- c. Location and phone number of the public office where additional information may be obtained.
- d. Applicant's name.
- e. Size of parcel of land.
- f. Type of request.

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

6. Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within twenty-one (21) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-one (21) days may be deemed to be a favorable response to the Planning Commission. The reviews and comments solicited by the COUNTY are intended to provide the COUNTY with information about the proposed Use by Special Review. The Planning Commission and Board of County Commissioners may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority and responsibility for making the decision to approve or deny the request for a Special Review Permit rests with the officials of the COUNTY.

- a. The planning commission or governing body of any town and county whose boundaries are within a three-mile radius of the parcel under consideration for a Use by Special Review Permit.
- b. The planning commission or governing body of any city or town that has included the parcel in its MASTER PLANNING area or Intergovernmental Agreement.
- c. Department of Public Health and Environment.
- d. Department of Public Works to check the legal description of the parcels and review of other engineering aspects of the proposal.

- e. County Extension office.
- f. Colorado Department of Health.
- g. Colorado Geological Survey.
- h. Colorado Historical Society.
- i. Colorado Department of Transportation.
- j. Colorado State Division of Wildlife.
- k. Colorado State Engineer, Division of Water Resources.
- l. Colorado State Oil and Gas Conservation Commission.
- m. Colorado Water Conservation Board.
- n. U.S. Army Corps of Engineers.
- o. U.S. Soil Conservation Service.
- p. U.S. Forest Service.
- q. U.S. Bureau of Land Management.
- r. Federal Aviation Administration.
- s. Federal Communications Commission.
- t. The appropriate fire district.
- u. Any irrigation ditch company with facilities on or adjacent to the parcel under consideration.
- v. Any other agencies or individuals whose review the Department of Planning Services, Planning Commission, or Board of County Commissioners deems necessary.

7. Prepare staff comments for use by the Planning Commission addressing all aspects of the application, its conformance with in Chapter 22 of this Code and any other applicable code provision or ordinance in effect, adopted master plans of affected municipalities, sound land use planning practices, comments received from agencies to which the proposal was referred, and standards contained in this Chapter. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-220. Duties of Planning Commission.

A. The Planning Commission shall hold a hearing to consider the application for the Special Review Permit. The public hearing may involve either the Special Review Permit application alone or may include the review of concurrent applications under the COUNTY's provisions for Overlay Districts Regulations in Article V of this Chapter. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested Special Review Permit. The Planning Commission shall approve the request for the Special Review Permit only if it finds that the applicant has met the standards or conditions of this Subsection A and Sections 23-2-240 and 23-2-250 of this Division. The applicant has the burden of proof to show that the standards and conditions of this Subsection A and Sections 23-2-240 and 23-2-250 are met. The applicant shall demonstrate:

1. That the proposal is consistent with Chapter 22 of this Code and any other applicable code provision or ordinance in effect.
2. That the proposal is consistent with the intent of the district in which the USE is located.
3. That the USES which would be permitted will be compatible with the existing surrounding land USES.

4. That the USES which would be permitted will be compatible with future development of the surrounding area as permitted by the existing zoning and with the future development as projected by Chapter 22 of this Code or MASTER PLANS of affected municipalities.

5. That the application complies with Article V of this Chapter if the proposal is located within the Overlay District Areas identified by maps officially adopted by the COUNTY.

6. That if the USE is proposed to be located in the A (Agricultural) Zone District, the applicant has demonstrated a diligent effort has been made to conserve PRIME FARMLAND in the locational decision for the proposed USE.

7. That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.

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

C. If the Planning Commission recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, the ten-day period shall commence upon submission of the items by the applicant to the Department of Planning Services. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-230. Duties of Board of County Commissioners.

A. The Board of County Commissioners shall:

1. Set a Board of County Commissioners public hearing, to take place not more than forty-five (45) days after receipt of the Planning Commission recommendation, or upon request of the applicant, for consideration of the proposed Special Review Permit.

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

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

4. Give notice of the application for a special use permit and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by state statute and is provided as a courtesy to the owners and lessees of the mineral estate on or under the parcel. Inadvertent errors by the applicant in supplying such list or the Board of County Commissioners in sending such notice shall not create a jurisdictional defect

in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.

5. Arrange for the Department of Planning Services to post a sign on the property under consideration for a Special Review Permit according to the requirements of Section 23-2-210 B.4 of this Article.

B. The Board of County Commissioners shall hold a public hearing to consider the application and to take final action thereon. In making a decision on the proposed Use by Special Review, the Board of County Commissioners shall consider the recommendation of the Planning Commission, and from the facts presented at the public hearing and the information contained in the official record which includes the Department of Planning Services case file, the Board of County Commissioners shall approve the request for the Special Review Permit only if it finds that the applicant has met the standards or conditions of this Subsection B and Sections 23-2-240 and 23-2-250 of this Division. The applicant has the burden of proof to show that the standards and conditions of this Subsection B and Sections 23-2-240 and 23-2-250 of this Division are met. The applicant shall demonstrate:

1. That the proposal is consistent with in Chapter 22 and any other applicable code provisions or ordinances in effect.

2. That the proposal is consistent with the intent of the district in which the USE is located.

3. That the USES which would be permitted will be compatible with the existing surrounding land USES.

4. That the USES which would be permitted will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by Chapter 22 of this Code and any other applicable code provisions or ordinances in effect, or the adopted MASTER PLANS of affected municipalities.

5. That the application complies with Article V of this Chapter if the proposal is located within any Overlay District Area identified by maps officially adopted by the County.

6. That if the USE is proposed to be located in the A (Agricultural) Zone District, the applicant has demonstrated a diligent effort has been made to conserve PRIME FARMLAND in the locational decision for the proposed use.

7. That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.

C. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed USE upon the surrounding area, the Board of County Commissioners may condition the decision to approve the Special Review Permit upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the COUNTY to guarantee such implementation.

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

E. If the Special Review Permit is approved, the Board of County Commissioners shall arrange for the Department of Planning Services to record the Special Review Permit Plan map with the County Clerk and Recorder. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-240. Design standards.

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

1. Adequate water service in terms of quality, quantity and dependability is available to the site to serve the USES permitted.
2. Adequate sewer service is available to the site to serve the USES permitted.
3. If soil conditions on the site are such that they present moderate or severe limitations to the construction of STRUCTURES or facilities proposed for the site, the applicant has demonstrated how much limitations can and will be mitigated.
4. Adequate fire protection measures are available on the site for the STRUCTURES and facilities permitted.
5. USES shall comply with the following stormwater management standards:
 - a. Stormwater retention facilities shall be provided on site which are designed to retain the stormwater runoff from the fully developed site from a one-hundred-year storm or as otherwise required by the Department of Public Works. In the case of a LIVESTOCK CONFINEMENT OPERATION (L.C.O.), wastewater collection, conveyance and retention facilities shall be designed and constructed in accordance with the Confined Animal Feeding Operation Control Regulations (5 CCR 1002-19).
 - b. The drainage facilities shall be designed to release the retained water at a quantity and rate not to exceed the quantity and rate of a five-year storm falling on the UNDEVELOPED site.
6. All parking and vehicle storage shall be provided on the site; parking shall not be permitted within any public right-of-way. An adequate parking area shall be provided to meet the parking needs of employees, company vehicles, visitors and customers.
7. The USE shall comply with all the SETBACK and OFFSET requirements of the zone district.
8. The access shall be located and designed to be safe; ingress and egress shall not present a safety hazard to the traveling public or to the vehicle accessing the property. For USES generating high traffic volumes and large number of large, slow-accelerating vehicles, acceleration and deceleration lanes may be required to mitigate a potential traffic hazard.
9. New accesses to public rights-of-way shall be constructed using the following as minimum standards:
 - a. Size of drainage structure – twelve (12) inches in diameter.
 - b. Length of drainage structure – twenty (20) feet.
 - c. Depth of cover over pipe – twelve (12) inches.
 - d. Width of access – fifteen (15) feet.
 - e. Maximum grade of access – fifteen percent (15%).
 - f. Flare radius – twenty (20) feet.
 - g. Depth of surfacing – four (4) inches.

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

10. Buffering or SCREENING of the proposed USE from ADJACENT properties may be required in order to make the determination that the proposed USE is compatible with the surrounding uses. Buffering or SCREENING may be accomplished through a combination of berming, landscaping and fencing.

11. Uses by Special Review in the A (Agricultural) Zone District shall be located on the least prime soils on the property in question unless the applicant can demonstrate why such a location would be impractical or infeasible.

B. If the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY is approved, the Planning Commission shall arrange for the Department of Planning Services to record the appropriate Facilities Plan, Utility Line or Selected Route Map with the County Clerk and Recorder. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-250. Operation standards.

An applicant for a Special Review Permit shall demonstrate conformance with the following operation standards in the Special Review Permit application to the extent that the standards affect location, layout and design of the Use by Special Review prior to construction and operation. Once operational, the operation of the USES permitted shall conform to these standards.

A. The operation of the USES shall comply with the noise standards enumerated in Section 25-12-101, C.R.S.

B. The operation of the USES shall comply with the air quality regulations promulgated by the Colorado Air Quality Control Commission.

C. The operation of the USES shall comply with the water quality regulations promulgated by the Colorado Water Quality Control Commission.

D. The USES shall comply with the following lighting standards:

1. Sources of light, including light from high-temperature processes such as combustion or welding, shall be shielded so that light rays will not shine directly onto ADJACENT properties where such would cause a nuisance or interfere with the USE on the ADJACENT properties; and

2. Neither direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS and no colored lights may be used which may be confused with or construed as traffic control devices.

E. The USES shall not emit heat so as to raise the temperature of the air more than five degrees (5°) Fahrenheit at or beyond the LOT line.

F. Property shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than twelve (12) inches. In no event shall the property owner allow the growth of NOXIOUS WEEDS. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-260. Application requirements.

A. The purpose of the application is to give the petitioner an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Chapter. The following supporting documents shall be submitted as a part of the application except for those items determined by the Director of Planning Services, in writing, or the Board of County Commissioners, on the record, to be unnecessary to a decision on the application:

1. A statement which explains that the proposal is consistent with Chapter 22 of this Code and any other applicable code provision or ordinance in effect.

2. A statement which explains that the proposal is consistent with the intent of the district in which the USE is located.

3. A statement which explains that the USES which would be permitted will be compatible with the existing surrounding land USES.

4. A statement which explains that the USES which would be permitted will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by Chapter 22 of this Code and any other applicable code provision or ordinances in effect, or the adopted MASTER PLANS of affected municipalities.

5. A statement which explains that the application complies with Article V of this Chapter if the proposal is located within any Overlay District Area identified by maps officially adopted by the COUNTY.

6. A statement which explains that if the USE is proposed to be located in the A (Agricultural) Zone District, the applicant has demonstrated a diligent effort has been made to conserve prime agricultural land in the locational decision for the proposed USE.

7. A statement which explains that there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.

B. The following general information shall be submitted:

1. Name, address and telephone number of the applicants.
2. Name and address of the fee owners of the property proposed for the Use by Special Review if different from above.
3. Legal description of the property under consideration.
4. Total acreage of the parcel under consideration.
5. Existing land USE of the parcel under consideration.
6. Existing land USES of all properties ADJACENT to said parcel.
7. Present zone and overlay zones, if appropriate.
8. Signatures of the applicant and fee owners or their authorized legal agent.
9. A certified list of the names, addresses and the corresponding Parcel Identification Numbers assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney derived from such records, or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
10. An affidavit listing the names and addresses of all mineral owners and lessees of mineral owners on or under the parcel of land being considered. The list shall be prepared from the real property records of the County Clerk and Recorder, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the County Department of Planning Services.
11. A sign shall be posted for the applicant on the property under consideration for a Use by Special Review permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing.

12. The applicant shall provide the Department of Planning Services with a certificate from the County Treasurer showing no delinquent taxes for the parcel area.

13. The applicant shall submit to the Department of Planning Services a copy of an agreement with the owner of any ditch located on or adjacent to the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the ditch owners. The agreement shall stipulate that ditch activities have adequately been incorporated into the design of the site. If such agreement cannot be reached, the applicant shall present evidence that an adequate attempt to reach such agreement has been made.

14. The applicant shall submit to the Department of Planning Services a copy of an agreement with the mineral owners associated with the subject property. Such agreement shall stipulate that the oil and gas activities on the subject property have been adequately incorporated into the design of the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the mineral owners on the subject property.

C. A detailed description of the proposed operation and USE shall be supplied. Details for the following items, when applicable, are required:

1. Type of USE for which the application is being made.
2. Proximity of the proposed USE to residential STRUCTURES.
3. The number of shifts to be worked and the maximum number of employees.
4. The maximum number of users, patrons, members, buyers or other visitors that the use by special review facility is designed to accommodate at any one (1) time.
5. Types and maximum numbers of animals to be concentrated on the site at any one (1) time.
6. Types and numbers of operating and processing equipment to be utilized.
7. Type, number and USES of the proposed STRUCTURES to be erected.
8. Type, size, weight and frequency of vehicular traffic and access routes that will be utilized.
9. Domestic sewage facilities.
10. Size of stockpile, storage or waste areas to be utilized.
11. Method and time schedule of removal or disposal of debris, JUNK and other wastes associated with the proposed USE.
12. A time table showing the periods of time required for the construction of the operation.
13. Proposed LANDSCAPING plans.
14. Reclamation procedures to be employed as stages of the operation are phased out or upon cessation of the Use by Special Review activity.
15. A statement delineating the need for the proposed USE.
16. A description of the proposed fire protection measures.
17. Such additional information as may be required by the Department of Planning Services, the Planning Commission or the Board of County Commissioners in order to determine that the application meets the requirements of this Chapter and the policies of Chapter 22 of this Code.

D. Special Review Permit Plan Map.

1. The map shall be delineated on reproducible material approved by the Department of Planning Services.

2. The dimensions of the map shall be thirty-six (36) inches wide by twenty-four (24) inches high.

3. The Special Review Permit Plan Map shall include certificates for the property owner's signature, the Planning Commission, the Board of County Commissioners and the Clerk to the Board. The required content of the certificates is available from the Department of Planning Services.

4. Vicinity Map. A vicinity map shall be drawn on the Use by Special Review Permit Plan Map.

a. The scale of the vicinity map shall be one (1) inch equals six hundred (600) feet or at another suitable scale if approved by the Department of Planning Services.

b. The vicinity map shall delineate all of the required information within a one-half (½) mile radius of the property proposed for the Use by Special Review.

c. The following information shall be shown on the vicinity map:

1) Section, township and range.

2) Scale and north arrow.

3) Outline of the perimeter of the parcel proposed for the Use by Special Review.

4) The general classifications and distribution of soils over the parcel under consideration. Soil classification names and agricultural capability classifications must be noted in the legend.

5) Locations and names of all roads, irrigation ditches and water features.

6) Location of all residences within a one-half-mile radius, existing and proposed accesses to the property proposed for the Use by Special Review, any abutting subdivision outlines and names, and the boundaries of any ADJACENT municipality.

7) Any other relevant information within a one-half-mile distance of the perimeter property proposed for the Use by Special Review as may be reasonably required by the COUNTY to meet the intent and purpose of this Chapter.

5. Plot Plan. A plot plan of the Use by Special Review area shall be drawn on the Special Review Permit Plan Map.

a. The scale of the plot plan shall be one inch (1") equals one hundred feet (100) or at another suitable scale if approved by the Department of Planning Services.

b. The plot plan shall outline the Boundaries of the parcel being considered for the Use by Special Review.

c. The plot plan shall include the location and identification of all of the following items which are presently existing within a two-hundred-foot radius of the boundaries of the use by Special Review area as well as within the area itself; it shall also include the proposed features and STRUCTURES of the Use by Special Review:

1) All public rights-of-way of record (including names).

2) All existing and proposed STRUCTURES.

- 3) All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.
- 4) Irrigation ditches.
- 5) adjacent property lines and respective owners' names (may be shown on vicinity map instead).
- 6) All hydrographic features including streams, rivers, ponds and reservoirs (including names).
- 7) Topography at two-foot contour intervals or at intervals as determined necessary by the Department of Planning Services.
- 8) Location of areas of moderate or severe soil limitations as defined by the Natural Resources Conservation Service or by a soil survey and study prepared by a soils engineer or scientist for the USES and associated STRUCTURES proposed for the parcel.
- 9) Location and design of stormwater management devices or STRUCTURES.
- 10) Complete traffic circulation and parking plan showing locations and sizes.
- 11) Location, amount, size and type of any proposed LANDSCAPING, fencing, walls, berms or other SCREENING.
- 12) Location of any flood hazard, GEOLOGIC HAZARD or mineral resource areas.
- 13) Such additional information as may be reasonably required by the Department of Planning Services, the Planning Commission or the Board of County Commissioners in order to determine that the application meets the requirements of this Chapter and the policies of Chapter 22 of this Code and any other applicable code provision or ordinance in effect.

E. Supporting Documents. The following supporting documents shall be submitted as part of the application:

1. Where an authorized legal agent signs the application for the fee owners, a letter granting power of attorney to the agent from the owners must be provided.
2. Proof that a water supply will be available which is adequate in terms of quantity, quality and dependability (e.g., a well permit or letter from a water district).
3. Copy of the deed or legal instrument by which the applicant obtained an interest in the property under consideration.
4. A noise report, unless waived by the Department of Planning Services, documenting the methods to be utilized to meet the applicable noise standard.
5. A soil report of the site prepared by the Natural Resource Conservation Service or by a soils engineer or scientist. In those instances when the soil report indicates the existence of moderate or severe soil limitations for the USES proposed, the applicant shall detail the methods to be employed to mitigate the limitations. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-270. Development standards.

An applicant for a Special Review Permit shall demonstrate conformance with and shall continue to meet any DEVELOPMENT STANDARDS approved and adopted by the County. The DEVELOPMENT STANDARDS shall be placed on the Special Review Permit Plan Map prior to recording.

Noncompliance with any of the approved DEVELOPMENT STANDARDS may be reason for revocation of the special review permit by the Board of County Commissioners. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-280. Changes to a Special Review Permit.

Any approved Special Review Permit shall be limited to the items shown on the Special Review plan map and governed by the DEVELOPMENT STANDARDS. Major changes from the approved Special Review Plan Map or DEVELOPMENT STANDARDS for the Special Review Permit shall require the review of an amendment to the permit by the Planning Commission and approval by the Board of County Commissioners before such changes from the plan map or DEVELOPMENT STANDARDS are permitted. The Department of Planning Services is responsible for determining whether a major change exists. Any other changes shall be filed with the Department of Planning Services with the approved Special Review Permit. (Weld County Codification Ordinance 2000-1)

*Div. 5. Special Review Permits for
Major Facilities of Public Utility or Public Agency*

Sec. 23-2-300. Applicability.

The regulations contained herein shall apply to all new site selections of MAJOR FACILITIES OF PUBLIC UTILITIES OR PUBLIC AGENCIES within the unincorporated lands of the COUNTY subsequent to the adoption of the ordinance codified herein. These regulations shall also apply to any expansion, enlargement or extension of MAJOR FACILITIES OF PUBLIC UTILITIES OR PUBLIC AGENCIES after the adoption of the ordinance codified herein. Any proposed MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCY which requires a Special Review Permit and which is initiated by a general purpose local government, the State, United States government, special district or authority created under the provisions of the laws of the State or any PUBLIC utility whether publicly or privately owned, shall require review and approval by the Planning Commission only. The failure of the Planning Commission to take action on the application within thirty (30) days after the official submittal of the application for said DEVELOPMENT or USE shall be deemed an approval of the application unless the agency submitting the application is granted an extension of the thirty-day review period. If the Planning Commission disapproves an application for a Special Review Permit for said DEVELOPMENT or USE, the Planning Commission's disapproval may be overruled by the jurisdictional body or official making the application. The Planning Commission's disapproval may be overruled by said body by a vote of not less than a majority of its entire membership or by said official. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-310. Relationship of regulations to other requirements.

Nothing in this Division shall be construed as exempting an applicant from any state or federal laws or regulations. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-320. Prohibition of site selection and construction without permit.

No person may locate or construct a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY in the County without first obtaining a Special Review Permit pursuant to these regulations, and no Building Permit for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY shall be approved without the applicant first obtaining approval of a Special Review Permit pursuant to these regulations. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-330. Duties of Department of Planning Services.

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

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

1. Set a Planning Commission hearing date not more than forty-five (45) days after the complete application has been submitted.
2. Arrange for a public notice of the hearing by the Planning Commission to be published once in the newspaper designated by the Board of County Commissioners for publication of notices a minimum of ten (10) days prior to the hearing date.
3. Give notice of application for a Special Review Permit and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, no less than ten

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

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

5. Refer the application to the following agencies, when deemed applicable by the Department of Planning Services for their review and comment. The agencies named shall respond within twenty-one (21) days after the mailing of the application by the COUNTY. The failure of any agency to respond within twenty-one (21) days may be deemed to be a favorable response to the proposal. Such agencies may request and be granted additional time for review of such proposals upon approval by the Director of Planning Services. The reviews and comments solicited by the COUNTY are intended to provide the COUNTY with information on the proposal. The Planning Commission may consider all such reviews and comments, and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY. The authority and responsibility for making the decision to approve or deny the proposal rests with the officials of the COUNTY.

- a. The planning commission of any town or county whose boundaries are within three (3) miles of the proposed site or if the proposed site is located within any town's comprehensive planning area.
- b. Department of Public Health and Environment.
- c. Department of Public Works.
- d. Colorado Geological Survey.
- e. Colorado Department of Transportation.

- f. U.S. Forest Service.
- g. Any irrigation ditch company with facilities within or ADJACENT to the site under consideration.
- h. Utility companies with underground lines which might be affected by the DEVELOPMENT.
- i. Special service districts which may provide service to the DEVELOPMENT.
- j. State Engineer, Division of Water Resources.
- k. Natural Resource Conservation Service.
- l. Any other agencies or individuals whose review the Department of Planning Services deems necessary.

6. Prepare staff comments and recommendations for presentation at the Planning Commission hearing, addressing all aspects of the application, its conformance with this Chapter and Chapter 22 of this Code and comments received from referral agencies.

C. The Department of Planning Services shall arrange for the County Clerk and Recorder to record the plans approved by the Planning Commission. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-340. Duties of Planning Commission.

A. The Planning Commission shall hold a hearing to consider the application for the Special Review Permit. In making a decision on the proposed Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY, the Planning Commission shall, from the facts presented at the public hearing and the information contained in the official record, which includes the Department of Planning Services case file, approve the request for the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY only if it finds that the applicant has met the applicable conditions of Section 23-2-400 below. The applicant has the burden of proof to show that the applicable conditions of Section 23-2-400 are met. The Planning Commission has final permit review authority for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY as described in Section 23-2-300 above.

B. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY upon the surrounding area, the Planning Commission may condition the decision to approve the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the COUNTY to guarantee such implementation.

C. If the Special Review Permit for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY is approved, the Planning Commission shall arrange for the Department of Planning Services to record the appropriate Facilities Plan, Utility Line or Selected Route Map with the County Clerk and Recorder. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-350. Duties of Board of County Commissioners.

The Special Review Permit duties of the Board of County Commissioners for a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY are limited according to the provisions of Section 30-28-110, C.R.S., and the Home Rule Charter. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-360. Application for Special Review Permit.

Any person seeking to locate and construct a MAJOR FACILITY OF A PUBLIC UTILITY OR PUBLIC AGENCY in the County shall apply for a Special Review Permit on the forms provided by the Department of Planning Services. The application forms shall be accompanied by the supporting documents required by these regulations. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-370. Submission requirements.

Submission Requirements. An adequate number of copies of the application for a Special Review Permit shall be submitted by the applicant to the Department of Planning Services. An application for a Special Review Permit shall contain the following information in such form as prescribed by the Department of Planning Services.

- A. The applicant's name and telephone number.
- B. Address of the applicant and general OFFICE.
- C. Summary statement of the project, to include when applicable:
 1. Source, capacity, destination and type of facilities, support STRUCTURES, lines, etc., involved.
 2. Number and description of alternative locations or routes considered, with a summary emphasizing reasons for favoring a particular site or route.
 3. Procedures, including reclamation measures, landscaping, buffering techniques or multiple uses, to be employed in efforts to mitigate any adverse impacts.
 4. Size of the anticipated work force, both temporary and permanent.
 5. A summary of the proposed water requirements, if any, to include the quality and quantity needed for each USE, source, storage facilities, points of diversion, treatment system and distribution system.
 6. A summary of the proposed fuel requirements, if any, to include the type and quantity needed, source and storage facilities.
 7. A description of the location and method of disposal of all forms of waste.
- D. A detailed report shall be submitted which includes information on the following items:
 1. A complete description of the facilities, including the source, capacity, destination and type of structures.
 2. A complete analysis of the alternative routes or sites considered, to include in each case:
 - a. Reasons for consideration.
 - b. Types of agricultural and other land USES affected.
 - c. Construction cost of the proposed alternatives.
 - d. Impacts on mineral resources.
 - e. Impacts on wildlife habitat.
 - f. Impacts on historical, archaeological and scenic resources.
 - g. Visual impacts created by aboveground facilities.

- h. A description of any GEOLOGIC or FLOOD HAZARDS which could adversely affect the DEVELOPMENT.
 - i. Advantages and disadvantages of the alternatives considered.
 - j. The applicant shall submit to the Department of Planning Services a copy of an agreement with the mineral owners associated with the subject property. Such agreement shall stipulate that the oil and gas activities on the subject property have been adequately incorporated into the design of the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the mineral owners on the subject property.
 - k. The applicant shall submit to the Department of Planning Services a copy of an agreement with the owner of any ditch located on or adjacent to the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the ditch owners. The agreement shall stipulate that ditch activities have adequately been incorporated into the design of the site. If such agreement cannot be reached, the applicant shall present evidence that an adequate attempt to reach such agreement has been made.
3. A description of the preferred alternative route or site and reasons for its selection.
 4. Procedures to be employed in mitigating any adverse impacts of the proposed routes or sites.
 5. An outline of the planned construction and operation schedule, to include the number of stages and timing of each.
 6. Information of any public meeting conducted, to include the location, date, time, attendance and method of advertising.
 7. A description of the hazards, if any, of fire, explosion and other dangers to the health, safety and welfare of employees and the general PUBLIC.
 8. A description of emergency procedures to be followed in case of a reported failure or accident involving the proposed facility. Such outline shall include actions, if any, required of PUBLIC officials, including fire and police officials, and the names and telephone numbers of appropriate company officials to notify if an accident or failure should occur.
 9. A description of the method or procedures to be employed to avoid or minimize the impacts on irrigated agricultural land.
 10. A discussion of how the proposal conforms with the guidelines of Chapter 22 of this Code and any other applicable code provision or ordinance in effect.
 11. A discussion of the proposal for maintenance of the facility so as to prevent dust, soil erosion and the growth of NOXIOUS WEEDS.
 12. A drainage report outlining the method of preventing surface runoff from exceeding the historical flow.
 13. Additional information required for TRANSMISSION LINES and oil and gas PIPELINES:
 - a. A discussion of the feasibility of utilizing any existing utility line corridors.

- b. A list of the names and addresses of the utility companies which have existing underground utility lines underlying the alternative routes.
14. Additional information needed for POWER PLANT site proposals:
- a. Detailed information concerning water requirements, to include the quality needed for the USE, source, storage facilities, point of diversion, treatment system and distribution system.
 - b. A description of the type of transportation facilities needed to service the facility.
 - c. An outline of the types and numbers of operating and construction equipment to be employed.
 - d. A discussion of the proposal for providing TEMPORARY and permanent housing to accommodate the work force. The description shall outline the number, type and location of the BUILDING dwellings.
 - e. A letter from each utility company indicating its intention and ability to serve the development.
 - f. A list of the names and addresses of all the local governments and special districts which would be affected by the DEVELOPMENT, and a statement of the anticipated overall impact on local governments and special district service capabilities, including: education, police protection, fire protection, water, sewer, health services and road maintenance services.
 - g. A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
 - h. An affidavit listing the names and addresses of mineral owners and lessees of mineral owners on or under the parcel of land being considered. The list shall be prepared from the real property records of the County Clerk and Recorder, and shall be current as of a date no more than thirty (30) days prior to the date the application is submitted to the Department of Planning Services.
 - i. A discussion of the potential air and water pollution impacts which may be created by the facility, along with proposed pollution control measures. This discussion should include any meteorological or climatological conditions which would cause the facility to create negative impacts on surrounding land USES.
 - j. A description of any routine haul routes, identifying the roads and bridges involved and the weight of the loads.
 - k. Any other information determined to be necessary by the Department of Planning Services, the Planning Commission or its authorized representative to ensure the protection of the health, safety and welfare of the inhabitants of the COUNTY. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-380. Drawing requirements for facilities plan maps.

A. The general drawing requirements for Facilities Plan Maps for SUBSTATION SITES, oil and gas STORAGE AREAS and POWER PLANT sites are as follows:

1. An adequate number of copies of these maps shall be submitted concurrently with the written application.
2. Maps shall be delineated in drawing ink or Mylar or other drafting media approved by the Department of Planning Services. The dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches.
3. The maps shall be prepared and certified by a land surveyor registered in the State.

B. Vicinity Map. The proposed site shall be identified on the vicinity map. The vicinity map shall also identify the zone districts, subdivisions, water bodies, transportation facilities and towns within a three-mile radius.

C. Site Plan. The Site Plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet. This scale may be varied upon approval of the Department of Planning Services. The Site Plan shall depict the following:

1. Include the property under application, as well as features within five hundred (500) feet of the parcel boundaries.

2. Include a certified boundary survey of the property. Bearing and distances of all perimeter boundary lines shall be indicated outside the boundary line.

3. Show the existing topography of the site at ten-foot contour intervals, as solid lines, and the proposed topography of the site at ten-foot contour intervals as dashed lines.

4. Show the name and location of all streams, including normally dry streams, ponds or other bodies of water, existing structures, roads, bridges, irrigation ditches, oil and gas wells, utility lines, LANDSCAPE features and easements.

5. Show the size and location of proposed STRUCTURES or associated facilities such as access drive, PARKING AREA, LANDSCAPED area and fencing.

6. Include such additional information as may be required to satisfactorily explain the general characteristics of the proposed facility.

D. Legend. The legend shall include:

1. A certified boundary description of the property. The description shall include the total acreage of the surveyed parcel.

2. DEVELOPMENT standards governing the location, design, construction and operation of the proposed facility.

3. Certificates:

a. Surveyor's certificate.

b. Certificate of responsibility to be signed by the applicant.

c. Planning Commission certificate.

4. Title, scale and north arrow.

5. Date, to show revision dates if applicable. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-390. Drawing requirements for utility line plan maps.

A. The general drawing requirements for Utility Line Plan Maps for electric TRANSMISSION LINES and oil and gas PIPELINES are as follows:

1. A utility line plan map shall be submitted in two (2) stages:

a. Alternate route map set.

b. Selected route map set.

2. An adequate number of copies of the alternate route map set shall be submitted concurrently with the written application.

3. The selected route map set shall be submitted for recording after approval of a route by the Board of County Commissioners.

B. The alternate route map set shall:

1. Include a vicinity map which displays the location of all the alternative routes within the County in relation to towns, major water features and major transportation features. The vicinity map shall be prepared at a suitable scale on a sheet twenty-four (24) inches by thirty-six (36) inches in size. The vicinity map shall function as a map index for the detailed route maps shown on the U.S.G.S. topographic quadrangle maps.

2. Include a route map showing the proposed alternate routes through the County. The routes shall be shown on a 1:24,000 scale U.S.G.S. topographic quadrangle map. The centerline of each of the proposed alternate routes shall be displayed on the route map. The route map shall also show the areas of irrigated and nonirrigated agricultural land use, as well as future land use designations for the areas around the towns which have adopted master plans. In addition, the 1:24,000 U.S.G.S. topographic base map shall be

updated to accurately depict any significant new man-made features within one (1) mile of any of the proposed routes.

3. Include such additional information as may be required by the Board of County Commissioners or its duly authorized representative.

C. The selected route map set shall:

1. Be submitted on a sheet twenty-four (24) inches by thirty-six (36) inches in size.
2. Be drafted in drawing ink on Mylar or other drafting media approved by the Director of Planning Services.
3. Include a vicinity map at a suitable scale which displays the location of the approved route within the County and its relationship to towns, major water features and major transportation features.
4. Include a detailed route map showing the approved route through the County. The approved route shall be displayed on a 1:24,000 scale U.S.G.S. topographic quadrangle. The map shall display the centerline of the approved route and all of the features depicted on the U.S.G.S. topographic quadrangle within one (1) mile on each side of the approved route. The base map shall be updated to include any significant new man-made features within one (1) mile on each side of the approved route.

D. Legend. A legend shall be included consisting of the following items:

1. Development standards governing the location, design, construction and operation of the proposed facility.
2. Certificates as contained in Section 23-2-380 D.3 above.
3. Title, scale and north arrow.
4. Such additional information as may be required by the Planning Commission to satisfactorily explain the general requirements of the facility as approved. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-400. Standards.

The Planning Commission may approve an application for site selection and construction or expansion of a MAJOR FACILITY OF A PUBLIC UTILITY only if all applicable requirements of this Division are met, and the applicant has shown that the application is consistent with the following standards:

- A. Reasonable efforts have been made to avoid irrigated cropland or to minimize the impacts on such lands in those cases where avoidance is impractical.
- B. The facility will not have an undue adverse effect on existing and future development of the surrounding area as set forth in applicable MASTER PLANS.
- C. The design of the proposed facility mitigates negative impacts on the surrounding area to the greatest extent feasible.
- D. The site shall be maintained in such a manner so as to control soil erosion, dust and the growth of NOXIOUS WEEDS.
- E. The applicant has agreed to implement any reasonable measures deemed necessary by the Planning Commission to ensure that the health, safety and welfare of the inhabitants of the COUNTY will be protected, and to mitigate or minimize any potential adverse impacts from the proposed facility.
- F. The proposed facility will be supplied by an adequate water supply which has been evaluated with reference to the impacts of the USE of such supply on agricultural USES. All reasonable steps have been taken by the applicant to minimize negative impacts on agricultural USES and lands.

G. All reasonable alternatives to the proposal have been adequately assessed, and the proposed action is consistent with the best interests of the people of the COUNTY and represents a balanced use of resources in the affected area.

H. It has been determined that the nature and location or expansion of a proposed POWER PLANT facility will not create an expansion of the demand for government services beyond the reasonable capacity of an impacted community or the COUNTY to provide such services. Where it is indicated that such an expansion of the demand for services will occur beyond the reasonable capacity to provide such services, the applicant must clearly show how such impacts will be mitigated prior to approval of the proposal by the COUNTY.

I. It has been determined that the nature and location or expansion of the facility will meet Colorado Department of Health and County air quality standards.

J. Adequate electric, gas, telephone, water, sewage and other utilities exist or can be developed to service the site.

K. The nature and location or expansion of the facility will not unreasonably interfere with any significant wildlife habitat and will not unreasonably affect any endangered wildlife species, unique natural resource, historic landmark or archaeological site within the affected area.

L. The applicant's engineer has certified that the drainage plans developed for and to be implemented on the site will prevent surface drainage from leaving the site which would exceed historic runoff flows.

M. Where a proposed power plant is to be located in an area where a sufficient housing supply is unavailable for the anticipated immigrant construction force, the applicant for the location of such a facility shall present plans showing how housing will be provided for such workers without creating major negative impacts on existing residents in the impacted communities. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-410. Changes to Special Review Permit.

Any approved Special Review Permit for MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCY shall be limited to the items shown on the Special Review Plan Map and governed by the DEVELOPMENT STANDARDS. Major changes from the approved Special Review Plan Map or DEVELOPMENT STANDARDS for the Special Review Permit for MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCY shall require the approval of an amendment to the permit by the Planning Commission before such changes from the plan map or DEVELOPMENT STANDARDS are permitted. The Department of Planning Services is responsible for determining whether a major change exists. Any other changes shall be filed with the Department of Planning Services with the approved Special Review Permit. (Weld County Codification Ordinance 2000-1)

*Div. 6. Flood Hazard Overlay District
Development Permit*

Sec. 23-2-450. Intent.

The intent of the FLOOD HAZARD Overlay District development permit is to ensure that proposed BUILDING sites, DEVELOPMENTS and STRUCTURES which are to be located within the FW (Floodway) District and FP-1 and FP-2 (Floodprone) Districts are safe from flooding. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-460. Applicability.

No building permit or mobile home permit shall be issued nor shall any BUILDING or STRUCTURE which requires a building permit or mobile home permit be erected, constructed, replaced or SUBSTANTIALLY IMPROVED within the FW

(FLOODWAY) District and FP-1 and FP-2 (Floodprone) Districts until a FLOOD HAZARD Overlay District Development Permit for such a BUILDING or STRUCTURE has been approved by the Department of Planning Services. Any person filing an application for a FLOOD HAZARD Overlay District Development Permit for a STRUCTURE or MOBILE HOME is required to comply with the procedures and application requirements listed in this Division. Any person filing an application for a FLOOD HAZARD Overlay District Development Permit which involves only the ALTERATION OR RELOCATION OF A WATERCOURSE is required to comply only with the application requirements listed in Section 23-2-490 below. Any BUILDING or STRUCTURE which is to be located within the FLOODPLAIN, as defined by the Official Weld County Flood Hazard Overlay District Zoning Maps, is required to obtain a FLOOD HAZARD Overlay District Development Permit in accordance with this Division and Article V, Division 3 of this Chapter. This FLOOD HAZARD Overlay District Development Permit shall be obtained for all BUILDINGS or STRUCTURES which are to be located within the FLOODPLAIN regardless of Building Permit requirements. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-470. Duties of Department of Planning Services.

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

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

C. As soon as practicable after a decision has been reached, the Department of Planning Services shall notify the applicant of the action taken on the FLOOD HAZARD Overlay District Development Permit.

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

E. In case of approval, the Department of Planning Services shall affix to the appropriate building permit or mobile home permit application a certification of approval of the FLOOD HAZARD Overlay District Development Permit. This certification of approval shall include the signature of the Department of Planning Services authorized representative, a list of any conditions imposed as a part of the FLOOD HAZARD Overlay District Development Permit approval and one (1) copy of the information submitted by the applicant as a part of the FLOOD HAZARD Overlay District Development Permit application.

F. The Department of Planning Services shall obtain and record the actual elevation, in relation to mean sea level, of the LOWEST FLOOR of all new or SUBSTANTIALLY IMPROVED STRUCTURES. For all new, replacement or SUBSTANTIALLY IMPROVED floodproofed STRUCTURES:

1. Verify and record the actual elevation, in relation to mean sea level, to which the STRUCTURE has been floodproofed.
2. Maintain the elevation and floodproofing certifications required in Chapter 29, Article II.

G. Maintain for public inspection all records pertaining to the provisions of this Division.

H. When the BASE FLOOD WATER SURFACE ELEVATION data has not been provided in accordance with Section 23-2-490 C.5 below, the Department of Planning Services may obtain, review and reasonably utilize any BASE FLOOD WATER SURFACE ELEVATION data available from a federal, state or other source, as criteria for reviewing the FLOOD HAZARD Overlay District Development Permit application. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-480. Standards.

The Department of Planning Services shall not issue a FLOOD HAZARD Overlay District Development Permit until it has determined that all applicable standards specified in this Subsection have been met by the applicant. Any USE or DEVELOPMENT which results only in the ALTERATION OR RELOCATION OF A WATERCOURSE and does not require a building permit need only meet the standards listed in Subsection I below.

A. The applicant has met all applicable conditions listed in Section 23-5-250 or 23-5-260 of this Chapter.

B. If a STRUCTURE is to be ELEVATED in order to meet the floodproofing requirements, the property owner shall certify that the LOWEST FLOOR is ELEVATED (for existing STRUCTURES which are being SUBSTANTIALLY IMPROVED or replaced) or will be built (for new STRUCTURES) to the level, or above, of the REGULATORY FLOOD DATUM. The certificate shall include the elevation of the ground and the existing (for SUBSTANTIALLY IMPROVED STRUCTURES) or proposed (for new STRUCTURES) elevation of the lowest floor of the STRUCTURE. The ground elevation and elevation of the LOWEST FLOOR of any existing STRUCTURE shall be certified to be accurate by a licensed surveyor or registered professional engineer.

C. For all new construction and SUBSTANTIAL IMPROVEMENTS, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

D. A registered professional engineer shall certify that all STRUCTURES which are not ELEVATED in order to be FLOODPROOFED

are designed so the STRUCTURE is WATERTIGHT below the elevation of the REGULATORY FLOOD DATUM and that the STRUCTURES are designed to be capable of resisting the hydrostatic and hydrodynamic forces expected at the BUILDING site during an INTERMEDIATE REGIONAL FLOOD. The certification shall include the elevation above Mean Sea Level of the REGULATORY FLOOD DATUM at the BUILDING site and the proposed elevation of the lowest floor of the STRUCTURE.

E. All manufactured homes or those to which SUBSTANTIAL IMPROVEMENT is made shall conform to the following requirements:

1. Manufactured homes that are placed or substantially improved on a site (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has required SUBSTANTIAL IMPROVEMENT as the result of a flood, shall be required to be elevated on a permanent foundation or an adequately anchored foundation system such that the lowest floor of the manufactured home is elevated to the level of, or above, the REGULATORY FLOOD DATUM and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in Subparagraph 1 above shall be elevated so that the lowest floor of the manufactured home is built to the level, or above, the regulatory flood datum.

F. RECREATIONAL VEHICLES shall be permitted on site for a maximum of one hundred eighty (180) days, be fully licensed and properly equipped for highway usage, and meet the permit requirements and elevation and anchoring requirements for Manufactured Homes.

G. A registered professional engineer shall certify that all new or replacement domestic water wells or water supply, treatment or storage systems are designed to prevent inundation or infiltration of floodwater into such system by an INTERMEDIATE REGIONAL FLOOD.

H. A registered professional engineer shall certify that all new or replacement sanitary sewer systems are designed to prevent inundation or infiltration of floodwater into such system and to prevent discharges from such systems into the floodwaters of an INTERMEDIATE REGIONAL FLOOD.

I. If the proposed USE or STRUCTURE is to be located in the FW (Floodway) District, a registered professional engineer shall certify that the proposed USE or STRUCTURE, when built, will not cause any increase in floodwater levels during an INTERMEDIATE REGIONAL FLOOD.

J. No encroachments, including fill, NEW CONSTRUCTION, replacement of existing structures, SUBSTANTIAL IMPROVEMENTS and other Development shall be permitted unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of an INTERMEDIATE REGIONAL FLOOD.

K. If FILL material is to be used in the FP-1 or FP-2 (Floodprone) Districts, a registered professional engineer shall certify that the FILL material is designed to withstand the erosional forces associated with an INTERMEDIATE REGIONAL FLOOD.

L. Any USE or DEVELOPMENT which causes or results in an ALTERATION OR RELOCATION OF A WATER COURSE shall comply with the requirements listed below. If the USE or DEVELOPMENT does not include any new construction or SUBSTANTIAL IMPROVEMENT of STRUCTURES and it only includes the ALTERATION OR RELOCATION OF A WATERCOURSE, compliance with the following standards is the only requirement which needs to be met before the Department of Planning Services may issue a Flood Hazard Overlay District Development Permit. The applicant shall provide evidence that:

1. Municipalities within a three-mile radius of the proposed ALTERATION or RELOCATION have been notified in writing of the proposed ALTERATION or RELOCATION.
2. The Colorado Water Conservation Board has been notified in writing of the proposed ALTERATION or RELOCATION.
3. The Insurance and Mitigation Division of the Federal Emergency Management Agency has been notified in writing of the proposed ALTERATION or RELOCATION.
4. A registered professional engineer shall certify that the flood-carrying capacity within the ALTERED or RELOCATED portion of the WATERCOURSE will remain the same after the ALTERATION or RELOCATION as existed prior to the ALTERATION or RELOCATION. The certification shall also provide evidence which substantiates that the ALTERATION or RELOCATION shall not adversely affect landowners upstream or downstream from the ALTERATION or RELOCATION. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-490. Application requirements.

FLOOD HAZARD Overlay District Development Permit applications submitted for review shall include the following information. Applications containing less than the specified requirements shall not be accepted for review unless the applicant has submitted to and had approved by the Department of Planning Services written justification as to why a particular requirement does not pertain to the proposed development.

- A. A flood hazard development permit application form provided by the Department of Planning Services.
- B. An explanation of how the standards of Section 23-2-480 above have been or will be met.
- C. The applicant shall provide a map, drawn and certified by a registered professional engineer, which accurately displays the following information.
 1. The name and address of the property owner.
 2. A legal description which describes the Section, Township and Range of the property.
 3. Scale and north arrow.
 4. Existing ground elevations, above mean sea level, at the building site.
 5. WATER SURFACE ELEVATIONS of the INTERMEDIATE REGIONAL FLOOD at the BUILDING site.
 6. Boundaries of the FP-1, FP-2 (Floodprone) or FW (Floodway) Districts on the property. The boundary of the FW (Floodway) District need be shown only if the information is available on the Official Weld County FLOOD HAZARD Overlay District Zoning Maps.

7. A plot plan which shows the location, shape, exterior dimensions and distance from LOT or property lines of each existing or proposed STRUCTURE.
 8. Proposed vehicular access to the property.
 9. Any FILL, storage of materials and drainage facilities located on the property.
 10. Any other relevant information which may be required by the Department of Planning Services.
- D. Copy of the deed or legal instrument identifying the applicant's interest in the property.
- E. A flood hazard development permit certification. An additional as-built flood hazard development permit certification will be required prior to receiving a certificate of occupancy or final building permit approval for the structure.
- F. An elevation drawing which clearly depicts the elevation of the LOWEST FLOOR of the structure in relation to the REGULATORY FLOOD DATUM.
- G. If an application does not include the construction, replacement or SUBSTANTIAL IMPROVEMENT of any STRUCTURES but it does include the ALTERATION OR RELOCATION OF A WATERCOURSE, the applicant need only substantiate that the standards specified in Section 23-2-480 I above have been met.
- H. Any other relevant information which may be required by the Department of Planning Services. (Weld County Codification Ordinance 2000-1)

*Div. 7. Geologic Hazard Overlay District
Development Permit*

Sec. 23-2-550. Intent.

The intent of the Geologic Hazard Overlay District Development Permit is to ensure that any proposed BUILDING, DEVELOPMENT, STRUCTURE and USE which is to be located within the Geologic Hazard Overlay District and is subject to the requirements of said District contained in Article V, Division 2 of this Chapter are safe from GEOLOGIC HAZARDS. A Geologic Hazard Overlay District Development Permit shall not be required if any proposed BUILDING, STRUCTURE and USE and its ACCESSORY USES are allowed by right within the UNDERLYING ZONING DISTRICT. Any person applying for a Use by Special Review, a MAJOR FACILITY OF PUBLIC UTILITY OR PUBLIC AGENCY, Change of Zone, Subdivision of Land including Recorded Exemptions, and PLANNED UNIT DEVELOPMENTS within the GEOLOGIC HAZARD OVERLAY DISTRICT shall submit his or her application for review to the Colorado Geological Survey. The applicant shall pay for all fees required by the Colorado Geological Survey at the time of submittal of the land use application. If the Colorado Geological Survey determines that conditions and the land use request require further review, the applicant shall apply for and obtain a Geological Hazard Overlay Development Permit before any of these applications are considered for final approval by the Board of County Commissioners.

Sec. 23-2-560. Adoption and amendment of map.

When adopting or amending the Official Geologic Hazard Overlay District Map, the applicable procedures in Article II, Division 1 of this Chapter shall apply.

Sec. 23-2-570. Duties of Department of Planning Services.

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

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

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

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

E. In case of approval, the Department of Planning Services shall affix to the application a certification of approval of the GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit. This certification of approval shall include the signature of the Department of Planning Services authorized representative, a list of any conditions imposed as a part of the GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit approval and one (1) copy of the information submitted by the applicant as a part of the GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit application.

Sec. 23-2-580. Standards.

The Department of Planning Services shall not issue a GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit until it has determined that all applicable standards specified in this Division have been met by the applicant.

A. Applicants seeking a permit to develop in a regulated GEOLOGIC HAZARD AREA must demonstrate to the Department of Planning Services through required maps and reports that all significant GEOLOGIC HAZARDS to public health and safety and to property shall be minimized by using mitigating techniques. These maps and reports shall be certified by a registered professional engineer, who shall certify that the design of the proposal ensures the protection of human life and property from the adverse impacts of GEOLOGIC HAZARDS to the greatest extent possible.

B. Any construction approved by the Department of Planning Services within a regulated GEOLOGIC HAZARD AREA shall be supervised by a qualified professional engineer. Engineering techniques to mitigate GEOLOGIC HAZARD conditions at the site shall be employed.

C. Qualifications of Investigators. All geologic maps and reports required by these regulations shall be prepared by or under the direction of, and shall be signed by, a professional geologist as defined by Section 34-1-201, et seq., C.R.S. All engineering work required by these regulations shall be prepared by or under the direction of a registered professional engineer as defined in Section 12-25-101, et seq., C.R.S.

D. Exemptions. These regulations shall not apply to land USES which do not involve any of the following:

1. Human habitation.
2. Concentration of people.
3. Potential hazards to human life or property.

Sec. 23-2-590. Application requirements.

GEOLOGIC HAZARD OVERLAY DISTRICT DEVELOPMENT Permit applications submitted for review shall include the following information. Applications containing less than the specified requirements shall not be accepted for review unless the applicant has submitted to and had approved by the Department of Planning Services written justification as to why a particular requirement does not pertain to the proposed DEVELOPMENT.

A. A map portraying the geologic conditions of the area with particular attention given to the specific regulated GEOLOGIC HAZARDS. The map shall be delineated in drawing ink on Mylar or other drafting medium approved by the Department of Planning Services. The dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches. The map shall be prepared at a scale of one (1) inch equals one hundred (100) feet and shall include the parcel in question, as well as features within five hundred (500) feet of the parcel boundaries. The scale of the map may be reduced or enlarged upon approval of the Department of Planning Services. Such map shall also include:

1. A certified boundary survey of the property for which application is made. Bearings and distances of all perimeter boundary lines shall be indicated outside the boundary lines.

2. The topography of the area at ten-foot contour intervals or at intervals as determined by the Board of County Commissioners or its authorized representative.

3. Existing STRUCTURES and LANDSCAPE features, including the name and location of all WATERCOURSES, ponds and other bodies of water.

4. Proposed BUILDING locations and arrangements.

5. The legend shall include a complete and accurate legal description as prescribed by the DEVELOPMENT permit application form. The description shall include the total acreage of the surveyed parcel.

6. Certificates.

- a. Engineer's Certificate.

- b. Surveyor's Certificate.

7. Title, scale and north arrow.

8. Date, including revisions dates if applicable.

9. Such additional information as may be required by the Board of County Commissioners.

B. A geologic report explaining the above maps with particular emphasis on evaluating and predicting the impact of such geologic conditions on the proposed land use changes and DEVELOPMENTS. The report shall also include recommended mitigating procedures to be employed

in meeting the intent and purposes of this regulation. Specific requirements of such report are listed below.

1. **GROUND SUBSIDENCE AREAS.** Applications for DEVELOPMENT in GROUND SUBSIDENCE AREAS shall include, but not be limited to, the following information or data, where applicable.

- a. Amount of material removed or materials subject to volume decrease.
- b. Interval between the ground surface and the location of void space or materials subject to volume decrease.
- c. In poorly consolidated aquifers, the effect of pore fluid withdrawal.
- d. In wind-deposited silt (loess) areas and areas of predominantly fine-grained colluvial soils, the amount of wetting the area is subject to and its effect.
- e. In areas of soluble materials, the effect of wetting.
- f. In areas of underground mining, data regarding air shafts, haulage ways, adits, faults, rooms and pillars, and final mine maps.
- g. BUILDING type and proportion.
- h. Pertinent geologic and hydrologic factors of the area.
- i. Test hole and well log data.
- j. Mitigation techniques that will be employed, including effectiveness and estimated cost of such techniques.
- k. Pertinent historic factors including, but not limited to, past occurrences of GROUND SUBSIDENCE in the area proposed for DEVELOPMENT.

*Div. 8. Procedures and Requirements of
PUD District*

Sec. 23-2-650. Intent.

This Division establishes the review and application procedures and requirements for a PUD Sketch Plan, a Change of Zone to a PUD District and a PUD Plan, subject to the provisions of Section 23-1-80 C. All proposed amendments and minor modifications to an approved PUD Plan shall be subject to the procedures stated in this Section. When applicable, the supplemental procedures of this Section shall also apply. All applications for a PUD District shall comply with the provisions of Article III, Division 5 of this Chapter. The PUD District shall be subject to the requirements contained in Articles IV and V of this Chapter.

Sec. 23-2-660. Preapplication conference.

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

Sec. 23-2-670. Sketch plan application submittal.

The following completed information, data and maps are required:

- A. Written documents.
 1. The PUD Sketch Plan application forms and application fee.
 2. A general statement describing the concept, land uses and architectural style of the PUD project.
 3. A general statement describing the size and type of any public and private open space and semi-public USES, including parks, recreation areas, school sites and similar uses.

4. A general statement which describes: the approximate number and type of residential units, approximate number, floor area, height and type of business, COMMERCIAL and industrial buildings and structures; the approximate number and size of any open storage areas; and an estimate of the number of employees for the business, commercial and industrial uses.
 5. A general statement describing the PUD's source of water and type of system.
 6. A general statement describing the PUD's type of sewer system.
 7. A general statement describing the PUD's vehicular circulation system of local, collector and arterial streets. The general statement should include: width of road rights-of-way, width of road surface, width of borrow ditches, type of surface, off-street parking areas, loading zones, major points of access to public rights-of-way, and notation of proposed ownership of the circulation system, public or private. (Design standards for streets are listed in Chapter 24 of this Code. County road classifications are listed in Chapter 22 of this Code).
 8. A general statement describing any other proposed circulation systems or trails, i.e., pedestrian, horse riding, runways or taxiways.
 9. A general statement describing the plan for drainage and stormwater management. Design Standards for Storm Drainage are listed in Chapter 24 of this Code.
 10. The soils classification and description of the classification for the subject site. This information can be obtained from the Natural Resource Conservation Service.
 11. A general statement describing any water courses, water bodies and irrigation ditches within the PUD site.
 12. A general statement describing any existing unique features within the PUD site, i.e., oil wells, tank batteries, irrigation ditch headgates, railroad tracks, runways, buildings, structures, easements and rights-of-way.
 13. A general statement indicating whether or not any unique natural features exist on the PUD site, i.e., wildlife areas or vegetative cover.
 14. A general statement indicating whether any commercial mineral deposits are on the PUD site.
 15. A general statement describing any floodplain, GEOLOGICAL HAZARD and airport overlay district areas within the PUD site.
 16. A general statement which describes the surrounding land uses within one-half (½) mile of the PUD site.
 17. A general description of the LANDSCAPING plan for the PUD site.
 18. A general description of the proposed treatment of the perimeter of the PUD site, including materials and techniques to be used, such as screens, fences, walls, berms and other LANDSCAPING.
- B. Sketch Plan Site Map. A drawing of the PUD project at a scale of one (1) inch equals one hundred (100) feet, or one (1) inch equals two hundred (200) feet, composed of one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches, showing the following information:
1. Name of the PUD project.
 2. Legal description of the PUD site.
 3. Contour lines at ten-foot intervals.
 4. Title, scale and north arrow.

5. The proposed location of land uses, including approximate acreage, gross density, number and height of each type of residential unit; and approximate floor area, height and type of business, COMMERCIAL and industrial buildings and structures.

6. The proposed vehicular traffic circulation system.

7. The proposed location of any other circulation system or trails.

8. The location of any existing unique features within the PUD project, i.e., oil wells, tank batteries, irrigation ditches, water bodies, railroad tracks, easements, rights-of-way, etc.

9. The approximate location of any proposed existing LANDSCAPE features.

10. The general location of any floodplain, GEOLOGICAL HAZARD and airport overlay districts within the PUD project.

C. Vicinity Map. The vicinity map shall be drawn at a scale of one (1) inch equals six hundred (600) feet, composed of one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches showing the following items:

1. Existing zone districts within one-half (½) mile of the boundaries of the PUD project.

2. The existing uses within one-half (½) mile of the boundaries of the PUD project.

3. The existing street and highway system within one-half (½) mile of the boundaries of the PUD project. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-680. PUD sketch plan review and conference.

A PUD sketch plan shall be submitted prior to submittal of a PUD District change of zone application. The Department of Planning Services shall review the PUD sketch. After its review, the Department of Planning Services may schedule a conference with the applicant. The purpose of the conference is to familiarize the applicant with the PUD District change of zone procedures and advise the applicant of any problems discovered during the review of the PUD sketch plan. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-690. PUD District application submittal.

The following completed information, data and maps are required for a PUD change of zone district.

A. Written Documents.

1. The PUD District application forms and application fee.

2. A statement describing the proposed PUD concept, land uses and architectural style of the PUD.

3. A statement which demonstrates the proposed PUD rezoning is consistent with the policies of Chapter 22 of this Code.

4. A statement which demonstrates how the USES allowed by the proposed PUD rezoning will be compatible within the PUD District. In addition, a detailed description of how any conflicts between land uses within the PUD District are being avoided or mitigated and can comply with Section 23-3-420.

5. A statement which demonstrates how the USES allowed by the proposed PUD rezoning will be compatible with land use surrounding the PUD District. In addition, a

detailed description of how any conflicts between land uses surrounding the PUD District are being avoided or mitigated.

6. A description of each business within the PUD. A description of all buildings, structures and open storage areas, including size, floor area and height. A description of the type of RESIDENTIAL units within the PUD, including number of units.

7. A description of the size and type of any public and private open space and semi-public uses, including parks, recreation areas, school sites, fire and sheriff substations and similar uses.

8. A description of the water source and system and a statement from the representative of the provider of the water system which demonstrates that the water supply quality and quantity is sufficient to meet the requirements of the uses within the PUD District. A PUD District with residential USES shall be served by a PUBLIC WATER system.

9. A description of the sewage disposal facility. If the facility is a sewer system, a statement from the representative of the provider of the sewer system utility which demonstrates that the disposal system will adequately serve the uses within the PUD District.

10. A description of the functional classification, width and structural capacity of the STREET and highway facilities which provide access to the PUD District. If the street or highway facilities providing access to the PUD District are not adequate to meet the requirements of the proposed district, the applicant shall supply information which demonstrates the willingness and financial capability to upgrade the STREET or highway facilities in conformance with Section 22-3-60 of this Code. This shall be shown by submitting, with the PUD District application, a separate improvements agreement describing the proposed road improvements and method of guaranteeing installation of said improvements in conformance with the County policy on collateral for improvements. The agreement shall be used for the purposes of review, evaluation and compliance with this Section. No rezoning shall be finally approved by the Board of County Commissioners until the applicant has submitted an improvements agreement or contract which sets forth the form of improvements and guarantees and is approved by the Board of County Commissioners.

11. A soil survey and study of the site proposed for the change of zone with a statement regarding suitability of soils to support all USES allowed in the proposed zone. If the soils survey and study indicate soils which present moderate or severe limitations to the construction of STRUCTURES or facilities on the site, the applicant shall submit information which demonstrates that the limitations can be overcome. This information will be forwarded to the Colorado Geological Survey for evaluation.

12. If, according to maps and other information available to the COUNTY, the Department of Planning Services determines that there appears to be a sand, gravel or other mineral resource on or under the subject property, the applicant shall provide a mineral resource statement prepared by a certified geologist or other qualified expert. The statement shall indicate the estimated quantity of resources and indicate the economic feasibility of recovery, now and in the future, of the resources so that the Planning Commission and Board of County Commissioners can determine whether a COMMERCIAL MINERAL DEPOSIT, as defined in Section 34-1-305(1), C.R.S., is contained on or under the subject properties. This information will be forwarded to the Colorado Geological Survey for evaluation.

13. If the proposed change of zone is located within a FLOOD HAZARD AREA, identified by maps officially adopted by the COUNTY, the applicant shall submit information which either documents how the COUNTY supplementary regulations concerning floodplains have been satisfied or documents how the applicant intends to meet the requirements of the County supplementary regulations concerning FLOODPLAINS.

14. If the proposed change of zone is located within a GEOLOGIC HAZARD AREA identified by maps officially adopted by the COUNTY, the applicant shall submit information which either documents how the County supplementary regulations concerning GEOLOGIC HAZARDS have been satisfied, or documents how the applicant intends to meet the requirements of the County supplementary regulations concerning GEOLOGIC HAZARDS.

15. A sign shall be posted for the applicant on the property under consideration for a PUD Rezoning. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least (10) days prior to the hearing, and include the following information:

- a. PUD application number.
- b. Date, place and time of public hearing.
- c. Location and phone number of the public office where additional information may be obtained.
- d. Applicant's name.
- e. Size of the parcel of land.
- f. Type of PUD request.

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

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

18. Such additional information as may be required by the Department of Planning Services, the Planning Commission or the Board of County Commissioners in order to determine that the application meets the goals, policies and standards set forth in this Chapter, Chapter 22 of this Code and any other applicable code provision or ordinance in effect.

B. Planned Unit Development District Plat. A PUD District plat shall be delineated in drawing ink on Mylar (not sepias) at a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet, composed on one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches, showing the following information:

1. Certified boundary and tract survey of the parcel under consideration showing all bearing and distances outside the perimeter boundary lines or along tract boundary lines. The closure error of the survey may not exceed one in five thousand (1:5,000).

2. Legal description, including total area involved, as certified by the surveyor.

3. Title, scale and north arrow.

4. Date of drawing.

5. The following certificates shall appear on the map:

a. Surveyor's certificate.

b. Planning Commission certificate.

c. Board of County Commissioners certificate.

6. The proposed location of land uses by block, including block size in acres, gross density, number and height of each type of RESIDENTIAL unit; approximate floor areas, height and type of businesses, COMMERCIAL and INDUSTRIAL USES; and the location of common open areas, i.e., public parks, school sites and similar USES.

7. The proposed location of the traffic circulation system, including road classification, right-of-way width, road surface width and access to public rights-of-way.

8. The location of any existing easements, rights-of-way, structures and uses within the PUD District, including oil wells, tank batteries, irrigation ditches, water bodies, railroad tracks or dwellings.

9. The proposed location of any other circulation systems or trails within the PUD District.

C. Planned Unit Development District Vicinity Map. A PUD District vicinity map shall be delineated in drawing ink on Mylar (not sepias) at a scale of one (1) inch equals two hundred (200) feet, composed of one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches, showing the following information:

1. An outline of the perimeter of the proposed PUD District.

2. Title, scale and north arrow.

3. Contour lines at ten-foot intervals.

4. The identification of all zone districts within one-half (½) mile of the boundaries of the PUD District.

5. The identification of all uses within one-half (½) mile of the boundaries of the PUD District.

6. The existing street and highway system within one-half (½) mile of the boundaries of the PUD District, including road classification, right-of-way width and road surface width.

7. The location of any mineral resource areas within the proposed PUD District.

8. The location of any GEOLOGICAL HAZARD areas within the proposed PUD District.

9. The location of any FLOOD HAZARD area within the proposed PUD District.

10. The location of on-site detention areas to be incorporated in the storm drainage systems, including notes indicating the approximate area and volume of the facility.

11. The location of any drainage ways within the proposed PUD District.

12. The location and identification of any landscaping plans for the perimeter of the proposed PUD District. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-700. Duties of Department of Planning Services.

The Department of Planning Services shall be responsible for processing all applications for a Change of Zone to PUD District. The Department shall have the responsibility to ensure that all application procedures and requirements are met prior to any official action. The duties of the Department shall be:

A. PUD Rezoning Application. Upon determining that the Change of Zone to a PUD District application meets the submittal requirements of Section 23-2-690 above, the Department of Planning Services shall institute the Change of Zone procedures in Section 23-2-20 above.

B. The Department of Planning Services shall provide a recommendation to the Planning Commission concerning the disposition of the requested Change of Zone to a PUD District. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-710. Duties of Planning Commission.

A. The Planning Commission shall hold a public hearing to consider an application for a change of zone to a PUD District.

B. The Planning Commission shall hold a hearing to consider the application for the change of zone to a PUD District. Articles IV and V of this Chapter, when applicable, may also be reviewed concurrently. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested change. Such recommendations shall be made within sixty (60) days of the initial hearing date. The Planning Commission shall recommend approval of the request for the change of zone of a PUD District only if it finds that the applicant has met the applicable requirements or conditions of Subsection C below and Sections 23-2-690 and 23-2-770 of this Division. The applicant has the burden of proof to show that the standards and conditions of Subsection C below and Sections 23-2-690 and 23-2-770 are met. The applicant shall demonstrate:

1. That the proposal is consistent with the Chapter 22 and any other applicable code provision or ordinance in effect.

2. That the USES which would be allowed in the proposed PUD District will conform with the Performance Standards of the PUD District contained in Section 23-3-420 of this Chapter.

3. That the USES which would be permitted shall be compatible with the existing or future DEVELOPMENT of the surrounding area as permitted by the existing zoning, and with the future DEVELOPMENT as projected by Chapter 22 and any other applicable code provision or ordinance in effect or MASTER PLANS of affected municipalities.

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

5. That STREET or highway facilities providing access to the property are adequate in functional classification, width and structural capacity to meet the traffic requirements of the USES of the proposed zone district. In the event that the STREET or highway facilities are not adequate, the applicant shall supply information which demonstrates the willingness and financial capability to upgrade the street or highway facilities in conformance with Section 22-3-60 of this Code. This shall be shown by submitting, with the PUD District application, a separate proposal for off-site road improvements. This proposal shall describe, in detail, the type of off-site road improvements to determine if the requirement for STREET or highway facilities providing access to

the property has been satisfied. The method of guaranteeing the installation of proposed off-site road improvements shall be described as part of any off-site road improvement proposal. The method of guarantee shall conform with the COUNTY's policy regarding collateral for improvements. An off-site road improvement proposal shall be used for the purpose of determining compliance with this Section.

6. That there has been compliance with the applicable requirements contained in Section 23-2-30 A.5 of this Chapter regarding overlay districts, commercial mineral deposits and soil conditions on the subject site.

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

D. If the Planning Commission recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, then the ten-day period shall commence upon submission of the items by the applicant to the Department of Planning Services. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-720. Duties of Board of County Commissioners.

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

B. Upon receipt of the Planning Commission's recommendation, the Board of County Commissioners shall institute the procedures contained in Section 23-2-40 A of this Chapter.

C. The Board of County Commissioners shall hold a public hearing to consider the application and to take final action thereon. The Board of County Commissioners shall make a decision on the application within sixty (60) days of the initial hearing date. In making a decision on the proposed Change of Zone, the Board of County Commissioners shall consider the recommendation of the Planning Commission, the facts presented at the public hearing and the information contained in the official record, which includes the Department of Planning Services case file. The Board of County Commissioners shall approve the request for the change of zone to a PUD District only if it finds that the applicant has met the applicable requirements or conditions of this Section and Section 23-2-690 of this Division. The applicant has the burden of proof to show that the standards and conditions of this Section and Section 23-2-690 are met. The applicant shall demonstrate:

1. That the proposal is consistent with Chapter 22 and any other applicable code provision or ordinance in effect.

2. That the USES which would be allowed on the subject property will conform to the Performance Standards of the PUD District contained in Section 23-3-420 of this Chapter.

3. That the USES which would be permitted shall be compatible with the existing or future DEVELOPMENT of the surrounding area as permitted by the existing zoning, and with the future DEVELOPMENT as projected by Chapter 22 and any other applicable code provision or ordinance in effect, or MASTER PLANS of affected municipalities.

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

5. That STREET or highway facilities providing access to the property are adequate in functional classification, width and structural

capacity to meet the traffic requirements of the USES of the proposed zone district. In the event that the STREET or highway facilities are not adequate, the applicant shall supply information which demonstrates the willingness and financial capability to upgrade the street or highway facilities in conformance with Section 22-3-60 of this Code. This shall be shown by submitting, with the PUD District application, a separate proposal for off-site road improvements. This proposal shall describe, in detail, the type of off-site road improvements to determine if the requirement for STREET or highway facilities providing access to the property has been satisfied. The method of guaranteeing the installation of proposed off-site road improvements shall be described as part of any off-site road improvements proposal. The method of guarantee shall conform with the COUNTY's policy regarding collateral for improvements. An off-site road improvement proposal shall be used for the purpose of determining compliance with this Section.

6. That there has been compliance with the applicable requirements contained in Section 23-2-40 B.5 of this Chapter regarding overlay districts, COMMERCIAL MINERAL DEPOSITS and soil conditions on the subject site.

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

E. The Board of County Commissioners shall arrange for the Clerk to the Board to record the resolution and, if the proposed change of zone to a PUD is approved, the Department of Planning Services shall arrange for the County Clerk and Recorder to record the rezoning plat.

F. The Change of Zone to a PUD District shall be immediate upon the voting by the Board of County Commissioners. However, no building permits shall be issued and no DEVELOPMENT started within a PUD District until a PUD Plan is adopted and recorded by the Department of Planning Services. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-730. PUD Plan application submittal.

An applicant may submit an application for a PUD Plan, provided that the PUD Plan is located within an existing PUD District. A PUD Plan may encompass all or part of a PUD District. The uses shall be identical to those located and described on the PUD District Plat. The following completed information, data and maps are required unless waived by the Department of Planning Services.

A. Written Documents. A copy of a certificate of title issued by a title insurance company or an attorney's opinion of the title which shall set forth the names of all owners of property included in the PUD Plan. The list shall include all mortgages, judgments, liens, easements, contracts and agreements of record in the COUNTY which shall affect the property in the PUD Plan. If the attorney's opinion or certificate of title discloses any of the above, then the holders or owners of such mortgages, judgments, liens, easements, contracts or agreements shall be required to join in and approve the application before the PUD Plan shall be acted upon by the Board of County Commissioners.

B. A certificate of title or an abstract of title covering all PUBLIC dedications. When the applicant is to dedicate land for schools, roads, parks or other PUBLIC purposes, a letter of intent from the appropriate PUBLIC agencies stating that the dedicated lands will be accepted.

C. A warranty deed or other suitable document ready to execute which deeds to the appropriate PUBLIC body all lands other than STREETS which are to be held for or used for PUBLIC purposes.

D. Certificate from the County Treasurer showing no delinquent taxes on the property of the proposed PUD Plan.

- E. Certificate from a qualified engineer responsible for the design of the utilities.
- F. Copies of all deed restrictions, including those required by the Board of County Commissioners to govern the future use of all land in the PUD site.
- G. An Improvement Agreement According to Policy Regarding Collateral for Improvements. This form is provided by the Department of Planning Services and shall adhere to the procedure as outlined in Section 23-30 of this Code. The applicant must complete this form to show the improvements that the applicant is required to construct and the type of collateral which will guarantee installation of improvements. If street or highway facilities providing access to the property were determined adequate at the PUD District application stage because the applicant proposed separate off-site road improvements in order to comply with Section 23-2-720 C.5, a separate off-site road improvements agreement proposal shall be submitted. The off-site road improvement proposal shall describe, in detail, the type of off-site road improvements to determine if the requirement for STREET or highway facilities will be adequate in functional classification, width and structural capacity to meet the traffic requirements of the proposed zone district. The method of guaranteeing the installation of off-site road improvements shall be described as part of the agreement. The method of guarantee shall conform with the COUNTY's policy regarding Collateral for Improvements.
- H. A statement which summarizes the total area of the PUD Plan. This includes the total number of buildings and STRUCTURES of a particular type expressed in units. The total amount of commercial and industrial floor space in square feet. The total number of off-STREET parking spaces, open storage areas and loading areas in square feet. Any other information or supporting documents requested by the Department of Planning Services which summarizes the total area of the PUD Plan.
- I. A statement describing how each BUILDING and STRUCTURE will be used or operated. This includes the volume of business expected to be conducted at any COMMERCIAL or industrial establishment, the hours of business of those establishments, the number of employees expected to work in any COMMERCIAL or industrial establishment, the number of DWELLING UNITS in each BUILDING, the number of parking spaces and any other information which would assist in determining the USES of the BUILDINGS and STRUCTURES and the compatibility of those USES within and adjacent to the PUD.
- J. A statement which describes any proposed treatment, buffering or SCREENING between USES, BUILDINGS or STRUCTURES in order to achieve compatibility. A statement which describes the proposed treatment of the perimeter of the PUD, including materials and techniques used, such as screens, fences, walls, berms and other LANDSCAPING.
- K. A statement concerning the location and the intended use of all public and private open space and semi-public uses, including parks, recreation areas, school sites and similar uses.
- L. A statement detailing how any COMMON OPEN SPACE will be owned, preserved and maintained in perpetuity.
- M. A copy of all covenants, grants of easements or restrictions to be imposed upon the use of the land, BUILDINGS and STRUCTURES.
- N. A PUD Plan construction schedule showing the approximate dates when construction of the DEVELOPMENT is proposed to start and finish. This shall describe the stages in which the DEVELOPMENT will be constructed, the number of BUILDINGS or STRUCTURES, and the amount of COMMON OPEN SPACE to be completed at each stage.

O. A statement describing the method of financing for the Development. The statement shall include the estimated construction cost and proposed method of financing of the street and related facilities, water distribution system, sewage collection system, floodplain protection, storm drainage facilities and such other facilities as may be necessary.

P. When a proposed STREET intersects a state highway, a copy of the state highway permit shall be provided.

Q. A copy of agreements signed by agricultural irrigation ditch companies specifying the agreed upon treatment of any problems resulting from the location of the ditch.

R. Geologic maps and investigation reports regarding area suitability for the proposed PUD DEVELOPMENT. The maps and reports will be furnished to the Colorado Geological Survey Division for review and evaluation.

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

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

U. A sign shall be posted on the property under consideration for the PUD Plan. The sign shall be posted by the Department of Planning Services, which shall certify that the sign has been posted for at least ten (10) days preceding the hearing date. The sign shall be provided by the Department of Planning Services. The sign shall include:

1. PUD application number.
2. Date, place and time of public hearing.
3. Location and phone number of the public office where additional information may be obtained.
4. Applicant's name.
5. Size of the parcel of land.
6. Type of PUD request. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-2-740. Illustrations.

Illustrations of the proposed architectural style for the PUD. The illustrations shall show layout, profile, computations and design detail of all BUILDINGS and STRUCTURES. In addition, the materials, color, scale and coordination of BUILDINGS and STRUCTURES with surrounding land uses shall be described. The design objectives of the PUD Plan and architectural style must be clear and supported by a written statement. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-750. Maps.

A. A utility plan map shall consist of a drawing of the PUD project at a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet, composed of one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches showing the following information:

1. A utility plan showing the easements for water, sewer, electric, gas, telephone and any other utilities within the PUD. Easements shall be designed to meet the provisions of Chapter 24 of this Code for easement standards.

2. A utility service statement block shall appear on the map. The block shall identify each special district, municipality or utility company intended to service the PUD. The block shall include:

a. The name of the utility.

b. A dated signature and statement from the utility's representative indicating one of the following: (1) service is available; (2) service is available subject to specific conditions; or (3) service is not available for the PUD. In the event number (2) is indicated, the specific condition shall be described.

B. Plans, profiles and typical cross-section drawings of STREETS, bridges, culverts and all drainage detention areas and STRUCTURES. These STREETS, bridges, culverts and other drainage structures shall be designed and constructed to meet the requirements of the County Construction Standards and Chapter 24 of this Code. Pavement design computations and drainage design computations shall also be submitted in accordance with Chapter 24.

C. A grading and drainage plan map shall consist of a drawing of the PUD District and project at a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet, composed of one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches showing the following information:

1. A grading and drainage plan indicated by solid line contours superimposed on dashed line contours of existing topography for the area of the Final Plat. Such contours shall be at two-foot intervals for predominant ground slopes within the tract between level and five-percent grade and five-foot contours for predominant ground slopes within the tract over five-percent grade.

2. All WATERCOURSES on the property must be shown. In addition all FLOOD HAZARD areas must be delineated.

3. All drainage ways, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc., which may be incorporated into the stormwater management system for the PUD shall be designated.

4. All irrigation ditches and laterals shall be shown.

5. All required on-site detention areas, including notes indicating the area and volume of the facility.

6. All plans shall indicate the proposed outlet for the storm drainage from the property, including the name of the drainage way (where appropriate), the downstream conditions and any downstream restrictions.

7. Drainage design computations shall be submitted in accordance with Chapter 24 of this Code.

D. A LANDSCAPE plan map shall consist of a drawing of the PUD District and PUD Plan at a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet, composed of one (1) or more sheets with an outer dimension of twenty-four (24) by thirty-six (36) inches showing the following information:

1. A LANDSCAPE plan indicating the treatment of exterior spaces. The design objective of the plan must be clear and supported by a written statement. The plan must provide an ample quantity and variety of ornamental plant species which are regarded as suitable for this climate. LANDSCAPE treatment must be balanced with both evergreen and deciduous plant material with sufficient use of upright species for vertical control. Plant material selection will be reviewed for adaptability to physical conditions indicated by site plan locations. The LANDSCAPE plan shall include the following:

- a. Extent and location of all plant materials and other LANDSCAPE features. Plant material must be identified by direct labeling on the plant or by a clearly understandable legend.
- b. Flower and shrub bed definition must be clear and drawn to scale with dimensions.
- c. Species and size of existing plant materials.
- d. Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, gravel, grading, etc.).
- e. Location of water outlets. If areas of planting are extensive, plans for an underground sprinkler system or suitable alternative will be required.
- f. Plant material schedule with common and botanical names, sizes, quantities and method of transplant. Plants must be sized according to the following Table 23.2:

*Table 23.2
Plant Material Sizes*

<i>Type</i>	<i>Size</i>
Standard deciduous trees	1¾" to 2" caliper
Small ornamental & flowering trees	1½" to 1¾" caliper
Evergreen trees	5' to 6' in height
Shrubs	Adequate size to be consistent with design intent

g. All plant material must meet specifications of the American Association of Nurserymen (AAN) for No. One grade. All trees must be balled and burlaped or the equivalent.

2. No building permit shall be issued for any building or any portion of a PUD until the landscaping required by the LANDSCAPE plan map is in place or an Improvements Agreement which complies with the requirements in Chapter 24 of this Code has been executed, guaranteeing said landscaping.

E. The final PUD Plat shall be prepared according to the following submission requirements. This map shall be in drawing ink on Mylar or other material acceptable to the Department of Planning Services. The dimensions of the map shall be thirty-six (36) inches wide by twenty-four (24) inches high, and prepared at a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet, composed of one (1) or more sheets showing the following information:

- 1. Title, scale and north arrow.
- 2. PUD Plan application number and name.
- 3. The date of the drawing with adequate space for revision dates.
- 4. Legal description, including total area involved as certified by the surveyor, and name and address of owner of record.

5. Outline of the proposed PUD Plan's perimeter, and a certified boundary and lot survey of the parcel under consideration, showing all bearings and distances outside the perimeter boundary lines or along the lot boundary lines. When the parcel is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the reestablishment of the curves on the ground. This curve data shall include the following for circular curves: (1) radius of curve, (2) central angle, (3) tangent, (4) arc length, and (5) notation of nontangent curves.

6. Lot area in square feet or acres if larger than one (1) acre, lot and blocks delineated and numbered consecutively, existing and proposed future street layout in dashed lines and existing

STREETS in solid lines for any portion of adjacent land not subject to the current PUD Plan Application.

7. Location and description of uses by block or lot, if different uses are located within the block.

8. Location, description and dimensions of all proposed and existing COMMERCIAL and office BUILDINGS, STRUCTURES, open storage areas, STREETS, PARKING LOTS, COMMON OPEN SPACE, signs, lighting, advertising devices and any other development, improvement or feature within the PUD Plan's boundary.

9. Location and description of FLOOD and GEOLOGIC HAZARD AREAS.

10. Location and description of proposed SCREENING, buffering and LANDSCAPING.

11. Location and description of proposed sites to be reserved or dedicated for parks, playgrounds, schools and other public USES.

12. Location, description and dimensions of all existing and proposed utilities, easements, rights-of-way, waterways and other drainage systems, and any other significant features, as determined by the Department of Planning Services.

13. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one (1) plat, provided that all owners join in the dedication and acknowledgment.

F. The following certificate blocks shall appear on the plat and shall be completed at the appropriate time:

1. Surveyor's certificate.

2. Certificate of Approval by the Planning Commission.

3. Certificate of Approval by the Board of County Commissioners.

4. Certificate of dedication, ownership and maintenance by parcel owners regarding COMMON OPEN SPACE, dedication of rights-of-way, easements and other public property interests and maintenance thereof. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-760. Duties of Department of Planning Services.

The Department of Planning Services shall be responsible for processing all applications for a PUD Plan. The Department shall have the responsibility to ensure that all application procedures and requirements are met prior to any official action. The duties of the Department shall be:

A. Planned Unit Development Plan. The Department of Planning Services shall ensure that a proposed PUD Plan is located within a PUD District. Upon determining that the applicant has met the PUD Plan submittal requirements in Section 23-2-730, the Department shall institute the applicable procedures under Section 23-2-20 of this Chapter.

B. The Department of Planning Services shall provide a recommendation to the Planning Commission concerning the disposition of the requested PUD Plan. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-770. Duties of Planning Commission.

The Planning Commission shall hold a public hearing to consider a PUD Plan application. The Planning Commission shall provide recommendations to the Board of County Commissioners concerning the disposition of the requested PUD Plan. Such recommendations shall be made within sixty (60) days of the initial hearing date. The Planning Commission shall recommend approval of the request for the PUD Plan only if it finds that the applicant has met the applicable requirements or

conditions of this Section and Sections 23-2-730, 23-2-740 and 23-2-750 of this Chapter. The applicant has the burden of proof to show that the standards and conditions of this Section and Sections 23-2-730, 23-2-740 and 23-2-750 of this Chapter are met. The applicant shall demonstrate:

A. The proposal is consistent with Chapter 22 of this Code and any other applicable code provision or ordinance in effect.

B. The PUD Plan conforms to the PUD District in which it is proposed to be located.

C. The USES, BUILDINGS and STRUCTURES which would be permitted shall be compatible with the existing or future DEVELOPMENT of the surrounding area as permitted by the existing zoning, and with the future DEVELOPMENT as projected by Chapter 22 of this Code and any other applicable code provision or ordinance in effect, or MASTER PLANS of affected municipalities.

D. There has been conformance with the Performance Standards outlined in Section 23-3-420 of this Chapter.

E. There will be compliance with Article V of this Chapter if the proposal is located within any Overlay District area identified by maps officially adopted by the County.

F. There has been compliance with the submittal requirements of the PUD Plan, and the PUD Plat and the supporting documents satisfy the legitimate concerns of the Planning Commission.

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

H. If the Planning Commission's recommendation is conditional upon the applicant completing certain specified items prior to the publication of the notice for the hearing by the Board of County Commissioners, then the ten-day period shall commence upon submission of the items by the applicant to the Department of Planning Services. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-780. Duties of Board of County Commissioners.

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

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

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

C. Arrange for the Department of Planning Services to post a sign on the property under consideration for the PUD Plan according to the requirements of Section 23-2-20 B.5 of this Chapter.

D. Give notice of the proposed PUD Plan and the public hearing date to those persons listed in the application as owners and lessees of the mineral estate on or under the parcel under consideration. Such notification shall be mailed, first

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

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

F. The Board of County Commissioners shall hold a public hearing to consider the application and to take final action thereon. The Board of County Commissioners shall make a decision on the application within sixty (60) days of the initial hearing date. In making a decision on the proposed PUD Plan, the Board of County Commissioners shall consider the recommendation of the Planning Commission, the facts presented at the public hearing and the information contained in the official record, which includes the Department of Planning Services case file. The Board of County Commissioners shall approve the request for the PUD Plan only if it finds that the applicant has met the applicable requirements or conditions of this Section and Sections 23-2-730, 23-2-740 and 23-2-750 of this Chapter. The applicant has the burden of proof to show that the standards and conditions of this Section and Sections 23-2-730, 23-2-740 and 23-2-750 of this Chapter are met. The applicant shall demonstrate:

1. The proposal is consistent with Chapter 22 and any other applicable code provision or ordinance in effect.
2. The proposed PUD Plan conforms to the PUD District in which it is proposed to be located.
3. The USES, BUILDINGS and STRUCTURES which would be permitted shall be compatible with the existing or future DEVELOPMENT of the surrounding area as permitted by the existing zoning, and with the future DEVELOPMENT as projected by Chapter 22 and any other applicable code provision or ordinance in effect or MASTER PLANS of affected municipalities.
4. There has been conformance with the Performance Standards outlined in Section 23-3-420.
5. There has been compliance with Article V of this Chapter if the proposal is located within any Overlay District identified by maps officially adopted by the COUNTY.
6. There has been compliance with the submittal requirements of the PUD Plan, and the PUD Plan Plat and the supporting documents satisfy the legitimate concerns of the Board of County Commissioners. No PUD Plan Plat shall be recorded with the County Clerk and Recorder and no building permit shall be issued for the PUD Plan until the Board of County Commissioners has approved all improvement agreements guaranteeing the installation and type of improvements, including a separate off-site road improvement agreement if applicable. All agreements must be made in conformance with the policy regarding collateral for improvements.

G. After the Board of County Commissioners makes its final decision, a resolution setting forth the Board's decision shall be drafted and signed. A record of such action and a copy of the resolution shall be kept in the files of the Clerk to the Board.

H. The Board of County Commissioners shall arrange for the County Clerk and Recorder to record the resolution and the proposed PUD Plan if it is approved. No building permits shall be issued until the PUD Plan has been recorded and a Site Plan Review Application has been approved by the Department of Planning Services. (Weld County Codification Ordinance 2000-1)

Sec. 23-2-790. Supplemental procedures and requirements.

A. Amendment to a PUD District. Each approved PUD District is considered unique, and the uses described by block and/or lot within a PUD District shall only be amended by applying for a change of zone to a new PUD District. These procedures are contained in Section 23-2-690 above.

B. Amendment to a PUD Plan. Any request to make a major change to an approved PUD Plan shall be processed as a new application for a PUD Plan under Section 23-2-730 above. This may include, but not be limited to, requests for vacating all or parts of an approved PUD Plan for the purpose of major redesign or major corrections. The Department of Planning Services may waive application requirements which do not pertain to the proposed major change to the PUD Plan.

C. Minor Modifications to a PUD Plan. The Department of Planning Services may approve minor modifications to a PUD Plan. The applicant shall prove to the Department that the minor modification is required by engineering or other circumstances not foreseen during the approval of the PUD Plan. The Department shall not approve a minor modification if that modification does not conform to the PUD District.

D. Correction to a PUD Plat. The Board of County Commissioners may, without a hearing or compliance with any of the submission, referral or review requirements of the PUD Plan regulations, approve a correction to a PUD Plan if the sole purpose of such correction is to correct one or more technical errors in an approved PUD Plan and where such correction is consistent with its approved PUD District.

E. Failure to submit a PUD Plan. If no PUD Plan application is submitted within three (3) years of the date of the approval of the PUD District, the Planning Commission shall require the landowner to appear before it and present evidence substantiating that the PUD project has not been abandoned and that the applicant possesses the willingness and ability to continue with the submittal of the PUD Plan. The Planning Commission may extend the date for the submittal of the PUD Plan application and shall annually require the applicant to demonstrate that the PUD has not been abandoned. If the Planning Commission determined that conditions or statements made supporting the original approval of the PUD District have changed or that the landowner cannot implement the PUD Plan, the Planning Commission shall recommend to the Board of County Commissioners that the PUD District approval be revoked. If the Board of County Commissioners agrees after a public hearing, the Board of County Commissioners may revoke the PUD District and order the recorded PUD District reverted to the original zone district.

F. Failure to Commence a PUD Plan. If no construction has begun or no USE established in the PUD within one (1) year of the date of the approval of the PUD Plan, the Planning Commission may require the landowner to appear before it and present evidence substantiating that the PUD project has not been abandoned and that the applicant possesses the willingness and ability to continue the PUD. The Planning Commission may extend the date for initiation of the PUD construction and shall annually require the applicant to demonstrate that the PUD has not been abandoned. If the Planning Commission determines that conditions supporting the original

approval of the PUD Plan have changed or that the landowner cannot implement the PUD Plan, the Planning Commission may recommend to the Board of County Commissioners that the PUD Plan approval be withdrawn. If the Board of County Commissioners agrees after a public hearing, the Board may revoke the PUD Plan and order the recorded PUD Plan vacated.

G. Enforcement of the PUD Plan. The PUD Plan's construction schedule and the maintenance of COMMON OPEN SPACE shall be enforced as follows:

1. The construction and provision of all COMMON OPEN SPACE, public utilities and recreational facilities which are shown on the PUD Plan shall proceed at a rate which is no slower than the construction of residential, commercial or industrial BUILDINGS and STRUCTURES. Periodically, the Planning Commission or its representative shall compare the DEVELOPMENT to date with the approved construction schedule.

2. All DEVELOPMENTS shall meet the requirements herein set forth and no final plan shall be approved that does not meet these requirements.

3. The developer shall submit a legal instrument setting forth a plan providing for the permanent care and maintenance of OPEN SPACE, recreational areas and commonly owned facilities and PARKING LOTS. The same shall be submitted to the County Attorney and shall not be accepted until approved as to legal form and effect. If the COMMON OPEN SPACE is deeded to a homeowners' association, the applicant shall file the proposed documents governing the association. Such documents shall meet the following requirements:

a. The homeowners' association must be established before any residences are sold.

b. Membership in the association must be mandatory for each owner.

c. OPEN SPACE restrictions must be permanent and not for a period of years.

d. The homeowners' association must be made responsible for liability insurance, taxes, and maintenance of recreational and other facilities.

e. The association must have the power to levy assessments which can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities.

f. If the organization established to own and maintain common open space, or any successor organization, fails to maintain the common open space in reasonable order and condition in accordance with the approved PUD Plan, the following action may be taken:

1) The Board of County Commissioners may serve written notice upon such organization or upon the owners or residents of the PUD setting forth that the organization has failed to comply with the PUD Plan. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof. A hearing shall be held by the Board of County Commissioners within fourteen (14) days of the issuance of such notice, setting forth the time, date and place of hearing. The Board of County Commissioners may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be rectified.

2) If the deficiencies set forth in the original notice or in the modifications thereof are not rectified within thirty (30)

days or any extension thereof, the Board of County Commissioners, in order to preserve the values of the properties within the PUD and to prevent the COMMON OPEN SPACE from becoming a public nuisance, may enter upon said COMMON OPEN SPACE and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the PUBLIC any rights to use the COMMON OPEN SPACE except when the same is voluntarily dedicated to the PUBLIC by the owners and accepted by the Board of County Commissioners. Before the expiration of said one-year period, the Board of County Commissioners shall call a public hearing to consider the necessity of continuing such maintenance for a succeeding year. Notice of the hearing shall be given, in writing, not less than thirty (30) days and not more than sixty (60) days prior to this hearing to the organization normally responsible for the maintenance of the COMMON OPEN SPACE and to the owners or residents of the PUD. If the Board of County Commissioners determines that such organization is not ready and able to maintain said COMMON OPEN SPACE in reasonable condition, the Board of County Commissioners may continue to maintain said COMMON OPEN SPACE during the next succeeding year, and shall be subject to a similar hearing and determination in each year thereafter.

3) The cost of such maintenance by the Board of County Commissioners shall be paid by the owners of the properties within the PUD that have a right of enjoyment of the COMMON OPEN SPACE, and any unpaid assessments shall become a tax lien on said properties, pursuant to Section 24-67-105, C.R.S.

H. Monuments. Permanent reference monuments shall be set on the PUD according to Chapter 24 of this Code and Section 30-51-101, et seq., C.R.S. (Weld County Codification Ordinance 2000-1)

Div. 9. Fees

Sec. 23-2-900. Fees established.

Fees for all Land Use Permit Applications provided for in this Chapter shall be established by resolution of the Board of County Commissioners in conjunction with a hearing process that will consist of a ten-day public notice prior to the Board of County Commissioners' hearing. Notice of said hearing shall be published once in the newspaper designated by the Board of County Commissioners for publication of notices.

Sec. 23-2-910. Review fees.

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

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

Sec. 23-2-920. Investigation fee.

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

Sec. 23-2-930. Hazardous waste disposal fee.

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

Sec. 23-2-940. General requirement for collateral.

The policy on Collateral as outlined in Section 2-3-30 of this Code shall be followed. (Weld County Code Ordinance 2001-1)

ARTICLE III**Zone Districts***Div. 1. A (Agricultural) Zone District***Sec. 23-3-10. Intent.**

Agriculture in the COUNTY is considered a valuable resource which must be protected from adverse impacts resulting from uncontrolled and undirected business, industrial and residential land USES. The A (Agricultural) Zone District is established to maintain and promote agriculture as an essential feature of the COUNTY. The A (Agricultural) Zone District is intended to provide areas for the conduct of agricultural activities and activities related to agriculture and agricultural production without the interference of other, incompatible land USES. The A (Agricultural) Zone District is also intended to provide areas for the conduct of USES by Special Review which have been determined to be more intense or to have a potentially greater impact than USES Allowed by Right. The A (Agricultural) Zone District regulations are established to promote the health, safety and general welfare of the present and future residents of the COUNTY. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-20. Uses allowed by right.

No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the A (Agricultural) Zone District except for one (1) or more of the following USES. Land in the A (Agricultural) Zone District is subject to the schedule of bulk requirements contained in Section 23-3-50 below. USES within the A (Agricultural) Zone District shall also be subject to the additional requirements contained in Articles IV and V of this Chapter.

- A. One (1) SINGLE-FAMILY DWELLING UNIT and AUXILIARY QUARTERS per LEGAL LOT.
- B. One (1) SINGLE-FAMILY DWELLING UNIT and AUXILIARY QUARTERS on a parcel of land created under the provisions of Chapter 24, Article VIII of this Code.
- C. FARMING, RANCHING and GARDENING.
- D. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock raised on the premises.

- E. TEMPORARY storage, in transit, of crops, vegetables, plants, flowers and nursery stock not raised on the premises and not for sale on said premises.
- F. Cemeteries.
- G. Grazing of LIVESTOCK.
- H. Feeding of LIVESTOCK within the limitations defined in Section 23-3-50 below and Section 23-4-710.
- I. OIL AND GAS PRODUCTION FACILITIES.
- J. PUBLIC parks and PUBLIC recreation facilities.
- K. PUBLIC SCHOOLS and PUBLIC SCHOOL extension classes.
- L. UTILITY SERVICE FACILITIES.
- M. Alcohol production which does not exceed ten thousand (10,000) gallons per year, provided that alcohol and by-products will be used primarily on the owner's or operator's land.
- N. TEMPORARY group assemblages (subject to Chapter 12, Article I, of this Code).
- O. Asphalt or concrete batch plant used temporarily and exclusively for the completion of a PUBLIC road improvement project.
- P. MOBILE HOME subject to the additional requirements of Article IV, Division 3 of this Chapter.
- Q. Police and Fire Stations or Facilities.
- R. Borrow pits used TEMPORARILY and exclusively for the completion of a PUBLIC road improvement project.
- S. MANUFACTURED HOME subject to the additional requirements of Section 23-4-700 of this Chapter.
- T. ANIMAL BOARDING and animal TRAINING FACILITIES where the maximum number of ANIMAL UNITS permitted in Section 23-3-50 D below is not exceeded and where the vehicular traffic generated by the boarding activity is less than sixty (60) trips per day to and from the property.
- U. One (1) microwave, radio, television or other communication transmission or relay tower seventy (70) feet or less in height per LOT. However, while in use, an amateur (HAM) radio operator's crank-up antenna may be extended to a maximum of one hundred fifty (150) feet in height, provided that its resting or "down" position does not exceed seventy (70) feet in height. More than one (1) tower may be permitted as a USE by special review.
- V. Disposal of domestic sewage sludge subject to the additional requirements of Article IV, Division 6 of this Chapter.
- W. Disposal of DOMESTIC SEPTIC SLUDGE subject to the additional requirements of Article IV, Division 7 of this Chapter. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-3-30. Accessory uses.

The following BUILDINGS, STRUCTURES and USES shall be allowed in the A (Agricultural) Zone District so long as they are clearly incidental and ACCESSORY to the USES allowed by right in the A (Agricultural) Zone District. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the bulk requirements contained in Section 23-3-50 below. ACCESSORY USES within the A (Agricultural) Zone District shall also be subject to the additional requirements contained in Articles IV and V of this Chapter. Note: The combined GROSS FLOOR

AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the gross floor area of the primary residence on the lot except by variance. Any accessory structure made nonconforming by application of this Section may be repaired, replaced or restored in total.

A. STRUCTURES for storage of equipment and agricultural products.

B. BUILDINGS for confinement or protection of LIVESTOCK, within the limitations defined in Section 23-3-50 below.

C. MOBILE HOMES used as SINGLE-FAMILY DWELLINGS for persons customarily employed at or engaged in FARMING, RANCHING or GARDENING subject to the additional requirements of Article IV, Division 3 of this Chapter.

D. HOME OCCUPATIONS.

E. OFFICE incidental to the operation of the USES Allowed by Right as listed in Section 23-3-20 above.

F. MOBILE HOME subject to the additional requirements of Article IV, Division 3 of this Chapter.

G. Roadside stands when the products offered for sale are grown on the premises. Such stands shall be situated not less than fifty (50) feet from the PUBLIC right-of-way.

H. SIGNS, in conformance with the provisions of Article IV, Division 2 of this Chapter.

I. Noncommercial junkyard.

J. Any other STRUCTURE or USE clearly incidental and ACCESSORY to the operation of a Use Allowed by Right in the A (Agricultural) Zone District.

K. TEMPORARY Accessory STRUCTURE. More than one (1) TEMPORARY Accessory STRUCTURE in the A (Agricultural) Zone District may be permitted for the purpose of storing agricultural goods inside the unit. A MOBILE HOME may not be used as a TEMPORARY Accessory STRUCTURE. A TEMPORARY Accessory STRUCTURE may be permitted upon a determination by the Board of County Commissioners that:

1. Electricity is the only utility which will be connected to the TEMPORARY Accessory STRUCTURE.

2. The TEMPORARY Accessory STRUCTURE will not be used on any basis as a DWELLING or as overnight or TEMPORARY housing for any person.

3. The applicant has demonstrated that no reasonable alternative exists to using the TEMPORARY Accessory STRUCTURE for agricultural purposes.

4. The property upon which the TEMPORARY Accessory STRUCTURE is to be located must not be in a platted subdivision.

5. The property upon which the TEMPORARY Accessory STRUCTURE is to be located must be on a LEGAL LOT.

6. The property owner must substantiate in writing that the TEMPORARY Accessory STRUCTURE is necessary to the agricultural operation of the property.

7. The applicant shall not remove any structural component of the TEMPORARY Accessory STRUCTURE making it unmovable.

8. A TEMPORARY Accessory STRUCTURE shall not be allowed to become in a state of disrepair. Such disrepair may include a TEMPORARY Accessory STRUCTURE that is partially or totally damaged by fire, earthquake, wind or other natural causes, or is in a state of general dilapidation, deterioration or decay resulting from improper lack of maintenance, vandalism or infestation with vermin or rodents. Any such TEMPORARY Accessory STRUCTURE shall be restored to and maintained in the original condition it was in at the time it was placed on the site as established by the original inspection by the Building Inspection Department, or it shall be removed from site.

9. All TEMPORARY Accessory STRUCTURES shall be removed from the property upon cessation of the USE of the TEMPORARY Accessory STRUCTURES.

10. The TEMPORARY Accessory STRUCTURE may not be used in any manner to display a SIGN.

11. A zoning permit for a TEMPORARY Accessory STRUCTURE shall be for a period of twelve (12) months, and is renewable only by grant of the Board of County Commissioners.

12. A zoning permit for more than one (1) TEMPORARY Accessory STRUCTURE in the A (Agricultural) Zone District may be issued by the Department of Planning Services upon the determination that the criteria of Section 23-3-30 of this Code are met. If the applicant is not able to meet the criteria stated in Section 23-3-30, the Board of County Commissioners shall review the application for compliance with the criteria set out in Section 23-3-30 at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by Colorado state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a TEMPORARY Accessory STRUCTURE has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the TEMPORARY Accessory STRUCTURE on the surrounding properties. In addition, the Board of County Commissioners shall consider compatibility of the TEMPORARY Accessory STRUCTURE with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-3-40. Uses by special review.

The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the A (Agricultural) Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

A. Mineral resource development facilities including:

1. OIL AND GAS STORAGE FACILITIES.

2. OIL AND GAS SUPPORT AND SERVICE.

3. Open pit MINING and materials processing, subject to the provisions of Article IV, Division 4 of this Chapter.

4. Asphalt and concrete batch plants.

5. Coal gasification facilities.

6. MINING or recovery of other mineral deposits located in the County, subject to the provisions of Article IV, Division 4 of this Chapter.

B. Agricultural Service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis, including:

1. Sorting, grading and packing fruits and vegetables for the grower.

2. Grain and/or feed elevators.

3. Crop dusting or spraying operations facilities (includes hangars, landing trips, fertilizer storage facilities, insecticide storage facilities, fuel storage facilities and OFFICES ACCESSORY to the crop dusting or spraying operation).

4. Farm equipment sales, repair and installation facilities.

5. Veterinary clinics or hospitals.

6. Grain and feed sales.

7. Commercial grain storage and drying.

8. Fertilizer storage, mixing, blending and sales.

9. Seed production, processing, storage, mixing, blending and sales.

10. Animal training and boarding facilities.

11. Alcohol production exceeding ten thousand (10,000) gallons per year or the sale or loan of alcohol occurring to any other person not involved in the alcohol production operation.

12. Animal waste recycling or processing facilities.

13. Custom meat processing.

14. LIVESTOCK sale barns and facilities.

15. Forage dehydration facilities.

16. LIVESTOCK CONFINEMENT OPERATIONS.

17. Rodeo Arenas, Commercial

18. Roping Arenas, to include both indoor and outdoor arenas, commercial.

C. Recreational facilities and USES including:

1. Race tracks and race courses.

2. DRIVE-IN THEATERS, subject to the provisions of Section 23-4-410.
 3. Golf courses.
 4. Shooting ranges, subject to the provisions of Section 23-4-370.
 5. Guest farms and hunting lodges.
 6. Fairgrounds.
 7. PUBLIC, commercial or private tent or RECREATIONAL VEHICLE camping areas.
 8. RECREATIONAL FACILITIES such as water skiing lakes and dirt bike race courses, for example, that are used as public or private COMMERCIAL RECREATIONAL FACILITIES.
- D. Public Utilities facility, including:
1. Equipment storage or repair facilities, subject to the provisions of Section 23-4-420.
 2. Storage tanks, subject to the provisions of Section 23-4-420.
 3. MAJOR FACILITIES OF PUBLIC UTILITIES OR PUBLIC AGENCIES, subject to the provisions of Section 23-4-420.
- E. PUBLIC and quasi-PUBLIC BUILDINGS including:
1. Churches.
 2. Private SCHOOLS.
 3. Administrative OFFICES or meeting halls for agricultural organizations.
- F. AIRPORTS and AIRSTRIPS.
- G. JUNKYARDS or salvage YARDS.
- H. KENNELS, subject to the additional requirements of Section 23-4-400.
- I. Solid Waste Disposal sites and facilities, subject to the additional requirements of Section 23-4-380.
- J. Keeping, raising or boarding of EXOTIC ANIMALS.
- K. One (1) or more microwave, radio, television or other communication transmission or relay tower over seventy (70) feet in height per LOT.
- L. One (1) SINGLE-FAMILY DWELLING UNIT per LOT other than those permitted under Section 23-3-20 A above.
- M. MULTI-FAMILY DWELLINGS for persons PRINCIPALLY employed at or engaged in FARMING, RANCHING or GARDENING.
- N. Expansion or extension of NONCONFORMING USES.
- O. HOME BUSINESS.
- P. ACCESSORY BUILDINGS with GROSS FLOOR AREA larger than four percent (4%) of the total lot area, as detailed in Section 23-3-30 above, per BUILDING on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions.
- Q. ANIMAL BOARDING where the maximum number of ANIMAL UNITS permitted in Section 23-3-50 D below are exceeded and/or the traffic that is generated by the boarding activity exceeds sixty (60) trips per day to and from the property.

R. Any use permitted as a Use by Right, an ACCESSORY USE, or a Use by Special Review in the COMMERCIAL or industrial zone districts, provided that the property is not a Lot in an approved or recorded subdivision plat or lots parts of a map or plan filed prior to adoption of any regulations controlling subdivisions. PUD development proposals shall not be permitted to use the special review permit process to develop.

S. CHILD CARE CENTER.

T. BED AND BREAKFAST FACILITY.

U. USES similar to the USES listed above as Uses by Special Review as long as the USE complies with the general intent of the A (Agricultural) Zone District. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-3-50. Bulk requirements.

The following lists the bulk requirements for the A (Agricultural) Zone District.

A. Minimum LOT size:

1. Irrigated: eighty (80) acres.
2. Dry: eighty (80) acres.

B. Minimum SETBACK: twenty (20) feet. Fences are not required to comply with the minimum SETBACK and may be located on the property line. Fences located on corner lots abutting public rights-of-way shall not obstruct the view of vehicular traffic at an intersection.

C. Minimum OFFSET: three (3) feet, or one (1) foot for each three (3) feet of BUILDING HEIGHT, whichever is greater. Fences are not required to comply with the minimum OFFSET and may be located on the property line.

D. Maximum number of ANIMAL UNITS permitted per acre: four (4) per acre or portion thereof.

E. No BUILDING or STRUCTURE, as defined and limited to those occupancies listed as Groups A, B, E, H, I, M and R in Table 3-A of the 1997 Uniform Building Code, shall be constructed within a two-hundred-foot radius of any tank battery or one-hundred-fifty-foot radius of any wellhead. Any construction within a two-hundred-foot radius of any tank battery or one-hundred-fifty-foot radius of any wellhead shall require a variance from the terms of this Chapter in accordance with Section 23-6-10 C. (Weld County Codification Ordinance 2000-1)

*Div. 2. Residential Zone Districts***Sec. 23-3-100. Intent.**

The R-1, R-2, R-3, R-4 and R-5 Residential Zone Districts are intended to provide the present and future residents of the COUNTY with areas in which to locate and establish residential land USES and land USES that are compatible with residential areas. The Residential Zone Districts are intended to be located, designed and developed in a manner that is compatible with Chapter 22 of this Code and the adopted master plans of affected municipalities.

Sec. 23-3-110. R-1 (Low-Density Residential) Zone District.

A. Intent. The purpose of the R-1 Zone District is to provide areas in the COUNTY for SINGLE-FAMILY residential USE that are located, designed and developed in compliance with Chapter 22 of this Code and the adopted MASTER PLANS of affected municipalities. The R-1 Zone District is also intended to accommodate nonresidential land USES that are both ACCESSORY to and compatible with residential Uses Allowed by Right in the Zone District.

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the R-1 Zone District except for one (1) or more of the following USES. Land in the R-1 Zone District must be USED in compliance with the bulk requirements contained in Section 23-3-160 below. USES within the R-1 Zone District are subject to the additional requirements contained in Articles IV and V of this Chapter.

1. One (1) SINGLE-FAMILY DWELLING per LEGAL LOT, said SINGLE-FAMILY DWELLING shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the original effective date of this Chapter (August 25, 1981).
2. PUBLIC parks and PUBLIC recreation areas.
3. PUBLIC SCHOOLS and PUBLIC SCHOOL extension classes.
4. Police and fire stations or facilities.
5. UTILITY SERVICE FACILITIES.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-1 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-1 Zone District. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the bulk requirements contained in Section 23-3-160 below. ACCESSORY USES within the R-1 Zone District are also subject to the additional requirements contained in Articles IV and V of this Chapter. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the gross floor area of the primary residence on the lot except by variance. Any accessory structure made nonconforming by application of this Section may be repaired, replaced or restored in total.

1. Garages, carports and parking areas.
2. Swimming pools, tennis courts and similar RECREATIONAL FACILITIES.
3. SIGNS, in accordance with the provisions of Article IV, Division 2 of this Chapter.
4. HOME OCCUPATIONS.

5. Service BUILDINGS and facilities.

6. Storage of those vehicles, or parts thereof, which are defined in Section 42-12-101, C.R.S., and are SCREENED; and/or the storage of no more than two (2) vehicles which, regardless of their condition and/or classification as DERELICT VEHICLES, have been operated at any time during the past one-year period in a sanctioned or sponsored race, derby or event and are SCREENED.

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

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-1 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

1. HOSPITALS, nursing homes and rehabilitation centers.

2. Preschools and day care centers.

3. Private SCHOOLS.

4. Churches.

5. PRIVATE RECREATIONAL FACILITIES.

6. OIL OR GAS PRODUCTION FACILITIES.

7. ACCESSORY BUILDINGS with GROSS FLOOR AREA larger than four percent (4%) of the total lot area, as detailed in Subparagraph B.3 above, per BUILDING on LOTS in an approved or recorded subdivision plat or LOTS part or a map or plan filed prior to adoption of any regulations controlling subdivisions.

8. CHILD CARE CENTER. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-120. R-2 (Duplex Residential) Zone District.

A. Intent. The purpose of the R-2 Zone District is to provide areas in the COUNTY for DUPLEX residential USES that are located, designed and developed in compliance with Chapter 22 of this Code and the adopted MASTER PLANS of affected municipalities. The R-2 Zone District is also intended to accommodate nonresidential land USES that are both ACCESSORY to and compatible with residential Uses Allowed by Right in the Zone District.

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be used and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the R-2 Zone District except for one (1) or more of the following USES. Land in the R-2 Zone District must be USED in compliance with the bulk requirements contained in Section 23-160 below. USES within the R-2 Zone District are also subject to the additional requirements contained in Articles IV and V of this Chapter.

1. USES listed as uses by right in the R-1 Zone District.

2. DUPLEX DWELLING UNIT. Said DWELLING UNITS shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the original effective date of this Chapter (August 25, 1981).

3. PUBLIC parks and PUBLIC recreation areas.

4. PUBLIC SCHOOLS.

5. Police and fire stations or facilities.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-2 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-2 Zone District. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the bulk requirements contained in Section 23-3-160 below. ACCESSORY USES within the R-2 Zone District are also subject to the additional requirements contained in Articles IV and V of this Chapter. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the gross floor area of the primary residence on the lot except by variance. Any accessory structure made nonconforming by application of this Section may be repaired, replaced or restored in total.

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

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-2 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4.

- 1. USES listed as Uses by Special Review for the R-1 Zone District. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-130. R-3 (Medium-Density Residential) Zone District.

A. Intent. The purpose of the R-3 Zone District is to provide areas in the COUNTY for medium density residential uses that are located, designed and developed in compliance with Chapter 22 of this Code and the adopted MASTER PLANS of affected municipalities. The R-3 Zone District is also intended to accommodate nonresidential land USES that are both ACCESSORY to and compatible with residential Uses Allowed by Right in the Zone District.

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be used, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the R-3 Zone District except for one (1) or more of the following USES. Land in the R-3 Zone District must be USED in compliance with the bulk requirements contained in Section 23-3-160. USES within the R-3 Zone District are also subject to the additional requirements contained in Articles IV and V of this Chapter.

- 1. Attached DWELLING UNITS of two (2) or more but not more than six (6) DWELLING UNITS per LEGAL LOT. Said DWELLING UNITS shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the original effective date of this Chapter (August 25, 1981).
- 2. PUBLIC parks and PUBLIC recreation areas.
- 3. PUBLIC SCHOOLS.
- 4. Police and fire stations or facilities.
- 5. UTILITY SERVICE FACILITIES.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-3 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-3 Zone District. Such BUILDINGS, STRUCTURES and Uses must be designed, constructed and operated in conformance with the bulk requirements contained in Section 23-3-160 below. ACCESSORY USES within the R-3 Zone District

are also subject to the additional requirements contained in Articles IV and V of this Chapter. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the gross floor area of the primary residence on the lot except by variance. Any accessory structure made nonconforming by application of this Subsection may be repaired, replaced or restored in total.

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

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-3 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

1. Uses listed as uses by special review for the R-1 Zone District. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-140. R-4 (High-Density Residential) Zone District.

A. Intent. The purpose of the R-4 Zone District is to provide areas in the COUNTY for high-density residential USES that are located, designed and developed in compliance with Chapter 22 of this Code and the adopted MASTER PLANS of affected municipalities. The R-4 Zone District is also intended to accommodate nonresidential land USES that are both ACCESSORY to and compatible with residential Uses Allowed by Right in the Zone District.

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the R-4 Zone District except for one (1) or more of the following USES. Land in the R-4 Zone District must be used in compliance with the bulk requirements contained in Section 23-3-160 below. USES within the R-4 Zone District are also subject to the additional requirements contained in Articles IV and V of this Chapter.

1. DWELLING UNIT STRUCTURES of two (2) or more UNITS per LEGAL LOT. Said DWELLING UNITS shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the original effective date of this Chapter (August 25, 1981).
2. PUBLIC parks and PUBLIC recreation areas.
3. PUBLIC schools.
4. Police and fire stations or facilities.
5. UTILITY SERVICE FACILITIES.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-4 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-4 Zone District. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the bulk requirements contained in Section 23-3-160 below. ACCESSORY USES within the R-4 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to

adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the gross floor area of the primary residence on the lot except by variance. Any accessory structure made nonconforming by application of this Section may be repaired, replaced or restored in total.

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

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-4 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

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

E. Site Plan Review Required. No land, BUILDING or STRUCTURE shall be USED, changed in USE or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in the R-4 Zone District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the R-4 Zone District certify and state that the district requirements that are applicable to the DEVELOPMENT and USE of property zoned R-4 have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-150. R-5 (Mobile Home Residential) Zone District.

A. Intent. The purpose of the R-5 Zone District is to provide areas in the COUNTY for MOBILE HOMES USED for single-family residential occupancy. These areas are intended to be located, designed and developed in compliance with Chapter 22 of this Code and the MASTER PLANS of affected municipalities. The R-5 Zone District is also intended to accommodate nonresidential land uses that are both ACCESSORY to and compatible with residential USES allowed by right in the Zone District.

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall be hereafter erected, structurally altered, enlarged or maintained in the R-5 Zone District, except for one (1) or more of the following USES. Land in the R-5 Zone District must be USED in compliance with the bulk requirements contained in Section 23-3-160 below. USES within the R-5 Zone District are subject to the additional requirements contained in Articles IV and V of this Chapter.

1. One (1) MOBILE HOME, MANUFACTURED HOME or SINGLE-FAMILY DWELLING per LEGAL LOT. The MOBILE HOME, MANUFACTURED HOME or SINGLE-FAMILY DWELLING shall be connected to and served by a PUBLIC WATER system and a PUBLIC SEWER system. This requirement does not apply to any LEGAL LOT created prior to the original effective date of this Chapter (August 25, 1981).

2. PUBLIC parks and PUBLIC recreation areas.
3. PUBLIC schools.
4. Police and fire stations or facility.
5. UTILITY SERVICE FACILITIES.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-5 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right in the R-5 Zone District. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the bulk

requirements contained in Section 23-3-160 below. ACCESSORY USES within the R-5 Zone District are also subject to the additional requirements contained in Articles IV and V of this Chapter. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the gross floor area of the primary residence on the lot except by variance. Any accessory structure made nonconforming by application of this Subsection may be repaired, replaced or restored in total.

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

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-5 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

1. USES listed as Uses by Special Review for the R-1 Zone District. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-160. Bulk requirements.

The following Tables 23.4 and 23.5 list the Bulk Requirements for the R-1, R-2, R-3, R-4 and R-5 Zone Districts.

*Table 23.4
Bulk Requirements for R-1, R-2, R-3 and R-4 Zone Districts*

<i>Section</i>	<i>Requirement</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>
A.	Minimum LOT size (sq. ft.)	6,000	6,000	6,000	6,000
B.	Minimum LOT area per residential STRUCTURE (sq. ft)	6,000	4,500	4,500	3,000
C.	Minimum LOT area/unit (sq. ft.)	6,000	3,000	3,000	1,500
D.	Minimum SETBACK (feet)	20	20	20	20
E.	Minimum OFFSET (feet). Fences are not required to comply with the minimum OFFSET and may be located on the property line	5 feet, or 1 foot for each 3 feet of BUILDING HEIGHT, whichever is greater			
F.	Maximum BUILDING HEIGHT (feet)	30	30	30	45
G.	Maximum LOT coverage (%)	50	60	60	70
H.	Maximum number of ANIMAL UNITS permitted per LOT	2 per LOT. Subject to the additional requirements of Section 23-4-710. ANIMAL UNITS are not permitted in the R-2, R-3, R-4 and R-5 Zone Districts.			

Table 23.5
Bulk Requirements for R-5 Zone District

<i>Section</i>	<i>Requirement</i>	<i>R-5 (Mobile Home Park)</i>	<i>R-5 (Mobile Home Subdivision)</i>
I.	Minimum LOT area (sq. ft.)	N/A	6,000
J.	Minimum LOT width (feet)	N/A	50
K.	Minimum SETBACK OFFSET (feet)	See Note ¹ below and Subsection L.1	See Note ¹ below and Subsection L.1

¹ The minimum front yard SETBACK in MOBILE HOME PARKS and MOBILE HOME SUBDIVISIONS shall be twenty (20) feet. The minimum front yard setback for MOBILE HOME PARKS approved prior to January 25, 1978, and MOBILE HOME SUBDIVISIONS approved prior to January 1, 1965, shall be zero (0) feet. The location in these parks and subdivisions for MOBILE HOMES shall be such that no MOBILE HOME or attached portion of a MOBILE HOME will encroach the nearest travel land or the ADJACENT road, flow line of the ADJACENT road or sidewalk ADJACENT to the MOBILE HOME.

L. Minimum side yard OFFSET and minimum rear yard OFFSET.

1. The side and rear yard OFFSET requirements in MOBILE HOME PARKS shall be based on the distance between MOBILE HOME units measured from the closest point or edge of the MOBILE HOME as follows:

- a. Ten (10) feet between MOBILE HOMES if the units are placed end (width) to end (width).
- b. Fifteen (15) feet between MOBILE HOMES if the units are placed side (length) to side (length).
- c. Twelve and one half (12.5) feet between MOBILE HOMES if the units are placed side (length) to end (width).
- d. For the purpose of this Subsection, the ends (width) of MOBILE HOMES that are greater than sixteen (16) feet in width, such as double-wide MOBILE HOMES, shall be considered to be sides of the MOBILE HOME in measuring distances between MOBILE HOME units.
- e. A MOBILE HOME shall have a minimum OFFSET of five (5) feet from the perimeter of the MOBILE HOME PARK or from any ADJACENT property which is not approved to be utilized for a MOBILE HOME.

f. ACCESSORY BUILDINGS and STRUCTURES on the same LOT or space as a MOBILE HOME shall have a minimum clearance of ten (10) feet from any STRUCTURE or MOBILE HOME on any other LOT.

g. Commonly owned or utilized BUILDINGS which are accessory to the park site shall have a minimum clearance of ten (10) feet from any other STRUCTURE or MOBILE HOME.

2. The side and rear yard OFFSET requirements in the MOBILE HOME SUBDIVISIONS shall be as follows:

- a. The side (length) of a MOBILE HOME shall be placed no less than seven and one half (7.5) feet from any rear or side yard LOT line.
- b. The end (width) of a MOBILE HOME shall be placed no less than five (5) feet from any rear or side yard LOT line.

- c. For the purpose of this Subsection, the ends (width) of MOBILE HOMES that are greater than sixteen (16) feet in width shall be considered to be sides (lengths) of MOBILE HOMES for the purpose of measuring offset.
- d. ACCESSORY BUILDINGS and STRUCTURES on the same lot or space as a MOBILE HOME shall have a minimum rear and side yard OFFSET from the lot line of five (5) feet.
- e. Commonly owned or utilized BUILDINGS which are ACCESSORY to the subdivisions shall have minimum side and rear YARD OFFSET from the LOT line of ten (10) feet.
- f. No BUILDING or STRUCTURE shall be constructed within a three-hundred-fifty-foot radius of any OIL AND GAS PRODUCTION FACILITIES. Any construction within a three-hundred-fifty-foot radius of OIL AND GAS PRODUCTION FACILITIES shall require a variance from the terms of this Chapter in accordance with Section 23-6-10 C. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Div. 3. Commercial Zone Districts

Sec. 23-3-200. Intent.

The C-1, C-2, C-3 and C-4 COMMERCIAL Zone Districts are intended to provide safe, efficient areas in which to offer goods and services at wholesale or retail. The regulations contained herein have been established so as to provide for COMMERCIAL areas in the COUNTY which meet the needs of the COUNTY residents and visitors for goods and services, without creating adverse effects on surrounding uses or on the area in which the Zone District is established. These regulations are also designed to promote the health, safety and general welfare of the present and future residents of the COUNTY. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-210. C-1 (Neighborhood Commercial) Zone District.

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

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-1 Zone District except for one (1) or more of the following USES, which must be conducted in ENCLOSED BUILDINGS and in compliance with the performance standards contained in Section 23-3-250 below. No outside storage will be allowed in the C-1 Zone District. USES within the C-1 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. Stores and shops which furnish personal services and merchandise primarily intended for personal, family or household purposes by the residents of the area in which the use is located. Individual stores or shops may not have a GROSS FLOOR AREA greater than three thousand (3,000) square feet. Stores and shops in the C-1 Zone District may not have business hours during any part of the period between 10:00 p.m. and 6:00 a.m. Examples of proper stores or shops include: convenience food stores, hardware stores, barber or beauty shops, liquor stores, dry cleaners and coin-operated laundries.

2. RESTAURANTS, not including those having a total customer seating capacity of more than one hundred (100) and not including RESTAURANT operations including the delivery of food or beverages to customers' vehicles on the premises or RESTAURANT operations that are predominantly off-premises consumption in nature.

3. SCHOOLS, churches and PUBLIC SCHOOL extension classes.
4. PUBLIC RECREATIONAL FACILITIES, community BUILDINGS, museums and libraries.
5. Police and fire stations and facilities.
6. OFFICES, but not including INDIVIDUAL OFFICES with A GROSS FLOOR AREA over three thousand (3,000) square feet.
7. UTILITY SERVICE FACILITIES.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the C-1 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards contained in Section 23-3-250 below. ACCESSORY USES within the C-1 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. Parking areas or STRUCTURES for USE by employees, customers and company vehicles so long as such parking areas are paved and SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4 or R-5.
2. Loading areas or STRUCTURES so long as such loading areas or STRUCTURES are SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4 or R-5.
3. Storage BUILDINGS for materials used in the conduct of the Use Allowed by Right so long as the GROSS FLOOR AREA of the ACCESSORY BUILDING does not cause the total GROSS FLOOR AREA of the principal USE and ACCESSORY USE to be larger than permitted for the principal USE.
4. One (1) SINGLE-FAMILY DWELLING UNIT when USED as living quarters for the proprietor, employees, caretakers or security personnel responsible for operating, maintaining or guarding the property where such DWELLING UNIT is enclosed within the PRINCIPAL BUILDING.

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-1 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

1. Private or COMMERCIAL RECREATIONAL FACILITIES.
2. Microwave, radio, television or other communication towers over forty-five (45) feet in height (measured from ground level).
3. RESTAURANTS with outdoor seating capabilities, provided that such outdoor areas are SCREENED and do not create a RESTAURANT capacity of over one hundred (100).
4. Storage BUILDINGS for materials USED in the conduct of the Use Allowed by Right which are larger than otherwise permitted as an ACCESSORY USE in the C-1 Zone District.
5. Stores and shops which furnish personal services and merchandise primarily intended for personal, family or household purposes by the residents of the area in which the USE is located and which do not meet the limitations of the C-1 Zone District for size or hours of operation.
6. OFFICES with GROSS FLOOR AREA larger than three thousand (3,000) square feet.
7. OIL OR GAS PRODUCTION FACILITIES.

8. One (1) MOBILE HOME when USED as living quarters for the proprietor, employees, caretakers or security personnel responsible for operating, maintaining or guarding the property subject to the provisions of Section 23-4-220.

E. Site Plan Review Required. No land, BUILDING or STRUCTURE shall be USED, changed in USE or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in the C-1 Zone District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the C-1 Zone District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USES of property zoned C-1 have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. Uses listed in Subsection D above as Uses by Special Review in the C-1 Zone District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

F. Performance Standard Compliance Required. All BUILDINGS, STRUCTURES and land located in the C-1 Zone District shall be located, designed, used and occupied in such a manner that the design and operation standards contained in Section 23-3-250 below are met.

G. Bulk Requirements. See Section 23-3-250 below. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-220. C-2 (General Commercial) Zone District.

A. Intent. The purpose of the C-2 Zone District is to establish and preserve areas for activities which provide goods and services to the residents or areas larger than a local NEIGHBORHOOD. The C-2 Zone Districts shall be located, designed and operated in a manner that minimizes the undesirable impacts of the USES on the area in which they are located.

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-2 Zone District except for one (1) or more of the following USES, which must be ENCLOSED and conducted in compliance with the performance standards contained in Section 23-3-250 below. No outside storage will be allowed in the C-2 Zone District. USES within the C-2 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. Uses Allowed by Right in the C-1 Zone District.
2. Stores and shops furnishing services and merchandise at retail to the general public.
3. RESTAURANTS, including DRIVE-IN RESTAURANTS.
4. NIGHTCLUBS, BARS, LOUNGES and TAVERNS.
5. THEATERS, convention halls and other such facilities and STRUCTURES, private or PUBLIC, with seating capacities not over one thousand (1,000).
6. Establishments for the sale and care of HOUSEHOLD PETS.
7. OFFICES.
8. Lumberyards, not including lumberyards with outside storage. Lumberyards that utilize storage STRUCTURES having an open side shall be permitted so long as the open side is not visible from the public rights-of-way or from surrounding properties.

9. Establishments for the repair and/or restoration of small electrical equipment and appliances such as radios, television sets, business office machines and household appliances.

10. Private and COMMERCIAL RECREATIONAL FACILITIES.

11. hospitals, nursing homes and mental or physical rehabilitation centers.

12. Mortuaries and FUNERAL HOMES.

13. HOTELS or MOTELS.

14. ADULT BUSINESS, SERVICE or ENTERTAINMENT ESTABLISHMENT subject to the provisions of Article IX of this Chapter.

15. One (1) microwave, COMMERCIAL radio, television or other communication transmission or relay tower seventy (70) feet or less in height per LOT (measured from ground level).

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the C-2 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards contained in Section 23-3-250 below. ACCESSORY USES within the C-2 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. Parking areas or STRUCTURES for USE by employees, customers and company vehicles so long as such parking areas are paved and SCREENED from ADJACENT property zoned R-1, R-2, R-3, R-4, R-5, C-1, C-4 or I-1.

2. Loading areas or STRUCTURES so long as such loading areas or STRUCTURES are SCREENED from direct view of persons on ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-4 or I-1.

3. Storage BUILDINGS for materials USED in the conduct of the Use Allowed by Right.

4. One (1) SINGLE-FAMILY DWELLING UNIT when USED as living quarters for the proprietor, employees, caretakers or security personnel responsible for operating, maintaining or guarding the property where such DWELLING UNIT is ENCLOSED within the principal building.

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-2 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. Microwave, COMMERCIAL radio, television or other communication transmission or relay towers over seventy (70) feet in height (measured from ground level).

2. THEATERS, convention halls and other such facilities with seating capacities over one thousand (1,000).

3. Gasoline service stations.

4. OIL AND GAS PRODUCTION FACILITIES.

5. One (1) MOBILE HOME when USED as living quarters for the proprietor, employees, caretakers or security personnel responsible for operating, maintaining or guarding the property subject to the provisions of Section 23-4-220.

6. More than one (1) microwave, COMMERCIAL radio, television or other communication transmission or relay tower per LOT.

E. Site Plan Review Required. No land, BUILDING or STRUCTURE shall be USED, changed in USE or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in the C-2 Zone

District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the C-2 Zone District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned C-2 have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. Uses listed in Subsection D above as Uses by Special Review in the C-2 Zone District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

F. Performance Standard Compliance Required. All BUILDINGS, STRUCTURES and land located in the C-2 Zone District shall be located, designed, USED and occupied in such a manner that the design and operation standards contained in Section 23-3-250 below are met.

G. Bulk Requirements. See Section 23-3-250) below. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-230. C-3 (Business Commercial) Zone District.

A. Intent. The purpose of the C-3 Zone District is to establish and preserve areas for activities which provide goods or services for the benefit of the general public or which require large amounts of space or high traffic volumes for generating business. The C-3 Zone District shall be located, designed and operated in a manner that minimizes the undesirable impacts on the area in which they are located.

B. Uses Allowed by Right. No BUILDINGS, STRUCTURES or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-3 Zone District except for one (1) or more of the following USES which must be conducted in compliance with performance standards contained in Section 23-3-250 below. USES within the C-3 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. Uses Allowed by Right in the C-1 Zone District.
2. Uses Allowed by Right in the C-2 Zone District.
3. THEATERS, convention halls and other such facilities.
4. Gasoline service stations, car washes and VEHICLE SERVICE/REPAIR ESTABLISHMENTS.
5. Lumberyards.
6. Warehousing and transfer facilities.
7. VEHICLE SALES ESTABLISHMENTS for the sale, rental or leasing of new or used vehicles or equipment.
8. VEHICLE RENTAL ESTABLISHMENTS.
9. WHOLESALE TRADE ESTABLISHMENTS for the sale of merchandise or services at the wholesale level.
10. Equipment or appliance repair shops.
11. CONTRACTOR'S SHOPS.
12. Headquarters or service facilities for ambulance services, taxi services, bus services and other services involving the transportation of people.
13. COMMERCIAL or private PARKING LOTS.
14. TEMPORARY facilities for the sale of fireworks and Christmas trees.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the C-3 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards contained in Section 23-3-250 below. ACCESSORY USES within the G-3 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. Parking areas or STRUCTURES so long as such PARKING AREAS are paved and SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4 or I-1.

2. Loading areas or STRUCTURES so long as such areas or STRUCTURES are SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4 or I-1.

3. One (1) MOBILE HOME when USED as living quarters for caretakers or security personnel responsible for maintaining or guarding the property, subject to the provisions of Section 23-4-220.

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-3 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. Microwave, COMMERCIAL radio, television or other communication transmission or relay towers over seventy (70) feet in height (measured from ground level).

2. USES listed as Uses Allowed by Right in the I-1 Industrial Zone District, provided that the USE is ENCLOSED and SCREENED and that the Commercial Zone District performance standards contained in Section 23-3-250 below, are met prior to construction and during operation.

3. OIL AND GAS PRODUCTION FACILITIES.

4. AIRSTRIPS when they are ACCESSORY to the Use Allowed by Right.

5. COMMERCIAL JUNKYARD or salvage YARD.

E. Site Plan Review Required. No land, BUILDING or STRUCTURE shall be USED, changed in USE or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in the C-3 Zone District until a site plan review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the C-3 Zone District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned C-3 have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. Uses listed in Subsection D above as Uses by Special Review in the C-3 Zone District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

F. Performance Standard Compliance Required. All BUILDINGS, STRUCTURES and land located in the C-3 Zone District shall be located, designed, USED and occupied in such a manner that the design and operation standards contained in Section 23-3-250 below are met.

G. Bulk Requirements. See Section 23-3-250 below. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-240. C-4 (Highway Commercial) Zone District.

A. Intent. The intent of the C-4 Zone District is to establish and preserve areas located with access to MAJOR THOROUGHFARES that provide essential goods and services to the traveling public. The C-4 Zone Districts shall be located, designed and operated in a manner that does not create problems of traffic access or conflict and that minimizes the undesirable impacts of the USES on the area in which the USES are located.

B. Uses by Right. No BUILDINGS, STRUCTURES or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-4 Zone District except for one (1) or more of the following USES which must be conducted in conformance with performance standards contained in Subsection F below. USES within the C-4 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. HOTELS and MOTELS.
2. Gasoline stations.
3. RESTAURANTS, including DRIVE-IN RESTAURANTS.
4. PUBLIC SCHOOL extension classes.
5. UTILITY SERVICE FACILITIES.
6. Police and fire stations or facilities.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the C-4 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards contained in Section 23-3-250 below. ACCESSORY USES within the C-4 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. Parking areas or STRUCTURES for USE by employees, customers and company vehicles so long as such parking areas are paved and SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2 or I-1.
2. Loading areas or STRUCTURES so long as such loading areas or STRUCTURES are SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2 or I-1.
3. Storage BUILDINGS for materials used in the conduct of Uses Allowed by Right.
4. Outdoor STORAGE AREAS so long as such areas are SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2 or I-1.
5. Stores and shops furnishing convenience goods for USE primarily by the traveling public, not including stores or shops with GROSS FLOOR AREAS larger than three thousand (3,000) square feet. Examples include: convenience food stores, souvenir shops and coin-operated laundries.
6. Repair garages or shops.
7. One (1) MOBILE HOME when USED as living quarters for caretakers or security personnel responsible for maintaining or guarding the property, subject to the provisions of Section 23-4-220.

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-4 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. Microwave, radio, television or other communication towers over forty-five (45) feet in height (measured from ground level).
2. OIL AND GAS PRODUCTION FACILITIES.

E. Site Plan Review Required. No land, BUILDING or STRUCTURE shall be USED, changed in USE or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in the C-4 Zone District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the C-4 Zone District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned C-4 have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. Uses listed in Subsection D above as Uses by Special Review in the C-4 Zone District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

F. Performance Standard Compliance Required. All BUILDINGS, STRUCTURES and land located in the C-4 Zone District shall be located, designed, used and occupied in such a manner that the design and operation standards contained in Section 23-3-250 below are met.

G. Bulk Requirements. See Section 23-3-250 below. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-250. Performance standards.

All BUILDINGS, STRUCTURES and land located in the Commercial Zone Districts shall be located, designed, USED and occupied in accordance with the design and operation standards enumerated below.

A. Design Standards. The applicant for a building permit shall certify, according to the intent of Article II, Division 3 of this Chapter, that the following performance standards and the specific zone district requirements have been met. Additionally, the applicant shall certify that the compliance with these performance standards shall continue once the USE, BUILDING or STRUCTURE is constructed and in operation.

1. Stormwater Management. All users of land in Commercial Zone Districts shall provide and maintain stormwater retention facilities designed to retain the stormwater runoff in excess of historic flow from the undeveloped site. The stormwater retention facility on a developed site shall be designed for a one-hundred-year storm. The stormwater retention facility shall be designed and operated to release the retained water at a quantity and rate not to exceed the quantity and rate of a five-year storm falling on the undeveloped site.

2. Parking. Sufficient SCREENED, off-street, paved parking areas shall be provided in the Commercial Zone Districts to meet the requirements of employees, company vehicles, visitors and customers of the Uses Allowed by Right and ACCESSORY USES. For detailed parking requirements, see Article IV, Division 1 of this Chapter.

3 Street Access. LOTS in Commercial Zone Districts shall have safe access to an approved PUBLIC or private STREET. The design designation of any STREET or highway as to type shall be in conformance with that shown on the County Thoroughfare Plan and/or the MASTER PLAN of the affected municipality. Vehicular ingress and egress shall be permitted only via the following types of STREETS:

- a. ARTERIAL.
- b. COLLECTOR, when that COLLECTOR STREET does not serve any Residential Zone District before intersecting an ARTERIAL.
- c. FRONTAGE or SERVICE ROAD.

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

e. New accesses to public rights-of-way shall be constructed using the minimum standards contained in Table 23.6 below. Designs exceeding these minimums may be required by the Department of Public Works depending upon the number and type of vehicles generated by the USE proposed.

*Table 23.6
Minimum Standards for Accesses*

Size of drainage structure	15 inches diameter
Length of drainage structure	20 feet
Depth of cover over pipe	12 inches
Width of access, variable	10 feet to 24 feet
Maximum grade of access	15 percent
Flare radius, variable	20 feet to 40 feet
Depth of surfacing	4 inches

f. Acceleration/deceleration lanes shall be provided where required by the Department of Public Works or the Colorado Department of Transportation to provide safe, efficient access to ARTERIAL or COLLECTOR STREETS.

4. Required Yards.

a. Setback. No USE or ACCESSORY USE may be located closer than twenty-five (25) feet to the existing or proposed (whichever represents the greater right-of-way width) highway or STREET right-of-way. Off-street PARKING AREAS may be permitted in the required SETBACK area when the area is SCREENED from direct view of persons on the public rights-of-way. Fences over six (6) feet in height are not required to comply with the minimum SETBACK and may be located on the property line. Fences located on corner LOTS abutting public right-of-way shall not obstruct the view of vehicular traffic at an intersection.

b. Offset. No USE or ACCESSORY USE may be located closer than ten (10) feet to its LOT line. Off-street parking areas may be permitted in the required OFFSET area when the area is SCREENED from ADJACENT LOTS zoned R-1, R-2, R-3, R-4 or R-5. Fences over six (6) feet in height are not required to comply with the minimum OFFSET and may be located on the property line.

5. Required Landscaped Areas.

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

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

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

7. Water Supply. USES located in the Commercial Zone Districts shall have an adequate source of potable water.

8. Sewage Disposal. USES located in Commercial Zone Districts shall have adequate sewage disposal facilities.

9. Outside Storage. USES in Commercial Zone Districts involving outdoor storage of vehicles, equipment or materials when permitted shall be SCREENED from public rights-of-way and all ADJACENT properties.

B. Operation Standards. USES in Commercial Zone Districts shall demonstrate conformance with the following operation standards to the extent that they are affected by location, layout and design prior to construction and operation. Once operational, the operation of the USES permitted shall conform to these standards.

1. Noise. USES and STRUCTURES in Commercial Zone Districts shall be located, designed and operated in accordance with the noise standards as established in Section 25-12-101 C.R.S.

2. Air Quality. USES in the Commercial Zone Districts shall be located, designed and operated in accordance with the air quality standards established by the Colorado Air Pollution Control Commission.

3. Water Quality. USES in the Commercial Zone Districts shall be located, designed and operated in accordance with the water quality control standards established by the Colorado Water Quality Control Commission.

4. Radiation and Radioactive Materials. The handling, USE, storage and processing of radioactive materials shall be in accordance with the applicable regulations of the State and the United States government.

5. Heat. USES located within Commercial Zone Districts shall not emit heat in such an amount sufficient to raise the temperature of the air or of materials at or beyond the LOT line more than five (5) degrees Fahrenheit.

6. Light. Any lighting, including light from high temperature processes such as welding or combustion, shall be designed, located and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto ADJACENT properties; neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS; and no colored lights may be used which may be confused with or construed as traffic control devices.

7. Property Maintenance. Property located within Commercial Zone Districts shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than twelve (12) inches. In no event shall the property owners allow the growth of NOXIOUS WEEDS. (Weld County Codification Ordinance 2000-1)

Div. 4. Industrial Zone Districts

Sec. 23-3-300. Intent.

The purpose of the Industrial Zone Districts is to provide protective zones for the DEVELOPMENT and operation of industrial USES. The regulations contained herein have been established so as to provide a healthful operating environment for industry; to protect industry from the encroachment of COMMERCIAL and residential USES which may be adverse to the operation and expansion of such industry; to protect industries within the district from the adverse effect of other, incompatible industries; to reduce to a minimum the impact of industries on surrounding, nonindustrial land USES to prevent detrimental impacts which may negatively affect the future USE or DEVELOPMENT of ADJACENT properties or the general NEIGHBORHOOD as defined in Chapter 22 of this Code; and to promote the health, safety and general welfare of the present and future residents of the COUNTY. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-310. I-1 (Industrial) Zone District.

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

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be used in the I-1 Zone District, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one (1) or more of the following USES. The USES must be conducted in compliance with the Performance Standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below.

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

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

3. SIGNS, as long as the SIGNS are located and designed in accordance with the requirements of Article IV, Division 2 of this Chapter.

4. UTILITY SERVICE FACILITIES.

5. PUBLIC SCHOOL extension classes.

6. Police and fire stations or facilities.

7. Disposal of domestic sewage sludge subject to the additional requirements of Article IV, Division 6 of this Chapter.

C. Accessory Uses. The BUILDINGS, STRUCTURES and USES may be allowed in the I-1 Zone District so long as they are incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards set forth in Sections 23-3-340, 23-3-350 and 23-3-360 below.

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

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

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

4. One (1) MOBILE HOME when USED as living quarters for caretakers or security personnel responsible for maintaining or guarding the property, subject to the provisions of Article IV, Division 3 of this Chapter.

5. RECREATIONAL FACILITIES for the USE of persons employed in the conduct or maintenance of the USES allowed on the property.

6. Retail sales, when ACCESSORY to USES of manufacturing, fabricating or assembling.

7. One (1) microwave, COMMERCIAL radio, television or other communication transmission or relay tower seventy (70) feet or less in height per LOT.

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied or maintained in the I-1 Zone District upon the approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

1. OIL AND GAS PRODUCTION FACILITIES.
2. AIRSTRIPS when they are ACCESSORY to the Use Allowed by Right.
3. Microwave, COMMERCIAL radio, television or other communication transmission or relay towers over seventy (70) feet in height (measured from ground level).
4. More than one (1) microwave, Commercial radio, television or other communication transmission or relay tower per LOT.

E. Site Plan Review Required. No land, BUILDING or STRUCTURE shall be USED, changed in USE or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in the I-1 Zone District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant in the I-1 Zone District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned I-1 have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. Uses listed in Subsection D above as Uses by Special Review in the I-1 Zone District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

F. Performance Standard Compliance Required. All BUILDINGS, STRUCTURES and land located in the I-1 Zone District shall be located, designed, used and occupied in such a manner that the design and operation standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below are met.

G. Bulk Requirements. See Sections 23-3-340, 23-3-350 and 23-3-360 below. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-320. I-2 (Industrial) Zone District.

A. Intent. The purpose of the I-2 Zone District is to provide a zone to accommodate industrial USES which cannot conform to the stringent visual impact requirements of the I-1 Zone District and which do not want to be subjected to the potential adverse visual impacts permitted in the I-3 Zone District. The intent is to permit industries which may create moderate visual impacts.

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one (1) or more of the following USES which must be conducted in compliance with the performance standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below.

1. Any USE of a research, repairing, manufacturing, fabricating, processing, assembling or storage nature may be conducted in the I-2 Zone District. The USES identified may be conducted outside of an ENCLOSED building, provided that the USE and/or operations of the USE are SCREENED from ADJACENT public rights-of-way and ADJACENT properties.

2. Areas for parking vehicles or equipment, so long as such parking areas are SCREENED from the ADJACENT public rights-of-way and on adjacent properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4 or I-1.

3. SIGNS, as long as the SIGNS are located and designed in accordance with the requirements of Article IV, Division 2 of this Chapter.

4. UTILITY SERVICE FACILITIES.

5. PUBLIC SCHOOL extension classes.

6. Police and fire stations or facilities.

7. Disposal of domestic sewage sludge subject to the additional requirements of Article IV, Division 6 of this Chapter.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES may be allowed in the I-2 Zone Districts so long as they are clearly incidental and ACCESSORY to the Use Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards set forth in Sections 23-3-340, 23-3-350 and 23-3-360 below.

1. OFFICES for use by operators of the Use Allowed by Right.
2. Loading areas or STRUCTURES only when SCREENED from the ADJACENT public rights-of-way and on ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4 or I-1.
3. Parking areas or STRUCTURES for vehicles or equipment, so long as the vehicles or equipment are SCREENED from the ADJACENT public rights-of-way and on ADJACENT properties zoned R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-4 or I-1.
4. One (1) MOBILE HOME when USED as living quarters for caretakers or security personnel responsible for maintaining or guarding the property, subject to the provisions of Section 23-4-220 of this Chapter.
5. RECREATIONAL FACILITIES for the USE of persons employed in the conduct or maintenance of the USES allowed on the property.
6. Retail sales, when ACCESSORY to USES of manufacturing, fabricating or assembling.

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied or maintained in the I2 Zone District upon the approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

1. OIL AND GAS PRODUCTION FACILITIES.
2. AIRSTRIPS when they are ACCESSORY to the Use Allowed by Right.
3. Microwave, radio, television or other communication towers over forty-five (45) feet in height (measured from ground level).

E. Site Plan Review Required. No land, BUILDING or STRUCTURE shall be USED, changed in USE or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in the I-2 Zone District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant for a building permit in the I-2 Zone District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned I-2 have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. Uses listed in Subsection D above as Uses by Special Review in the I-2 Zone District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

F. Performance Standard Compliance Required. All BUILDINGS, STRUCTURES and land located in the I-2 Zone Districts shall be located, designed, USED and occupied in such a manner that the design and operation standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below are met.

G. Bulk Requirements. See Sections 23-3-340, 23-3-350 and 23-3-360 below. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-330. I-3 (Industrial) Zone District.

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

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one (1) or more of the following USES which must be conducted in compliance with the performance standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below.

1. Any USE of a research, repairing, manufacturing, fabricating, processing, assembling or storage nature may be conducted in the I-3 Zone District.
2. SIGNS, as long as the SIGNS are located and designed in accordance with the requirements of Article IV, Division 2 below.
3. Parking or vehicles and equipment.
4. UTILITY SERVICE FACILITIES.
5. PUBLIC SCHOOL extension classes.
6. OIL AND GAS PRODUCTION FACILITIES.
7. Police and fire station or facilities.
8. Disposal of domestic sewage sludge subject to the additional requirements of Article IV, Division 6 of this Chapter.
9. Temporary facilities for the sale of fireworks and Christmas trees.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES may be allowed in the I-3 Zone Districts so long as they are clearly incidental and accessory to the Use Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards set forth in Sections 23-3-340, 23-3-350 and 23-3-360 below.

1. OFFICES for USE by operators of the Use Allowed by Right.
2. Loading areas or STRUCTURES.
3. Parking areas or STRUCTURES.
4. One (1) MOBILE HOME when USED as living quarters for caretakers or security personnel responsible for maintaining or guarding the property, subject to the provisions of Section 23-4-220 of this Chapter.
5. RECREATION FACILITIES for the USE of persons employed in the conduct or maintenance of the USES allowed on the property.
6. Retail sales, when ACCESSORY to USES of manufacturing, fabricating or assembling.

D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied or maintained in the I-3 Zone District upon the approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

1. AIRSTRIPS when they are ACCESSORY to the Use Allowed by Right.
2. Microwave, radio, television or other communication towers over forty-five (45) feet in height (measured from ground level).
3. MAJOR FACILITIES OF PUBLIC UTILITIES.
4. COMMERCIAL JUNKYARD or salvage YARD.

E. Site Plan Review Required. No land, BUILDING or STRUCTURE shall be USED, changed in USE or type of occupancy, DEVELOPED, erected, constructed, reconstructed, moved or structurally altered or operated in the I-3 Zone District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary that the applicant for a building permit in the I-3 Zone District certify and state that the performance standards and district requirements that are applicable to the DEVELOPMENT and USE of property zoned I-3 have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. Uses listed in Subsection D above as Uses by Special Review in the I-3 Zone District shall be exempt from the Site Plan Review process and shall make application for approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

F. Performance Standard Compliance Required. All BUILDINGS, STRUCTURES and land located in the I-3 Zone Districts shall be located, designed, USED and occupied in such a manner that the design and operation standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below are met.

G. Bulk Requirements. See Sections 23-3-340, 23-3-350 and 23-3-360 below. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-340. Performance standards.

All BUILDINGS, STRUCTURES and land located in the Industrial Zone Districts shall be located, designed, used and occupied in accordance with the design and operation standards enumerated in Sections 23-3-350 and 23-3-260 below. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-350. Design standards.

The applicant for a building permit shall certify, according to the intent of Article II, Division 3 of this Chapter, that the following performance standards and the specific zone district requirements have been met. Additionally, the applicant shall certify that compliance with these performance standards shall continue once the USE, BUILDING or STRUCTURE is constructed and in operation.

A. Stormwater Management. All USERS of land in the Industrial Zone Districts shall provide and maintain stormwater retention facilities designed to retain the stormwater runoff in excess of historic flow from the undeveloped site. The stormwater retention facility on a developed site shall be designed for a one-hundred-year storm. The stormwater retention facility shall be designed and operated to release the retained water at a quantity and rate not to exceed the quantity and rate of a five-year storm falling on the undeveloped site.

B. Parking. Sufficient SCREENED, off-street, paved parking areas shall be provided in the Industrial Zone Districts to meet the requirements of employees, company vehicles, visitors and customers of the Uses Allowed by Right and ACCESSORY USES. For detailed parking requirements, see Article IV, Division 1 of this Chapter.

C. Loading Areas. Loading areas in the Industrial Zone Districts shall be located, designed and constructed in a manner that is in conformance with the standards below.

1. Sufficient space shall be provided in loading areas to accommodate the vehicles being loaded or unloaded without encroachment upon neighboring property or rights-of-way. Said loading areas shall be paved.

2. Loading areas located within the I-1 and I-2 Zone Districts shall be designed to comply with the appropriate use regulations under either Section 23-3-310 or Section 23-3-320 above.

D. Street Access. LOTS in the Industrial Zone Districts shall have safe access to an approved PUBLIC or private STREET. The

design designation of any STREET or highway as to type shall be in conformance with that shown on the Thoroughfare Plan and/or the MASTER PLAN of the affected municipality. Vehicular ingress and egress shall be permitted only via the following types of STREETS:

1. ARTERIAL.
2. COLLECTOR, when that COLLECTOR STREET does not serve any Residential Zone District before intersecting an ARTERIAL.
3. FRONTAGE or SERVICE ROAD.
4. LOCAL, when the LOCAL STREET is internal to the Industrial Zone District and does not serve any Residential Zone District LOTS.
5. New accesses to public rights-of-way shall be constructed using the minimum standards contained in Table 23.7 below. Designs exceeding these minimums may be required by the Department of Public Works depending upon the number and type of vehicles generated by the use proposed.

*Table 23.7
Minimum Standards for Accesses*

Size of drainage structure	15 inches diameter
Length of drainage structure	20 feet
Depth of cover over pipe	12 inches
Width of access, variable	10 feet to 24 feet
Maximum grade of access	15 percent
Flare radius, variable	20 feet to 40 feet
Depth of surfacing	4 inches

E. Acceleration/deceleration lanes where required by the Department of Public Works or the Colorado Department of Transportation to provide safe, efficient access to ARTERIAL or COLLECTOR STREETS.

F. Required YARDS.

1. Setback. No USE or ACCESSORY USE may be located closer than twenty-five (25) feet to the existing or proposed (whichever represents the greater right-of-way width) highway or STREET right-of-way. Off-street parking areas may be permitted in the required SETBACK area when the area is SCREENED from direct view of persons on the public rights-of-way. Fences over six (6) feet in height are not required to comply with the minimum SETBACK and may be located on the property line. Fences located on corner lots abutting public right-of-way shall not obstruct the view of vehicular traffic at an intersection.

2. Offset. All USES and ACCESSORY USES must be OFFSET ten (10) feet or one (1) foot for every two (2) feet of BUILDING HEIGHT containing the USE, whichever is greater. Off-street parking areas may be permitted in the required OFFSET area when the area is screened from adjacent properties. Fences over six (6) feet in height are not required to comply with the minimum OFFSET and may be located on the property line.

G. Required Landscaped Areas.

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

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

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

I. Water Supply. USES located in the Industrial Zone Districts shall have an adequate source of potable water.

J. Sewage Disposal. USES located in the Industrial Zone Districts shall have adequate sewage disposal facilities. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-360. Operation standards.

USES in the Industrial Zone Districts shall demonstrate conformance with the following operation standards to the extent that they are affected by location, layout and design prior to construction and operation. Once operational, the operation of the USES permitted shall conform to these standards.

A. Noise. USES and STRUCTURES in the Industrial Zone Districts shall be located, designed and operated in accordance with the noise standards as established in Section 25-12-101, C.R.S.

B. Air Quality. USES in the Industrial Zone Districts shall be located, designed and operated in accordance with the air quality standards established by the Colorado Air Pollution Control Commission.

C. Water Quality. USES in the Industrial Zone Districts shall be located, designed and operated in accordance with the water quality control standards established by the Colorado Water Quality Control Commission.

D. Radiation and Radioactive Material. The handling, use, storage and processing of radioactive materials shall be in accordance with the applicable regulations of the State and the United States government.

E. Heat. USES located within the Industrial Zone Districts shall not emit heat in such an amount sufficient to raise the temperature of the air or of materials at or beyond the lot line more than five (5) degrees Fahrenheit.

F. Light. Any lighting, including light from high temperature processes such as welding or combustion, shall be designed, located and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto ADJACENT properties; neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on PUBLIC or private STREETS; and no colored lights may be used which may be confused with or construed as traffic control devices.

G. Property Maintenance. Property located within the Industrial Zone Districts shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than twelve (12) inches. In no event shall the property owner allow the growth of NOXIOUS WEEDS. (Weld County Codification Ordinance 2000-1)

Div. 5. E (Estate) Zone District

Sec. 23-3-400. Intent.

The E (Estate) Zone District is intended to provide the present and future residents of the COUNTY with areas in which to locate and establish residential land USES and land USES that are compatible with residential areas. The E Zone District is intended to be located, designed and developed in a manner that is compatible with Chapter 22 of this Code and the adopted MASTER PLANS of affected municipalities. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-410. Uses allowed by right.

No BUILDING, STRUCTURE or land shall be USED, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the E Zone District except for one (1) or more of the following USES. Land in the E Zone District must be USED in compliance with the bulk requirements contained in Section 23-3-440 below. Uses within the E Zone District are subject to the additional requirements contained in Articles IV and V of this Chapter.

A. One (1) SINGLE-FAMILY DWELLING per LEGAL LOT. The SINGLE-FAMILY DWELLING shall be connected to and served by a PUBLIC WATER system and an adequate sewage disposal system. The sewage disposal system shall comply with the Individual Sewage Disposal Regulations contained in Chapter 30 of this Code. Evidence that PUBLIC WATER and an adequate sewage disposal system are available to the LEGAL LOT shall be provided prior to the issuance of a building permit.

B. One (1) MANUFACTURED HOME per LEGAL LOT. The MANUFACTURED HOME shall be connected to and served by a PUBLIC WATER system and an adequate sewage disposal system. The sewage disposal system shall comply with the Individual Sewage Disposal Regulations contained in Chapter 30 of this Code. Evidence that PUBLIC WATER and an adequate sewage disposal system are available to the LEGAL LOT shall be provided prior to the issuance of a building permit.

C. FARMING, RANCHING and GARDENING.

D. PUBLIC parks and PUBLIC recreation areas.

E. PUBLIC SCHOOLS and PUBLIC SCHOOL extension classes.

F. Police and fire stations or facilities.

G. UTILITY SERVICE FACILITIES. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-420. Accessory uses.

The following BUILDINGS, STRUCTURES and USES shall be allowed in the E Zone District so long as they are clearly incidental and accessory to the Uses Allowed by Right in the E Zone District. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the bulk requirements contained in Section 23-3-440 below. ACCESSORY USES within the E Zone District are also subject to the additional requirements contained in Articles IV and V of this Chapter.

A. Garages, carports and parking areas.

B. Swimming pools, tennis courts and similar RECREATIONAL FACILITIES.

C. SIGNS, in accordance with the provisions of Article IV, Division 2 of this Chapter.

D. HOME OCCUPATIONS.

E. Service BUILDINGS and facilities.

F. Any other STRUCTURE or USE clearly incidental and ACCESSORY to a Use Allowed by Right in the E Zone District. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-430. Uses by special review.

The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the E Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

A. HOSPITAL, nursing home and rehabilitation center.

B. Private SCHOOL.

- C. Church.
- D. PRIVATE RECREATIONAL FACILITY.
- E. KENNEL, subject to the additional requirements of Section 23-4-400 of this Chapter.
- F. CHILD CARE CENTER.
- G. Keeping, raising or boarding of EXOTIC ANIMALS.
- H. HOME BUSINESS.
- I. OIL AND GAS PRODUCTION FACILITIES.
- J. USES similar to the USES listed above as Uses by Special Review as long as the USE complies with the general intent of the E Zone District. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-440. Bulk requirements.

The following Subsections list the bulk requirements for the E Zone District.

- A. Minimum LOT size: two and one-half (2.5) acres.
- B. Maximum LOT size: twenty (20) acres.
- C. Minimum SETBACK: twenty (20) feet.
- D. Minimum OFFSET: twenty (20) feet.
- E. Minimum OFFSET for residences when ADJACENT to the A Zone District: forty (40) feet.
- F. Fences over six (6) feet in height are not required to comply with the minimum OFFSET and may be located on the property line.
- G. Maximum BUILDING HEIGHT: forty (40) feet.
- H. Maximum number of ANIMAL UNITS: one (1) per acre, not to exceed eight (80) ANIMAL UNITS per LOT.
- I. Minimum square footage of SINGLE-FAMILY DWELLING or MANUFACTURED HOME: one thousand two hundred (1,200) square feet.
- J. The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except in the Mixed Use Development Area (MUD), which shall adhere to MUD development standards. However, in no case shall such an accessory building exceed twice the gross floor area of the primary residence on the lot except by variance. Any accessory structure made nonconforming by application of this Subsection may be repaired, replaced or restored in total.
- K. Exterior portions of all ACCESSORY BUILDINGS, including the roof, shall be constructed of nonreflective materials.
- L. No BUILDING or STRUCTURE, as defined and limited to those occupancies listed as Groups A, B, E, H, I, M and R in Table 3-A of the 1997 Uniform Building Code, shall be constructed within a two-hundred-foot radius of any tank battery or one-hundred-fifty-foot radius of any wellhead. Any construction within a two-hundred-foot radius of any tank battery or one-hundred-fifty-foot radius of any wellhead shall require a variance from the terms of this Chapter in accordance with Section 23-6-10 C. (Weld County Codification Ordinance 2000-1)

*Div. 6. PUD (Planned Unit Development) District
[All current development proposals are
subject to Chapter 27 of this Code.
See transition provisions of Section 23-1-80 C.]*

Sec. 23-3-500. Intent.

The PUD (Planned Unit Development) District is intended to allow an alternative means for property owners to apply flexibility in developing their land which may not be possible under the normal application of this Chapter and Chapter 24 of this Code. The PUD District is not intended to be used to circumvent or distort the policies and objectives of this Chapter and Chapters 22 and 24 of this Code. The objectives of the PUD District are to: encourage flexibility and variety in the DEVELOPMENT of land to promote its most appropriate use; improve the design, character and quality of new DEVELOPMENT; facilitate the adequate and economical provision of public and private services; preserve the natural and scenic features of the DEVELOPMENT area; encourage an integrated planning approach; and ensure compatibility with Chapters 22 and 24 of this Code. The COUNTY is authorized to regulate PUDs by Section 24-67-101, et seq., C.R.S. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-510. Permitted uses.

A. A PUD District may include any BUILDING, STRUCTURE or USE as found to be appropriate under the review and approval procedures in Article II, Division 8 of this Chapter. DEVELOPMENT is allowed only in those parts of a PUD District which are included in an approved and recorded PUD plan. USES within the PUD District shall also be subject to the additional requirements contained in Articles IV and V of this Chapter.

B. USES within a PUD District shall be described by tract within a PUD District. This description shall give a clear indication of the type of USE to take place within the tract and a brief description of the type of BUILDINGS and STRUCTURES to be associated with those USES. This description shall be in adequate detail to determine density, COMMON OPEN SPACE, major vehicle and pedestrian circulation, water and sewer facilities, and buffering or SCREENING.

C. Each approved PUD District is considered unique, and the location of USES described by tract within a PUD District cannot be altered unless an amendment to the PUD District is approved as a new PUD District under the PUD Change of Zone procedure in Article II, Division 8 of this Chapter. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-520. Performance standards.

All BUILDINGS, STRUCTURES and land USES in the PUD District shall be located, designed, used and occupied in accordance with the standards enumerated below.

A. Compatibility: The density, design and location of land USES within and adjoining a PUD District shall be designed to be compatible with other USES within and adjoining the PUD District. Compatible USES shall be determined by evaluating the general USES, BUILDING height, SETBACK, OFFSET, size, density, traffic, dust, noise, harmony, character, landscape, SCREENING, health, safety and welfare.

B. Common open space. COMMON OPEN SPACE shall be provided in a PUD District. The amount and type of COMMON OPEN SPACE shall be proportioned according to the type of USES, BUILDINGS or STRUCTURES to be contained in the PUD District. COMMON OPEN SPACE shall be designed to be useful to the occupants and residents of the PUD District for recreational and scenic purposes. The COMMON OPEN SPACE in a PUD District shall be owned and maintained in perpetuity by an organization established solely for such ownership and maintenance purposes.

C. Water and sewer provisions. A PUD District shall be serviced by an adequate water and sewer system. A PUD District with residential USES shall be served with a PUBLIC WATER system.

D. Circulation. DEVELOPMENT within a PUD District shall be designed and constructed to include adequate, safe and convenient arrangements for pedestrian and vehicular circulation, off-street parking and loading space. Pedestrian and vehicular circulation shall relate to the circulation system external to a PUD District. All STREETS within the PUD District, whether private or public, shall be designed and constructed to meet the requirements of Chapters 24 and 29 of this Code.

E. Buffering and screening. USES, BUILDINGS or STRUCTURES within a PUD District that would not be compatible with other USES, BUILDINGS or STRUCTURES within and ADJACENT to a PUD District shall be adequately buffered and SCREENED to make their appearance and operation harmonious to the surrounding USES.

F. Bulk requirements. The normal bulk requirements for minimum SETBACK, minimum OFFSET, minimum LOT size, minimum LOT area per STRUCTURE, maximum height of BUILDINGS and LOT coverage may be varied as specified in a PUD District final plan. All other performance standards applicable to a PUD District may be required to be as strict as the performance standards contained in the zoning district in which the USE would usually be allowed.

G. Mining. MINING USES within a PUD District will not cause injury to vested or conditional water rights. If the USE may result in injury to vested or conditional water rights, the applicant shall either present an agreement with a water conservancy district or water user group which encompasses the location of the use within its boundaries, a plan of exchange or substitute supply approved by the State Engineer or a decreed plan for augmentation approved by the District Court for Water Division No. 1, which prevents injury to vested and conditional water rights.

H. Compliance. A PUD District and any part thereof which has been approved as a PUD Plan shall be considered as being in compliance with Chapter 24 of this Code and Section 30-28-101 et seq., C.R.S. The design standards and improvement agreements of Chapter 24 shall be utilized when applicable to the PUD Plan review and DEVELOPMENT. Certain PUD plan requirements may differ from those specifically listed in Chapter 24.

I. Enforcement. To further the mutual interest of the residents, occupants and owners of a PUD and of the public in the preservation of the integrity of the PUD, the provisions of the PUD District and Plan relating to the USE of land and the location of COMMON OPEN SPACE shall run in favor of the COUNTY and shall be enforceable at law or in equity by the Board of County Commissioners without limitation on any power or regulation otherwise granted by law. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-530. Site plan review required.

No uses within a PUD District which would require a Site Plan Review in the Commercial, Industrial or R-4 Zone District shall occur or be operated in the PUD District until a Site Plan Review has been approved by the Department of Planning Services. It shall be necessary for the applicant in the PUD District to certify and state that the performance standards for the DEVELOPMENT and USE of property zoned PUD have been or shall be complied with according to the intent of Article II, Division 3 of this Chapter. This shall be accomplished through the Site Plan Review application process. (Weld County Codification Ordinance 2000-1)

Sec. 23-3-540. Performance standard compliance required.

All BUILDINGS, STRUCTURES and land located in the PUD District shall be located, designed, USED and occupied in such a manner that

the standards contained in Section 23-3-530 above are met. (Weld County Codification Ordinance 2000-1)

ARTICLE IV

Supplementary District Regulations

Div. 1. Off-Street Parking and Loading Requirements

Sec. 23-4-10. Off-street parking required.

The location, design, construction and number of spaces required for off-street parking shall be as set forth in this Division. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-20. Location of off-street parking areas.

A. If the land USE with respect to which the off-street parking requirements exist is confined to a single LOT, the off-street parking spaces shall be within that LOT or on a different LOT, properly zoned, not more than five hundred (500) feet distant, measured along a PUBLIC STREET or ALLEY which connects the two (2) LOTS. If the land USE is located on two (2) or more commonly owned and adjoining LOTS, the off-street parking spaces may be located on any one (1) or more of those LOTS or on a properly zoned LOT separated from them by not more than five hundred (500) feet, measured in the same way.

B. Off-street parking areas in the I or C Zone Districts may be permitted within the required SETBACK or OFFSET areas so long as the parking area is SCREENED from ADJACENT properties zoned R-1, R-2, R-3, R-4 or R-5. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-30. Design and construction of off-street parking spaces.

A. Off-street parking areas for passenger vehicles shall be designed and constructed in compliance with the standards listed in Appendix 23-A.

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

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

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

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

F. Parking LOT surface shall be consistent with the surrounding development.

G. Parking LOTS shall conform to all standards of the Americans with Disabilities Act.

H. Parking LOTS with two-way driveways will be provided with sufficient turning lane widths to allow two (2) vehicles to pass.

I. No plant material located in driveway sight distance triangles shall be allowed to reach a height greater than three and one-half (3.5) feet. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-4-40. Number of off-street parking spaces required.

The minimum number of off-street parking spaces for the type of land USE is as listed in Appendix 23-B. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-50. Off-street loading required.

A. Off-street loading spaces shall be required for LOTS in the I and C Zone Districts. Off-street loading spaces shall be located and SCREENED to meet the requirements of the zoning district in which it is located. One (1) off-street loading space shall be required if the COMMERCIAL or INDUSTRIAL USE is located in a building containing between ten thousand (10,000) square feet and twenty thousand (20,000) square feet of GROSS FLOOR AREA, and one (1) additional off-street loading space shall be required for each additional twenty thousand (20,000) square feet or fraction thereof of GROSS FLOOR AREA.

B. Each off-street loading space shall be at least thirty-five (35) feet in length and ten (10) feet in width and shall be unobstructed from the surface up to a height of at least fifteen (15) feet.

C. Off-street loading spaces shall be surfaced with either gravel, asphalt or concrete and shall be graded so as to prevent drainage problems. Each space should be equipped with wheel guards when necessary to prevent vehicles from extending beyond the boundary of this space and from coming into contact with other vehicles, walls, fences or plantings.

D. Lighting provided for off-street loading spaces shall be arranged so as to minimize illumination onto ADJACENT residential property and so as to prevent glare directed at vehicles on STREETS and ALLEYS.

E. Off-street loading spaces shall be located in such a way that, when the space is being used to load or unload a vehicle, no part of the vehicle will occupy an ADJACENT STREET or sidewalk. (Weld County Codification Ordinance 2000-1)

*Div. 2. Signs***Sec. 23-4-70. General provisions.**

Signs shall be permitted in the various zoning districts according to the regulations contained in this Division. Signs may also be subject to the requirements of the Colorado Department of Highways.

Sec. 23-4-80. Signs in E, R-1, R-2, R-3, R-4 and R-5 Zone Districts.

A. One (1) identification sign per principal USE shall be allowed in the E, R-1, R-2, R-3, R-4 and R-5 Zone Districts, subject to the following:

1. SINGLE-FAMILY, DUPLEX and MOBILE HOME: two (2) square feet.
2. MULTI-FAMILY and TRIPLEX: sixteen (16) square feet.
3. Public and quasi-public USES: thirty-two (32) square feet.

B. Lighting of signs shall be by indirect illumination only.

C. "For Sale" signs for individual homes or subdivisions may be erected for a period not to exceed one (1) year subject to renewal by the Planning Commission upon request. Such signs shall not exceed thirty-two (32) square feet in area per face.

Sec. 23-4-90. Signs in A Zone District.

A. All signs permitted in Section 23-4-80 above shall be permitted in the A (Agricultural) Zone District, subject to the regulations specified.

B. One (1) identification sign per principal USE shall be allowed, provided that the sign does not exceed sixteen (16) square feet in area per face.

C. Off-site directional signs shall be allowed, subject to the following definition and conditions:

1. *Directional signs* are signs situated on other premises than those upon which the goods, services or functions being advertised are located and giving guidance as to where, how distant and the type of goods, services or functions which may be obtained.

2. Such signs shall relate only to a service or product primarily available for the highway user (such as food, lodging, gas, repairs or entertainment) and available within one (1) mile of a highway exit or in a community through which the highway passes.

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

4. Maximum height: thirty (30) feet.

5. Minimum SETBACK: fifty (50) feet.

6. Minimum spacing between signs in all directions: five hundred (500) feet.

7. Such signs shall not be located within two thousand (2,000) feet of an exit or entrance road on a limited access highway.

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

9. Such signs shall not exceed two (2) in any one (1) approach direction for a given use or service.

Sec. 23-4-100. Signs in C and I Zone Districts.

A. All signs permitted in Section 23-4-80 shall be permitted subject to the regulations specified.

B. Off-site directional signs and advertising signs and billboards shall be allowed subject to the following:

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

2. Maximum height: forty (40) feet.

3. Minimum SETBACK: twenty-five (25) feet.

4. Minimum OFFSET: ten (10) feet.

5. Minimum spacing between signs: five hundred (500) feet.

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

1. Maximum number per LOT: two (2).

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

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

4. Minimum SETBACK: fifteen (15) feet.

5. Minimum OFFSET: ten (10) feet.

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

D. Attached, FLUSH-WALL SIGNS shall follow the following principles:

1. The SIGN shall be attached flat against a supporting wall and not placed above the roof line.

2. One (1) nameplate, per public entrance, per business, of not more than two (2) square feet per face which is suspended under a canopy.

3. The sum of all commercial building identification signs on a given building wall shall not exceed eight percent (8%) of that wall.

E. A SIGN shall not include the following:

1. Flags, pennants or insignia of nations or an organization of nations, states or cities except when such flags are used in connection with a commercial promotion or as an advertising device.

2. Window displays incorporating placards, pennants, merchandise, pictures or models of products or services.

3. Works of fine art which in no way identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize direct commercial gain from such display.

4. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations.

5. Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.

6. Traffic and other official signs of any public or governmental agency.

7. On-site traffic directional signs which do not exceed four (4) square feet per face or ten (10) feet in height and which do not carry a commercial message other than identification. The minimum horizontal distance between such signs shall be fifteen (15) feet, except for signs designating the purpose for which parking stalls may be used, such as for handicap parking, compact cars, etc.

8. Temporary interior paper window signs or painted signs on windows intended to promote sale merchandise for limited periods.

9. Signs over gas pumps which indicate gas prices only, provided that such signs shall be limited to one (1) per pump island and shall be no larger than four (4) square feet per face.

10. Bus benches displaying advertisements pursuant to an agreement between the County and the owner, provided that such agreement regulates the size, content, placement, design and materials used for construction of said bus benches.

11. Products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-4-110. General sign requirements.

A. The following signs shall be prohibited in all districts:

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

2. Flashing signs located within five hundred (500) feet of an intersection.

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

4. Signs or components of signs that change physical position or light intensity by any movement or rotation of the physical sign or components which make up the sign or which give the visual impression of movement or rotation.

5. Motor vehicles, trailers or portable bases with wheels or to which wheels may be readily affixed used as a sign structure.

B. All signs erected in a PUBLIC right-of-way by a PUBLIC agency controlling or directing traffic and private signs used exclusively to direct automobile traffic on private property shall be exempt from the provisions of this Chapter. (Weld County Code Ordinance 2001-1)

*Div. 3. Mobile Homes***Sec. 23-4-130. Permit requirements.**

No MOBILE HOME may be located or relocated in the County after August 25, 1981, except in accordance with this Division, including the issuance of any zoning permit which may be required by this Section. Each MOBILE HOME located or relocated in the County after said date must have a BUILDING permit for a MOBILE HOME issued pursuant to Chapter 29 of this Code. An application for any zoning permit for a MOBILE HOME required by this Division shall include the following:

- A. Name, address and telephone number of the applicant.
- B. Name, address and telephone number of the owner of the land if different from Subsection A above.
- C. Evidence of interest in the subject land held by the applicant if the applicant is not the owner of the land.
- D. A legal description of the property for which the application is made.
- E. Number of acres of the property.
- F. A sketch plan of the site at the scale of one (1) inch represents fifty (50) feet or other suitable scale to show:
 1. The proposed location of the MOBILE HOME, including distances from the property LOT lines and other STRUCTURES on the property.
 2. Access to the MOBILE HOME indicating whether the access is existing or proposed.
 3. Location and measurements of any easements or rights-of-way.
 4. Amount of road frontages.
 5. Identification of any county, state or federal roads or highways.
 6. Existing STRUCTURES on the property.
- G. Methods of disposal of sewage or other wastes in compliance with the requirements of the Colorado Department of Health and the County Department of Public Health and Environment, except for applications for TEMPORARY storage of a MOBILE HOME under Section 23-4-160 below.
- H. Methods of supplying water in such a manner as to be adequate in quality, quantity and dependability for the proposed use, except for applications for TEMPORARY storage of a MOBILE HOME under Section 23-4-160 below.
- I. An application fee. Each request for a renewal or extension of a TEMPORARY permit shall also be accompanied by the appropriate application fee.
- J. The requirements of this Division 3, *MOBILE HOMES*, require the applicant to provide a certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property subject to the application. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- K. A petition with at least seventy percent (70%) of surrounding property owners within five hundred (500) feet of the subject property supporting the location of the MOBILE HOME.

L. Completed Building Permit application for a MOBILE HOME. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-4-140. Mobile homes permitted in the A Zone District.

MOBILE HOMES are allowed in the A (Agricultural) Zone District for the following USES upon the issuance of the appropriate zoning or BUILDING permits according to the following requirements. All temporarily-permitted MOBILE HOMES shall be blocked and tied pursuant to the requirements of Chapter 29 of this Code. (Weld County Code Ordinance 2001-1)

Sec. 23-4-150. Temporary use during construction of residence.

A zoning permit for the USE of a MOBILE HOME or RECREATIONAL VEHICLE as a TEMPORARY DWELLING UNIT during the construction of a permanent DWELLING UNIT on the same LOT in the A (Agricultural) Zone District may be issued by the Department of Planning Services subject to the following provisions:

A. The applicant must have a valid building permit for the construction of a permanent DWELLING UNIT on the same LOT.

B. Construction of the permanent DWELLING UNIT shall commence within ninety (90) days of issuance of the TEMPORARY permit for the MOBILE HOME and shall be diligently pursued.

C. The applicant must demonstrate that adequate water and sewage disposal facilities are available.

D. The TEMPORARY permit for occupancy of the MOBILE HOME shall be issued for a period of six (6) months. The permit may be renewed by the Department of Planning Services for two (2) additional six-month periods upon a determination by staff that construction of the permanent DWELLING UNIT is being pursued with diligence.

E. The Department of Planning Services shall make its determination on the issuance of a zoning permit for MOBILE HOME as a TEMPORARY USE during construction of a DWELLING UNIT on the basis of a signed statement by the applicant that the conditions of Subsections A through D above are met, upon information contained in the permit application, and upon such independent evidence as may be available or which the staff may reasonably require.

F. Extensions of six-month increments beyond the above eighteen-month period may be granted only by the Board of County Commissioners. The Board of County Commissioners shall hear the application for an extension at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process, even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and a telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. In its review

of an application, the Board of County Commissioners shall consider the good faith efforts of the applicant to pursue construction diligently and any unforeseeable or unavoidable circumstances which may have delayed completion of construction, requiring the extension. In addition, the Board of County Commissioners shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

G. MOBILE HOMES permitted as a TEMPORARY USE during construction of a permanent DWELLING shall be removed within thirty (30) days after the permanent DWELLING has been occupied. (Weld County Code Ordinance 2001-1)

Sec. 23-4-160. Temporary storage.

A zoning permit for the TEMPORARY storage of a MOBILE HOME, not including the storage of goods inside the UNIT, on a LOT in the A (Agricultural) Zone District may be issued by the Department of Planning Services subject to the following provisions:

A. The applicant must obtain a building permit for a MOBILE HOME and must comply with all installation standards of Chapter 29 of this Code applicable to MOBILE HOMES; provided, however, that no utility hookups to the MOBILE HOME of any type, including septic systems, shall be allowed.

B. The MOBILE HOME may not be used on any basis as a DWELLING or as overnight or TEMPORARY housing for any person.

C. The applicant must demonstrate that no reasonable alternative exists to the TEMPORARY storage of the MOBILE HOME on the land involved.

D. Only one (I) zoning permit for TEMPORARY storage of a MOBILE HOME may be issued per LEGAL LOT at any one time.

E. The Department of Planning Services shall make its determination on the issuance of a zoning permit for the TEMPORARY storage of a MOBILE HOME on the basis of a signed statement by the applicant that the conditions of Subsections A through D above are met, upon information contained in the permit application, and upon such independent evidence as may be available or which the staff may reasonably require.

F. A zoning permit for TEMPORARY storage of a MOBILE HOME shall be for a period of six (6) months, and is renewable for additional six-month periods only by grant of the Board of County Commissioners.

G. The Board of County Commissioners shall hear the application for renewal of a zoning permit for TEMPORARY storage of a MOBILE HOME at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process, even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and a telephone

number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on surrounding property. The Board of County Commissioners shall also consider whether the application has demonstrated compliance with the requirements of Subsections A through D above, as well as compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area and the general health, safety and welfare of the inhabitants of the area and the COUNTY. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-170. Temporary accessory farm use.

A. One (1) MOBILE HOME may be permitted in the A (Agricultural) Zone District as an ACCESSORY farm USE upon a determination by the Department of Planning Services that:

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

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

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

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

5. The MOBILE HOME is not the first DWELLING UNIT on the parcel of land. Where the MOBILE HOME will be the first DWELLING UNIT on a parcel of land, the MOBILE HOME request shall follow the application procedures under the provisions of Section 23-4-200 below.

6. The applicant must obtain a BUILDING permit for the MOBILE HOME and comply with all installation standards of Chapter 29 of this Code.

B. The Department of Planning Services shall make its determination on the basis of a signed statement by the applicant that the conditions of Paragraphs A.1 through A.6 above are met, upon information contained in the permit application, and upon independent evidence as may be available or which the staff may reasonably require.

C. A zoning permit for more than one (1) MOBILE HOME in the A (Agricultural) Zone District as an ACCESSORY farm USE may be issued by the Department of Planning Services upon a determination that the criteria of Paragraphs A.1 through A.6 above and Section 24-3-230 B below are met. If the applicant is not able to meet the criteria stated in Section 24-3-230 B below, the zoning permit may be issued only upon approval by the Board of County Commissioners. The Board of County Commissioners shall review the application for compliance with the criteria set out in Paragraphs

A.1 through A.6 above at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process, even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on the surrounding properties. In addition, the Board shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

D. All MOBILE HOMES as ACCESSORY farm USES are TEMPORARY. Allowance of the MOBILE HOME shall be extended only if the USE continues to be in conformance with the criteria set out in Paragraph A.1 above. The MOBILE HOME shall be removed from the property upon the cessation of the USE of the MOBILE HOME as an ACCESSORY farm USE or at any such time as the MOBILE HOME is used for other than the allowed USE. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-180. Temporary accessory use during medical hardship.

A. A zoning permit for the TEMPORARY use of a MOBILE HOME during a medical hardship on a lot in the A (Agricultural) Zone District, in addition to the principal dwelling unit, may be issued by the Department of Planning Services upon a determination that:

1. A medical hardship exists in which the person to be living in the MOBILE HOME requires the supervision and care of those persons residing in the principal DWELLING UNIT on the property (or the reverse). Documentation of the medical hardship shall be established in a letter from the subject's medical doctor or other evidence deemed suitable by the Department of Planning Services. The letter shall be submitted as a part of the zoning permit application and shall verify that the subject is physically impaired and requires full-time care.
2. There is no reasonable alternative available to the applicant for the care of a person who needs medical supervision.
3. Adequate water and sewage disposal facilities are available to the MOBILE HOME.

B. A MOBILE HOME zoning permit for TEMPORARY ACCESSORY USE during a medical hardship in the A (Agricultural) Zone District may be issued by the Department of Planning Services upon a determination that the criteria of Paragraphs A.1 through A.3 above and Section 24-3-230 B below are met. If the applicant is not able to meet the criteria stated in Section 24-3-230 B below, the Board of County Commissioners shall review the application for compliance with the criteria set out in Paragraphs A.1 through A.3 above at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date

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

C. All zoning permits for MOBILE HOMES during a medical hardship are TEMPORARY. Such permits shall be subject to review annually on the anniversary of the original permit's issuance. Such permits shall be extended only if the USE continues to be in conformance with the criteria set out in Subsection A above. Any permit for a medical hardship USE shall automatically expire, and the MOBILE HOME shall be removed upon cessation of the medical hardship or at any such time as the MOBILE HOME is used for other than the permitted USE. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-4-190. Temporary accessory use as office.

A. One (1) MOBILE HOME in the A (Agricultural) Zone District as an OFFICE USE accessory to the USE allowed by right may be permitted upon a determination by the Department of Planning Services that:

1. The MOBILE HOME is necessary for the effective and economic operation of the principal USE.
2. The MOBILE HOME will not be used for residential purposes.
3. Adequate water and sewage disposal facilities can be made available to the MOBILE HOME.
4. No reasonable alternative is available to the applicant for an OFFICE USE.

5. The MOBILE HOME is not the first MOBILE HOME on the parcel of land. Where the MOBILE HOME will be the first unit on a parcel of land, the MOBILE HOME request shall follow the application procedures under the provisions of Section 23-4-200 below.

6. The applicant must obtain a BUILDING permit for the MOBILE HOME and comply with all installation standards of Chapter 29 of this Code.

B. The Department of Planning Services shall make its determination on the basis of a signed statement by the applicant that the conditions of Paragraphs A.1 through A.6 above are met, upon information contained in the application, and upon independent evidence as may be available or which the staff may reasonably require.

C. A zoning permit for more than one (1) MOBILE HOME as an accessory OFFICE unit in the A (Agricultural) Zone District may be issued by

the Department of Planning Services upon a determination that the criteria of Paragraphs A.1 through A.5 above and Section 23-4-230 B below are met. If the applicant is not able to meet the criteria stated in Paragraphs A.1 through A.5 above, the zoning permit may be issued only upon the approval by the Board of County Commissioners. The Board shall review the application for compliance with the criteria set out in Paragraphs A.1 through A.5 above at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process, even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on the surrounding properties. In addition, the Board shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

D. All MOBILE HOMES as ACCESSORY OFFICE USE are TEMPORARY. The MOBILE HOME shall be removed from the property upon the cessation of the USE of the MOBILE HOME as an ACCESSORY OFFICE USE. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-200. Principal dwelling unit.

A zoning permit for the use of a MOBILE HOME as a principal DWELLING UNIT in the A (Agricultural) Zone District may be issued by the Department of Planning Services if the application meets the criteria stated in Paragraphs A.1 through A.4 below and Section 23-4-230 B of this Division.

A. The Board of County Commissioners shall hear the application at a regularly scheduled meeting of the Board, if the application does not meet the criteria stated in Paragraphs 1 through 4 below and Section 23-4-230 B of this Division. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process, even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the MOBILE HOME on surrounding property. The Board of County Commissioners shall also consider the following factors in reviewing applications for a permit for a MOBILE HOME as a principal DWELLING UNIT:

1. Compatibility with surrounding area, harmony with the character of the NEIGHBORHOOD and its effects upon the immediate area.
2. Compatibility with Chapter 22 of this Code.
3. Availability of adequate water and sewage disposal facilities.
4. The general health, safety and welfare of the inhabitants of the area and the COUNTY.

B. Only one (1) zoning permit for a MOBILE HOME as a DWELLING UNIT shall be issued for each LEGAL LOT in the A (Agricultural) Zone District in the County. No more than two (2) MOBILE or MANUFACTURED HOMES may be connected or physically attached as a DWELLING UNIT. All requirements of Chapter 29 of this Code shall be met. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-4-210. Repealed. (Weld County Code Ordinance 2001-1)

Sec. 23-4-220. Mobile homes in C or I Zone District.

A. One (1) MOBILE HOME may be permitted as an ACCESSORY USE to the principal USE in certain C (Commercial) or I (Industrial) Zone Districts upon a determination by the Department of Planning Services that:

1. The MOBILE HOME is necessary for the effective and economic operation of the business, COMMERCIAL or industrial activity.
2. The MOBILE HOME will not be used for residential purposes other than for the purpose of the protection or control of the principal USE.
3. Adequate water and sewage disposal facilities are available to the MOBILE HOME.
4. The applicant must obtain a BUILDING permit for the MOBILE HOME and comply with the installation standards of Chapter 29 of this Code

B. The Department of Planning Services shall make its determination on the basis of a signed statement by the applicant that the requirements of Paragraphs A.1 through A.4 above are met, upon information contained in the application, and upon independent evidence as may be available or which the staff may reasonably require.

C. A zoning permit for more than one (1) MOBILE HOME in the C or I Zone District as an ACCESSORY USE to the principal USE may be issued by the Department of Planning Services upon a determination that the criteria of Paragraphs A.1 through A.4 above and Section 23-4-230 B of this Division are met. If the applicant is not able to meet the criteria stated in Section 23-4-230 B, the zoning permit may be issued only upon the approval by the Board of County Commissioners. The Board shall review the application for compliance with the criteria set out in Paragraphs A.1 through A.4 above at a regularly scheduled meeting of the Board. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process, even if such error results in the failure of a surrounding property owner to receive such notification. The Department of Planning Services shall post a sign for

the applicant on the property in question indicating that a MOBILE HOME has been requested for the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date. The Board shall consider any testimony of surrounding property owners concerning the possible effects of the MOBILE HOME on surrounding properties. In addition, the Board shall consider compatibility of the MOBILE HOME with the surrounding area, harmony with the character of the NEIGHBORHOOD, its effects upon the immediate area, and the general health, safety and welfare of the inhabitants of the area and the COUNTY.

D. All MOBILE HOMES as ACCESSORY USES to the principal USE in C or I Zone Districts are TEMPORARY and subject to the requirements for MOBILE HOMES as stated in Article III, Division 3 and Article III, Division 4 of this Chapter. The MOBILE HOME shall be removed from the property upon the cessation of the USE of the MOBILE HOME as an ACCESSORY USE to the business, commercial or industrial activity. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-230. Delegation of authority.

The Board of County Commissioners delegates the authority to issue a zoning permit for a MOBILE HOME which otherwise requires the approval of the Board of County Commissioners through a public hearing process to the Department of Planning Services upon a determination by the Department that:

A. The applicant is in compliance with the criteria identified in this Chapter for the specific category of zoning permit for which application is being made.

B. The applicant has submitted a petition containing the signatures of at least seventy percent (70%) of the people owning property within five hundred (500) feet of the property on which the MOBILE HOME is proposed to be located. The petition shall indicate that the surrounding property owners who have signed the petition have no objections to the issuance of a zoning permit for the MOBILE HOME.

C. If the applicant is unable to obtain a petition in favor of the issuance of a zoning permit for a MOBILE HOME with at least seventy percent (70%) of the people's signatures owning property within five hundred (500) feet of the property on which the MOBILE HOME is proposed to be located, the Board of County Commissioners shall consider the zoning permit for the MOBILE HOME in a public hearing in accordance with the provisions of this Chapter. (Weld County Codification Ordinance 2000-1)

Div. 4. Open Mining

Sec. 23-4-250. Purpose.

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

Sec. 23-4-260. Application.

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

- A. A complete and accurate legal description of the property for which the application is made.
- B. The fee owners of the surface of the area to be mined.
- C. The fee owners of the substance to be mined.

D. The source of the applicant's legal rights to enter and to open mine on the land affected by the permit.

E. The address of the general OFFICE and the local address or addresses of the applicant.

F. Whether the applicant or any affiliated person holds or has held any other permits for open cut mining and an identification of such permits.

G. A detailed description of the method of operation. Such description shall include:

1. The types and numbers of operation and processing equipment to be employed.

2. The number of shifts to be worked and the maximum number of employees.

3. Whether the operation will involve a wet or dry pit.

4. COUNTY roads and bridges to be utilized.

5. The size of the area and stages to be worked at any one time.

6. A timetable giving the periods of time which will be required for the various stages of the operation.

7. The depth and thickness of the mineral deposit to be mined and the thickness of overburden to be removed.

8. The proposed use of reclaimed lands and an explanation of the reclamation process.

9. The source of technical advice in that type of reclamation for open cut mining land.

10. Any other information determined to be necessary by the Board of County Commissioners to insure the protection of the health, safety and welfare of the inhabitants of the County.

11. The applicant shall submit to the Department of Planning Services a copy of an agreement with the mineral owners associated with the subject property. Such agreement shall stipulate that the oil and gas activities on the subject property have been adequately incorporated into the design of the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the mineral owners on the subject property.

12. The applicant shall submit to the Department of Planning Services a copy of an agreement with the owner of any ditch located on or adjacent to the site, OR shall provide written evidence that an adequate attempt has been made to mitigate the concerns of the ditch owners. The agreement shall stipulate that ditch activities have adequately been incorporated into the design of the site. If such agreement cannot be reached, the applicant shall present evidence that an adequate attempt to reach such agreement has been made. (Weld County Codification Ordinance 2000-1; Weld County Code Ordinance 2001-1)

Sec. 23-4-270. Drawing requirements.

All applications shall be accompanied by the following maps which shall be delineated in drawing ink on Mylar or other drafting media approved by the Department of Planning Services in the following size: twenty-four (24) inches by thirty-six (36) inches. The maps shall be prepared and certification made as to their accuracy by a registered professional engineer licensed to do such work by the State.

A. Vicinity Map. The vicinity map shall be prepared at a one inch (1) equals six hundred (600) feet scale and show the following information within a distance of one-half (½) mile of the proposed operation.

1. Perimeter outline of the parcels of land to be involved in the operation.

2. ADJACENT MINING operations.
3. Fee owners of ADJACENT surface lands.
4. All residences within one-half ($\frac{1}{2}$) mile of the proposed operation.
5. The name and location of all roads, bridges, irrigation ditches, oil and gas wells and lines, utility lines and streams or other bodies of water within the scope of the map.
6. The general type, thickness and distribution of soil over the parcel under consideration. Soil types shall be noted in the legend and include their suitability for agricultural USE, as well as USES proposed in the reclamation plan.
7. Section, township and range.
8. Accesses to area.
9. Title, scale and north arrow.
10. Date with revision dates if applicable.

B. Extraction Plan Map. The Extraction Plan Map shall be prepared at a one (1) inch equals one hundred (100) feet scale and shall include the parcel in question, as well as features within five hundred (500) feet of the parcel boundaries. The scale of the map may be reduced to one (1) inch equals two hundred (200) feet or one (1) inch equals three hundred (300) feet upon approval by the Department of Planning Services. The Extraction Plan Map shall display the following information:

1. A plot plan of the property for which application is made. The plot plan shall delineate the boundary lines of the Special Review Permit area.
2. The topography of the area at five-foot contour intervals or at intervals as determined by the Board of County Commissioners.
3. The name and location of all streams, including normally dry streams, ponds or other bodies of water, existing and proposed STRUCTURES and LANDSCAPE features.
4. The size and location of proposed pit areas.
5. The phases of the operation. The legend will include the time required for each phase of the operation.

6. The location of all proposed operating STRUCTURES, parking areas, ingress and egress, stockpile areas and circulation routes. The general location of equipment which will be moved as operations proceed, such as portable crushing and screening plants, shall be located on the map.
7. The legend shall include a complete and accurate legal description as prescribed by the application form. The description shall include the total acreage of the parcel.
8. Certificates: certificate of responsibility; Planning Commission certificate; certificate of approval by the Board of County Commissioners.
9. Title, scale and north arrow.
10. Date and revision dates if applicable.
11. Extraction Standards.
12. Such additional information as may be required by the Board of County Commissioners to satisfactorily explain the general requirements for the type of operation anticipated. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-280. Supporting documents.

The following documents or any other similar documents shall be submitted by the applicant if deemed necessary by the Board of County Commissioners for the protection of the health, safety and welfare of the inhabitants of the County.

- A. The applicant shall submit a copy of those Reclamation Plans submitted to the State of Colorado Mined Land Reclamation Board. The Reclamation Plans must include a map showing property boundaries, topography, bodies of water and access.
- B. Plans for obtaining water supplies for the mining operation.
- C. Cross-sections of drainage STRUCTURES (culverts for access to COUNTY roads, interior haul roads crossing of ponding or stream channeling).
- D. Profile and typical cross-section of haul roads.

Sec. 23-4-290. Operations policies.

The policies outlined below represent a minimum model for operations standards for the proposed USE. Stricter standards may be imposed by the Board of County Commissioners during the review process to ensure the protection of the health, safety and welfare of the inhabitants of the County.

- A. No excavation or processing of sand and gravel shall be permitted nearer than ten (10) feet to the boundary of ADJACENT property, easement or irrigation ditch or right-of-way, nor nearer than one hundred twenty-five (125) feet to any existing residence, unless by written agreement the owners of such ADJACENT property consent to a lesser distance and the Planning Commission approves such lesser distance. The Planning Commission may set a greater distance than mentioned above when, in its opinion, it is justified.
- B. All sand and gravel operations shall be conducted during the hours of daylight except in the case of public or private emergency, or to make necessary repairs to equipment. This restriction shall not apply to operation of administrative and executive OFFICES or repair facilities located on the property.
- C. Weeds and any other unsightly or NOXIOUS WEEDS shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

D. Existing trees and ground cover along PUBLIC road frontage and drainage ways shall be preserved, maintained and supplemented if necessary, for the depth of the SETBACK in order to protect against and reduce noise, dust and erosion.

E. Insofar as practicable, all means of access to the property from any STREET shall be located and designated as to avoid the routing of vehicles to and from the property over STREETS that primarily serve residential DEVELOPMENT.

F. All access roads from sand and gravel operations to PUBLIC highways, roads or STREETS, or to adjoining residential STRUCTURES, shall be paved or otherwise treated to minimize dust conditions on all parts of such access roads which are located within one-fourth ($\frac{1}{4}$) mile of the PUBLIC highway, road, STREET or adjoining residential STRUCTURE.

G. Prior to starting excavation in certain specific instances, as first determined by individual investigation by the Board of County Commissioners, where excavations are considered hazardous or otherwise harmful to nearby residents or to their property, the Board of County Commissioners may require the excavations to be fenced or that some other action be taken on the part of an operator in order to minimize the hazardous situation. Chain link fencing to keep out young children, three-strand barb wire to keep out LIVESTOCK, acceleration/deceleration lanes to facilitate the safe/smooth flow of traffic, and water augmentation to compensate for water losses caused by evaporation are examples of actions which may be required by the Board.

H. Where topsoil is removed, sufficient arable soil shall be set aside, for respreading over the excavated area.

I. Rock crushers and similar accessory facilities and equipment, but not including batching (concrete and asphalt) facilities may be allowed. However, the Planning Commission or Board of County Commissioners may set out additional conditions under which these operations may be permitted; and said conditions may vary by location due to abutting land USES. Concrete and asphalt batch plants shall meet the requirements of Section 23-3-40.

J. Insurance. The operator shall furnish evidence that he or she is insured to the extent of not less than one hundred thousand dollars (\$100,000.00) against liability for any negligent act or omission by the operator from the operation or maintenance of the sand and gravel pit and the extraction and production of sand and gravel and all activities connected with or incidental thereto.

K. The USE will not cause injury to vested or conditional water rights. If the USE may result in injury to vested or conditional water rights, the applicant shall either present an agreement with a water conservancy district or water user group which encompasses the location of the use within its boundaries, a plan of exchange or substitute supply approved by the State Engineer or a decreed plan for augmentation approved by the District Court for Water Division No. 1 which prevents injury to vested and conditional water rights. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-300. Reclamation policies.

A. Reclamation plans shall be reviewed to determine the compatibility of the proposed USE with surrounding land USES.

B. Following the completion of operations, the land shall be left in a safe condition.

C. Sufficient drainage shall be provided so as to prevent water pockets or undue erosion. Grading shall be accomplished in such a manner that stormwater leaves the property at the original, natural drainage points. Runoff at any one (1) such point shall not normally be increased over historic flows. Increases over historic flows shall be allowed only

when it is shown that the increased flows will not adversely impact USES or lands affected by such flows.

D. All excavated areas shall finally be graded in substantial conformity to the USE of the land proposed in the reclamation plan. Ridges, banks and mounds shall be graded so as to minimize erosion. Trees, shrubs, legumes, grasses or other ground cover shall be replaced in order to avoid erosion insofar as is practicable.

Sec. 23-4-310. Cancellation of permit.

The Board of County Commissioners shall have the power to cancel permits for violation of any of these regulations or conditions imposed by the Board. The Board of County Commissioners shall cause to be served written notice upon the permittee at the address contained in the permit setting out a clear and concise statement of the violations, and directing the permittee to correct such violation within thirty (30) days. If the violations have not been corrected, the Board of County Commissioners shall direct the permittee to appear before the Board of County Commissioners, not less than ten (10) days nor more than thirty (30) days after the date of service notice. The Board of County Commissioners shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power, upon good cause being shown, to cancel or revoke the permit heretofore issued to the permittee, to require the County or its agents to enter upon the premises and to take the corrective measures required by the Board of County Commissioners; the cost to be assessed against the permittee and his or her sureties.

*Div. 5. Supplementary Regulations for
Certain Uses by Special Review*

Sec. 23-4-350. Livestock confinement operations.

A. Livestock Confinement Operations (LCOs) shall be located at least fifty (50) feet from any state or federal highway right-of-way, subject to review by the Colorado Department of Transportation.

B. Manure shall be handled and disposed of in a sanitary manner, approved by the Department of Public Health and Environment.

C. Suitable chemical and scientific controls shall be provided for rodent and insect control.

D. Concrete or other suitable aprons ADJACENT to the permanently affixed feed bunks, water tanks and feeding devices shall be provided.

E. Adequate mechanical means for scraping, grading and cleaning of area shall be provided at all times; and scraping, grading and cleaning of the area will be accomplished as approved by the Department of Public Health and Environment.

F. Drainage facilities or improvements shall be constructed to protect any ADJACENT rivers, streams or other bodies of water from pollution, as approved by the Department of Public Health and Environment.

Sec. 23-4-360. Fertilizer storage and sale.

The storage and sale of fertilizer (organic), where the fertilizer is stored for longer than one (1) year, shall be regulated as set forth below:

A. Storage of fertilizer shall not be permitted closer than fifty (50) feet to any PUBLIC right-of-way or LOT line.

B. Rodents and insects shall be controlled in accordance with standards set by the Department of Public Health and Environment.

C. Upon termination of the permit, all fertilizer shall be removed.

Sec. 23-4-370. Outdoor shooting ranges.

A. A Special Review Permit to operate an outdoor shooting range, if approved, may be conditioned on a requirement that every ten (10) years the safety of the design of the range shall be reviewed and safety design changed taking into account the

history of the operation and changes in surrounding land uses and the relevant provisions of Subsections B.2, C.2 through C.6 and D below. Review of the safety plan shall be accomplished using the Site Plan Review process and such changes shall not constitute a major change from the Special Review Permit. The operator, if he or she chooses not to accept the staff determination under the Site Plan Review process, may request that the matter be determined by the Board of County Commissioners which shall hear the matter in accordance with the procedures for considering a Special Review Permit; provided, however, that no fee shall be charged.

B. Application for a Special Review Permit to operate an outdoor shooting range shall be accompanied by the following information:

1. Topography at two-foot intervals.
2. Plan of range with supporting data on safety factors.

C. The following minimum standards shall apply to all outdoor shooting ranges:

1. Minimum land requirements shall be set by the Planning Commission for each application.
2. Shooting ranges shall, when possible, be located to take advantage of natural terrain barriers. The entire range (including danger area if range is not of the "Safety Range" type) shall be fenced and warning signs posted every two hundred (200) feet.
3. Line of fire shall be as nearly horizontal as is practicable and never below horizontal. Ranges may be constructed so that the firing point is below the target, provided that the gradient between the firing point and target does not exceed two percent (2%).
4. The perimeter of the range shall be LANDSCAPED to provide natural noise barriers. The remainder of the range shall be planted and maintained with grass or other suitable ground cover.
5. If the shooting range is used by more than four (4) individuals on a regular basis, shooting shall be supervised by a range officer or instructor qualified by the National Rifle Association, military service or other similar training.
6. In addition to firing lines or fields, adequate space for danger areas, parking, equipment, storage building, clubhouse and latrines shall be provided.

D. Provisions for pistol, small-bore and high caliber rifle ranges:

1. "Safety Range" requirement. If the range is constructed in an urbanized area, when area is developed, or when natural terrain does not offer adequate protection, overhead safety baffles may be required.
2. Firing points shall be four (4) to five (5) feet apart for shooting distances up to two hundred (200) yards.
3. Rifle or pistol ranges shall not be permitted without bullet stops. Natural or artificial bullet stops shall be provided.
 - a. Natural bullet stops. Only slopes of hills shall be used for natural bullet stops. The crest of the hill used for a bullet stop shall be at least thirty (30) feet above the level of the firing point for a one-hundred-yard range. An additional ten (10) feet of hill shall be provided for each additional one hundred (100) yards of range. The slope of the hill shall not be less than two (2) to one (1). A vertical cut shall be taken out of the face of the hillside used for a backstop to provide a nearly perpendicular face to catch bullets and prevent ricochets.
 - b. Artificial bullet stops. For up to a three-hundred-yard range, an earth embankment at least twenty-five (25) feet in height, well sodded to retain a slope of thirty-five (35) degrees from perpendicular and topped by an an

earth-filled timber barricade at least fifteen (15) feet high, shall be provided. Stones shall be removed from the face of the embankment to a depth of eighteen (18) inches. For each additional one hundred (100) yards of range, ten (10) feet in overall height of the bullet stop shall be added. The bullet stop shall extend approximately one hundred sixty (160) feet beyond the ends of the target line for high-caliber ranges; and twenty-five (25) feet for small-bore rifle and pistol ranges.

E. Provisions for trap and skeet fields.

1. A danger zone of one hundred (100) yards by three hundred (300) yards shall be provided for trap fields.
2. A danger zone of three hundred (300) yards by six hundred (600) yards shall be provided for skeet fields.
3. Trap and skeet fields may be combined (traps layout superimposed on skeet field) where a danger zone of three hundred (300) yards by six hundred (600) yards shall be required.
4. The trap field layout shall meet the requirements of the American Trap Association.
5. The skeet field layout shall meet the requirements of the National Skeet Shooting Association. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-380. Solid waste sites and facilities or hazardous waste disposal sites.

A. Certificates of designation for solid or hazardous waste disposal sites and facilities as required by Colorado Revised Statutes and Code of Colorado Regulations shall not be deemed approved until or unless a Use by Special Review Permit has been approved by the Planning Commission or the Board of County Commissioners where required by this Chapter. The Board shall be guided in its review of a certificate of designation by state statute and regulations contained in Colorado Revised Statutes and Code of Colorado Regulations.

B. Applicants for activities reviewed pursuant to Article II, Division 4 of this Chapter for any Solid Waste sites and facilities or Hazardous Waste disposal sites shall have the burden of proof to demonstrate that there is a need for the facility within the proposed area of service, and the Planning Commission and Board of County Commissioners shall be satisfied that a need exists as part of the determinations for any such permit.

Sec. 23-4-390. Sewage systems.

Applicants for site approval of sewage systems, pumping stations, sludge drying beds, treatment plants and lagoons shall submit copies of the information supplied to the Colorado Department of Health. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-400. Kennels.

A. Manure shall be handled and disposed of in a sanitary manner approved by the Department of Public Health and Environment.

B. Suitable chemical and scientific controls shall be provided for rodent and insect control.

C. Drainage facilities or improvements shall be constructed to protect any ADJACENT rivers, streams or other bodies of water.

Sec. 23-4-410. Drive-in theaters.

The Planning Commission and Board of County Commissioners shall consider the following criteria in making their determination in approving or denying a Special Review Permit for a DRIVE-IN THEATER in addition to those criteria enumerated in Sections 23-2-220 A and 23-2-230 B and its impact on prime agricultural land which is defined as soils with agricultural capability classifications of I, II and III as indicated on maps completed by the U.S.D.A. Natural Resource Service.

- A. One (1) on-site parking space shall be provided for each employee on duty. The peak employment period shall be used to determine the number of employee parking spaces.
- B. A stack area capable of storing at least one-third ($\frac{1}{3}$) as many cars as can be accommodated within the viewing area shall be provided, away from the flow of incoming or outgoing traffic, for waiting vehicles.
- C. Ticket gates shall be provided as follows:
1. One (1) ticket gate for a theater with a capacity up to three hundred (300) cars.
 2. Two (2) ticket gates for a theater with a capacity up to six hundred (600) cars.
 3. Three (3) ticket gates for a theater with a capacity up to eight hundred (800) cars.
 4. Four (4) ticket gates for a theater with a capacity up to one thousand (1,000) cars.
- D. Lighting.
1. All outside lighting shall be arranged and shielded so as to prevent any nuisance on ADJACENT STREETS or property.
 2. Exits and pedestrian passageways shall be adequately lighted at all times when open to the public.
- E. Access.
1. Each developed site shall have a minimum of two (2) accesses, but shall not have more than two (2) accesses onto any one (1) STREET, except that the Board of County Commissioners has the right to prescribe additional access requirements if it is deemed that a change in the location and number of accesses will reduce the possibilities of traffic hazards.
 2. No direct entrance to or exit from a DRIVE-IN THEATER shall be permitted onto any FREEWAY or EXPRESSWAY as delineated on the County Thoroughfare Plan or on any state or local plans.
 3. The accesses for the DRIVE-IN THEATER shall be directly onto a paved road.
 4. Acceleration and deceleration lanes and left-turn lanes shall be provided when deemed necessary by the Board of County Commissioners to facilitate the continuous and safe flow of traffic to and from the THEATER.
 5. The facility shall be designed to provide emergency vehicular access at all times.
 6. Entrance and exit drives shall be paved and channelized to guide incoming and outgoing traffic.
 7. Adequate site distance shall be provided at all access points.
- F. Trash areas.
1. All outside trash, garbage and refuse areas shall be SCREENED.
 2. Provision shall be made for adequate vehicular access to and from such areas for collection purposes.
- G. Projection screens.
1. The projection screen shall be oriented so as to minimize the potential traffic hazard created by people viewing the screen from adjacent highways.
 2. Construction plans for the screen shall be prepared by a certified engineer and said plans shall conform with the requirements of Chapter 29 of this Code.

3. The screen and its supporting structure shall be designed to withstand a wind pressure of at least twenty-five (25) pounds per square foot.

H. Fire protection. Fire protection shall be provided in accordance with the requirements of the fire protection district having jurisdiction in the area where the theater is to be located.

I. Buffering. The DRIVE-IN THEATER shall be adequately buffered through the use of landscaping and fencing to minimize negative impacts on surrounding land USES.

J. Health standards and regulations. The proposed facility shall comply with all State and County Health Standards and Regulations.

Sec. 23-4-420. Public utilities facilities.

Applicants for activities reviewed pursuant to Article II, Division 5 of this Chapter as MAJOR FACILITIES OF PUBLIC UTILITIES shall have the burden of proof to demonstrate that there is a need for the facility within the proposed area of service, and the Planning Commission shall be satisfied that a need exists as part of the determinations for any such permit.

Div. 6. Domestic Sewage Sludge Regulations

Sec. 23-4-450. Intent and applicability.

A. The intent of the Domestic Sewage Sludge Permit procedure is to ensure that the quality of waste discharged on land in the County for beneficial uses is applied in a manner which will protect and promote the health, safety, convenience and general welfare of the present and future residents of the COUNTY.

B. Commencing April 1, 1990, a Domestic Sewage Sludge Permit shall be required for the discharge or disposal of domestic sewage sludge in the unincorporated areas of the COUNTY.

C. Any contiguous parcel or any number of noncontiguous parcels which are owned by the same individual or group of individuals may be permitted under one (1) Domestic Sewage Sludge Permit. However, the required evaluations, analysis results and fees shall be submitted for each one hundred sixty (160) acres or fraction thereof.

D. Sludge disposal sites and facilities that have been issued a Certificate of Designation are exempted from the provisions of this Division.

E. Any person filing an application for a Domestic Sewage Sludge Permit shall comply with the COUNTY procedures and regulations in this Chapter.

F. Applications for a Domestic Sewage Sludge Permit shall be completed as set forth in Section 23-4-460 below. The completed application and application fee shall be submitted to the Department of Public Health and Environment.

G. A Domestic Sewage Sludge Permit shall be for a period of one (1) year, and is renewable for one-year periods only by grant of the Board of Health. The permit shall be considered for renewal upon submittal sixty (60) days prior to the expiration date of the permit. Any expansion or enlargement of the area for which the Domestic Sewage Sludge Permit is issued shall require a new application under the provisions of this Division. The applicant shall be entitled to twenty-one (21) days' notice prior to any hearing at which the Board of Health may refuse to renew any portion of the permit.

H. The Board of County Commissioners hereby delegates the authority to review, issue and revoke domestic sewage sludge permits to the Board of Health, the Public Health Officer and the Department of Public Health and Environment as set forth in this Chapter.

Sec. 23-4-460. Application requirements for permit.

The purpose of the application for a Domestic Sewage Sludge Permit is to give the applicant an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Chapter. The following supporting documents shall be submitted as a part of the application:

A. The following general information shall be on a form provided by the County Department of Public Health and Environment:

1. Name, address and telephone number of the sludge generator and applicator.
2. Name and address of the fee owners of the property proposed for the Domestic Sewage Sludge Permit if different from above.
3. A legal description of the property where the sludge is to be applied.
4. Total acreage of the property under consideration.
5. Existing land USE of the property under consideration.
6. Existing land USES of all properties ADJACENT to the property under consideration.
7. Present zone and overlay zones, if appropriate.
8. Signatures of the generator, applicator and fee owners or their authorized legal agent.

B. Evidence that demonstrates that the USE will be in compliance with the Colorado Department of Health's Domestic Sewage Sludge Regulations, 5 CCR 1002-64, 1986.

C. A letter of intent to apply sludge that includes the following information:

1. The number of pounds of sludge to be applied per acre.
2. The types of crops to be grown on the land, and the number of acres of each crop.
3. The grade of the sludge.
4. Evidence showing that the sludge meets the stability criteria established by the Colorado Department of Health.
5. Results of piezometric tube monitoring, test bores or other groundwater level monitoring results verifying the annual high groundwater level at the minimum depth which occurs on the site.
6. Results of test bores or other results verifying the minimum depth to bedrock which occurs on the site.
7. Alternate sludge disposal plans, the name and address of the generator, the name and address of any contractor, a copy of the contract and, if applicable, the name and address of the user.
8. A screening analysis of the sludge.
9. A soil analysis of the site.

D. A written statement demonstrating the applicant's ability to apply sludge either by direct injection or surface application with immediate incorporation into the soil. If the applicant does not plan immediate incorporation, a written statement demonstrating why it is not feasible and necessary for reasons of remoteness, nature of the sludge, characteristics of the soil or type of crop shall be submitted.

E. A written statement demonstrating that the applicant has alternate sites available during cold weather months when injection or incorporation is not possible. Surface application on frozen ground shall be allowed only if specifically requested in the application and authorized in the permit.

F. A written statement demonstrating that the applicant can and will off-load a minimum of sixty (60) feet from County roads.

G. A written statement demonstrating that at no time will an application site have an odor reading of greater than seven-to-one (7:1) dilution/threshold according to Regulation #2 of the Colorado Air Quality Control Regulations.

H. A written statement demonstrating that the applicant has the ability to prevent, control and abate spillage.

I. A written statement demonstrating that the applicant can and will handle, store and dispose of sludge in a manner that controls fugitive dust, blowing debris, odor and other potential nuisance conditions.

J. A written statement demonstrating how the proposed USE will be compatible with the existing surrounding land uses.

K. A written statement demonstrating how the proposed USE will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by Chapter 22 of this Code or the adopted MASTER PLANS of affected municipalities.

L. A written statement demonstrating how adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY will be maintained.

M. A map that shows and complies with the following requirements:

1. The minimum size of the map shall be eighteen (18) inches by twenty-four (24) inches.
2. The scale shall be one (1) inch equals two hundred (200) feet or another suitable scale approved by the Department of Public Health and Environment.
3. Section, township and range.
4. North arrow.
5. Outline of the perimeter of the property under consideration.
6. The location and names of all roads abutting the property under consideration.
7. The location and names of any water features or irrigation ditches within the perimeter of the property under consideration.
8. All existing and proposed STRUCTURES on the property under consideration.
9. The location of all occupied DWELLINGS within a one-mile radius of the property under consideration.

N. Any additional information as may be required by the Department of Public Health and Environment or Board of Health in order to determine that the application meets the requirements of this Chapter.

O. The number of copies required for processing the application. The exact number of copies shall be determined by the Department of Public Health and Environment. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-470. Duties of Department of Public Health and Environment.

A. The Department of Public Health and Environment shall be responsible for processing all applications for Domestic Sewage Sludge Permits in the unincorporated areas of the County. It shall also have the responsibility of ensuring that all application submittal requirements are met prior to initiating any official action as listed below.

B. Upon determination that the application submittal is complete, the Department of Public Health and Environment shall:

1. Set a Board of Health hearing date not more than forty-five (45) days after the complete application has been submitted.

2. Arrange for legal notice of the Board of Health hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. At the discretion of the Department of Public Health and Environment, a second notice may be published in a newspaper which is published in the area in which the Domestic Sewage Sludge Permit is proposed. Failure to publish the second notice shall not create a jurisdictional defect in the hearing process. The date of publication shall be at least ten (10) days prior to the hearing.

3. Provide a sign for the applicant to post on the property under consideration for a Domestic Sewage Sludge Permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, the applicant shall post one (1) sign in the most prominent place on the property and post a second sign at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted by the applicant, who shall certify that the sign has been posted for the ten (10) days preceding the hearing date. The sign shall show the following information:

- a. Domestic Sewage Sludge Permit number.
- b. Date and place of public hearing.
- c. Location and phone number of the public office where additional information may be obtained.
- d. The applicant's name.
- e. Size of parcel of land.
- f. Type of request.

4. Refer the application to the following agencies, when applicable, for their review and comment. The agencies named shall respond within fourteen (14) days after the mailing of the application by the COUNTY. The failure of any agency to respond within fourteen (14) days may be deemed to be a favorable response to the COUNTY. The reviews and comments solicited by the County are intended to provide the COUNTY with information about the proposed Domestic Sewage Sludge Permit. The Department of Public Health and Environment may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the COUNTY.

- a. The Planning Commission or Governing Body of any municipality and county whose boundaries are within a three-mile radius of the parcel under consideration for a Domestic Sewage Sludge Permit.
- b. The Planning Commission or Governing Body of any city or town that has included the parcel in its MASTER PLANNING area.
- c. Department of Planning Services.
- d. Department of Public Works.

- e. Colorado Department of Health.
 - f. Colorado Department of Transportation.
 - g. Colorado State Engineer or appropriate water district or municipality.
 - h. Any irrigation ditch company with facilities on or adjacent to the parcel under consideration for a Domestic Sewage Sludge Permit.
 - i. Any other agencies or individuals whose review the Department of Public Health and Environment may deem necessary.
5. Prepare a staff recommendation for use by the Board of Health addressing all aspects of the application, its conformance with the standards contained in this Chapter and comments received from agencies to which the proposal was referred.

Sec. 23-4-480. Duties of Board of Health.

A. The Board of Health shall hold a public hearing to consider the application and shall either issue or deny all or any portion of the Domestic Sewage Sludge Permit. In making a decision on the proposed Domestic Sewage Sludge Permit, the Board of Health shall consider the recommendation of the Department of Public Health and Environment, facts presented at the public hearing and the information contained in the official record, which includes the case file of the Department of Public Health and Environment. The Board of Health shall approve all or any portion of the Domestic Sewage Sludge Permit unless it finds that the applicant has not met one (1) or more of the standards or conditions of Paragraphs 1 through 10 below. The applicant has the burden of proof to show that the standards and conditions of Paragraphs 1 through 10 below are met. The applicant shall demonstrate:

1. That the USE will be in compliance with the Colorado Department of Health's Domestic Sewage Sludge Regulations, 5 CCR 1002-64, 1986.
2. That the sludge will be applied either by direct injection or surface application with immediate incorporation into the soil. The Board of Health may grant a permit where, if immediate incorporation is not planned, the Board of Health is satisfied that it is not feasible and necessary for reasons of remoteness, nature of the sludge, characteristics of the soil or type of crop.
3. That alternate sites are available during cold weather months when injection or incorporation is not possible. Surface application on frozen ground shall be allowed only if specifically requested in the application and authorized in the permit.
4. That a minimum of sixty (60) feet from County roads will be maintained when off-loading.
5. That at no time shall an application site have an odor reading of greater than a seven-to-one (7:1) dilution/threshold according to Regulation #2 of the Colorado Air Quality Control Regulations.
6. That the ability to prevent, control and abate spillage of sludge shall be maintained.
7. That the methods of handling, storage and disposal of the sludge shall control fugitive dust, blowing debris, odor and other potential nuisance conditions.
8. That the USE will be compatible with the existing surrounding land USES.
9. That the USE will be compatible with the future DEVELOPMENT of the surrounding area as permitted by the existing zone and with future DEVELOPMENT as projected by Chapter 22 of this Code or the adopted MASTER PLANS of affected municipalities.
10. That there is adequate provision for the protection of the health, safety and welfare of the inhabitants of the NEIGHBORHOOD and the COUNTY.

B. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the approval of the Domestic Sewage Sludge Permit upon the surrounding area, the Board of Health may condition the decision to approve all or any portion of the permit upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the COUNTY to guarantee such implementation.

C. Upon the Board of Health making its decision on the Domestic Sewage Sludge Permit, a record of such action and a copy of the permit shall be kept in the files of the Department of Public Health and Environment office and a copy sent to the Clerk to the Board's office.

D. If the Board of Health determines that the applicant has not met the standards or conditions of Paragraphs A.1 through A.10 above and denies all or any portion of a Domestic Sewage Sludge Permit, the applicant may request, within thirty (30) days of the Board of Health's decision, to appear before the Board of County Commissioners in a public hearing. The Department of Public Health and Environment shall schedule the hearing before the Board of County Commissioners using the notice requirements of Paragraphs 23-4-470 B.2 and B.3 above and notifying anyone who testified at the Board of Health's hearing. The Board of County Commissioners will consider the application and determine if the applicant has met the standards or conditions of Paragraphs A.1 through A.10 above. The Board of County Commissioners may reverse, affirm or modify the Board of Health's decision. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-490. Permit renewal application.

A. The purpose of the Domestic Sewage Sludge Permit renewal application is to give the applicant an opportunity to demonstrate through written and graphic information how the renewal complies with the standards of this Chapter. The following information shall be submitted as a part of the renewal application to renew all or any portion of a Domestic Sewage Sludge Permit:

1. A renewal application form as provided by the Department of Public Health and Environment.
2. An explanation of any changes that are requested or that have occurred since the issuance of the Domestic Sewage Sludge Permit.
3. The number of pounds of sludge to be applied per acre.
4. The grade of the sludge.
5. Evidence showing that the sludge meets the stability criteria established by the Colorado Department of Health.
6. A screening analysis of the sludge.
7. A soil analysis of the site. The soil analysis shall have been done within sixty (60) days of the submittal for renewal. and
8. Any additional information as may be required by the Department of Public Health and Environment or Board of Health in order to determine that the renewal application meets the requirements of this Chapter.

B. Duties of Department of Public Health and Environment. The Department of Public Health and Environment shall be responsible for processing all applications for the renewal of Domestic Sewage Sludge Permits in the unincorporated areas of the County. The duties of the Department of Public Health and Environment for processing a domestic sewage sludge permit renewal shall be the same as outlined in Section 23-4-470 above. At the discretion of the Department of Public Health and Environment upon the request of the permittee, the notice and posting requirements on all or any portion of the permit may be waived when a Domestic Sewage Sludge Permit is considered for renewal based upon the remoteness, nature of the sludge, characteristics of the soil, type of crop, enforcement actions and prior public comments or complaints.

C. Duties of Board of Health. The duties of the Board of Health for considering a renewal of a domestic sewage sludge permit shall be the same as outlined in Section 23-4-480 above. (Weld County Codification Ordinance 2000-1)

Sec. 23-4-500. Violations.

The County, through its Board of Health, Public Health Officer, Department of Public Health and Environment or other departments so authorized, may enforce the provisions of this Division and the terms, requirements and conditions of an approved Domestic Sewage Sludge Permit through methods included in this Division or through other methods adopted by resolution or ordinance by the Board of County Commissioners. Failure to abide by such terms, requirements and conditions may result in a revocation of the Domestic Sewage Sludge Permit. (Weld County Codification Ordinance 2000-1)

Div. 7. Domestic Septic Sludge Regulations

Sec. 23-4-550. Intent and applicability.

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

B. A DOMESTIC SEPTIC SLUDGE Permit shall be required for the discharge or disposal of DOMESTIC SEPTIC SLUDGE in the unincorporated areas of the COUNTY.

C. Any contiguous parcel or any number of noncontiguous parcels which are owned by the same individual or group of individuals may be permitted under one (1) DOMESTIC SEPTIC SLUDGE Permit. However, the required evaluations, analysis results and fees shall be submitted for each one hundred sixty (160) acres or fraction thereof.

D. DOMESTIC SEPTIC SLUDGE disposal sites and facilities that have been issued a Certificate of Designation are exempted from the provisions of this Division.

E. Any person filing an application for a DOMESTIC SEPTIC SLUDGE Permit shall comply with the COUNTY procedures and regulations in this Chapter.

F. Applications for a DOMESTIC SEPTIC SLUDGE Permit shall be completed as set forth in Section 23-4-560 below. The completed application and application fee shall be submitted to the Department of Public Health and Environment.

G. A DOMESTIC SEPTIC SLUDGE Permit shall be for a period of one (1) year, and is renewable for one-year periods only by grant of the Board of Health. The permit shall be considered for renewal upon submittal sixty (60) days prior to the expiration date of the permit. Any expansion or enlargement of the area for which the DOMESTIC SEPTIC SLUDGE Permit is issued shall require a new application under the provisions of this Division. The applicant shall be entitled to twenty-one (21) days' notice prior to any hearing at which the Board of Health may refuse to renew any portion of the permit.

H. The Board of County Commissioners hereby delegates the authority to review, issue and revoke DOMESTIC SEPTIC SLUDGE Permits to the Board of Health, the Public Health Officer and the Department of Public Health and Environment as set forth in this Division.

Sec. 23-4-560. Operating standards.

An applicant for a DOMESTIC SEPTIC SLUDGE Permit shall demonstrate conformance with the EPA 40 CFR Part 503 Rule for land application of domestic septage to nonpublic contact sites and with the following operation standards prior to incorporation of the DOMESTIC SEPTIC SLUDGE into the soil, and shall continue to meet these standards if the DOMESTIC SEPTIC SLUDGE Permit is approved.

- A. DOMESTIC SEPTIC SLUDGE shall not be landspread on saturated soil during precipitation events.
- B. No DOMESTIC SEPTIC SLUDGE shall be applied in a quantity which would result in the DOMESTIC SEPTIC SLUDGE running off the application site identified in the DOMESTIC SEPTIC SLUDGE Permit.
- C. No DOMESTIC SEPTIC SLUDGE shall be applied in a manner which results in ponding of the septic sludge.
- D. A DOMESTIC SEPTIC SLUDGE application site shall not be irrigated within twenty-four (24) hours after DOMESTIC SEPTIC SLUDGE application has taken place.
- E. No DOMESTIC SEPTIC SLUDGE shall be applied to land which is currently receiving DOMESTIC SEWAGE SLUDGE from a wastewater treatment plant, has received such wastes within the previous eighteen (18) months, or is permitted for such use under this Division.
- F. Root crops or table crops, when intended for direct human consumption, shall not be grown on land which has received DOMESTIC SEPTIC SLUDGE application within the previous eighteen (18) months.
- G. Grazing by livestock shall not be allowed within six (6) weeks of any DOMESTIC SEPTIC SLUDGE application.
- H. Public access to septic sludge application sites shall be restricted during the life of the permit and for a period of eighteen (18) months after the last application. Access shall be restricted by the remote locations, fencing or posting of the site to minimize human contact with DOMESTIC SEPTIC SLUDGE.
- I. DOMESTIC SEPTIC SLUDGE shall be applied uniformly by either subsurface injection or on-surface deflection. If applied on the surface, a deflector must be used on the discharge tube of the vehicle to sufficiently spread septic sludge at a maximum rate of eleven one-hundredths (0.11) gallon per square foot.
- J. DOMESTIC SEPTIC SLUDGE applied on the surface shall be incorporated into the soil within twelve (12) hours of application.
- K. Annual DOMESTIC SEPTIC SLUDGE application rates shall not exceed twenty-five thousand (25,000) gallons per acre per year.
- L. No DOMESTIC SEPTIC SLUDGE shall be applied:
1. Within a minimum of five hundred (500) feet of a residence, business or recreational area.
 2. Within a minimum of fifty (50) feet of the property line of the disposal site.
 3. Without the depth of the annual high groundwater level having been established as greater than seven (7) feet in depth.
 4. Within five hundred (500) feet of the wellhead of a well supplying water for human consumption.
 5. Within one hundred (100) feet of the wellhead of any water well.
 6. On land located up gradient, and within one (1) mile, of the point at which surface waters are diverted for use in a PUBLIC water system.
 7. Within the boundaries of a one-hundred-year floodplain.
 8. On land within three hundred (300) feet of any body of surface water.
 9. On land within fifty (50) feet of a dry streambed; and

10. On land having a trace element level that equals or exceeds the following maximum cumulative standards contained in Table 23.8 below:

*Table 23.8
Maximum Cumulative Standards*

<i>Trace Element</i>	<i>PPM</i>
Cadmium	2.5
Copper	62.5
Lead	175
Nickel	25
Zinc	125

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

N. Soil samples shall be analyzed per the following schedule contained in Table 23.9:

*Table 23.9
Soil Sample Schedule*

<i>Parameter</i>	<i>Units</i>
Soil texture	----
pH	pH units *
CEC	meg/100g **
Nitrate as N	ppm ***
Phosphorus	ppm
Potassium	ppm
Sodium	ppm
Cadmium	ppm
Copper	ppm
Lead	ppm
Nickel	ppm
Zinc	ppm
Organic matter	%
* Cation exchange capability	
** Milliequivalent per one hundred grams	
*** Parts per million	

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

1. A record of all persons or entities transporting and disposing of DOMESTIC SEPTIC SLUDGE to the site.
2. Daily records to show all loads received and disposed at the site.
3. Transporter log records and invoice records maintained by the operator on site which shall contain, at a minimum, the following information:
 - a. Name of licensed septic cleaner pumping the system.
 - b. Name, address and location of septic system serviced.
 - c. Date and time of servicing.
 - d. Type of system and description of all wastes pumped.

- e. Gallons collected.
- f. Disposal location.
- g. Date and time of disposal.

4. All records shall be kept on file and available for inspection for a period of four (4) years from the point in time when the first application occurs at the site.

5. All persons transporting domestic septic sludge in the County shall be licensed as a septic cleaner pursuant to Chapter 30.

P. All DOMESTIC SEPTIC SLUDGE applied at permitted sites shall be tested for and demonstrated not to exceed the following parameters set out in Table 23.10:

Table 23.10
Application Parameters

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

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

Sec. 23-4-570. Application requirements for permit.

The purpose of the application for a DOMESTIC SEPTIC SLUDGE Permit is to give the applicant an opportunity to demonstrate through written and graphic information how the proposal complies with the standards of this Chapter. The following supporting documents shall be submitted as a part of the application:

A. The following general information shall be on a form provided by the Department of Public Health and Environment:

1. Name, address and telephone number of the DOMESTIC SEPTIC SLUDGE transporter and applicator.
2. Name and address of the property owners proposed for the DOMESTIC SEPTIC SLUDGE Permit if different from above.
3. A legal description of the property where the DOMESTIC SEPTIC SLUDGE is to be applied.
4. Total acreage of the property under consideration.
5. Existing land USE of the property under consideration.
6. Existing land USES of all properties ADJACENT to the property under consideration.
7. Present zone and overlay zones, if appropriate.
8. Signatures of the transporter, applicator and property owners or their authorized legal agent.

B. Hydrologic data pertaining to the site, including:

1. The location and depth of all wells within one (1) mile, depth to water, water use, yield and an evaluation of impact of the proposed application on the groundwater.
2. Location of all lakes, rivers, streams, springs and bogs within one (1) mile of the site.
3. The depth to the annual high groundwater table.

C. Soils data pertaining to the site including:

1. Soils classification of each field as mapped or described by the U.S. Department of Agriculture, Soil Conservation Service or equivalent.
2. Soil test data, including the parameters of Section 23-4-560 N.
3. Soil test data demonstrating that five (5) feet of SUITABLE SOIL will exist at all sludge application sites between the plowline and the top of the high groundwater table.

D. An operation and management plan for the site, including:

1. Methods of DOMESTIC SEPTIC SLUDGE application and incorporation.