KIOWA COUNTY

COMPREHENSIVE PLAN

ZONING RESOLUTION

ZONING & PLANNING
REGULATIONS
AND
PERMITS

KIOWA COUNTY, COLORADO

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SUBDIVISION REGULATIONS

KIOWA COUNTY, COLORADO

SUBDIVISION REGULATIONS

Kiowa County, Colorado

SECTION I – TITLE, AUTHORITY, JURISDICTION, AND PURPOSE

I-1 Title and Short Title

A. Title – A resolution establishing rules, regulations and standards governing the subdivision of land within the unincorporated area of the County, setting forth the procedure to be followed by the Board of County Commissioners and the Planning Commission in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by the State of Colorado.

B. Short Title – These Regulations shall be known and may be cited as "The County Subdivision Regulations of Kiowa County."

I-2 Authority, Jurisdiction, Enforcement and Penalty

A. The County is enable by law to control the subdivision of all of the unincorporated land within the county limits by virtue of Chapter 30 of the Colorado Revised Statutes of 1973, as amended.

B. Colorado Revised Statures 30-28-133 (as amended 1973). The authority is more specifically defined as follows:

> 30-28-133. Subdivision regulations. (1) Every county in the state, which does not have a county planning commission on July 1, 1971, shall create a county planning commission in accordance with the provisions of section 30-28-103. Every county planning commission in the state shall develop, and the county commissioners shall adopt and enforce subdivision regulations for all land within the unincorporated areas of the county in accordance with this section not later than September 1, 1972. In the event the county commissioners of any county in the state have not adopted subdivision regulations on September 1, 1972, then and in such event the land use commissions may promulgate such subdivision regulations for such areas of the county for which no subdivision regulations exist. Such subdivision regulations shall be in full force and effect, and enforced by the county commissioners. If at any time thereafter the board of county commissioners adopts its own subdivision regulations for land within the unincorporated areas of the county, such regulations shall be no less stringent that the regulations promulgated by the Colorado Land Use Commission under this subsection (1). All subdivision regulations, and all amendments thereto, adopted by board of county commissioners shall be transmitted to the Colorado Land Use Commission. Any person, partnership, or corporation intending to subdivide land as defined in Section II of these regulations shall submit plans and plats as required by and specified in these regulations to the Board of County Commissioners, located at:
>
> Kiowa County Courthouse
> Eads, Colorado 81036

For review and approval, as follows:

All plans of streets or highways for public use, and all plans, plats, plots, and re-plots of land laid out in subdivision or building lots, and the streets, highways, alleys, or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Board of County Commissioners for review and subsequent approval, conditional approval, or disapproval. It shall not be lawful to record any such plan or plat in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Board of County Commissioners and after review by the appropriate planning commission.

C. Subsection 30-28-133 (4) (a) and (b), Colorado Revised Statutes (1963), as amended states:

30-20-110. Regional planning commission approval required when recording. (4) (a) Any subdivider, or agent of a subdivider, who transfers or sells or agrees to sell or offers to sell any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder shall be guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected under this paragraph (a) of this subsection (4) shall be credited to the general fund of the county.

(b) The Board of County Commissioners of the county in which the subdivided land is located shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell, or offering to sell subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners.

I-3 Statement of purposes

A. To assist orderly, efficient and integrated development of the County.

B. To promote the health, safety, and general welfare of the residents of the county.

C. To ensure conformance of land subdivision plans with the public improvement plans of the county and its various municipalities.

D. To ensure coordination of inter-municipal public improvement plans and programs.

E. To encourage well-planned subdivisions by establishing adequate standards for design and improvement.

F. To improve land survey monuments and records by establishing standards for surveys and plats.

G. To safeguard the interest of the public, the homeowner and the subdivider.

H. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

I. To prevent loss and injury from fire.

J. To preserve natural vegetation and cover and promote the natural beauty of the county.

K. To prevent and control erosion, sedimentation and other pollution of surface and subsurface water.

L. To prevent flood damage to persons and properties and minimize expenditure for flood relief and flood control projects.

M. To restrict building on flood land, shore lands, areas covered by poor soil, or in areas poorly suited for building or construction.

N. To prevent loss and injury from landslides, mud flows and other geologic hazards.

O. To provide adequate space for future development of schools and parks to serve the population.

P. To assure the planning for and provision of an adequate and safe source of water and means of sewage disposal.

SECTION II – DEFINITIONS

II-1 Board

The Board of County Commissioners of Kiowa County.

II-2 Conservation Standards

Guidelines and specifications for soil and water conservation practice and management enumerated in the Technical Guide prepared by the USDA soil Conservation Service for Kiowa County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his need in developing his soil and water conservation plan.

II-3 Comprehensive Plan

A comprehensive plan for the future growth, protection, and development of the County, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

II-4 Crosswalk or Walkway

A right-of-way dedicated to public use, to facilitate pedestrian access through a subdivision block.

II-5 Disposition

A contract of sale resulting in transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing.

II-6 Dwelling Unit

Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.

II-7 Easement

A right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

II-8 Evidence

Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

II-9 Health Department

The Colorado State Health Department.

II-10 Lateral Sewer

A sewer, which discharges into another sewer and has only building sewers tributary to it.

II-11 Multi-Family Dwelling

A building providing separate dwelling units for two or more families.

II-12 Municipality

An incorporated city or town.

II-13 National Cooperative Soil Survey

The soil survey conducted by the US Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

II-14 Off-Street Parking Space

The space required to park one passenger vehicle which space shall be not less that two hundred (22) square feet in area, exclusive of access drives.

II-15 Permanent Monument

Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

II-16 Planned Unit Development (PUD)

An area of land improved as a residential development in which normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be give upon evidence of the provisions of open spaces, public facilities, access, planning esthetics, and other considerations deemed important by the local approving agency.

II-17 Planning Commission

The Kiowa County Planning Commission.

II-18 Plat

A map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

II-19 Preliminary Plan

The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

II-20 Re subdivision

The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clark and Recorder.

II-21 Double Frontage Lots

Lots which front on one public street and back on another.

II-22 Roadway

That portion of the street right-of-way designed for vehicular traffic.

II-23 Sketch Plan

A map of proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early state in the planning.

II-24 Street

Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way. For the purpose of this ordinance, street shall be classified as defined in subsection (a) through (i):

a. Major Highway. A major regional highway including an expressway, freeway, or interstate highway designed to carry vehicular traffic.

    (1) into, out of, or through the regional area (inter-regional);

    (2) from one political subdivision of the region to another or from an inter-regional highway (intra-regional).

b. Major or Arterial Streets. A street or road designed to carry vehicular traffic from one part of a political subdivision to another part of that same political subdivision.

c. Collector Street. A street of road designed to carry vehicular traffic from one or more residential or non-residential areas to or from a major street or major highway.

d. Local Street. A street or road designed to carry vehicular traffic from one or more individual residential or nonresidential unit(s) to or from a collector street.

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

f. Cul-de-sac. A short dead-end street terminating in a vehicular turn-around area.

g. Half Street. A street parallel and contiguous to a property line and of lesser right-of-way width than is required for minor or major streets.

h. Service Road. A street or road paralleling and abutting major streets to provide access to adjacent property to that each adjacent lot will not have direct access to the major street.

i. Stub Street. A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

II-25 Street Right-of-Way

That portion of land dedicated to public use for street and utility purposes.

II-26 Subdivider or Developer

Any Person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

II-27 Subdivision

A. Any parcel of land in the County which is divided into two (2) or more parcels, separate interest, or interests in common, unless exempted under subsections (B), (C) or (D)

B. The terms "subdivision" and "subdivided land" as defined in subsection (A) shall not apply to any division of land which creates parcels of land each of which comprise thirty-five (35) or more acres of land, none of which is intended for use by multiple owners.

C. Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and subdivided land," as defined in subsection (A) shall not apply to any division of land:

1. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five or more acres per interest;

2. Which is created by order of any court in this state or by operation of law;

3. Which is created by a lien, mortgage, deed of trust or any other security instrument;

4. Which is created by a security or unit of interest in any investment trust regulated under the laws or this state or any other interest in any investment entity;

5. Which creates cemetery lots;

6. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property; or

7. Which is created by the acquisition of an interest in land in the name of a husband and wife or other person in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposed of this subsection (3) as only one interest.

D. The Board may, pursuant to rules and regulations or resolution, exempt from this definition of the terms "subdivision" and "subdivided land", any division of land if the Board determines that such division is not within the purpose of this article.

II-28 Subdivision Improvements Agreement

One or more security arrangements which may be accepted by the County to secure the construction of such public improvements as are required by County subdivision regulations within the subdivision and shall include collateral, such as, but no limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds, or other similar surety agreements.

SECTION III - PROCEDURES FOR SUBMISSION AND REVIEW OF SKETCH PLAN

III-1 Submission

Subdividers shall submit a sketch plan to the Board prior to the submission of a preliminary plan. Said sketch plan will enable the subdivider and the Board to render an informal preliminary review of the site plan for general scope and conditions which might affect the plan.

III-2 Provision of the procedures and standards for evaluation of sewer and water systems.

At the time of sketch plan submission, the subdivider will be given materials and information relating to procedures and standards by which the suitability of proposed sewer and water systems may be determined and evaluated, and in the case of on-lot sewer or water facilities, forms to be completed by a professional engineer, licensed in the State of Colorado, for submission with the preliminary plan.

III-3 Review of Sketch Plan

The Board shall turn all sketch plan materials over to the planning commission, which shall review them and return them to the Board with its comments, suggestions and recommendations within thirty-five (35) days. The Board shall then review the materials and the report of the Planning Commission, and communicate its own comments, suggestions and recommendations to the subdivider and to the Planning Commission at the next regular meeting of the Board.

SECTION IV – PROCEDURES FOR SUBMISSION AND REVIEW OF PRELIMINARY PLAN

IV-1 Submission

Subdividers shall submit required preliminary plan materials and supporting documents of a proposed subdivision at a regular meeting of the Board for approval prior to the submission of a final plat. A receipt shall be issued to the subdivider for the preliminary plan submissions. Approval of the preliminary plan shall be effective for eighteen (18) months. Thereafter, approval for the preliminary plan will have expired unless a final plat has been submitted to the Board within eighteen (18) months, or a mutually agreed upon extension has been granted by the Board. Whenever a final plat is submitted for less than the entire area covered by the preliminary plan, approval of the preliminary plan for the remaining un-platted area shall be extended for an additional eighteen (18) months.

IV-2 Preliminary Plan referral and review

The Board shall turn all preliminary plan materials over to the Planning Commission. In turn, the Planning Commission shall distribute copies thereof for review and comment, suggestions and recommendations, as follows:

1. To the appropriate school district (s);

2. To each county of municipality within a two-mile radius of any portion of the proposed subdivision;

3. To any utility, local improvement and service district, or ditch company, when applicable;

4. To the Colorado State Forest Service, when applicable;

5. To other planning commissions with jurisdiction over the area;

6. To the local soil conservation district board or boards within the County for explicit review and recommendations regarding soil suitability and flooding problems. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district;

7. When applicable, to the Department of Health, for its review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision;

8. When applicable, to the state engineer for an opinion regarding material injury to decreed water rights, historic use of and estimated water yield to supply the proposed development, and conditions associated with said water supply evidence. The state engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells;

9. To the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land.

10. To any other and all other agencies or persons who may, in the opinion of the Board or the planning commission, be affected by the proposed subdivision.

B. The Planning Commission shall contact each of the agencies, which have not responded within fifteen (15) days, asking whether an extension of time is necessary for the agency to respond. If, on or before the twenty-fourth day, the agency responds that such an extension is necessary, the Planning Commission shall seek the consent of the subdivider to grant such extension for a total period not to exceed fifty-four (54) days from the date of original mailing. The failure of any agency to respond within twenty-four (24) days or within the period of an extension shall, for the purposes of the hearing on the plat, be deemed to have approved said plat.

C. Upon receipt of response by the agencies, or default by them, the Planning Commission shall review and study as it deems necessary, including the holding of public hearings, to make an informed and reasoned judgment on the preliminary plan.

D. Within twenty-four (24) days of the transmittal of the preliminary plan by the Board to the Planning Commission, or within the period of an extension granted by the Board and agreed to by the subdivider, the Planning Commission shall consider the preliminary plan at the public meeting, and deliver to the Board and to the subdivider its comments, suggestions and recommendations regarding the preliminary plan.

E. If any of the agencies enumerated in Section A(1)-(10) above responds after the consideration of the preliminary plan at such a public meeting, the Planning Commissions shall notify the Board of such response and shall review the response and shall immediately transmit its comment concerning the review of the Board.

F. The Planning Commission shall only recommend for approval those preliminary plans, which it finds to be developed in accordance with the intent, standards and criteria specified in these regulations.

IV-3 Board Action

The Board shall act upon such preliminary plan within thirty-five (35) days after receipt of the recommendation of the Planning Commission at an official meeting of the Board. Failure by the Board to act within thirty-five (35) days shall be deemed a favorable approval of such preliminary plan and a certificate shall be issued immediately thereafter to that affect.

SECTION V – PROCEDURES FOR SUBMISSION, REVIEW AND RECORDING OF FINAL PLAN

V-1 Submission

A. The final plat may only be submitted for all or portion of an area within and approved preliminary plan to which it must conform. The final plat shall be submitted by the subdivider at a regular meeting of the Board.

B. Final plats shall be submitted for approval within eighteen (18) months of the date a preliminary plan has been approved by the Board. No final plat submission will be accepted which has exceeded this time-lapse period. An extension of time may be granted by the Board upon written request of the subdivider. Any plat submitted for which preliminary plan approval has been given in excess of eighteen (18) months previous and for which no time extension has been granted shall be considered by the commission as a new preliminary plan. The final plat shall also contain the refinements required in SECTION VIII-G

C. A receipt shall be issued to the subdivider for the final plat submission.

D. The Board shall turn all final plat materials over to the Planning Commission.

V-2 Planning Commission Review

A. The Planning Commission shall review the final plat submission for completeness pursuant to the requirements of SECTION VIII and for conformity to the approved preliminary plan and any conditions upon which such approval may have been made.

B. The Planning Commission shall deliver its comments, suggestions and recommendations regarding the final plat to the Board and to the subdivider.

V-3 Board Review

A. After recommendation by the Planning Commission, the subdivider or his agent shall appear at the next regularly scheduled meeting of the Board to request review of the final plat. Failure of the Board to act on the application within thirty-five (35) days of such request shall be deemed a favorable approval of the final plat and certificate shall be issued immediately thereafter to that effect.

B. If the Board determines that the final plat submission complies with the application requirements to these regulations, they shall endorse the plat as follows:

Reviewed and approved by the Kiowa County Board of County Commissioners.

Date: _____

SECTION VI – RELATED PROCEDURES

VI-1 Acceptance of Street and Other Public Land Dedication

Approval of a subdivision shall not constitute an acceptance by the county of the roads, streets, alleys, or other public land as indicated for dedication of the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by specific action of the Board.

VI-2 Re-subdivision Procedures

A. Re-subdivision of land or changes to a recorded plat shall be considered a subdivision and it shall comply with these regulations with the following exceptions;

1. Lot lines may be revised from those shown on the recorded plat, provided that in making such changes:

    a. No lot or parcel of land shall be created or sold that is less than the minimum requirements for the area or dimension as established by these regulations or other applicable regulations of ordinances;

    b. Drainage easements reserved for drainage shall not be changed, unless supported by complete engineering data;

    c. Street locations and street right-of-way shall not be changed; and

    d. The plat shall not be altered in any way, which will adversely affect the character of the plat filed.

2. If it is discovered that there is a minor survey or drafting error in a recorded final plat, the subdivider shall be required to file the final plat with an affidavit witnessed by two land surveyors, concerning the change, which shall be approved by the Board. At least one of the surveyors witnessing the final plat must be an impartial observer having no personal interest in the subdivision. If, however, the correction of the error results in such major alterations that the corrected plat no longer meets the design standards and criteria of these regulations, then the corrected plat shall require full approval procedures and the recording of a correct plat.

B. A copy of all final plat revision shall be submitted to the Board for its review.

C. Where the re-subdivison compiles with the appropriate requirements of these regulations, a record plat indicating the re-subdivison shall be submitted to the Board for its endorsement, prior to the filing of such plat with the County Clerk and Recorder. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

D. The county shall maintain an adequate numbered filing system for all subdivisions, including copies of all maps, data, and county actions. It shall also maintain a master location map (or maps) referenced to the filing system, for public use and examination.

VI-3 Withdrawal of Approval

The Board may withdraw any recommendation by the Planning Commission or approval by the Board of a plan or plat if and when it is determined that information provided by the subdivider, upon which such decision was based, is false or inaccurate.

VI-4 Recording Final Plat

A. The Board shall record the final plat with the County Clerk and Recorder within five (5) working days of approval of the final plat by the Board.

B. The County Clerk and Recorder shall furnish the subdivider with a receipt for the final plat upon filing the final plat.

VI-5 Notification to the Land Use Commission

Each month the Board, or its appointed representative, shall transmit to the Colorado Land Use Commission copies of the notice of filing and a summary of information of each subdivision preliminary plan and plat submitted to them together with a report of each exemption granted by the Board pursuant to subsection (4) (d) of Section 30-28-136 C.R.S. (1973) as amended, and these regulations on such form as may be prescribed by the Land Use Commission.

SECTION VII – SKETCH PLAN REQUIREMENTS

VII-1 Procedures and Requirements for Submission

Subdividers shall submit a sketch plan to the Board for review and discussion on site plan and general scope and conditions. The Board shall transmit such submissions to the Planning Commission for its review.

VII-2 Contents of Sketch Plan Applications

A sketch plan shall include the following items (submit seven copies):

1. The name of the subdivision. No subdivision in the County shall bear the same name as another subdivision unless adjoining and using consecutive filing numbers.

2. The name and address of the owner(s) and of the subdivider(s).

3. A map or maps (drawn to an appropriate scale) showing the general location of the subdivision and the property boundaries of the subdivision area and true north, and significant natural and man-made features on the site and within one-half mile of any portion of the site.

4. A map or maps drawn to a scale of 1" = 200' showing (see SECTION VII-3 A):

    a. A lot and street layout indicating general scaled dimensions of lots to the nearest foot.

    b. Existing topographic contours at ten (10) foot intervals drawn from available data, such as United States Geological Survey (USGS) maps.

    c. The acreage of the entire tract and the area, to the nearest half (1/2) acre and percent of total area to be devoted to streets and to each other type of use.

5. A map or maps draw to a scare of 1" = 200', showing (see SECTION VIII-3 A):

    a. A lot and street layout indicating general scaled dimensions of lots to the nearest foot.

    b. Soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. (Requests for these maps and tables are to be made to the local Soil Conservation District; the subdivision does not need to be in a soil conservation district to obtain the map and table or have them prepared.)

6. Reports concerning:

    a. Type of water system proposed; also documentation of water rights and of historic water use;

    b. Type of sewage disposal system proposed;

    c. Streams, lakes, topography and vegetation;

    d. Geologic characteristics of area significantly affection the land use and determining the impact of such characteristics on the proposed subdivision;

    e. In areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.

VII-3 Drawing Requirements

A. The scale of the sketch plan shall be not less than one-inch (1") equals two hundred (200) feet.

(Note: A map scale of 1"=300' is less than a scale of 1"=200' and so is not permitted under these requirements.)

Some variation from this will be acceptable in the case of large subdivisions provided the plans and design are clearly legible. Maps shall include true north points, name of the subdivision, name of the county, township, range, principal meridian section, and quarter section; block and lot numbers. In the case of large subdivisions requiring more than two sheets at such a scale, a total area plan showing the total area on a single sheet at an appropriate scale shall also be submitted.

B. The dimensions of each and every map submitted shall be twenty-four (24) inches by thirty-six (36) inches. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.

SECTION VIII – PRELIMINARY PLAN REQUIREMENTS

VIII-1 Submission

Copies of all required material shall be officially submitted to the Board by the subdivider (or his authorized representative) at an official Board meeting.

VIII-2 Contents of the Preliminary Plan Application

A. Two copies of an Application for Approval of a preliminary plan.

B. The name of the subdivision.

C. The name and address of the owner(s) and subdivider(s) and name of the designer of the preliminary plan.

D. If the proposed subdivision is to include more than twenty (20) lots, proof of a developer's license held by the subdivider.

E. The legal description of the area to be subdivided and its acreage

F. A minimum of fifteen (15) copies of a map of the proposed subdivision except in cases where due to certain characteristics of the proposal, the Board or the Planning Commission decrees that additional copies are necessary for adequate referral and review. Such maps shall show the following:

1. A location and vicinity map, drawn at an appropriate scale, showing the following:

    a. Related existing and planned streets and highway systems;

    b. Zoning districts, taxing districts and other special districts, if any;

    c. Significant vegetation patterns.

2. A map or maps, drawn at an appropriate scale showing:

    a. Perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a one-half (1/2) mile distance of the perimeter of the proposed plat.

    b. Abutting property lines.

3. A traverse map, drawn at an appropriate scale, of the monumented perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one (1) part in ten thousand (10,000). Survey tie into the state grid or other permanent marker established by the county surveyor is required if practical. Monuments shall conform to the requirements of C.R.S. 38-51-100 et seq.

4. A map or maps showing the following at the scale of 1"=200':

    a. Lot and street layout including:

        - Dimensions of all lots to the nearest foot (which may be scaled values).

        - Lots and block numbered consecutively.

        - Location and identification of all existing and proposed public and private easements.

        - Existing and proposed street names.

        - Sites to be reserved or dedicated for parks, playgrounds, schools, or other public uses.

        - Site, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single family dwellings

        - Location of common open space not reserved or dedicated to public.

        - The area, to the nearest half (1/2) acre and percent of the total area of the subdivision devoted to streets and to each other type of use.

    b. Existing buildings, other easements, telephone lines, gas lines, power lines, and other features located on the subdivision and within two hundred (200) feet of its boundaries.

    c. A composite utilities easement plan showing location, size and proposed use of all easements. (Subsequently, all utilities must be constructed within approved easements.)

5. A map or maps showing the following at the scale of 1"=200':

    a. Lot and street layout as in (4) (a) above.

    b. Soil types and their boundaries based on the National Cooperative Soil Survey, U.S. Department of Agriculture, Soil Conservation Service and a table of interpretations for the soil types shown on the soil map.

    c. Significant geologic features.

    d. General location in the subdivision area of trees over six (6) inches in diameter, measured at six (6) feet above the ground. In cases of heavily wooded areas, indicate the outline of wooded area and location of trees,

which are to remain. It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying of the exact tree location.

6. A map or maps showing the following at the scale of 1"=200':

    a. Lot and street layout as in (4) (1) above.

    b. The existing contours at two (2) foot intervals for predominant ground slopes within the tract between level and five (5) percent grade and five (5) foot contours for predominant ground slopes within the tract over five (5) percent grade. Elevations shall be based on National Geodetic Survey sea level data. In cases of predominately level topography throughout a subdivision, one (1) foot interval contours are required.

    c. A generalized grading plan identifying areas of cut and fill and street gradients. Intended contours shall be shown as solid lines at the same interval as required for existing contours, which shall be shown as dashed lines.

    d. Water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas and swamps. (Note: Detail design of drainage structures not required for preliminary plan.)

    e. The approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur with a return frequency of once every hundred years.

G. The Planning Commission shall determine from a review of the preliminary plan whether the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earth moving operations in the construction of the subdivision or otherwise entail an erosion hazard, and if so, the commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a registered professional engineer, or the U.S. Soil Conservation Service, using the county conservation standards of the soil and water conservation plan.

In the event that soil erosion and sediment control plans are required, the preliminary plan submission shall not be considered complete until such plans have been submitted to the Board, or its designated agent, who shall furnish the subdivider with a receipt and transmit the plans to the Planning Commission for review of the preliminary plan.

VIII-3 Drawing Requirements

A. The prints of the map shall be black on white or blue on white, and reproduction shall be clear and crisp.

B. The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor, licensed to do such work in the State of Colorado. A workman-like execution of the plan shall be made in every detail. A poorly drawn of illegible plan is sufficient cause for its rejection.

C. The plan shall be drawn to a scale not less than one (1) inch equals two hundred (200) feet (See SECTION VII-3), and shall indicate the basis of bearings, astronomic north arrow, name of subdivision, name of municipality; township, range, principal meridian section and quarter section; block and lot number (of the property under consideration).

VIII-4 Text

An identical number of copies of textual materials shall be submitted as follows:

A. Total acreage of entire proposed subdivision

B. Function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.

C. Sewage disposal report where on-lot sewage treatment is proposed.

D. The substance of all covenants, grants of easements or restrictions to be imposed upon the use of land, buildings, and structures.

E. Geologic investigation reports regarding area suitability for the proposed development.

F. Tables of soil type interpretations, as prepared for the sketch plan submission, based on the National Cooperative Soils Survey, U.S. Department of Agriculture, Soil Conservation Service, provided by the Soil Conservation District, where such table were incomplete in the sketch plan submission.

G. Survey notes of subdivision perimeter survey and copies of all monument records required pursuant to C.R.S. 38-53-102.

H. An abstract of title for the property, or evidence of a title insurance policy for the land to be subdivided and any related supporting materials as needed.

I. Total number of proposed dwelling units.

J. Total number of square feet of proposed non-residential floor space.

K. Total number of proposed off-street parking spaces, excluding those associated with single family residential development

L. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities and such other utilities as may be required of the developer by the County.

M. Adequate evidence that a water supply that is sufficient in terms of quality, quantity and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:

1. Estimated water volume and rate required to service subdivision now and at full development, expressed in gallons of water per day.

2. Expected consumptive use of gallons of water per day by the subdivision.

3. Evidence of ownership or right of acquisition of or use of existing and proposed water rights.

4. Historic use and estimated yield of claimed water right.

5. Amenability of existing rights to a change in use.

6. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use by the proposed subdivision and the feasibility of extending service to that area.

7. Evidence concerning the potability of the proposed water supply for the subdivision.

8. An evaluation of the potential for material injury to existing vested water rights as a result of the use of ground water in the proposed subdivision. If domestic wells are proposed for supply, their cumulative effect shall be considered.

9. In cases where tributary ground water or surface water is proposed for a water supply, a plan of augmentation of plan of exchange whereby material damage caused by the wells to existing vested water rights is prevented.

10. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed.

11. Evidence that public or private sewage treatment facilities can and will provide adequate sewage treatment for the proposed subdivision if such service is to be provided by an existing district.

VIII-5 Geologic Report

Where individual on-lot water supply systems are proposed, a geologic report shall be submitted and shall contain a specific section on ground water geology prepared by a qualified ground-water geologist, which indicates:

1. The probability of success of wells or on-site supply systems throughout the proposed subdivision.

2. The expected long term yield of such wells or systems.

3. The expected depth to usable water.

4. The expected significant problems of long term supply, pollution or long-term maintenance of such wells or systems.

SECTION IX – FINAL PLAT REQUIREMENTS

IX-1 Submission

A. The final plat shall be submitted at an official meeting of the Board by the subdivider or his authorized representative.

IX-2 Conformance with Preliminary Plan

A. A final plat may be submitted in sections covering representative and reasonable portions of the subdivision tract. In such cases submission shall include six (6) copies of a map, indicating the sections designated for the entire tract, and each sheet numbered accordingly and include title legend, match lines and other appropriate information.

B. The final plat submission shall conform in all major respects to the Preliminary Plan as previously reviewed and approved by the Commission and shall incorporate all modifications required in its review. The Commission, however, may approve a Final Plat, which has been modified to reflect improvements in design, or changes, which have occurred in its natural surroundings and environment since the time of the Preliminary Plan review and approval.

C. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgement.

IX-3 Revision of a Final Plat

If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

IX-4 Final Plat Information

A. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys or excepted parcels.

B. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of the closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

C. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:

1. radius of curve

2. central angle

3. tangent

4. arc length

5. notation of non-tangent curves

D. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to second of arc.

E. All dimensions of irregularly shaped lots shall be indicated in each lot.

F. Bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be give for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

G. All easements shall be designated as such and bearings and dimensions given.

H. All blocks, and all lots within each block, shall be consecutively numbered.

I. Excepted parcels shall be marked "Not included in this subdivision" or "Not included in this plat", as appropriate, and the boundary completely indicated by bearings and distances.

J. All streets, walkways and alleys shall be designated as such and streets shall be named; bearings and dimensions must be given.

K. The information on the plat shall also include:

1. Name of subdivision, astronomic north arrow, basis of bearings, and date.

2. Name and address of owner or owners of record.

3. Total acreage of subdivision and total number of lots.

4. The number of acres, to the nearest half (1/2) acre, and the percent of total area of the subdivision in streets and each other type of use proposed for the subdivision.

5. Township, Range, Principal Meridian Section (and Quarter Section(s) if portion of a section), block and lot numbers.

6. Graphic scale.

7. Monuments (see Appendix D)

a. Permanent reference monuments shall be set on the external boundary of the subdivision, pursuant to C.R.S. 38-51-100.3.

b. Block and lot monument shall be set pursuant to C.R.S. 38-51-100.3

c. At least one second order benchmark (N.G.S. Datum) shall be set (where practical to tie in) within every subdivision or subsequent filing prior to submission of the final plat for approval.

d. Detail requirements on monument construction, marking, and setting are contained in Appendix D.

8. Any additional information required by C.R.S. 38-51-100.3.

IX-5 Drawing Requirements

The final plat drawing shall comply with the following standards:

A. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the State of Colorado. A workman-like execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.

B. The plat shall be delineated in drawing ink, at a scale of 1"=200', on waterproof tracing cloth or mylar, in the following size:

Twenty-four (24) inches high by thirty-six (36) inches wide.

C. The surveyor making a plat shall certify on the plat that is conforms to these regulations and to all applicable state laws and that the monuments described in it have been placed as described. He shall affix his name and seal.

IX-6 Supporting Documents

The following documents shall be submitted with the final plat drawing and be considered a part of the final plat submission:

A. Two (2) copies of an application form for review of a final plat and six (6) copies of all supporting documents, except that the Board or the Planning Commission may, at any time up to approval by the Board, require additional copies.

B. Drawings showing layout, profile, and detail design of the following:

1. All utilities, easements, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to the development.

2. Plan, profile and typical cross section drawings of roads, bridges, culverts, and other drainage structures.

3. Grading and drainage plan. The proposed grading plan shall be indicated by solid line contours superimposed on dashed line contours of existing topography for the area of the final plat. Such contours shall be at two (2) foot intervals for predominant ground slopes within the tract over five (5) percent grade. In case of

predominantly level topography throughout a subdivision, one (2) foot contour intervals may be required.

4. Erosion control plan, when required for preliminary plan review (see SECTION VIII-26) or required as a result of such review.

C. A guarantee of public improvements (see SECTION II)

D. An exact copy of a certificate of a title insurance company or attorney which shall set forth the names of all owners or property included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the County Planning Commission.

Where the portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Board must be submitted.

E. Where the subdivider is to dedicate land for schools, road, parks, or other public purposes, a letter of intent is required from the Board stating that the Board will accept the lands to be dedicated subject to applicable improvement standards and agreements by the appropriate public agencies.

F. When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted.

G. Copies of deed restriction, including those required by the Board, to govern the future use of each lot and any common land with regard to the future construction of water or sewer systems, re-subdivison, and other potential changes which might significantly alter the subdivision as approved by the Board with regard to the criteria and standards of these regulations.

H. Monument record for required benchmark.

I. The drawings, described in (1), (2) (3) and (4) shall be prepared by either a register professional engineer or registered land surveyor, as required by the laws of the State of Colorado who is licensed to do such work in the State of Colorado.

SECTION X – CONFORMANCE WITH EXISTING LAWS

Land being subdivided shall conform with the comprehensive plan, zoning resolution, and other resolutions and regulations in effect in the County. In the absence of such plan and/or resolutions these regulations are not to be construed as a substitute for such plans and/or resolutions; however, unzoned and unregulated areas may be subdivided and plats filed so long as they conform to these regulations. In all cases, the Planning Commission and the Board shall consider the criteria in SECTION XI. These criteria shall also apply to subdividers within a Planned Unit Development zoned area of a county with a zoning resolution (see SECTION XIV-B).

SECTION XI – DESIGN STANDARDS

All subdivisions approved by the Board must comply with the following standards.

XI-1 General Standards

A. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and trees.

B. Land subject to hazardous conditions such as landslides, mud flows, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

C. Lots

1. No single lot shall be divided by a municipal or county boundary line.

2. A lot shall not be divided by a road, alley or other lot.

3. Wedge-shaped lots. In the case of wedge-shaped lots, no lot shall be less than forty (40) feet in width at its narrowest point.

4. Lot lines. Side lot lines shall be at substantially right angles or radial to street lines. Where lots lines are not at right angles to the street lines this shall be indicated.

5. Front on public street. All residential lots in subdivisions shall front on a public street, in accordance with other local regulations.

6. Double frontage lots. Double frontage lots shall not be permitted.

XI-2 Streets

Street Requirements

1. Street Plan. The street or highway layout shall conform to the street plan of the county in which the subdivision lies.

2. Through Traffic. Local streets shall be laid out to discourage through traffic.

3. Stub Streets. Provision must be made, through the provision of sub streets or extension of new streets to connect to existing stub streets, to provide an efficient street system. Not more than six (6) lots shall front on a stub street except where a temporary cul-de-sac is provide.

4. Intersection. Intersections of local streets with major streets shall be kept to the minimum.

5. Right-of-way Width. Streets shall have the following minimum right-of-way widths:

    a. Major highway – a minimum of one hundred (100) feet, or as required by state and federal standards.

    b. Collector street – eighty (80) feet.

    c. Local street and service road – sixty (60) feet.

6. Road Width. Street shall have the following roadway widths:

    a. Major highway – minimum of sixty-four (64) feet, or as required by state and federal standards.

    b. Collector street – forty-four (44) feet.

    c. Local street or service road – forty (40) feet.

    d. Ten (10) foot shoulders shall be provided where curbs are not provided.

7. Half Streets. Half streets shall not be permitted except when required to complete a half street already in existence.

8. Dead-end Streets. (not cul-de-sacs). Dead end streets shall not be permitted.

9. Cul-de-sac Streets. Permanent cul-de-sac streets serving no more than twenty (20) lots maybe permitted and must be provided with a right-of-way at the turn-around of sixty-five (65) feet radius or more and the outside curb or pavement edge radius must be fifty-five (55) feet or more. Cul-de-sac streets intended to be only temporary must also satisfy the above requirement.

10. Number of Streets at Intersection. No more than two streets shall intersect at one point.

11. Angle of Street Intersections. Streets shall intersect at ninety (90) degrees, except where this may be impractical. Angles of less than ninety (90) degrees may be designed, subject to the approval of the Board.

12. Centerlines of Intersection Streets. Two streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least one hundred (100) feet.

B. Street Names. Streets shall have the names of existing streets, which are in alignment in the county or in an adjoining county or municipality. There shall be no duplication of street names within the area.

C. Curvature and Alignment

1. Horizontal Curves. To ensure adequate sight distances, when street roadway lines deflect more than five (5) degrees, connection shall be made by horizontal curves.

2. Vertical Curves. Vertical curves shall be used at changes of grade exceeding one percent and shall be designed to provide minimum sight distances of two hundred (200) feet for local streets and three hundred (300) feet for all other streets (arterial and collector streets shall be as determined by the current specifications of the American Association of State Highway Officials).

D. Frontage of Major Highways

Where a residential subdivision abuts a major highway, service roads may be required.

E. Roadbed Construction Standards for Paved Roadways

1. Roadbed grading and paving width. Roadbed grading and paving of forty (40) feet in width on local streets and a minimum of forty-four (44) feet on all others shall be required. Ten (10) foot shoulders shall be provided where curbs are not provided.

2. Base Course. On the properly rolled and crowned subgrade, there shall be constructed a base course of six (6) inches minimum depth when compacted, conforming to the Department of Highways specifications for a base course. Should conditions warrant, the county may require a base of greater than minimum depth.

3. Surface Course. On the base course, a bituminous penetration surface course or bituminous mix approved by the Board shall be constructed of two and one-half (2.5) inch minimum thickness conforming to Department of Highways specifications or a bituminous surface course. Should conditions warrant, the county may specify asphaltic concrete surface course, conforming to Department of Highway specifications.

4. Curbs. Curbs, when required, of cement concrete or asphalt on all streets throughout a development to be of either straight or rolled type. Straight curbs shall be twenty (20) inches in depth, six (6) inches wide at the top and eight (8) inches wide at the bottom; rolled curbs shall be fourteen (14) inches in depth, twenty-four (24) inches in total width, six (6) inches wide at the top and have a seventeen (17) inch curb return, except at corners where it shall have a fifteen (15) inch curb return.

F. Road construction standards for unpaved roads

Where approved by the County, construction of unpaved roads shall be in accordance with standards developed by the county engineer who shall consider the anticipated use of the road and the natural features of the area.

XI-3 Sidewalks

Sidewalks shall be provided where required by the County, on both sides of all streets, not less than four (4) feet in width and constructed of reinforced 300 P.S.I. concrete at least four (4) inches thick. The area from the curb line to the sidewalk shall slope one-fourth (1/4) inch per foot toward the street.

XI-4 Block Standards and Walks

A. Block Standards

The long dimension of any block shall not be less than six hundred (600) feet no longer than twelve hundred (1200) feet, and the total design shall provide for convenient access and circulation for emergency vehicles.

B. Pedestrian Walks

Improved walks of not less than five (5) feet in width shall be placed within the rights-of -way.

XI-5 Lot Size Standards

When no zoning regulations are in effect, maximum density standards or minimum lot size requirements may be specified by the Board, based on interpretations made from the Cooperative Soil Survey, U.S. Department of Agriculture, Soil Conservation Service, and other procedures and the recommendations of the county or district health department.

XI-6 Easement Standards

Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of twenty (20) feet apportioned equally in abutting properties.

Where front line easements are required, a minimum of fifteen (15) feet shall be allocated as a utility easement. Perimeter easements shall be less than fifteen (15) feet in width extending throughout the peripheral area of the development. They shall be designed so as to provide efficient installation of utilities. Special guying easement at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

XI-7 Driveways

Driveways shall not be permitted to have direct access to major highways.

XI-8 Sanitary Sewage Disposal

A. General Requirements

In all new subdivisions all lots or parcels which cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal

system prior to the occupancy of, or use of building construction thereon. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the Nation Cooperative Soil Survey showing the suitability of the soil for septic tank fields or pits will be submitted along with the results of percolation test. The result of this data will be reviewed by the Board and by the Department of Health, to determine the general suitability for the soil for on-lot disposal systems.

1. Land made, altered, or filled with non-earth materials within the last ten (10) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.

2. Each lot shall have fifty (50) percent of its minimum required lot area or twenty thousand (20,000) square feet; whichever is less, in slopes of less than fifteen (15) percent.

3. Each subdivided lot to be served by an on-site soil absorption sewage disposal system shall contain an adequate site for such system. An adequate site requires a minimum depth of eight (8) feet from the surface of the ground to impermeable bedrock, and a minimum depth of eight (8) feet from the surface of the found to the groundwater surface (based on annual high water level). Each site must also be at least one hundred (100) feet from any water supply well, at least fifty (50) feet from any stream or watercourse, and at least ten (10) feet from a dwelling property line.

4. Soils having a percolation rate slower than sixty (60) minutes per inch shall not be divided into building sites to be served by soil absorption sewage disposal systems.

5. Land rated as having severe limitations for septic tank absorption fields as defined by the (county soil survey) U.S. Department of Agriculture, Soil Conservation Service, shall not be divided into building sites to be serviced by soil absorption sewage disposal systems unless such building sites contain not less than twenty thousand (20,000) square feet of other soils rated suitable for building construction and installation of an on-site soils absorption sewage disposal system.

6. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan, review, shall: Have percolation test; obtain the certification of the soils scientist that specific area lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet the Health Department regulations. In addition, the Sanitary Inspector shall find that the proposed corrective measures have overcome the severe soil limitations.

7. Other applicable standards adopted by the Board or the Health Department: An applicant desiring to install soil absorption sewage disposal facilities on soils having severe limitations shall have an opportunity to present evidence contesting

such classification and analysis, if he so desires. Thereafter, the Board my affirm, modify or change the classification.

B. Sanitary Sewer Mains, Laterals and House Connections

Where local, county, and regional master plan indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Board may require the installation and capping of sanity sewer mains and house connection in addition to the installation of temporary individual on-lot sanitary disposal systems. Responsibility for the design and supervision of installation of all capped sewers, laterals and house connections shall be that of the county involved. Whenever individual on-lot sanitary sewage disposal systems are proposed the subdivider shall either install such facilities, or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities by installed by the purchaser of sale lot at the time that the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community public sanitary system.

C. Test Procedures

Test procedures shall be conducted in accordance with U.S. Public Health Service Publications Number 526, 1963 Edition, and other county requirements.

XI-9 Water Supply

Water supply systems shall be provided consistent with the standards of the requirements of these regulations.

Where the subdivider proposes that individual on-lot water supply systems be constructed within the subdivision the subdivider shall install such facilities, or shall require by deed restriction or otherwise as a condition of the sale of each lot within the subdivision that the facilities be installed by the purchaser of said lot at the time the principal building is constructed.

XI-10 Storm Drainage and Flood Plains

A. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work and shall be shown graphically. All existing drainage features, which are to be incorporated in the design, shall be so identified. If the Final Plat is to be presented in section, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each section shall be indicated.

B. The drainage and flood plain systems shall be designed:

1. To permit the unimpeded flow of natural watercourses.

2. To ensure adequate drainage of all low points.

3. To ensure the applications of the following regulations regarding development in designated flood plains:

    a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a one hundred (100) year storm.
    b. Building construction may occur in that portion of the designated floodway where the return frequency is between a one hundred (100) year and a maximum probable storm provided all usable floor space is constructed above the designated maximum probably flood level.

    c. Where floodway velocities are generally determined to be under five (5) feet per second and maximum floor depth will not exceed three (3) feet, such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.

    d. Any use of land is prohibited where flooding would create a public health problem. This includes shallow wells, uncased deep wells, sanitary landfills, septic tank and on-lot sewage disposal systems, water treatment plants, and also sewage disposal systems not completely protected from inundation.

    e. Trailer parks, mobile homes and similar uses shall not be permitted in any designated floodway.

    f. Any contemplated flood plain encroachment or channeling shall be thoroughly analyzed and its effect on tram flow determined before it is undertaken. Any construction, dumping, and filling operations in a designated floodway constitutes and encroachment.

    g. Floodlands. All lots containing land which is less than two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood or record, must have adequate building sites documented with consideration to the location of the building and, where applicable, of wells and septic tanks.

C. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on land downstream.

D. All proposed surface-drainage structures shall be indicated.

E. All appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

XI-11 Subdividing or Planning of Parcel

Where an entire parcel is not subdivided, the subdivider must indicate his intended plan for disposition of the remainder of the parcel.

XI-12 Public Sites and Open Spaces

The Board, upon consideration of county circulation and facilities and the future requirements of the subdivision, shall require the dedication of areas of site of a character, extent, and location suitable for public use for schools and parks, or in lieu of such land, just compensation, according to the following formula:

> A dedication to the public of five (5) percent of the gross land area of the final plat, to be used for schools and parks and maintained by the county, or in such instances as the Board shall consider such offerings of land to be of unsuitable quality, character, or location, or of inordinately small size to be of significant value, there shall be provided in lieu of such land a cash sum equal to five (5) percent of the full market value of the gross land area in the final plat at the time of final plat submission, to be paid over by the subdivider to the Board, to be used by it only to expand or improve school or park facilities or to acquire land for sites for schools or parks to serve the subdivision and the future residents thereof.

SECTION XII – UTILITIES AND IMPROVEMENTS

XII-1 General Requirements

A. The following improvements shall be constructed at the expense of the subdivider as stipulated in the Subdivision Improvement Agreement (APPENDIX C) in a manner approved by the Board, which is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of these regulations, they shall apply:

1. Road, grading and surfacing
2. Curbs, if required
3. Sidewalks, if required
4. Sanitary sewer laterals and mains where required
5. Storm sewers or storm drainage system, as required
6. Water distribution system, where applicable
7. Street signs at all street intersections
8. Permanent reference monuments and monument boxes
9. Other facilities as may be specified or required in these regulations, by the Planning Commission
10. All utilities, except major power transmission lines, shall be underground, unless specifically exempted by the Board, who shall grant such exemption only in cases of extreme difficulty.

SECTION XIII – GUARANTEE OF PUBLIC IMPROVEMENTS

XIII-1 Guarantees

No final plat shall be approved or recorded until the subdivider has submitted and the Board has approved, one or a combination of the following:

a. A subdivision improvements agreement guaranteeing to construct any required public improvements shown in the final plat documents, together with collateral which is sufficient, in the judgment of said Board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications, or:

b. Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final plat documents which, in the judgment of said Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

XIII-2 Use of Guarantees, Return Thereof

As improvements are completed, the subdivider may apply to the Board for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any or such improvements are not constructed in substantial compliance with specifications, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

SECTION XIV – VARIANCES

A. Hardship

Should the subdivider clearly demonstrate that, because of peculiar physical conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by these regulations.

B. Planned Unit Development (See SECTION X)

The Planning Commission and the Board may modify the design standards contained in SECTION XI of these regulations for application to proposals for Planned Unit Development provided that the overall design is consistent with the purpose of such standards.

1. The purpose of the PUD. plan is to encourage flexibility and variety in land development, a more efficient allocation and maintenance of open space, and a more efficient use of those public facilities required in connection with such development.

    a. The PUD. design shall specify that the common area shall be a part of the overall area covered by the Plan.

    b. That each parcel within the area shall be deeded as a unit granting to the parcel owner a proportionate undivided interest in the common area in perpetuity with a deed restriction against future residential, commercial or industrial development.

    c. There shall be a plan, which shall also be a deed restriction by covenant or otherwise, in perpetuity, binding the unit owners to a method of maintenance of the common area.

SECTION XV – VALIDITY

If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision hereof, other than the part so adjudged to be invalid or unconstitutional.

SECTION XVI – SCHEDULE OF FEES

To defray a portion of the expense of subdivision review, the following schedule of fees for review and supervision shall apply and be included with the preliminary plan submission:

Base fee - $100.00

In addition, for subdivision of more than five (5) acres, the fee will be increased by the following amounts:

At least 5 acres but less than 20 acres	$ 150.00
At least 20 acres but less than 50 acres	$ 250.00
At least 50 acres but less than 75 acres	$ 400.00
At least 75 acres but less than 100 acres	$ 500.00
At least 100 acres but less than 200 acres	$ 700.00
At least 200 acres but less than 500 acres	$ 1,000.00
At least 500 acres but less than 1,000 acres	$ 1,200.00

1,000 or more acres = $1,200.00 and $ 0.50 per acre over 1,000

Subdivision Regulations – Add SECTION XVII – EXEMPTION FROM SUBDIVISON – An Exemption from Subdivision must be submitted, by the seller, along with a $10 fee, for the sale of less than 35 acres.
(Amended June 15, 1994)

These Regulations have been officially adopted this _____ day

Of _____, 19_____, by the

Kiowa County Board of County Commissioners.

Kiowa County
Board of County Commissioners

_____
Chairman

Kiowa County Planning Commission

_____
Chairman

_____
Secretary

_____
Attest: County Clerk

COMPREHENSIVE PLAN

Individuals who worked on Comprehensive Plan

Kiowa County Board of Commissioners:

Rodney Brown, Chairman
Dutch Eikenberg, Commissioner
Vern Harris, Commissioner

Members of the Kiowa County Planning Commission:

Linly Stum – Chairman
Dean Loukenon
Chad Roberson
Donald Oswald
Floyd Barnes

(This page revised 10/12/2001)

Foreward

The Kiowa County Planning Commission, according to the mandate set by the Board of Kiowa County Commissioners and Colorado Statute 30-28-106, 1973, as amended, has prepared a Comprehensive Plan for the County of Kiowa, State of Colorado.

This plan, with any accompanying maps, plats, charts, or descriptive and explanatory matter, sets forth the County Policies for the development and land use covering the unincorporated areas of Kiowa County.

This plan, as allowed by statue, may refer to any of the following items:

1. General location, character, and extent of streets, roads, viaducts, bridges, parkways, playgrounds, forests, and reservations, parks, airports, and other public ways, grounds, places, and spaces;

2. The general location and extent of streets, roads, viaducts, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes.

3. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals;

4. The general character, location, and extent of community centers, town sites, housing developments, whether public or private, and urban conservation or redevelopment areas;

5. The general location and extent of forest, agricultural areas, flood control areas, and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, flood control, or the protection of urban development;

6. And a land classification and utilization program.

Purpose

The general purpose of this Comprehensive Plan is in guiding and accomplishing a coordinated, adjusted, and harmonious development of the County, in accordance with present and future needs and resources, supplementing and sustaining the necessary zoning, subdivision, and land use regulations which will best promote the health, safety, morals, order, convenience, prosperity, or general welfare of the inhabitants, as well as efficiency and economy in the process of development, including such distribution of population and of the uses of land for urbanization, trade industry, habitation, recreation, agriculture, forestry, and other purposes as will tent to create conditions favorable to health, safety, transportation, prosperity, civic actives, and recreational, educational, and cultural opportunities; will tend to reduce the wastes of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward and efficient and economic utilization, conservation, and production for the supply of food and water and drainage, sanitary, and other facilities and resources.

This plan is to be reviewed annually at the Planning Commission's reorganization meeting.

To this end, the following goals and policies have been formulated and adopted.

Underlying Principles or Goals of the Kiowa County Comprehensive Plan

1. Plan for a county population of approximately 3,000 to 5,000 people in the year 2000.

2. Maintain and upgrade the agricultural industry as the backbone of Kiowa County's economy and lifestyle.

3. Encourage the maintenance of all land in the unincorporated portions of the County as agricultural land until such time as a more intensive use would appear beneficial to all resident of the County.

4. Encourage the majority of the residential, commercial, or industrial growth to locate immediately around or within the existing towns or communities of Eads, Sheridan Lake, and Haswell.

5. Kiowa County should encourage economic, industrial, and commercial growth, which would, in turn, support population growth.

Agricultural Development Policies

1. In order to support the continued development of the agricultural sector, the development of various agri-businesses may be encouraged, and those businesses should be permitted to locate in the unincorporated area, where appropriate.

2. Although the unincorporated area should be retained primarily for agricultural uses, non-agricultural related uses may be permitted in the area.

3. Any use of prime farmland for uses other than agriculture will be critically reviewed.

4. Transfer of ground water and/or surface water from the Kiowa County area to be used in other areas shall be resisted.

5. Conservation of all natural resources will be encouraged.

Residential Development Policies

1. It is more desirable to have development in the rural areas clustered, rather than single plots widely dispersed.

2. We should encourage housing programs for the elderly and handicapped peopled in the incorporated areas of our County.

3. During the residential development process, the separation of residential areas from inharmonious land uses should be encouraged.

4. Any new residential development will be encouraged to locate adjoining to an existing municipality in order to maximize the utilization of existing public facilities and service investments such as schools, parks, streets and community sewer and water.

5. We should encourage housing development surrounding Neegronda Reservoir.

Commercial Development Policies

1. Only those commercial developments that cannot reasonably be located in the existing municipalities will be allowed to locate in unincorporated areas. Agricultural commercial developments would be encouraged in the unincorporated portions of the County if such a location is more reasonable than locating in town.

2. Automotive related commercial services will be encouraged to locate within existing communities or at well-planned and located areas along major highways.

3. The extension of commercial development into the unincorporated areas from the County's municipalities should be encouraged. This development should be encouraged to locate around or within the existing towns or communities.

Industrial Development Policies

1. To facilitate the location of industry in Kiowa County, we should encourage the development of industrial parks so that facilities and land could be available.

2. The logical place for industrial development within Kiowa County is surrounding the incorporated areas of the County.

3. Zoning for industrial use in areas outside of planning areas of town should be encouraged for industries that cannot reasonably be located in those planning areas.

4. Local officials, public and private, should promote the development of an expanded and diversified industrial base.

Transportation Policies

1. We should designate certain roads within the County as collector roads. These roads should be widened and highly maintained.

2. We should encourage obtaining and maintaining crossing signals at each of the railroad crossings in all towns, incorporated or unincorporated, in Kiowa County.

3. Airports should be maintained and upgraded as a vital part of our transportation.

4. Any new major highway facilities shall be located and designed as not to diminish the economic base of the County.

5. Any rezoning, subdivision, or building adjacent to major highways or the County's collector roads shall not be approved unless adequate right-of-way is dedicated.

6. Driveway permits shall not be approved in Kiowa County unless the location meets the standards set by the Colorado State Highway Access Code adopted.

7. Overwidth and overweight vehicle permit fees for U.S. 385, U.S. 287, and Colorado Highway 96 are now required by the Colorado Highway Department. We should locally require the same controls for all public roads in Kiowa County by adopting local regulations.

8. We should control the transportation of hazardous waste and/or hazardous materials over our local roads as allowable under state statutes.

Water, Natural Resources, and Natural Hazards Policies

Water

1. Water is the one resource, which will determine if growth in our agricultural industry, is to continue. Our planning needs to always look toward conservation of this resource.

2. An adequate water supply shall be a primary prerequisite for any new land development.

3. Efforts should be made for the development of water usage and a supply for the Great Plains Reservoirs, including obtaining water rights.

Mineral Resources

1. Gravel is a limited resource in our County, which we should develop.

2. The natural gas and oil industry within the County should be encouraged.

Environmental Protection

1. Natural hazard areas should either be avoided or the hazardous effects of those areas should be mitigated.

2. Any land use that will pollute any stream, body of water, subsurface aquifer, aquifer recharge, the air, or the surrounding surface will require the development of proper treatment facility before said land use can be allowed.

3. Floodplains and other unsafe or unsuitable areas for building shall be kept open and free.

4. For the most part, environmental issues don't seem to be a problem in Kiowa County. Growth can generally be encouraged without any real dangers posed to our environment.

5. Deep drilled sewage waste disposal should not be condoned by the Kiowa County Commissioners. Texas postholes should be prohibited. Efforts to enforce this policy will require communication with the State Engineer's office.

Parks and Recreation Policies

1. We should encourage the development of bodies of water in the County where County residence could fish, picnic, or in general have a recreational area.

2. We encourage, in particular, the upgrading of Great Plains Reservoirs as a County recreational area.

Public Facilities and Service Policies

1. We should encourage police protection for the entire County, including municipalities, under a single Sheriff's Department.

2. We should encourage or help the communities of Kiowa County obtain water, sewer, and solid waste disposal sites if and when the local residents desire such facilities.

3. All new developments shall have complete and adequate utilities and public service; tap fees, service charges and tax revenues from all new developments shall be sufficiently high to properly protect the existing users from increased cost due to the new developments.

4. Proliferation or service districts shall be opposed while consolidation of existing districts shall be encourage when it tends to improve the efficiency and economy of the service.

5. Regionalization of service and facilities shall be opposed if it will lead to growth which is not compatible with the desires of the towns involved.

Adoption

The Kiowa County Comprehensive Plan was considered at a public hearing on January 28, 1988 and is hereby formally adopted by the Kiowa County Planning Commission on this _____ day of _____, 1988.

_____
Kiowa County Planning Comm. Chairman

_____
Kiowa County Planning Comm. Secretary

Upon receipt of the adopted Kiowa County Comprehensive Plan, the Board of Kiowa County Commissioners considered adoption thereof at a public hearing on January 28, 1988 and said plan is hereby formally adopted by the Kiowa County Commissioners on this _____ day of _____, 1988.

_____
Chairman – County Commissioners

_____
Attest – Kiowa County Clerk

ZONING RESOLUTION

SECTION A

A. Description of Zoned Areas in Kiowa County

All subdivided areas in Arlington shall be zoned Commercial.

All subdivided areas in Brandon shall be zoned Commercial.

All subdivided areas in Chivington shall be zoned Commercial.

The Town of Eads will not be affected inside the corporate limits. The following legals surrounding Eads and lying outside of the corporate limits shall all be zoned Commercial: the SE ¼ of Section 16, the W ½ of the W ½ of the SW ¼ of Section 15, the NE ¼ of Section 21, the SE ¼ of Section 21, and any unincorporated portion of Section 22.

The subdivided areas in Galatea shall be zoned Commercial.

The Town of Haswell will not be affected inside the corporate limits. The SE ¼ of Section 30 outside the Town will be zoned Commercial.

In the Community of Towner, Block 1, 2, 3, and 4 of the Original Town and any other subdivided land north of U.S. 96 to the County Road shall be zoned Commercial. Block 1 and 2 of McGrath's Addition shall be zoned Agricultural. Blocks 1 and 2 of Bennett's Addition and Blocks 5, 6, 7, 8, and 9 of the Original Town shall be zoned Residential.

The Town of Sheridan Lake will not be affected inside the corporate limits. All areas surrounding Sheridan Lake will be zoned Agricultural.

All other areas of Kiowa County not specifically referred to in the above descriptions shall be zoned Agriculture.

That the one-half (1/2) section of land located in the East Half (E ½) of Section Twenty (20), Township Eighteen (18) South, Range Forty-eight (48) West of the 6 th PM, lying South of State Highway 96, Kiowa County, Colorado be changed from it currently zoned agricultural use, to industrial use. (Airport) (Amended July 11, 2000).

SECTION 1

1-101 Title

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

1-102 Short Title

These regulations shall be known and may be cited as the "Zoning Resolution of Kiowa County".

1-103 Purposes

The purposes of these regulations are:

A. To conserve and stabilize the value of property;

B. To aid in the rendering of police and fire protection;

C. To provide adequate open space for light, air, and aesthetic satisfaction;

D. To preclude congestion on streets, roads, and highways;

E. To facilitate orderly, efficient, and integrated development of the county;

F. To prevent undue concentration of population;

G. To facilitate the provision of efficient community utilities and facilities, such as water, sewerage, and electrical systems, transportation, schools, parks, and other public requirements; and in general.

H. To promote the public health, safety, and general welfare of the county.

1-104 Authority

The Kiowa County Zoning Resolution is authorized by Article 28, Title 30, of the Colorado Revised Statutes, 1973, as amended, and is hereby declared to be in accordance with all provisions of these Statutes.

1-105 Jurisdictional Area

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

1-106 Definitions

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

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

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

C. The word "shall" is a mandatory requirement, the word "may" is a permissive action, and the word "should" is a preferred action.

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

E. The word "lot" includes the words "plot" and "parcel".

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

ACCESSORY USE OR STRUCTURE

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

AGRICULTURE

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

AGRICULTURAL LAND (IRRIGATED)

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

AIRPORT ZONE

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

ALLEY

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

ALTERATIONS

As applied to a building structure, a change or rearrangement of the supporting members, or an enlargement, or the moving of one lotion or position to another.

ANIMAL HOSPITAL

A veterinary hospital where household pets are brought for medical and surgical treatment and may be held during the time of such treatment. All facilities for holding animals on the premises shall be housed in a completely enclosed building and used incidental to such medical and surgical services only.

APARTMENT HOUSE

See Dwelling, Multiple-Family

APPLICANT

The owner or duly designated representative of land for which a conditional use permit, amendment, variance or zoning permit has been requested.

AUTOMOTIVE, MOBILE HOME, TRAILER, AND FARM IMPLEMENT SALES

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

AUTOMOTIVE OR MACHINERY AND EQUIPMENT WRECKING BUSINESS

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

BASEMENT

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

BOARD OF ADJUSTMENT

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

BUILDING

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

BUSINESS – CONVENIENCE

Commercial establishments, which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores if less than ten thousand (10,000) square feet in floor area. Uses in this classification tend to serve a day-to-day need in the area.

BUSINESS – GENERAL

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

BUSINESS – HIGHWAY

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

BUSINESS SERVICES

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

BUSINESS – WHOLESALE

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

CAMPGROUND

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

CEMETERY

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

CHANNEL

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

COMPREHENSIVE PLAN

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

CONDITIONAL USE

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

CONDITIONAL USE PERMIT

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

COUNTY

The County of Kiowa, State of Colorado.

CROPLAND

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

DENSITY

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

1. Gross Density – the number of dwelling units per acre of the total land to be developed.

2. Net Density – the number of dwelling units per acre of land when the acreage involved includes only land devoted to residential uses.

DEVELOPMENT

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

DWELLING, MOBILE HOME

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

DWELLING, MODULAR HOME

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

1. Date of manufacture;

2. Insignia serial number beginning with the letters FB, *starting with HUD, UBC (Meeting Colorado State Requirements). (Updated 1/8/1998)*

DWELLING, MULTI-FAMILY

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

DWELLING, RANCH AND FARM

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

DWELLING, SINGLE-FAMILY

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

DWELLING, TWO-FAMILY

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

DWELLING, UNRELATED

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

DWELLING UNIT

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

FAMILY

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

FARM, SMALL ANIMAL

The confinement of fifty (50) or more fowl or forbearing animals in enclosed cages with the intent of selling for profit any part of the animal, the animal as a whole, or any by-product of the animal.

FEED LOT, COMMERCIAL

The confined feeding of livestock in buildings, lots, or pens which are not normally used for raising crops or for grazing livestock. For the purpose of this resolution, the term commercial feedlot shall include the confined feeding of not less than a capacity of ten (10) feeder or fat cattle, beef cows, dairy cattle, swine, sheep, or goats.

FEED LOT, DOMESTIC

The confined feeding of livestock in buildings, lots, or pens which are not normally used for raising crops or for grazing livestock. For the purpose of this resolution, the term domestic feedlot shall include the confined feeding of not less than a capacity of nine (9) feeder or fat cattle, beef cows, dairy cattle, swine, sheep, or goats.

FLOOD PLAIN

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

FLOOR AREA

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

FOSTER HOME

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

GENERATING FACILITY

A facility capable of producing electricity by means of gas, oil, steam, nuclear fuel, or waterpower.

HEIGHT OF BUILDING

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

HOME OCCUPATION

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

HOSPITAL

A building which provides sleeping and eating facilities to person receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

HOTEL

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

INDEPENDENT MOBILE HOME

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

JUNK

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

JUNKYARD

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

KENNEL

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

LOADING SPACE, OFF-STREET

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

LOT

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

LOT AREA

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

LOT, CORNER

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

LOT DEPTH

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

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE

The property line bounding a lot.

LOT LINE, FRONT

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

LOT LINE, REAR

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

LOT LINE, SIDE

Any lot line not a front or rear lot line.

LOT WIDTH

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

MINERAL RESOURCE (OTHER THAN NATUAL GAS OR OIL)

An inanimate constituent of the each in a sold, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, a metallic compound, or a chemical, in energy source, or a raw material for manufacturing or construction material. For this purpose of this resolution, this resolution does not include water, geothermal resources, or natural gas or oil.

MOBILE HOME

See dwelling, Mobile Home.

MOBILE HOME PARK

Any site or tract of land under single ownership upon which three or more mobile homes, used for habitation, are parked for period of longer than ninety (90) days, either free of

charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

MOBILE HOME PARK (TRANSIENT)

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

MOTEL

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

NONCONFORMING USE

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

NURSING HOME – CONVALESCENT HOME

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

PARKING LOT

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

PARKED MOBILE HOME

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

PARKING SPACE

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

PARKING, OFF-STREET

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

PLANNED UNIT DEVELOPMENT

Any unit of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such

as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PLANNING COMMISSION

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

PROFESSIONAL ACTIVITIES

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

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.

PUBLIC RECREATIONAL FACILITY

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

RANGELAND

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

RECREATIONAL VEHICLE

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

RESTAURANT

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

RESTAURANT (DRIVE-IN)

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

ROAD

See Street.

ROADSIDE STAND

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

SANITARY LANDFILL

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

B. Designation of approved sold waste disposal sites and facilities shall be discretionary with the governing body of commissioners and/or planning commission having jurisdiction, subject to judicial review by the district court of appropriate jurisdiction, taking into consideration environmental impact on location. (Updated 1/8/1998)

SCHOOL

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

SETBACK

See Yard.

SIDEWALK

See Walkway

STORY

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

STORY, HALF

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

STREET

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

STRUCTURAL ALTERATIONS

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

STRUCTURE

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

SUPPLY YARD

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

TANK FARM

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

TRUCKING TERMINAL

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

USE

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

VARIANCE

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

VETERINARY ANIMAL HOSPITAL OR CLINIC

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

WALKWAY

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

WATER AND SEWAGE TREATMENT FACILITY

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

YARD

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

YARD, FRONT

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

YARD, REAR

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

YARD, SIDE

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

SECTION 2

DISTRICT REGULATIONS

Park 1. ESTABLISHMENT OF DISTRICTS

2-101 District Abbreviations

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

Districts	Abbreviated Designations
Agricultural District	A
Residential Districts	R
Commercial District	C
Industrial District	I

2-102 ARICULTURAL DISTRICT (A)

This district is comprised of areas, which are primarily in a natural state or areas utilized for growing of crops, rising of livestock, and other similar farming, ranching and resource conservation activities. The principal purpose of this district is the preservation and protection of croplands, rangelands, watersheds and wildlife habitats in the County. This district is designed to be utilized in a major portion of the unincorporated area of the County.

A. Permitted Uses

1. General farming and ranching, including raising of grains, vegetables, grasses, hay and livestock, and accessory uses.
2. Management of natural wildlife habitats and reserves, both public and private.
3. Ranch and farm dwelling.
4. Recreational facilities (parks, rodeo grounds, playfields, playgrounds, and golf courses).
5. Cemeteries.
6. Flood control and irrigation facilities.
7. Agricultural rangeland and cropland.
8. Historical landmarks.
9. Extraction of natural gas or oil.
10. Hydrocarbon and fuel tank farms if located at least ¼ mile from any unrelated dwelling.
11. 10 sows or 100 feeder pigs, or 100 sheep or goats, or 40 cattle, as long as they are at least ¼ mile or over from the nearest occupied residence. Up to 500 hogs, sheep or goats or 500 head of cattle at least ½ mile of an occupied residence.

B. Conditional Use

1. Single and multiple family dwellings (other accessory uses).
2. Feed lots except no new feedlot shall be located within three miles of the communities of Eads, Sheridan Lake, Haswell, Towner, Brandon, or Plainview School
3. Commercial feed mills
4. Commercial feed plants
5. Commercial feed elevators
6. Sanitary landfills
7. Commercial auction yards and barns
8. Commercial production and husbandry or poultry, fish and small animals.
9. Commercial greenhouses
10. Public schools, vocational schools, business schools, private schools, hospitals, rest homes, nursing homes, and convalescent homes.
11. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility offices, repair, storage or production facilities).
12. Public facilities, uses and buildings.
13. Gun clubs and shooting ranges
14. Public airports.
15. Churches.
16. Radio, television and microwave transmitting or relay stations and towers.
17. Commercial storage of trucks, implements and related farm materials.
18. Public and private riding academies provided that no stable, building or structure in which horses or other animals are kept may be kept closer than three hundred (300) feet from any residential district.
19. Public campgrounds
20. Home occupations.
21. Rendering plants.
22. Veterinarian facilities, kennels and animal hospitals.
23. Extraction of other minerals resources besides natural gas or oil.

C. Lot Size

1. Lots shall not be less than one (1) acre in size
2. Minimum lot width: one hundred (100) feet.
3. Minimum lot depth: one hundred (100) feet.

D. Setback Requirements

1. Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the road centerline, whichever is greater.
2. Minimum side yard: twenty (20) feet.
3. Minimum rear yard: twenty (20) feet.
4. Minimum set back at a road intersection will be one hundred and twenty (120) feet.

5. Minimum setback from existing power lines or transmission lines shall be twenty-five (25) feet unless a lesser amount is approved by the servicing power company.

E. Location Requirements for Specified New or Expanded Uses in this District
(Section 2 Part E Amended July 11, 2000)

The following uses must be located the following designated distance or further as measured from the nearest occupied residence as follows:

1. *Feed lots, confined hot-feeding facilities and related run-off control ponds and basins requested by the State Department of Health – One (1) mile, except the distance shall be three (3) miles where the feedlots and supporting buildings and structures meet the criteria contained in Section 2-101, B 2, "new feedlot"*
2. *Commercial production and husbandry of poultry and small animals – one (1) mile,*
3. *Commercial auction yards and barns – one –half (1/2) mile,*
4. *Commercial businesses and enterprises consisting of but not limited to feed mills, packing plants, fertilizer plans or other commercial storage tank facilities or plants – one-quarter (1/4) mile,*
5. *Rendering plant – one (1) mile,*
6. *Gun clubs – one-half (1/2) mile, and*
7. *Anhydrous ammonia storage and distribution facilities – one-half (1/2) mile.*

2-103 RESIDENTIAL DISTRICT I

This district is composed of certain quiet low-density residential areas of the County plus certain open areas where similar residential development should occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where children are members of many families and to prohibit activities of a commercial nature.

A. Permitted Uses

1. General farming and ranching including raising of grains, vegetables, grasses, hay and livestock in compliance with the Supplemental Regulations 10-109.
2. Single family dwellings, including modular homes.
3. Recreational facilities (parks, playfields, playgrounds, tennis clubs, swimming clubs and golf courses) operated by a public entity or homeowner's association.
4. Libraries and community centers.
5. Public schools.
6. Churches.
7. Accessory buildings and uses.

B. Conditional Uses

1. Nursery or day-care schools.

2. Hospitals, rest homes, nursing homes and convalescent homes.
3. Vocational, private and business schools.
4. Multi-family dwellings, including condominiums and townhouses.
5. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
6. Sewage disposal and water supply and treatment facilities.
7. Home occupations.

C. Lot Size

1. On land not served by public water and public sewerage facilities:
   a. Minimum lot width: two hundred (200) feet
   b. Minimum lot depth: one hundred forty (140) feet.
   c. Minimum lot area: one (1) acre.

2. On land served by public water facilities only:
   a. Minimum lot width: one hundred twenty (120) feet
   b. Minimum lot depth: one hundred forty (140) feet.
   c. Minimum lot area: sixteen thousand eight hundred (16,800) square feet.

3. On land served by both public water and public sewerage facilities:
   a. Minimum lot width: fifty (50) feet
   b. Minimum lot depth: one hundred forty (140) feet.
   c. Minimum lot area: seven thousand (7,000) square feet.

D. Setback Requirements

1. Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the road centerline, whichever is greater.
2. Minimum side yard: ten (10) feet.
3. Minimum rear yard: twenty (20) feet.
4. Minimum setback from existing power lines or transmission lines shall be twenty-five (25) feet unless a lesser amount is approved by the servicing power company.

2-104 COMMERCIAL DISTRICT (C)

This district is intended to provide a full range of retail sales and services, including opportunities for a complete variety of goods for comparative shopping. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for providing service to the people of the retail trade area, and to prohibit activities of an industrial nature.

A. Permitted Uses

1. All uses permitted in the Residential District, unless listed as a conditional use in the C zone.

2. General businesses.
3. Highway business.
4. Convenience businesses.
5. Wholesale businesses.
6. Roadside stands.
7. Recreational facilities.
8. Public utility uses, facilities, services, and buildings.
9. Accessory buildings and uses
10. Temporary uses or structures incidental to construction work, but only for the period of such work.

B. Conditional Uses

1. Churches
2. Commercial feed mills and feed plants.
3. Planned unit developments.
4. Vocational and private schools.
5. Campgrounds.
6. Drive-in theaters.
7. Veterinarian facilities, kennels, and animal hospitals.
8. Drive-in restaurants.
9. Hospitals, rest homes, nursing homes, convalescent homes and assisted living.
10. All residences, whether temporary or permanent.

C. Lot Size

1. Minimum lot width: one hundred (100) feet.
2. Minimum lot depth: one hundred (100) feet.
3. Minimum lot area: ten thousand (10,000) square feet.

D. Setback Requirements

1. Minimum front yard: thirty-five (35) feet or seventy-five (75) feet from the road centerline, whichever is greater.
2. Minimum side yard: none, except twenty-five (25) feet when abutting a residential district.
3. Minimum rear yard: none, except fifteen (15) feet when abutting a residential district.
4. Minimum setback from existing power lines or transmission line shall be twenty-five (25) feet unless a lesser amount is approved by the servicing Power Company.

E. Use Limitations

1. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot within a residential district shall be conducted entirely within an enclosed building unless screened from the residential district by a sight-obscuring fence or landscaped area permanently maintained a least six (6) feet in height.

2. Openings to structures on side adjacent to or across the street from a residential district shall be prohibited if such access or opening will cause glare, excessive noise, or other adverse effects on residential properties.

2-105 INDUSTRIAL DISTRICT (I)

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

A. Permitted Uses

1. All uses permitted in the Commercial District unless listed as a conditional use in the I district.
2. Facilities for the manufacturing, fabrication, processing, or assembly of products, provided that such facilities are not detrimental to the public health, safety or general welfare and provided that the following standards are met:
    a. Smoke: no operation shall be conducted unless it conforms to the State and Federal standards established pertaining to smoke emission.
    b. Particulate matter: no operation shall be conducted unless it conforms to the State and Federal standards established pertaining to emission of particulate matter.
    c. Dust, odor, gas, fumes, glare or vibration: no emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety, or general welfare or which causes injury or damage to property.
    d. Radiation hazards and electrical disturbance: no operation shall be conducted unless it conforms to State and Federal standards established pertaining to radiation control.
    e. Noise: no operation shall be conducted in a matter such that any noise produced is objectionable due to intermittence, beat frequency or shrillness.
    f. Water Pollution: No water pollutants shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the State.
3. General research facilities
4. Public utility uses, facilities, services and buildings.
5. Accessory buildings and uses.

B. Conditional Uses

1. Automobile wrecking businesses or junkyards.
2. Industrial parks.
3. Extraction of mineral resources.
4. Sanitary landfill operations.
5. Recycling plants.
6. Animal by-products.
7. Tank farms.

C. Lot Size

1. Minimum lot width: one hundred (100) feet.
2. Minimum lot depth: one hundred (100) feet.
3. Minimum lot area: one (1) acre.

D. Setback Requirements

1. Minimum front yard: twenty-five (25) feet.
2. Minimum setback of twenty-five (25) feet shall be required for each side of a lot either across a street from or abutting a residential district.
3. Minimum side yard: ten (10) feet.
4. Minimum rear yard: Twenty (20) feet.
5. Minimum setback from existing power lines or transmission lines shall be twenty-five (25) feet unless a lesser amount is approved by the servicing power company.

E. Height Limitation of Towers

Any tower built in the Industrial Zone should be built on a portion of land large enough so that the tower will not land outside the property boundaries if it were to fall. The tower shall also adhere to all federal and state lighting requirements.

F. Use Limitations

The following conditions and limitation shall apply in an I District:

1. All business, service, repair, processing, storage, or merchandise displaying on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screen from the residential district by a sight-obscuring fence permanently maintained at no less than six (6) feet nor more than eight (8) feet in height.
2. Openings to structures on sides adjacent to, or across a street from, a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects, as determined by Zoning Inspector.
3. Yards abutting, or across a street from, a residential district shall be continuously maintained in lawn or other similar landscaping unless screen from the residential district.
4. Access points from a public road to properties in an I District shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets or a primarily residential character.
5. All materials, including wastes, shall be stored; and all grounds shall be maintained in a manner, which will not attract or aid the propagation of insects or rodents nor create a health hazard.
6. Trash receptacles shall be located in a general area and attractively screened from view.

7. All tank farms must comply with State and Federal safety regulations as to setbacks, overflow precautions, and other measures.
8. Sufficient off-street parking shall be provided for every industrial use.

SECTION 3

INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

3-101 New Systems

All new individual sewage disposal systems put in place in Kiowa County after the date of adoption of this Zoning Resolution shall meet or exceed the standards set forth by the Colorado Department of Health as provided by Colorado Statute 25-10-104 (C.R.S. 1973, as amended).

A copy of these minimum standards is available from the County Zoning Inspector.

SECTION 4

CONDITIONAL USE REVIEW

4-101 Authorization to Grant or Deny Conditional Uses

Uses designated in this resolution as conditional uses may be permitted or enlarged or altered, upon recommendation by the Board of Adjustment, and approval by the Board of County Commissioners and in accordance with the standards and procedures specified in Section 4-101 through 4-106. The Board of Adjustment may request an investigation and recommendation by the County Planning Commission. In recommending a conditional use, the Board of Adjustment may recommend imposing, in addition to the regulations and standards expressly specified by these regulation, other conditions found necessary to protect the best interest of the surrounding property or neighborhood or the County as a whole. These conditions may include, but are not limited to, requirements increasing the required lot size or yard dimension, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number or specifying the type of signs, limited the coverage or height of buildings because of obstruction of view or reduction of light and air to adjacent property, requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any further enlargement or alteration of the use shall be reviewed by the Board of Adjustment and new conditions imposed. Any change in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of these regulations, shall conform to all regulations pertaining to conditional uses. All recommendations must be approved, enlarged or altered, by the Board of County Commissioners.

4-102 Application for a Conditional Use Permit

A request for a permit allowing a conditional use or modification of any existing conditional use to take place may be initiated by a property owner or his authorized agent by filing an application with the County Clerk using forms prescribed for the purpose. *The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, and by a fee of One Hundred Dollars ($100)(Amended June 15, 1994).* If the Board of Adjustment requests more information, data, or test, the applicant will be solely responsible for the costs involved. The Board of Adjustment may require other drawings or material essential to an understanding of the proposed use and its relationship to surrounding properties.

4-103 Public Hearing on a Conditional Use

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

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

B. *Applicant shall try to obtain verbal permission for the granting of a conditional use from the surrounding property owners enclosed within the aforementioned*

perimeters. Failure to receive such permission shall not invalidate any proceedings in connection with the application for conditional use. (Amended June 15, 1994)

4-104 Recess of the Hearing by Board of Adjustment

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

4-105 Action of a Conditional Use Permit Request

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

4-106 Notification of Action

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

SECTION 5

NONCONFORMING USES AND STRUCTURES

5-101 Continuation of Nonconforming Use or Structure

Subject to the provisions of Section 5-101 through 5-104, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended.

5-102 Nonconforming Structure

A structure conforming as to use but nonconforming as to setback, height, or coverage may be altered providing the alteration or extension does not result in a violation of these regulations.

5-103 Discontinuance of a Nonconforming Use

A. If a nonconforming use involving a dilapidated structure is discontinued from use for a period of one (1) year, further use of the property shall be for a conforming use.

B. If a nonconforming use involving a structure is discontinued for a period of one (1) year, further use of the property shall be for a conforming use.

C. *If a nonconforming use of property not involving a structure is discontinued for a period of one (1) year, further use of the property shall be for a conforming use. (Amended June 15, 1994)*

5-104 Termination of Certain Nonconforming Uses

A use, which is nonconforming with respect to provision for screening, shall provide screening within a period of two (2) years from the date of passage of these regulations.

5-105 Destruction of a Nonconforming Use

If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, explosion, or other unforeseen circumstance to an extent exceeding fifty (50) percent of the cost of replacement of the buildings using new materials, a future structure or use on the property shall conform to the provisions of these regulations.

5-106 Completion of Building

Nothing contained in these regulations 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 these regulations.

5-107 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became

nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon order of such official.

5-108 Nonconforming Junk Yards

The right to operate and maintain a junkyard (salvage) nonconforming as to use within a residential district shall terminate within five (5) years of the adoption of these regulations. At that time its operation shall become prohibited and shall be immediately discontinued.

SECTION 6

PLANNED UNIT DEVELOPMENT

6-101 Intent

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

6-102 Standards and Requirements

A. General

1. The Kiowa County subdivision resolution shall apply to all subdivisions unless the requirements are relaxed under a planned unit development review.

2. No portion of a planned unit development may be separated from the whole.

3. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land area, and any part of a PUD not used for structure, parking and loading areas, or access-ways shall be landscaped or maintained as recreational areas.

4. Any PUD that contains fifty (50) or more unites must satisfy the school district that adequate schools are available, or set aside land for a school site.

B. Development Standards

1. The minimum common open space shall be thirty percent (30%) of the gross acreage of the site.

2. The minimum acreage upon which a PUD may be developed is five (5) acres.

3. All parking areas designed to serve as visitor parking or serving more than five (5) vehicles in tandem, shall be landscaped a minimum of five percent (5%) of the parking lot area.

4. All street shall be paved

5. Adequate access to transportation routes shall be established by the PUD developers.

6. A well-designed pedestrian walkway shall be approved by the County.

7. Other requirements such as setbacks, building heights, density per acre, and location of structures shall be determined by the technical committee.

6-103 Procedure for Securing Approval of a PUD

A. Preliminary Development Plan

1. A developer seeking the establishment of a planned unit development shall prepare and submit to the Kiowa County Technical Committee a preliminary development plan.

a. The Technical Committee will consist of members of the planning staff, zoning inspector, fire chief, and any other persons the county may designate.

b. The function of the Technical Committee will be to study the preliminary development plan and assist the developers in creating an instrument that will secure the best interests of the public.

c. After the Technical Committee and the developer have reached general agreement, the preliminary development plan will be presented to the planning commission.

2. The preliminary development plan shall contain the following documents and information:

a. A survey of the tract to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography, adjacent land use, and physical features.

b. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic and pedestrian circulation within the development, the areas to be developed for parking, complete landscaping plans, the points of ingress and egress, including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, including parks, playgrounds, school sites, recreational facilities, distinctive or interesting land features that should be retained;

c. Preliminary plat plan showing structures, densities, and locations;

d. When a PUD is to be constructed in stages, a schedule for the development of such stages shall be submitted;

e. A full statement of ownership and beneficial interests in the tract of land and the proposed development;

f. A statement showing the relationship of the PUD to the county land use plan;

g. Design plan for the structures;

h. Traffic survey setting out and analyzing the effect that the PUD will have upon traffic in the streets and thoroughfares adjacent to land in the vicinity of the prepared development;

i. Copies of any restrictive covenants that are to be recorded with respect to the PUD.

B. Action on Preliminary Development Plan

1. Hearings, findings, and recommendations of Planning Commission:

The Technical Committee shall file their recommendations to the County Planning Commission within sixty (60) days after receipts of the preliminary development plan, and the Planning Commission shall have forty-five (45) days to hold a public hearing and must follow the guidelines set forth under 4-103 of these regulations. The Commission may defer action for further information, but within thirty (30) days after the public hearing is closed, its recommendation of action must be forwarded to the Board of County Commissioners. The Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.

2. Action by the Board of County Commissioners:

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

3. Restrictions and Conditions:

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

C. Final Development Plan

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

(15) days of their action. The Board of County Commissioners has thirty (30) days upon which to make a decision upon the final plan. The developer must commence development within one (1) year of final approval or the PUD becomes null and void.

1. The final development plan approved by the Board of County Commissioners shall be certified by the County Clerk and a copy of the final development plan shall be filed with the County zoning Department before any development takes place. The Zoning Inspector will then issue a building permit. It is the duty of the Zoning Inspector to ascertain that the developer is in compliance with the final development plan.

2. No separate PUD district will be created by approval of the development plan. The existing zone will remain in effect and govern in all cases not spoken to by the final development plan.

3. The final development plan will be incorporated by resolution of the Board of County Commissioners.

6-104 Amendments

A PUD approved, preliminary of final, development plan may be amended by the Planning Commission with the concurrence of the Board of County Commissioners, but only after a public hearing in accord with Section 4-103 of these regulations.

SECTION 7

THE BAORD OF ADJUSTMENT

PART 1 AUTHORIZATION

7-101 Establishment

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

7-102 Membership

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

7-103 Jurisdiction

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

A. To hear and decide appeals, subject to the procedures and standards set out in this section where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the County Zoning Inspector, other administrative officer, or agency based on, or made in, the enforcement of this resolution;

B. To hear and recommend, in accordance with the provisions of this resolution, requests for conditional use permits, interpretation of the zoning map, or special questions upon which the Board of Adjustment is authorized to pass judgment;

C. To hear and decide upon applications for variances from the resolution and restrictions imposed by the resolution in the manner, procedures, and standards enunciated in this section;

D. To hear and recommend on all matters referred to it upon which it is required to make recommendations by this resolution.

7-104 Hearings and Meetings

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

7-105 Finality and Judicial Review of Decisions

All decisions made by the Board of Adjustment, except in the case of variances and appeals, shall be reviewed by the Board of County Commissioners who may amend, affirm, or reverse, wholly or partly, the Board's decision. Variance decisions are final, unless appealed in the manner set forth in Section 7-309. All final decisions shall be subject to judicial review in the manner provided for by the applicable Colorado Statues.

PART 2 APPEALS

7-201 Authorization

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

7-202 Time for Appeals

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

7-203 Stay of Proceedings

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

7-204 Hearing and Notice

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

7-205 Decision of Appeals

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

7-206 Records of Appeals

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

PART 3 VARIANCES

7-301 Authorization

The Board of Adjustment may authorize such variances from the terms of these regulations as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in Section 7-304, and then only when the Board of Adjustment has made findings of fact, based upon the standards set out in Section 7-305, that owing to special conditions a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship for the owner, lessee, or occupant of land or structures.

7-302 Application for Variance

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

A. The particular requirements of these regulations which prevent the purposed use of construction;

B. The characteristics of the subject property which prevent compliance with said requirements of these regulations;

C. The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction;

D. The particular hardship, which would result if said particular requirements of these regulations, were applied to the subject property.

7-303 Hearing and Notice

The Board of Adjustment shall select a reasonable time and place for the hearing. Notice, including public notice, of such hearing shall be given in the manner required for hearings on appeals by Section 7-204 of these regulations. Such notice shall contain the date, time, and place of the hearing, the legal description, the street address, if applicable, or common description of the property involved, and a brief description of the relief sought. The Board of Adjustment may give such additional notice as it may from time to time by rules provide. Any party interested in the application for variance may appear and be heard at the hearing in person, by agent, or by attorney.

7-304 Authorized Variances

Variances from the provisions of these regulations shall be granted by the Board of Adjustment only in accordance with the standards set out by Section 7-305, and my be granted only in the following instances:

A. To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations:

1. The minimum lot width and lot depth requirements shall not be reduced more than twenty-five (25) percent.

2. The minimum lot area for a single-family or two-family dwelling shall not be reduced more than twenty (20) percent.

3. The minimum lot area per dwelling unit requirement for multi-family dwellings shall not be reduced so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of the minimum lot area requirements.

B. To vary the applicable bulk regulations, including maximum height, lot coverage, and minimum lot or yard requirements;

C. To vary the applicable off-street parking and off-street loading requirements contained in Section 2 of these regulations;

D. To vary the regulations relating to restoration of damaged or destroyed nonconforming structures contained in these regulations.

7-305 Standards for Variances

A. The Board of Adjustment shall not grant a variance as authorized in Section 7-304 hereof unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it that support conclusions that:

1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant;

2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

3. The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;

5. Granting the variance desired will not be opposed to the general spirit and intent of these regulations.

B. In determining whether the evidence supports the conclusions required by Section 7-304 (A), the Board of Adjustment shall consider the extent to which the evidence demonstrates that:

1. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced;

2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant, or applicant to make more money out of the property.

3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located;

4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

7-306 Conditions and Restrictions

In granting a variance, the Board of Adjustment may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 7-305 to reduce or minimize any potentially injurious effect of

such variance upon other property in the neighborhood and to carry out the general purpose and intent of these regulations.

Failure to comply with any of the conditions or restrictions placed on a variance shall constitute a violation of these regulations.

7-307 Decisions and Records

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

7-308 Period of Validity

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

7-309 Appeals

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

PART 4 CONDITIONAL USES

7-401 Authorization

The Board of County Commissioners may authorize, as an exception to the provisions of these zoning regulations, the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a particular zoning district or in one or more zoning districts. No conditional uses shall be authorized as an exception to these regulations unless the Board of County Commissioners is specifically authorized, by these regulations, to grant such conditional use and unless such grant complies with all the applicable provisions of these regulations as specified in Section 4.

SECTION 8

AMENDMENTS

PART 1 GENERAL PROVISIONS

8-101 Authority

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

8-102 Proposal of Amendments

Amendments may be proposed by the (1) Board of County Commissioners, (2) County Planning Commission, or (3) upon application by, or on behalf of, an owner of property affected by this resolution, but only in the manner and pursuant to the procedure set forth in Section 8-103. The applicant shall pay the cost of all required publications. When the Board of County Commissioners proposes and amendment, it shall, except as specified in Section 8-104, prior to the holding of a public hearing on the amendment, transmit its proposal to the County Planning Commission for its examination and report thereon.

8-103 Amendment Application Procedures

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

A. The applicant's name and address;

B. The precise wording of any proposed amendment to the text of this resolution;

C. In the event that the proposed amendment would change the zoning classification of any property:

1. The legal description and if applicable, street address of the property proposed to be reclassified;

2. The name and address of the owner or owners of the said property;

3. The present zoning classification and existing uses of the property proposed to be reclassified;

4. The area of the property proposed to be reclassified, stated in acres or fractions thereof, or if in a residential district, the square feet or fractions thereof;

5. A plat, drawn to scale, accompanying the petition, which shall clearly show the property proposed to be reclassified and its present zoning classification and existing uses;

6. An ownership list certified by a registered abstractor of the owners of all property located within one thousand (1,000) feet of the boundaries of the property to be affected by the proposed amendment.

8-104 Special Amendment Procedures

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

A. Such uses is appropriate in the permitted, conditional, or prohibited use group to which it is added;

B. Such use conforms to the basic characteristic of the permitted conditional, or prohibited use group to which it is added;

C. Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influence or more traffic hazards than the minimum amount normally resulting from the other uses listed in the permitted, conditional, or prohibited use group to which it is added.

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

8-105 Disposition of Amendment Proposals

Upon receipt of a proposed amendment, the Board of County Commissioners shall transmit said proposal to the County Planning Commission for its recommendations relative to the approval or disapproval of the proposal. The Board of County Commissioners shall further, within fifteen (15) days after receipt of a proposed amendment, schedule a public hearing relative to the proposal in the manner specified in Section 8-201 and Section 8-202. Upon receipt of the proposal from the Board of County Commissioners, the County Planning Commission shall thereupon have forty-five (45) days to develop its recommendations relative to the proposal and transmit them to the Board of County Commissioners for their action.

PART 2 HEARINGS

8-201 Public Hearing

The Board of County Commissioners shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiate by the Board of County Commissioners. The Board of County Commissioners shall select a reasonable hour and place for such public hearing; and it shall hold such hearing within sixty (60) days from the date on which the proposed amendment

is referred to, filed with, or initiated by the Board of County Commissioners. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.

8-202 Notice of Hearing

Public notice of a hearing on a proposed amendment shall be published in a newspaper general circulation in the county once and at least thirty (30) days shall elapse between the date of publication and the date set for the hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed changes in regulations or restrictions or the zoning classification or zoning district boundaries of any property. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notices shall contain the legal description and, if applicable, street address or general street location of such property, its present zoning classification, and the proposed classification. When a proposed amendment will effect the zoning classification of specific property, the Board of County Commissioners shall authorize the County Planning Commission or County Zoning Inspector to mail written notice of the public hearing thereon, to the owner or owners of the property affected, and the owners of all property within one thousand (1,000) feet of the boundaries thereof, at least thirty (30) days prior to the date of such hearing. The Board of County Commissioners may give such additional notice to other persons as it may, from time to time, provide by its rules.

8-203 Conduct of Hearing

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

PART 3 COUNTY PLANNING COMMISSION'S REPORT ON PROPOSED AMENDMENT

8-301 Procedure

As stated in Section 8-104 above, upon receipt of a proposed amendment from the Board of County Commissioners, the County Planning Commission shall, within forty-five (45) days, develop its recommendations relative to the proposal and transmit them to the Board of County Commissioners. A copy of the report detailing the County Planning Commission's recommendations shall also be filed with the County Clerk and with the County Zoning Inspector, and such copies shall be kept available for public inspection. A copy of the report shall also be mailed to the owner of the specific property affected by the proposed amendment. Such report shall contain a recommendation as to whether the proposed amendment should be adopted and specific written determinations on the items listed in Section 8-302 and Section 8-303 and on such other times as the County Planning Commission may consider relevant.

8-302 Amendments to Text

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

A. Whether such change is consistent with the intent and purpose of these regulations;

B. The areas which are most likely to be directly affected by such change and in what way they will be affected;

C. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected, or in the unincorporated area of the county generally, and, if so, the nature of such changed or changing conditions.

8-303 Amendments to Change Zoning Districts (rezone)

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

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

B. Whether the rezoning is in accord with the Comprehensive Plan;

C. Whether every use that would be permitted on the property, if it were reclassified, would be compatible with the uses permitted on other property in the immediate vicinity;

D. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

E. The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available for development;

F. Whether the property as reclassified would be available for business or manufacturing uses, and whether such use, particularly in the area in question, will provide business or manufacturing services or employment opportunities;

G. Whether the property amendment would correct an error in the application of these regulations as applied to the subject property;

H. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected and, if so, the nature of such changed or changing conditions.

PART 4 ACTION BY THE BOARD OF COUNTY COMMISSIONERS

8-401 Procedure

If, upon receipt of the written report containing the County Planning Commission's recommendations on the proposed amendment, it is learned that the County Planning Commission has recommended disapproval of the proposed amendment, such amendment, to become effective, must receive the favorable vote of not less than a majority of the entire membership of the Board of County Commissioners. If a proposed amendment is defeated by vote of the Board of County Commissioners, such amendment shall not thereafter be approved without a further public hearing and notice thereof as provided in Part 2 of Section 8.

SECTION 9

ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

9-101 Administration

A. The County Zoning Inspector

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

B. Building Permits

It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure of more than five thousand (5,000) dollars cost or which changes the assessed valuation of the property, within the unincorporated territory covered by this Zoning Resolution, without the property owner or his authorized representative first obtaining a building permit from the County Zoning Inspector or his deputy. The cost of a building permit shall be $2.50

C. Certificates of Compliance

1. No land or building shall hereinafter be changed in use nor shall any new structure, building, or land be occupied or used without first having obtained a Certificate of Compliance from the County Zoning Inspector.

2. Such Certificate of Compliance shall be filed with the County Zoning Inspector or his deputy and shall be available for examination by the public.

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

9-102 Enforcement

A. Violations and Remedial Action

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, who shall use any land or erect, construct, reconstruct, alter, maintain, or use any building or structure in violation of any regulation in or any provision of this Zoning Resolution, shall be fined an amount not to exceed one hundred dollars ($100.00) for each violation; such fine to inure to Kiowa County. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. If any land shall be used or any building or structure erected, constructed, reconstructed, altered, maintained, or used in violation of any regulation or provision of this Zoning Resolution or amendments thereto or to the applicable Statutes of the State of Colorado, the Board of County Commissioners by the County Attorney or any owner or real estate within the district in which such building, structure, or land is situated, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use; and the fine hereinabove provided for may be recovered in that same civil action wherein such injunction, mandamus, and/or abatement is sought or separate and district proceedings may be instituted seeking varying forms of relief as the law may allow.

B. Non-liability for Damages

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

C. Non-liability of Officials

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

9-103 Interpretation

The provisions of this Resolution shall be held to be the minimum requirements fulfilling its objectives. Where the condition imposed by any provision of this Resolution are less restrictive than comparable conditions imposed by any other provision of this Resolution or

any other statue, resolution, or regulation, the provisions, which are most restrictive, shall govern.

9-104 Severability

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

A. If any provision of the Resolution is declared to be invalid by a decision of any court of competent jurisdiction, is hereby declared to be the legislative intent that:

    1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

    2. Such decision shall not affect, impair, or nullify this Resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.

B. If the application of any provision of this Resolution to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

    1. The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered; and

    2. Such decision shall not affect, impair, or nullify this Resolution as a whole or the application of any provision thereof, to any other tract of land.

9-105 Zoning Maps

The location and boundaries of all district designated in the Kiowa County Zoning Resolution are shown on maps entitled “Kiowa County Zoning Maps” and are hereby made part of these regulation. These areas are also described on the “Description of Zoning Areas in Kiowa County” sheet in the beginning of the Zoning Resolution.

SECTION 10

SUPPLEMENTARY PROVISIONS

10-101 General Provisions Regarding Accessory Uses

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

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

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

10-102 Standards Governing Home Occupations

Home occupations shall be governed by the following regulations:

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

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

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

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

10-103 Maintenance of Minimum Regulations Requirements

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

10-104 General Exception to Lot Size Requirements

If, at the time of passage of these regulations, a lot, or the aggregate of continuous lots or land parcels held in a single ownership has an area of dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted unconditionally in the district subject to the other

requirements of the district; and provided, if there is an area deficiency, residential use shall be limited to a single-family residence.

10-105 Exceptions to Yard Requirements

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

10-106 General Exception to Building Height Limitations

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

10-107 Access

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

10-108 Vision Clearance

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

A. In all districts, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.

10-109 Animals in Residential Districts

A. All animals in residential district shall be subject to special review to be conducted by the Board of County Commissioners. Any proposed domestic feed lot in a residential district shall be submitted for consideration. The Board of County Commissioners, upon receipt of said application, shall review and render a decision at least by their next regular board meeting. They may request that all adjoining property owners be contacted before a decision is rendered. All applications which are approved shall be review on an annual basis during the month of August by the Board of County Commissioners. The permit can be revoked at the annual review if the animas are not being kept property in the judgment of the County Commissioners. Swine shall not be permitted in a residential district.

B. Cows, horses, sheep, and goats shall not be kept on lots having an area less than one (1) acre, and under no circumstances shall they be kept for commercial use.

C. Animal runs or barns and chicken or fowl pens shall be located on the rear half of the lot and not closer than fifty (50) feet from any residence.

D. Animals, chickens, and fowl in residential districts shall be properly cages or houses, and proper sanitation shall be maintained at all times.

SECTION 11

ENACTMENT CLAUSE

Upon approval and adoption of the Board of County Commissioners of Kiowa County, a certified copy of this Resolution and of the Official Zoning Map shall be filed, according to law, in the office of the County Clerk and Recorder the County of Kiowa. This Resolution shall become of full force and effective as of the date of its adoption, this being the _____ day of _____, 19____.

Attest:

_____
County Clerk and Recorder

Board of County Commissioner of Kiowa County:

/s/ _____

/s/ _____

/s/ _____