

# PROWERS COUNTY

# ZONING REGULATIONS

*Adopted; February 16, 2006*

*As Amended; April 12, 2012*

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**SECTION 1 - TITLE, PURPOSE & GENERAL PROVISIONS**

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- (a) **TITLE.** This resolution may be known and cited as the Prowers County Zoning Regulation.
- (b) **AUTHORITY.** Chapter 28 of Title 30 Colorado Revised Statutes, As Amended, authorizes the Board of County Commissioners in the counties of the State of Colorado to provide for the zoning of all or parts of the unincorporated portions of such counties.
- (c) **PURPOSE.** The regulations contained herein are necessary to encourage the most appropriate uses of land; to conserve and utilize the County's natural resources; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; and to create a stable pattern of land uses which can be easily and equitably serviced. In interpreting and applying the provisions of this regulation, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

This Regulation amends in its entirety the Zoning Regulation adopted on March 9, 1977. This Regulation does not amend the Regulations for Flood Hazard Areas, Regulations for Areas and Activities of State and Local Interest, Sewage Disposal System Regulations, Adult Entertainment Business Regulations and the Ordinance Prohibiting Littering previously adopted by the Board of County Commissioners, or any amendment thereof. In the event of any conflict, the regulation which is most restrictive shall apply.

- (d) **APPLICATION.** This regulation classifies and regulates the use of land, buildings, and structures within the unincorporated areas of Prowers County, Colorado. Except as otherwise provided, no Zoning Permit shall be issued for a use not specifically mentioned or described unless in the judgment of the Prowers County Planning Commission the proposed use is similar to a use listed. A proposal for a use not specifically mentioned or described may be initiated as a Use by Special Review.
- (e) **CLASSIFICATION OF DISTRICTS.** For the purpose of this regulation, the county is divided into zoning districts designated as follows:

<u>Districts</u>	<u>Abbreviated Designations</u>
Irrigated Agriculture	A-1
Non-Irrigated Agriculture	A-2
Fragile Land Area	A-3
Single Family Residential	R-1
Mixed Residential	R-2
Local Commercial	C-1
Highway Commercial	C-2
Airport Overlay	AO-1
Industrial	I-1
Floodplain	F-1

- (f) **ZONING MAP.** The location and boundaries of the District designated in Section (e) are hereby established as shown on the map entitled Prowers County Zoning Map, and signed by the Chairman of the Board of County Commissioners and the County Clerk and Recorder and hereafter referred to as the Zoning Map. The Zoning Map and all the notations thereon are hereby made part of this regulation.

- (g) USES PERMITTED BY RIGHT AND SPECIAL REVIEW. Those uses listed as Uses by Right and Uses by Special Review in each Zone District.
- (h) USES NOT ITEMIZED
  - (1) Upon application, or on its own initiative, the Board may, by Resolution, add later or further specify the uses listed for a zoning district or any other similar use which conforms to the conditions set forth in the following special findings:
    - a. Such use is appropriate in the use group to which it is added;
    - b. Such use conforms to the basic characteristics of the use group to which it is added;
    - c. Such use does not create any more offensive visual effect, vibration, dust, heat, smoke, odor, glare or other objectionable influence or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added;
    - d. Such uses not itemized may include landfills, power plants, wind turbines, prisons, scientific installations and other uses.
  - (2) When any use has been added, deleted or further specified to any use group in accordance with this Section, such use shall be deemed to be listed in the appropriate zoning district, and shall be added thereto in the published text of this Ordinance at the first convenient opportunity.

## **SECTION 2 - IRRIGATED AGRICULTURAL (A-1) DISTRICT**

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- (a) **PURPOSE.** The purpose of this District is to protect irrigated croplands from subdivision and urbanization that would substantially reduce its productivity, without restricting the appropriate use of the land in keeping with its natural characteristics and agricultural functions.
- (b) **USES BY RIGHT.** A use by right is any of the following uses, which are permitted:
- (1) Accessory Buildings and Uses
  - (2) Farming and Ranching
  - (3) Game Preserves, Undeveloped
  - (4) Guest House
  - (5) Home Occupation
  - (6) Housing, Tenant
  - (7) Mobile Home, Owner-Occupied
  - (8) Residence, Single Family
- (c) **USES BY SPECIAL REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission:
- (1) Advertising Device, Off-Premise
  - (2) Airfield
  - (3) Airplane Beacon, Marker or Tower
  - (4) Antenna, Meteorological or Cell Tower
  - (5) Association, Clubs and Lodges
  - (6) Cemetery
  - (7) Child Care Center
  - (8) Church
  - (9) Confined Animal Feeding Operation (CAFO)
  - (10) Equestrian Arena, Commercial/Club
  - (11) Family Burial Plot
  - (12) Feed and/or Grain, Manufacture, Wholesale, Retail
  - (13) Feed and Fertilizer, Manufacture and Processing
  - (14) Fertilizer Retail and/or Wholesale Storage
  - (15) Fruit and Vegetable Processing, Wholesale and Retail
  - (16) Game Reserves, Developed
  - (17) Golf Course
  - (18) Greenhouse and Nursery
  - (19) Hay, Grain, Feed and Seed-Retail and/or Wholesale Storage
  - (20) Kennel, Dog Breeding and Boarding
  - (21) Livestock Sales and Auction
  - (22) Mineral Extraction and Processing
  - (23) Mobile Home Park
  - (24) Natural Deposits, Extraction and Processing (Commercial)
  - (25) Recreational Vehicle Site
  - (26) School
- (d) **LOT AREA.** No parcel of land shall be less than thirty-five (35) acres in size if in the A-1 Zone, except if upon review, the Planning Commission finds that the following conditions exist and that the proposed development meets the following requirements:
- (1) The size of lots or the proposed use would not adversely affect the irrigated agricultural nature of the land.

- (2) The parcel shall front on an approved county road or if on a state or federal highway shall provide an access or frontage road at county standards, or adequate easement has been obtained from an adjoining landowner.
- (3) The parcel shall not decrease the efficiency of any irrigation canal or cause undue traffic hazards.
- (e) LOT DIMENSIONS. No parcel of land shall be less than one hundred forty (140) feet in width and one hundred forty (140) feet in depth.
- (f) LOT COVERAGE. The total ground area covered by all buildings on the parcel shall not exceed twenty-five (25) percent of the total ground area of the parcel.
- (g) BUILDING HEIGHT. No restrictions except as imposed by other limitations.
- (h) FRONT YARD SETBACK. A principal structure and accessory building shall be set back not less than fifty (50) feet from lot line.
- (i) SIDE YARD SETBACK. A principal structure and accessory building shall be set back at least ten (10) feet from a side lot line.
- (j) REAR YARD SETBACK. A principal structure and accessory building shall be set back at least fifteen (15) feet from a rear lot line.
- (k) PARKING SPACE. Off-street parking shall be as provided in Section 15.
- (l) LOADING SPACE. None required.
- (m) FENCES, WALLS AND HEDGES. No limitation.
- (n) SIGNS. Signs shall be as provided in Section 17.

### **SECTION 3 - NON-IRRIGATED AGRICULTURAL (A-2) DISTRICT**

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- (a) **PURPOSE.** The standards of this District are designed to absorb the farm-related development discouraged in the A-1 district; encourage the use of the land for farming, ranching and other agricultural purposes; and to allow residential development to the extent that it is not detrimental to the open character and fragile nature of the area.
- (b) **USES BY RIGHT.** A use by right is any of the following uses, which are permitted:
- (1) Accessory Buildings and Uses
  - (2) Contractor's Yard, Temporary
  - (3) Drilling Company Equipment Yard, Temporary
  - (4) Farming and Ranching
  - (5) Game Preserves, Undeveloped
  - (6) Grazing
  - (7) Guest House
  - (8) Home Occupation
  - (9) Housing, Tenant
  - (10) Mobile Home, Owner-Occupied
  - (11) Residence, Single Family
  - (12) Sand, Gravel, Dirt and Rock Extraction, Noncommercial
- (c) **USES BY SPECIAL REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission:
- (1) Advertising Device, Off-Premise
  - (2) Airfield
  - (3) Airplane Beacon, Marker or Tower
  - (4) Antenna, Meteorological or Cell Tower
  - (5) Cemetery
  - (6) Child Care Center
  - (7) Church
  - (8) Confined Animal Feeding Operation (CAFO)
  - (9) Contractor's Yard
  - (10) Electrical Wind Generation Facilities
  - (11) Equestrian Arena, Commercial/Club
  - (12) Family Burial Plot
  - (13) Game Preserve, Developed
  - (14) Golf Course
  - (15) Hay, Grain, Feed and Seed-Retail and/or Wholesale Storage
  - (16) Kennel, Dog Breeding and Boarding
  - (17) Livestock Sales and Auction
  - (18) Mobile Home Park
  - (19) Natural Deposits, Extraction and Processing (Commercial)
  - (20) Outdoor Theater
  - (21) Power Plants
  - (22) Recreational Vehicle Site
  - (23) Sanitary Land Fill
  - (24) School
  - (25) Scientific Installations
  - (26) Veterinary Hospital and Clinic
- (d) **LOT AREA.** No parcel of land shall be less than thirty-five (35) acres in size if in the A-2 Zone, except if upon review, the Planning Commission finds that the following conditions exist and that the proposed development meets the following requirements:



- (1) The size of lots or the proposed use would not adversely affect the non-irrigated agricultural nature of the land.
  - (2) The parcel shall front on an approved county road or if on a state or federal highway shall provide an access or frontage road at county standards, or adequate easement has been obtained from an adjoining landowner.
  - (3) The proposed subdivision shall not decrease the efficiency of any irrigation canal or cause undue traffic hazards through curb cuts.
- (e) LOT DIMENSIONS. No parcel of land shall be less than one hundred forty (140) feet in width and one hundred forty (140) feet in depth.
  - (f) LOT COVERAGE. The total ground area covered by all buildings on the parcel shall not exceed twenty-five (25) percent of the total ground area of the parcel.
  - (g) BUILDING HEIGHT. No restrictions, except as imposed by other limitations.
  - (h) FRONT YARD SETBACK. A principal structure and accessory building shall be set back not less than fifty (50) feet from lot line.
  - (i) SIDE YARD SETBACK. A principal structure and accessory building shall be set back at least ten (10) feet from a side lot line.
  - (j) REAR YARD SETBACK. A principal structure and accessory building shall be set back at least fifteen (15) feet from a rear lot line.
  - (k) PARKING SPACE. Off-street parking shall be as provided in Section 15.
  - (l) LOADING SPACE. None required.
  - (m) FENCES, WALLS AND HEDGES. No limitation.
  - (n) SIGNS. Signs shall be as provided in Section 17.

#### **SECTION 4 - FRAGILE LAND (A-3) DISTRICT**

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- (a) **PURPOSE.** The standards of this District are designed to protect the district according to the fragile character of the natural environment, and to preserve and protect the district's present land use.
- (b) **USES BY RIGHT.** A use by right is any of the following uses, which are permitted:
- (1) Accessory Buildings and Uses
  - (2) Contractor's Yard, Temporary
  - (3) Drilling Company Equipment Yard, Temporary
  - (4) Farming and Ranching
  - (5) Game Preserves, Undeveloped
  - (6) Grazing
  - (7) Guest House
  - (8) Home Occupation
  - (9) Housing, Tenant
  - (10) Mobile Home, Owner-Occupied
  - (11) Residence, Single Family
  - (12) Sand, Gravel, Dirt and Rock Extraction, Noncommercial
- (c) **USES BY SPECIAL REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission. All uses by special review shall be subject to additional review by the Natural Resource Conservation Service through the appropriate Soil Conservation District. This review shall be advisory to the Planning Commission, allowing the Planning Commission to review relevant information in making its decision.
- (1) Advertising Device, Off-Premise
  - (2) Airfield
  - (3) Airplane Beacon, Marker or Tower
  - (4) Antenna, Meteorological or Cell Tower
  - (5) Cemetery
  - (6) Child Care Center
  - (7) Church
  - (8) Confined Animal Feeding Operation (CAFO)
  - (9) Contractor's Yard
  - (10) Electrical Wind Generation Facilities
  - (11) Equestrian Arena, Commercial/Club
  - (12) Game Preserve, Developed
  - (13) Golf Course
  - (14) Hay, Grain, Feed and Seed-Retail and/or Wholesale Storage
  - (15) Kennel, Dog Breeding and Boarding
  - (16) Livestock Sales and Auction
  - (17) Mobile Home Park
  - (18) Natural Deposits, Extraction and Processing (Commercial)
  - (19) Outdoor Theater
  - (20) Power Plants
  - (21) Recreational Vehicle Site
  - (22) Sanitary Land Fill
  - (23) School
  - (24) Scientific Installations
  - (25) Veterinary Hospital and Clinic

- (d) **LOT AREA.** No parcel of land shall be less than thirty-five (35) acres in size after the passage of this regulation unless, in the opinion of the Planning Commission:
  - (1) The size of lots or the proposed use would not adversely affect the fragile nature of the land.
  - (2) Adequate access and water is provided for all sites and activities.
  - (3) All activities shall undertake precautions so as to eliminate or mitigate any hazards which will or would result from the proposed use.
- (e) **LOT DIMENSIONS.** No parcel of land shall be less than one hundred forty (140) feet in width and one hundred forty (140) feet in depth.
- (f) **LOT COVERAGE.** The total ground area covered by all buildings on the parcel shall not exceed twenty-five (25) percent of the total ground area of the parcel.
- (g) **BUILDING HEIGHT.** No restrictions except as imposed by other limitations.
- (h) **FRONT YARD SETBACK.** A principal structure and accessory building shall be set back not less than fifty (50) feet from lot line.
- (i) **SIDE YARD SETBACK.** A principal structure and accessory building shall be set back at least ten (10) feet from a side lot line.
- (j) **REAR YARD SETBACK.** A principal structure and accessory building shall be set back at least fifteen (15) feet from a rear lot line.
- (k) **PARKING SPACE.** Off-street parking shall be as provided in Section 15.
- (l) **LOADING SPACE.** None required.
- (m) **FENCES, WALLS AND HEDGES.** No limitation.
- (n) **SIGNS.** Signs shall be as provided in Section 17.
- (o) **PERFORMANCE STANDARDS AND BEST MANAGEMENT PRACTICES.**  
 No person or persons owning, leasing or renting land in the F-3, Fragile Land District is to undertake any activity that would cause any erosion of soil, most specifically by wind. Land owners in this district are responsible for maintaining their land using NRCS standards for soil conservation. The following best management practices are minimum standards to ensure that the fragile nature of the land is best protected:
  - (1) **PLANNING.** Soil erosion by wind is a serious threat to growing crops, our land resource and the air we breathe. The best solution to soil erosion is long-term planning.
    - a. Be aware of and monitor highly erodible areas such as knolls, wheel traffic areas, blowouts, and areas where native vegetation, crop stands or crop yield is low.
    - b. Plan activities that might disturb soils during months when strong winds are least likely and when soil moisture is at its highest. Generally, February to May are the windiest months with prevailing winds from the southwest.

- c. The single most practical and effective method of wind erosion control is maintaining sufficient vegetative cover on the soil surface. Conservation practices such as planting wind breaks, control of harmful vegetation, and condition-appropriate stocking rates are to be used, whenever applicable, to maintain and encourage adequate vegetative cover.
- (2) **GRAZING AND STOCKING RATES.** Recommended grazing and stocking rates established by the NRCS are to be utilized for maximum protection of the land. Grazing practices and stocking rates are based on information found in the individual range site descriptions, published by the NRCS, for land in the F-3, Fragile Land District Zone. Environmental and climatic conditions in this zone may preclude the grazing of any livestock.
- (3) **EMERGENCY CONTROL.** Emergency control techniques can lessen anticipated soil erosion, or slow wind erosion once started. These techniques are last-resort options and should not be relied upon for continued use or primary erosion control. The following emergency control methods are available to reduce damage from wind-induced soil erosion that already has started or is anticipated:
- Tillage to produce ridges and clods and bring moisture to the surface
  - Addition of crop residue
  - Application of livestock manure or biosolids
  - Irrigation to increase soil moisture
  - Temporary, artificial wind barriers
  - Soil additives or spray-on adhesives

**SECTION 5 - SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT**

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- (a) PURPOSE. The standards of this District are designed to retain and provide areas of low-medium density development characteristically and exclusively for single-family dwelling units.
- (b) USES BY RIGHT. A use by right is any of the following uses, which are permitted:
  - (1) Accessory Buildings and Uses
  - (2) Home Occupation
  - (3) Park
  - (4) Residence, Single Family
- (c) USES BY SPECIAL REVIEW. A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission.
  - (1) Child Care Center
  - (2) Church or Religious Building
  - (3) Home, Child Foster, Elderly Foster
  - (4) Hospital
  - (5) Mobile Home, Owner-Occupied or Tenant
  - (6) Mobile Home Park
  - (7) School
- (d) LOT AREA. No parcel of land shall be less than seven thousand (7,000) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this regulation henceforth be divided for sale in units of less than seven thousand (7,000) square feet.
- (e) LOT DIMENSIONS. No parcel of land shall be less than sixty (60) feet in width and one hundred fifty(150) feet in depth.
- (f) LOT COVERAGE. The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.
- (g) BUILDING HEIGHT. The height of any principle structure shall not exceed thirty-five (35) feet and the height of any accessory structure shall not exceed twenty (20) feet.
- (h) FRONT YARD SETBACK. Except as provided in Section 18 all buildings shall be set back not less than thirty (30) feet from the front lot line.
- (i) SIDE YARD SETBACK. A principal structure shall provide side yards of not less than ten (10) feet, and, except as provided in Section 18(b), an accessory building shall be set back from the side lot line at least five (5) feet.
- (j) REAR YARD SETBACK. A principal structure shall be set back at least fifteen (15) feet from a rear lot line and except as provided in Section 18(b), an accessory building shall be set back from a rear lot line at least five (5) feet.
- (k) PARKING SPACE. Off-street parking shall be as provided in Section 15.
- (l) LOADING SPACE. No requirement.
- (m) FENCES, WALLS, and HEDGES. See Section 18(p).
- (n) SIGNS. Signs shall be as provided in Section 17.

## **SECTION 6 - MIXED RESIDENTIAL DISTRICT (R-2)**

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- (a) **PURPOSE.** The standards of this District (R-2) are designed to retain and provide areas with co-mingling of single-family dwelling units and limited multiple-family dwelling unit structures.
- (b) **USES BY RIGHT.** A use by right is any of the following uses, which are permitted:
- (1) Accessory Buildings and Uses
  - (2) Dwelling, Condominium
  - (3) Dwelling, Multiple
  - (4) Dwelling, Townhouse
  - (5) Grouped Houses
  - (6) Home Occupation
  - (7) Park
  - (8) Parking, Community
  - (9) Residence, Single Family
- (c) **USES BY SPECIAL REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission:
- (1) Church and Religious Buildings
  - (2) Golf Course
  - (3) Halfway House
  - (4) Home, Child Foster, Elderly Foster
  - (5) Hospital
  - (6) Hotel
  - (7) Mobile Home, Owner-Occupied or Tenant
  - (8) Mobile Home Park
  - (9) Nursing Home
  - (10) School
- (d) **LOT AREA.** No parcel of land existing in a single ownership at the time of the passage of this regulation can henceforth be divided for sale into lots of less than seven thousand (7,000) square feet. An initial living unit on any parcel shall require seven thousand (7,000) square feet and each additional unit shall require an additional one thousand five hundred (1,500) square feet.
- (e) **LOT DIMENSIONS.** No parcel of land shall be less than sixty (60) feet in width and one hundred (100) feet in depth.
- (f) **LOT COVERAGE.** The total ground area covered by all buildings on the parcel shall not exceed fifty (50) percent of the total ground area of the parcel.
- (g) **BUILDING HEIGHT.** The height of any principle structure shall not exceed forty-five (45) feet and the height of any accessory structure shall not exceed twenty (20) feet.
- (h) **FRONT YARD SETBACK.** Except as provided in Section 18, all buildings shall be set back not less than thirty (30) feet from the front lot line.
- (i) **SIDE YARD SETBACK.** Except as provided in Section 18, all buildings shall be set back a minimum of five (5) feet.
- (j) **REAR YARD SETBACK.** A principal structure shall be set back at least fifteen (15) feet from a rear lot line and, except as provided in Section 18(b), an accessory building shall be set back from the rear lot line at least five (5) feet.
- (k) **PARKING SPACE.** Off-street parking shall be as provided in Section 15.

- (l) LOADING SPACE. Off-street loading requirements shall be as provided in Section 16.
- (m) FENCES, WALLS and HEDGES. See Section 18(p).
- (n) SIGNS. Signs shall be as provided in Section 17.

## **SECTION 7 - LOCAL COMMERCIAL (C-1) DISTRICT**

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- (a) **PURPOSE.** The standards of this district are designed to provide for appropriately located groups of retail stores and service outlets serving the daily needs of the local neighborhood, and of such character, scale and operation as to be compatible with the character of predominantly residential areas.
- (b) **USES BY RIGHT.** A use by right is any of the following uses, which are permitted:
- (1) Accessory Buildings and Uses
  - (2) Barber and Beauty Shop
  - (3) Business and Professional Offices
  - (4) Church
  - (5) Convenience Store
  - (6) Delicatessen
  - (7) Drugstore
  - (8) Dry Goods Store
  - (9) Hardware Store
  - (10) Laundromat
  - (11) Restaurant
- (c) **USES BY SPECIAL REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission:
- (1) Bar and Lounge
  - (2) Hotel
  - (3) Medical, Dental and Health Clinics
  - (4) Livestock Sales and Auction
  - (5) Motels
  - (6) Parking Lots
  - (7) Retail Liquor Outlet
  - (8) Service Station, Gasoline
  - (9) Supermarket
  - (10) Warehousing
- (d) **LOT AREA.** No parcel of land shall be smaller than five thousand (5,000) square feet.
- (e) **LOT DIMENSIONS.** No parcel of land shall be less than fifty (50) feet in width or fifty (50) feet in depth, while complying with lot area standards.
- (f) **LOT COVERAGE.** The total ground area covered by all buildings shall not exceed fifty (50) percent.
- (g) **BUILDING HEIGHT.** The height of any principle structure shall not exceed thirty-five (35) feet and the height of any accessory structure shall not exceed 20 feet.
- (h) **FRONT YARD SETBACK.** No building shall be set back less than thirty (30) feet from the front lot line.
- (i) **SIDE YARD SETBACK.** A principal structure shall provide total side yards of not less than fifteen (15) feet and provide not less than five (5) feet on one (1) side, and, except as provided in Section 18(b), an accessory building shall be set back from the side lot line at least five (5) feet. No side yard shall be required on interior lots not abutting an agricultural or residential zone district if the side walls are of eight (8) inches solid masonry or equal, and contain no openings.



- (j) REAR YARD SETBACK. A principal structure shall be set back at least fifteen (15) feet from a rear lot line and except as provided in Section 18(b), an accessory building shall be set back from a rear lot line at least five (5) feet.
- (k) PARKING SPACE. Off-street parking shall be as provided in Section 15.
- (l) LOADING SPACE. Off-street loading requirements shall be as provided in Section 16.
- (m) FENCES, WALLS and HEDGES. See Section 18(p).
- (n) SIGNS. Signs shall be as provided in Section 17.

## **SECTION 8 - HIGHWAY COMMERCIAL (C-2) DISTRICT**

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- (a) **PURPOSE.** The standards of this District are intended to provide a commercial district permitting those uses which are compatible with automobile traffic and limited neighborhood use.
- (b) **USES BY RIGHT.** A use by right is any of the following uses, which are permitted:
- (1) Accessory Buildings and Uses
  - (2) Agricultural Implement and Sales Store
  - (3) Automobile Accessory Store
  - (4) Automobile and Trailer Sales Area
  - (5) Business and Professional Office
  - (6) Church and Religious Buildings
  - (7) Convenience Store
  - (8) Drive-In Restaurant
  - (9) Hotel
  - (10) Mobile Home Sales
  - (11) Mortuary
  - (12) Motel
  - (13) Restaurant
  - (14) Vehicle Repair Service
- (c) **USES BY SPECIAL REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission:
- (1) Bar and Lounge
  - (2) Broadcasting Station, Radio and Television
  - (3) Drive-In Theater
  - (4) Kennel, Dog Breeding and Boarding
  - (5) Retail Liquor Outlet
  - (6) Service Station, Gasoline
  - (7) Supermarket
  - (8) Warehousing
- (d) **LOT AREA.** No parcel existing in single ownership at the time of the passage of this regulation shall be divided for sale into units smaller than ten thousand (10,000) square feet.
- (1) The parcel shall front on an approved county road, or if on a state or federal highway, shall provide an access or frontage road at County standards.
- (e) **LOT DIMENSIONS.** No parcel of land shall be less than fifty (50) feet in width or fifty (50) feet in depth, while complying with lot area standards.
- (f) **LOT COVERAGE.** The total ground area covered by all buildings shall not exceed fifty (50) percent.
- (g) **BUILDING HEIGHT.** The height of any principle structure shall not exceed sixty (60) feet and the height of any accessory structure shall not exceed twenty (20) feet.
- (h) **FRONT YARD SETBACK.** No building shall be set back less than fifty (50) feet from the front lot line, provided further that the front yard shall be landscaped with lawn, plant materials, and/or trees.

- (i) **SIDE YARD SETBACK.** A principal structure shall provide total side yards of not less than ten (10) feet and provide not less than five (5) feet on one (1) side, and, except as provided in Section 18(b), an accessory building shall be set back from the side lot line at least five (5) feet. No side yard shall be required on interior lots not abutting an agricultural or residential zone district if the side walls are of eight (8) inches solid masonry or equal, and contain no openings.
- (j) **REAR YARD SETBACK.** A principal structure shall be set back at least twenty (20) feet from a rear lot line and except as provided in Section 18(b), an accessory building shall be set back from a rear lot line at least five (5) feet.
- (k) **PARKING SPACE.** Off-street parking shall be as provided in Section 15.
- (l) **LOADING SPACE.** Off-Street loading requirements shall be as provided in Section 16.
- (m) **FENCES, WALLS and HEDGES.** See Section 18(p).
- (n) **SIGNS.** Signs shall be as provided in Section 17.
- (o) **PERFORMANCE STANDARDS**
  - (1) Sounds resulting from the commercial or business activity shall not exceed an intensity of sixty (60) decibels at the outer boundaries of the parcel.
  - (2) No vibration resulting from the commercial or business activities shall be measurable at the outer boundaries of the parcel.
  - (3) No obnoxious or noxious odors resulting from the commercial or business activities shall be discernible at the outer boundaries of the parcel.
  - (4) All commercial or business activities must meet or exceed State of Colorado Air Quality standards.
  - (5) No noxious gases resulting from the commercial or business activity shall be discernible at the outer boundaries of the parcel.
  - (6) No glare of heat shall be discernible beyond the outer boundaries of the parcel.
  - (7) Commercial wastes shall be so deposited, stored, and transported from the parcel as to not be objectionable to adjacent properties or create a public nuisance.
  - (8) All outdoor storage areas shall be screened in tight fencing or closely planted landscape material, sufficient in height to totally obscure the storage areas from the view of any State or Federal Highway, and such areas and all others shall be maintained to have an orderly appearance.
  - (9) Areas along the highway frontage and/or visible from the highway are to be landscaped with lawn, plant materials, and/or trees. These areas are to be maintained in an aesthetically pleasant manner.

## **SECTION 9 - INDUSTRIAL (I-1) DISTRICT**

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- (a) **PURPOSE.** The standards of this District are designed to retain and provide areas for the manufacture, warehousing, jobbing and limited retailing of products which, by their inherent characteristics and the operations involved, are not obnoxious to one another or surrounding uses.
- (b) **USES BY RIGHT.** A use by right is any of the following uses, which are permitted:
- (1) Agricultural Implement, Sales and Service
  - (2) Auto Garages, Rental Vehicles
  - (3) Automobile Service and Body Work
  - (4) Beer, Ale and Liquor, Wholesale
  - (5) Brick, Manufacture and Wholesale
  - (6) Can, Wholesale
  - (7) Cement Products, Retail and Wholesale
  - (8) Concrete Batching or "Ready Mix" Plant
  - (9) Contractor's Equipment and Supplies, Retail and Wholesale
  - (10) Fences, Manufacture – Retail and Wholesale
  - (11) Freight Depot
  - (12) Industrial Equipment, Assembly, Retail, Rental and Wholesale
  - (13) Truck Parking, Service Garage
  - (14) Warehousing
- (c) **USES BY SPECIAL REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission.
- (1) Any Processing or Fabrication Industry
  - (2) Café, Cafeteria
  - (3) Feed and/or Grain, Manufacture, Wholesale and Retail
  - (4) Fertilizers, Wholesale
  - (5) Hay, Grain, Feed and Seed—Retail and/or Wholesale Storage
  - (6) Junkyard
  - (7) Mineral Extraction and Processing
  - (8) Residence for Watchman or Caretaker
- (d) **LOT AREA.** No parcel of land shall be smaller than ten thousand (10,000) square feet, nor shall any parcel of land existing in single ownership at the time of passage of this regulation henceforth be divided for sale in units smaller than ten thousand (10,000) square feet.
- (1) The parcel shall provide an access or frontage road at county standards.
- (e) **LOT DIMENSIONS.** No parcel of land shall be less than fifty (50) feet in width or fifty (50) feet in depth, while complying with lot area standards.
- (f) **LOT COVERAGE.** No requirement
- (g) **BUILDING HEIGHT.** No limit except as provided by other requirements of this regulation.
- (h) **FRONT YARD SETBACK.** No building shall be set back less than fifty (50) feet from the front lot line, provided further that the front yard shall be landscaped with lawn, plant materials, and/or trees.
- (i) **SIDE YARD SETBACK.** A principal structure shall provide side yards of fifteen (15) feet unless the side walls are of eight inch (8") solid masonry or equal construction and

contain no openings, and, except as provided in Section 18(b), an accessory building shall be set back from the side lot line at least five (5) feet.

- (j) REAR YARD SETBACK. A principal structure shall be set back at least fifteen (15) feet from a rear lot line, unless side and rear walls are of eight inch (8") solid masonry or equal construction, and, except as provided in Section 18(b), an accessory building shall be set back from a rear lot line at least five (5) feet.
- (k) PARKING SPACE. Off-street parking shall be as provided in Section 15.
- (l) LOADING SPACE. Off-Street loading requirements shall be as provided in Section 16.
- (m) FENCES, WALLS and HEDGES. No limitation.
- (n) SIGNS. Signs shall be as provided in Section 17.
- (o) PERFORMANCE STANDARDS
  - (1) Sounds resulting from the industrial or business activity shall not exceed an intensity of sixty (60) decibels at the outer boundaries of the parcel.
  - (2) No vibration resulting from the industrial or business activities shall be measurable at the outer boundaries of the parcel.
  - (3) No obnoxious or noxious odors resulting from the industrial or business activities shall be discernible at the outer boundaries of the parcel.
  - (4) All commercial or business activities must meet or exceed State of Colorado Air Quality standards.
  - (5) No obnoxious or noxious odors resulting from the industrial or business activities shall be discernible at the outer boundaries of the parcel.
  - (6) No glare of heat shall be discernible beyond the outer boundaries of the parcel.
  - (7) Industrial wastes shall be so deposited, stored, and transported from the parcel as to not be objectionable to adjacent properties or create a public nuisance.
  - (8) All outdoor storage areas shall be screened in tight fencing or closely planted landscape material, sufficient in height to totally obscure the storage areas from the view of any State or Federal Highway, and such areas and all others shall be maintained to have an orderly appearance.

## **SECTION 10 – AIRPORT OVERLAY (AO-1) DISTRICT**

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- (a) **PURPOSE.** The purpose of this District is to maintain land use compatibility in the areas influenced by airport operations. Permitted uses should consider the factors of airport operations, overflight exposure and density of proposed development. A special mandatory review process should study each land use change proposal to determine its specific compatibility. The Airport requires that all land use change proposals in the Airport Influence Area District be considered only after a prior review and comment by the Aviation Advisory Board and the Airport Manager. The imposition of aviation easements will be required for all development in the Airport Influence Area District, as well as notice to prospective buyers through fair disclosure.

This ordinance is meant to minimize exposure of residential and other sensitive land uses to aircraft over flight areas, to avoid danger from aircraft over flight areas, to avoid danger from aircraft accidents, to encourage compatible land uses within the area, and to restrict non-compatible land uses within the airport influence area. Non-compatible land uses can be defined as:

- Residential and other noise-sensitive uses;
- Congregations of people in approach and departure areas to protect people and property on the ground;
- Manmade and natural structures that can interfere with flight;
- Uses which may be affected by vibration or fumes from aircraft operations. Uses of land on the airport that interfere with areas needed for aviation-related activities.

(b) **GENERAL PROVISIONS**

- (1) **Jurisdiction:** This Section shall apply to all lands within or around the airport which would be impacted by air traffic, overflight or any hazard related to the operation and maintenance of an airport facility whose operation may increase or whose fleet mix of aircraft may change.
- (2) **Boundaries:** The approximate boundaries of all established airport influence areas shall be as they appear on the Zoning Map, or other documents approved by the Board of County Commissioners.
- (3) **Warning and Disclaimer of Liability:** The degree of protection provided by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Section does not imply that areas outside of the Airport Influence Area District will be totally free from hazards; nor shall this Section create a liability on the part of or a cause of action against the County or any officer or employee thereof for any damages that may result directly or indirectly from the reliance on this Section.

- (c) **USES.** No building or land shall be used and no building shall hereafter be erected, converted or structurally altered unless otherwise provided for herein, with the exception of one or more of the following uses:

- (1) No use may be made of land within the designated airport influence area district in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, cause glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft at the airport or in the vicinity of the airport.

Review of land use proposals and/or changes shall utilize the airport district boundaries and their relationship to airport operations.

- (2) The regulations prescribed in this Section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or object of natural growth not conforming to this Section as of the effective date of this Section, or otherwise interfere with the continuance of any non-conforming use.
- (3) Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section and is diligently prosecuted; provided, however, that when the non-conforming structure is destroyed or damaged to the extent of over 50% of the appraised value of the non-conforming structure, any reuse, reconstruction or replacement shall be deemed a new use or shall be subject to the applicable provisions of these regulations.
- (4) The owner of any non-conforming structure or object of natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed as necessary by the Aviation Advisory Board and Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such non-conforming structures or objects of natural growth. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owners.

(d) SPECIAL LIMITATIONS WITHIN THE AIRPORT OVERLAY DISTRICT.

- (1) HEIGHT LIMITATIONS. Height limitations within the Airport Influence Area District, except as otherwise provided in this Section, are subject to the limitation of the district within which the property is located, recommendations of the Aviation Advisory Board, and other appropriate referral agencies. No structure or object of natural growth shall be constructed, erected, altered, allowed to grow, or to be maintained in excess of height limits and zones herein established.

Submission of a "Notice of Proposed Construction and Alteration" (Form 7460-1), and subsequent approval from the Federal Aviation Administrator shall be required for the construction or alteration of any structure penetrating a 100:1 foot plane located within twenty thousand (20,000) feet of any runway. Receipt of FAA Form 7640-9 Determination of No Hazard for any structure is required before issuing a building permit.

- (2) FAR PART 77 IMAGINARY SURFACE LIMITATIONS. Imaginary surface limitations as prescribed by Federal Aviation Regulation Part 77, within the Airport Influence Area District include all land and air space within the area, which would be hazardous to air navigation. These limitations represent areas above imaginary surfaces and are designed to regulate the height of structures and trees in the airport vicinity. They are set forth by the FAA in the Federal Aviation Regulations, Part 77. All of the surface limitation categories listed below have their dimensions given in the FAA approved Lamar Municipal Airport Layout Plan, dated January 28, 1991.

- a. Runway Protection Zone: A runway protection zone (RPZ) is trapezoidal in shape and centered about the extended runway centerline. The RPZ is the land at ground level that begins two hundred (200) feet beyond the end of each runway.

- b. Object-Free Area: The object-free area (OFA) is a two-dimensional ground area surrounding runways, taxiways and taxi lanes which is clear of all objects except those whose location is fixed by function and accepted by the FAA.
- c. Runway Safety Area: A defined surface area surrounding the runway prepared or suitable for reducing the risk of damage to airplanes.
- d. Primary Surface: A Part 77 airport surface longitudinally centered on a runway. The primary surface extends 200 feet beyond the paved surface end.
- e. Approach Surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. Refer to the ALP for the airport to determine the approach surfaces and slope for the runway.
- f. Transitional Surfaces: The transitional surfaces are located on both sides of the approach and primary surfaces. These surfaces extend outward and upward at right angles to the runway centerline and runway centerline extended, at a slope of 7 feet horizontal for every 1 foot vertical rise from the sides of the primary and approach surfaces, until it reaches 150 feet above the highest point on any runway (airport elevation).
- g. Horizontal and Conical Surfaces: These are the upper aeronautical surfaces surrounding an airport that are used by aircraft for turning and maneuvering in close proximity to the airport preceding landing and immediately after takeoff.

(e) LAND USE LIMITATIONS. To assure the protection of the public from over flight impacts and hazards associated with flying operations, and to comply with FAR Part 77, the following airport zones are established:

- (1) Horizontal and Conical Surfaces Zone: Exposure to airport overflight is considered minimal, but increases as the runway ends are approached. Residential construction should be limited to low density development. The siting of public facilities, such as hospitals, schools, churches, etc., should be especially reviewed and noise-sensitive development near runway approaches should be discouraged.
- (2) Approach Surface Zone: Exposure to airport noise is considered moderate. Residential and public facilities should be especially reviewed and prohibited in the approach surface zone. Nonresidential development should be restricted as to density and should only be approved provided noise attenuation measures are incorporated into facility design.
- (3) Runway Protection Zone: All land in this zone should be kept clear of any structures. Land use in this area should be restricted to open space or agriculture.
- (4) Critical Zones:
  - Areas 2,000 feet wide extending 5,000 feet horizontally from a point 200 feet from each end of instrument runways.
  - Areas 4,000 feet wide extending 10,000 feet horizontally from a point 200 feet from each end of instrument runways.



Besides the overlapping concerns of the above zones (e1, e2 and e3) the critical zones need to require that no use may be made or activity carried on, on land within this zone in a manner as to:

- Create electrical interference with navigational signals or radio communication between the airport and aircraft;
- Make it difficult for pilots to distinguish between airport lights and other lighting;
- Result in glare in the eyes of pilots using the airport;
- Impair visibility in the vicinity of the airport; or
- Otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(f) AVIATION EASEMENT. An aviation easement is a non-possessing property interest in airspace over a land parcel or portion of land. It is a legally developed document obtained by an airport to cover items such as the right of flight, right to remove obstructions, etc., but not necessarily to the extent of prohibiting the use of the land within the limits of the rights obtained.

(g) FAIR DISCLOSURE STATEMENTS. Fair disclosure statements serve to notify prospective buyers of property near airports that they may be exposed to potentially impactful levels of aircraft over flight. These statements in no way abrogate an individual's right to take later action against the airport, but they at least give buyers a fair warning.

## **SECTION 11 - FLOODPLAIN (F-1) DISTRICT**

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- (a) **PURPOSE.** The standards of this District (F-1) are designed to retain and provide areas for the unobstructed passage of flood waters and give protection from floods to the population, buildings and structures located therein and in the surrounding areas, as defined by information available to the County Planning Commission, including information from the Colorado Water Conservation Board.
- (b) **USES BY RIGHT.** A use by right is any of the following uses, which are permitted:
  - (1) Farming and Ranching
  - (2) Park
  - (3) Riding Trails and Fields
- (c) **USES BY SPECIAL REVIEW.** A use by review is any of the following uses, which are permitted only upon issuance of a Special Use Permit by the Planning Commission and which are in compliance with proper flood-proofing requirements. Where interpretation is required as to the exact location of the boundaries of the floodplain, the applicant shall provide the necessary information to make that interpretation. The applicant shall release the county of liability from any damage that may result from activity undertaken in the Floodplain District.
  - (1) Mineral Extraction and Processing
  - (2) Residence, Single Family
  - (3) Towers; Commercial Mobile Radio and Television
- (d) **LOT AREA.** No parcel of land shall be less than one (1) acre.
- (e) **LOT DIMENSIONS.** No parcel of land shall be less than one hundred fifty (150) feet in width or one hundred fifty (150) feet in depth.
- (f) **LOT COVERAGE.** The total coverage of all buildings shall not occupy more than 25 percent of the lot area.
- (g) **BUILDING HEIGHT.** The height of any principle structure shall not exceed thirty-five (35) feet and the height of accessory structures shall not exceed twenty (20) feet.
- (h) **FRONT YARD SETBACK.** No building shall be set back less than fifty (50) feet from the front lot line.
- (i) **SIDE YARD SETBACK.** A principal structure shall provide total side yards of not less than ten (10) feet and provide not less than five (5) feet on one (1) side, and, except as provided in Section 18(b), an accessory building shall be set back from the side lot line at least five (5) feet.
- (j) **REAR YARD SETBACK.** A principal structure shall be set back at least fifteen (15) feet from a rear lot line and except as provided in Section 18(b), an accessory building shall be set back from a rear lot line at least five (5) feet.
- (k) **PARKING SPACE.** Off-street parking shall be as provided in Section 15.
- (l) **LOADING SPACE.** None required.
- (m) **FENCES, WALLS AND HEDGES.** Wire fencing only.

- (n) SIGNS. Not allowed.
- (o) SPECIAL FLOOD DISTRICT REGULATIONS. No development, new construction, substantial improvement, use fill, encroachments, construction, or alteration on or over any portion of a floodway shall be permitted which alone, or cumulatively with other such activities, is designed so that it would cause or result in any of the following:
- The storage or processing of materials that in times of flooding are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life.
  - The disposal of garbage or other solid waste materials.
  - Substantial solid debris being carried downstream by flood waters.
  - Any enlargement of a Floodplain which would cause damage to or on lands other than those being proposed for development.
  - Human occupation or fixed residential structures, either permanent or temporary, which are not flood-proofed to at least one foot above the level of the one hundred (100)-year flood in accordance with the standards for completely flood-proofed structures contained within Section 210 of the U.S. Army Corps of Engineers publication entitled, "Flood-Proofing Regulations" June, 1972, GPO: 19730-505-026 Edition or any subsequent edition thereto.
  - Any proposed construction in a floodplain which is not anchored to prevent flotation, collapse or lateral movement of the structure.
  - Any obstruction which would adversely affect the efficiency of or restrict the flow capacity of a designated floodplain so as to cause foreseeable damage to others, wherever located.
  - Designs for new or replacement water supply systems and sanitary sewage systems which do not minimize or eliminate infiltration of floodwaters and do not provide for on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them, during or subsequent to flooding.
  - The location of any portion of a new mobile home park, of any expansion to an existing mobile home park, or the location of any new mobile structure not in a mobile home park.

## **SECTION 12 – PLANNED UNIT DEVELOPMENT**

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- (a) **PLANNED UNIT DEVELOPMENTS.** In any zone district and on contiguous land, a plan may be submitted to the County Planning Commission proposing the unique development of such land or the rehabilitation or redevelopment of an existing area with unique planning or building placement or individual lot sizes smaller than those required by the terms of this regulation for the zone district in which the land is located. A public hearing as listed in Table 4 shall be held with notice given as listed in Table 5. If all of the following conditions and requirements can be satisfied, then the County Planning Commission may approve such a plan and its approval shall be final and binding and Zoning Permits shall be issued. No subsequent change in the plan may be made unless approved by the County Planning Commission after a public hearing.
- (1) If residential, the overall net density of the area so planned, exclusive of the street rights-of-way, is not greater than if each individual parcel were built upon with a lot size conforming to the requirements of the zone district.
  - (2) The plan provides for the use and continuous maintenance of any remaining open space as Public Land and if the local governing body will accept such land, or as land common to all properties or controlled by a corporation or other entity composed of all present and future owners of all property within the proposed development and provision is made for the recording of such with each deed.
  - (3) Exceptions to minimum setback and lot width and depth requirements for each building can reasonably be made so that the public health, safety, and general welfare will be protected.
  - (4) The plan is in accordance with the Land Use Plan and provides appropriate conditions and safeguards in harmony with the general purpose and intent of this regulation.
  - (5) The property is to be provided with adequate access to transportation, water supply, waste disposal, fire and police protection, and other needed public facilities and services.
  - (6) The plan will cause no undue traffic congestion or create unnecessary traffic hazards in the surrounding neighborhood.
  - (7) The plan will provide traffic access ways, interior circulation ways, and parking and loading spaces as required for the zone district in which the land is located.
  - (8) The plan will not have a substantially adverse effect upon the character of the neighborhood or upon adjacent property or property values in the area.
  - (9) The plan will incorporate adequate safeguards, screening, fences, and landscaping to protect and maintain harmony with the surrounding area.
  - (10) This provision is specifically intended to facilitate and encourage unique or inventive development ideas such as cluster subdivisions (authorized pursuant to C.R.S. 30-28-401 et.seq.), variable density arrangements, condominium arrangements, garden apartments, shopping centers, common grounds and facilities referred to as Planned Unit Development (P.U.D.).
  - (11) For all P.U.D.'s that propose the subdivision of property, a subdivision plat must be filed and approved simultaneously with approval of the P.U.D. The Board of County Commissioners shall approve the subdivision plat pursuant to the Prowers County Subdivision Regulations.

**SECTION 13-RESERVED**

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## **SECTION 14 - ZONE DISTRICT MAPS**

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- (a) **APPLICATION.** The provisions of the Zoning Regulation shall apply to the applicable zone districts as shown on the map entitled Prowers County Zoning Map, and signed by the Chairman of the Board of County Commissioners and the County Clerk and Recorder and hereafter referred to as the Zoning Map or Zone District Map. The Zoning Map and all the notations thereon are hereby made part of this regulation.
- (b) **BOUNDARIES OF DISTRICTS.** Unless otherwise provided, zone district boundaries shall be on municipal corporate lines, Section lines, lot lines, natural boundary lines, or on the center lines of right-of-way lines of highways, streets, alleys, railroad rights-of-way, or such lines extended. In cases where such lines are not used, the zone district lines shall be as determined by using the scale of the Zoning Map.
- (c) **DIVIDED PARCELS.** When a parcel of land under one ownership at the time of the adoption of this regulation is divided by a zone district boundary line and the dividing of such a parcel is consistent with the purpose and intent of this regulation and each portion may support a reasonable and legal use, then the zone district boundary line shall be as determined by the scale of the Zone District Map. Any dispute regarding a zone district line shall be heard and determined by the County Planning Commission. In the event the Commission finds the zone district line is not consistent with the purpose and intent of this regulation, the Commission shall prepare an appropriate recommendation to the Board of County Commissioners, whose decision shall be final.

## **SECTION 15 - OFF-STREET PARKING STANDARDS**

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- (a) **PURPOSE.** These standards are designed to lessen congestion in the streets, by requiring the owners and operators of land, structures and uses to provide off-street parking for their residents, employees, customers, clients, patients, and other visitors; however, nothing in these regulations shall be deemed to deprive such owners or operators of the right to maintain control over all such land and structures. The off-street parking requirements herein contained shall apply to the following activities which occur after the enactment of these regulations:
- Newly constructed buildings and newly established land uses;
  - Existing buildings which are expanded by an addition thereto;
  - Change in land use which generates a need for an increase in the required minimum of off-street parking spaces set forth in (b) below; and
  - Expansion of a land use which generates a need for an increase in the required minimum of off-street parking spaces as set forth in (b) below.
  - The regulations in this Section shall apply to all parking spaces, lots, garages, buildings or portions thereof to be provided in meeting the requirements of this Zoning Regulation.
- (b) **SPACES REQUIRED**
- (1) Table 1 lists the minimum required off-street parking spaces. The owners and operators are encouraged to research the parking needs of the same or similar uses they intend for the land and building to insure sufficient off-street parking.

**TABLE 1**

<b>USE</b>	<b>MINIMUM SPACES</b>
<b>AGRICULTURE AND RELATED USES</b>	
Agricultural Custom Contractor	1 per 2 employees
Commercial Stables	1 per 6 stalls
Dairy	1 per 2 employees
Extraction and Processing	1 per 2 employees
Farming and Ranching with no residence	0
Farming and Ranching with residence(s)	See Residential
Feed Yard	1 per 2 employees
Kennel	1 per 2 employees
Natural Deposits	1 per 2 employees
Riding Academy	1 per 6 stalls
<b>RESIDENTIAL, PERMANENT</b>	
Apartment	1.5 per d.u.
Condominium	1.5 per d.u.
Grouped House	1.5 per d.u.
Mobile Home	1.0 per mobile home
Residence, one-family	1.0 per d.u.
Residence, two-family or more	1.5 per d.u.
Tenant House	1.0 per d.u.
Townhouse	1.5 per d.u.
<b>RESIDENTIAL, LODGING</b>	
Boarding House	1 per g.u.*
Hotel	1 per g.u.*
Motel	1 per g.u.*
Rooming House	1 per g.u.*
<b>RESIDENTIAL, SPECIAL</b>	
Convalescent Home	1 per 8 beds*
Fraternity House	1 per 2 beds*
Halfway House	1 per 4 beds*
Nursing Home	1 per 8 beds*
Sorority House	1 per 2 beds*
<b>COMMERCIAL</b>	
Retail	3 plus 1 per 200 sq. ft. NFA exceeding 600 sq. ft. NFA
Office, Medical	3 plus 1 per 200 sq. ft. NFA exceeding 600 NFA
Office, Other	3 plus 1 per 400 sq. ft. NFA exceeding 1,200 sq. ft. NFA
Restaurant/Bar	1 per 3 persons U.B.C. rated occupancy
Hospital	1 per 3 beds*
Child Care Center	1 per 4 children
Places of Private Assembly such as Theaters, Churches, Funeral Homes, Auditorium	1 per 3 persons U.B.C. rated occupancy
<b>INDUSTRIAL, INCLUDING WHOLESALE, WAREHOUSING, AND MANUFACTURING</b>	3*
<b>RECREATION</b>	
Golf Course	2 per hole
Bowling Alley	2 per lane

\* = plus 1 space per 2 main shift employees

d.u. = dwelling unit

g.u. = guest unit

NFA = net floor area



- (2) Uses not specifically set forth in Table 1 shall have their minimum off-street parking requirements established by administrative decision of the Land Use Administrator. In making such decisions, the Administrator may use as guidance listed land uses with similar impact and intensity. The Administrator may also use technical publications and land use regulations of other communities and solicit guidance from design professionals (e.g., architects), developers, and the owners and operators of similar uses. The Administrator shall maintain a permanent record of such decisions with their supporting basis, the purpose of which is to facilitate a uniform decision-making process.
  - (3) Mixed uses on the same land or within the same structure, such as a motel with a restaurant, shall be required to provide off-street parking calculated as the sum of the requirement for each use (see Variance to Off-Street Parking Standards).
  - (4) Motorcycle and bicycle off-street parking areas are encouraged to be provided by the owner and operator. The provision of additional off-street parking spaces for motorcycles and bicycles is not required, nor is a reduction in the otherwise required off-street parking spaces permitted if motorcycle and bicycle spaces are provided. If motorcycle and bicycle parking areas are provided they shall be identified by a sign(s) to insure they are not used for automobile parking.
- (c) DESIGN STANDARDS. These standards are designed to accommodate automobiles and light trucks. They are not intended to satisfy land uses with special needs, such as parking for heavy trucks, vans, and motor homes. The handicapped parking standards herein are for local zoning compliance and are not intended to supersede more restrictive Federal or State requirements, such as the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.
- (1) All standard-size vehicle off-street parking spaces shall be a minimum of nine feet (9') in width and a minimum of eighteen feet (18') in depth.
  - (2) Compact car off-street parking space may account for up to thirty percent (30%) of the required parking spaces, provided the spaces are permanently designated by sign(s) as being for use by compact cars only. As examples, a required off-street parking area of 90 spaces may have up to 27 compact car spaces, and a required area of 162 spaces may have up to 48 compact car spaces.  
  
All compact car parking spaces shall be a minimum of eight feet six inches (8'6") in width and a minimum of sixteen feet (16') in depth.  
  
For the purpose of this Section, a compact car shall be a vehicle which has a maximum wheel base of one hundred six inches (106").
  - (3) All parking facilities shall comply with the Americans with Disabilities Act Accessibility Guidelines for Facilities and Buildings (ADAAG) (28 CFR Part 36, Public Law 101-186).
    - a. Required Number of Parking Spaces. The required number of accessible spaces are listed in Table 2.

**TABLE 2**

<b>TOTAL PARKING SPACES IN LOT</b>	<b>MINIMUM NUMBER OF ACCESSIBLE SPACES</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1,000

**Exceptions:**

For outpatient medical offices and treatment facilities, ten percent (10%) of the total spaces shall be handicapped accessible.

At units or facilities that specialize in treatment or services for persons with mobility impairments, twenty percent (20%) of the total number of spaces shall be accessible.

As examples, a required off-street parking area of 90 spaces shall have a minimum of four (4) handicapped spaces (one of which shall be "Van Accessible" per Section 15(c)3d) with the remaining 86 spaces being standard and compact car-size spaces; and a required area of 404 spaces shall have a minimum of nine (9) handicapped spaces (two of which shall be "Van-Accessible" per Section 15(c)3d) with the remaining 395 spaces being standard and compact car-size spaces.

- b. Minimum handicapped parking space dimensions shall be as follows (dimension units are in inches):
- c. Parking Spaces. Accessible parking spaces shall be at least 96 inches (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with ADAAG accessible route requirements. Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.
- d. Van Spaces. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (2440 mm) wide minimum and shall be designated "Van Accessible" by an additional sign mounted below the symbol of accessibility (see Section 15(e)4). The vertical clearance for such spaces shall comply with Section 15(e)5). All such spaces may be grouped on one level of a parking structure.

- (4) Dimensions shown in Table 3 are visual representations of the minimum parking standards and are provided for reference.

**TABLE 3**

<b><u>Parking Angle (Degrees)</u></b>	<b><u>"A"</u></b>	<b><u>"B"</u></b>	<b><u>"C"</u></b>	<b><u>"D"</u></b>	<b><u>"E"</u></b>	<b><u>"F"</u></b>
30	10'	16'-10"(15'- 4")	12'-11"(11'-8")	18' (17'- 0")	29'- 1"(26'- 7")	22'-4" (20'-3")
35	11'	17'- 8"(16'- 2")	14'- 0"(12'-8")	15'-8"(14'-10")	25'- 3"(23'- 0")	20'-0" (18'-1")
40	11'	18'- 6"(16'-10")	15'- 0"(13'-6")	14'-0"(13'- 3")	22'- 0"(20'- 0")	17'-11"(16'-2")
45	12'	19'- 1"(17'- 4")	15'-11"(14'-4")	12'-9"(12'- 0")	19'- 1"(17'- 4")	15'-11"(14'-4")
50	14'	19'- 7"(17'- 9")	16'- 8"(15'-0")	11'-9"(11'- 1")	16'- 5"(14'-10")	14' (12'-7")
55	16'	19'-11"(18'- 0")	17'- 4"(15'-7")	11' (10'- 5")	13'-11"(12'- 7")	12'-2"(10'-11")
60	18'	20'- 1"(18'- 1")	17'-10"(16'-0")	10'-5"( 9'-10")	11'- 7"(10'- 6")	10'-4"( 9'- 3")
65	18'	20'- 1"(18'- 1")	18'- 3"(16'-4")	9'-11"( 9'- 5")	9'- 5"( 8'- 5")	8'-6"( 7'- 7")
70	19'	20'- 0"(17'-11")	18'- 6"(16'-6")	9'- 7"( 9'- 1")	7'- 3"( 6'- 6")	6'-9"( 6'- 0")
75	20'	19'- 9"(17'- 8")	18'- 6"(16'-7")	9'- 4"( 8'-10")	5'- 3"( 4'- 9")	4'-6"( 4'- 5")
80	21'	19'- 3"(17'- 3")	18'- 6"(16'-6")	9'- 2"( 8'- 8")	3'- 5"( 3'- 0")	3'-3"( 2'-11")
85	22'	18'- 9"(16'- 8")	18'- 4"(16'-4")	9'- 0"( 8'- 6")	1'- 8"( 1'- 6")	1'-7"( 1'- 5")
90	24'	18'- 0"(16'- 0")	18'- 0"(16'-0")	9'- 0"( 8'- 6")	0'0 0"( 0'- 0")	0'-0"( 0'- 0")

For 2-way traffic-aisle width "A" to be 20' minimum.

Physical barriers shall be provided so no part of vehicle will overhang public right-of-way.

Basic Design Vehicle AASHTO  $R_t = 24'$  (21').

Numbers in parenthesis are for "compact car" stalls. Up to 30% of required spaces may be compact.

(d) **DRIVEWAYS/ACCESS**

- (1) Unobstructed and direct access shall be provided to the parking area from a public road or alley. No access way (driveway) shall cross an intervening property, even if held in the same ownership, without an access easement running with the land. The easement shall be recorded with the Prowers County Clerk and Recorder and shall set forth as a minimum: purpose, location, duration, assignability, maintenance and repair responsibilities, liability, and provision for termination (if any).
- (2) Driveways shall intersect approximately perpendicular to the public road or alley.
- (3) A driveway or access permit is required from the Colorado Department of Transportation for driveway access to a State or Federal highway.
- (4) Driveways shall be designed to channel entry and exit traffic to a predetermined intersect location along the public road or alley. Driveway access width and spacing, and driveway distance from road or alley intersections shall be determined pursuant to the Prowers County Roadway Design Standards.

(e) HANDICAPPED ACCESS

- (1) Location. Accessible parking spaces required for a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. Accessible parking spaces shall be provided on level parking surfaces with a slope not exceeding 1:50 (2%) in all directions.
- (2) Accessible Routes. All accessible routes shall not be less than 3' in width and provided from the handicapped parking space(s) to the entry of the land use or structure. Handicapped parking aisles may be used as an access route.
- (3) Curb Ramp. A curb ramp shall be provided wherever an access route crosses a curb. The curb ramp shall be not less than thirty-six inches (36") in width, exclusive of flared sides, with a slope not exceeding 1:12. The ramp flared sides shall not exceed a slope of 1:10.

All curb ramps shall have a detectable warning surface on them covering the full width and depth of the curb ramp. A detachable warning surface consists of raised truncated domes with a diameter of .9" (23 mm), a height of .2" (5 mm), and a center-to-center spacing of 2.35" (60 mm) and shall contrast visually with adjoining surfaces (per ADAAG).

- (4) Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 15(c)3d shall have an additional sign "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. The sign shall be an R7-8 sign as described in the Manual on Uniform Traffic Control Devices. The bumper stop or curb head shall be painted with the standard accessibility blue color. The painted accessibility symbol shall not be required; however, if the symbol is painted, it shall conform to the International Symbol of Accessibility Proportions.
- (5) Vertical Clearance. Minimum vertical clearance of 114 inches (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s) shall be provided. "Van Accessible" spaces shall be provided a minimum vertical clearance of 98 inches (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- (6) Passenger Loading Zones. If provided, passenger loading zones shall provide an access aisle at least 60 inches (1525 mm) wide and 20 ft. (240 inches) (6100 mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with Section 15(e)3 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

(f) LOCATION

- (1) All required off-street parking and aisles, including vehicle overhang, shall be provided on the same lot or parcel of land containing the use for which it serves except as noted in the following subsections. Physical barriers (e.g., wheel stops) shall be used to insure no part of a vehicle will overhang into the public right-of-way or adjacent properties.

No parking space shall be approved where the vehicle must back across any public right-of-way line except for one-family residence, mobile home, tenant house, and farming and ranching uses, or for any parking space that is blocked off by another vehicle.

- (2) The public road right-of-way may, in a case of extreme hardship, be used to provide off-street parking. A Revocable Permit for the Use of Public Right-of-Way, issued by the Board of County Commissioners, shall be obtained prior to counting such located parking towards meeting the off-street parking requirements. It shall be the permittee's responsibility to develop and use the right-of-way in accordance to such requirements, terms and conditions as may be imposed by the Board.

In the event the permit is revoked, the owner or operator is not relieved from compliance with these off-street parking standards, and shall bring the use into compliance within thirty (30) calendar days after permit revocation.

- (3) Off-lot off-street parking may, in a case of extreme hardship, be provided to meet the parking requirements, subject to compliance with the following:

- The off-lot parking area for residential use is within 100 feet and for non-residential use is within 300 feet, excluding public rights-of-way, of the lot or parcel of land containing the use for which it serves.
- The off-lot parking area is not separated from the lot or parcel of land containing the use it serves by a physical or man-made feature which constitutes a safety hazard. Safety hazard includes, but is not limited to, a road with a functional classification of "Major Collector" or higher, or a road with a current or projected (20 year) average daily traffic (ADT) of 2,500 vehicles.
- The off-lot parking area is held in the same ownership as the lot or parcel of land containing the use it serves, or there is a long-term (minimum 10 year) interest (e.g., lease) running with the land recorded with the Prowers County Clerk and Recorder. The instrument of interest shall set forth as a minimum: purpose, location duration, assignability, maintenance and repair responsibility, liability, and provision of termination (if any).
- In the event the off-lot parking interest is terminated, the owner or operator is not relieved from compliance with these off-street parking standards, and shall be responsible for insuring the use's off-street parking requirements are continuously and fully met.

(g) PAVING AND STRIPING

For the following uses paving with asphalt, concrete, or similar permanent surfacing is required:

- Residential, Permanent (as noted)
  - Apartment
  - Condominium
  - Grouped House
  - Townhouse
  - Residence, Two-Family or more
- Residential, Lodging (all)
- Residential, Special (all)
- Commercial (all)
- Industrial (all)
- Recreation (as noted)
  - Bowling alley

Striping (painting) of parking areas paved with asphalt, concrete or similar permanent surface is required. Components to be striped include parking space divider lines, handicapped routes and aisles, and traffic directional (flow) arrows.

All parking spaces, driveways, aisles, and other land areas utilized for off-street parking and the movement of vehicles in conjunction with the use (e.g., drive-up service windows, loading docks, storage areas) shall be paved with asphalt, concrete, or similar permanent surfacing. Gravel, rock, and compacted earth are not considered a permanent surface.

For the following uses surfacing with gravel or rock is allowed:

- Agriculture and Related Uses
- Residential, Permanent (as noted)
  - Mobile home
  - Residence, One-Family
  - Tenant House
- Recreation (as noted)
  - Golf Course
- Retail (as noted)
  - Carnival (Temporary)
  - Christmas Tree Sales (Temporary)
  - Fireworks Sales (Temporary)
  - Roadside Sales Stand (Agricultural Products)

All parking spaces, driveways, aisles, and other land areas utilized for off-street parking and the movement of vehicles in conjunction with the use shall either be surfaced with gravel or rock of sufficient thickness to insure a dust-free surface, or paved with asphalt, concrete, or similar permanent surfacing. For the above-listed uses which may be gravel or rock, should the developer choose to pave with asphalt or concrete, then the striping (painting) requirements set forth above shall apply.

- (h) DRAINAGE. Off-street parking areas shall be constructed in a manner to insure the drainage of stormwater, without flooding or damage to surrounding properties or public roads. Temporary water ponding is allowable if part of a drainage detention system approved by the Land Use Administrator or part of a subdivision's approved drainage plan.

- (i) **JOINT USE OR CREDIT.** Different portions of the same off-street parking area may be used by, credited to, or reserved for different uses by lease, contract or purchase for the purpose of meeting these required off-street parking requirements:

Such lease, contract or purchase instrument shall run with the land, be recorded with the Prowers County Clerk and Recorder, and set forth as a minimum: purpose, location, duration, assignability, maintenance and repair responsibilities, liability, and provisions for termination (if any). An off-street parking space may be counted for compliance with these parking requirements for only one use, unless "multiple use" of the space will occur.

- (j) **MULTIPLE USE.** The same off-street parking space may be counted by other uses as meeting their individual off-street parking requirements if those uses characteristically do not each need the same spaces during the same hours of the day.

- (k) **PLAN REQUIRED.** An off-street parking area plan is required to be approved by the Land Use Administrator prior to commencement of the activities identified in Section 15(a).

It shall be the owner's or operator's responsibility to insure that the building or use is in compliance with the off-street parking requirements at all times.

An off-street parking plan shall be drawn to scale and contain at least the following information:

- (1) Common address and legal description of the off-street parking area property, and (if different) the address and legal description of the property it will serve;
- (2) Name of person or firm preparing the plan;
- (3) North arrow and scale;
- (4) Legal and physical features affecting the design (e.g., easements, landscaping, utility poles, sidewalks, buildings, signs);
- (5) Location of each parking space and access way, including identification of handicapped and compact car spaces, if any. (Note: Driveways must be approved by the Colorado Department of Highways if onto a State or Federal Highway.);
- (6) Identification of paving surface for all spaces and access ways;
- (7) Statement of use factors upon which off-street parking standard compliance can be determined (e.g., hotel with 30 guest rooms, medical office with 3,200 square feet net floor area, warehouse with 20 main shift employees);
- (8) Building plans with declared use or declared rated occupancy shall be accompanied by an off-street parking plan for approval at the time the zoning permit is issued;
- (9) Building plans with an undeclared use or undeclared rated occupancy may be given zoning compliance approval, but the off-street parking compliance may be withheld by the Land Use Administrator. It shall be the owner's or operator's responsibility to secure the off-street parking plan's approval before commencing the proposed use;
- (10) Building plans where the off-street parking plans are based on employees may be given zoning compliance approval using the owner's or operator's anticipated

number of employees. It shall be the owner's or operator's responsibility to obtain the Land Use Administrator's approval of amended off-street parking plans if the actual number of employees exceeds the anticipated number;

- (11) Phased implementation of off-street parking may be approved by the Zoning Administrator for an owner or operator anticipating future expansion which will necessitate additional off-street parking spaces. Phase implementation may be done by improving only the appropriate portion (phase) of an approved off-street parking plan designed for the future expansion, or by amending the off-street parking plan as expansion occurs;
  - (12) Uses not requiring issuance of a building permit shall secure the Land Use Administrator's approval of the off-street parking plan prior to commencing the use.
- (I) VARIANCE. Relief from compliance with these off-street parking standards may be obtained from the Land Use Administrator or the Board of Adjustment.
- (1) The Land Use Administrator may by written Administrative Decision reduce the sum of the required off-street parking space by up to twenty-five percent (25%) for mixed uses on the same land or within the same structure.
  - (2) The Board of Adjustment may issue a Zoning Variance from these Off-Street Parking Standards.
  - (3) The burden to demonstrate that the reduction will protect the public health, safety and welfare, and not increase congestion shall be with the owner or operator.



## **SECTION 16 - OFF-STREET LOADING**

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- (a) APPLICATION. If off-street loading is provided, then the loading stall shall meet the following standards:
- (1) SIZE OF SPACE. Each off-street loading space shall be at least ten (10) feet wide, twenty-five (25) feet long, and provide fourteen (14) feet height clearance.
  - (2) ALLEY LOCATION. Where the parcel on which the off-street loading space is located abuts upon an alley such loading space shall adjoin or have access to the alley and not the street. The length of the loading space may be measured perpendicular to or parallel with the alley, except that on lots less than thirty (30) feet in width, the length of such loading space shall be measured perpendicular to the alley.
  - (3) EGRESS AND INGRESS. All off-street loading areas shall be designed and located so that egress and ingress therefrom shall not impede or conflict with the flow of traffic on public roads.
  - (4) PAVING. Surfacing of off-street loading areas and driveways for loading areas shall be provided for in accordance with Section 15(g).

## **SECTION 17 - ADVERTISING DEVICES AND SIGNS**

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- (a) **CONSISTENCY WITH STATE AND FEDERAL REQUIREMENTS.** Advertising devices and signs shall be permitted only when consistent with the Colorado "Outdoor Advertising Act" as set forth at CRS 43-1-401 et. seq.; the Colorado Division of Highways' "Rules and Regulations Pertaining to Outdoor Advertising"; the Federal "Highway Beautification Act of 1965"; and the National policy for advertising devices as set forth at 23 U.S.C. Sec. 131 and National standards and regulations promulgated pursuant to such provisions.
- (b) **CONSISTENCY WITH TRAFFIC CONTROL DEVICES.** No private advertising device nor sign shall be permitted which is so designed, erected, illuminated, operated, or maintained in such location that it conflicts with or detracts from the effectiveness of an official traffic control device or railroad sign or signal or constitutes a menace to public safety. No private advertising device or sign shall resemble an official traffic control device or railroad sign or signal.
- (c) **PUBLIC PROPERTY.** No private advertising device or sign shall be located or otherwise encroach on public property, including road rights-of-way, without prior written approval of the Board of County Commissioners and issuance of a revocable permit.
- (d) **PURPOSE.** The purpose of this Section is to define the types of signs that will be permitted in the various zoning districts and those that will be prohibited, the manner in which sign areas and dimensions will be measured, and the exemption of certain types of signs from this regulation. It is further the intent of this Section to encourage the erection of signs which are attractive and compatible with the adjacent property, and which will preserve and enhance property values within the County.
- (e) **EXEMPTION.** The following advertising devices and signs shall be in compliance with Section 17(a)(b) and (c) but shall be exempt from the other requirements of the Prowers County Zoning Regulation:
  - (1) Advertising Devices, Directional - Public Places.
  - (2) Advertising Devices, Public Agency Signs - The provision of this Section shall not apply to the signs erected by national, state, county or municipal governmental agencies, including traffic and informational signs.
  - (3) Temporary real estate signs such as "For Sale" and "For Lease", subject to the following limitations:
    - a. On each of the premises' front yards the sign faces do not exceed 2 sign faces;
    - b. No sign face shall exceed six (6) square feet in an agricultural, fragile land or residential district, nor exceed ninety-six (96) square feet in any other district;
    - c. The sign is not animated and not illuminated;
    - d. The sign is on-premises; and
    - e. The sign is removed within twenty (20) days after sale/lease/rental of the premises.
  - (4) Temporary political signs for matters in which a special, primary, or general election has been scheduled, such as "Vote For Smith" and "Vote Yes On #2" subject to the following limitations:

- a. No sign face shall exceed thirty-two (32) square feet in an agricultural, fragile land or residential district, nor exceed ninety-six (96) square feet in any other zone district;
  - b. The sign is not animated and not illuminated.
- (5) Temporary special sales of personal goods, such as "Yard Sales", subject to the following limitations:
- a. No sign face shall exceed thirty-two (32) square feet in an agricultural, fragile land or residential district, nor exceed thirty-two (32) square feet in any other zone district;
  - b. The sign is not animated and not illuminated;
  - c. The sign is on-premises;
  - d. The event does not exceed three (3) days in duration; and
  - e. The sign is not established sooner than one (1) day prior to event and is removed immediately after the event.
- (6) Special event signs for events conducted by schools, churches, and non-profit organizations, such as "Fall Carnival", provided the sign is on-premises.
- (7) Signs not exceeding a total sign area of two (2) square feet and no sign face exceeding one (1) square foot in area and bearing only property numbers, postbox numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (8) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (9) Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- (10) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (11) Signs directing and guiding traffic, and parking on private property, but bearing no advertising matter, and approved by the Land Use Administrator.
- (12) Temporary decorations or displays incidental to the use of the premises which are customary and commonly associated with national, local, or religious holidays or family event celebrations.
- (f) HOME OCCUPATION. One sign is permitted for a home occupation only if all the following tests can be met:
- (1) The home occupation is authorized;
  - (2) The home occupation is conducted in a one (1)-family residence or mobile home;
  - (3) The nature of the home occupation is such that clients, patrons, or students may legally come to the premises for services;

- (4) The sign does not exceed a total sign area of one (1) square foot, and is either mounted flat against the exterior wall of the principal structures or is located on/in a window pane or door pane in such a manner that interior light does not illuminate the sign; and
  - (5) The sign is neither animated nor illuminated.
- (g) **GENERAL STANDARDS.** The following regulations shall apply to all signs, either accessory or non-accessory, in all zoning districts regardless of designation:
- (1) No sign shall be erected on the roof of any building;
  - (2) Signs shall not be illuminated by or contain flashing, intermittent, rotating, moving light or lights. The only exception shall be signs which provide a legitimate public service such as the giving of time and temperature;
  - (3) No sign or part thereof shall contain or consist of ribbons, streamers, spinners or similar-moving fluttering or revolving devices. Such devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention;
  - (4) Signs in need of paint, broken signs and signs of vacated buildings shall be removed from the premises or repaired or renovated by the owners of the premises, on order of the administrative official;
  - (5) Signs pertaining to special events, which refer to particular periods or points of time, such as meetings, sales, exhibitions and vacancy announcements, shall be permitted, provided that such signs shall be removed when no longer applicable in time;
  - (6) Along streets and roads, no sign shall obscure vision or views of the natural landscape or the larger urban areas, nor shall any sign be distracting to motorists or create a traffic hazard;
  - (7) No sign shall be erected at the intersection of any street or road in such manner as to obstruct clear vision; nor shall any sign be erected at a location where, by reason of its position, shape, or color, it may interfere with, obstruct the view of, or be confused with any traffic control device;
- (h) **PERMITTED ACCESSORY SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.** In the local commercial, highway commercial and industrial districts, no sign shall be erected or maintained, except in conformity with the following regulations:
- (1) An accessory sign shall identify only the name of the owner, trade mark or product symbol, products sold, and/or the business or activity conducted on the premises whereon such sign is located;
  - (2) No more than one sign attached or applied to the building façade or wall and not more than one free-standing sign shall be permitted for each street frontage or a commercial or industrial use;

- (3) No free-standing sign shall exceed twenty (20) feet in height from the surface of the ground, except on review of the Planning Commission and no attached sign shall project higher than the eave or parapet line of the wall to which it is attached;
  - (4) Free-standing signs shall be set back and offset a minimum distance of ten (10) feet from the property line;
  - (5) Free-standing signs identifying individual uses shall not exceed fifty (50) square feet in area for each one hundred (100) feet of street frontage of the lot or parcel on which the use is located;
  - (6) Symbolic signs such as barber pole, mortar and pestle, etc., which are traditional in nature and size shall be permitted. Sign information on retractable awnings and canopies shall also be permitted. Symbolic signs and sign information on retractable awnings and canopies are not subject to the numeric limitation of one sign discussed in Section (2) above;
  - (7) Directional signs not to exceed four (4) square feet in area, may be erected as needed. Directional signs are not subject to the numeric limitation of one sign discussed in Section (2) above.
- (i) **NON-ACCESSORY SIGNS.** No outdoor advertising sign, billboard, or other advertising media not directly related to the use of the premises on which it is located shall be permitted in any district, except as a use by special review in all districts. Any non-accessory sign permitted as a use by special review shall be in harmony with the spirit and intent of these regulations.
  - (j) **REMOVAL OF SIGNS.** Any sign existing on or after the date of enactment of these regulations which identifies a business or activity which no longer exists, or a product which is no longer sold on the premises, shall be removed by the owner of the premises upon written notice of the Land Use Administrator. The Land Use Administrator upon determining that such sign exists, shall notify the owner of the premises in writing to remove such sign within six (6) months of the date of the notice or upon expiration of a written lease agreement furnished by the owner, whichever last occurs.

**SECTION 18 - SUPPLEMENTARY REGULATIONS**

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- (a) **ACCESSORY USES.** Accessory uses incidental to a principal use are permitted, provided:
  - (1) The use is incidental and customary to and commonly associated with the principal use or is a permitted home occupation.
  - (2) The use is not injurious, noxious, or offensive to the neighborhood.
  - (3) In Residential Zone Districts the use is operated by the same persons who operate or inhabit the principal use or structure.
  - (4) In Residential Zone Districts the use does not permit residential occupancy except for members of the family or by domestic employees employed and residing on the premises and their immediate families.
  
- (b) **ACCESSORY STRUCTURES.** Accessory structures incidental to a principal use or principal structure are permitted, provided:
  - (1) Accessory structures may be built anywhere that a principal building may be built, and may be built to occupy up to thirty (30) percent of a required rear yard and/or the back fifty (50) percent of a required side yard and provided further that no accessory building in a required side or rear yard shall be within fifteen (15) feet of a public street right-of-way line.
  - (2) Except in the Agricultural One (1), Two (2), and Fragile Three (3) Districts, no accessory building shall be built within five (5) feet of any other building on the parcel unless the adjacent walls of both are of eight inch (8") solid masonry or equal construction.
  - (3) Except on farms in the Agricultural One (1), Two (2), and Fragile Three (3) Zone Districts, accessory buildings to be built in required rear or side yards may not be built within five (5) feet of a rear or side lot line, unless the wall facing said rear or side lot lines shall be of eight inch (8") solid masonry or equal construction, contain no openings, have no roof overhang, and roofs shall not discharge water on adjacent parcels.
  - (4) Temporary real estate signs indicating property is for sale or rent may be placed anywhere on the premises provided they meet all other requirements of Section 17(e)(3).
  
- (c) **HOME OCCUPATIONS.**
  - (1) A home occupation is an allowed use in any residential dwelling, including:
    - Residence, 1-family;
    - Residence, more than 1-family;
    - Mobile home

located in an Agricultural, Fragile Land or Residential Zone District, subject to the following limitations and conditions:

The home occupation is primarily an office or a service, and the sale of any commodity will be strictly incidental to the office or performance of the service. Services and offices allowed are limited to the following:

- a. Teachers of the Arts - persons teaching music, voice, painting, dance, stained and leaded glass, photography, weaving, etc., provided no more than six (6) students are on premise at any one time. Instruments, costumes, and materials may be sold in conjunction with the home occupation, provided such sales are limited to sales to the students. No performances (e.g., recitals) shall be conducted at the premises, and no instruments, costumes, materials, or products may be offered for sale to the general public at the premises.
- b. Artisans - persons who produce objects of art such as paintings, pottery, tapestries, leaded and stained glass, clothing, photographs, (but not photography studio), and custom cakes, provided the value of the artist's skills represent at least 70% of the value of the art object. No art objects shall be offered for sale to the general public at the premises, nor shall the premises be used for display or as a gallery; however, patrons of commissioned works may consult with the artist on the premises.
- c. Craftsperson - persons involved in the building crafts who provide their services off-premises (e.g., carpenters, masons, plumbers, electricians, and painters), provided the premises is used only as an administrative office and no materials or equipment are stored on premises. Vehicles in excess of one (1)-ton carrying capacity are considered equipment and are not allowed on premises.
- d. Distributors - persons involved in the off-premises direct retail sale of cosmetics, household cleaning products, health and dietary aids, personal and household goods, provided the premise is used only as an administrative office and no goods are stored as inventory on premises. Goods shall not be offered for sale, display, nor demonstration on the premises. Goods may be received at the premises by the distributor, provided the goods do not constitute inventory, but shall be delivered by the distributor to the retail customer off-premises. This home occupation expressly excludes persons conducting wholesale and "jobber" activities.
- e. Office - persons involved in providing professional services (e.g., consultants, insurance, doctors, engineers, realtors, accountants) provided the premises is used only as an administrative office and clients do not come to the premises for services; except, licensed medical doctors may provide emergency treatment to patients in their home, but not to conduct their general professional practice.
- f. Repair - persons involved in repairing or alteration of goods (e.g., seamstress, upholsterers, watch repair, electronics, appliances, small engines/motors, saw blade sharpening) provided all goods are picked up and delivered off-premises. This home occupation expressly excludes on-premises repair of engines/motors exceeding five (5) horsepower and vehicle repair or maintenance other than upholstery as provided herein. Upholstery of vehicle seats, visors, and other components is allowed if the vehicle is not brought on-premises, but only the components are brought on-premises.

(2) The home occupation shall meet all of the following conditions:

- a. No person other than members of the family related by blood, marriage, or adoption residing on the premises shall be engaged in such occupation; except, up to three (3) off-site employees are allowed if their services are provided off-site and any on-premises activity is incidental.

- b. The use of residential dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the net floor area of the dwelling shall be used in the conduct of the home occupation.
  - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupations, except for a sign as provided in Section 17.
  - d. No home occupation shall be conducted in any accessory building, attached or detached garage, nor outside the dwelling.
  - e. No activity shall be carried on and no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property line, if the occupation is conducted in a 1-family residence or mobile home, or beyond the residential dwelling if conducted in other than a 1-family residence or mobile home. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the voltage off the premises.
- (d) **HEIGHT RESTRICTIONS - EXCEPTIONS.** The height limitations of this regulation shall not apply to restrict the height of chimneys, water towers, scenery lofts, cupolas, domes, spires, belfries, antennae and necessary mechanical appurtenances when attached to and made a part of a permitted structure, provided the height of such appurtenances does not extend more than ten (10) feet above the height limitation of the zone districts. A parapet wall not exceeding four (4) feet in height may be erected above the height limit.
- (e) **FRONT SETBACK – DEVELOPED AREA.** Except as provided in (j), where three (3) or more parcels comprising more than fifty (50) percent of a single street frontage of a block are improved with buildings at the time of passage of this regulation, every building hereafter erected shall provide a front yard of not less than the average depth of the front yards of existing buildings, or the required front yards of existing buildings, or the required front setback, whichever is less.
- (f) **THROUGH PARCEL.** On a through parcel the front yard requirements of the district in which such parcel is located shall apply to both street frontages.
- (g) **CORNER PARCEL.** On corner parcels a required side yard with street frontage shall be at least fifteen (15) feet wide, and the other yard requirements shall be the same as for other parcels in the same zone district.
- (h) **PARCELS OF RECORD.** In any district, notwithstanding lot dimension and lot area limitations imposed by other provisions of this regulation, a principal structure and accessory structure if otherwise allowed by this regulation may be erected on any single parcel of record existing prior to adoption of this regulation. This provision shall apply even though such parcel fails to meet the requirements for area, width, or depth that are generally applicable in the district, provided that yard dimensions and other requirements not involving area, width, or depth of the parcel shall conform to the regulations for the district in which such parcel is located, except as provided in (i) variance of yard requirements shall be obtained only through actions of the Board of Adjustment. Such parcels must have been in separate ownership and not of continuous frontage with other lots or parcels in the same ownership at the time of adoption of this regulation. If two (2) or more lots or tracts or combinations of lots or tracts or portions of lots or tracts with continuous frontage in single ownership are of record at the time of passage or amendment of this regulation, and if all or part of such lots or tracts do not meet the



requirements for parcel width, depth, and area as established by this regulation, the lands involved shall be considered to be an undivided parcel. No portion of said parcel shall be used or sold which does not meet the area requirements established by this regulation nor shall any division of the parcel be made which creates or leaves remaining any parcel with less than seventy-five (75) percent of the required width or depth. Except if such a parcel shall be created by the actions of a local, state or federal agency, then said parcel shall be registered as a non-conforming parcel and considered to be a parcel of record prior to the time of adoption of this regulation.

- (i) **REQUIRED YARDS - EXCEPTIONS.** Every part of a required yard shall be unobstructed by any portion of the building, except for the ordinary projections of window sills, belt courses, and other ornamental features to the extent of not more than four (4) inches. Cornices and eaves may extend two and one half (2 1/2) feet into a required yard provided they do not extend closer than two (2) feet to a side lot line. In any district when a parcel of record at the effective date of adoption of this regulation is less in width than required by the terms of the regulation, then the side yard requirements may be reduced by not more than fifty (50) percent.
- (j) **PORCHES, PATIOS, CARPORTS, AND OTHER OPEN STRUCTURES.** In residential zones, open patios and terraces, unenclosed porches and carports and other open structures may extend not more than ten (10) feet into a required front yard, provided they shall not be closer to an adjoining side property line than the required width of the side yard and provided they shall not be closer than twenty-five (25) feet to a public street right-of-way line.
- (k) **STAIRWAYS, FIRE ESCAPES, CHIMNEYS, AND FLUES.** Open fire escapes and open outside stairways projecting into a yard not more than three (3) feet and the ordinary projections of chimneys and flues shall be permitted if placed so as not to obstruct light and ventilation for the subject or neighboring buildings.
- (l) **GROUPED HOUSES - YARDS.** For the purposes of determining the yard requirements, grouped houses shall be considered as one (1) building occupying one (1) parcel subject to the following regulations:
  - (1) The front and rear yard shall be the same as required in the zone district where permitted, and the width of the required individual side yard shall be increased an additional width of two (2) feet for each building abutting on the same side yard.
  - (2) If end-to-end there shall be not less than ten (10) between the buildings.
  - (3) If not end-to-end the width of the yard between the buildings shall be not less than twenty (20) feet or less than twice the height of the tallest building, whichever is greater; provided where a roadway is constructed between the buildings the width of such yard shall be measured exclusive of the roadway width.
- (m) **PUBLIC UTILITIES.** For the purpose of this Section, a Public Utility is defined to be a water, irrigation, sewer, gas, electric, telephone, bus, taxi, ambulance, or railroad system or installation which serves five (5) or more customers whether or not to be franchised or organized as a corporation or district. Public utility installations shall be subject to the following requirements:
  - (1) Distribution, transmission, and service lines requiring simple easements or installation in public rights-of-way or installed under franchise agreement with City and/or County and usual customer facilities shall not be subject to zoning requirements.

- (2) Utility service facilities, the major use of which involves either office, manufacturing, warehousing, vehicle storage or maintenance functions, shall be constructed only in those zone districts in which a private firm not in the utility business would be permitted to establish a similar function or use.
  - (3) Special utility facilities, such as water reservoirs, sewage lagoons, switching yards, pumping stations, and other component equipment installations on land owned or leased and where the equipment is fenced or placed in a building shall not be constructed until a Special Use Permit has been issued by the Planning Commission.
  - (4) These regulations shall not prohibit the installation of temporary facilities of the types described in (2) and (3) above in cases of emergency conditions, provided within a reasonable period of time application is made for the installation of permanent facilities.
- (n) NATURAL HAZARD AREA AND MINERAL RESOURCE AREAS. If the Prowers County Board of County Commissioners concludes that, based upon current available information, a natural hazard area or a mineral resource area occurs within or directly affects a parcel, a permit under Chapter 1, Prowers County Regulations for Areas and Activities of State and Local Interest must be obtained before any structure can be constructed or placed upon the parcel.
- (o) CONFINED ANIMAL FEEDING REGULATIONS
- (1) Submittal, Performance and Operational Standards for Confined Animal Feeding Operations (CAFO's) - Operations requiring a Special Use Permit are required to meet or exceed and comply with all of the following standards. These are minimum requirements for CAFO's and others may be applicable, as risk factors are determined on a site-specific basis.
  - (2) Design Submittals - At a minimum all information needed to determine compliance with conditions stipulated as a standard must be submitted to the designated land use representative before the Commission will grant approval. These items must include written documents, plans, maps and layouts, and when accepted in final form by the Planning Commission, are considered conditions of the permit issued and are conditions of compliance. A minimum of three (3) copies of the submittal are required to accompany the application.

**Note:** All documents as are required under Colorado's Confined Animal Feeding Regulations shall be submitted for use in the application process to receive a Special Use Permit. Special Use Permits granted are provisional agreements. All significant changes that might occur during an application process for any other type of permit, such as for water or the Department of Health, must be agreed to by the County and the special use amended to reflect these changes. Nothing agreed to in the Special Use Permit requires the County to agree to changes proposed and accepted during the permitting for another type of permit, and significant changes resulting in operations different than those permitted by the County will invalidate the Special Use Permit.

Types of submittal acceptable for each standard - Note requirement after each standard:

- a. A written plan with enough detail (Maps, Graphs, Charts etc.) to evaluate proposal and use as compliance document.
- b. A map layout with all features and scale, large enough to evaluate proposal and use as compliance document.

- c. A basic statement of intent and intent to comply with the condition.
- d. A blueprint with enough detail to determine compliance.
- e. A written scientific report by a reputable authority indicating condition is met on a one-time or regular basis, whichever applies.

Siting Requirement

Irrespective of other applicable requirements a new CAFO may not be located closer than two (2) miles to the boundary of an incorporated area, or major residential cluster of fifteen (15) or more residences in an unincorporated area. A new CAFO may not be located closer than one (1) mile to an existing residence or area shown as proposed for residential development on the County or any municipal comprehensive or master plan. If existing homeowners of residences closer than one (1) mile to a proposed CAFO agree through written documentation, that is notarized, that they are in favor of the facility, the latter part of the foregoing provision can be waived. All homeowners must waive the provision, if more than one is impacted.

Density and Dimensional Standards

- 1. Setback on all major structures is one hundred (100) feet or greater from property line. (b)
- 2. Heights on all structures can not exceed forty-five (45) feet. (d)

Structural and Building Standards

- 1. Electrical on the site is required to be in compliance with the state electrical standards. (c)
- 2. Plumbing is required to be in compliance with state plumbing, septic and CAFO standards. (c)
- 3. Adequate provisions are to be put in place to fight fire. (c)

Utility Standards (CAFO's)

- 1. No construction may commence until adequate water is developed in compliance with all applicable regulations and can be legally utilized. (c)
- 2. Septic is to be county-permitted

Maps and plans submitted must include detail on power and gas lines and easements (including those not under direct control of the applicant) and other utility features. (b)

Environmental Standards

- 1. Facilities must be located outside a one hundred (100)-year floodplain and not within a drainage. (b)
- 2. Facilities must be sited so as to not be in areas of high groundwater and in soils with excessive infiltration rates. (e)
- 3. Design criteria on all waste systems must meet federal standards and meet or exceed Colorado's Confined Animal Feeding Regulations. (a)
- 4. Land around the site shall be contoured and have storm water conveyance controls to prevent runoff off-site or the pooling of waste materials. (b)

5. All waste facilities must be designed for active and beneficial use of the waste and incorporate odor and air emission abatement practices into the system. (a & b)
6. All application of waste products must be done at agronomic rates. (a)
7. Dust control and suppression by BMP's and compliance with applicable air pollution regulations. (a)
8. Sites are to be designed so as to incorporate landscape screens. (a) and/or (b)
9. Monitoring on impoundment and application of wastes to determine compliance must be included as an operational standard. (e)

Maps and site plans must reflect the layout and have enough detail to determine compliance with the standards.

#### Operational Standards

Hygienic conditions are to be maintained so as to not promote nuisances, such as the proper handling of dead animals. (a)

CAFO's are required to comply with all applicable regulations and operate with best management standards as outlined in applicable regulations. (a)

#### Conditions of Agreement

Owners agree to inspection of the site by the County Commissioners and/or their designee at any time for purposes of determining compliance with all statutes, regulations, and conditions. (c)

#### Document Submittal Requirement

Documentation for application and permitting for all other types of permits granted after a Special Use Permit has been issued are required to be submitted to the office of planning for purposes of record keeping and determining compliance. These include but are not limited to:

- Submittal of copy of monitoring data of agronomic application;
- Copies of inspection for permits received through other agencies;
- Submittal of copies of air pollution notifications and permits as applicable.

#### (p) FENCES, WALLS AND HEDGES

- (1) Corner properties may have additional site distance and regulations imposed on the type, location, and height of fences, walls, and hedges beyond those regulations set forth in Subsections 18(q)(2) and (3).
  - a. Fences, walls and hedges shall be permitted to a maximum height of two and one-half (2 1/2) feet in any yard area.
  - b. Open fences shall be permitted to a maximum height of four (4) feet in any yard area.
  - c. Solid fences, walls and hedges shall be permitted to a maximum height of six (6) feet in that portion of side and rear yard areas which do not overlap into a front yard setback area.
  - d. Solid fences, walls, and hedges in excess of two and one-half (2 1/2) feet in height shall be limited within any required front yard or side yard with street

frontage by the setback standards established for a principal structure by the zone district within which the property is located.

- (2) Height of fences, walls and hedges shall be measured from the natural grade of the property at the location of the fence, wall, or hedge to the top of the fence, wall or hedge. Natural grade is the historic grade or the finished grade necessary for drainage control, but does not include optional or ornamental (e.g., berms) alterations to grade. The top of a wall or fence is the highest component (e.g., top of post or top of picket, whichever is highest).
- (q) MEAT PROCESSING AND RENDERING PLANTS. Processing plants shall be operated in a manner that will not adversely affect other properties and uses in the area.
- (1) No obnoxious or noxious odors resulting from the processing plant shall be discernable at the outer boundaries of the parcel.
  - (2) Wastes shall be so deposited, stored, and transmitted from the parcel as to not be objectionable to adjacent properties or create a public nuisance.
  - (3) Sounds resulting from the processing plants shall not exceed sixty-five (65) decibels at the outer boundary of the parcel.
  - (4) The applicable standards of the State Health Department shall be complied with, including methods of disposal of sewage and drainage water as outlined in "Colorado Water Quality Control Act".
- (r) PARKING AND STORAGE OF RESIDENTIAL ACCESSORY VEHICLES. An automobile or other vehicle may be parked upon private property or a public right-of-way where a residence or mobile home has been legally constructed as a principal structure in a Residential (R-1 & R-2), Agricultural (A-1, A-2) or Fragile Land (A-3) Zone District, subject to such standards and limitations set forth herein. The occupant of a residence or mobile home shall be the owner or primary operator of the vehicle. Junked vehicles shall not be considered residential accessory vehicles. This definition does not permit the use of the property as a depot, fleet maintenance, or storage yard for vehicles. For the purpose of this regulation the definitions of residential accessory vehicles are those described under "Vehicle, Residential" found in Section 27, Definitions.
- (s) VISIBILITY AT INTERSECTIONS. In any district no structure, fence or planting shall be maintained within thirty (30) feet of any corner street lot line intersection and within the required front yard, above a height of two and one-half (2 ½) feet above curb level or so as to interfere with traffic visibility across the corner. In the case of corner lots, a front yard of the required depth shall be provided and a second front yard of half the depth generally required for front yards in the district shall be provided, on the other frontage, as determined by the Land Use Administrator.
- (t) COMMERCIAL MOBILE RADIO SYSTEMS (CMRS)
- (1) All proposed CMRS facilities shall be reviewed pursuant to the following procedures:
    - a. Building- or structure-mounted CMRS facilities shall be reviewed by the Land Use Administrator for compliance with the requirements of the Zoning Regulations.

- b. Roof-mounted and freestanding CMRS facilities must receive a Special Use Permit.
- (2) MULTIPLE PROVIDERS. No more than one (1) roof-mounted or freestanding CMRS facility may be constructed or maintained upon a property in single ownership; provided, however, that additional CMRS facilities may be approved at the same location by conditional use review, provided all other requirements of the Zoning Regulations are met.
  - (3) Building or structure-mounted CMRS facilities shall be subject to the following requirements:
    - a. Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.
    - b. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
    - c. Building-or structure-mounted whip antennas shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.
  - (4) Roof-mounted CMRS facilities shall be screened or camouflaged as appropriate from view from adjacent property lines. Such facilities are additionally subject to the following requirements:
    - a. Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.
    - b. Roof-mounted CMRS whip antennas shall extend no more than ten (10) feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached.
    - c. Roof-mounted CMRS panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted.
    - d. Roof-mounted CMRS accessory structures shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
  - (5) Freestanding CMRS facilities shall be visually screened from adjacent residential development and public rights-of-way as follows:
    - a. All accessory buildings and equipment cabinets shall be totally screened from view from adjacent property lines.
    - b. Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties, and shall be determined as part of the Special Use Permit review process.
  - (6) No CMRS facility shall exceed the height limit applicable to the underlying zone district in which such facility is located.

- (7) The construction and use of a CMRS facility shall not cause interference to other adjacent CMRS facilities. The County shall be held harmless if interference occurs.

CMRS facilities which are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the CMRS facility owner. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the facilities, and such costs may be recovered against the owner by the County

- (u) BURIAL VAULTS. All family burial plots are to utilize sealed concrete burial vaults.

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**SECTION 19 - NON-CONFORMING USES, PARCELS, AND STRUCTURES.**

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- (a) **PURPOSE.** Any use, parcel, or structure that existed immediately prior to the adoption of this regulation which does not conform to the provisions of the regulation at the time of adoption, shall be known as a non-conforming use, non-conforming parcel, or a non-conforming structure.
- (b) **CONTINUATION OF NON-CONFORMING USE OR STRUCTURE.** A non-conforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended.
- (c) **NON-CONFORMING STRUCTURE.** A structure conforming as to use but non-conforming as to height, setback or coverage may be altered or extended provided the alteration or extension does not result in a violation of this regulation.
- (d) **DISCONTINUANCE OF NON-CONFORMING USE.** If a non-conforming use is discontinued from use for a period of six (6) months, further use of the property shall be for a conforming use, unless the non-conforming use is of a seasonal character, then twelve (12) months shall apply.
- (e) **CHANGE OF A NON-CONFORMING USE.** If a non-conforming use is changed, it shall be changed to a use conforming to the regulations of the district and, after change, it shall not be changed back again to the original non-conforming use.
- (f) **DESTRUCTION OF A NON-CONFORMING USE.** If a non-conforming structure or a structure containing a non-conforming use is destroyed by fire, flood, wind, explosion or other act to an extent exceeding fifty percent (50%) of the cost of replacement of the structure using new materials, a future structure or use on the property shall conform to the provisions of this regulation. If destruction is determined to be less than fifty percent (50%), restoration must be started within twelve (12) months of such destruction and completed within twenty-four (24) months of initiating restoration.
- (g) **COMPLETION OF STRUCTURE OR BUILDING.** Nothing contained in this regulation shall require any change in the plans, construction, alteration or designated use of a building for which construction work has commenced prior to the adoption of this regulation.
- (h) **NON-CONFORMING LOTS OF RECORD.** In any District in which single family dwellings are permitted, a single family dwelling may be erected on any single lot of record which exists as such at the time of adoption of this regulation. Such a lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lots fail to meet the requirements of the District in which it is located for area, width, or both, provided, however, that the requirements of the District for minimum yard dimensions shall be met unless a variance to said requirements has been granted by the Board of Adjustment. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this regulation, and part, or all of said lots do not meet the requirements of the district in which they are located as the minimum area or frontage or both, the lands shall be considered for the purpose of this regulation an undivided parcel, and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements established.
- (i) **NON-CONFORMING SIGNS.** No non-conforming sign may be enlarged or altered in such a manner as to increase its non-conformity; however, any sign or portion thereof may be altered to decrease its non-conformity. The right to operate any non-conforming sign shall terminate within six (6) months after the adoption of this regulation or upon expiration of a written sign lease agreement furnished by the owner. Any sign which has



been given a valid State Highway Permit shall be permitted if found to be in good repair by the Land Use Administrator at the time of application for State Permit renewal.

- (j) **REGISTRATION AND RECORDING.** After adequate field investigation and/or receipt of proper documentation, the Land Use Administrator, at the request of the owner, may issue a Certificate of Non-conformance to the owner of each known non-conforming use, non-conforming parcel, and/or non-conforming structure. The issuance of a Certificate of Non-conformance for a non-conforming use, parcel or structure shall not waive or alter any of the requirements of this Regulation. No use of land, buildings, or structures so registered shall be other than specified on the Certificate of Non-conformance, unless said use shall be in conformity with the provisions of the use district in which the parcel is located.

## **SECTION 20 - ADMINISTRATION**

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- (a) **APPLICATION.** All permits, certificates and stop orders required by this Regulation shall be issued by the Land Use Administrator, who shall be the administrative and enforcing officer of the provisions of this regulation, and the Administrator shall have the authority to make all decisions and investigations necessary to properly carry out the provisions of this regulation. The Land Use Administrator shall determine whether a use is similar to those uses listed, unless the Administrator's decision be reversed by the Planning Commission. No required permit, certificate, or order shall be issued by the Administrator if in the Administrator's judgment the requirements of this regulation have not been met. No oversight or dereliction on the part of the Land Use Administrator or the Administrator's authorized assistants or on the part of any official or employee of the County shall legalize or authorize the violation of any of the provisions of this regulation. Construction, moving, conversion, extension, enlargements, or structural alteration of buildings or other structures in any district is permitted only upon issuance of a Zoning Permit by the Land Use Administrator.
- (b) **RIGHT OF ENTRY.** The Land Use Administrator, or any duly authorized deputy inspector shall, if possible, first secure permission of the occupant before entering upon any premises for the purpose of making inspections necessary to the conduct of the Land Use Administrator's duties in the administration and enforcement of this regulation.
- (c) **ZONING PERMITS.** Zoning permits shall be secured from the Land Use Administrator prior to the construction, moving, conversion, extension, enlargement, or structural alteration of buildings or other structures in all Districts.
- (1) **APPLICATION FORMS.** Application for a Zoning Permit shall be made to the Land Use Administrator on forms provided for that purpose.
- (2) **ISSUANCE.** If, in the opinion of the Land Use Administrator, the proposal as set forth in the application is in conformity with the provisions of this regulation, the Land Use Administrator shall issue a Zoning Permit.
- (3) **DISAPPROVAL.** If, in the opinion of the Land Use Administrator, the proposal as set forth in the application is not in conformance with the provisions of this regulation, the Land Use Administrator shall refuse to issue a Zoning Permit. If an application for a Zoning Permit is not approved, the Land Use Administrator shall state in writing on the application the reason for such disapproval.
- (4) **NULL OR VOID PERMITS.** Any permit issued in violation of any of the provisions of this regulation shall be null and void and may not be construed as waiving any provision of this regulation. Any Zoning Permit issued under the provisions of this regulation shall be valid for one (1) year. If no construction has started within the one (1)-year limit, then said Zoning Permit shall be null and void.
- (5) **EXISTING PERMITS.** Permits issued prior to the adoption of this regulation shall be valid for one (1) year from date of issuance.
- (6) **ASSIGNMENT.** Valid Permits may be assigned by the landowner to a new land owner.
- (d) **STOP ORDERS.** Whenever any building work is being done contrary to the provisions of this regulation, or land or structures are being used contrary to this regulation, the Land Use Administrator shall order the work or use stopped by notice in writing served on any person engaged in doing or causing such work to be done or such use to be continued, and any such person and all others engaged in doing or causing such work to be

done or such use to be continued shall forthwith stop such work or use until authorized by the Land Use Administrator to proceed with the work or continue the use.

- (e) **APPEALS.** Any person denied a Permit, Certificate, or issued a Stop Order, when noncompliance with this regulation is the grounds for such action, or any other person or public official may appeal such action of the Land Use Administrator to the Board of Adjustment within thirty (30) days from the date of such action by the Land Use Administrator.
- (f) **CERTIFICATE OF OCCUPANCY.** Upon request of an applicant, the Land Use Administrator shall issue a Certificate of Occupancy.
- (g) **SUMMARY OF PROCEDURE APPROVALS.** A summary of zoning procedure approvals is shown in Table 4.

**TABLE 4**

<b>Approval Requested</b>	<b>STAFF</b>	<b>BOA</b>	<b>PC</b>	<b>BOCC</b>
Zoning Permit	A			
Special Use Permit	A, X		H	
Planned Unit Development	A, X		H	
Map Amendment	A		H	H
Variance	A	H		H

Key: PC Planning Commission  
 BOCC Board of County Commissioners  
 BOA Board of Adjustment  
 A Application Required  
 X Meeting Required  
 H Hearing Required

- (h) **SUMMARY OF NOTICE REQUIREMENTS.** A summary of notice requirements associated with zoning procedures are shown in Table 5.

**TABLE 5**

<b>Approval Requested</b>	<b>Publish</b>			<b>APO Distance/ Mail</b>
	<b>BOA</b>	<b>PC</b>	<b>BOCC</b>	
Map Amendment (Rezoning)		10 days	14 days	300 feet / 10 days
Special Use Permit		10 days		300 feet / 10 days
Planned Unit Development		10 days		300 feet / 10 days
Variance	10 days			300 feet / 10 days

Key: PC Planning Commission  
 BOCC Board of County Commissioners  
 BOA Board of Adjustment  
 APO Adjacent Property Owner

## **SECTION 21 - PLANNING COMMISSION**

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- (a) **PURPOSE.** The purpose of the Planning Commission shall be to review all land use applications before submission of same to the Board of County Commissioners and make formal recommendations based on the terms of the Prowers County Zoning Regulations, as well as any related regulations or plans.
- (b) **POWERS OF THE PLANNING COMMISSION.** The Planning Commission shall have power, except as otherwise provided by law:
- To make and recommend a County Master Plan.
  - To review and approve conceptual plans, when applicable.
  - To review uses by special review and issue Special Use Permits.
  - To review and make recommendations to the Board of County Commissioners for amendments to the Prowers County Zoning Regulations.
  - To review and make recommendations to the Board of County Commissioners for rezoning of land.
  - To review and make recommendations to the Board of County Commissioners for preliminary plans.
  - To review and make recommendations concerning any other matters which may be submitted to it by the Board of County Commissioners.
- (c) **GENERAL PROVISIONS**
- (1) The Board of County Commissioners of Prowers County shall appoint a Planning Commission consisting of five (5) voting members. Each member of the Planning Commission shall be a resident of the County. The term of appointed members of the Planning Commission shall be three (3) years, and until their respective successors have been appointed. The terms of office shall be staggered by making the appointments so that approximately one-third (1/3) of the members' terms expire each year.
- (2) Any member of the Planning Commission may be removed for non-performance of duty or misconduct by the Board of County Commissioners. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.
- (3) The Planning Commission shall elect from its members a Chairperson and Vice-Chairperson whose terms shall be for one (1) year. Other positions may be created by the Planning Commission when needed.
- (4) The Planning Commission shall adopt such rules and regulations governing its proceedings as it may consider necessary or advisable. Such rules and regulations shall be consistent with the guidelines of this Section and appropriate State Statutes.
- (5) The Planning Commission shall meet at least once each month to review and process applications and other requests submitted to the Planning Commission. All meetings shall be open to the public. An agenda of items shall be made available to the public at the Prowers County Land Use Office before the meeting.
- (6) The Planning Commission may call special meetings for special projects or other important topics for review, discussion or recommendation. Alternate hearing

dates due to weather conditions or other scheduling difficulties may be considered by the Chairperson of the Planning Commission.

- (7) A quorum shall be three (3) members of the Planning Commission. No meetings shall be held unless a quorum is present. In the absence of a quorum, any convened meeting shall be terminated by the presiding members within a reasonable time after gathering.
- (8) A majority vote of the voting members present is required for a recommendation or determination. In the event of a dissenting vote by one (1) or more members of the Planning Commission, a roll call vote shall be recorded in the minutes of the meeting.
- (9) A secretary to the Planning Commission shall be appointed by the Land Use Administrator from the Land Use Office to be present at all regular and special meetings of the Planning Commission. The secretary shall take the minutes of the meetings in an appropriate manner approved by the Planning Commission. The minutes shall be made a matter of public record within a practical time after the official meeting of the Planning Commission and will be available at the Land Use Office.
- (10) The Land Use Administrator shall serve as advisor to the Planning Commission on all planning and zoning matters brought to their attention, and be responsible for scheduling all Planning Commission meetings in accordance with the guidelines established by the Planning Commission. The Land Use Administrator or the Administrator's authorized representative, shall represent the Planning Commission at official meetings at which the Planning Commissioners' recommendation(s) or opinions are so solicited, inclusive of, but not limited to, meetings and at such other times as approved by the Planning Commission. The Land Use Administrator shall conduct research, report preparation or other tasks as assigned by the Planning Commission on land use matters or contract for technical assistance in the preparation of information for use by the Planning Commission or the Board of County Commissioners in the review and processing of land use and zoning requests.

(d) REVIEW AND RECOMMENDATION PROCEDURE

- (1) The Planning Commission shall review responses from referral agencies, staff comments and recommendations, and the proposal submitted by the applicant on planning or zoning matters and recommend one of the following:
  - a. Approval of the proposal without conditions.
  - b. Conditional Approval of the proposal indicating for the record what condition(s).
  - c. Denial of the proposal indicating for the record the reason(s) for the recommendation of denial.
  - d. Continuing the request until a further regularly scheduled meeting in order to obtain more information and help clarify the request before them.

No continuance shall exceed six (6) months unless a written request is received and approved by the Planning Commission prior to the expiration of this continuance.

- (2) The Board of County Commissioners shall review the recommendations of the Planning Commission and shall either adopt the recommendation or deny the proposal, indicating the reason for denial. The Board of County Commissioners may approve any conditional approval, include additional conditions or deny same made by the Planning Commission.
- (3) The Board of County Commissioners may continue the matter for submission of additional information if the Board determines that additional information is required, or remand the matter to the Planning Commission for further review if the Board of County Commissioners makes any recommendations toward substantial change in the proposal as submitted by the Planning Commission.

## **SECTION 22 - BOARD OF ADJUSTMENT**

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- (a) **INTENT.** The purpose of the Board of Adjustment shall be to provide for, in appropriate cases and subject to additional conditions and safeguards, the ability to make special exceptions to the terms of the Prowers County Zoning Regulations in conformance with its general purpose and intent.
- (b) **GENERAL PROVISIONS.** The Board of Adjustment shall consist of the Board of County Commissioners.
- (c) **APPEAL TIME LIMIT.** Appeal to the Board of Adjustment may be made in writing at any time, but if for relief from any action by the Land Use Administrator, must be made within thirty (30) days from the date on which any person, firm or corporation was aggrieved by an action of the Land Use Administrator. Notice of such appeal shall be filed with the Land Use Administrator, and the Administrator shall transmit said appeal to the Board of Adjustment within fifteen (15) days, along with all documents constituting the record upon which the action appealed from was taken, and a written statement indicating the Administrator's findings of fact and the Administrator's reasons for the action for which an appeal is made.
- (d) **APPLICATION FORM.** Any person and any public or private agency making an appeal to the Board of Adjustment shall submit a written application on a form provided for that purpose.
- (e) **FEES.** Accompanying such application shall be a fee as set forth by the Board by Resolution, which costs must be paid and a receipt therefore be presented to the Commission Secretary before the hearing for said application is scheduled. Fees shall be made payable to the County of Prowers. Under no conditions shall such sum or any part thereof be refunded.
- (f) **PUBLIC HEARINGS.** All actions of the Board of Adjustment shall be taken at public hearings as shown in Table 4, notice of which has been given by the Secretary of the Board of Adjustment as shown in Table 5, no less than ten (10) days before the date set for such action in the following fashion:
  - (1) Such notice shall give the time, date, and place of the hearing, a brief description of the appeal and the legal description and street address of such property.
  - (2) A copy of such notice shall be sent by mail to the last known address of owners of real property lying within three hundred (300) feet of the exterior boundaries of the property for which the Variance is requested and to such other persons as in the judgment of the Secretary should be notified. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the County Planning Commission, the Board of County Commissioners or the County Board of Adjustment.
  - (3) A copy of such notice shall be published in a newspaper of general circulation in the County.
  - (4) Proof of compliance with this Section shall be by the written statement of the Secretary of the Board of Adjustment, giving the names and addresses of the persons to whom the notice was mailed, and the date of mailing, together with the Post Office receipts, and the Publisher's Affidavit of Publication. Such proof shall become a part of the record of the Board of Adjustment.

(g) APPEAL FOR A SPECIAL USE PERMIT

The Planning Commission grants or denies Special Use Permits (uses by special review). An appeal of such a decision is made to the Board of Adjustment.

Before granting an appeal for a Special Use, the Board of Adjustment shall find in writing based upon evidence and testimony, that all of the following conditions do in fact exist:

- (1) The requested use is a use listed as a Special Permitted Use in the district in which the parcel is located.
- (2) The granting of the Special Use appeal will not substantially modify the Land Use plan or the intent, purpose and spirit of this regulation.
- (3) The Special Use proposal incorporates reasonable means to create an environment harmonious with that of the surrounding properties.
- (4) The Special Use will not adversely affect the public health, safety, or welfare.

In the case of Public Utilities these regulations shall not prohibit the installation of temporary facilities in the case of emergency conditions, provided within a reasonable period of time application is made for the installation of permanent facilities.

(h) APPEAL FROM THE LAND USE ADMINISTRATOR. Before granting an appeal from actions of the Land Use Administrator, the Board of Adjustment shall find in writing based upon evidence and testimony that all of the following conditions do in fact exist:

- (1) The granting of the appeal will permit only those uses listed in the Zone District in which the parcel is located.
- (2) The action of the Land Use Administrator was arbitrary, capricious, or not in harmony with the provisions, purposes, intent, and spirit of this regulation.

(i) BOARD OF ADJUSTMENT. The Board of Adjustment shall have power, except otherwise as provided by law:

To hear and act upon request for a variance to the:

- Minimum area of lot
- Minimum width of lot
- Maximum height of structures and fences
- Minimum front yard
- Minimum side yard
- Minimum rear yard
- Minimum off-street parking requirements; and/or

Such variances as may be deemed necessary by the Board of Adjustment where, by reason of exceptional shape, size, topography of the lot, condition of the building or land, practical difficulty or unnecessary hardship would result to the owner of said property from a strict application or enforcement of the Prowers County Zoning Regulations.

No variance shall be granted by the Board of Adjustment when, in their opinion, the applicant has not provided reasonable and adequate evidence justifying the request presented, or when the request is determined to be a self-imposed hardship which can be rectified by means other than a variance.



- (j) **APPEAL FOR A VARIANCE.** Before granting an appeal for a Variance, the Board of Adjustment shall find in writing based upon evidence and testimony, that all of the following conditions do in fact exist:
- (1) The Variance, if granted, will permit only those uses listed as a use permitted in the Zone District in which the parcel is located.
  - (2) The parcel for which the Variance appeal is made suffers unique or singular disadvantages such as, but not limited to, size, shape, topography, location, or surroundings not shared by other parcels in the neighborhood.
  - (3) The Variance will not grant privileges inconsistent with limitations shared by other parcels in the Zone District.
  - (4) The Variance will not have an injurious effect on the existing or future use of adjacent parcels.
  - (5) The Variance will not injure or adversely alter the general character of the neighborhood in which the Variance is sought.
  - (6) The Variance appeal is in harmony with the intent, purpose, and spirit of this regulation.
- (k) **ACTIONS.** All actions of the Board of Adjustment shall be in writing and shall contain the required findings of fact and shall include a statement setting forth those factors which the Board considered controlling factors in reaching their decision. The Board of Adjustment shall decide on a case-by-case basis whether the variance granted will be personal to the applicant or run with the land. The Board of Adjustment may impose conditions in time, place and manner, on the conduct of the use or activity permitted by the variance, including a term of months or years. Any variance may be revoked following notice to the variance holder and public hearing, for failure to comply with any of the terms or conditions of the issued variance, following notice to the variance holder and public hearing. The approval process for a variance is shown in Table 4 and the notice requirements are shown in Table 5. Appeals granted must be exercised in full or construction started within not more than one (1) year from the date of granting such appeal; otherwise the appeal granted becomes null and void and the parcel shall thereafter be subject to all applicable regulations.
- (l) **TIME LIMIT FOR CONSIDERATION.** Decisions by the Board of Adjustment shall be rendered within sixty (60) days after concluding the public hearing on the application. Failure of the Board of Adjustment to render a decision within the allotted time shall constitute granting of the application. Upon mutual agreement of the Board of Adjustment and the applicant, the time period within which the Board of Adjustment shall act shall be extended.
- (m) **REAPPLICATION.** In the event an appeal for a Variance or Special Use, or an appeal from an action of the Land Use Administrator is denied, no new appeal shall be made for the same or a substantially similar condition within six (6) months of such denial thereof.
- (n) **LEGAL REMEDY.** The findings and decisions of the Board of Adjustment, shall be final. Appeals to the District Court shall be made within thirty (30) days from the date of the action by the Board of Adjustment.

## **SECTION 23 - USES PERMITTED BY SPECIAL REVIEW**

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- (a) **PURPOSE.** Uses by special review may be permitted in their designated districts upon approval by the Planning Commission, following public notice and hearing as described in this Section and subject to such conditions and safeguards as may be imposed by the Planning Commission in order for the uses to be in harmony with the character of the surrounding land and to comply with the general purpose of this Regulation. Uses by Special Review shall be permitted for a duration of time specified by the Planning Commission or until the land use changes or is terminated, whichever occurs first.
- (b) **GENERAL REQUIREMENTS**
- (1) All Special Use Permits shall be reviewed annually. The Land Use Office shall review the permit for verification of allowed use and compliance with stipulations, if any.
    - a. If a Permit is found to be in violation of stipulations or the use has changed or has been discontinued, the Land Use Administrator shall request a review with the Planning Commission, to determine the validity of the Permit in regard to modification, continuation or termination.
  - (2) The commencement of the Special Use must occur within the first year or within a specific time period as determined by the Planning Commission. Failure to initiate the allowed use shall be cause for termination of the Special Use Permit.
  - (3) Expansion or changes to an existing facility shall constitute a new application.
  - (4) A Special Use Permit shall not be revoked without a public hearing, notice of which is given to the owner of the subject property.
  - (5) A valid Special Use Permit may be assigned by the land owner to a new land owner.
- (c) **PROCEDURE**
- (1) The applicant shall meet with the Land Use Office, informally, to discuss the request to be submitted and determine the requirements for such application, dependent upon the size and nature of the proposal.
  - (2) Once the applicant determines to proceed, the applicant shall submit to the Land Use Office the following information:
    - a. A completed application.
    - b. A narrative and site plan prepared by a qualified professional in accordance with the requirements of this Section when determined by the Land Use staff to be applicable.

### **NARRATIVE EXHIBIT**

1. General project concepts
2. Zoning of property
3. Proof of ownership, deed, current title policy or endorsement (thirty to sixty days old), a disclosure letter from the owner recognizing the applicant as a representative, and consent by any lienholder.

4. Overall impacts of the proposed Special Use on the adjoining properties.
5. Compliance with the Prowers County Master Plan.
6. Compliance with appropriate agencies as applicable.
7. Proof of water availability if applicable.
8. Method of wastewater treatment if applicable.
9. Type or method of fire protection.
10. Affected environmental impact, if applicable, including, but not limited to, climate, air quality, geology and minerals, paleontology, topography, soils, water, vegetation, wildlife, recreation, visual resources, economics and sociology, cultural, transportation, noise and reclamation potential.
11. Impacts on County services.
12. Legal description.
13. Name and address of the owner, the developer, if different than the owner and the person(s) preparing the site plan.

#### SITE PLAN EXHIBIT

1. Plans are to be prepared at a scale of 1"=50', 1"=100' or another scale approved by the Land Use Office which allows for maximum clarity of the proposal.
2. The name of the proposed development and submittal phase centered at the top of the sheet.
3. A north arrow and scale which clearly defines the development.
4. Sheet size of 24" X 36" with the long dimension horizontal. The title block located in the lower right-hand corner of the sheet with the date of preparation.
5. Vicinity map showing the relationship of the site to the surrounding area within a two (2)-mile radius prepared at a scale of 1:24,000 (1"=2,000').
6. Dimensions of all existing and proposed structures, size and square footage of the site. Note total building coverage percent and square footage. Include setback dimensions from property lines. Structures to be removed should be indicated as such.
7. Location and dimensions of required off-street parking and loading areas. Note the total number of parking spaces provided.
8. Delineate public and private roadways, rights-of-way, street names and points of access on or adjacent to the proposed site.
9. Indicate adjoining land uses and zoning.
10. Indicate major drainage ways affecting the site and designation of any one hundred (100)-year floodplain on, or adjacent to, the site and any existing flood control or water-retaining structure.

The appropriate fee, including all review fees required by referral agencies for their review of the application.

- (3) The Land Use staff shall review the proposal within ten (10) working days to determine the completeness of the application. During this time period, the applicant shall be contacted and an informal meeting established to discuss the review made, the appropriate referral agencies to be contacted, and the scheduling of the request before the Planning Commission.

- (4) At least ten (10) days prior to a public hearing before the Planning Commission, notice of hearing shall be published in at least one issue of a newspaper of general circulation in Prowers County, Colorado.
  - (5) The Land Use Office shall mail a written notice of said hearing by certified mail, at least ten (10) days prior to the hearing date before the Planning Commission, to the owners of property adjoining and within three hundred feet (300') of the property for which the request for a Special Use Permit has been requested. The names and addresses for those properties affected shall be obtained from the current records of the County Assessor's Office by the applicant.
  - (6) The Land Use Office may require additional public notice prior to any determination by the Planning Commission, in a manner consistent with the laws of the State of Colorado.
- (d) Standards for Approval of a Use Subject to Special Review for an Antenna or Cell Tower:
- (1) Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower.
  - (2) The tower shall not constitute a hazard to aircraft.
  - (3) The tower shall be placed on the property to contain on-site all ice-fall or debris from tower failure.
  - (4) The proposed tower shall provide for shared capacity, if technically practicable.
  - (5) The tower shall have the least practicable adverse visual impact on the environment.
  - (6) The proposed tower shall not emit radiation that will adversely affect human health.
  - (7) The proposed tower shall be the minimum height needed to accommodate the antenna.
  - (8) The proposed tower shall comply with all applicable federal and state regulations.
  - (9) The design of the proposed tower shall insure structural integrity. The proposed tower shall have adequate measures to discourage unauthorized climbing and to insure the security thereof.
  - (10) All reasonably possible sites for the tower have been considered, and the proposed site is the most appropriate, available site from a land use perspective.

## **SECTION 24 - AMENDMENT**

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- (a) APPLICATION. Any portion of this regulation and/or the Zoning Map may be changed for the following reasons: (1) whenever the public necessity, health, safety, general welfare, and/or good zoning practices justify such action; (2) changed conditions in the vicinity of the subject property or (3) to bring the property into conformance with the comprehensive plan. Any such change shall be made only by the Board of County Commissioners in the form of an amending resolution.
- (b) INITIATION OF AN AMENDMENT. A resolution for the amendment of any portion of this regulation or of any zone district boundaries may be initiated by any member of the Board of County Commissioners, the County Planning Commission, any administrative officer of the County, or by one or more of the owners of property within the area for which the amendment is requested. The request for such change shall be submitted in writing to the Land Use Administrator on a form provided for the purpose.
- (c) FEES. All requests for amendments to this regulation or the Zoning Map, except those initiated by the Board of County Commissioners, the County Planning Commission, or any administrative officer of the County, shall be accompanied by a fee as set forth by the Board by Resolution, which costs must be paid and a receipt therefore be presented to the Commission Secretary before the hearing for said application is scheduled. Fees are to be made payable to the County of Prowers. The Land Use Administrator shall receive the application for amendment and deposit the required fee in the general fund of the County and cause the application for an amendment and all supporting documents to be transmitted to the Secretary of the County Planning Commission within two (2) working days of its receipt by the Land Use Administrator.
- (d) SECRETARY OF THE COUNTY PLANNING COMMISSION. Upon receipt of the application for an amendment and all supporting documentation as transmitted by the Land Use Administrator, the Secretary of the County Planning Commission shall cause said application to be placed on the agenda of the regular meeting in the next month of the County Planning Commission, provided that at the Secretary's discretion, or at the request of any member of the County Planning Commission, the Secretary shall cause it to be placed on the agenda of an earlier regular or special meeting. The Secretary shall submit a written or verbal report of the application, its documentation, and such other information as the Secretary deems pertinent at the meeting at which the application is to be first considered.
- (e) THE COUNTY PLANNING COMMISSION
  - (1) At the meeting at which the application is on the agenda for first consideration, the County Planning Commission shall receive and file the application, documentation, and the written report of the Secretary, hear or receive and file a presentation by the applicant and set a date and time for a public hearing as shown in Table 4, which date shall not be later than sixty (60) days from receipt of such application.
  - (2) The County Planning Commission shall cause notice to be published as shown in Table 5, as required by law at least once in a newspaper of general circulation in the County not less than ten (10) days prior to the public hearing, and if for a change in the Zoning Map shall cause notice of the public hearing on the proposed changes to be sent to the last known address of owners of real property lying within three hundred (300) feet of the property on which the change on the Zoning Map is proposed, and to such other persons as in the judgment of the Secretary should be notified, such notice to be given not less than ten (10) days before the date set for the hearing. Such notice may be served by depositing same, properly addressed and postage paid in the Post Office.

- (f) **HEARING AND FINDINGS.** The County Planning Commission shall then hold a public hearing and may recommend approval or disapproval of the proposed amendment in whole or in part. The action of the County Planning Commission shall be in writing and shall contain the following findings of fact and shall include a statement setting forth those factors which the Planning Commission considered controlling factors in reaching its decision:
- (1) The proposed amendment is in conformance with the Land Use Plan.
  - (2) The change requested promotes the public necessity, health, safety and general welfare and is consistent with good land use and zoning practice.
  - (3) If the proposed change involves property bounded on one (1) or more sides by the boundary of a City or Planning or Zoning District, the matter has been referred to the Planning Commission of that City or Planning or Zoning district for its review and recommendation.
- (g) **REFERRAL OF RECOMMENDATION.** The action by the Planning Commission shall be a recommendation to the Board of County Commissioners. The Planning Commission recommendation shall be rendered within ninety (90) days of receipt of the application by the Planning Commission. The recommendation shall be forwarded to the Board of County Commissioners within the same ninety (90)-day time period. The Board of County Commissioners shall make the final decision on the application after holding a public hearing with at least fourteen (14) days prior notice given in the same manner as other public hearings. (Specific requirements are found at C.R.S. § 30-28-116.) The Board of County Commissioners may act by adopting a resolution embodying the Planning Commission recommendation, in whole or in part, after a public hearing thereon as required by law.
- (h) **MANDATORY REVIEW.** The Board may attach such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this regulation. If such development is not underway in keeping with said intent, the County Planning Commission may initiate action to rezone the subject area back to the classification it had prior to the change in zoning, or to any other more appropriate classification.
- (i) **REAPPLICATION.** In the event the proposed amendment is denied by the Board of County Commissioners, no new request for the same or a substantially similar amendment shall be heard by the Board of County Commissioners within one (1) year of such denial.
- (j) **LEGAL REMEDY.** The findings and decision of the Board of County Commissioners shall be final. Appeals to District Court shall be made within thirty (30) days from the date of the decision by the Board of County Commissioners.

## **SECTION 25 - VIOLATIONS AND PENALTIES**

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- (a) **APPLICATION.** It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of the provisions of these regulations or any amendment thereof. Any person, firm, or corporation, either as owner, lessee, occupant, or otherwise, who violates any of the provisions of these regulations or any amendment thereof shall be guilty of a misdemeanor.
- (b) **PENALTIES.** The violation of any provision of these Zoning Regulations shall be punishable as provided by law. Each day or portion thereof that any violation of any provision of these regulations shall continue shall constitute a separate offense. Prowers County may also recover any costs associated with any enforcement, including expert witness fees, attorney fees, court cost, and county staff fees calculated at the rate set forth in the current fee schedule.
- (c) **ENFORCEMENT.** In the event a State statute is more restrictive than any term or provision of these regulations, the more restrictive requirements of the State statute will be applicable. Also, in the event a County regulation is more restrictive than any term or provision of a State statute, the more restrictive requirements of the County regulations will be applicable. If a court of competent jurisdiction finds that any term or provision herein is invalid, the court shall, if possible, nevertheless enforce said Section to the greatest extent as originally written.

## **SECTION 26- VESTED RIGHTS**

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- (a) **PURPOSE AND AUTHORITY.** The authority for and the sole purpose of this regulation is to make and declare the permitted definitions and to provide the procedures necessary for the implementation of the provisions of Title 24, Article 68, Sections 101 through 106 of the Colorado Revised Statutes.
- (b) **DEFINITIONS.**
- (1) *Site-Specific Development Plan* means a map, plat, plan or other document, but only as are more particularly described below, including all terms and conditions thereof or which are incorporated by reference which also describes with reasonable certainty the type and intensity of use permitted for a specific parcel or parcels of land:
- a. Final Subdivision Plat, as that term is used, referenced and defined in the Prowers County Subdivision Regulations as approved by the Board of County Commissioners; or
  - b. Planned Unit Development Plan as that term is used, referenced and defined in the Prowers County Zoning Regulation as approved by the Board of County Commissioners; or
  - c. Such other map, plat or other document wherein a specific written agreement designating the same as a "site-specific development plan" has been executed between the Board of County Commissioners and the property owner for a specific project or development.
  - d. No other map, plat, other document, or approval of any nature submitted and/or obtained pursuant to the Prowers County Zoning Regulation and/or the Prowers County Subdivision Regulations shall constitute a Site-Specific Development Plan.
- (2) *Vested Real Property Right* means the right to undertake and complete the development and use of property under the terms and conditions of a Site-Specific Development Plan.
- (c) **NOTICE AND HEARING.** No Site-Specific Development Plan shall be approved until after a public hearing preceded by written notice of such hearing. Such notice may, at the County's option, be combined with the notices otherwise required under the Prowers County Zoning Regulation and/or the Prowers County Subdivision Regulations, as amended, or with any other required notice. At such hearing, interested persons including owners of the described property, their representatives, and other interested persons shall have an opportunity to be heard.
- (d) **APPROVAL - EFFECTIVE DATE - AMENDMENTS.** A Site-Specific Development Plan shall be deemed approved upon the effective date of the final Board of County Commissioner's action approving such plan. In the event amendments to a Site-Specific Development Plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original Site-Specific Development Plan, unless the Board of County Commissioners specifically finds to the contrary and incorporates such findings in its approval of the amendment. Prowers County is authorized, but shall not be required to extend vested property rights for a period exceeding three years where warranted in light of all relevant circumstances,



including, but not limited to, the size and phasing of the development, economic cycles and market conditions and the like.

- (e) NOTICE OF APPROVAL. Each document constituting a Site-Specific Development Plan as that term is defined herein shall contain the following language: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, Sections 101-106, C.R.S. as amended." Failure to contain this statement shall invalidate the creation of the vested property right for all purposes.

Any approval shall be subject to judicial review except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation within Prowers County, of a notice advising the general public of the Site-Specific Development Plan approval and creation of a vested property right pursuant to this regulation. Such publication shall be the responsibility of the applicant and shall occur no later than fourteen (14) days following approval. The applicant shall present to Prowers County an affidavit of such notice within ten (10) days of publishing the same. The notice to be published shall read as follows:

#### NOTICE

Notice is hereby given that on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ the Prowers County Board of County Commissioners approved a Site-Specific Development Plan for the property and purpose described below, which approval may have created a vested property right pursuant to Colorado law. Such approval is subject to all rights of judicial review.

Legal description:  
Type and intensity of use:  
Published in:  
and Date of publication:

In the event that the applicant does not publish the notice and provide an affidavit of the same in accordance with this regulation, then the County may, but shall not be required to, publish the notice. In addition, a failure to publish such notice by the applicant shall mean that the period of time permitted by law for the exercise of judicial review shall commence on the date of the final approval of the Site-Specific Development Plan by the Board of County Commissioners and not thereafter.

- (f) PAYMENT OF COSTS. In addition to any and all other fees and charges imposed by Prowers County Land Use Regulations the applicant, for approval of a Site-Specific Development Plan, shall pay all costs occasioned to the County as a result of the Site-Specific Development Plan review, including publication of notice, public hearing and review costs.
- (g) OTHER PROVISIONS UNAFFECTED. Approval of a Site-Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of the Prowers County Zoning Regulation and/or the Prowers County Subdivision Regulations pertaining to the development and use of property.
- (h) IMPLEMENTATION. Nothing in this Regulation is intended to create any vested real property right, but only to implement the provisions of Article 68 of Title 24, Sections 101-106, C.R.S., as amended. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this regulation shall be deemed to be repealed, and the provisions hereof no longer effective.

- (i) **REVOCACTION OF A VESTED PROPERTY RIGHT.** The Board of County Commissioners may revoke a vested property right for failure to abide by the terms and conditions of such vested property right. Prior to taking action to revoke a vested property right, the Board of County Commissioners shall provide a hearing to the affected landowner and shall provide at least fourteen (14) days prior written notice mailed to property address of record in the County Assessor's office as well as provide notice in the same manner as the posting or publishing of ordinances and resolutions. The mailed notice to the landowner shall specifically identify the terms and conditions which are not in compliance with the Site-Specific Development Plan approval. During the period of determining compliance with the terms and conditions of a Site-Specific Development Plan approval, the County may administratively withhold any building, utility, excavation, road cut or other County permit, and may withhold acceptance of additional development applications or processing of existing development applications for the property subject to the Site-Specific Development Plan.

A pending Site-Specific Development Plan application will be governed by the duly adopted laws and regulations in effect at the time the application is submitted, with the exception that the County reserves the right pursuant to C.R.S. § 24-6-102.5(2) to enforce new or amended laws or regulations to pending applications when such law or regulation is necessary for the immediate preservation of public health and safety, including temporary development restrictions duly adopted by Resolution for the purposes of preparing planning studies and considering land use regulations related to public health and safety or for the purpose of promoting concurrency of essential public infrastructure, equipment or services with increased demand.

## **SECTION 27 - DEFINITIONS**

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- (a) **GENERAL.** When not inconsistent with the content, words used in the present tense include the future; words in the singular number include the plural number; and the masculine includes the feminine.
- (1) The word “shall” is mandatory.
  - (2) The word “may” is permissive.
  - (3) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
  - (4) Whenever the words “dwelling” or “dwelling unit,” “rooming house,” “rooming unit,” or “premises” are used, they shall be construed as though they were followed by the words “or any part thereof.”
  - (5) The word “building” includes the word “structure;” the term “used” includes the words “arranged,” “designed,” or “intended to be used,” the term “occupied” includes the words “arranged,” “designed,” or “intended to be occupied.”
  - (6) If a term or word causes difficulties in interpretation and is not herein defined or properly described, the County Planning Commission shall define the terms and recommend to the Board of County Commissioners that it amend this regulation to include an appropriate definition.
- (b) **SPECIFIC.** For the purpose of this regulation certain words and terms are hereby defined as follows:

**ACCESSORY USE AND BUILDING:** A subordinate use of a building, other structure, or tract of land, or a subordinate building or other structure: (a) which is clearly incidental to the use of the principal building, other structure or use of land; (b) which is customary in connection with the principal building, other structure or use of land; and (c) which is ordinarily located on the same lot with the principal building, other structure or use of land.

**ADVERTISING:** Including “advertise” or “to advertise” or “advertisement” means to describe or appraise publicly, to call public attention to or to inform or give information by words, symbols, or pictures.

**ADVERTISING DEVICE:** Means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising and having the capacity of being visible from the travel way of any public road or highway, except any advertising device on a vehicle using the highway. The term “vehicle using the highway” does not include any vehicle parked near said highway for advertising purposes.

**ADVERTISING DEVICE, DIRECTIONAL—PUBLIC PLACE:** Means an advertising device containing directional information about public places owned or operated by Federal, State, or local governments or their agencies. Advertising devices for privately-owned or operated places are either on-premises or off-premises advertising devices.

**ADVERTISING DEVICE, ON-PREMISES:** Means an advertising device or “business sign” whose purpose is to advertise the principal or primary activities, goods, or services available upon the premises; or to identify the property upon which the sign is located; or to advertise the property as under construction or for sale or lease.

**AGRICULTURAL CUSTOM CONTRACTOR:** The provision of services necessary and customary to farming or ranching operations, requiring special knowledge, expertise, or equipment, including the parking, servicing, repairing, or maintenance of vehicles designed for

on-road hauling of livestock or agricultural products, and including vehicles and machinery designed for the harvesting, planting, cultivating, or processing of crops.

AGRICULTURE: See farming or ranching.

AIRFIELD: A place on land and/or water, where aircraft may land and/or take off. Does not include heliport.

AIRPORT: Means a place on land or water where aircraft may land to discharge or receive cargo and passengers, make repairs or take on fuel.

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

ALTERATION: See structural alteration

ANTENNA OR CELL TOWER: A freestanding structure, including monopole, guyed and lattice towers, designed and constructed primarily to support antennas and transmitting and receiving equipment.

APPROPRIATE: Belonging peculiarly, or especially suitable.

APPROVED: Sanctioned by the appropriate official as required by law so long as all provisions of these zoning regulations are met.

ASSEMBLY: The joining together of completely fabricated parts to create a product.

ATTACHED BUILDING: See building, attached.

AUCTION: A public sale in which real or personal property is sold to the highest bidder.

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done, except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

AUTO REPAIR SHOP: A shop or place of business for repair and maintenance of automobiles, trucks and other automotive and farm equipment, which carry a valid title and show a work order.

BARBER SHOP: The place of business of one whose business it is to cut hair, and to shave or trim beards.

BEAUTY SHOP: An establishment providing persons with services that include hair treatment, manicures, or facials.

BLOCK: A distinct portion or plot of land in a platted subdivision described and numbered as a block on the recorded plat of said subdivision, or a distinct portion or plot of land bounded on all sides by public streets, alleys, or easements.

BOARD: The Board of County Commissioners.

BOARD OF ADJUSTMENT: The duly appointed Board to which appeals are made as a result of a decision made by any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the Zoning Regulation.

**BUILDABLE AREA:** That portion of a lot or parcel that can be occupied by a building or structure.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy. See structure.

**BUILDING, ATTACHED:** A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension of eight (8) feet or more. See building, semi-attached.

**BUILDING, HEIGHT OF:** The vertical distance at the center of a building's principal front measured from the established street grade to the highest point of the coping of a flat roof, or to the center height between the eaves and ridge for pitched roofs. For buildings set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building, provided the distance from the street line is not less than the height of such finished grade above the established street grade.

**BUILDING LINE:** A line on a plat or the theoretical line on the ground between which line and a street, alley, or private place no principal building or structure may be erected.

**BUILDING, NON-CONFORMING:** See structure, non-conforming.

**BUILDING, PRINCIPAL AND/OR MAIN:** A building in which is conducted the main or principal use of the lot or parcel on which said building is situated, and including garages, carports, storage sheds, etc., which are attached to the principal building. (On farms the house shall be considered the principal structure.)

**BUILDING SEMI-ATTACHED:** A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and/or a common roof with a common horizontal dimension less than eight (8) feet. See building, attached.

**BUSINESS AND PROFESSIONAL OFFICE:** The office of an architect, attorney, dentist, doctor, engineer, insurance broker or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

**CAMPGROUNDS AND RECREATION AREAS:** Organized campgrounds, including federal, state, municipal and county owned and designated roadside parks and campgrounds; and privately owned campgrounds which are made available, either with or without a fee to the public; and all public lands and surface waters of the state, other than campgrounds, used for picnicking, camping and other recreational activities.

**CARPORT:** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides.

**CEMETERY:** A place for interment of the dead, which shall be categorized as either public or private. Shall include mausoleum.

- (1) *Public cemetery* is one which is operated as a business for commercial gain and shall require a Special Use Permit.
- (2) *Private cemetery or Family Burial Plot* is one in which its use is intended solely for the owner of the property and immediate family. After approval by (PCPC) and appropriate proof shown.

**CENTER LINE:** See street, center line of.

CHILD CARE CENTER: Child care centers, less than 24-hour programs of care defined at Section 26-6-102(1), C.R.S., include the following types of facilities:

- A. A "large child care center" provides care for 16 or more children between the ages of 2 1/2 and 16 years.
- B. A "small child care center" provides care for 5 through 15 children between the ages of 2 and 16 years.
- C. An "infant nursery" provides care for children between the ages of 6 weeks and 18 months.
- D. A "toddler nursery" provides care for children between the ages of 12 months (when walking independently) and 36 months.
- E. "Preschool" is a part-day child care program for 5 or more children between the ages of 2-1/2 and 7 years.
- F. "Kindergarten" provides a program for children the year before they enter the first grade.
- G. A "school-age child care center" is a child care center that provides care for 5 or more children who are between 5 and 16 years of age. The center's purpose is to provide child care and/or an outdoor recreational experience using a natural environment. The center operates for more than one week during the year. The term includes facilities commonly known as "day camps," "summer camps," "summer playground programs," "before and after school programs," and "extended day programs." This includes centers operated with or without compensation for such care, and with or without stated educational purposes.
  - 1. A "building-based school-age child care program" is a child care program that provides care for 5 or more children who are between 5 and 16 years of age. The center is located in a building that is regularly used for the care of children.
  - 2. A "mobile school-age child care program" provides care for 5 or more children who are at least 7 years of age or have completed the first grade. Children move from one site to another by means of transportation provided by the governing body of the program. The program uses no permanent building on a regular basis for the care of children.
  - 3. An "outdoor-based school-age child care program" provides care for 5 or more children who are at least 7 years of age or have completed the first grade. This program uses no permanent building on a regular basis for the care of children. Children are cared for in a permanent outdoor or park setting.
- H. A "Residential Camp" is a facility operating for three or more consecutive 24-hour days for the care of 5 or more children. The campers must have completed kindergarten or be at least 6 years old to 18 years old.
  - 1. A residential camp may have a "Primitive Camp" which is a portion of the permanent camp premises or another site at which the basic needs for camp operation such as places of abode, water supply systems, and permanent toilet and/or cooking facilities are not usually provided.
  - 2. A "Trip Camp" is a camp in which children move from one site to another by means of the child's own power or by a transportation mode permitting the child's guidance of a vehicle or animal. The trip camp originates in Colorado and operates for three or more consecutive 24-hour days during the year for the care of 5 or more children who are at least 10 years old or have completed the fourth grade to 18.
- I. A "Day Treatment Center" is a facility that provides less than 24-hour care for groups of 5 or more children from 5 to 18 years of age and for those persons to 21 years old who are placed in the program by court order prior to their eighteenth birthday. The center must provide a structured program of various

types of psycho-social and/or behavioral treatments to prevent or reduce the need for placement of the child out of the home or community. This definition does not include special education programs operated by a public or private school system or programs that are licensed by other regulations of the Department of Human Services for less than 24-hour care of children, such as a child care center or part-day preschool.

**CHURCH:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**CLUB:** A building or rooms and accessory buildings and grounds occupied by a nonprofit association of persons for the promotion of some common objective such as, but not limited to, literature, science, politics, recreation, and good fellowship, meeting periodically, limited to members, with not more than one-third (1/3) of the gross floor area occupied by the club used for residential occupancy.

**CLINIC, DENTAL OR MEDICAL:** A building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their professions. A clinic may include a dental or medical laboratory, but not facilities for inpatient care or operating rooms for major surgery. (See Hospital.)

**COMMERCIAL:** Of, or pertaining to, or engaged in the buying, selling, renting, or leasing of goods, services, or property.

**COMMISSION, PLANNING:** Prowers County Planning Commission (PCPC)

**COMPREHENSIVE PLAN:** See Master Plan.

**CONFINED/CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO):** Animal feeding operation that meets the definition in the Colorado Department of Health & Environment, Water Quality Control Commission Regulation No. 81 and/or Part 122, CFR 40, as amended.

**CONSTRUCTION, BEGINNING OF:** The utilization of labor and/or materials on the footings, foundations, walls, roofs, and other portions of the building or structure.

**CONTRACTOR'S YARD:** Property used partially or exclusively to park or store construction vehicles or equipment used by a building or construction trades contractor. The contractor's business office is considered an accessory use to a contractor's yard. Vehicles and equipment may be repaired or maintained in a contractor's yard provided such work is done in an enclosed building or structure.

**COUNTY:** Prowers County, Colorado.

**COURT:** An uncovered space, other than a yard, on the same parcel as the building and bounded on three (3) or more sides by such buildings, walls or fences.

**COVERED:** Roofed, trellised or otherwise shielded from the sky except for ground cover material.

**DENSITY:** The number of dwelling units per acre of land devoted to housing and usable open space.

**DISTRICT, ZONE:** A land area or land areas as defined by the Zoning Map within which the Zoning Regulations are uniform.

**DRIVE-IN RESTAURANT OR REFRESHMENT STAND:** Any place or premises used for sale, dispensing or serving of food, refreshments or beverages to customers while they remain in their automobile.

**DOMESTIC SERVANT:** A person who performs gardening, chauffeuring and/or similar domestic full-time duties for one (1) family and has no other employment.

**DWELLING:** As used in this Regulation, this term has the same meaning as the term "Residence" defined herein.

**DWELLING, CONDOMINIUM:** An apartment house in which the apartments or dwelling units are individually owned. Each owner receiving a recordable deed enabling the owner to sell, mortgage, exchange, etc., the owner's apartment independent of the owners of the other apartments in the building. A system of separate ownership of individual units in a multi-unit project where the land within the project is owned in common.

**DWELLING, MULTIPLE:** Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

**DWELLING, SINGLE-FAMILY:** A single detached structure containing, but one (1) dwelling unit.

**DWELLING, TOWNHOUSE:** An attached or semi-attached dwelling, containing a single dwelling unit located on a separate lot.

**EMERGENCY FACILITY:** A permanent facility from which care or relief from a situation or occurrence of a serious nature, and demanding immediate action, is directed. This term shall include fire departments and ambulance headquarters, but shall not include hospitals.

**EMPLOYEE:** A person employed permanently; this shall not mean temporary or seasonal employees.

**EMPLOYEE, OFF-SITE:** An employee of a home occupation whose services are provided off-site, and any on-premises activity is incidental. This definition includes permanent, temporary, and seasonal employees.

**ENCLOSED:** Surrounded by walls and/or fences and a roof. See unenclosed.

**EQUESTRIAN ARENA, COMMERCIAL/CLUB:** An area where activities involving horseback riding are conducted for practice, competition, or entertainment. Activities include, but are not limited to a rodeo, calf roping, riding, bulldogging, and barrel racing. A commercial/club equestrian arena is any equestrian arena which is not a personal equestrian arena. A commercial/club equestrian arena may offer such goods and services as are normal and incidental to the activities conducted. A commercial/club equestrian arena shall be developed and used in accordance with development and operating plan approved with the Special Use Permit. The development plan shall include, but is not limited to, an accurately drawn map which shows activity areas and improvements, access, driveways, and parking areas. The operating plan shall include, but is not limited to, the methods proposed for control of dust, erosion, odor, noise, glare, waste (manure) disposal, and congestion; and the methods to provide potable water and wastewater treatment.



**EQUESTRIAN ARENA, PERSONAL:** An area where activities involving horseback riding are conducted for practice, competition, or entertainment. Activities include, but are not limited to a rodeo, calf roping, riding, bulldogging, and barrel racing. A personal equestrian arena shall meet each of the following:

- (1) Accessory and incidental to the ranch, farm, or homesite on which it is located; and
- (2) The use of the arena is limited to the family and invited guests of the farmer/rancher/home occupant; and
- (3) No commercial competition or commercial entertainment occurs, and no user fees, dues, or other compensation are paid; and
- (4) The arena is operated in such a manner so that there is no adverse impact on surrounding properties relating to dust, erosion, odor, noise, glare, off-site illumination (more than 1 foot candle of illumination measured at the property line), waste disposal, and traffic and parking congestion. Neither a nuisance nor noxious activity shall be conducted on the property which is caused by the use of the property as a personal equestrian arena.

**EASEMENT:** A right held by the public, a corporation, or persons to make use of the land of another for a limited purpose, as right of passage.

**EXPLOSIVE:** A substance that causes a sudden rapid release of mechanical, chemical, or nuclear energy from a confined region.

**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.

**FABRICATION:** The stamping, cutting, assembling or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials.

**FAMILY:** A group of persons related by blood, marriage, or adoption living together on the premises in a single dwelling unit, or a group of not more than five (5) individuals living in a single dwelling unit not related by blood, marriage, or adoption. Notwithstanding the foregoing, a family shall be deemed to include five (5) or more persons that are not related by blood, marriage or adoption, occupying a residential dwelling unit and living as a single housekeeping unit if the occupants are handicapped persons as defined in Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by § 24-34-301, C.R.S. A household that includes five (5) or more persons identified above shall not be excluded from the definition of "family" by the residency in the household of additional necessary persons (and their families) employed in the care and supervision of such handicapped or disabled persons.

**FAMILY BURIAL PLOT:** See Cemetery

**FARMING OR RANCHING:** The business of cultivating land, producing crops and/or keeping livestock, fowl and other non-domestic animals. This definition does not include feed lots or dog kennels.

**FEEDYARD:** See Confined/Concentrated Animal Feeding Operations.

**FENCE:** A physical barrier of any type of construction used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy or confinement.

**FENCE, OPEN:** A fence which permits direct vision through at least 75% of the fence surface area as calculated within any and all one (1)-square foot area.

**FENCE, SOLID:** A fence which is not an “open fence”.

**FLOOD:** A temporary rise in a watercourse, flow or stage, which results in water overlapping its banks and inundating areas adjacent to the channel.

**FLOOD, INTERMEDIATE REGIONAL:** A type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one percent (1%) chance of being equaled or exceeded during any one year. The term is used interchangeably with a one percent flood or hundred year flood.

**FLOODPLAIN:** An area in and adjacent to a stream, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus 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.

**FLOOD-PROOFING:** A combination of structural provisions, changes, or adjustments to lands, properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures, and contents of buildings in a Flood Hazard Area.

**FLOODWAY ZONE:** The channel of a stream and those portions of the adjoining floodplain which are reasonably required to carry and discharge the floodwaters of an intermediate regional flood. In the context of these regulations, it is the floodplain less the low hazard zone, if any such low hazard zone has been designated or otherwise regulated under these regulations. If no low hazard zone has been so designated or regulated, then the terms “floodplain” and “floodway zone” shall be synonymous.

**FLOOR AREA, GROSS:** The sum of the gross horizontal areas measured between the exterior faces of exterior walls of the several floors of a building and accessory buildings, including interior walls, balconies, mezzanines, hallways, wells, basements, and cellars, and including the area of roofed porches, patios, and carports having more than one (1) wall.

**FLOOR AREA, NET:** The square footage totaling 75% of the gross floor area; or, when an “as-built”, detailed floor plan or current use plan can identify a lesser or greater amount of usable floor area which can be demonstrated by the sum of the horizontal area measured between the interior face of the exterior walls or all usable floors of a building, accessory buildings (including interior balconies and mezzanines) and surrounding open spaces wherein goods and services are offered or displayed, but excluding interior walls, enclosed hallways, stairwells, shafts, lavatories, furnace room, janitor supply rooms and closets, interior parking and loading areas, and inventory stock rooms.

**FLOOR AREA RATIO:** The quotient of the gross floor area of all buildings on a lot or parcel divided by the area of said lot or parcel.

**FOOD PROCESSING:** Preparing, treating, converting, or packaging food.

**FRONTAGE:** That portion of a lot, parcel, tract or block abutting upon a street. See yard, front.

**GAME PRESERVE, DEVELOPED:** A restricted property on which wild animals are hunted for sport or food, and where the potential for hunting success has been enhanced through

significant changes in the land, habitat or game population, in addition to those associated with restricting access to said property. Significant change includes, but is not limited to, any of the following:

- (1) Wetlands development that is extensive enough to require a 404 Permit from the U.S. Army Corps of Engineers;
- (2) Introduction of native or exotic game animals (excluding fish), resulting in expenditures of more than \$1,000 per year to raise and/or purchase said animals; or
- (3) Construction of a lodge or clubhouse for the use of hunters.

Developed game preserve does not include undeveloped game preserve and game refuge.

GAME PRESERVE, UNDEVELOPED: A restricted property on which wild animals are hunted for sport or food, and the potential for hunting success has not been enhanced through significant changes in the land, habitat, or game population, other than those associated with restricted access to said property. Undeveloped game preserve is an accessory use to ranching and farming.

GAME REFUGE: A restricted property on which wild animals are provided shelter or protection from danger or distress. Game refuge is an accessory use to ranching and farming.

GARBAGE: The animal and vegetable waste resulting from the handling, preparation, cooking, and/or consumption of food.

GARDENING: The cultivation of fruits, vegetables, flowers, or other plant materials.

GRADE, BUILDING: The average of the natural ground level at the center of all walls of the building.

GRADE, STREET: That elevation at the crown of the street on a line perpendicular to midpoint of the front property line of the lot, parcel, or tract.

GRAZING: Feeding or growing grasses or herbage.

GREENHOUSE: An enclosed structure used for cultivating plants in a controlled climate.

GROUPED HOUSES: See houses, grouped.

GUEST HOUSE: See house, guest.

GUEST ROOM: A room in a hotel, apartment hotel, motel, or tourist home offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

HALFWAY HOUSE: A residential facility for individuals who:

- (1) Have been institutionalized and are proceeding toward release; or
- (2) Have physical, mental or social disabilities; or
- (3) Are receiving treatment for substance abuse; or
- (4) Are in a diversion program in lieu of institutionalization for any of the above conditions.

The facility provides either protection to those residents whose disabilities make living in society difficult, or facilitates the residents in becoming functional members of society. In addition to

providing shelter, the facility may also provide meals, supervision, counseling, recreation, and other necessary rehabilitative services.

**HAZARDOUS WASTE:** Means that term as presently and hereafter defined by Section 25-15-101(9)(a), C.R.S.

**HEALTH DEPARTMENT:** Prowers County Public Health and Environment

**HEDGE:** Closely planted rows of landscape materials such as shrubs planted and maintained so as to create a visual barrier.

**HELIPORT:** A place, on land and/or water and/or structures where rotorcraft may land and/or take off.

**HOME, CHILD FOSTER:** A place of residence which provides on a regular 24-hour basis room, board, ordinary care, and supervision for at least three (3) but not more than four (4) minors. Before commencing operation, and as a continuing requirement, every child foster home shall be certified or licensed by the State of Colorado, shall be periodically inspected, approved, and supervised by the Prowers County Department of Social Services. A place of residence for two (2) or less minor children, and meeting all other tests of this definition, is determined to be one-family residence (or mobile home) for the purpose of zoning and is permitted to be established subject to those zoning regulations applicable to a one-family residence (or mobile home). (Note: This zoning determination does not change other codes and regulations, such as the Building Code, Health Department Regulations, which are applicable to this use.) This definition does not apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family, or to handicapped persons as defined in Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by C.R.S. 24-34-301.

**HOME, NURSING:** A place of permanent residency which provides lodging, board, and personal services to more than four (4) persons who are sick, infirm, or convalescent persons who are attended by nurses caring for their physical and mental requirements, to the extent that such persons are not handicapped or disabled persons within the meaning of Title 3 of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by Section 24-34-301, C.R.S. It may also include only such other persons who are employed in an official capacity for the operation and maintenance of the home. A hospital is not a nursing home. A place of residence for four (4) or less sick, infirm, or convalescent persons, and meeting all other tests of this definition, is determined to be a one-family residence for the purpose of zoning and is permitted to be established subject to those zoning regulations applicable to a one-family residence. (Note: This zoning determination does not change other codes and regulations, such as the Building Code, Health Department Regulations, which are applicable to this use.) This definition does not apply to members (related by blood, marriage or adoption) of the owner-occupant's or lessee-occupant's family.

**HOME OCCUPATION:** A use for gain or support in an agricultural or residential zone conducted on the parcel and carried on by the inhabitants there, and no others, which use is clearly incidental and secondary to the use of the parcel for agricultural or residential purposes and which does not change the character thereof.

**HOSPITAL:** Any building or portion thereof used for the accommodation, nursing and medical, surgical or psychiatric care of the sick, injured or infirm persons. See clinic, dental or medical.

HOTEL: A building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests

HOTEL, APARTMENT: See dwelling, multiple.

HOUSE, FRATERNITY OR SORORITY: The building occupied by an organization incorporated as a fraternity or sorority formed chiefly to promote friendship and welfare among the members, usually college students, and usually providing space for eating, sleeping and social activity.

HOUSE, GUEST: Living quarters within a semi-attached or detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises, and not rented or otherwise used as separate dwelling unit.

HOUSES, GROUPED: A group of two (2) or more detached or semi-attached dwelling units or apartment structures usually separated by a court or courts used in common by the inhabitants thereof.

HOUSING, TENANT: Structures on farms and ranches intended primarily for the housing of persons and/or their families, employed on the farm or ranch.

INDUSTRY: The commercial production and wholesale of goods and services.

INDUSTRY, LIGHT: Any branch of trade, production or creative endeavor employing labor and capital in an industrial or manufacturing process which is not noxious or offensive by reasons of the emission of odor, dust, smoke, gas, fumes, noise or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly to adjoining property owners or to the public generally, and which operates independent of: railroad sidings, extensive loading docks, and steam generation as prime power.

JOBBER: A wholesaler who operates on a small scale or who sells only to retailers and institutions.

JUNK: Goods, material, or objects that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition and/or which are subject to being dismantled or processed for reuse.

JUNKED VEHICLE: A junked vehicle is any motor vehicle which because of a legal or mechanical condition or defect cannot be operated on a public street or highway. It shall be prima facie evidence that a vehicle is mechanically inoperable if its motor, axle, wheel, or similar necessary parts have been removed from the vehicle. It shall be prima facie evidence that a vehicle is legally inoperable if after thirty (30) days written notice given pursuant to this Regulation a vehicle fails to possess and display current license plates. A motor vehicle means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highway.

The term "junked vehicle" as defined herein shall not include vehicles within a properly screened portion of the premises of a junk or salvage dealer whose use of the property is proper under the Zone District wherein the property is located, vehicles on the premises of any properly zoned business dealing in the selling, repairing, or servicing, of vehicles, vehicles within a fully enclosed building, or vehicles enclosed by fencing which is constructed of such material and in sufficient height so that vehicles are not visible from a height of five (5) feet along the property line.

JUNKYARD: Any lot, parcel or tract used for the storage, keeping, sale or abandonment of junk and/or for the dismantling, demolition or abandonment of automobiles, or other junk or parts thereof.

KENNEL: Any lot, parcel, tract or structure in which five (5) or more dogs, six (6) months old or older, are kept, raised, housed, boarded, or bred. Operated in accordance with State Regulations.

KITCHEN: Any area intended and equipped for the preparation of food.

LABORATORY: A building or part of a building devoted to testing and analysis of any material or substance.

LAND USE PLAN: See Master Plan.

LAUNDROMAT: An establishment providing washing, drying, ironing or dry cleaning machines for hire to be used by customers on the premises.

LINE, CENTER: See street, center line of.

LINE, FRONT LOT: The line separating such lot, parcel or tract from any public street right-of-way.

LINE, LOT: The perimeter or outer boundary of a lot, parcel or tract.

LINE, PROPERTY: The boundary of any lot, parcel or tract as the same is described in the conveyance to the owner.

LINE, REAR LOT: The line which is opposite and most distant from a front line or, on an irregular or triangular lot, a line at least ten (10) feet long entirely within the lot, parallel to and furthest distance from the front lot line.

LINE, SIDE LOT: A line connecting a front lot line with a rear lot line.

LOADING SPACE: A space within the main building or on the same lot, parcel or tract providing for the standing, loading or unloading of trucks and/or semi-trailers.

LODGE: A club.

LOT: A distinct portion or plot of land in a recorded, platted subdivision described and numbered or lettered as a lot on the recorded plat of said subdivision. See also parcel and tract.

LOT, CORNER: A lot situated at the junction of two (2) or more streets.

LOT COVERAGE: That portion of the lot, parcel or tract shielded from the sky by building and/or structures.

LOT, FLAG: Shall mean a lot, the main use or building area of which does not abut a public street, but is connected thereto by a narrow strip of land which is a part of the lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: See line, lot.

LOT LINE, FRONT: See line, front lot.

LOT LINE, REAR: See line, rear lot.

LOT LINE, SIDE: See line, side lot.

LOT, NON-CONFORMING: See parcel, non-conforming.

LOT WIDTH: The distance between the side lot lines measured at the required front building setback line, or in the case of an irregularly-shaped lot the front building line.

MANUFACTURE: The creation of a finished or semi-finished product.

MASONRY OR EQUAL: Eight (8) inches or more of exterior masonry material or exterior material equivalent in fire retardant characteristics.

MACHINE SHOP: A structure containing machinery for the manufacture, modification or repair of metal goods and equipment.

MASTER PLAN: The Prowers County Master Plan.

MINERAL: Any naturally-occurring, homogeneous inorganic substance having a definite chemical composition and characteristic crystalline structure, color, and hardness.

MINERAL DEPOSIT, COMMERCIAL: A natural mineral deposit of limestone used for construction purposes, coal, oil, gas, 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, mineralogical, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation.

MOBILE HOME: A detached, single-family housing unit that may not meet the definition of Residence set forth herein, and which has all the following characteristics:

- (1) Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, and which has plumbing and electrical connections provided for attachment to outside systems;
- (2) Designed to be transported after fabrication, on its own wheels, or on flatbed or other trailers or on detachable wheels;
- (3) Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;
- (4) Exceeding either eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers; and
- (5) Is without motive power;
- (6) Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. Seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by Federal law.

MOBILE HOME LOT: A unit of ground for the placing of a mobile home.

MOBILE HOME PARK: Any parcel of land upon which five (5) or more mobile homes, occupied or intended to be occupied for dwelling or sleeping purposes, are located for periods of longer than ninety (90) days, regardless of whether or not a charge is made for such accommodation.

**MOBILE HOME PARK SUPPORT FACILITIES:** Supportive facilities (e.g., swimming pool, club house, sauna, laundry room, restroom, recreational vehicle storage areas, and common open space) which supplement the recreational or service needs of the mobile home park residents, but are not available for use by the general public.

**MOBILE HOME SPACE:** A unit of ground located in an approved mobile home park which is owned by the park owner, but rented to the mobile home owner for placing of a mobile home.

**MOBILE HOME SUBDIVISION:** A tract of land subdivided into mobile home lots, which has been designed and improved in its entirety in accordance with the County of Prowers Subdivision Regulations and Zoning Regulation where mobile homes can be located on individually-platted and owned lots for long-term occupancy purposes.

**MOTEL:** A building or group of buildings containing guest rooms, usually with access directly from a parking lot.

**MUSEUM:** A building or structure for the display of natural, scientific, literary or artistic objects of general, historic or other special interest.

**NON-CONFORMING BUILDING:** See structure, non-conforming.

**NON-CONFORMING LOT:** See parcel, non-conforming.

**NON-CONFORMING PARCEL:** See parcel, non-conforming.

**NON-CONFORMING STRUCTURE:** See structure, non-conforming.

**NON-CONFORMING USE:** See use, non-conforming.

**NURSERY:** An area where trees, shrubs, or plants are grown for transplanting or for use as stocks for budding and grafting. This activity shall be considered an activity of farming and ranching.

**OCCUPANCY:** The use of land and/or building or portions thereof.

**OFFICE:** A place, such as a building, room, or suite, in which services, clerical work or professional duties are carried out.

**OUTDOOR THEATER:** An outdoor structure for the presentation of plays, motion pictures, or other dramatic or comedy performances.

**OWNER:** Any person who, alone or jointly or severally with others, shall have legal title to any land or structure, or contract of purchase, with or without accompanying actual possession thereof; or shall have charge, care or control of any land or structure as owner or agent of the owner; or as executor, administrator, conservator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this regulation and of rules and regulations adopted pursuant thereto, to the same extent as if such person were the owner.

**PARAPET WALL:** A low wall extending above a roof.

**PARCEL:** A lot or tract, or contiguous groups or portions of such lots and/or tracts shown on the Assessor's roll of Prowers County, or a contiguous area of land under legal control of any one person, partnership, firm, corporation, syndicate, agency or institution. See also lot and tract.



**PARCEL, NON-CONFORMING:** A parcel which lawfully existed at the time this regulation or any amendment hereto became effective, but which does not now conform to the regulations applicable in the zone district in which it is located.

**PARKING:** The assembling or standing of motor vehicles for relatively temporary periods of time.

**PARKING, COMMERCIAL:** Parking lots or structures open to the public and operated for a profit.

**PARKING, COMMUNITY:** Parking lots or structures not open to the public, but shared by several persons not residents on the premises.

**PARKING LOT:** A lot, parcel, or tract for the parking of motor vehicles.

**PARKING, OFF-STREET:** Parking of motor vehicles off the public rights-of-way.

**PARKING, PRIVATE:** The parking of motor vehicles belonging to residents on the premises. (See accessory use).

**PARKING SPACE:** The area required by the provisions of this regulation for the parking of one (1) motor vehicle.

**PARKING STRUCTURE:** A garage, carport or other structure for the parking of motor vehicles.

**PATIO:** An outdoor living area usually hard-surfaced and frequently fenced or covered.

**PERMANENT:** Continuing or enduring in the same state, place, or the like without marked change.

**PERMANENT OCCUPANCY:** The use of land and/or structures or portions thereof for a period of thirty (30) consecutive days or longer.

**PERSON:** Firms, corporations, associations, partnerships, societies and/or individuals.

**PET:** A domestic animal kept for pleasure rather than utility. If such animal is raised for the purpose of sale and food, it shall be conclusively presumed not to be a pet. For the purposes of these regulations, cows and horses shall not be considered pets.

**PORCH:** A roofed or unroofed unenclosed portion of a building projecting from the front, side or rear wall of the building.

**PREMISES:** Means the central, actual physical location where an activity is routinely conducted. The premises include the primary structures, parking facilities, and private roadway if they are necessary to the principal activity.

**PROFESSIONAL OFFICE:** An office for professions, such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, realtors, accountants, and others who through training are qualified to perform services of a professional nature, and where limited storage or sale of merchandise exists.

**PROPERTY LINE:** See line, property.

**PUBLIC HEARING:** A meeting called by a public body for which public notice has been given and which is held in a place in which the general public may attend to hear issues and express their opinions.

**RECREATIONAL VEHICLE:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

**RECREATIONAL VEHICLE PARK:** A parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**RECREATIONAL VEHICLE SITE:** A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

**RESIDENCE:** Any room or group of rooms forming a single habitable unit with facilities which are used or intended to be used by one (1) family and/or their resident domestic servants for its living, sleeping, cooking and eating needs. By definition, dwelling shall include factory-built housing constructed to the requirements of the Uniform Building Code and conventional stick-built housing, but shall not include mobile homes.

The term Residence shall include a manufactured home which:

- (1) Is partially or entirely manufactured in a factory;
- (2) Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
- (3) Is installed on an engineered permanent foundation;
- (4) Has brick, wood, or cosmetically-equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of wall section) downward to the top of the exposed perimeter wall, foundation, or to grade, whichever is applicable; and has a pitched roof;
- (5) Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. Seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by Federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building Code as adopted by the State of Colorado and as enforced and administered by the Colorado Division of Housing.

The term residence shall also include conventional stick-built housing, but shall not include mobile homes as defined herein.

**RETAIL:** Sale to the ultimate consumer for direct consumption and/or use and not for resale.

**RIGHT-OF-WAY, PUBLIC:** All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as a matter or right, for the purpose of vehicular or pedestrian travel

**ROAD, PRIVATE:** A right-of-way or easement for purposes of access which is in private ownership, and which has not been dedicated to or accepted for maintenance by a public entity.

**RUNWAY:** The hard surface of the Airport Landing Area used primarily for the landing and take-off of aircraft.

- (1) Instrument Runway - a runway equipped or to be equipped with a precision electronic navigation aid or other landing aids or other air navigational facilities suitable to permit the landing of aircraft by any instrument approach under restricted visibility conditions.
- (2) Non-Instrument Runway - means a runway other than an instrument runway.

SCHOOL: Educational Institutions and/or seminaries administered by churches or religious organizations; school, colleges or universities administered by public agencies; non-profit schools, colleges or universities operated under charter or license from the state; and any non-profit institution, residences or home operated for the education of five (5) or more students.

SECRETARY: Secretary shall mean the Secretary to the Planning Commission or the Board of Adjustment, or may be a designated employee.

SERVICE STATION, GASOLINE: A property where flammable liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles, and which may include, as an incidental accessory use only, facilities for polishing, greasing, washing or minor servicing such motor vehicles, but not including auto body work or other major repairs.

SEMI-ATTACHED BUILDING: See building, semi-attached.

SETBACK: The distance from the lot line or right-of-way line to any building or structure on the lot.

SIGN: Means an advertising device.

SIGN, ANIMATED: Means a sign having regular variation in its physical position by mechanical movement or mechanical rotation.

SIGN AREA: The total area enclosed by the shortest single line that can be drawn around the entire sign, excluding structural supports. Each display face of a sign shall be measured separately in computing total sign area.

SIGN, FACE: Means that portion of the sign visible to the public right-of-way for the purpose of advertising.

SIGN, FLASHING: Means any illuminated sign on which the artificial light or lights are not maintained in a satisfactory condition or not constant in intensity and color at all times when such sign is illuminated. A sign whereon the time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature.

SIGN, FLUTTERING: Means a sign, including "wind sign," having irregular variation in its physical position by non-mechanical movement (e.g., wind). Fluttering signs, unless otherwise exempted by this regulation (e.g., national and state flags), are devices such as spinners, wind cups, streamers, pennants, and flags.

SIGN, FREE-STANDING: Means a sign which is supported by one or more uprights, poles, or braces in or upon the ground; or a portable sign; or a sign which by its configuration stands freely without support from a primary or accessory structure.

SIGN, ILLUMINATED: Means a sign which is directly lighted by any electrical light source, internal or external, except public light sources (e.g., street lights) and private light sources operated for the purpose of illuminating an area (e.g., parking lot) in which the sign is located.

**SIGN, PROJECTING:** Means a sign which is attached directly to the building wall and which extends more than fifteen inches (15") from the face of the wall.

**SOLID WASTES:** Garbage, refuse, sludge of sewage disposal plants, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and community activities, but does not include agricultural wastes.

**SOLID WASTE DISPOSAL:** The collection, storage, treatment, utilization, processing, or final disposal of solid wastes.

**SPECIAL USE PERMIT:** A permit issued by the Planning Commission authorizing a Use by Special Review which has been approved according to the required procedure.

**STABLE:** A building for the purpose of housing and feeding of horses and for the storage of equipment relating to the care, maintenance, and operation of the horses.

- (1) **Commercial:** Any stable where horses are boarded for remuneration and/or where horses are kept for sale or hire.
- (2) **Private:** Any stable where horses are boarded and owned by the occupants of the premises and are not kept for remuneration, sale, or hire.

**STORAGE:** The act of stocking or supplying a product reserved for future use.

**STREET:** A way for vehicular and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, mall or otherwise.

**STREET, CENTER LINE OF:** The true center line of a dedicated public right-of-way as determined by the Road & Bridge Supervisor. Where such public right-of-way is curved, offset, angular or any other question arises, the Road & Bridge Supervisor shall determine the alignment of the center line.

**STREET, PRIVATE:** A right-of-way or easement in private ownership, not dedicated or maintained as a public street which affords the principal means of access to one (1) or more lots and not maintained by Prowers County.

**STREET, RIGHT-OF-WAY:** See right-of-way, public.

**STREET WIDTH:** The horizontal distance between right-of-way lines.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**STRUCTURE:** That which is built or constructed, 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. (Does not include fences.)

**STRUCTURE, NON-CONFORMING:** A building or structure, or portion thereof, lawfully existing at the time this regulation or any amendment hereto became effective that does not conform to all regulations applicable in the Zone District in which it is located. If a structure is made to be non-conforming by the actions of a local, state or federal agency, then such structure shall not be considered to be a non-conforming structure.

STRUCTURE, PERMITTED: A structure meeting all the requirements established by these Zoning Regulations for the district in which the structure is located.

STRUCTURE, PRINCIPAL: See building, principal and/or main.

STUDIO: A place where an art is taught or studied; an artist's or photographer's establishment.

SUBDIVISION: A division, subdivision or resubdivision of a lot, tract or parcel of land into two (2) or more lots, tracts, or parcels of land as defined in the Prowers County Subdivision Regulations.

TEMPORARY: Use of land and/or structure or portion thereof which continues for a period of less than thirty (30) consecutive days.

TERRACE: A raised level or platform of earth surfaced or unsurfaced supported on one (1) or more faces by a wall, a bank, turf, or the like.

TRACT: A portion of land, usually not platted, delineated by a metes and bounds description. See also Lot and Parcel.

TRAILER SALES OR MANUFACTURING: The sale or manufacturing of mobile homes or travel trailers.

TRAVEL TRAILER: A temporary portable housing unit on wheels that is eight (8) feet or less in width and thirty-two (32) feet or less in length, excluding towing gear and bumpers which is designed for short-term occupancy while being used for travel, recreation, and vacation.

TRAILER PARK: See mobile home park.

UNENCLOSED: May be roofed, but may not be enclosed on more than two (2) sides by walls or fences. See enclosed.

USE: Any activity taking place upon land and/or in structures.

USE BY SPECIAL REVIEW: A use which may be permitted in a Zone District upon favorable action by the Planning Commission.

USE BY RIGHT: A use which may be permitted in a Zone District.

USE, NON-CONFORMING: A use which was lawful for a building or land at the time this regulation became effective and which does not now conform with the use regulations applicable in the Zone District in which it is located; however, an existing use which requires approval by the Planning Commission under the 1977 Zoning Resolution or this resolution shall not be considered a non-conforming use.

USE, PRINCIPAL: Any use listed as a use by right.

VARIANCE: A relaxation of the terms of the Zoning Regulation where such relaxation will not be contrary to the public interest or the intent and purpose of this regulation and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulation would result in unnecessary and undue hardship, and the condition or situation is not of so general or recurrent a nature as to make reasonable and practicable the formulation of an amendment containing a general regulation for such condition or situation.

VEHICLE: A device that is required to be licensed or registered, or is used to carry persons or goods from one place to another, and which is self-propelled or designed to be transported from one place to another upon wheels or endless tracks.

VEHICLE, RESIDENTIAL ACCESSORY: An automobile or other vehicle which may be parked upon private property or a public right-of-way, and where a residence or mobile home has been legally constructed as a principal structure in a residential or agricultural zone district, subject to such standards and limitations set forth herein. The occupant of a residence or mobile home shall be the owner or primary operator of the vehicle. Junked vehicles shall not be considered residential accessory vehicles. This definition does not permit the use of the property as a depot, fleet maintenance, or storage yard for vehicles. For the purpose of this definition, residential accessory vehicles are:

- (1) *Authorized emergency vehicle*—means such vehicles of a fire department, police department, ambulance company, and other emergency service providers which are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with State law regulating emergency vehicles. Said term also means privately owned vehicles which are designated by the State Motor Vehicle Department to be necessary to preserve life or property, and are equipped to be operated as emergency vehicles in the manner prescribed by law.
- (2) *Automobile*—means a conventional automobile. This definition does not include automobiles offered for hire as a common carrier, such as taxi cabs and limousine service automobiles.
- (3) *Farm Vehicle*—means a vehicle customarily used in farming and ranching, such as truck, tractor, and implements of husbandry, when the property is principally used for farming or ranching and the vehicle is principally used in conjunction with the property.
- (4) *Motorcycle*—motorcycles and motorized bicycles are permitted.
- (5) *Recreation Vehicle*—means a vehicular type unit designed as temporary living quarters for recreation or camping which may be mounted on or drawn by another vehicle, such as travel trailer, camping trailer, truck camper, and motor home. Recreational vehicles which are residential accessory vehicles shall also include boats, boat trailers, and snow mobiles. Recreational vehicles shall not be parked on any public right-of-way. Recreational vehicles shall be so parked on private property to not impede the visibility of pedestrian or vehicular traffic. No recreational vehicle shall be used as a dwelling or residence on a permanent basis when parked at a residence or mobile home.
- (6) *School Bus*—means a vehicle parked in the A-1 through A-3 Zone Districts which is solely used to transport students and which is owned and operated by a public or private school district, provided neither maintenance nor repairs are performed on the bus at such property. School buses shall not be parked on any public right-of-way. School buses shall be so parked on private property to not impede the visibility of pedestrian or vehicular traffic. This definition does not include preschool, church and Sunday School, and camp buses. A school bus is not a residential accessory vehicle in the R-1 and R-2 Zone Districts.
- (7) *Truck and Van*—means a vehicle whose manufacturer's rated chassis or carrying capacity is one (1) ton or less. This definition does not preclude temporary parking during the loading or unloading of any truck or van, or while being used for onsite construction work.

VISIBLE: Means capable of being seen, whether or not legible, without visual aid by a person of normal acuity.

WALL: An obscuring structure constructed of masonry, brick, concrete, metal, wood, or similar materials that prevents the passage of light, air and vision.

WAREHOUSE: A building or portion thereof used and appropriated by the occupant (1) for the deposit and safekeeping or selling of his own goods at wholesale or by mail order or (2) not for the deposit and safekeeping or selling of his own goods but for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

WHOLESALE: Sale for resale, not for direct consumption.

YARD: An existing or required space not occupied or not to be occupied by a principal use or building on the same lot, parcel or tract with a principal use or building.

YARD, FRONT: A yard extending the full width of the lot and situated between the street line and the required front setback line.

YARD, REAR: A yard extending the full width of the lot and situated between the rear line of the lot and the required rear setback line.

YARD, SIDE: A yard extending between the required side setback line and the adjacent side line of the lot and extending from the required front setback line to the required rear setback line.

ZONE DISTRICT: See district, zone.