ZONING REGULATIONS

Adopted June 2007, Updated through April 15, 2021

Table of Contents

CHAPTER 1 – ENABLING CLAUSES 1-1
1-100 Short Title 1-1
1-105 Authority 1-1
1-110 Purpose 1-1
INTERPRETATION 1-1
1-115 General 1-1
1-120 Language Clarification 1-1
DEFINITIONS 1-2
CHAPTER 2 - APPLICATION AND IMPLEMENTATION OF REGULATIONS 2-1
2-100 Land Use and Development 2-1
2-120 Jurisdiction and Applicability 2-1
2-125 Compliance with Regulations 2-1
JURISDICTION 2-1
2-135 Permits Required 2-1
COORDINATION WITH OTHER PLANS AND REGULATIONS 2-1
2-140 Subdivision Regulations 2-1
2-145 Morgan County Comprehensive Plan 2-2
2-150 Guidelines and Regulations for Areas and Activities of State Interest 2-2
2-155 Conflicts 2-2
2-160 Processing Fees 2-2
CONFORMANCE AND NON-CONFORMANCE 2-3
2-165 Intent 2-3
2-170 Non-Conforming Lots 2-3
2-175 Non-Conforming Uses of Land (or Land with Minor Structures Only) 2-3
2-180 Livestock Confinement as a Non-Conforming Use 2-4
2-185 Non-Conforming Structures 2-4
2-190 No Increase in Non-Conformity 2-4
2-195 Partial Destruction 2-4
2-200 Moving of Non-Conforming Structure 2-5
2-205 Non-Conforming Uses of Structures and/or Premises 2-5
2-210 No Enlargement of Non-Conforming Structure 2-5
2-215 Interior Extensions 2-5
2-220 Change in Non-Conforming Uses 2-6

2-225 Elimination by Destruction 2-6
2-230 Repairs and Maintenance of Non-Conforming Structures 2-6
2-235 Uses Permitted Under Special Review Provisions 2-7
2-240 Determination of Status 2-7
AMENDMENTS TO ZONING REGULATIONS 2-8
2-245 Initiation of Amendments 2-8
2-250 Review Procedure 2-8
2-255 Notice Requirements 2-8
2-260 Review Criteria 2-8
2-265 Effective Date of Zoning Amendments 2-9
REZONING 2-9
2-267 Policy 2-9
2-270 Submission Requirements 2-9
2-275 Review Procedure 2-10
2-280 Notice Requirements 2-11
2-285 Review Criteria 2-11
BUILDING PERMITS 2-12
2-290 Applicability 2-12
2-295 Submittal Requirements 2-12
2-300 Review Procedure 2-13
2-310 Review Criteria 2-13
ZONING PERMITS 2-14
2-320 Purpose 2-14
2-325 Submittal Requirements 2-14
2-330 Review Procedure 2-15
2-335 Review Criteria 2-15
2-340 Expiration of Zoning Permit 2-15
CONDITIONAL USE PERMITS 2-15
2-345 Purpose 2-15
2-350 Submittal Requirements 2-16
2-355 Review Procedure 2-16
2-360 Notice Requirements 2-18
2-365 Review Criteria 2-19
SPECIAL USE PERMITS 2-19
2-370 Purpose 2-19
2-375 Applicability 2-19

2-380 Submittal Requirements 2-19
2-385 Review Procedures 2-20
2-390 Notice Requirements 2-22
2-395 Review Criteria 2-22
DRAWING SUBMITTAL REQUIREMENTS 2-23
2-400 Rezoning Map 2-23
2-410 Site Plan 2-24
2-420 Special Use Plan Map 2-25
SUPPLEMENTAL PERMIT REGULATIONS 2-27
2-430 Authority of Planning Administrator 2-27
2-440 Referral Agencies 2-27
POST-DECISION PROCESSES 2-28
2-450 Applications for Same Lot or Parcel 2-28
2-460 Amending Permits 2-28
VESTED PROPERTY RIGHTS 2-28
2-465 Creation of Vested Property Rights 2-28
2-467 Site Specific Development Plan 2-29
2-470 Duration and Termination of Vested Property Rights 2-29
2-472 Subsequent Regulation Prohibited: Exceptions 2-30
2-475 Miscellaneous Provisions 2-30
CHAPTER 3 - ESTABLISHMENT OF ZONING MAPS AND ZONING DISTRICTS .. 3-31
OFFICIAL ZONING MAP 3-31
3-100 General 3-31
3-105 Boundaries 3-31
3-110 Interpretation and effect of Permit 3-32
ZONING DISTRICTS 3-32
3-115 General 3-32
3-120 Use Categories 3-33
3-125 Uses-by-Right 3-33
3-130 Accessory Uses and Structures 3-33
3-135 Conditional Uses 3-34
3-140 Use by Special Review 3-34
3-145 Temporary Uses 3-34
3-150 General Requirements and Procedures 3-34
3-153 Special Provisions Regarding Single-Family Dwellings 3-35

3-155 Permitted Temporary Structures 3-35
3-160 Uses Not Itemized 3-37
ZONES DESCRIBED 3-37
AGRICULTURE PRODUCTION ZONE (A) 3-37
3-165 Zone Purpose 3-37
3-170 Agriculture Zone Uses-By-Right 3-38
3-175 Agriculture Zone Conditional Uses 3-40
3-180 Agriculture Zone Special Review Uses 3-44
AGRICULTURE / AGRI-BUSINESS ZONE (AB) 3-45
3-185 Purpose of Agriculture/Agri-Business Zone 3-45
3-190 Agriculture / Agri-Business Zone Uses-by-Right 3-45
3-195 Agriculture / Agri-Business Zone Conditional Uses 3-46
3-200 Agriculture / Agri-Business Zone Uses By Special Review 3-47
ESTATE RESIDENTIAL ZONE (ER) 3-48
3-205 Purpose of the Estate Residential Zone 3-48
3-210 Estate Residential Zone Uses-By-Right 3-48
3-215 Estate Residential Zone Conditional Uses 3-49
3-220 Estate Residential Zone Special Review Uses 3-50
RURAL RESIDENTIAL ZONE (RR) 3-50
3-225 Purpose of Rural Residential Zone 3-50
3-230 Rural Residential Zone Uses-By-Right 3-50
3-235 Rural Residential Zone Conditional Uses 3-50
3-240 Rural Residential Zone Special Review Uses 3-51
RURAL COMMUNITY RESIDENTIAL ZONE (RCR) 3-51
3-245 Purpose of Rural Community Residential Zone 3-51
3-250 Rural Community Residential Zone Uses-By-Right 3-51
3-255 Rural Community Residential Zone Conditional Uses 3-52
3-260 Rural Community Residential Zone Special Review Uses 3-53
MODERATE DENSITY RESIDENTIAL ZONE (MDR) 3-53
3-265 Purpose of Moderate Density Residential Zone 3-53
3-270 Moderate Density Residential Zone Uses-By-Right 3-53
3-275 Moderate Density Residential Zone Conditional Uses 3-54
3-280 Moderate Density Residential Zone Special Review Uses 3-54
3-285 Moderate Density Residential Zone Additional Requirements 3-54
HIGH DENSITY RESIDENTIAL ZONE (HDR) 3-55
3-290 Purpose of High Density Residential Zone 3-55

3-295 High Density Residential Zone Uses-By-Right 3-55
3-300 High Density Residential Zone Conditional Uses 3-55
3-305 High Density Residential Zone Special Review Uses 3-56
3-310 High Density Residential Zone Additional Requirements 3-56
COMMERCIAL ZONE (C) 3-56
3-315 Purpose of Commercial Zone 3-56
3-315.5 Commercial Zone Uses–By-Right 3-56
3-320 Commercial Zone Conditional Uses 3-57
3-325 Commercial Zone Special Review Uses 3-59
3-330 Commercial Zone Additional Requirements 3-60
LIGHT INDUSTRIAL ZONE (LI) 3-60
3-335 Purpose of Light Industrial Zone 3-60
3-335.5 Light Industrial Zone Uses-By-Right 3-60
3-340 Light Industrial Zone Conditional Uses 3-60
3-345 Light Industrial Zone Special Review Uses 3-62
3-350 Light Industrial Zone Additional Requirements 3-63
HEAVY INDUSTRIAL ZONE (HI) 3-63
3-355 Purpose of Heavy Industrial Zone 3-63
3-355.5 Heavy Industrial Zone Uses-By-Right 3-63
3-360 Heavy Industrial Zone Conditional Uses 3-64
3-365 Heavy Industrial Zone Uses by Special Review 3-64
3-370 Heavy Industrial Zone Additional Requirements 3-65
MOBILE HOME ZONE (MH) 3-65
3-375 Purpose of Mobile Home Zone 3-65
3-380 Mobile Home Zone Uses-By-Right 3-65
3-385 Mobile Home Zone Conditional Uses 3-65
3-390 Mobile Home Zone Special Review Uses 3-66
3-395 Mobile Home Zone Additional Requirements 3-66
PLANNED DEVELOPMENT ZONE (PD) 3-66
3-425 Purpose of the Planned Development Zone 3-66
3-430 Planned Development Zone Applicability and Interpretation 3-67
3-435 Coordination with Other Regulations, Plans, and General Provisions 3-68
3-440 Uses Permitted 3-70
3-445 Processing Fees 3-71
3-450 Development Plan Review Procedures 3-71
3-455 General Pre-Application Conference 3-71

3-460 Submission Requirements 3-72
3-465 Written Documents – Development Guide 3-72
3-470 Maps 3-75
3-475 Approval Procedure 3-76
3-480 Vesting of Rights 3-76
3-485 Modifications and Amendments to Existing District and Final PD Plans 3-76
3-490 Disagreements between Developers and the Planning Administrative Staff 3-77
3-495 Amendments 3-77
3-500 Development Schedule 3-78
3-503 Periodic Reviews of All Planned Developments 3-78
3-505 Improvements Agreements 3-78
PLANNED DEVELOPMENT DESIGN STANDARDS 3-79
3-510 General Design Standards 3-79
3-515 Density 3-79
3-520 Density Transfer 3-79
3-525 Planned Development District Size 3-79
3-530 Open Space 3-80
3-535 Landscape Plan 3-80
3-540 Recreation Improvements 3-80
3-545 Natural Physical Characteristics 3-80
3-555 Streets and Ways 3-80
3-560 Parking and Loading 3-81
3-565 Bridges 3-82
3-570 Buildings 3-82
3-575 Signs 3-82
3-580 Planned Development District Perimeters and Major Road Right-of-Ways 3-83
3-585 Drainage and Utilities 3-83
3-590 Other Provisions and Standards 3-83
JACKSON LAKE VILLAGE ZONE (JLV) 3-84
3-595 Purpose of Jackson Lake Village Zone 3-84
3-600 Jackson Lake Village Zone Uses-by-Right 3-84
3-605 Jackson Lake Village Zone Conditional Uses 3-85
3-610 Jackson Lake Village Zone Special Review Uses 3-85
3-615 Special Design Standards and Conditions for the Jackson Lake Village Zone 3-85
ZONE DISTRICT BULK REQUIREMENTS AND DESIGN STANDARDS 3-87

3-620 General Bulk Requirements and Exceptions Intent 3-87
3-625 Minimum Area and Width of Lot 3-87
3-630 Minimum Setbacks 3-87
3-635 Maximum Height of Buildings and Structures 3-88
3-640 Fences, Hedges and Walls 3-88
3-645 Encroachments 3-89
3-650 Bulk Lot Requirements 3-89
3-655 Sewer and Water Requirements 3-89
3-660 Site Specific Development Plan Review Required 3-89
3-665 Streets and Access 3-90
3-670 Noise 3-90
3-675 Air Quality 3-90
3-680 Water Quality 3-90
3-685 Radiation and Radioactive Materials 3-90
3-690 Heat 3-90
3-695 Light 3-91
3-600 Property Maintenance 3-91
3-705 Drainage Requirements 3-91
3-710 Permanent and Engineered Foundations 3-91
OFF-STREET PARKING AND LOADING REQUIREMENTS 3-92
3-715 Off-Street Parking 3-92
3-720 Off-Street Loading 3-92
3-725 General Provisions – Off-Street Parking and Loading 3-92
LIVESTOCK 3-95
3-730 Animal Unit Densities 3-95
3-735 Animal Densities as Applied to 4-H Projects 3-95
DISTRICT OVERLAY AREAS 3-95
3-740 Authorization 3-95
3-742 State of Colorado Floodplain Regulations 3-96
3-745 Findings of Fact 3-96
3-750 Intent 3-96
3-755 Nature of Overlay Areas 3-96
3-760 General Provisions 3-97
3-765 Uses Permitted in the Floodplain Overlay Areas 3-98
3-770 Uses Prohibited in Floodplain and Floodway Areas 3-99

FLOODPLAIN DEVELOPMENT PERMIT PROCESS 3-100
3-775 Purpose 3-100
3-780 Review and Record Keeping Duties of Morgan County 3-100
3-785 Special Factors Used in Evaluating a Land Use Proposal Within the DFD and FPD Areas 3-101
3-790 Application Process 3-101
3-795 Administrative Approval 3-102
3-800 Variance Procedure 3-102
3-805 Conditions for Variance 3-104
3-810 General Design Standards for Developments in Floodplain Areas (applies to all areas of special hazards) 3-105
3-815 Mobile Home Parks and Subdivisions 3-106
3-820 Specific Design Standards for Developments in Floodplain Areas 3-106
3-821 Properties Removed from the Floodplain by Fill 3-108
CHAPTER 4 - SUPPLEMENTARY REGULATIONS 4-1
CAMPGROUND REGULATIONS 4-1
4-100 Applicability and Permit 4-1
4-105 Site Selection Criteria 4-1
4-110 Minimum Site Area 4-1
4-115 Density 4-1
4-120 Setbacks – Perimeter 4-2
4-125 Campground Space Requirements 4-2
4-130 Access and Interior Roadways 4-3
4-135 Walks and Lighting 4-3
4-140 Open Space and Recreation Areas 4-3
4-145 Service Buildings 4-3
4-150 Maximum Residency 4-3
4-155 Water Supply 4-4
4-160 Sewage Disposal – Sanitary Stations 4-4
4-165 Electricity and Phone 4-4
4-170 Solid Waste Disposal 4-4
4-175 Dedication of Easements and Public Lands 4-5
4-180 Building Permits 4-5
4-185 Tie-Downs 4-5
LIVESTOCK CONFINEMENT OPERATIONS (FEEDLOTS), SLAUGHTER HOUSES, PACKING PLANTS, AND RENDERING PLANTS 4-5

4-190 General 4-5
4-195 Procedure 4-5
4-200 Location Restrictions 4-5
4-205 Waste Management 4-6
4-210 Rodent and Insect Control 4-6
4-215 Feed and Water Facility Aprons 4-7
4-220 Grading of Confinement Area 4-7
4-225 Drainage Facilities 4-7
4-230 Fugitive Dust Control 4-7
4-235 Odor Control 4-7
4-240 Expansion 4-7
4-245 Health of Animals 4-7
4-250 Land Use Map and Ownership 4-8
4-255 Notification 4-8
4-260 Residential Siting Policy 4-8
KENNELS 4-8
4-265 Location Restrictions 4-8
4-270 Application Requirements 4-8
OUTDOOR SHOOTING RANGES 4-9
4-275 General 4-9
4-280 Application Submittal Requirements 4-9
4-285 Design Standards 4-9
4-290 Safety Baffles 4-9
4-295 Occasional Shotgun Events 4-10
SIGN REGULATIONS 4-10
HOME OCCUPATIONS 4-10
4-305 Intent 4-10
4-310 General Provisions 4-10
4-315 Uses Permitted 4-11
ADULT AMUSEMENT, ENTERTAINMENT, OR BUSINESS ESTABLISHMENT 4-11
4-320 General 4-11
4-325 Location 4-11
4-330 Separation Distance 4-12
4-335 Hours of Operation 4-12
4-340 Opaque Covering of Windows and Doors 4-12
4-345 Signs 4-12

JUNK AND WEED CONTROL 4-12
4-350 Intent 4-12
4-355 Applicability 4-12
4-360 Accumulation of Junk – Prohibition 4-13
4-365 Time of Accumulation 4-13
4-370 Time to Correct 4-13
4-375 Rubbish and Garbage Containers 4-13
4-380 Abandoned Structures 4-13
4-385 Suppression of Weeds 4-14
4-390 Inoperable Vehicles 4-14
4-395 Screening of Inoperable Vehicles 4-14
4-400 Junkyards 4-14
4-405 Inspections and Notice 4-14
4-410 Violations 4-15
4-415 Depositing Junk or Waste on Another's Property 4-15
4-420 County Abatement 4-15
4-420.5 Administrative Entry and Seizure Warrant 4-15
4-425 Notice of Assessment 4-16
4-430 Hearing on Assessment 4-16
4-435 Nonexclusivity of Assessments 4-16
DUST CONTROL 4-16
4-440 Responsibility of Landowners and Lessees 4-16
4-445 Dust Mitigation 4-17
4-450 Abatement by County 4-17
OIL AND GAS DRILLING AND / OR PRODUCTION 4-17
4-452 Definitions 4-17
4-454 Compliance with Regulations 4-19
4-456 Pre-Application Meeting 4-19
4-458 Applications 4-19
4-460 Procedures 4-21
4-462 Waste Disposal Requirements 4-22
4-464 Nuisance Avoidance Requirements 4-23
4-466 Referrals 4-23
4-468 Review Criteria 4-24
4-470 Setbacks from Buildings 4-24

4-472 Additional Regulations Related to Off-Location Flowlines and Gathering Lines .. 4-24
4-474 Post Approval Submissions 4-26
SOLID WASTE MANAGEMENT SITES AND FACILITIES / CERTIFICATE OF DESIGNATION 4-26
4-505 Intent 4-26
FACILITY DESIGN AND OPERATING STANDARDS 4-27
4-510 Design Requirements 4-27
4-515 Hazardous Waste 4-27
4-520 Incineration Facilities 4-27
4-525 Water Quality 4-27
4-530 Application for Certificate of Designation for New Facilities for Solid Waste Management 4-27
4-535 Evaluation Criteria 4-28
4-540 Issuance of Certificate of Designation 4-28
4-545 Tipping Fee 4-28
4-550 Continuing Jurisdiction 4-29
WASTE WATER TREATMENT PLANTS 4-29
4-555 Intent 4-29
4-560 Application 4-29
4-565 Setbacks 4-29
4-570 Subject to Federal Discharge Permit 4-29
MOBILE HOME PARK REQUIREMENTS 4-30
4-575 Authority 4-30
4-580 Application 4-30
4-585 Mobile Home Park Development Permit 4-30
4-590 Dedication of Easements and Public Lands 4-31
4-595 Building Permits 4-31
4-600 Mobile Home Placement Permit – All Zones Where Allowed 4-31
4-605 Standards and Improvements – Additional Requirements 4-31
4-610 Site Plan Review 4-31
4-615 Nonresidential Uses 4-31
4-620 Site Area 4-32
4-625 Density 4-32
4-630 Perimeter Setbacks 4-32
4-635 Internal Setbacks 4-32

4-640 Access and Interior Roadways 4-32
4-645 Minimum Street Width 4-33
4-650 Walkways 4-33
4-655 Storage 4-33
4-660 Skirting 4-34
4-665 Blocking and Tie-Downs 4-34
4-670 Tie-Downs 4-34
4-675 Anchorage 4-35
4-680 Piers and Footings 4-35
4-685 Cabanas and Awnings 4-36
4-690 Alternative Tie-Down and Blocking Methods Permitted 4-36
4-695 Placement of More than One Mobile Home on a Single Parcel 4-36
4-700 Age and Condition of Mobile Homes 4-37
WIRELESS SERVICE FACILITIES 4-37
4-705 Purposes 4-37
4-710 Definitions 4-37
4-715 Standards for all WSFs 4-40
4-720 Freestanding, Wall and Roof-Mounted WSFs 4-41
4-725 Small Cell Facilities 4-43
4-730 Application and Approval Procedures 4-44
HUMAN BURIAL 4-46
4-735 General 4-46
4-740 Permit 4-46
4-745 Permit Requirements 4-46
4-750 Burial Requirements 4-46
MEDICAL AND RECREATIONAL MARIJUANA 4-47
4-760 Definitions 4-47
4-780 Marijuana establishments – prohibited 4-48
MEDICAL MARIJUANA 4-48
CHAPTER 5 - BOARD OF ADJUSTMENT AND APPEALS PROCEDURE 5-1
5-100 Intent 5-1
5-105 Membership of the Board of Adjustment 5-1
5-110 Associate Members of the Board of Adjustment 5-1
5-115 Removal of Members of the Board of Adjustment 5-1
5-120 Compensation 5-1
5-125 Officers 5-1

5-130 Internal Rules 5-2
5-135 Meetings 5-2
5-140 Special Meetings 5-2
5-145 Planning Administrator Duties 5-2
5-150 Powers and Duties of the Board of Adjustment 5-2
5-155 Majority Needed 5-3
5-160 Decision by the Board of Adjustment 5-3
PROCEDURE FOR APPEALS AND VARIANCES 5-3
5-175 Pre-application Procedure 5-3
5-180 Decision of Administrator - Application 5-3
5-185 Requirements for Variance Application 5-3
5-190 Requirements for Appeals Application 5-4
5-200 Notice of Hearing 5-4
5-210 Administrative Variances 5-4
5-215 Actions of the Board of Adjustment 5-5
5-220 Criteria for Reviewing Appeals and Variances – Board of Adjustment 5-5
5-225 Implementation of Variances 5-7
CHAPTER 6 - ENFORCEMENT 6-1
6-100 Intent 6-1
6-103 Authority to Enforce 6-1
6-105 Violations and Penalties 6-1
6-108 Enforcement Procedures 6-2
6-110 Inspections and Duties of Planning Administrator 6-3
6-120 Non-liability of Officials 6-4
6-125 Non-liability for Injury 6-4
6-130 Payment of Property Taxes Required 6-4
CHAPTER 7 - VALIDITY 7-1
7-100 Severability 7-1
CHAPTER 8 - REPEALS 8-1
8-100 Prior Resolutions 8-1
APPENDIX A – FORMS 1
APPENDIX B– ZONE DISTRICT BULK REQUIREMENTS AND SPECIAL DESIGN STANDARDS CHART 145
S APPENDIX - SIGN REGULATIONS 1

Chapter 1 – **ENABLING CLAUSES**

1-100 Short Title

For the purpose of brevity, this resolution shall hereafter be referred to as the Morgan County Zoning Regulations and Zoning Map, hereinafter referred to as "these Regulations", as amended.

1-105 Authority

The Morgan County Zoning Regulations are authorized by the 1973 Colorado Revised Statutes (C.R.S.), Title 30, Article 28, Section 111, Title 24, Article 65.1, Section 101, and Title 24, Article 67, Section 101, *et. seq.*, as amended, and are hereby declared to be in accordance with all provisions of these statutes.

1-110 Purpose

These Regulations are designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Morgan County, Colorado in full compliance with state law by establishing zoning districts which are intended to minimize the impacts of various land use types upon each other. Such regulations have further been made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses with a view toward conserving the value of land and buildings, encouraging the most appropriate use of land throughout the County, and protecting the County's tax base.

INTERPRETATION

1-115 General

The provisions of these Regulations shall be interpreted and applied to be the minimum required for the proper protection of the public health and promotion of safety and general welfare in Morgan County.

1-120 Language Clarification

For the purpose of these Regulations, words used in the section shall be interpreted in accordance with the rules set forth below:

(A) The particular controls the general.

(B) In case of any difference of meaning or implications between the text of these Regulations and the captions for each section, the text shall control

(C) The word "shall" is always mandatory and not directory. The word "may" is permissive.

(D) Words used in the present tense include the future, unless the context clearly indicates the contrary.

(E) Words used in the singular include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary.

(F) The word "person" includes a corporation as well as an individual and all other entities.

(G) The word "lot" includes "plot" or "parcel".

(H) "Occupied" or "used" shall be construed to also include intended, arranged or designed to be used or occupied.

DEFINITIONS [1] [2] [3] [4] [5]

1-130 **Abutting Land:** A parcel of land which has a common property line with another parcel of land.

1-135 **Accessory Building:** A building, the use of which is customarily incidental to that of the main building or to the main use of the land (principal use) and which is located on the same lot with the main building or use.[6]

1-140 **Accessory Use:** A use naturally and normally incidental to, and devoted exclusively to the main use of the premises.[7]

1-141 **Addition:** Any Activity that expands the enclosed foot print or increases the square footage of an existing structure.[8]

1-145 **Adjacent:** Meeting or touching at some point; adjoining.

1-150 **Adult Amusement, Entertainment, or Business Establishment:** Any establishment from which minors are excluded. Such establishments shall include adult bookstores, adult motion picture theaters, adult cabarets, topless bars or restaurants and any other uses of the same general character from which minors are excluded as a prevailing practice or legal requirement.

1-155 A**gricultural Land:** A parcel of land which was used the previous two years and is presently used as a "farm" or "ranch" as defined below, or which is in the process of being restored as a farm or ranch through conservation practices. Such land must continue to have agricultural use on it.

---

[1] 2019 BCC 25
[2] 2017 BCC 53
[3] 2017 BCC 54
[4] 2018 BCC 14
[5] 2018 BCC 35
[6] 2017 BCC 49
[7] 2017 BCC 49
[8] 2014 BCC 05

1-160 **Airport and Heliport:** An airport, heliport and facilities owned and operated either by private enterprise or a public entity or authority with more than three takeoffs and landings per day located within an officially identified airport area of influence.

1-170 **Alley:** A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

1-175 **Alternative Livestock:** Nontraditional domestic animals which do not, in the opinion of the Planning Administrator, pose a threat to the public or existing livestock. Examples may include but are not limited to elk, buffalo, ostriches, emus, fallow deer, peafowl, guinea fowl, game birds, and alligators.

1-180 **Animal Unit:** A term used to establish an equivalent density for various species of livestock.

1-185 **Animal Unit Density:** The number of animal units per acre of land area routinely devoted to harboring or confining the animals.

1-190 **Apartment Building:** Any building containing individual living units all under a single or corporate ownership.

1-195 **Appeal:** A request for a review by the Morgan County Board of Adjustment of the Morgan County Planning Administrator's interpretation of any provision of these Regulations or a request for a variance.

1-200 **Applicant:** Any individual, partnership, corporation, association, company, or public body, including the federal government, or any political subdivision, agency, corporation or instrumentality of the state applying for a development permit pursuant to these Regulations.

1-205 **Appurtenant Facility:** Any buildings, structures, or other property which are clearly incidental to and customarily found in connection with principal uses and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such principal uses. (See also "Accessory Use")

1-210 **Area of Special Flood Hazard:** For the purposes of the National Flood Insurance Program, the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year.

1-215 **Base Flood:** A flood having a one percent (1%) chance of being equaled or exceeded in any given year. The term is used interchangeably with "Intermediate Regional Flood", "one hundred year flood", and "one percent chance flood".

1-216 **Base Flood Elevation:** The elevation shown of a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE

that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.[9]

1-217 **Basement:** Any area of a building having its floor sub-grade (below ground level) on all sides.[10]

1-218 **Board**: Board of County Commissioners.[11]

1-220 **Board of Adjustment:** A special review Board operating under the authority of these Regulations for purposes of hearing and deciding variances to these Regulations.

1-225 **Buffer Zone:** A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, odor, smoke or visual impact, or to provide for future public improvements or additional open space.

1-230 **Building:** Any permanent structure, or portion thereof, built for the shelter or enclosure of human beings, animals, or property of any kind, and excluding advertising signboards and fences.

1-235 **Building Codes:** 2009 International Residential Code, 2009 International Building Code, and the 2009 International Mechanical Code as may be amended.

1-240 **Building Envelope:** The portion of a lot within applicable setback requirements where building construction will be permitted.

1-245 **Building Height:** The vertical distance from the average finished grade to the highest point of the roof surface. An elevation average on the perimeter of the building may be utilized to establish finished grade.

1-250 **Building, Principal:** A building in which is conducted the principal permitted use of the lot on which it is situated.

1-260 C**amper:** A unit, containing cooking or sleeping facilities, which is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use.

1-265 **Campground:** An area used for temporary placement and occupancy of recreation vehicles and camping tents for a period not exceeding sixty (60) days.

1-270 **Central Sewer (Sanitation):** A centralized wastewater collection and treatment facility approved by the local health department and the Colorado State Health Department. A central sanitation facility must include, at a minimum, secondary treatment of the wastewater and is subject to any waste discharge permits required by the State of Colorado. Such collection and

[9] 2014 BCC 05
[10] 2014 BCC 05
[11] 2021 BCC 06

treatment facility may be wholly owned by a development entity, private corporation, special district, or municipality.

1-275 **Central Water:** A centralized water distribution facility which may be made up of one or more wells or other sources of water. The distribution facility may be wholly owned by a development entity, private corporation, special district, or municipality or county.

1-280 **Channel:** A natural or artificial watercourse of perceptible extent with definite bed and banks which confines and conducts continuously or intermittently flowing water.

1-290 **Communication Facilities:** Consisting primarily of communication towers and/or antennas and appurtenant facilities housing electrical equipment for television, radio and similar facilities. Does not include places of business where people work on a regular basis (e.g., radio or TV stations or studios).

1-295 **Community Hall:** A building used by the general public, private nonprofit groups, or service organizations as a gathering or meeting place. Casual sales of goods which do not require the collection of sales taxes or excise taxes or require regulatory licensing and/or inspections for such sales are permitted in said halls.

1-300 **Comprehensive Plan:** The Morgan County Comprehensive Plan.

1-301 **Conditional Letter of Map Revision (CLOMR):** FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.[12]

1-305 **Condominium:** A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

1-310 **Conservation Plan:** A plan developed by the landowner and the soil district which describes measures required to prevent, to the extent possible, soil erosion from occurring on the land for which the plan was developed.

1-315 **Construction:** The actual placement and fastening of construction materials in a fixed position. Any excavation shall be deemed to be actual construction. If demolition or removal of any existing building or structure has commenced preparatory to construction, such demolition or removal shall be deemed to be actual construction. The term construction shall apply to buildings, roadways, utilities, other structures and landscaping. (Also referred to as "start of construction".)

1-325 **Contour Line:** An imaginary line shown on a map that connects points of equal elevation on the surface of the land.

1-330 **County:** Morgan County, Colorado.

[12] 2014 BCC 05

1-335 **County Commissioners:** The Board of County Commissioners of Morgan County; also called the "Board".

1-337 **Critical Facilities:** Critical facilities are classified under the following categories:[13]

(A) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

(B) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

(C) At-risk population facilities include medical care, congregate care, and schools.

(D) Facilities vital to restoring normal services including government operations.

1-340 **Cul-de-Sac:** A round turning area located at the end of a local road providing limited access to a limited number of residences and/or land uses.

1-345 **Cultivation:** The practice of plowing or disking or any other mechanical or chemical preparation of the land for the purpose of producing a crop for harvest by any means other than grazing of animals.

1-350 **Dairy:** An establishment for the primary production and subsequent sale or distribution of milk or milk products, inclusive of "dairy farm".

1-355 **Density:** The ratio of the number of dwelling units to gross land area. Dwelling units per acre is a common example.

1-360 **Density (Mobile Home):** The number of mobile home lots or spaces per acre of gross area.

1-365 **Designated Floodplain District (DFD):** That area which has been designated as a floodplain by official action of the Board of Commissioners which is subject to flooding as a result of the base flood, and for which water surface elevations have been established by a detailed and approved engineering study.

1-370 **Detached Structure:** Any structure having no party wall or common wall with another structure. Bridges, tunnels, and other similar means of connecting one structure to another shall not be considered to constitute a party wall or a common wall.

1-375 **Development:** The construction or substantial improvement on land parcels of buildings or other structures for residential, institutional, commercial, industrial, agricultural, transportation, public flood control, utilities, and recreational and similar uses, in contrast to use of the land for growing crops, truck gardening, grazing farm animals, and other agricultural production pursuits. The term also applies to vacant ground which has been or is being prepared for development by

[13] 2011 BCC 19

such steps as installation of water and sewer lines, construction of railroad spur or branch tracks, and the construction of railroad utility facilities. Also included are other activities such as mining, lot grading, filling, bridge development, and storage of equipment or materials.[14]

1-380 **Development Permit:** A permit issued under the Guidelines and Regulations for Areas and Activities of State Interest adopted by Morgan County, Colorado, as amended from time to time.

1-385 **Domestic Pets:** Animals kept on lots or in principal uses for the enjoyment of people such as dogs, cats, birds, hamsters, guinea pigs, turtles and tropical fish.

1-390 **Driveway:** A private vehicular access abutting a public road, for the exclusive use of the owners and occupants of the lot or project and their invitees. A driveway shall not be considered to be a street.

1-395 **Dwelling, Multi-Family:** A dwelling situated on one (1) lot and arranged, designed and intended for occupancy by two (2) or more families living independently of each other, but excluding there from hotels and motels.

1-400 **Dwelling, Single-Family:** A dwelling situated on one (1) lot and arranged, designed and intended for occupancy by not more than one (1) family, and which has no more than one (1) primary kitchen and no less than one (1) bathroom.

1-405 **Dwelling, Two-Family:** A dwelling situated on one (1) lot and arranged, designed and intended for occupancy by two (2) families living independently of each other, wherein each dwelling unit has its own kitchen, living area, and bathroom.

1-410 **Dwelling, Unit:** One or more rooms connected together, constituting a separate, independent housekeeping establishment for permanent occupancy by not more than one (1) family and having not more than one (1) primary kitchen and not less than one (1) bathroom plus sleeping areas.

1-415 **Easement:** A right to use or control the property of another for a designated purpose, such as for access, drainage, utility or service, or landscaping, generally established by deed or recorded plat to permit a specific use or control of the land by the public, a corporation, or person.

1-420 **Encroachment:** A placement of a structure, building, part of a building, sign, or fence upon the land or easement of another, or into required setbacks.[15]

1-425 **Enforcement Action:** A property shall be considered under an enforcement action upon the expiration of the time designated in the notice of violation, pursuant to C.R.S. §§ 30-28-124 and 30-28-124.5, to cure the violation, including any extension granted by the Planning Administrator.

[14] 2014 BCC 05
[15] 2021 BCC 11

1-430 **Equipment Storage:** The storage of operating equipment, vehicles and materials where these items are new or used and sold to the public in operating condition.

1-435 **Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

1-440 **Existing Mobile, Manufactured and Factory Built Home Parks and Subdivisions:** A manufactured or factory built home park for which the construction of facilities for servicing the lots on which these types of homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of floodplain management regulations adopted by Morgan County.

1-445 **Exotic Animals:** All animals raised or boarded on any zone lot for commercial or recreational use that are not commonly classified as domestic pets or livestock. This definition shall not apply to game birds licensed through the Colorado Department of Wildlife.

1-450 **Expansion to an Existing Mobile, Manufactured and Factory Built Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which these types of homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of street[s]).

1-455 **Family:** An individual or any number of persons related by blood, marriage, or adoption with two steps of relationship (parents, grandparents, brothers/sisters, children, grandchildren), or a group of unrelated people not exceeding four (4) persons living together as a single housekeeping unit. Persons within four steps of relationship may be considered family members under special circumstances of unique family/economic situation as approved by the Board of County Commissioners. See Appendix B, Table 6.

1-460 **Farm:** A parcel of land which is used to produce agricultural products as the main source of income that originates from the land's productivity for the primary purpose of selling these products.

1-465 **Fertilizer and Farm Chemical Storage:** The storage of fertilizer and chemicals for agricultural operations, either on a farm or at a commercial sales outlet, in any kind of container or structure.

1-470 **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland waters and/or

(B) The unusual and rapid accumulation or runoff of surface waters from any source.

1-475 **Flood Insurance Rate Map (FIRM):** The official map on which the Federal Emergency Management Agency has delineated both the area of special flood hazards and the risk premium zones applicable to the County.

1-480 **Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map and the water surface elevation of the base flood.[16]

1-485 **Flood Proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

1-490 **Floodplain:** An area of land periodically subject to partial or complete inundation from a flood.

1-495 **Flood Prone District (FPD):** An area, in and adjacent to a stream or other watercourse, subject to flooding, which is an approximation of the area inundated by the base flood, and for which water surface elevations have not been determined, and which has been designed by the Colorado Water Conservation Board as required by State statute.

1-500 **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

1-505 **Floor Area, Gross:** All areas located within the outside walls of a building, exclusive of basement area, garage space, and porches.

1-510 **Floor Area, Net:** The total horizontal floor area measured in square feet of all floors of a building, excluding walls, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms, and storage areas.

1-515 **Foster Care Facility:** Any group home licensed by the State of Colorado as provided in article 6, title 26, C.R.S., not qualifying as a family care home, which are also licensed, or not qualifying under the definition of "family" in these Regulations for the care or boarding of small groups of foster children on a temporary or permanent basis.

1-525 **Greenhouse:** Structure used to enclose the growing of plants, trees, flowers, or agricultural products for commercial purposes, either wholesale or retail.

1-530 **Group Home:** Residential facilities housing the following groups of people as defined by relevant definitions in the C.R.S.:

(A) Those who are developmentally disabled. The group home must be a state-licensed facility for the exclusive use of eight (8) or fewer such persons.

(B) Those who are aged. The group home must be an owner-occupied or nonprofit facility for the exclusive use of eight (8) or less persons who are sixty (60) years of age or older.

[16] 2014 BCC 05

(C) Those that are mentally ill. The home must be a state-licensed facility for the exclusive use of eight (8) persons or less.

1-532 **Hazardous Waste**: Waste as defined in C.R.S. § 25-15-101(6), as may be amended.

1-535 **Home Occupations:** Any business use which is conducted within the principal dwelling or an accessory building and by the occupants thereof, plus not more than one (1) non-related (by family) non-resident employee, is clearly incidental and secondary (occupying a limited amount of floor area) to the use of the property for dwelling purposes, and does not generate more than occasional and minimal vehicular and pedestrian traffic.[17]

1-540 **Hotel and Motel:** Any structure intended for temporary housing or lodging for hire. A hotel or motel has toilet facilities, is furnished, and has bedding, linens and cleaning service provided at least weekly by the operator. Lodging for more than 30 days in the same or another unit or room in the hotel or motel is not considered to be temporary. Any facility in which more than 10% of the units are used for housing or lodging for longer than 30 days is considered to be a residence.

1-545 **Hunting and/or Fishing Parks / Preserves:** Property in the Agriculture Zone which is used primarily for hunting, fishing, and other outdoor recreation activities rather than for the cultivation of crops or the grazing of domestic animals.

1-550 **Junk:** Scrap brass, iron, lead, tin, zinc, all other scrap metals and the alloys, bones, rags, used cloth, rope, rubber, tinfoil, bottles, old or used machinery of any type, used tools, used appliances, used lumber or crates, building materials, fabrication of any material, used pipe or pipe fittings, used conduit or conduit fittings, used automobile parts, derelict vehicles, farm and heavy equipment, used tires and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

1-555 **Junk Yard and Salvage Yard:** A yard or enclosure with or without buildings devoted or used in any manner for the sale, storage, or display of used, non-operating, worn, and/or discarded materials of any kind which may be used as is, turned into some use or converted to another, either of the same or of a different kind, including, but not limited to metals and base metals, machinery or parts of machinery, tanks and containers, appliances (with doors removed), glass and glass products including bottles, paper and paper products of all kinds, motor vehicles and light and heavy mechanical or electrical equipment, and/or parts thereof, and aircraft and parts thereof, and all other such materials and products stored or harbored in such manner as could commonly be recognized as a junk or salvage yard.

1-560 **Kennel:** Any place other than a pet shop or veterinary clinic or hospital were dogs are kept in excess of the following numbers:

(A) Parcels in the Agriculture Zone which were created by subdivision, variance or subdivision exemption which are 20 acres or smaller and all parcels in the Residential, Planned

[17] 2011 BCC 19

Development (unless otherwise stated in the Final PD Plan), Agri-Business, Commercial, and Industrial Zones: 3 dogs.

(B) Parcels in the Agriculture Zone larger than 20 acres: 4 dogs.

1-565 **Landowner:** Any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests.

1-566 **Letter of Map Revision (LOMR):** FEMA's official revision of an effective Flood Insurance Rate Mat (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMR's are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevation (BFEs) or the Special Flood Hazard Area (SFHA).[18]

1-567 **Letter of Map Revision Based on Fill (LOMR-F):** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.[19]

1-570 **Livestock**: Domestic animals which are used for food, draft, profit and recreation and are found on farms, ranches, commercial feedlots or sale facilities, and residential lots consisting of horses, mules, cattle, burros, llamas, swine, sheep goats, rabbits and poultry. Poultry consists of domestic avian species raised for food or pets, including but not limited to chickens, turkeys, geese and ducks.

1-575 **Livestock Confinement Operation:** An "animal feeding" facility in which livestock are fed 45 days or longer in any 12 month period and vegetative cover is not maintained, or where the capacity at any one time is greater than the permitted animal unit density for the zoning district in which it is located. This does not include livestock sale barn facilities. For example, livestock confinement operations may include dairies, cattle, equine or sheep feedlots, or poultry and swine production facilities.

1-580 **Lot:** A parcel of real property, as shown with a separate and distinct number or letter on a plat recorded in the Morgan County Courthouse, or when not so platted in a recorded subdivision, a parcel of real property abutting upon or having clear legal access to at least one public street and held under separate ownership.

1-583 **Lot Line:** The property line bounding a lot.[20]

1-585 **Lot Line, Front:** The property line dividing a lot from a public right-of-way, except where a lot is bordered by more than one (1) public right-of-way. Each lot proposed for development shall have at least one (1) property line designated as the front lot line. When a lot is bordered by more than one (1) right-of-way, the property owner shall determine which side of the lot having right-of-way frontage is to be considered for setback purposes to be the front lot line, subject to

[18] 2014 BCC 05
[19] 2014 BCC 05
[20] 2021 BCC 11

review and approval by the Planning Administrator. The designation of the front lot line shall be consistent and uniform with front lot lines on surrounding developed properties.[21]

1-590 **Lot Line, Rear:** The lot line opposite the front lot line.

1-595 **Lot Line, Side:** Any lot line which is neither the front nor the rear.

1-600 **Lot, Width:** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front and rear lot lines; or at the rear line of the required front setback on irregularly shaped lots.[22]

1-603 **Low Drop Sprinkler System:** Agriculture irrigation sprinklers with the drops located no more than twenty four inches (24") above ground.[23]

1-605 **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these Regulations.

1-610 **Major Facilities of a Public Utility:** Shall have the same meaning in these regulations as its definition in the Guidelines and Regulations of Areas and Activities of State Interest, Morgan County, State of Colorado, adopted May 16, 1994, as they may be amended from time to time.

1-615 **Manufactured Home:** A single-family dwelling unit which is partially or entirely manufactured in a factory. It is installed on a permanent and engineered foundation and has brick, wood, or cosmetically equivalent exterior siding and a pitched roof. It is certified pursuant to the National Manufactured Housing Construction and Safety Standard Act of 1974, 42 U.S.C. Sec. 5401, et seq., as amended. C.R.S. 30-28-115(3). The term "manufactured" does not include "recreational vehicle".

1-620 **Mean Sea Level:** For purposes of the National Flood Insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on the Flood Insurance Rate Maps are referenced.

1-622 **Medical Marijuana Dispensary:** The use of any property or structure to distribute, transmit, give, dispense or otherwise provide marijuana in any manner in accordance with Section 14, Article XVIII of the Colorado Constitution.

1-623 **Medical Marijuana Growing Site:** The use of any property or structure to grow, cultivate, or propagate marijuana for use in accordance with Section 14, Article XVIII of the Colorado Constitution.

[21] 2021 BCC 11
[22] 2021 BCC 11
[23] 2009 BCC 19

1-627 **Mid Drop Sprinkler System:** Agriculture irrigation sprinklers with the drops located more than twenty four inches (24") above ground and no more than seven feet (7') above ground.[24]

1-630 **Mobile Home:** A detached, transportable structure used for storage, office, or residential use. If used for residential use, a one-family dwelling unit, intended for year-round occupancy that is at least eight feet (8') in width and thirty-two feed (32') in length. At a minimum it must contain sleeping accommodations, flush toilet, a tub or shower bath, kitchen facilities with plumbing and electrical connections intended for attachment to outside systems. A mobile home differs from a factory built home or manufactured home and a recreational vehicle RV) unit by definition. However, a recreational vehicle may be treated as a mobile home pursuant to Section 1-750 of these Regulations.

1-635 **Mobile Home Accessory Building or Structure:** A subordinate building or structure which is in addition to or supplements the facilities provided by a mobile home. Such buildings and structures include but are not limited to awnings, cabanas, decks, storage structures, carports, porches, and satellite dishes.

1-640 **Mobile Home Lot or Space:** A plot of ground within a mobile home park or subdivision designed for the accommodation of one (1) mobile home and its permitted accessory structures and uses.

1-645 **Mobile Home Pad:** The concrete base, footing, or blocking which is set on or in level soil to provide support for the placement of a mobile home.

1-650 **Mobile Home Park:** A parcel of land under single or unified ownership or control within which spaces are rented for occupancy by mobile homes. Automobile or mobile home sales lots on which unoccupied mobile homes are parked for inspection or sale shall not be considered mobile home parks.

1-655 **Mobile Home Subdivision:** An area of land subdivided for occupancy by mobile homes exclusively and containing lots in divided or separate ownership designed as permanent sites for mobile homes.

1-660 **Net Area:** That land area of a development that remains after rights-of-way, easements, parks, school sites, and other dedications or uses have been deleted from the total acreage.

1-665 **New Construction:** Structures for which the "start of construction" commenced on or after the effective date of these Regulations.

1-670 **New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Morgan County.

[24] 2009 BCC 19

1-675 **Nonconforming Building:** A building or structure, or portion thereof, conflicting with the provisions of these Regulations applicable to the zone in which it is situated.

1-680 **Nonconforming Use:** The use of a structure or premises conflicting with the provisions of these Regulations applicable to the zone in which it is situated. Also, for conformance or nonconformance purposes, use is distinguished by the kind of animal and its applicable animal unit density allowed on a zone lot or parcel.

1-685 **Obstruction:** Any development, stockpile, refuse, or matter in, along, across, or projecting into any floodplain which might impede, retard, or change the direction of a flow of water either by itself or by catching or collecting debris carried by such water.

1-690 **Open Space:** A parcel of land, an area of water or a combination of land and water within a development site designed and intended primarily for the use or enjoyment of residents, occupants, and owners of the development site and/or the general public for uses including, but not limited to: open landscaped areas, recreation areas and facilities, gardens, parks, walkways, paths and trails, and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. The term shall not include space devoted to building, rights-of-way for streets, roads and other motorized vehicle ways and parking, and storage and loading areas. Private open space as part of an individual lot may not be included in the open space requirement calculations.

(A) **Common Open Space**: Open space designed and intended primarily for the common use of the lawful owners, residents and occupants of a development project, but not necessarily including the general public, which is owned and maintained by an organization established for such purpose or by other adequate arrangements.

(B) **Private Open Space**: Open space designed and intended for the exclusive use of the owner of a portion of the property included in a development project and which is appurtenant to such property and maintained by the owners thereof. The land and structure are jointly deeded to the owner in this classification.

(C) **Public Open Space**: An open area developed, designed and dedicated to the public for use by the owners of a development and the general public.

1-695 **Outdoor Shooting Range:** A public/governmental, commercial, or private group or club facility for pistol, rifle, and shotgun (trap and skeet) training, target practice, or contests.

1-700 **Packing Plant:** A facility used for the processing of meat or animal byproducts for human consumption.

1-705 **Panel Antenna:** A CMRS antenna, generally rectangular in shape, usually deployed in an array, typically used to transmit or receive CMRS transmissions to and from specific directions.

1-710 **Permanent Foundation:** A foundation which meets the requirements of either the specifications of the U.S. Department of Housing and Urban Development (HUD) publication HUD 7584 dated September, 1996 or other standards adopted and recognized by Morgan County by action of the Board of County Commissioners.

1-715 **Planned Development:** A development of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, industries, and associated uses planned as a single entity and therefore susceptible to development and regulation as one complex land use unit rather than as an aggregation of individual buildings located on separate lots.

1-720 **Planning Commission:** The Morgan County Planning Commission.

1-725 **Principal Use:** The main use of land or structures as distinguished from a secondary or accessory use.

1-730 **Property:** All real property subject to land use regulation by Morgan County.

1-735 **Public and Private Utility Services:** Facilities of a municipality, public utility, nonprofit corporation, or sanitation or water or other special public or quasi-public district which are constructed, operated, and maintained to provide drainage, water, sewage, electricity, gas and telephone service and approved by the Colorado State Health Department or other state regulatory agencies.

1-740 **Ranch:** A parcel of land which is used for grazing livestock as a main source of income that originates from the land's productivity for the primary purpose of selling those products.

1-745 **Ranchette:** A small ranch or farm of thirty-five acres or less where agriculture production and livestock raising are for personal use or recreation purposes and are not the main source of income for the owner.

1-750 **Recreational Vehicle (RV):** A vehicle which is designed primarily for recreational use, camping, or other seasonal use or as temporary living quarters, office, or storage and is designed to be self-propelled, towable, or capable of being carried by a pickup truck. Recreational vehicles shall include motor homes, camper trailers, 5th wheel trailers, pickup truck campers, and any similar vehicles.

(A) Any recreational vehicle which is used as a residence, on the same site, for 180 days or is regularly used as an additional bedroom for a residence shall be considered to be a mobile home.

1-755 **Rendering Plant:** A facility used for the processing of dead animals, hides, and animal by products for non-human consumption or industrial, commercial or agricultural uses.

1-760 **Rezoning:** For the purposes of these Regulations, a revision to the County zoning map.

1-765 **Right-of-Way:** An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians, and/or facilities of a public utility.

(A) No trash, trash containers, furniture, signs, or any item not deemed to be part of the natural landscaping can be left in the right of way. [25]

[25] 2014 BCC 18

1-770 **Road, Private:** A privately owned access way generally not constructed to County specifications and not maintained by the County.

1-775 **Road, Public:** A dedicated right-of-way constructed to County specifications for a stated design classification. It includes engineered drainage, based on the 100 year storm frequency, and all traffic control devices necessary for the safe movement of traffic.

1-780 **Service Building:** A building housing laundry, toilet, and bathing facilities which meet State Department of Health requirements, and such other facilities as may be required by these Regulations.

1-785 **Setback:** The minimum horizontal distance required, in any given zoning district, to be maintained free of man-made structures between a property line and the nearest exterior wall of a building or structure or between two uses or walls of structures.[26]

1-790 **Sign:** Anything designed to advertise or inform or attract the attention of people, but excluding there from any flag, badge, or insignia of any government or governmental agency or of any civic, charitable, religious, or fraternal organization if less than 100 square feet in area.

1-795 **Single Family House:** A dwelling unit that is built on site on a permanent foundation.

1-800 **Site Specific Development Plan:** A plan which has been submitted to Morgan County by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

1-805 **Skirting:** Aluminum or other nonflammable material or any other material (excluding untreated wood products) as approved by the planning administrator, installed around the perimeter of a mobile home.

1-810 **Slaughter House:** A facility used for the slaughter of animals for economic gain.

1-815 **Soil Conservation Plan:** Any plan developed by a landowner and a soil conservation district (organized as provided in C.R.S. 35-70-104) that describes measures required to prevent, to the extent possible, soil erosion from occurring on the land for which the plan was developed.

1-820 **Solid Waste Management Facility:** A facility (area, structure or containment site) at which the deposit or treatment of solid, liquid or hazardous waste occurs either as intermediate step or final step in the waste management stream. Treatment of solid waste means any form of storage, incineration, recombination or conversion of said waste. Residue from the treatment of waste is also considered any of the types of waste listed above.

1-825 **Stable:** A structure and area primarily used for the raising and/or boarding of horses, donkeys, and mules where animal unit (a.u.) densities are greater than one (1) a.u. per one-half (1/2) acre.

[26] 2021 BCC 11

1-830 **Start of Construction:** Includes the substantial improvement of a structure, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 90 days of the permit date.

1-835 **Storage Yard:** An area of land for the purpose of keeping equipment, commodities and/or structures for individual use or by the business and related to that business for sale or resale to the same types of businesses (distinguished from "junk or salvage yard").

1-840 **Street:** A public or private right-of-way for motor vehicles other than an alley or driveway that affords the principal means of access to abutting property.

1-845 **Structure:** A generally walled and roofed building that is primarily above ground and affixed to permanent site. Also included but not limited to are earth sheltered structures, open pavilions, mobile and manufactured homes, gas and liquid storage tanks, agricultural storage tanks for chemicals such as pesticides or fertilizers, septic tanks, sewage treatment facilities, utility facilities, bridges, weirs and dams. Excluded are off-street parking areas, fences and walls used as fences six feet (6') in height or less, and underground public utilities.

1-855 **Substantial Completion:** In regard to a Planned Development (P.D.), substantial completion shall mean completion of all appropriate infrastructure such as roads, curbs, gutters, and street lighting and the installation of all necessary utilities such as water, sewer, telephone, and electricity and completion or permitting of at least forty percent (40%) of the planned structures or buildings.

1-860 **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

1-865 **Substantial Improvements:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started or, (b) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either (a) existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.

1-870 **Tie-down:** Any device designed for the purpose of anchoring a mobile home to the ground.

1-875 **Use:** The purpose for which any land or building is designed, arranged, intended, occupied, maintained, rented or leased. Any man-made or man-caused activity, building, or structure on a parcel of land, whether temporary or permanent.

1-880 **Utility, Public:** Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, communications, electric, rural electric, telephone, telegraph, gas, gas pipeline carrier, water, sewage pipeline, street transportation and cellular radio system services.

1-885 **Utility Service Facility:** Any electric distribution lines, natural gas distribution lines, telegraph and telephone lines, neighborhood substations, gas meter stations, communication stations and cellular telephone exchanges, and accessory structures, and facilities, which do not constitute a Major Facility of a Public Utility, as defined herein.

1-890 **Variance:** A grant of relief from the requirements of these Regulations which permits construction in a manner that would otherwise be prohibited by these Regulations.

1-895 **Vegetive Cover:** Forage plants sufficient to support an animal density per acre as defined in Table 3 of Appendix B of these regulations with only minimal or occasional supplemental feeding.

1-900 **Vested Property Right:** The right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan and/or building permit.

1-905 **Watercourse:** A natural or artificial channel, depression, dry wash, slough, gulch, arroyo, stream, creek, drainage way, pond reservoir, or lake in which water flows either continuously, intermittently, or periodically.

1-910 **Weeds:** Plants which have been designated as noxious weeds by the Board of County Commissioners. These include but are not limited to:

- Leafy Spurge (Euphorbia esula L.)
- Russian Knapweed (Centaurea repens L.)
- Spotted Knapweed (Centaurea maculosa Lam.)
- Diffuse Knapweed (Centaurea diffusa Lam.)
- Canada Thistle (Cirsium arvense [L.] Scop.)
- Musk Thistle (Carduus nutans L.)
- Field Bindweed (Convolvulus arvensis L.)
- Volunteer Rye (Secale cereale L.)
- Jointed Goatgrass (Aegilops Cyindrica Host.)

1-915 **Wildlife:** Wild vertebrates, mollusks, and crustaceans that exist as a species in a natural wild state in their place of origin, presently or historically, including those exotic or non-native species which have been introduced into the wild by the Colorado Division of Wildlife or classified as native by the Colorado Wildlife Commission.

1-930 **Setback, Front:** The distance extending across the full width of the lot between the front lot line and the nearest exterior point of a building or structure.[27]

1-935 **Setback, Rear:** The distance extending across the full width of the lot between the rear lot line and the nearest exterior point of a building or structure.[28]

1-940 **Setback, Side**: The distance extending from the front to the rear yard between the side lot and the nearest exterior point of a building or structure.[29]

[27] 2021 BCC 11
[28] 2021 BCC 11
[29] 2021 BCC 11

Chapter 2 - APPLICATION AND IMPLEMENTATION OF REGULATIONS[30][31][32][33]

2-100 Land Use and Development

No building, structure, or land shall be used, and no building or other structure shall be erected, reconstructed, or structurally altered except in conformance with these Zoning Regulations.[34]

2-120 Jurisdiction and Applicability[35]

The provisions of these Regulations and accompanying Maps apply to the unincorporated lands of Morgan County, Colorado. To the extent allowed by law, these Regulations are applicable regardless whether use is conducted by or such development is done by a public, quasi-public, or private entity.

2-125 Compliance with Regulations[36]

(A) No application for a permit, rezoning or any other action requiring County approval under these regulations shall be accepted by the County if the property subject to the application is under an enforcement action.

(B) If, prior to final action on any application, the subject property becomes the subject of an enforcement action under these regulations the application shall be held at the current level of review until the conclusion of the enforcement action.

JURISDICTION

2-135 Permits Required[37]

Use of property in the County may require a permit. The type of use and zone district will determine whether a permit is required and the type of permit.

COORDINATION WITH OTHER PLANS AND REGULATIONS

2-140 Subdivision Regulations

The provisions of these Regulations are not intended to eliminate or replace the requirements applicable to the subdivision of land or airspace, as defined in State statutes and the Subdivision Regulations of Morgan County. If the land included within a proposed District is to be subdivided,

[30] 2017 BCC 08
[31] 2018 BCC 08
[32] 2021 BCC 11
[33] 2021 BCC 06
[34] 2017 BCC 53
[35] 2021 BCC 06
[36] 2021 BCC 06
[37] 2021 BCC 06

the landowner must comply with the Subdivision Regulations concerning platting in the County before development may occur.

2-145 Morgan County Comprehensive Plan

It is the intention of the Morgan County Commissioners that these Regulations implement the Morgan County Comprehensive Plan covering the unincorporated lands of the County. Requests for zoning amendments will be judged for their conformity with the Plan, among other criteria.

2-150 Guidelines and Regulations for Areas and Activities of State Interest

Morgan County has adopted Guidelines and Regulations for Areas and Activities of State Interest, commonly known as §1041 Regulations, and has designated site selection and construction of major facilities of a public utility as an activity of state interest under such Guidelines. Additional designations of areas and activities of state interest may be made from time to time. The Guidelines provide that the requirement for a development permit thereunder shall control, and that a special or conditional use permit under the Zoning Regulations or a review pursuant to C.R.S. §30-28-220(1) shall not be required in addition to the development permit. For purposes of compliance with these Zoning Regulations, a project which has received a development permit under such Guidelines shall be classified as a use by right. Such projects shall remain subject to the requirement for a zoning permit or building permit and to all other requirements of these Zoning Regulations, the Morgan County Subdivision Regulations, the Morgan County Comprehensive Plan, and all other applicable Morgan County land use regulations.

2-155 Conflicts

Wherever the requirements contained in these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the one which is more restrictive, or which requires the higher standard, shall apply.

2-160 Processing Fees

(A) Minimum processing fees for zoning amendments, map changes, conditional and special use permits, variances, sign permits, site permits, planned development reviews, building permits, zoning permits, mobile home placement permits and other permits required by these Regulations will be established and be subject to change from time to time upon approval of the Board of County Commissioners.

(B) The County may charge such additional fees as are necessary to recover its costs and expenses and review in excess of the minimum fees, including and not limited to staff time, consulting fees, attorney's fees, special meeting fees and all out-of-pocket expenses. The County may require periodic retainer deposits in an amount set at the discretion of the Planning Administrator from time to time to cover anticipated additional costs.

(C) All fees will be paid to the County Planning Department and deposited with the County Treasurer and drawn upon as needed.

(D) Any application which is submitted after the start of construction or commencement of the act for which the permit, variance, or exemption is sought shall be assessed a surcharge of 100% of the regular fee. This surcharge may be waived by the County Commissioners. If the County Commissioners find, after a public hearing at which the applicant shall be notified at least five days in advance and may testify under oath, that failure to apply prior to the start of construction or commencement of the act for which a permit, variance, or exemption is sought was willful or intentional, an additional surcharge of up to 10% of the cost of the applicant's project may be assessed by the County Commissioners.

(E) Should any remaining funds exist in excess of the minimum fee, then those funds will be returned to the applicant at the conclusion of all proceedings.

CONFORMANCE AND NON-CONFORMANCE

2-165 Intent

Within the districts established by these Regulations or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before these Regulations were passed or amended, but which would be prohibited, regulated, or restricted under the terms of these Regulations or future amendments. It is the intent of these Regulations to permit these non-conformities to continue unless provided otherwise below, until they are removed, but not to encourage their survival. It is further the intent that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2-170 Non-Conforming Lots

Where an individual lot was held in separate ownership from adjoining properties or was platted in a recorded subdivision approved prior to the effective date of these Regulations or any amendment thereto applicable to such lot, such lot may be occupied according to the permitted uses provided for the district in which such lot is located. Any lot conforming in size immediately prior to the adoption of these Regulations shall not be denied usage for lot size non-conformance.

No lot of less than 35 acres that is conforming in size at the time of the adoption of these Regulations may be subdivided or reduced in size in such a way that it would become non-conforming, nor cause any building, space or use to become non-conforming.

2-175 Non-Conforming Uses of Land (or Land with Minor Structures Only)

Where at the time of passage of these Regulations lawful use of land exists which would not be permitted by the Regulations imposed, the use in the strictest sense may be continued so long as it remains otherwise lawful, provided:

(A) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of these Regulations.

(B) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of these Regulations.

(C) If any such non-conforming use of land ceases for any reason for a period of more than 180 days, any subsequent use of such land shall conform to the regulations specified for the district in which such land is located. Upon request, extensions may be granted by the Planning Administrator under any unusual circumstances defined by the case in question.

(D) No additional structure or accessory use not conforming to the requirements of these Regulations shall be erected in connection with such non-conforming use of land.

2-180 Livestock Confinement as a Non-Conforming Use

If any such non-conforming use of land is a livestock confinement operation, the use may be ceased for a period of up to sixty (60) months without loss of right to re-commence the use without conformity to the current regulations.[38]

2-185 Non-Conforming Structures

(A) To avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of these Regulations and upon which actual building construction has been carried on diligently, if such building would have been in compliance with existing regulations immediately prior to adoption of these Regulations and properly permitted.

(B) Where a lawful structure exists at the effective date of adoption or amendment of these Regulations that could not be built under the terms of these Regulations by reason of location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

2-190 No Increase in Non-Conformity

No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

2-195 Partial Destruction[39]

(A) Except for single-family dwellings addressed in subsection B below, should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than fifty percent (50%) of its fair market value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these Regulations.

(B) Non-conforming single-family dwellings in any zone may be restored or replaced without

[38] 2019 BCC 21
[39] 2021 BCC 07

the requirement to obtain any permit, except for a building permit and a floodplain permit, as applicable, regardless of the limitations in subsection A above. No repairs, replacement or restoration may commence unless a building permit and a floodplain permit, as applicable, are obtained. The building permit and floodplain permit, as applicable, must be issued and repairs, replacement or restoration commenced within twenty-four (24) months of date of damage or destruction. If the applicable permits are not issued and work is not commenced within twenty-four (24) months from the date of destruction, no work may be performed on the structure unless the structure and/or use complies with these Regulations. This subsection shall not apply to mobile homes or dwellings which are not on a permanent and engineered foundation. Any single-family dwelling must comply with the County's Floodplain Regulations in order to be rebuilt. The right to rebuild under this subsection is limited to the property owner at the time of destruction.

2-200 Moving of Non-Conforming Structure

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

2-205 Non-Conforming Uses of Structures and/or Premises

If a lawful use involving individual structures, or of structure and premises in combination, exists at the effective date of adoption of these Regulations that would not be allowed in the district under the terms of these Regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

2-210 No Enlargement of Non-Conforming Structure[40]

(A) No existing structure devoted to a use not permitted by these Regulations in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located or in conformance with section 2-195.

(B) This Section shall not apply to non-conforming single-family dwellings which are governed by Sections 2-195(B) and 2-230(A).

2-215 Interior Extensions

Any non-conforming use may be extended by permit throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of these Regulations. No such use shall be extended to occupy any land or other structures outside the building in which it is housed. Extension of uses within a building requires the approval of a permit by the Board of Adjustment. The extension must meet site development requirements for the Zone District in which it is located.

[40] 2021 BCC 07

2-220 Change in Non-Conforming Uses

If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception, be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of these Regulations.

2-225 Elimination by Destruction[41]

Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land as long as the land in its undeveloped state conforms to the bulk requirements of the zone district in which it is located. Destruction for the purpose of this section is defined as damage to an extent of more than fifty percent (50%) of the fair market value at time of destruction. This Section shall not apply to non-conforming single-family dwellings which are governed by Sections 2-195(B) and 2-230(A) and the property on which they are located.

2-230 Repairs and Maintenance of Non-Conforming Structures

(A) On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done for ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, in any twelve (12) consecutive months, to an extent not exceeding fifty percent (50%) of the current fair market value of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the footprint and/or square footage of the structure which existed at the time the structure became non-conforming shall not be increased. Non-conforming single-family dwellings in any zone district shall not be subject to the limitation on the increased footprint and/or square footage of a non-conforming structure under this subsection. For purposes of this subsection, single-family dwelling shall not include mobile homes or dwellings which are not on a permanent and engineered foundation.[42]

(B) If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

(C) Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

[41] 2021 BCC 07
[42] 2021 BCC 07

2-235 Uses Permitted Under Special Review Provisions

Any use which is permitted as a special review in a district under the terms of these Regulations (other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall upon special use approval be considered a conforming use.

2-240 Determination of Status

(A) Any landowner, or authorized agent thereof, within Morgan County, Colorado, may seek a determination of status from the Planning Administrator of Morgan County, Colorado, as to the existence of a legal nonconforming use, structure, lot, or structure and premises in combination ("Use to be Determined"). In order to obtain such a determination, the landowner shall file application with the Planning Administrator which shall include:

(1) An application form.

(2) A narrative describing the Use to be Determined as presently utilized.

(3) A sketch plan of the Use to be Determined which is drawn to scale and contains a legal description for the real property where the Use to be Determined is located.

(4) Proof of ownership which shall be a title insurance policy, commitment of attorney's title opinion which is dated within the previous five years.

(5) Affidavits from the landowner and at least three disinterested persons concerning the Use to be Determined which are specific as to location, size and scope of the Use to be Determined as it has existed in the period determined to be relevant for the determination sought.

(6) Such other information as the Planning Administrator may request or accept as probative.

(7) An application fee.

(B) After evaluation of the information submitted, the Planning Administrator shall issue a written determination which shall be deemed to be an administrative decision appealable to the Board of Adjustment within 30 days after the date of such decision. Such decision, once final, shall be conclusive and binding upon the County as to the conformity or non-conformity of the Use to be Determined.

AMENDMENTS TO ZONING REGULATIONS[43]

2-245 Initiation of Amendments

The Board may, on its own motion or on referral by the Planning Commission, amend the Morgan County Zoning Regulations. Such amendments shall be made in compliance with these Regulations and Colorado statutes. Amendments to the County's Zoning Map that have broad based application shall be processed under this amendment process. Rezoning applications shall be processed in accordance with the rezoning procedures below.

2-250 Review Procedure

(A) Initiation. Planning staff, in consultation with the County Attorney, shall draft all amendments to the Regulations.

(B) Availability of Information. The proposed amendments shall be available for inspection at Planning Department beginning fourteen (14) days prior to the Planning Commission until the final decision by the Board.

(C) Planning Commission Hearing. Planning staff shall schedule a public hearing on the proposed amendments before Planning Commission and draft an advisory report on the proposed amendments. Notice of the public hearing shall be given in accordance with Sec. 2-255. Planning Commission shall hold a public hearing, review the proposed amendments and make a recommendation to the Board.

(D) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the proposed amendments. Notice of the public hearing shall be given in accordance with Sec. 2-255.

(E) Decision. The Board shall review the proposed amendment, any public testimony, Planning Commission and staff recommendation and shall approve, approve with modifications, table for further study, remand to the Planning Commission or deny the proposed amendments.

2-255 Notice Requirements

Notice of a public hearing on amendments to these Regulations shall be given at fourteen (14) days prior to the public hearing by publication in a newspaper of general circulation in the County and on the County's website. Notices for the public hearings required under Sec. 2-250 may run concurrently. Notice shall be in the form provided in Appendix A.

2-260 Review Criteria

Amendments to these Regulations must satisfy the following criteria:

[43] 2021 BCC 06

(A) That an existing regulation is in need of revision as proposed;

(B) That the proposed amendment will be consistent with the future goals and needs of the County as set out in the Morgan County Comprehensive Plan; and

(C) That the proposed amendment will be consistent with the overall intent of these Regulations.

2-265 Effective Date of Zoning Amendments

Amendments approved by the Board shall become effective immediately, unless otherwise stated in the resolution of approval.

REZONING

2-267 Policy

For the purpose of establishing and maintaining sound, stable and desirable development within the County, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Regulations. This policy is based on the opinion of the Board that the County's Zoning Map is the result of a detailed and comprehensive appraisal of the County's present and future needs regarding land use allocation and other zoning considerations and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area or the County in general. The rezoning process shall not apply to Zoning Map amendments that have broad application and are in the nature of policy making by the County.

2-270 Submission Requirements

The submittal requirements in this Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion.

(A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.

(B) Applicable fee.

(C) A general description of the rezoning request and the reasons for it, and a description of any future development plans, including a narrative description of how the request meets the criteria of Sec. 2-285.

(D) Names, addresses and phone numbers of the property owner(s), applicant(s) and/or representatives.

(E) Proof of ownership of all parties in the area to be rezoned consisting of a title commitment issued within the previous six (6) months.

(F) A list of names and addresses of property owners within thirteen hundred and twenty feet (1,320') of the perimeter of the property or properties to be rezoned.

(G) A discussion of how the rezoning request may impact adjacent uses and integrate with existing zone districts.

(H) Rezoning map pursuant to Sec. 2-400.

2-275 Review Procedure

(A) Initiation. Rezoning may be initiated by the Board or the owner(s) of the property to be rezoned. Rezoning initiated by the Board shall not be subject to Secs. 2-270, 2-275(B) through (C).

(B) Pre-application conference. Prior to actual submission of a rezoning application, each applicant shall attend a pre-application conference with the Planning Department. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed rezoning to inform and assist the applicant prior to the preparation of the application.

(C) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to review by the Planning Commission. An incomplete submittal will not be processed.

(D) Availability of Information. The proposed rezoning application, if applicable, and map shall be available for inspection at Planning Department beginning fourteen (14) days prior to the Planning Commission until the final decision by the Board.

(E) Planning Commission Hearing. After a complete application for rezoning is submitted or a Board-initiated rezoning has been prepared for review. Planning staff shall schedule a public hearing on the proposed rezoning before Planning Commission and draft an advisory report on the proposed rezoning. Notice of the public hearing shall be given in accordance with Sec. 2-280 of these Regulations. Planning Commission shall hold a public hearing, review the proposed rezoning and make a recommendation to the Board.

(F) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the proposed rezoning. Notice of the public hearing shall be given in accordance with Sec. 2-280.

(1) Refer back. If a rezoning application considered by the Board contains additional or modified information from the application considered by the Planning Commission, the Board may, at its sole discretion and at any time prior to rendering a decision, refer the application back to the Planning Commission for its comments and recommendation on the additional or modified information. The public hearing before the Board shall then be continued to such time subsequent to the receipt of

the Planning Commission recommendation on the revised application. In the event of resubmission to the Planning Commission, Planning staff shall schedule a public hearing as soon as possible and shall provide notice pursuant to Sec. 2-280(A) and (C).

(G) Decision. Within fifteen (15) days of the closing of the public hearing, the Board shall render a decision on the application. The Board shall consider all evidence presented and make specific findings. A vote for approval is to be followed by insertion of boundary changes on the Official Map within fifteen (15) days of the decision.

2-280 Notice Requirements

Notice of the public hearings required under Sec. 2-275 shall be given at least fourteen (14) days prior to the hearing by all of the following methods:

(A) Publication in newspaper of general circulation and on the County's website. Notice shall be in the form provided in Appendix A.

(B) The applicant shall be required to post notice on the property for which the rezoning is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than twenty-four inches by thirty-six inches (24"x 36"). The size of the letters should be a minimum of two inches (2") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the rezoning of property in must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:

(1) Photographs of the signs posting the property shall be submitted to the Planning Department at least ten (10) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least fourteen (14) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.

(2) Posted sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board.

(C) Mailed notice to property owners within thirteen hundred and twenty feet (1320') of the perimeter of the property or properties to be rezoned.

2-285 Review Criteria

The following criteria applies to all rezoning applications, but does not apply to acts of legislative rezoning by the Board. Rezoning of property should only be approved if the following criteria are satisfied:

(A) The rezoning is consistent with the provisions of the Morgan County Comprehensive Plan;

(B) The rezoning compatible with surrounding zone districts;

(C) It is in the best interests of or furthers the health, safety, or general welfare of the citizens of Morgan County; and either:

(1) Conditions in the area of the proposed rezoning or in adjacent areas have changed or are changing to such a degree as to warrant the rezoning; or

(2) The property was zoned in error under the current zoning.

BUILDING PERMITS

2-290 Applicability

A building permit shall be required for the placement and/or use of any structure that are roofed and one hundred and twenty (120) square feet or larger, except as follows:

(A) Non-occupied structures (e.g., detached garages, pole buildings, agriculture buildings, storage buildings)

(B) Any structures expressly exempt from the building permit requirements pursuant to the building code duly adopted by the County.

(C) Mobile homes subject to the Mobile Home Placement Permit in Sec. 4-600 and other applicable sections.

2-295 Submittal Requirements

In addition to any submittal requirements imposed by the building code adopted by the County, applications for building permits shall require the following:

(A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.

(B) Application fee.

(C) For residential buildings, proof of the following:

(1) Adequate water supply suitable for human consumption (meets criteria established by Colorado Department of Health).

(2) Adequate access to a public road.

(3) Utility services.

(D) For commercial and industrial buildings, proof of the following:

(1) Adequate water supply suitable for human consumption (meets criteria established by Colorado Department of Health) for that portion of the water supply of the commercial or industrial use intended for human consumption.

(2) Adequate access to a public road.

(3) Utility services.

(E) Construction plans for residential, commercial and industrial construction as may be required by the Building Department.

(F) An adequate drainage plan. For any building or project which will result in five thousand (5,000) square feet or more of impermeable surface the drainage plan must be signed and sealed by a licensed civil engineer.

(G) A brief description of the building or project.

(H) Proof of notification to any person or entity having ownership in any ditch or water delivery system/structure with rights over or adjacent to the property which is the subject of the application.

(I) A signed copy of the Morgan County Right to Farm Policy.

(J) Any other reasonable site specific information required by the Planning Administrator and/or Building Official.

2-300 Review Procedure

(A) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. An incomplete submittal will not be processed.

(B) Decision. The Building official may approve, approve with conditions or deny the application. The decision of the Building official shall be provided to the applicant no later than two (2) business days from the date of the decision.

2-310 Review Criteria

(A) All uses-by-right must be adequately served by public or private utilities, if required for the use, and have clear access to a developed public right-of-way.

(B) The plans for the proposed erection, construction, reconstruction, movement, alteration or use fully conform to all applicable provision of these Regulations.

ZONING PERMITS

2-320 Purpose

All structures and buildings over 200 square feet, which are uses-by-right, not subject to the County's building or mobile home placement permit requirements, require a zoning permit prior to the commencement of construction or use.

2-325 Submittal Requirements

The submittal requirements in Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion.

(A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.

(B) Application fee.

(C) For residential buildings, proof of:

(1) Adequate water supply suitable for human consumption (meets criteria established by Colorado Department of Health).

(2) Adequate access to a public road.

(3) Utility services.

(D) For commercial and industrial buildings, proof of:

(1) Adequate water supply suitable for human consumption (meets criteria established by Colorado Department of Health) for that portion of the water supply of the commercial or industrial use intended for human consumption.

(2) Adequate access to a public road.

(3) Utility services.

(E) An adequate drainage plan. For any building or project which will result in five thousand (5,000) square feet or more of impermeable surface the drainage plan must be signed and sealed by a licensed civil engineer.

(F) A site plan pursuant to Sec. 2-410.

(G) A brief description of the building or use.

(H) Proof of notification to any person or entity having ownership in any ditch or water delivery system/structure with rights over or adjacent to the property which is the subject of the application.

(I) A signed copy of the Morgan County Right to Farm Policy.

(J) Any other reasonable site specific information required by the Planning Administrator.

2-330 Review Procedure

(A) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to review by the Planning Commission. An incomplete submittal will not be processed.

(B) Decision. The Planning Administrator may approve, approve with conditions or deny the application. The decision of the Planning Administrator shall be provided to the applicant no later than two (2) business days from the date of the decision.

2-335 Review Criteria

(A) All uses-by-right must be adequately served by public or private utilities, if required for the use, and have clear access to a developed public right-of-way.

(B) The plans for the proposed erection, construction, reconstruction, movement, alteration or use fully conform to all applicable provision of these Regulations.

2-340 Expiration of Zoning Permit

The uses and structures subject to a zoning permits must be commenced or substantially constructed within twenty-four (24) months of the issuance of a zoning permit. If the use is commenced or structure substantially constructed within twenty-four (24) months of the issuance of a zoning permit, the zoning permit shall expire and a new permit will be required.

CONDITIONAL USE PERMITS

2-345 Purpose

Conditional uses are uses that are generally associated with or similar to uses-by-right in a zone district but, because of potential impacts, the County requires a more in-depth review to assess and mitigate these potential impacts.

2-350 Submittal Requirements

The submittal requirements in Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion. Electronic submittals are encouraged, but not required.

(A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.

(B) Application fee.

(C) A general description of the conditional use request and the reasons for it, including a narrative description of how the request meets the each of the criteria in Section 2-365.

(D) Title commitment for the property issued within the six (6) months previous to the submission of the application. If the application is incomplete, the County may require that the title commitment be updated.

(E) A list of names and addresses of property owners within thirteen hundred and twenty feet (1,320') of the perimeter of the area where the conditional use will be located.

(F) A listing of type and availability of utilities and services; including sewer, water, electrical, and fire protection to the property, including letters of commitment from providers of utilities and services serving the site.

(G) If applicable, descriptions of types of easements required for the project, widths and other pertinent information.

(H) A site plan map in accordance with the provisions of Section 2-410.

(I) If a conditional use permit is sought for a livestock confinement operation allowed under Secs. 3-175 or 3-180, the Facility Design Standards and permit requirements of Sec. 4-200 and following must be met and included in the permit application.

2-355 Review Procedure

(A) Pre-Application Conference. Prior to submission of a conditional use application, each applicant shall attend a pre-application conference with the Planning Department. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed use to inform and assist the applicant prior to the preparation of the application.

(B) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting

any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information. An incomplete submittal will not be processed.

(C) Referral. Referral agencies, as provided for Sec. 2-430 will be sent copies of the conditional use permit application and all materials for comment. The comment period is a total of fourteen (14) days and failure to comment is to be viewed as a favorable review. At the discretion of the planning staff and given unusual circumstances, some referral agencies may be contacted for additional comments or clarifications.

(D) Report to Board. The Planning Administrator shall make available to the Board a record of all pending conditional use permit applications.

(E) Availability of Information. The conditional use application shall be available for inspection at Planning Department beginning ten (10) days prior to the Planning Commission until the final decision by the Board.

(F) Planning Administrator Review and Decision. The Planning Administrator may, in their sole discretion, approve, approve with conditions, or deny a conditional use permit application after all of the following:

(1) Pre-application conference.
(2) Submission of a complete application.
(3) End of Referral period.
(4) Notice has been provided in accordance with Sec. 2-360.
(5) Board has not called up the application pursuant to Sec. 2-355(G)(2).

(G) Planning Commission/Board Review. The Planning Commission and Board may consider a conditional use permit application through the one of the following procedures:

(1) Referral by Planning Administrator. The Planning Administrator at their discretion may refer a conditional use permit application to the Planning Commission and Board for final decision, subject to the procedures of this Section.

(2) Call Up by Board. If a majority of the Board determines that the Board shall make the final decision on a conditional use permit application, the Planning Administrator shall schedule a public hearing before the Planning Commission and the application will be subject to the procedures in Sec. 2-355 (H) through (J).

(H) Planning Commission Hearing. After a complete application for conditional use permit has been submitted and the Planning Administrator determines not to use their authority under Sec. 2-355(G)(1) or the Board has called up an application pursuant to 2-355(G)(2), Planning staff shall schedule a public hearing on the proposed conditional use permit before Planning Commission and draft an advisory report on the application. Notice of the public hearing shall be given in accordance with Sec. 2-360. Planning Commission shall hold a

public hearing, review the proposed conditional use permit application and make a recommendation to the Board.

(I) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the condition use permit application. Notice of the public hearing shall be given in accordance with Sec. 2-360.

(1) Refer back. If a conditional use permit application considered by the Board of contains additional or modified information from the application considered by the Planning Commission, the Board may, at its sole discretion and at any time prior to rendering a decision, resubmit the application to the Planning Commission for its comments and recommendation on the additional or modified information. The public hearing shall then be continued to such time subsequent to the receipt of the Planning Commission comments and recommendation on the revised application. In the event of resubmission to the Planning Commission, the surrounding property owners shall be notified as required in Sec. 2-360(C)(2).

(J) Decision. Within fifteen (15) days of the closing of the public hearing, the Board shall render a decision on the application. The Board shall consider all evidence presented and make specific findings.

2-360 Notice Requirements

Notice of the public hearings required under Sec. 2-355 shall be given at least 10 (10) days prior to the hearing by all of the following methods:

(A) Publication on the Morgan County website. Notice shall be in the form provided in Appendix A.

(B) The applicant shall be required to post notice on the property for which the conditional use permit is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than twenty-four inches by thirty-six inches (24" x 36"). The size of the letters, indicating the notice, should be a minimum of two inches (2") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the conditional use permit application in must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:

(1) Photographs of the signs posting the property shall be submitted to the Planning Department at least five (5) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least ten (10) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.

(2) Posted sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board.

(C) Mailed notice to property owners within thirteen hundred and twenty feet (1320') of the perimeter of the area where the conditional use will be located.

(D) Notice for public hearings required in Sec. 2-355 may run concurrently.

2-365 Review Criteria

The following criteria will be used by the Planning Administrator and, if applicable, the Planning Commission and the Board, when reviewing an application for a conditional use permit. A conditional use permit may be granted only if:

(A) The application documents are complete and present a clear picture of how uses are to be arranged on the site;

(B) The site plan conforms to the design standards of these Regulations;

(C) There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure (utilities, drainage, and roads) or upgrades by the County or special districts; and

(D) The use proposed is compatible with the surrounding uses and adequately buffered as necessary.

SPECIAL USE PERMITS

2-370 Purpose

Special review use is a discretionary review process for uses which have unique or widely varying operating characteristics or unusual site development features. The procedure encourages public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed special review uses will not have a significant adverse impact on surrounding uses and properties or on the community-at-large.

2-375 Applicability

In addition to uses designated as special uses in each zone district, any use, not designated as a Use by Right, Accessory Use, Conditional Use, Use by Special Review or not otherwise prohibited in a particular zone, may be approved as Use by Special Review pursuant to the criteria and procedure as established by these Regulations.

2-380 Submittal Requirements

The submittal requirements in Section may be waived or altered by the Planning Administrator at the Planning Administrator's sole discretion. All submittal requirements shall be provided electronically.

(A) Completed application provided by the County, signed by all owner(s) of, or persons having an interest in the property subject to the application. If owner(s) will not be signing the application, written authorization for the agent to sign the application must be supplied with the completed application.

(B) Applicable fee.

(C) A general description of the special use request and the reasons for it, including a narrative description of how the request meets the criteria of Sec. 2-395.

(D) Title commitment for the property issued within the six (6) months previous to the submission of the application. If the application is incomplete, the County may require that the title commitment be updated.

(E) Discussion of any environmental impacts the special use will have on existing vegetation, land forms, water resources, air quality and wildlife. If impacts exist, a discussion of how the applicant plans to mitigate these impacts will be necessary.

(F) If a supply of water is needed for the special use, proof of an adequate supply of water in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.

(G) A list of names and addresses of property owners within thirteen hundred and twenty feet (1,320') of the perimeter of the area where the special use will be located.

(H) A discussion of how the special use will relate to or impact existing adjacent uses or properties.

(I) A listing of type and availability of utilities and services; including sewer, water, electrical, and fire protection to the rezoned area including letters of commitment from providers of utilities and services serving the site or proof of ownership.

(J) Discussion of any public improvements required to complete the project.

(K) Descriptions of types of easements required for the project, widths and other pertinent information.

(L) A special use plan map in accordance with the provisions of Sec. 2-420.

(M) If a special use permit is sought for a livestock confinement operation allowed under Secs. 3-175 or 3-180, the Facility Design Standards and permit requirements of Sec. 4-200 and following must be met and included in the permit application.

2-385 Review Procedures

(A) Pre-Application Conference. Prior to submission of a special use permit application, each applicant shall attend a pre-application conference with the Planning Department and if

need be with other County departments and referral agencies in connection with the preparation of the application submittal documents. After the pre-application conference, the Planning Department may furnish the applicant with written comments regarding the proposed use to inform and assist the applicant prior to the preparation of the application.

(B) Review of Submission. Staff shall review the submittal materials within fifteen (15) working days and provide the applicant with initial written comments, specifically noting any inadequacies in the submittal items. Staff may request that the applicant make changes or clarifications to the submittal information prior to review by the Planning Commission. An incomplete submittal will not be processed.

(C) Referral. Referral agencies, as provided for Sec. 2-430, will be sent copies of the special use permit application and all materials for comment. The comment period is a total of fourteen (14) days and failure to comment is to be viewed as a favorable review. At the discretion of the planning staff and given unusual circumstances, some referral agencies may be contacted for additional comments or clarifications.

(D) Availability of Information. The special use application shall be available for inspection at Planning Department beginning ten (10) days prior to the Planning Commission until the final decision by the Board.

(E) Planning Commission Hearing. After a complete application for special use permit has been submitted, Planning staff shall schedule a public hearing on the proposed special use permit before Planning Commission and draft an advisory report on the application. Notice of the public hearing shall be given in accordance with Sec. 2-390. Planning Commission shall hold a public hearing, review the proposed special use permit application and make a recommendation to the Board.

(F) Board Hearing. After review by the Planning Commission, the Board shall hold a public hearing on the condition use permit application. Notice of the public hearing shall be given in accordance with Sec. 2-390.

(1) Refer back. If a special use permit application considered by the Board contains additional or modified information from the application considered by the Planning Commission, the Board may, at its sole discretion and at any time prior to rendering a decision, resubmit the application to the Planning Commission for its comments and recommendation on the additional or modified information. The public hearing shall then be continued to such time subsequent to the receipt of the Planning Commission comments and recommendation on the revised application. In the event of resubmission to the Planning Commission, the surrounding property owners shall be notified as required in Sec. 2-390(C).

(G) Decision. Within fifteen (15) days of the closing of the public hearing, the Board shall render a decision on the application. The Board shall consider all evidence presented and make specific findings.

2-390 Notice Requirements

Notice of the public hearings required under Sec. 2-385 shall be given at least ten (10) days prior to the hearing by all of the following methods:

(A) Publication in newspaper of general circulation and on the County's website.. Notice shall be in the form provided in Appendix A.

(B) The applicant shall be required to post notice on the property for which the conditional use permit is requested. Such notice shall consist of at least one (1) sign facing each public right-of-way adjacent to the property. Such sign(s) shall measure not less than twenty-four inches by thirty-six inches (24" x 36"). The size of the letters, indicating the notice, should be a minimum of two inches (2") high and such signs shall be erected on posts no less than four feet (4') above ground level. Such sign(s) shall read as indicated in Appendix A. Signs advertising the conditional use permit application in must be photographed by the applicant and submitted to the Planning Department subject to the following requirements:

(1) Photographs of the signs posting the property shall be submitted to the Planning Department at least five (5) days prior to each public hearing date. These photographs shall be accompanied by an affidavit from the applicant or applicant's representative that signs were posted at least ten (10) days prior to the public hearing date. The affidavit shall be in the form provided in Appendix A.

(2) Posted sign(s) shall be removed by the applicant within two (2) weeks following the final decision by the Board.

(C) Mailed notice to property owners within thirteen hundred and twenty feet (1320') of the perimeter of the area where the special use will be located.

(D) Notice required for public hearings required in Sec. 2-385 may run concurrently.

2-395 Review Criteria

The following criteria will be used by the Planning Commission and the Board when reviewing an application for a special use permit:

(A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan;

(B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County;

(C) The site plan conforms to the district design standards of these Regulations;

(D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures;

(E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County;

(F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by either federal, state or county regulation, whichever is the strictest;

(G) The special use proposed is not planned to be developed on a non-conforming parcel;

(H) The applicant has adequately documented a public need for the project, all pertinent technical information, adequate financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review; and

(I) For any special use requiring a supply of water that the applicant has demonstrated a source of water which is adequate for the proposed use in terms of quantity and reliability and in the case of human consumption, quantity, quality, and reliability.

DRAWING SUBMITTAL REQUIREMENTS

2-400 Rezoning Map

The rezoning map should be drawn to a legible and at an appropriate scaled as required by the Planning Administrator that allows for maximum clarity of the proposed rezoning. The maximum sheet size shall be 24" x 36". Plan reductions (11" x 17") will be required for public hearing packets. The map shall also include the following:

(A) The area proposed for rezoning in a dark outline or otherwise clearly delineated.

(B) Legal description and address of the site.

(C) A north arrow.

(D) An information block in a corner of the map which includes the following: the preparation date; a scale; names and addresses of the owner and applicant, if different than the owner, names and addresses of engineer or surveyor who prepared the map; and the number of the sheet and total number of sheets.

(E) A vicinity map that depicts the area to be rezoned and the area which surrounds this site within a 1 mile radius of the perimeter of the property and which is superimposed over the Morgan County Zoning Map to show the zoning of the properties on the vicinity map.

(F) Boundaries of other properties and zone districts within 200 feet of the area being rezoned.

(G) Clear delineation and labeling of the following features in relation to the property and adjacent lands:

(1) existing zoning (site and adjacent properties);.

(2) existing uses and structures.

(3) existing public accesses to the site and all existing roads in the vicinity.

2-410 Site Plan

The Site Plan is prepared to show development plans for a site. The site plan must clear and legible at an appropriate scale, as approved by the Planning Administrator, to clearly show all of the information required below:

(A) The maximum sheet size shall be 24" x 36".

(B) An information block in a corner of the map which includes the following: the preparation date; a scale; names and addresses of the owner and applicant, if different than the owner, names and addresses of engineer or surveyor who prepared the plan; addresses of the site; the number of the sheet and total number of sheets; and sheet title (e.g, site plan, landscape plan, drainage plan).

(C) A north arrow.

(D) The area proposed for permitting in a dark outline or otherwise clearly delineated.

(E) For subdivided land, label all boundary lines with bearing, distances, and curve data as shown on the final plat.

(F) For unsubdivided land, label all boundary lines with bearing, distances, and curve data as shown on the certified boundary survey prepared by, or under the supervision of, a registered Professional Land Surveyor licensed with the State of Colorado.

(G) Written legal description of lot.

(H) A vicinity map at a suitable scale. The map shall locate the site with respect to adjacent streets and roads and other major land features within one-half (1/2) mile radius of the property.

(I) The location and name of any water features or irrigation ditches within the perimeter of the lot.

(J) The location and names of all public rights of way abutting the lot.

(K) Clearly show, label and dimension the planned uses, their locations and approximate building envelope dimensions.

(L) Show all setback distances as prescribed by the zone district.

(M) If applicable to the type of use, show the existing and planned circulation pattern external and internal to the site and designate the road classifications as to arterial, collector and local and designate right-of-way widths.

(N) If applicable, show existing uses that will remain and that will be removed upon development within the lot including all existing structures remaining the lot, the use within that structure.

(O) A drawing of any proposed landscape plan for the project;

(P) If required by the Planning Administrator, an engineered drainage plan for the site. Show how the drainage plan conforms to the floodplain requirements of these Regulations if the project is located in a floodplain. All drainage runoff is to be contained on the site that is in excess of historical flows prior to development. In the use of re-developed property where drainage was previously not contained, the plan should assume no development as the base for historical flow measurements; and

2-420 Special Use Plan Map

The special use map is prepared to show development plans for special use. The special use map must clear and legible at an appropriate scale, as approved by the Planning Administrator, to clearly show all of the information required below:

(A) The maximum sheet size shall be 24" x 36".

(B) An information block in a corner of the map which includes the following: the preparation date; a scale; names and addresses of the owner and applicant, if different than the owner, names and addresses of engineer or surveyor who prepared the plan; addresses of the site; the number of the sheet and total number of sheets; and sheet title (e.g, site plan, landscape plan, drainage plan).

(C) A north arrow.

(D) The special use plan map shall include certificates for the property owner's signature, the Planning Commission, the Board and the Clerk to the Board.

(E) Legal description of the lot(s).

(F) Vicinity Map. A vicinity map shall be drawn on special use plan map. The vicinity map shall be at a suitable scale. The vicinity map shall delineate all of the required information within a one-half (½) mile radius of the property proposed for the special use. The following information shall be shown on the vicinity map:

(1) Section, township and range.
(2) Scale and north arrow.
(3) Outline of the perimeter of the parcel proposed for the special use.

(4) Locations and names of all public rights of way, irrigation ditches and water features.

(5) Location of all residences within a one-half-mile radius, existing and proposed accesses to the property proposed for the special use, any abutting subdivision outlines and names, and the boundaries of any adjacent municipality.

(6) Any other relevant information within a one-half-mile distance of the perimeter of the property proposed for the special use as may be reasonably required by the Planning Administrator to meet the intent and purpose of this Chapter.

(G) For the lot or lots to be used for the special use, the following information shall be provided on the special use plan map:

(1) The scale of the special use area shall be one (1) inch equals one hundred (100) feet.

(2) The drawing shall outline the boundaries of the lots being considered for the Use by Special Review.

(3) The drawing shall include the location and identification of all of the following items within a two-hundred-foot radius of the boundaries of the lots(s) as well as within the lot(s) itself; it shall also include the proposed features and structures of the proposed special use:

(a) All public rights of way of record (including names).

(b) All existing and proposed structures.

(c) All utility easements or rights-of-way for telephone, gas, electric, water and sewer lines.

(d) Irrigation ditches.

(e) Adjacent property lines and respective owners' names (may be shown on vicinity map instead).

(f) All hydrographic features including streams, rivers, ponds and reservoirs (including names).

(g) Location of areas of moderate or severe soil limitations as defined by the Natural Resources Conservation Service or by a soil survey and study prepared by a soils engineer or scientist for the uses and associated structures proposed for the parcel.

(h) Complete traffic circulation and parking plan showing locations and sizes.

(i) Location, amount, size and type of any proposed landscape material, including fencing, walls, berms or other screening.

(j) Location of any special flood hazard area, geologic hazard area, or mineral resource areas.

(k) Such additional information as may be reasonably required by the Planning Administrator, the Planning Commission or the Board in order to determine that the application meets the requirements of these Regulations.

SUPPLEMENTAL PERMIT REGULATIONS

2-430 Authority of Planning Administrator

The Planning Administrator has the discretionary authority to waive the drawing submittal requirements or allow preliminary sketches in lieu of a formal site plan or map to accompany an application either during the preliminary review process or for a Planning Commission or Board review, or may in their sole discretion, require additional requirements upon an applicant, if necessary, to meet the intent of these Regulations. Any sketch drawing shall be at an appropriate scale that clearly shows the project's intent. The Board of County Commissioners may require a submittal of a plan or map in compliance with the drawing submittal requirements prior to approval of any permit or as a condition of approval.

2-440 Referral Agencies

The referral agencies and individuals include but are not limited to the following:

(A) County Attorney.
(B) Public Works Director or his/her Designee.
(C) Local Department of Health.
(D) Colorado Division of Wildlife.
(E) Fire Protection District.
(F) Public School District.
(G) Municipalities and counties located within three (3) miles of the re-zone or use permit area, or, in the case of a municipality, where the proposed rezoning or permit lies within its current (3) three mile planning area.
(H) Colorado Department of Transportation where a state or federal highway is within or adjacent to the re-zone area.
(I) Others as deemed necessary by Planning Staff.

POST-DECISION PROCESSES

2-450 Applications for Same Lot or Parcel

Development applications for the same lot where an earlier petition for the same action was denied may be reintroduced for reconsideration by the County no sooner than one (1) year after the original decision is rendered. All rezoning or permit reintroductions must follow the same procedure as original petitions, as amended.

2-460 Amending Permits

Any conditional use or special use permit issued under these Regulations may be amended upon application of the owner.

(A) Minor amendments may be granted administratively by the Planning Administrator.

(B) Major amendments must go through the same application, notice and hearing process as the original application.

(C) Fees for an amendment shall be the same as for what is currently charged for the original type of permit.

(D) The Board may, on a case by case basis, waive the requirement of paragraphs (B) and (C) of this section.

(E) The Planning Administrator shall be the sole authority in determining whether an amendment is major or minor.

VESTED PROPERTY RIGHTS

2-465 Creation of Vested Property Rights[44]

(A) A vested property right shall be deemed established upon the approval, or conditional approval, of a site specific development plan as per Section 2-440 of these Regulations, following notice and hearing by the Board of County Commissioners as authorized by Section 24-68-101 and following C.R.S. Such vested property rights shall attach to and run with applicable property. The Board of County Commissioners may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such approval or conditional approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights. A site specific development plan shall be deemed approved upon the effective date that the Board of County Commissioners has done so by the resolution relating thereto, and the Chairman of the Board of County Commissioners signing the approval upon the site plan triggers such vesting so identified at the time of its approval. Such approval shall be subject to all right of referendum and

[44] 2021 BCC 06

judicial review; except the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation in Morgan County, Colorado, setting forth that the Board of County Commissioners has granted such approval. Such publication shall occur no later than fourteen (14) days following approval.

(B) Rezoning that does not include an approved site specific development plan shall not result in the creation of a vested property right.

2-467 Site Specific Development Plan

A plan which has been submitted to the County by a landowner or his representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such approved plan may be in the form of, but need not be limited to, any of the following:

(A) A Planned Development District Plan.

(B) A Final Subdivision Plat for single family detached residential use.

(C) A Conditional or Special Use Permit site plan accompanying approvals of said permits.

(D) A Zoning or Rezoning approval that is accompanied by an approved site development plan. In addition, this approval must be accompanied by a resolution that specifically vests property development rights.

(E) A Development Agreement that includes a site specific development plan as defined herein.

(F) A development permit issued under the Guidelines and Regulations for Areas and Activities of State Interest adopted by Morgan County, as amended from time to time, the application for which included a plat conforming to the requirements of these Regulations for a Site Specific Development Plan set forth at Section 2-480(B) or the equivalent, in the sole discretion of the Zoning Administrator.

(G) Any other land use site plan approval designation as may be utilized by Morgan County in the future.

2-470 Duration and Termination of Vested Property Rights[45]

(A) A property right which has been vested as provided herein shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the County.

(B) Notwithstanding the provisions of the foregoing subsection (A), the County is hereby authorized to enter into a development agreement with landowners providing that property rights shall be vested for a period exceeding three years where warranted in light of all

[45] 2021 BCC 06

relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.

(C) Following approval or conditional approval of a site specific development plan, nothing herein shall exempt such a plan from subsequent reviews and approvals by the County to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

2-472 Subsequent Regulation Prohibited: Exceptions

(A) A vested property right, once established, precludes any zoning or land use action by Morgan County or pursuant to an initiated measure which would alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the site specific development plan, except:

(1) With the consent of the affected landowner.

(2) Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could reasonably have been discovered at the time of site specific development plan approval, and which hazards, if uncorrected, would post a serious threat to the public health, safety, and welfare.

(3) To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, after approval by Morgan County, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.

(B) The vested status of a property shall not preclude other regulations which are general in nature and applicable to all property subject to land use regulations, including but not limited to building, fire, plumbing, electrical, and mechanical codes.

2-475 Miscellaneous Provisions

(A) A property which has vested rights under the jurisdiction of the County or a part of the property included with a site specific development plan which has been vested shall be effective against any other local government which may subsequently obtain or assert jurisdiction over such property.

(B) Nothing in this section shall preclude judicial determination, based on common law principles, that a vested property right exists in a particular case or that a compensable taking has occurred.

(C) A vesting of rights signature block must appear on the Site Plan face sheet as shown in Appendix A (Forms).

Chapter 3 - **ESTABLISHMENT OF ZONING MAPS AND ZONING DISTRICTS** [46] [47] [48] [49]

OFFICIAL ZONING MAP

3-100 General

The location of the zoning districts established are shown on the map entitled "Official Zoning District Map and Zoning Inset Maps (Official Zoning Maps) of Morgan County" dated May 31, 2000 which was adopted by Resolution 2000 BCC 24. The official map is filed at the office of the County Planning Administrator and recorded with the County Clerk and Recorder and shall be kept current at all times. All amendments to the map made in conformity with Section 2-265 of these Regulations shall be recorded promptly after adoption, showing general location, effective date, and nature of any changes. Each map amendment shall be supplemented by a file and shall contain a legal description of the area changed, a description of the nature of the change and all pertinent documents such as application submittal materials, legal notices and meeting minutes, and record of proceedings.

No changes shall be made to the Official Zoning Map except in the manner described above and except for technical changes needed to clarify zoning district boundaries. Any unauthorized change to the Official Zoning Map by any person or persons shall be deemed a violation of these Regulations.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning map which shall be located in the above County office shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County except in cases where inadvertent mistakes are found.

The Official Zoning Map shall be certified by the signature of the Chairman of the Board of County Commissioners and the County Clerk and Recorder under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3-100 of the Morgan County Zoning Regulations, Resolution Number 2000 BCC 24 of Morgan County, Colorado", together with the date of the adoption of these Regulations.

3-105 Boundaries

The boundaries of zoning districts are established as shown on maps entitled "Official Zoning District Maps and Zoning Inset Maps" of Morgan County, Colorado, which maps and all future amendments thereto are hereby made a part of these Regulations.

Unless otherwise defined on the Official Zoning Maps, district boundary lines are lot lines; the center lines of streets, roads, highway rights-of-way, or such lines extended; section lines;

[46] 2019 BCC 19
[47] 2018 BCC 14
[48] 2018 BCC 24
[49] 2019 BCC 25

municipal corporate lines; center lines of stream beds; or other lines drawn to scale on the Zoning District Maps.

3-110 Interpretation and effect of Permit[50]

In the interpretation and application of the provisions of these Regulations, they are not intended to abrogate or annul any permits issued before the effective date of these Regulations, or any easement, covenant, or any other private agreement. A permit or approval issued under these Regulations does not guarantee compliance with any applicable easement, covenant, or other private agreement. Applicants and permittees are responsible for ensuring compliance with any applicable easement, covenant, or other private agreement.

ZONING DISTRICTS

3-115 General

In order to carry out provisions of these Regulations, Morgan County, Colorado, is hereby and in the future may be, divided into the following zoning districts:

A Agriculture Production District

A/B Agriculture / Agri-Business District

ER Estate Residential District

RR Rural Residential District

RCR Rural Community Residential District

MDR Moderate Density Residential District

HDR High Density Residential District

C Commercial District

LI Light Industrial District

HI Heavy Industrial District

MH Mobile Home District

JLV Jackson Lake Village District

PD Planned Development District

[50] 2019 BCC 19

3-120 Use Categories

Uses of property are categorized and allowed in each of the zoning districts in the following manner:

3-125 Uses-by-Right[51]

Uses-by-right include the use of land, structures or both which are authorized by the district zoning classification.

The design standards of any given zone district comprise the essential site plan requirements for the placement of a use on a parcel or in a structure. To construct or commence a use-by-right on a parcel, a building or zoning permit is required.

3-130 Accessory Uses and Structures[52]

These uses are naturally and normally incidental to a use-by-right and comply with all the following conditions:

(A) Is clearly incidental and customary to and commonly associated with the operation of the use-by-right.

(B) Is operated and maintained under the same ownership as the use-by-right on the same zone lot.

(C) Includes only those structures or structural features consistent with the use-by-right.

(D) The maximum lot coverage percentage for the zone district shall apply according Section 3-650, Zone District Bulk Requirements and Special Design Standard Chart, Table 1 of Appendix B.

(E) May include home occupations, as defined by the zoning regulations and/or by zone district.

(F) Must comply with setback and other design standard requirements in each zone district.

(G) A drainage plan may be required prior to approval of the accessory use if the Planning Administrator determines that the accessory use or building meets at one of the following criteria:

(1) The accessory use or building may have a drainage impact on adjacent properties;

(2) The accessory use or building may have a drainage impact on adjacent rights of way; or

[51] 2021 BCC 06
[52] 2017 BCC 49

(3) The accessory structure is 5000 square feet or larger.

(H) Construction of accessory uses may or may not require a building or zoning permit. If a permit is required, a map showing the location of the accessory use on the zone lot in relation to other buildings and property lines will be required.

Accessory uses must meet setback and other design standard requirements in each zone district. Construction of accessory uses may or may not require a building or zoning permit. If a permit is required, a map showing the location of the accessory use on the zone lot will be required.

3-135 Conditional Uses

Uses normally associated with uses-by-right and permitted in any given zone district upon compliance with certain conditions and after review and approval of a site plan. Procedures and submittal requirements for conditional use review are found in Chapter 2.

3-140 Use by Special Review

A specific use of land or building or both described and permitted within a zone district is subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a use-by-right or conditional use. Special uses require review before the Planning Commission and a public hearing before the Board of County Commissioners. These uses are usually extraordinary in nature, and a complete site plan and impact mitigation plan will be required to be reviewed and approved. Special use review criteria will be used to judge the acceptability of particular special use proposed in a specific zone district. Procedures and submittal requirements for special review uses are found in Chapter 2.

3-145 Temporary Uses

The intent of this section is to provide for the regulation of temporary structures and uses. These Regulations shall apply to temporary residences, temporary construction offices and temporary signs. For the purposes of this section the term “temporary” shall mean a period of up to six (6) months.

3-150 General Requirements and Procedures

Prior to the establishment and use of a temporary structure, the applicant shall be required to provide the following:

(A) Submit a plot plan or map showing location of the use, setbacks and any other pertinent information to the Planning Administrator for review. The plan must conform with all applicable zoning requirements of the district in which the use is to be located.

(B) Upon favorable review by the Planning Administrator, the applicant may obtain a building or zoning permit for the requested use.

(C) The permit granted by the Planning Administrator shall expire six (6) months from the date of issuance. A maximum of three (3) permits shall be granted per use. All temporary uses shall be removed at the expiration date of the third permit.

(D) All written requests for renewal shall be submitted to the Planning Administrator a minimum of ten (10) working days prior to expiration date.

(E) The applicant must meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as determined by the Planning Administrator.

3-153 Special Provisions Regarding Single-Family Dwellings[53]

(A) If a single-family dwelling, which is subject to a previously approved conditional or special use permit, is damaged or destroyed, by unavoidable means or cause, it may be restored or replaced without the issuance of a new conditional or special use permit. The right to rebuild under this section is limited to the property owner at the time of destruction.

(B) No repairs, replacement or restoration may commence unless a building permit and floodplain permit, as applicable, are obtained. The building permit and floodplain permit, as applicable, must be issued and repairs, replacement or restoration commenced within twenty-four (24) months of date of damage or destruction. If the applicable a permits are not issued and work is not commenced within twenty-four (24) months from the date of damage or destruction, no work may be performed on the structure unless a new conditional or special use permit is issued, as applicable. All work and structures restored or replaced under this Section, shall comply with these Zoning Regulations and any terms or conditions of the previously approved permit. Any single-family dwelling must comply with the County's Floodplain Regulations in order to be rebuilt.

(C) For purposes of this subsection, single-family dwelling shall not include mobile homes or dwellings which are not a permanent and engineered foundation.

3-155 Permitted Temporary Structures

(A) Temporary Residence

Upon obtaining a building permit for a permanent residence, a permit for utilizing a temporary living quarters by the property owner may be obtained in the A, A/B, RR, ER, RCR, and MH districts.

(B) Temporary Construction Structures

A temporary structure for construction activities may be utilized in all districts, which may be a construction office to be used for managing a construction job, a structure for the storage of construction materials, or a structure for the temporary manufacture of construction materials

[53] 2021 BCC 07

including but not limited to a concrete, asphalt, or mortar batching plant, subject to the following restrictions:

(1) The unit is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, and others working on the job.

(2) The structure must be located within the area of a recorded final plan or an approved site plan.

(3) No structure may be used as living quarters for a caretaker, property owner, contractor, or others except in approved cases where security necessitates such occupancy.

(4) All on-site or off-site impacts, including but not limited to dust, noise, discharges into the air or water, other forms of nuisance, and protection of the character of the vicinity where the temporary structure is located, shall be mitigated.

(5) No permanent changes to the site where the temporary structure is located shall be permitted without express prior approval.

(C) Residential Sales Offices

Temporary residential sales offices for the sale of units in an area shall be permitted in the RR, ER, RCR, MDR, HDR, MH and PD districts with the following restrictions:

(1) Sales shall be limited only to those units within the platted subdivision in which the office is located.

(2) The temporary structure shall be located within the area of a recorded final plat.

(3) The use of a temporary residential sales office shall require obtaining a temporary permit with the Planning Administrator.

(D) Commercial, Business and Industrial Offices

Temporary nonresidential offices used for sales or business operation purposes shall be permitted in the A/B, C, LI, HI and nonresidential PD zone districts with the following restrictions:

(1) Upon obtaining a building permit for permanent nonresidential structure a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.

(2) The temporary office shall be located within the area of a recorded final plat and an approved site plan.

(E) Temporary Signs

All temporary signs shall be in conformance with Morgan County Sign Regulations.

(F) Other Temporary Structures

Tents or other temporary structures used for bazaars, religious functions, festivals or other group activities are allowed in all zone districts except the RR, ER, MDR, HDR and MH zone districts. All permits are to be obtained from the Planning Administrator and must expire in a maximum of three (3) months within any calendar year.

3-160 Uses Not Itemized

(A) On its own initiative, the County Planning Commission may, by resolution, recommend to the Board of County Commissioners additions to the uses permitted and/or uses permitted by special review section of any zoning district, any other similar use which conforms to the conditions set forth in this section. The recommendation of the Planning Commission is then forwarded to the Board of County Commissioners for their action pursuant to Section 2-245 of these Regulations. The criteria to be considered when adding to the zone district use list are.

(1) Such use is more appropriate in the use group to which it is added.

(2) Such use conforms to the basic characteristics of the use group to which it is added.

(3) Such use does not create any more offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.

(B) When any use has been added to any use group in accordance with this Section such use shall be deemed to be listed in the appropriate Section of that use group and shall be added thereto in the published text of these Regulations at the first convenient opportunity.

ZONES DESCRIBED

AGRICULTURE PRODUCTION ZONE (A)

3-165 Zone Purpose

Agriculture is considered to be a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses. The A zone is established to maintain and promote agriculture as an essential industry of Morgan County. The A zone is established to provide areas for the conduct of agriculture activities and activities related to agriculture and agricultural production without the interference of other incompatible uses. Morgan County recognizes that non-agriculture uses, such as residences, occur in the Agriculture Zone, but that these uses are subordinate to agricultural uses.

3-170 Agriculture Zone Uses-By-Right

Parcels Larger Than 20 Acres[54]

(A) Farming, ranching, and gardening for personal and commercial production purposes.

(B) One (1) single-family residence (site built or manufactured home on a permanent and engineered foundation, but not a mobile home) per parcel.

(C) Cultivation, storage, sale of crops, vegetables, plants, flowers and nursery stock.

(D) Grazing of livestock.

(E) Truck and sod farms, nursery stock and greenhouses.

(F) Sales offices for truck and sod farms (commercial), greenhouses, and nurseries.

(G) Accessory uses.

(1) Two ham radio and/or television towers and satellite TV dishes exceeding three feet in diameter.

(2) One (1) additional single-family residence (site built or manufactured home on a permanent and engineered foundation, but not a mobile home) per parcel used only for employees of the property owner (farm hands) or family members of the property owner in addition to the primary residence allowed by paragraph (B) of this section.

(3) Farm office.

(4) Roadside stands for sale of personally grown vegetables, fruits and farm products.

(5) Home occupations.

(6) Seed sales.

(H) A major facility of a public utility for which a development permit has been issued.

(I) Water reservoirs of less than 10 acres maximum surface area or 65 acre feet maximum capacity.

(J) Garages, parking, other equipment storage buildings for personal use.[55]

(K) Farm buildings, storage sheds, and silos for storage of farm products.[56]

---

[54] 2009 BCC 27
[55] 2017 BCC 54
[56] 2018 BCC 14

(L) Buildings and sheds for protection of livestock.[57][58]

(M) Fertilizer and chemical storage for personal and on-farm use.

(N) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[59][60]

(O) Oil and gas wells.[61]

(P) Injection wells, except commercial disposal injection wells.[62][63]

Parcels 20 Acres and Smaller[64]

(A) Farming, ranching, and gardening for personal and commercial production purposes.

(B) One (1) single family residence (site built or manufactured home on a permanent and engineered foundation, but not a mobile home) per parcel.

(C) Grazing of livestock not to exceed the animal densities of Section 3-730.

(D) Accessory uses:

(1) Two ham radio and/or television towers and satellite T.V. dishes exceeding three feet in diameter.

(2) Home occupations.

(E) Garages, parking, other equipment storage buildings for personal use.

(F) Buildings and sheds for protection of livestock.

(G) Farm buildings, storage sheds, and silos for storage of farm products.

(H) A parcel of 20 acres or smaller which is being actively used as a headquarters or base of operations for bona fide farming or ranching operation shall be considered to consist of more than 20 acres for purposes of this section.

(I) Water reservoirs of less than 10 acres maximum surface area or 65 acre feet maximum capacity.

---

[57] 2018 BCC 14
[58] 2018 BCC 24
[59] 2017 BCC 25
[60] 2017 BCC 54
[61] 2018 BCC 14
[62] 2018 BCC 24
[63] 2018 BCC 14
[64] 2009 BCC 27

(J) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[65]

(K) Oil and gas wells.

(L) Injection wells, except commercial disposal injection wells.

3-175 Agriculture Zone Conditional Uses

Parcels Larger Than 20 Acres

(A) Group homes, foster family care homes.

(B) Animal training, breeding and boarding facilities.

(C) Golf courses.

(D) Commercial disposal injection wells.[66][67]

(E) Meeting places.

(F) Utility service facilities.

(G) Veterinary clinics, hospitals, small animal kennels.

(H) Additional living units on permanent and engineered foundations not allowed as uses-by-right. Not to exceed four (4) per parcel.[68]

(I) Synthetic fuel production not exceeding 10,000 gallons per year and provided the fuel is used on the property farmed.

(J) Small wind energy conversion systems.[69]

(K) Schools.

(L) Public recreation facilities.

(M) Churches.

(N) Communication facilities.

[65] 2017 BCC 25
[66] 2018 BCC 24
[67] 2018 BCC 14
[68] 2008 BCC 2
[69] 2008 BCC 2

(O) Mobile homes used for any purpose including primary or accessory residences (one mobile home per parcel).

(1) Replacement of existing mobile homes on the same location (able to connect to existing utilities) with a newer mobile home, within 90 days of removal of the older unit, is exempt from the requirement of obtaining a Conditional Use Permit. A Mobile Home Placement Permit must be obtained in all cases.[70]

(P) Livestock confinement operations confining more than the allowed animal unit densities but fewer than 200 animal units in a confinement area of two (2) or more acres or fewer than 90 animal units in a confinement area of one-half (1/2) acre or more or 15 animal units of fowl, game birds or other small animals in a confined area of 1500 square feet or more.

(Q) Commercial trucking and heavy equipment parking and maintenance.

(R) Extraction of sand, gravel, or dirt for a single public road project provided all requirements of the Colorado Mined Land Reclamation Board have been met.

(S) Hunting and/or fishing preserves and hunting parks.

(T) Keeping of alternative livestock.

(U) Agriculture related businesses if associated with owner occupied housing.

(V) Additional antennas for radio or television transmission.[71]

(W) Cemeteries.

(X) Routine or minor expansions of livestock confinement facilities.

(Y) Home occupations conducted in an accessory building.

(Z) Asphalt or concrete batch plants for a single road project provided all other federal, state, and local laws and regulations are complied with.

(AA) Storage of mobile homes in excess of 14 days from notice to the planning administrator.

(BB) Commercial boat and recreation vehicle storage.

(CC) Water storage reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 acre feet and greater and less than 130 acre feet maximum capacity.

(DD) Hospitals

(EE) Fire Stations

[70] 2009 BCC 27
[71] 2009 BCC 27

(FF) Flowlines and Gathering lines.[72]

Parcels 20 Acres or Smaller[73]

(A) Group homes, foster family care homes.

(B) Animal training, breeding and boarding facilities.

(C) Golf courses.

(D) Commercial injection wells.[74][75]

(E) Meeting places.

(F) Utility service facilities.

(G) Sales offices for truck and sod farms (commercial), greenhouses, and nurseries.

(H) Veterinary clinics, hospitals, small animal kennels.

(I) Hospitals

(J) Additional living units on permanent and engineered foundations not to exceed one (1) per parcel.

(K) Small wind energy conversion systems.

(L) Schools.

(M) Public recreation facilities.

(N) Churches.

(O) Communication facilities.

(P) Mobile homes used for any purpose including primary or accessory residences (one mobile home per parcel).

(1) Replacement of existing mobile homes on the same location (able to connect to existing utilities)[6] with a newer mobile home, within 90 days of removal of the older unit, is exempt from the requirement of obtaining a Conditional Use Permit. A Mobile Home Placement Permit must be obtained in all cases.[76]

[72] 2018 BCC 14
[73] 2018 BCC 14
[74] 2018 BCC 14
[75] 2018 BCC 24
[76] 2009 BCC 27

(Q) Livestock confinement operations confining more than the allowed animal unit densities but fewer than 200 animal units in a confinement area of two (2) or more acres or fewer than 90 animal units in a confinement area of one-half (1/2) acre or more or 15 animal units of fowl, game birds or other small animals in a confined area of 1500 square feet or more.

(R) Commercial trucking and heavy equipment parking and maintenance.

(S) Extraction of sand, gravel, or dirt for a single public road project provided all requirements of the Colorado Mined Land Reclamation Board have been met.

(T) Hunting and/or fishing preserves and hunting parks.

(U) Keeping of alternative livestock.

(V) Agriculture related businesses if associated with owner occupied housing.

(W) Additional antennas for radio or television transmission.[77]

(X) Cemeteries.

(Y) Routine or minor expansions of livestock confinement facilities.

(Z) Home occupations conducted in an accessory building.

(AA) Asphalt or concrete batch plants for a single road project provided all other federal, state, and local laws and regulations are complied with.

(BB) Storage of mobile homes in excess of 14 days from notice to the planning administrator.

(CC) Commercial boat and recreation vehicle storage.

(DD) Roadside stands for sale of personally grown vegetables, fruits and farm products.

(EE) Seed sales.

(FF) Water storage reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 acre feet and greater and less than 130 acre feet maximum capacity.

(GG) Fire Stations.

(HH) Flowlines and Gathering lines.

[77] 2009 BCC 27

3-180 Agriculture Zone Special Review Uses[78] [79]

(A) Single-family dwellings located less than 1,320 feet from an existing animal confinement operation, packing plant, slaughter house, or rendering plant, except for single-family dwellings located on the same legal parcel as an existing animal confinement operation.[80]

(B) Boarding, raising or otherwise keeping exotic animals.

(C) Campgrounds and recreational vehicle (RV) parks.

(D) Commercial and private airports, airstrips and heliports.

(E) Asphalt and concrete batch plants.

(F) Feed mills

(G) Commercial grain elevators.

(H) Communication facilities exceeding height limits.

(I) Storage and sale of commercial fertilizer and farm chemicals.

(J) Crop dusting operations.

(K) Solid waste management, such as but not limited to sanitary landfills, waste treatment and storage facilities, including manure storage and composting facilities.

(L) Utility service facilities exceeding height limits.

(M) Water and sewer treatment facilities, storage facilities.

(N) Outdoor shooting ranges.

(O) Livestock confinement operations in excess of the allowed animal unit densities or conditional use permit allowances.

(P) Water storage reservoirs of 20 acres and greater maximum surface area or 130 acre feet and greater maximum capacity.

(Q) Cattle truck washing and cleaning.

(R) Junk, scrap metal, auto wrecking and farm and other equipment storage and salvage yards.

(S) Commercial synthetic fuel production.

---

[78] 2008 BCC 2
[79] 2018 BCC 14
[80] 2019 BCC 21

(T) Slaughter houses.

(U) Packing plants.

(V) Rendering plants.

(W) Recreational facilities for use by either the landowner and guests or permit holders or open to the public which involve significant physical improvements to the property or significant increases in traffic on County roads. The Planning Administrator shall make the determination of whether an improvement or an increase in traffic is significant.

(X) Bed and breakfast facilities.

(Y) Two-family dwelling, as the only residential structure, site built or manufactured on a permanent and engineered foundation (one per parcel). Each unit must be served by its own septic and water supply unless under common ownership.

AGRICULTURE / AGRI-BUSINESS ZONE (AB)

3-185 Purpose of Agriculture/Agri-Business Zone

Agricultural land areas permitted to combine a range of agricultural production and agri-business uses together. The intent of this district is to direct agri-business uses to lands near the incorporated population centers of Morgan County thereby conserving prime production lands to the greatest extent possible.

3-190 Agriculture / Agri-Business Zone Uses-by-Right

(A) Farming, ranching and gardening for personal and commercial production purposes.

(B) Cultivation, storage, sale of crops, etc.

(C) Grazing of livestock.

(D) Vegetable and sod farms, nursery stock.

(E) Sales office for vegetable and sod farms.

(F) Tack, grain and feed sales stores.

(G) Greenhouses and nurseries and associated sales offices.

(H) Accessory uses

(1) One ham radio and/or television tower and satellite t.v. dish for personal use.

(2) Living quarters for farm hands, employed on the farm, one single-family unit, (site built or manufactured home on a permanent and engineered foundation, but not a mobile home) one per parcel.

(3) Synthetic fuel plants – non-commercial.

(4) Farm office.

(5) Garages, parking and other equipment storage buildings.

(6) Roadside stands for sale of personally grown vegetables, fruits and farm products.

(7) Farm buildings, storage sheds and silos for storage of farm products.

(8) Home occupations.

(9) Fertilizer and chemical storage for personal and on-farm use.

(10) One single family residence (site built or manufactured home on a permanent and engineered foundation, but not a mobile home) per parcel.

(I) Water reservoirs of less than 10 acres maximum surface area or 65 acre feet maximum capacity.

(J) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[8182]

(K) Oil and gas wells.[83]

(L) Injection wells, except commercial disposal injection wells.[8485]

3-195 Agriculture / Agri-Business Zone Conditional Uses[86]

(A) Animal training, breeding and boarding facilities.

(B) Boarding, raising or otherwise keeping exotic animals.

(C) Commercial disposal injection wells.[8788]

(D) Meeting places.

(E) Utility service facilities.

---

[81] 2017 BCC 25
[82] 2017 BCC 54
[83] 2018 BCC 14
[84] 2018 BCC 14
[85] 2018 BCC 24
[86] 2018 BCC 14
[87] 2018 BCC 14
[88] 2018 BCC 24

(F) Veterinary clinics, hospitals, small animal kennels.

(G) Hospitals and medical clinics.

(H) Small wind energy conversion systems.

(I) Schools.

(J) Public and private recreation facilities.

(K) Commercial dairies – milk processing only.

(L) Commercial grain elevators.

(M) Storage and sales of commercial fertilizer and farm chemicals.

(N) Mobile homes as a residence (one unit per parcel).

(1) Replacement of existing mobile homes on the same location (able to connect to existing utilities)[6] with a newer mobile home, within 90 days of removal of the older unit, is exempt from the requirement of obtaining a Conditional Use Permit. A Mobile Home Placement Permit must be obtained in all cases.[89]

(O) New and used farm implement dealerships and accessory stores.

(P) Commercial livestock auction sale barns and facilities.

(Q) Seed production, processing, storage, milling, blending and sales.

(R) Communication facilities.

(S) Home occupations conducted in an accessory building.

(T) Storage of mobile homes in excess of 14 days from notice to the planning administrator.

(U) Water storage reservoirs of 10 acres and greater and less than 20 acres maximum surface area or 65 acre feet and greater and less than 130 acre feet maximum capacity.

(V) Golf courses.

(W) Churches.

(X) Flowlines and Gathering lines.

3-200 Agriculture / Agri-Business Zone Uses By Special Review

(A) Commercial synthetic fuel plants.

[89] 2009 BCC 27

(B) Commercial airports and heliports.

(C) Crop dusting operations and airstrips.

(D) Asphalt and concrete batch plants.

(E) Equipment sales, storage and repair facilities.[9091]

(F) Water and sewer treatment facilities.

(G) Water storage reservoirs of 20 acres and greater maximum surface area or 130 acre feet and greater maximum capacity.

(H) Campgrounds and recreation vehicle (RV) parks.

(I) Extraction of natural resources (gravel mining, etc.).

(J) Junk, scrap metal, auto wrecking and equipment storage and salvage yards.

(K) Utility service facilities exceeding height limits.

ESTATE RESIDENTIAL ZONE (ER)

3-205 Purpose of the Estate Residential Zone

This zone comprises land for very low density single-family residential uses and country estates on large lots, situated primarily in areas near the major population centers of Morgan County.

3-210 Estate Residential Zone Uses-By-Right

(A) Single-family house (one per parcel, site built).

(B) Public parks, playgrounds, and other public recreation areas.

(C) Public utility distribution mains, lines, etc. which are underground facilities to service residences.

(D) Non-commercial domestic livestock, poultry and fowl less than or equal to defined animal unit densities.

(E) Satellite dish antennas without towers, ham radio towers.

(F) Open space.

(G) Accessory buildings and uses such as garages.

[90] 2018 BCC 14
[91] 2018 BCC 14

(H) Livestock barns.

(I) Gardens

(J) Home occupations.

(K) A major facility of a public utility for which a development permit has been issued.

(L) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[92] [93]

3-215 Estate Residential Zone Conditional Uses

(A) Golf courses.

(B) Public and private schools.

(C) Churches and church schools.

(D) Group homes, foster family care homes.

(E) Pre-schools, nursery schools, and day care centers.

(F) Fire stations.

(G) Manufactured home on permanent and engineered foundation.

(H) Small wind energy conversion systems.

(I) Water storage reservoirs less than or equal to 65 acre feet in size.

(J) Crop production, orchards, nurseries, and flower production.

(K) Utility service facilities.

(L) Communication facilities.

(M) Animal feeding or boarding operations which do not exceed the animal unit densities of Section 3-730.

(N) Home occupations conducted in an accessory building.

(O) Storage of mobile homes in excess of 14 days from notice to the planning administrator.

[92] 2017 BCC 54
[93] 2017 BCC 25

3-220 Estate Residential Zone Special Review Uses[94]

(A) Water tanks, water and sewer treatment facilities, and regulator stations.

(B) Mobile homes for any purpose.

(C) Kennels (non-commercial).

RURAL RESIDENTIAL ZONE (RR)

3-225 Purpose of Rural Residential Zone

This zone district consists of land for low density single-family residential uses on moderately sized lots located close to major population centers of Morgan County.

3-230 Rural Residential Zone Uses-By-Right

(A) Single family house (one per parcel, site built).

(B) Public parks, playgrounds, and other public recreation areas.

(C) Public utility distribution mains, line, etc. which are underground facilities to service residences.

(D) Satellite dish antennas without towers, ham radio towers.

(E) Open space.

(F) Accessory buildings and uses such as garages.

(G) Gardens

(H) Home occupations.

(I) A major facility of a public utility for which a development permit has been issued.

(J) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[95] [96]

3-235 Rural Residential Zone Conditional Uses

(A) Golf courses.

---

[94] 2018 BCC 14
[95] 2017 BCC 25
[96] 2017 BCC 54

(B) Public and private schools.

(C) Churches and church schools.

(D) Group homes, foster family care homes.

(E) Fire stations.

(F) Medical Clinics.

(G) Manufactured home on permanent and engineered foundation.

(H) Crop production, orchards, nurseries, and flower production.

(I) Utility service facilities.

(J) Communication facilities.

(K) Home occupations conducted in an accessory building.

(L) Storage of mobile homes in excess of 14 days from notice to the planning administrator.

3-240 Rural Residential Zone Special Review Uses

(A) Water tanks, water and sewer treatment facilities, and regulator stations.

(B) Central collection sewage treatment facilities.

(C) Mobile homes as residences.

(D) Kennels (non-commercial).

RURAL COMMUNITY RESIDENTIAL ZONE (RCR)

3-245 Purpose of Rural Community Residential Zone

This zone district consists of land for moderate density residential development located in the following specific platted, unincorporated communities: Goodrich, Orchard, Snyder and Weldona. These RCR boundary lines may not be expanded through rezoning applications.

3-250 Rural Community Residential Zone Uses-By-Right

(A) One (1) single-family residence (site built or manufactured home on a permanent and engineered foundation, but not a mobile home) per parcel.

(B) Public parks, playgrounds, and other public recreation areas.

(C) Public utility distribution mains, line, etc. which are underground facilities to service residences.

(D) Satellite dish antennas without towers, ham radio towers.

(E) Open space.

(F) Accessory buildings and uses such as garages.

(G) Gardens and crop farming; livestock grazing.

(H) Home occupations.

(I) Community halls.

(J) Public and private schools.

(K) Churches and church schools.

(L) A major facility of a public utility for which a development permit has been issued.

(M) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[97] [98]

3-255 Rural Community Residential Zone Conditional Uses

(A) Multiple family dwellings – duplex and triplex only.

(B) Communication facilities.

(C) Golf courses.

(D) Nursing and convalescent homes and other extended care facilities.

(E) Group homes, foster family care homes.

(F) Pre-Schools, nursery schools, and day care centers.

(G) Fire stations.

(H) Medical clinics.

(I) Mobile homes.

(1) Replacement of existing mobile homes on the same location (able to connect to existing utilities) with a newer mobile home, within 90 days of removal of the older

[97] 2017 BCC 25
[98] 2017 BCC 54

unit, is exempt from the requirement of obtaining a Conditional Use Permit. A Mobile Home Placement Permit must be obtained in all cases.[99]

(J) Utility service facilities.

(K) Home occupations conducted in an accessory building.

(L) Storage of mobile homes in excess of 14 days from notice to the planning administrator.

3-260 Rural Community Residential Zone Special Review Uses

(A) Multiple family building in excess of three (3) units, apartment buildings, condominiums and town homes.

(B) Central collection sewage treatment facilities, exclusive of individual septic systems.

(C) Water tanks, water treatment facilities, and regulator stations.

(D) Kennels (non-commercial).

MODERATE DENSITY RESIDENTIAL ZONE (MDR)

3-265 Purpose of Moderate Density Residential Zone

This zone district provides areas for moderate density residential development and allows for multi-family housing units.

3-270 Moderate Density Residential Zone Uses-By-Right

(A) Two-family dwellings that are site built (one per parcel).

(B) Multiple family subdivisions (lots or condominiums) platted according to requirements and procedures set forth in the Morgan County Subdivision Regulations.

(C) Multi-family dwellings.

(D) Public parks, playgrounds, and other public recreation areas.

(E) Public utility distribution mains and lines which are underground facilities.

(F) Single-family dwellings and manufactured homes on permanent and engineered foundations (one per parcel).

(G) Accessory buildings and uses.

(H) A major facility of a public utility for which a development permit has been issued.

[99] 2009 BCC 27

(I) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[100] [101]

3-275 Moderate Density Residential Zone Conditional Uses

(A) Golf courses.

(B) Public and private schools.

(C) Churches and church schools.

(D) Group homes, foster family care homes, nursing homes.

(E) Pre-schools, nursery schools and day care centers.

(F) Fire stations.

(G) Hospitals and medical clinics.

(H) Communication facilities

(I) Utility service facilities.

(J) Home occupations conducted in a residence or an accessory building.

3-280 Moderate Density Residential Zone Special Review Uses

(A) Central collection sewage treatment facilities.

(B) Water tanks, water treatment facilities, and regulator stations.

(C) Kennels (non-commercial).

3-285 Moderate Density Residential Zone Additional Requirements

(A) All multi-family developments must be landscaped according to an approved landscape plan.

(B) All trash receptacles must be properly screened from adjacent public rights-of-way and adjacent properties. These areas shall be designed and used in a manner that will prevent wind and animal scattering of trash.

(C) All roof-mounted equipment shall be properly screened; solar collectors and heaters and TV antennas are exempted.

[100] 2017 BCC 25
[101] 2017 BCC 54

(D) Compliance with applicable bulk design standard requirements of Section 3-650 and following is required.

HIGH DENSITY RESIDENTIAL ZONE (HDR)

3-290 Purpose of High Density Residential Zone

Areas for higher density multi-family residential development.

3-295 High Density Residential Zone Uses-By-Right

(A) Multi-family dwellings.

(B) Multiple family subdivisions (lots or condominiums) platted according to requirements and procedures set forth in the Morgan County Subdivision Regulations.

(C) Public parks, playgrounds, and other public recreation areas.

(D) Public utility distribution mains and lines which are underground facilities.

(E) Accessory buildings and uses.

(F) A major facility of a public utility for which a development permit has been issued.

(G) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[102] [103]

3-300 High Density Residential Zone Conditional Uses

(A) Golf courses.

(B) Public and private schools.

(C) Churches and church schools.

(D) Group homes, foster family care homes, nursing homes.

(E) Pre-schools, nursery schools and day care centers.

(F) Fire stations.

(G) Hospitals and medical clinics.

(H) Communication facilities

[102] 2017 BCC 25
[103] 2017 BCC 54

(I) Utility service facilities.

(J) Home occupations conducted in a residence or an accessory building.

(K) Single family dwelling (site built, one per parcel)

3-305 High Density Residential Zone Special Review Uses

(A) Central collection sewage treatment facilities.

(B) Water tanks, water treatment facilities, and regulator stations.

(C) Manufacture home on permanent and engineered foundation (but not a mobile home).

3-310 High Density Residential Zone Additional Requirements

Same as Section 3-285 plus applicable requirements of Sections 3-620 through 3-730.

COMMERCIAL ZONE (C)

3-315 Purpose of Commercial Zone

Areas for retail, wholesale, and service related commercial uses with minimal assembly or manufacturing activities, and agricultural-related activities.[104]

3-315.5 Commercial Zone Uses–By-Right[105]

(A) Retail sales facilities.

(B) Grazing of livestock not to exceed the animal unit densities of Section 3-730.

(C) Garages and other equipment storage buildings for personal or business use.

(D) Medical and dental clinics.

(E) Veterinary clinics and hospitals.

(F) Agricultural crop production.

(G) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[106][107]

[104] 2013 BCC 19
[105] 2013 BCC 19
[106] 2017 BCC 25
[107] 2017 BCC 54

3-320 Commercial Zone Conditional Uses[108]

(A) Single–family dwellings (site built or manufactured home on a permanent and engineered foundation, but not a mobile home), one per parcel.[109]

(B) Bed and Breakfast homes.

(C) Nursery schools and day care centers.

(D) Restaurants with drive-in facilities.

(E) Water storage reservoirs less than or equal to 65 acre feet in size.

(F) Communication facilities where height limits are exceeded.

(G) Utility service facilities where height limits are exceeded.

(H) Greenhouses and wholesale plant nurseries.

(I) Contractor's office with outside storage for construction materials or equipment.

(J) Cattle truck washing and cleaning.

(K) Farm equipment and heavy equipment sales – new and used.

(L) Feed mills.

(M) Flea markets, farmers markets.

(N) Water tanks, water and sewer treatment facilities, and regulator stations.

(O) Extraction of sand, dirt or gravel under a permit issued pursuant to Section 34-32-111, C.R.S., by the Colorado Minded Land Reclamation Board, Colorado Department of Natural Resources.

(P) Storage of mobile homes in excess of 14 days from notice to the planning administrator, except for mobile home retail and related businesses.

(Q) Amusement and recreational facilities.

(R) Kennels.

(S) Tack, feed and grain stores.

(T) Auto and truck repairs.

[108] 2013 BCC 19
[109] 2021 BCC 07

(U) Auto and truck sales – new and used.

(V) Bakeries.

(W) Banks.

(X) Barber and beauty shops.

(Y) Bowling alleys.

(Z) Building materials, farm and ranch materials centers.

(AA) Carpentry, including woodworking or furniture making.

(BB) Car washes.

(CC) Churches and church schools.

(DD) Commercial dairies (processing only).

(EE) Communication facilities.

(FF) Dry cleaning and dying establishments.

(GG) Electrical, heating, painting, plumbing, roofing, or ventilating shops.

(HH) Fresh or frozen food lockers.

(II) Heavy equipment, truck and farm implement repair shop.

(JJ) Hospitals, nursing and convalescent homes, and other extended care facilities.

(KK) Hotels and motels, including other incidental business uses located inside the principal building, such as restaurants.

(LL) Laundries and Laundromats.

(MM) Machine shops.

(NN) Membership clubs, public or private.

(OO) Miniature golf courses, golf driving ranges.

(PP) Mini-warehouses, with no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods and services.

(QQ) Mortuaries and funeral homes.

(RR) Music, radio, television, and video stores.

(SS) Offices for business and governmental activities.

(TT) Optometrist shops.

(UU) Photographic studios.

(VV) Printing or publishing establishments.

(WW) Public utility collection offices.

(XX) Radio and TV stations and other communication businesses.

(YY) Rental equipment stores.

(ZZ) Restaurants and other eating and drinking establishments without drive-in facilities.

(AAA) Sign painting.

(BBB) Theaters (outdoor or indoor).

(CCC) Tire supply and repair stores.

(DDD) Travel agencies.

(EEE) Full service truck stores.

(FFF) Upholstery supply and repair stores.

(GGG) Utility service facilities.

(HHH) Oil and gas wells.[110]

(III) Injection wells.[111]

(JJJ) Flowlines and Gathering lines.[112]

3-325 Commercial Zone Special Review Uses

(A) Campground and recreation vehicle (RV) parks.

(B) Commercial storage areas.

(C) Animal sales yards.

(D) Storage and sale of commercial fertilizer and farm chemicals.

[110] 2018 BCC 14
[111] 2018 BCC 14
[112] 2018 BCC 14

3-330 Commercial Zone Additional Requirements

Same as Section 3-285 plus applicable requirements of Sections 3-620 through 3-730

LIGHT INDUSTRIAL ZONE (LI)

3-335 Purpose of Light Industrial Zone

Land areas to be used primarily for research and development, mini warehousing, small product assembly and manufacturing and other service, distribution, and industrial uses that produce no off-site impacts as a result of the operations on-site.

3-335.5 Light Industrial Zone Uses-By-Right

(A) Assembling and light manufacturing plants.

(B) Storage building for equipment incidental to the existing business.

(C) Offices-general, medical, dental, including all professional and governmental activities.

(D) Emergency response facilities such as fire stations.

(E) Temporary Office.

(F) Temporary Construction office.

(G) Grazing of livestock not to exceed the animal unit densities of Section 3-730.

(H) Agricultural crop production.

(I) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[113],[114]

(J) Oil and gas wells.

(K) Injection wells, except commercial disposal injection wells.[115]

3-340 Light Industrial Zone Conditional Uses[116]

(A) Utility generation facility having less than 50 megawatts of power production.

(B) Water storage reservoirs less than or equal to 65 acre feet in size.

[113] 2017 BCC 25
[114] 2017 BCC 54
[115] 2013 BCC 19
[116] 2013 BCC 19

(C) Water tanks, water and sewage treatment facilities.

(D) Communication facilities where height limits are exceeded.

(E) Utility service facilities where height limits are exceeded.

(F) Concrete and mortar batching plants.

(G) Storage of mobile homes in excess of 14 days from notice to the planning administrator, except for mobile home manufacturing and related businesses.

(H) Automobile service stations with gasoline pumps and retail gift and sundry sales

(I) Bakeries – wholesale and retail.

(J) Banks, financial institutions and services including drive through facilities.

(K) Bars and lounges.

(L) Boat sales and storage.

(M) Bottling plants.

(N) Building materials – wholesale and retail.

(O) Carpentry and woodworking shops.

(P) Dairy processing plants.

(Q) Equipment rental.

(R) Food and beverage processing plants.

(S) Food lockers.

(T) Garden shops, greenhouses and wholesale plant nurseries.

(U) General merchandise wholesale business, retail sales allowed.

(V) Home repair centers – wholesale and retail.

(W) Machine shops.

(X) Mini-warehouses, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit.

(Y) Motor vehicle and motorized equipment sales, service and repair.

(Z) Product distribution and storage facilities (warehouse).

(AA) Public and private parking lots.

(BB) Recreational vehicle storage yards.

(CC) Restaurants and other eating facilities.

(DD) Scientific research facilities.

(EE) Storage and warehousing facilities.

(FF) Upholstery supply and repair shops.

(GG) Utility service facilities and storage operations.

(HH) Commercial disposal injection wells.[117],[118]

(II) Communication facilities and businesses.

(JJ) Storage buildings for equipment.

(KK) Flowlines and Gathering lines.

3-345 Light Industrial Zone Special Review Uses[119]

(A) Commercial airports and heliports – crop dusting operations and associated chemical storage and airstrips.

(B) Storage or warehousing of any dangerous or toxic chemicals or products, fertilizers, farm chemicals, etc.

(C) Asphalt.

(D) Aircraft related recreational facilities

(E) Rendering plants, slaughter houses and meat packing facilities.

(F) Adult amusement, entertainment, or business establishment.

(G) Commercial synthetic fuel production.

(H) Solid waste management including waste treatment and storage facilities and recycling and composting facilities, but excluding manure storage and processing and landfills, on a lot which contains at least 20,000 square feet.

(I) Junk, scrap metal, auto wrecking and equipment storage and salvage yards.

---

[117] 2018 BCC 14
[118] 2018 BCC 24
[119] 2007 BCC 61

(J) Kennels.

(K) Sand and gravel mining and other mineral extraction operations.

3-350 Light Industrial Zone Additional Requirements

Same as Section 3-285 plus applicable requirements of Section 3-620 through 3-730.

HEAVY INDUSTRIAL ZONE (HI)

3-355 Purpose of Heavy Industrial Zone[120] [121]

Reserved for land areas to be used primarily for manufacturing, assembly and distribution of basic goods. Other uses that pose significant off-site impacts may be located in this district under special conditions which mitigate those impacts.

3-355.5 Heavy Industrial Zone Uses-By-Right[122]

(A) Product distribution and storage facilities (warehouses).

(B) Utility service facilities and storage operations.

(C) Private and Public storage areas.

(D) Public Safety facilities.

(E) Offices-general, medical, dental, including all professional and governmental activities.

(F) Grazing of livestock not to exceed the animal unit densities of section 3-730.

(G) Agricultural crop production.

(H) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.

(I) Oil and gas wells.[123]

(J) Injection wells except commercial disposal injection wells.[124,125]

---

[120] 2017 BCC 54
[121] 2017 BCC 25
[122] 2013 BCC 19
[123] 2018 BCC 14
[124] 2018 BCC 24
[125] 2018 BCC 14

3-360 Heavy Industrial Zone Conditional Uses[126] [127]

(A) All conditional uses in the Light Industrial Zone.

(B) Storage and sale of commercial fertilizer and farm chemicals.

(C) Junk, scrap metal, auto wrecking and equipment storage and salvage yards.

(D) Manufacturing, assembly and distribution of secondary and basic goods.

(E) Rendering plants, slaughter houses and meat packing plants.

(F) Commercial storage areas and warehouses used to store or distribute foods and commodities (food stuffs, grains, etc.).

(G) Commercial disposal injection wells.[128] [129]

(H) Flowlines and Gathering lines.[130]

(I) Concrete, asphalt, or mortar batching plants.

(J) Truck terminals and loading areas.

(K) Sand and gravel mining and other mineral extraction operations.

3-365 Heavy Industrial Zone Uses by Special Review[131]

(A) Airports, heliports.

(B) Crop dusting operations and airstrips.

(C) Commercial synthetic fuel plants.

(D) Storage of toxic chemicals and fuels.

(E) Sanitary landfills.

(F) Solid waste management including waste treatment and storage facilities and recycling facilities but excluding manure storage and processing, on a lot which contains at least 20,000 square feet.

---

[126] 2007 BCC 61
[127] 2013 BCC 19
[128] 2018 BCC 14
[129] 2018 BCC 24
[130] 2018 BCC 14
[131] 2007 BCC 61

3-370 Heavy Industrial Zone Additional Requirements

Same as Section 3-285 plus applicable requirements of Section 3-620 through 3-730.

MOBILE HOME ZONE (MH)

3-375 Purpose of Mobile Home Zone

The Mobile Home Zone provides a residential zone for mobile home parks and mobile home subdivisions within unincorporated areas of Morgan County. Regulations governing individual mobile homes as principal dwelling units or as accessory, conditional, or temporary uses in other zones can be found elsewhere in other Regulations.

3-380 Mobile Home Zone Uses-By-Right

(A) Mobile homes (one per parcel or lot).

(B) Accessory uses, buildings, and structures.

(C) Home occupation.

(D) Mobile home subdivisions.

(E) Open space.

(F) Public parks and playgrounds.

(G) Public utility distribution mains and lines which are underground facilities.

(H) Satellite dish antennas without towers.

(I) A major facility of a public utility for which a development permit has been issued.

(J) Pipelines, and accessory structures, that transport water and wastewater for domestic, agricultural, commercial and/or industrial use, except for pipelines transporting wastewater produced as a result from oil and gas operations to a commercial disposal well facility or wastewater designated as hazardous waste.[132] [133]

3-385 Mobile Home Zone Conditional Uses

(A) Mobile home parks.

(B) Manufactured home on permanent and engineered foundations (one per parcel or lot).

(C) Churches and church schools.

[132] 2017 BCC 25
[133] 2017 BCC 54

(D) Fire or police stations.

(E) Golf courses.

(F) Group homes, foster family care homes.

(G) Hospitals, nursing homes, and extended care facilities.

(H) Pre-schools, nursery schools, and day care facilities.

(I) Public and private schools.

(J) Communication facilities not exceeding height limits.

(K) Storage of mobile homes in excess of 14 days from notice to the planning administrator.

3-390 Mobile Home Zone Special Review Uses

(A) Central collection sewage treatment facilities.

(B) Water tanks, water treatment facilities, regulator stations, and water reservoirs.

3-395 Mobile Home Zone Additional Requirements

See Sections 4-100 and 4-575 through 4-700.

PLANNED DEVELOPMENT ZONE (PD)

3-425 Purpose of the Planned Development Zone

It is the intent of the Planned Development Zone to allow a development technique which is in the best interest of the County and will promote good design, enhancement of environment amenities and increased efficiency of public and private services. The PD Zone shall cover an area of land controlled by one or more owners under a unified control or unified plan of development for residential, commercial, industrial, educational, recreational, or any combination of the foregoing or other uses. All uses and structures must conform to the approved Final PD Plan and any change must be granted by amending such Plan and not by variance. Furthermore, the standards and procedures provided in these Regulations for the PD Zone are intended to ensure integrated planning goals and objectives of the Comprehensive Plan for Morgan County, while allowing greater flexibility and innovations in development and site designs than is typically possible under the conventional zone regulations. A PD Zone is intended to allow greater flexibility in density, uses, and other land use controls than other zones while still providing for the general welfare of the citizens of the county and accomplishing the goals of the comprehensive plan. The regulations herein are intended to provide the developer reasonable assurance of ultimate approval prior to the expenditure of complete structure design costs, while providing the County with assurances that the project will retain the character envisioned at the time of concurrence.

It is the intent of these regulations that Planned Developments may be allowed in all zones without the necessity of demonstrating the criteria of section 2-280 (C), (D) and (F) of the Morgan County Zoning Regulations normally required for a zone change.

In addition to the detailed standards and conditions for Planned Developments set forth in these Regulations, consideration shall also be given to the following general criteria which are intended to qualify for review and approval any Planned Development: such criteria are illustrative and are not exclusive; no project must meet each and every criterium.

(A) Constitutes a unique and truly innovative project which is represented by the developer to be constructed within a reasonable period of time in relation the projects' size and scope and which will be of economic benefit to Morgan County thereby qualifying the project under this and other criteria for review under these PD regulations.

(B) Provides for and improves existing commercial, residential, industrial and education facilities within the County,

(C) Ensures that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within other zones will not be applied in a manner which would distort the objectives of the Morgan County Zoning Regulations.

(D) Allows innovations in residential, commercial and industrial development and renewal so that the growing demands of population may be met by greater variety and types, design and layout of buildings and the conservation, specialized interests and more efficient use of open space ancillary to said buildings.

(E) Allows an efficient use of land and of public and private services to reflect changes in the technology of land development so that resulting economies may benefit the community as a whole.

(F) Reduces energy consumption and demand.

(G) Lessens the burden of traffic on streets and highways by encouraging land uses which decrease trip length and encourage the use of public transit.

(H) Conserves the value of the surrounding land and preserves environmental quality.

(I) Provides a technique of development which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

(J) Encourages integrated community planning and development in order to achieve the above purposes.

3-430 Planned Development Zone Applicability and Interpretation

(A) Limitations

(1) An approved and filed Final PD Plan shall be binding upon the applicant, his heirs, successors, and assigns; it shall limit and control the issuance and validity of all building permits and occupancy permits, and shall restrict and limit the construction, location, use and operation of all land and structures included within the Plan to all conditions and limitations set forth in such Plan. Temporary uses and signs may be allowed by the County provided such uses or signs are within the intent of the PD Plan and the Morgan County Zoning Regulations. In addition, unless specifically stated on the approved and filed Final PD Plan, all exclusions, prohibitions, and standards as outlined in these Regulations shall apply.

(2) If a zone change application is submitted to the county requesting other than a PD Zone and through the normal review process the Board of County Commissioners finds that the proper zoning for the application should be a PD, then the applicant shall submit all materials required for aPD to the Planning Administrator. It will then be scheduled for public hearings with proper notice and referral before the Planning Commission and the Board of County Commissioners.

3-435 Coordination with Other Regulations, Plans, and General Provisions

(A) Morgan County Zoning Regulations approval of a Planned Development Final Plan by the Board of County Commissioners as per the requirements of these Regulations shall constitute a zone district subject to the contents of said Plan as Planned Development Zone No._____ (PD#____) and its geographical area outlined on the Office Zoning Map of Morgan County. The PD Zone designation (PD Zone#) shall also be written on the Official Zoning Map. This zone designation shall stand for as long as zoning regulations are effective in Morgan County unless a rezoning has been approved pursuant to these zoning regulations or an undeveloped PD zone or portion thereof has automatically reverted to the pre-existing zone status pursuant to a final PD zone plan.

Land use and development within any PD Zone approved pursuant to these regulations shall be controlled by the provisions of the approved PD Final Development Plan(s). Specific maps and documents detailing negotiated items and other matters related to these approved plans shall be recorded with the Morgan County Clerk and Recorder and duplicate files of said plans and documents kept on file for ready reference in the Planning Administrative offices of the county.

The public notice procedure for PD Zone change requests is specifically defined in Section 2-350 and following of the Morgan County Zoning Regulations.

(B) It is the intent of the Regulations concerning Planned Developments to merge the provisions of the rezoning provisions of these regulations with provisions of the Morgan County Subdivision Regulations into a single process.

The provisions of these Regulations concerning Planned Developments are not intended to eliminate or replace the requirements applicable to the subdivision of land or airspace, as defined in State statutes and the regulations of Morgan County. However, the uniqueness and purpose of the PD may be such that modifications in these standards may be allowed

by the Commission and Board for good cause and adequate justification. If the land included within a proposed Planned Development Zone is to be subdivided, the landowner must comply with the Subdivision Regulations concerning platting in the county before development may occur.

(C) Conformity with Comprehensive Plan of Morgan County.

No Planned Development Zone shall be approved by the Planning Commission or the Board of County Commissioners unless the PD Plan is found to be in substantial conformance with the Comprehensive Plan as amended for Morgan County.

(D) Multi-jurisdictional Joint Review Process

(1) Large PD's with impacts affecting multiple jurisdictions covering more than one county or the County and a municipality or the County and State of Colorado (State) under intergovernmental agreements as allowed by Section 29-1-203 C.R.S. among applicable local governments or in conjunction with the State of Colorado may be reviewed jointly by responsible staff, planning commissions and boards under a Coordinated Review Process (CRP) so designated by the Board of County Commissioners of Morgan County. In addition, joint hearings may be held among multiple jurisdictions upon initial approval of this review process by resolution of the Board. The purpose of this section is to decrease the amount of review time and administrative overlap associated with large projects. Should local jurisdictions have varying review processes, the Board may agree on a separate joint process and appropriate submittal requirements before an application for a large planned development proceeds through the process. In general, such a joint review process should allow for at least one public hearing before a joint session or sessions of the planning commissions of the jurisdictions involved. Said public hearing is to be noticed as required in Section 2-350 and following of the Morgan County Zoning Regulations. Final decisions concerning the District Plan or rezoning phase will be made by the respective governing bodies in their own jurisdiction's official meeting place. Final plans may be reviewed under the agreements in processes outlined in the CRP.

(2) Amendments to Large PD Plans

Amendment may be made under the amendment process of this Section 3-485. If a project is reviewed and approved under a CRP then all participating jurisdictions must be notified of changes desired in all or a portion of the project. All participating jurisdictions have standing as defined by resolution or intergovernmental agreement for review and comment on the changes desired.

(3) Special Studies

Large PD projects may require the submittal of additional special reports not normally associated with other planned developments. The participant jurisdictions in the CRP may jointly approve the requirement for submittal of these additional

reports at any point during the review process. Examples of special reports might be:

(a) Demographic analysis; population projections compared to existing populations; locations of new housing areas if offsite, housing market study.

(b) Special district coordination plan for road and utility infrastructure.

(c) Community facilities, healthcare and schools development plan.

(d) Fiscal impact analysis on affected jurisdictions.

(e) Market feasibility study for projected land use types.

(f) Employment characteristics and location splits for residential development by income and demographic segments.

(g) Economic impact analysis of the PD upon the affected jurisdictions.

(h) Consent of landowner and lien holders. No Planned Development Zone or Final Plan applications shall be approved without the written consent of each landowner whose properties are included within the Planned Development.

(i) As part of the approval of a final PD plan, the County shall require reasonable financial sureties to insure that the infrastructure of the PD is properly developed.

(j) As part of the approval of a final PD plan, the County may require reasonable impact fees to mitigate the impact of the PD on public facilities and services.

3-440 Uses Permitted

(A) Uses-By-Right

All uses-by-right shall be negotiated at the final plan stage and listed for entire PD or for any of its subparts. In addition, all negotiated industrial uses must be buffered by suitable open space from commercial, office and residential uses in those PD's where industrial uses are approved.

(B) Accessory Uses

All accessory uses appurtenant to the defined uses-by-right shall be negotiated and stipulated in the final PD plan document where necessary.

(C) Additional Uses

Additional uses may be permitted subject to review by the Planning Commission and Board of County Commissioners provided the Commission and Board find such uses are designed and/or intended for the use of residents and/or property owners and/or the general public of the subject Planned Development and such uses are compatible with the Morgan County Comprehensive Plan and uses on surrounding properties and are permitted by right, conditional, or special use in similar zones. The provisions of these regulations regarding Special Review Uses shall apply to applications and review by the Commission and Board.

3-445 Processing Fees

Processing fees will be established and subject to change from time to time upon approval of the Board of County Commissioners. The current fee schedule may be obtained from the Planning Administrator.

3-450 Development Plan Review Procedures

The application for a Planned Development shall be subject to a two phase review process similar to other rezonings and composed of the following:

(1) a general pre-application conference; and

(2) a final planned development plan. These Regulations are intended to be applicable to large as well as small projects sites. Applicants are encouraged to combine subdivision with the PD process where appropriate after conferring with county staff and/or the Planning Commission.

Developers are advised to be well organized and definite about their development plans.

3-455 General Pre-Application Conference

Prior to actual submission of the Planned Development Zone Final Plan application or development of any site improvements and in order to obtain and exchange information, each applicant shall confer, at the county administrative staff's direction, with either the staff or, should it be deemed necessary, with the Planning Commission (at a regular meeting) and other appropriate County departments and agencies in connection with the preparation of said application. Other appropriate governmental representatives may be notified and requested to attend the pre-application conference at the discretion of either the staff or the Commission. The general outlines of the proposal evidenced schematically by sketch plans and appropriate design standards are to be considered at this conference. Thereafter, the staff may furnish the applicant with written comments regarding said conference, to inform and assist the applicant prior to the preparation of the Planned Development Zone Final Plan application. Any materials prepared by the applicant to be used in discussions with staff or Commission are to be submitted to the county five (5) days in advance of the meeting date the discussion is to take place. A minimum of four (4) copies of all materials need to be submitted for this conference before discussions can take place. Additional copies may be requested by staff. Should discussions take place only with staff, the staff shall notify the Planning Commission of the discussions upon their completion.

3-460 Submission Requirements

The PD Final Plan shall encompass all properties which are to be included in the proposed development and shall be sufficiently detailed to allow for an effective review. At the conclusion of the PD Zone review process, pertinent written and graphic documents will need to be recorded with the Morgan County Clerk and Recorder. They County will determine during the review process which documents shall be so recorded and cause the developer to have appropriate signature blocks placed on the documents. Submission requirement omissions are cause to continue or table the review process.

3-465 Written Documents – Development Guide

The applicant shall submit written documents and a Development Guide which shall include, where applicable, the following information:

(A) A legal description of the total site, including any recorded easements, proposed for development, including a statement of present and/or proposed ownership. This statement shall include the address of the applicant and all surface and subsurface property owners or lessees with a description of their interests.

(B) Evidence of the present ownership or agents thereof of all lands included within the Planned Development in the form of current commitment for Title Insurance or Title Insurance Policy, or an abstract opinion by an attorney at law.

(C) Names and addresses of property owners within 1320 feet of the property perimeter.

(D) A description of the character of the proposed development, the goals and objectives of the project, and explanation of the rationale behind the assumption and choices made by the applicant, and an explanation of the manner in which it has been planned to conform to Morgan County's Comprehensive Plan. This description shall include a discussion of the projects impact and influence on surrounding zone districts and existing uses. Both positive and negative impacts shall be discussed.

(E) A general description and detailed studies, if required by the Planning Administrator, of the impact the project will have on public services. Areas of particular interest are roads, schools, fire protection, and law enforcement. Information provided shall be detailed enough to permit local governments and agencies to evaluate the impact of the project on their ability to provide services.

(F) Development Schedule as required by Sec. 3-500. A final copy of declaration of covenants to be imposed on the entire PD Zone or any portion of the PD Zone, as applicable.[134]

(G) A final copy of covenants, condominium declarations, and homeowners association articles of incorporation and bylaws to be imposed on the entire PD Zone or any portion of the PD Zone as applicable.

[134] 2019 BCC 19

(1) If the Planned Development application is approved the submitted covenants are considered part of the application and approval and may not be amended without county approval. Minor amendments may be approved or denied administratively by the Planning Administrator. Major amendments must be approved or denied by motion by the Board of County Commissioners. The determination of whether an amendment is major or minor shall be made by the Planning Administrator. The criteria for approval or denial shall be whether the proposed amendments are consistent with the nature of the Planned Development, are consistent with the intent of the Morgan County Zoning Regulations and the Morgan County Comprehensive Plan, are compatible with the land uses and character of the Planned Development's neighborhood, and are not incompatible with the health, safety, and welfare of the citizens of Morgan County. Notice of this approval requirement shall be included as a provision of the covenants.

(H) Utilization and location of any outdoor storage if the PD includes commercial or industrial uses.

(I) A letter from the appropriate utility districts, boards, etc. stating their future ability to serve the development with water, sewer, electricity, natural gas and telephone service. Also, a general description of the concept and method for providing utility services to the project; domestic water development and supply plan and description of water rights associated with the project. Underground utilities are favored for residential PD's. Adequate financial sureties shall be required to insure that water, electricity, telephone and sewer (if available) are provided to the edge of each residential lot.

(J) A final development schedule for the Final PD Plan area indicating the date(s) when construction of the Planned Development or phases of said development can be expected to begin and to be completed and a date at which the project or individual phases shall revert to pre-existing zoning if not substantially completed.

(K) Any general physiographic and environmental studies of the proposed site if required by the Planning Administrator. These may include but are not limited to:

(1) Wildlife report and/or wildlife impact mitigation plan.

(2) Revegetation and erosion control plan; this will be required if the undeveloped property is presently cultivated or does not have an adequate ground cover.

(3) Landscape plan.

(4) Floodplain studies and/or mitigation reports.

(L) Any other pertinent factors concerning the development.

(M) If vested rights are requested any information or statements required by Section 2-475(F) not already provided.

(N) Planned Development Plan (PD Plan) shall include the following as applicable:[135]

(1) Information required by Sec. 3-470.

(2) Legal description of property subject to the PD Plan.

(3) The name of the proposed planned development.

(4) Permitted Uses.

(5) Conditional Uses.

(6) Special Review Uses.

(7) Standards for Principal and Accessory Uses:

(a) Minimum lot area

(b) Minimum lot width

(c) Minimum setbacks

(d) Minimum lot coverage

(e) Maximum building height

(f) Fence height

(g) Buffer requirements

(h) Parking requirements

(i) Sign regulations

(8) Land Use Table which indicates the total land use for the Planned Development for each type of land use by percentage, acreage and number of units.

(9) The following statements:

(a) Relationship to County Regulations:

The provisions of this Development Plan shall prevail and govern the development of (name of development), provided, however, that where the

provisions of this Development Plan do not address a particular subject, the relevant provisions of the Morgan County Zoning Regulations, as amended,

[135] 2019 BCC 19

or any other applicable resolutions or regulations of Morgan County, shall be applicable.

(b) PD Plan shall run with the land.

(c) Enforcement

To further the mutual interest of the residents, occupants, and owners of the Planned Development and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land and the location of common open space shall run in favor of Morgan County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

(d) Conflicts

Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by Planning Administrator.

(10) Any addition provisions required by Planning staff or the County.

3-470 Maps

All PD Zone applications shall be accompanied by the following maps. Maps shall follow the requirements of Section 2-480 except titles shall reflect the PD Zone request.

(A) Sheets shall be numbered "x of y sheets" in the upper right hand corner.

(B) A cover sheet with the title of the PD, its assigned number, the approval signature blocks shown on Form 5, Appendix A, legal description, and County Clerk recording information.

(C) Existing site conditions including appropriate topographic contours, 100 year floodplains and floodways, and any unique natural features or vegetation.

(D) Subdivision Plat, if any showing streets, alleys, easements, parks, and any areas to be conveyed to common ownership.

(E) An outline of building envelopes, if known at time of application, and parking plans.

(F) A duplicate of the subdivision plat showing minimum building setbacks. If the setbacks are to be the same as another zone, this should be indicated on the subdivision plat, e.g. "setbacks shall be the same as the Rural Residential (RR) Zone".

(G) Drainage plan showing runoff patterns and any runoff or drainage control structures or easements. The Planning Administrator may require that this sheet be prepared by and certified by a licensed hydrologic or civil engineer.

(H) Utilities plan showing all on site utilities and utilities easements.

(I) Any additional sheets and information required by the Planning Administrator such as landscaping plans, signage, fencing, and detailed engineering plans of roads and intersections.

3-475 Approval Procedure

(A) See Section 2-350 and following of the Morgan County Zoning Regulations for the approval procedure for PD District Plan.

No building permits may be issued on land within the Planned Development Zone until the Final Planned Development area has been approved by the Commission and Board.

3-480 Vesting of Rights

The approval or conditional approval of a Find PD Plan triggers the vesting of property rights and such property rights shall attach to and run with the applicable property in accordance with the provisions of Section 2-435 of the Zoning Regulations.

3-485 Modifications and Amendments to Existing District and Final PD Plans

(A) This section shall serve as the mechanism for reviewing and approving changes to entire or portions of PD sites and a substitute for the variance procedures provided in Chapter 5 of the Zoning Regulations.

(B) Minor changes or modifications (equal to or below the thresholds listed below) in the location, siting and height of buildings and structures, etc. may be authorized by the planning staff or Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the Final PD Development Plan was approved. Staff approved changes must be reported by memorandum to the Commission and the Board. No change authorized by this subsection may exceed the following thresholds unless formal public hearings are conducted on each change or a group of changes submitted as a package.

(C) Threshold limits separating modifications from amendments to final PD plans.

(1) Violate a specific standard, condition, or requirement of the Board of County Commissioners' approval of the District or Final PD Plan.

(2) Violation of any provision of these Regulations.

(3) Change the character of the PD or increase the intensity of use by increasing the density of up to and including a fifteen percent (15%) increase over the originally negotiated amount.

(4) A reduction of more than fifteen percent (15%) of the original areas reserved for the open space and recreation areas.

(5) Increasing the original floor areas proposed for non-residential use by more than fifteen percent (15%).

(6) Increasing the original total ground area covered by buildings by more than fifteen percent (15%).

(7) Reducing the originally approved separation between buildings, setbacks from property lines off-street parking and loading areas, driveway and walkway areas, or fencing by greater than twenty-five percent (25%).

(8) Vrying the original lot area requirements by more than twenty-five percent (25%).

(9) Change, by more than twenty-five percent (25%), the subject, size, lighting or orientation of originally approved signs.

(10) Reduction in required pavement widths by ten percent (10%).

(11) Substantially increase external effects on adjacent property or increase internal problems of circulation, safety, and utilities.

(12) Any other items where changes amount to greater than twenty-five percent (25%) of originally negotiated amounts.

3-490 Disagreements between Developers and the Planning Administrative Staff

If the Developer disagrees with the planning staff over the nature of a PD change and whether it should be considered as an amendment or a modification, the planning staff shall schedule a meeting with the Board of County Commissioners, who shall make the final determination on the type of change.

3-495 Amendments

(A) Amendment to existing District or Final PD Plans must be approved when the thresholds of Section 3-485 are exceeded and shall be considered by both the Planning Commission and the Board of County Commissioners.

(B) The applicant shall submit graphic documents similar in format for PD Plans with specific approval signature blocks for ownership, Planning Commission approval, Board of County Commissioners approval, Clerk and Recorders Certificate plus the legal description and

the dates when the Find PD Plans were recorded and particular file, map, and recording page numbers. The word "Amendment" shall appear under the PD title at the top of the page.

(C) The proposed amendment shall be clearly indicated in a site plan and/or a written narrative explaining the change in the foregoing format.

(D) If the proposed amendments are of such magnitude as to drastically change the overall character of the PD, the applicant shall be requested to re-apply for PD approval. The applicant shall consult with the planning staff prior to re-applying.

(E) Final Plan amendments will be processed as per the procedures outlined in Section 2-350 of these Regulations.

3-500 Development Schedule

Each PD shall include a development schedule. If the developer of the PD does not adhere to this schedule and does not meet the target development by eighteen (18) months or more after the date specified in the schedule, the Planning Commission shall schedule a special review. After the special review, the Planning Commission may recommend to the Board of County Commissioners that the PD Zone be cancelled in whole or in part and the property revert to its original or other appropriate zoning. This modification by the Board of County Commissioners shall not be taken within three years of original approval so as not to affect the vested rights granted by Section 24-68-101 and following C.R.S.

3-503 Periodic Reviews of All Planned Developments

Due to a change in circumstance or upon notice by either party, the Planning Commission may conduct a review of each project on or about the anniversary date of the District or Final P.D. Plan approval. No fees will be charged to the developer for these reviews. Developers of P.D. projects may be asked by the Commission or staff to appear at this review and make a progress report. The Commission will make a determination and so note in the minutes as to whether adequate or no progress has been made by the Developer.

3-505 Improvements Agreements

The Commission and Board will require adequate Improvements Agreements for public improvements both on and off-site to be signed and secured by an acceptable financial guarantee(s) as a supplement to any Final PD Plan liabilities and responsibilities between multiple owners need to be clearly spelled out in these agreements. Once these agreements are consummated, default by any party will trigger the use of the financial guarantees assigned to the defaulter in order to complete the improvements.

Furthermore, mistakes in plan, plat or survey drawings by the developer which, when discovered, reveal that additional land needs to be acquired or additional costs incurred by the County in order to construct the public improvements of the development as planned and which were not covered by an Improvements Agreement will become the financial responsibility of PD developer or owner. Depending upon the severity of the mistake, Building Permits or Certificates of Occupancy

may be withheld for buildings either being contemplated or in progress at the time of discovery of the mistake until the problems are resolved to the satisfaction of the Board.

No building permits will be issued on a total PD site or portions thereof unless a Final Planned Development Plan has been approved and any associated improvements agreement has been negotiated and signed. On large PD's developers are advised to sequence Final PD Plan approvals and construction phasing order to keep improvement agreement collateral amounts reasonable.

PLANNED DEVELOPMENT DESIGN STANDARDS

3-510 General Design Standards

Basic design standards which are largely quantitative in nature are outlined in this section and are either negotiable or are specified. Except where otherwise noted, these standards are to be defined at the Planned Development District review stage.

3-515 Density

Density is a negotiable item and is to be expressed in terms of residential or commercial units per acre (gross) on an entire site and/or on individual development parcels or as floor to area ratios for commercial, office and industrial uses. Densities shall be calculated for land areas comprising the property boundaries for entire sites and/or to the midpoint of adjacent streets for development parcels making up an entire site. Each site or parcel shall have the negotiated density numbers with the words "up to and including" on the plan to be recorded. All density figures represent maximum numbers and are not guaranteed; only final numbers are determined after detailed planning and site analysis and review at the Final Planned Development Plat stage.

3-520 Density Transfer

Within a total individual PD Plan, unused density initially negotiated at the PD Zone stage may be transferred from one portion of the entire PD site to another at the Final PD Plan stage so long as the parcel where density is being transferred to does not increase the density or commercial or industrial floor areas initially negotiated in the approved original PD District Plan by more than fifteen percent (15%). Density may not be transferred between different total PD sites (areas having different PD Zone numbers). Density may not be transferred from one parcel to another that already has an approved Final PD Plan without a formal Final PD Plan amendment and compliance with the rezoning procedures. All density transfer transactions between transferor and transferee must be reviewed and approved by the Planning Commission at a regularly scheduled meeting prior to the actual density transfer transaction taking place. Density transfer transactions discovered after the fact may be cause for not issuing future building permits until this violation is corrected.

3-525 Planned Development District Size

A Planned Development Zone shall consist of a minimum of one-half (1/2) acre.

3-530 Open Space

The amount of open space in a PD is a negotiable item and is to be expressed in terms of acres and percentages on the entire PD site and any of its subparts or development parcels. Open space shall be land areas not occupied by buildings or structures and attachments thereto, parking areas, driveways, streets or alleys. Said open space shall be devoted to landscaping, planting, patios, walkways, recreational areas and facilities, and preservation of natural features.

3-535 Landscape Plan

All industrial, commercial, residential, or mixed use PD's shall submit a landscape plan for open space at the Final PD Plan review stage.

3-540 Recreation Improvements

Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open space so long as total impervious surfaces, including courts and roofs, constitute no more than ten percent (10%) of the total open space negotiated for the development.

3-545 Natural Physical Characteristics

Streams, lakes, other bodies of water, slopes not in excess of thirty percent (30%), and floodplains may be included as open space. Land areas containing identified geologic hazards may not be included in the negotiated open space amounts.

Any amount of common or public open space may be left in its natural state except where landscaping plans are required as long as the recreational needs of the residents of the PD district and the general public are being met in the opinion of the Planning Commission.

3-555 Streets and Ways

(A) Development of streets and ways in a Planned Development area shall be designed as per requirements of the Subdivision Regulations and Road Development Policies of the County. A general street plan showing, at a minimum, the public arterial and collector roads will be required at the PD Zone review stage. A detailed and engineered public and private street plan is required for any Final PD Plan approval. Compliance with any access control plan on state highways or county roads where such a plan exists will be required unless alternatives are approved by appropriate governing bodies.

(B) Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential and recreational facilities provided in or adjacent to the PD. Where designated bicycle paths or trails exist adjacent to the PD, safe convenient access shall be provided. The Planning Commission may require, when necessary, traffic signalization in the vicinity of parks, shopping areas, or other uses that may generate considerable pedestrian and/or bicycle traffic and vehicular traffic conflicts.

(C) All public and private streets are encouraged to be paved. The paving of streets and roads is a negotiable item in terms of location and sequence of completion. Private streets shall be dedicated to the utility districts or County as utility easements where said easements are necessary. All streets are to be completed as agreed in the Final PD Plan. Any paving requirements may be waived should weather conditions necessitate it. All improvement bonds, escrow funds, etc., are to be held by the County until streets are completed as agreed in the Final PD Plan.

All private streets shall be conveyed to a private homeowners or property owners association. If the private association or person(s) owning the private streets in the PD should in the future request that any private streets be changed to public streets, the private association or owner(s) will bear the full costs of reconstruction or any other action necessary to make the street conform to the applicable County standards for public streets and roads. The private association or owner(s) shall also agree that these streets shall be made to conform and be dedicated to public use without any form of public compensation to the private association or owner(s). It shall be the policy of Morgan County not to accept as county roads any dead end or cul-de-sac roads. Through roads may be accepted at the sole discretion of the Board of County Commissioners if the right-of-way is at least sixty(60) feet in width and the road is constructed to then current county standards.[136]

3-560 Parking and Loading

(A) Parking is a negotiable item in terms of space size and amounts but, in general, shall be provided as per the off-street parking requirements found elsewhere in these Regulations. A detailed parking plan is to accompany all Final PD Plan applications.

(B) Parking areas in multi-family residential, commercial, industrial and mixed use developments shall be a minimum of ten feet (10') from public or private road right-of-way.

(C) Parking areas shall be designed using architectural and engineering standards.

(D) Landscaping is required in multi-family residential, commercial, industrial and mixed use development on the perimeters of parking areas to screen them from public view and large parking areas are to be broken up with landscaped islands that provide a measure of aesthetics to the parking area.

(E) Parking is to be allocated and located in proportion and in relation to the activity generated.

(F) All parking areas are to adequately lighted for security reasons in commercial, industrial and mixed use developments.

(G) All parking lots are to be provided with a minimum of two (2) accesses of double lane driveways.

[136] 2019 BCC 19

(H) Parking and loading areas are to be completed and paved before a Certificate of Occupancy (C.O.) is issued on any structure(s). The paving requirements may be waived in some residential areas at the discretion of the Commission or should weather conditions necessitate it or a separate paving schedule is agreed to as part of the Final PD Plan. All improvement bonds, escrow funds, etc., are to be held by the County until paving is complete.

3-565 Bridges

If any bridges are to be constructed within the PD on public or private ways (roads, streets, paths, etc.), these are to be built at the developer's expense to County standards and in full compliance with the dredge and fill laws of local, state and federal jurisdictions.

3-570 Buildings

(A) Height: Height measurements shall be defined as per the Morgan County Building Regulations. Proposed height limits shall be negotiated at the Planned Development District stage. Final height of buildings may be negotiated by the planning staff at the Final PD Plan stage.

(B) Spacing:

(1) Each PD shall provide reasonable visual and acoustical privacy for buildings. Fences, insulation, walks, barriers, landscaping and sound reducing construction techniques shall be used as appropriate for the aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable view or uses, and the reduction of noise.

(2) No specific setback or lot size requirements shall be imposed, other than those provided herein, in the PD provided that the spirit and intent of this section are complied with in the Final PD Plan. The Commission may determine that certain setbacks and spacing be required within all or a portion of a PD for safety reasons.[137]

(3) All buildings will be located so as to take advantage of any passive or active solar gain as deemed appropriate by the developer in the interest of energy conservation.

3-575 Signs

All signs are to conform to Appendix S and following of these Regulations with the following exceptions.

(A) No signs are allowed on roofs of buildings.

(B) Internal sign regulations may be approved as part of the PD plan.[138]

[137] 2021 BCC 11
[138] 2019 BCC 19

3-580 Planned Development District Perimeters and Major Road Right-of-Ways

(A) Definition of the perimeters of a PD utilizing opaque barriers or fences is a negotiable item should they be desired by the applicant.

(B) Where a PD is adjacent to a railroad, state or federal highway right-of-way, a permanent open space at least thirty-five feet (35') in width shall be required as a setback from these rights-of-way line(s). This area shall be kept free of buildings, structures and parking and contain permanently maintained landscaping, unless screened or protected by natural features or fences or other types of barriers. Fences or barriers on the highway rights-of-way shall have a maximum height of three feet (3').

3-585 Drainage and Utilities

General drainage and utility system layouts and off-site connection concepts are to be discussed at the PD pre-application stage. Utility details are to be worked out at the Final PD Plan stage.

(A) The Final PD Plan is to include a drainage plan with contours drawn at an appropriate contour interval.

(B) The drainage plan is to avoid point source drains from the development into streams. Catchments basins or other suitable means to reduce pollution and sedimentation of the South Platte River and its tributaries are to be designed and detailed at this stage.

(C) The drainage system shall be designed for the Planned Development by a registered professional engineer and shall be constructed in accordance with such design.

(D) The drainage plan shall include techniques and measures to prevent erosion on the site as well as into the South Platte River or any of its tributaries during and after construction.

(E) The storm drainage and run-off system is to be designed for sufficient capacity to accommodate historical flows from a 100 year design storm onto and from the PD in its developed state. All drainage construction areas are to be re-landscaped. The PD may not divert historical incoming flows to adjacent properties during and after construction.

(F) Final locations of connection points to existing utility (sewer, water, telephone, electricity, etc.) systems, both on or off the site and line layouts and sizes on the site are to be provided at the Final PD Plan stage in coordination with responsible utility districts.

3-590 Other Provisions and Standards

The Final PD Plan may include other provisions deemed necessary or desirable by the applicant for the efficient development and preservation of the PD subject to the approval of the Commission and the Board. In addition, the Commission and Board may, in review of each PD, require that additional provisions, unless previously accepted, be incorporated into the PD Final Plan where new circumstances, changed conditions, or the introduction of new information warrant them. New conditions may be imposed in the public interest to ensure that the PD will be developed in accordance with good design standards and practices and can exist compatibly with the

neighboring land uses and the community as a whole. Such requirements and conditions may include, but shall not necessarily be limited to, any of the land use requirements or controls not mentioned in the previous sections which would otherwise be applicable by reason of the Morgan County Zoning Regulations or modifications thereof, including without limitation requirements relating to widths, building spacing and floor areas, and requirements regarding the availability and provision of streets, roads, utilities and other public or quasi-public facilities. Any such requirements and conditions imposed by the Commission or Board shall be specifically set forth in the Final PD Plan, as finally approved.

JACKSON LAKE VILLAGE ZONE (JLV)

3-595 Purpose of Jackson Lake Village Zone

This zone district covers only the platted area of the Jackson Lake Recreational Vehicle Park Subdivision. Due to the special and unique characteristics of this developed area, this special zone district applies only to the Jackson Lake Recreational Vehicle Park Subdivision recorded December 1, 1975 in Map Box 5 at page 14, and the replat of Lot D, Jackson Lake Recreational Vehicle Park, recorded May 2, 1984 in Map Book 6 at Page 16. the JLV district boundary lines may not be expanded through rezoning applications.

3-600 Jackson Lake Village Zone Uses-by-Right

(A) One (1) recreation vehicle per lot or one (1) single-wide mobile home per lot (except as permitted otherwise below).

(B) Community halls.

(C) Public or common open space used as parks or playgrounds or common open areas.

(D) Public utility distribution mains and lines which are underground facilities.

(E) Accessory uses: (Permit not required)

(1) Open and unroofed and unattached (free standing) porches, patios and decks.[139]

(2) Storage sheds (less than 120 sq.ft. in size).[140]

(3) Satellite dishes without towers.

(4) Awnings for doors and windows (no ground supports).

(F) Accessory uses: (Permit required)

(1) Open, unroofed, attached (permanently affixed to residential structure) porches, patios and decks.[141]

[139] 2009 BCC 19
[140] 2009 BCC 19
[141] 2009 BCC 19

(2) Storage sheds (120 sq.ft. or larger, but not a garage).[142]

3-605 Jackson Lake Village Zone Conditional Uses

(A) Single-family dwelling other than a single-wide mobile home or recreation vehicle including manufactured homes on permanent and engineered foundations and other such permanent structures.

(B) Garages and pole buildings.[143]

(C) Fire and police stations.

(D) Multiple mobile homes or a combination of recreation vehicles and mobile homes on one (1) or more lots.

(E) Accessory uses: Any accessory use not listed in 3-600 (E) and/or (F) associated with a use-by-right, and any accessory use associated with a conditional use.[144]

(F) Storage of mobile homes in excess of 14 days from notice to the planning administrator.

3-610 Jackson Lake Village Zone Special Review Uses

(A) Central sewer and water treatment, collection and distribution facilities.

3-615 Special Design Standards and Conditions for the Jackson Lake Village Zone

(A) Holding vaults of concrete construction with a minimum 1000 gallon capacity shall be permitted for individual sewage disposal as long as the system is installed and operated and the collected sewage is disposed of, in accordance with local and state health department standards, or, if such standards are unavailable, any appropriate applicable standards. These systems are considered temporary pursuant to the requirements of the local health department. No building, zoning or mobile home placement permits will be issued unless the local health department has approved the proposed method of sewage disposal for the lot or unit. Recreation vehicles and sing-wide mobile homes may use chemical or other toilets approved by the local health department as long as the central sewage disposal facility approved by the state health department in 1976 or before remains in operation under a current state health department operation and discharge permit and a Morgan County Certificate of Designation.

(B) All individual sewage disposal systems that have been previously permitted by the local health department and are verified to be water-tight, but are not of concrete construction, or do not meet the current local health department ISDS regulations, may be used for as long as they do not create a public health problem. However, these systems must be

[142] 2009 BCC 19
[143] 2009 BCC 19
[144] 2009 BCC 19

inspected and recertified to be watertight by the local health department as it may require from time to time.

(C) All dwelling units and recreation vehicles are required to have an adequate water supply both in terms of quality and quantity as required by these Regulations. Individual water supply from a central system is allowed. Proof of water supply availability will be required for all permits issued in the District.

(D) No principal or accessory structures or vehicles are allowed in the common open space.

(E) Required setbacks for conditional uses and accessory uses associated with conditional uses as well as special review uses differ from the set backs for uses-by-right and are found in Table 1, Appendix B of these regulations.

(F) At least two (2) access ways onto public roads from the subdivision are to remain open at all times.

(G) There shall be a twenty-five (25) foot setback from the edge of a lot which borders Jackson Lake Reservoir and twenty (20) foot greenbelt easement along the shoreline of Jackson Lake Reservoir as shown on the subdivision plat of the Jackson Lake Recreational Vehicle Park. Therefore, the total setback for all uses shall be forty-five feet (45') from the shore edge of the greenbelt easement line as shown on the said plat. For lots bordering the inlet canal included in the Replat of Lot D of the Jackson Lake Recreational Vehicle Park, structures and vehicles shall be set-back a minimum of twenty-five feet (25') from the rear lot line which is the lot line bordering the inlet.

(H) Only one (1) conditional use dwelling unit is allowed per platted lot. Owners of multiple lots wishing to place multiple conditional use units must observe the platted lot lines and setbacks in placing each unit on each platted lot. Owners of multiple lots wishing to place a corresponding number of conditional use units across original lot lines must apply for a re-subdivision to eliminate the interior lot lines. Owners of multiple lots are allowed to place one (1) unit across an interior lot line(s).

(I) Multiple use-by-right recreation vehicles are allowed on a single lot as long as the platted lot lines, the required setbacks and maximum lot coverage requirements are observed and there is a least ten (10) foot spacing between interior units.

(J) All units must have direct access to a platted street or be on an access easement connecting to such streets.

(K) Encroachment of attached architectural features into setbacks established by Table 1, Appendix B of these Regulations shall not be permitted in this zone district, except by the variance procedure set out in Section 5-175 and following of these Regulations.

ZONE DISTRICT BULK REQUIREMENTS AND DESIGN STANDARDS

3-620 General Bulk Requirements and Exceptions Intent

General requirements and exceptions contained herein are applicable to special case considerations covered by these Regulations.

3-625 Minimum Area and Width of Lot

(A) No part of the area or width of a lot required for the purpose of complying with the provisions of these Regulations shall be included as part of the area or width required for another lot.

(B) The minimum area and width limitations in these Regulations shall not apply to utility service facilities.

(C) Where an individual lot was held in separate ownership from adjoining properties or was platted prior to the effective date of these Regulations, or the prior Zoning Resolution for Morgan County dated January 27, 1981, in a recorded subdivision approved by the County Planning Commission and Board of County Commissioners and has less area, less width, or less frontage than required in other sections of these Regulations, such lot may be occupied according to the permitted uses provided for the district in which the lot is located.

(D) Portions of legal lots or parcels under lease agreement do not constitute a subdivision. Uses and appurtenances to the uses on lease portions must meet the bulk and lot requirements for the zone district in which they are situated.

3-630 Minimum Setbacks[145]

(A) Required Setbacks. No building, structure, or lot shall be developed, used, or occupied unless the minimum setback requirements in the district bulk requirements and other requirements under these Regulations are met. Unless otherwise expressly provided in these Regulations, setbacks shall be measured from the property line. For setbacks where the abutting road is an easement, the setback shall be measured from the boundary of the easement. For section line road easements which have not been constructed by the County and have not been vacated pursuant to C.R.S. § 43-2-303, setbacks shall be measured from the boundary of the section line easement.

(B) Allowed Projections into Setbacks.

(1) Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features may extend into a required setback not more than three feet (3’).

[145] 2021 BCC 11

(2) Open, unenclosed, uncovered porches at ground level may extend into a required setback to the property line.

(3) Open, unenclosed, uncovered patios, decks, and porches greater than two feet (2') above ground level shall not extend into a required setback more than three feet (3').

(4) No part of a setback required for a building shall be included as part of a setback for another building.

(C) Exemptions to Setback Requirements

(1) Fences, screening, and buffering; however, under no circumstances, may these exemptions be constructed or installed in any road easement or in a manner that hinders the vision corridor or creates a risk to public safety.

3-635 Maximum Height of Buildings and Structures

(A) The height limitation of these Regulations shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, to chimneys, ventilators, attached solar collectors, skylights, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level. However, the height of towers used for noncommercial purposes, such as ham radio, television or citizen bands, shall be neither greater than the distance from the base of the tower to the nearest property line nor more than two (2) times the height limit for the zone district.

(B) It shall be unlawful to construct, build, establish or continue to maintain any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a publicly used airport under the regulation of the appropriate United States Civil Aeronautics Authority.

3-640 Fences, Hedges and Walls

(A) The fence, hedge and wall limitations contained in these Regulations shall not apply to utility service facilities where a higher fence, hedge or wall is required for reasons of safety or screening. Fence, hedge or wall requirements for major facilities of a public utility shall be addressed in the Use by Special Review procedure within Chapter 2 of these Regulations.

(B) Fences, hedge rows, walls and trees are not allowed in setback areas when they would impede visibility of traffic.[146]

[146] 2011 BCC 19

3-645 Encroachments[147]

Except as provided by these Regulations or by agreement, encroachments are not permitted.

(D) No building or structure shall be constructed or erected over an abandoned oil or gas well.[148]

3-650 Bulk Lot Requirements

1,320' (1,320 foot) setbacks are required from animal confinement facilities, slaughter houses, rendering plants and packing plants for residences without a SRU, except for residences on the same legal parcel as animal confinement facilities.[149]

3-655 Sewer and Water Requirements

The owner of any structure where people live, work or congregate shall ensure that the structure contains an adequate, convenient and sanitary toilet and sewage disposal system in good working order. Under no conditions shall sewage or effluent be allowed to be discharged upon the surface of the ground or into waters of the state.

Central sewer and water service are required for residential, business, commercial and industrial developments. Septic systems and private wells are allowed as long as they comply with the construction design and minimum lot area requirements of the local health department. Existing business, commercial and industrial subdivisions not having public sewer and/or water must continue to meet the minimum lot area requirements of the health department.

Concrete sewage collection vaults will be allowed only by County permits in specified zone districts on property which cannot accommodate an on-site sewage treatment system and a community treatment system is not available and no state or local laws or regulations would prohibit the installation of an individual sewage disposal system. A permit shall be obtained from the local health department for any type of individual sewage disposal system to be installed on a property and the system shall meet the requirements of the local health department ISDS regulations unless otherwise specified in these Regulations.

Sewage from self-contained recreational vehicles and concrete sewage collection vaults shall be disposed of at a Colorado Department of Health permitted sewage treatment facility.

3-660 Site Specific Development Plan Review Required

A site specific development plan (site plan) will be required to be reviewed for all multi-family structures and all classes of uses in the LI, HI, MH and PD zones. Automobile oriented conditional uses in the C district on parcels greater than one (1) acre in size will require site specific development plan approval by the County. Site specific development plan submittal requirements and procedures are found in Section 2-460 and following of these Regulations.

---

[147] 2021 BCC 11
[148] 2021 BCC 06
[149] 2019 BCC 21

3-665 Streets and Access

(A) Zone lots in all districts shall have clear and safe access to an approved public or private street. Access points must be approved by the County.

(B) Acceleration / deceleration lanes may be required to be constructed to provide safe and efficient access to county roads and state highways. This requirement may be imposed as part of site plan reviews.

(C) Street and road development in all districts will comply with the Morgan County Road Standards.

(D) All intersections, driveways, etc. shall be designed to permit vision of oncoming traffic for four hundred feet (400') unless restricted by topography. All plants, trees, bushes, grass, or any other vegetation which restricts the above vision requirement at all intersections shall be kept trimmed to thirty inches (30") above ground level or any lesser height needed to keep the above vision standard clear.

3-670 Noise

Uses and structures in the A, A/B, C, LI and HI zones shall be located, designed and operated in accordance with the noise standards as established in 25-12-101 C.R.S. 1973, as amended. Uses in the residential zones must confine site-generated noise to the zone lot.

3-675 Air Quality

Uses in all Zones shall be located, designed and operated in accordance with the latest air quality standards established by the Colorado Air Pollution Control Commission and the Federal Environment Protection Agency.

3-680 Water Quality

Uses in all Zone Districts shall be located, designed and operated in accordance with the latest water quality control standards established by the Colorado Water Quality Control Commission and the Federal Environmental Protection Agency.

3-685 Radiation and Radioactive Materials

The handling, use, storage and processing of radioactive materials shall be in accordance with the applicable regulations of the State of Colorado and the United States Government in all Zone Districts except the ER, RR, MDR, HDR, MH, JLV and PD zones where they are not allowed except for medical purposes involving individual use.

3-690 Heat

Uses located with all Zones shall not emit heat in such an amount sufficient to raise the temperature of the air or of material at or beyond the lot line.

3-695 Light

In all Zone Districts, any lighting, including light from high temperature processes such as welding or combustion, shall be designed, located and operated in such a manner as to meet the following standards: sources of light shall be shielded so that beams or rays of light will not shine directly onto adjacent properties; neither the direct nor reflected light from any light source may create a traffic hazard to operators of motor vehicles on public or private streets; no colored lights may be used which may be confused with or construed as traffic control devices.

3-600 Property Maintenance

Property located within all Zones except the A and A/B zones shall be maintained in such a manner that grasses and weeds are not permitted to grow taller than six inches (6”). In no event shall the property owner allow the growth of noxious weeds. In the A and A/B zones, property owners must employ a program to control the growth of noxious and other weeds as part of either normal farming practices or general property maintenance.

3-705 Drainage Requirements

(A) All users of land in all Zones shall provide and maintain storm water retention facilities designed to retain the storm water runoff in excess of historic flow from the undeveloped site. The storm water retention facility on a developed site shall be designed for a 100 year storm. The storm water retention facility shall be designed and operated to release the retained water at a quantity and rate of a five year storm falling on the undeveloped site.

(B) Buildings, hard surfacing, or construction of any non-percolating surface requiring a building permit shall not be constructed until drainage plans for such improvements are approved by County staff.

(C) Drainage plans are to be included with submittal documents for site specific development plan approval.

3-710 Permanent and Engineered Foundations

Any manufactured home placed or erected in Morgan County must be placed upon a permanent and engineered foundation. A permanent and engineered foundation must meet the specifications of either the U.S. Department of Housing and Urban Development (HUD) Publication HUD 7584 dated September 1996 or other such standards adopted and recognized by Morgan County by action of the Board of County Commissioners. Copies of such County standards or designs shall be maintained and available for inspection at the Planning and Zoning Department. Any permanent and engineered foundation shall include an adequate and permanent perimeter enclosure of wall.

OFF-STREET PARKING AND LOADING REQUIREMENTS

3-715 Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any residential, commercial, or industrial district in the County, off-street parking spaces shall be provided as specified in the Regulations. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by the chapter. Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of property and exclude stairwells; elevator shafts; hallways; ornamental balconies; space occupied by heating, air conditioning or other utility equipment; and space devoted to off-street parking or loading. The number of employees of a new or expanding business shall be estimated in a manner approved by the Planning Commission, and the number of employees of an established business shall be determined from an examination of its actual or projected payroll. Specific parking requirements are shown in Table 2, Appendix B (Tables).

3-720 Off-Street Loading

(A) Passengers

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

(B) Merchandise, Materials, or Supplies

Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and sizes to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of these Regulations shall not be used for loading and unloading operations except during those periods of the day when they are not required to accommodate parking needs. Loading space shall not occupy or intrude into any fire lane. Off-street loading spaces shall be located in such a manner that when such spaces are being used to load or unload a vehicle, no part of the vehicle will occupy an adjacent street, sidewalk, alley or fire lane.

3-725 General Provisions – Off-Street Parking and Loading

(A) The provisions and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by these Regulations. Use of property

in violation hereof shall be a violation of these Regulations. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of these Regulations to be in or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with. Variances to parking requirements may be made by the Board of Adjustment after a favorable recommendation from the Planning Administrator based on factual information and parking needs related to the use proposed.

(B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Board of Adjustment, after a report and recommendation from the County Planning Administrator based upon the requirements of comparable uses listed.

(C) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several use computed separately. An exception to this requirement may be made by the Planning Administrator for a mixed use project where a detailed parking study has determined fluctuating parking needs for various segments of twenty-four (24) hour period.

(D) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory evidence is presented to the Planning Administrator in the form of deeds, leases, contracts and hours of operation to establish the joint use.

(E) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than three hundred feet (300') from the building or use they are required to serve, measured in a straight line from the building.

(F) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(G) Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side or rear yard.

(H) Off-street parking spaces for compact cars may occupy up to forty percent (40%) of the required parking area. Such plans will be reviewed on a case-by-case basis by the planning staff.

(I) Adequate handicap parking spaces shall be provided and clearly marked for institutional and commercial uses, as determined on a case-by-case basis by the planning staff. Handicapped spaces shall be located at the closest or most convenient location to the entrance.

(J) A plan, drawn to scale, indicating how the off street parking and loading requirements are to be fulfilled shall accompany an application for a building permit when appropriate, as

determined by the Planning Administrator. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

(1) Delineation of individual parking and loading spaces.

(2) Circulation area necessary to serve spaces.

(3) Access to streets and property to be served.

(4) Curb cuts.

(5) Dimensions, continuity, and substance of screening or landscaping.

(6) Grading, draining, surfacing and sub-grading details.

(7) Delineation of obstacles to parking and circulation in finished parking area.

(8) Specifications as to signs and bumper guards.

(9) Other pertinent details.

(K) Design requirements for parking lots shall be as follows:

(1) Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks.

(2) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four feet (4') from the property line or by a bumper rail or other approved means.

(3) Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.

(4) Access aisles shall be of sufficient width for all vehicles turning and maneuvering.

(5) Except for dwellings, parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way or alley.

(6) Off-street parking spaces shall be a minimum of ten feet (10') in width and twenty feet (20') in length, except that a percentage of small car spaces (eight feet [8'] by sixteen feet [16']) may be provided upon approval of the planning staff.

(7) For those uses which cater to the parking of semi-tractor trailers, designed off-street parking spaces shall be required for each such vehicle located on any parcel. The use of regular automobile parking spaces or automobile circulation aisles for semi-tractor trailer parking is prohibited. All parking spaces for semi-tractor trailers shall be at least twelve (12') in width and sixty feet (60') in length. All aisles shall be at

least fifty feet (50') in width. Special design provisions may be required based upon the overall site layout and parking area design.

(L) Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the County Building Inspector. An extension of time may be granted providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Administrator provided the parking space is not required for immediate use. In the event the improvements are not completed within one (1) years' time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the County.

LIVESTOCK

3-730 Animal Unit Densities

(A) Livestock shall not be permitted in the MH, JLV or HDR Zones. Livestock will be permitted in all other Zones with the animal unit equivalents and density requirements as shown in Table 3, Appendix B.

(B) In order to minimize wind erosion of soil and other problems the keeping of all livestock on parcels 20 acres and smaller shall be required to follow generally accepted best livestock management practices as defined by the Colorado State University Extension Service.

3-735 Animal Densities as Applied to 4-H Projects

The provisions of Section 3-730(A) shall not apply to 4-H, FFA, and similar youth education animal husbandry projects except as follows:

(A) In the event a complaint regarding negative effects (such as noise, odor, insects, etc.) of a 4-H or equivalent project which exceed the animal densities of Section 3-730, the Planning Administrator shall attempt to mediate the conflict.

(B) In the event that mediation by the Planning Administrator is unsuccessful, the 4-H or equivalent project shall be required to obtain a Conditional Use Permit. No fee shall be charged for this Conditional Use Permit application.

DISTRICT OVERLAY AREAS

FLOODPLAIN OVERLAY AREAS

3-740 Authorization

These Regulations for flood prevention and control are adopted pursuant to inter alia, Title 29, Article 20, Section 101, *et seq*., Title 30, Article 28, Section III *et seq*., and Title 24, Article 65.1, Section 101, *et seq*., of the C.R.S. 1973, as amended.

3-742 State of Colorado Floodplain Regulations[150]

Morgan County adopts by reference the Department of Natural Resources, Colorado Water Conservation Board **"Rules and Regulations for Regulatory Floodplains in Colorado"** (Rules and Regulations for Regulatory Floodplains in Colorado) dated November 17, 2010.

Wherever the requirements contained in these Regulations are at variance with the requirements of the Rules and Regulations for Regulatory Floodplains in Colorado, the one which is more restrictive, or which requires the higher standard, shall apply.

The Rules and Regulations for Regulatory Floodplains in Colorado include but are not limited to the definition of **Critical Facilities** as outlined in Section 1-337 of these Regulations.

3-745 Findings of Fact

(A) The flood hazard areas of Morgan County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

3-750 Intent

This provision is meant to minimize flood losses by restricting or prohibiting uses which are dangerous to public health, safety and property in times of flood or which cause increased flood heights or velocities within the 100-year floodplain.

3-755 Nature of Overlay Areas

These floodplain regulations shall be applied on existing zoned areas containing flood hazard areas. These Regulations are superimposed as an overlay district on the existing zoning and the restrictions and requirements herein are in addition to those of the zone districts. The regulations set forth in this section for the flood regulatory area shall apply to those lands within the Designated Floodplain District (DFD) and the Flood Prone District (FPD) which is the 100-year floodplain as mapped on the Flood Insurance Rate Maps (FIRM). All zone district regulations shall remain in full force and effect to the extent that their provisions are more restrictive.

The Planning Administrator may determine that any area or site which has been certified by a registered professional engineer as lying above the base flood elevation of a 100-year flood for that area shall not be considered to be a portion of the Floodplain Overlay Area for purposes of these regulations. The owner or applicant of any area or site which is determined by the Planning

[150] 2011 BCC 19

Administrator not to be part of a Floodplain Overlay Area pursuant to Section 3-755 of this section, but which lies within the area of the 100-year floodplain as shown on the Flood Insurance Rate Maps, shall be required to submit an application for a Letter of Map Amendment, Letter of Map Revision, or conditional Letter of Map Amendment or Revision to the Federal Emergency Management Agency (FEMA) within (90) days of the determination by the Planning Administrator as a condition of such determination. A copy of such application shall be submitted to the Morgan County Planning and Zoning Department. In the event FEMA denies the application, a Morgan County Floodplain Development Permit shall be required.

3-760 General Provisions

(A) Jurisdiction

The jurisdiction of this section shall apply to all lands adjacent to any water course within the unincorporated area of Morgan County which could be inundated by a 100-year flood for that water course, and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F). No manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials, shall be commenced until a floodplain development permit has been obtained from the Planning Administrator for each change.[151]

(B) Boundaries

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled, "The Flood Insurance Study for Morgan County," Dated April 4, 2018, with an accompanying Flood Insurance Rate Maps (FIRM), and any revisions thereto, is here by adopted by reference and declared to be a part of these Regulations. The Flood Insurance Study and FIRM are on file in the Planning Department of Morgan County, 231 Ensign Street, Fort Morgan Colorado 80701. Zones A and AE on these maps delineate the areas within which the requirement of these Regulations apply.[152],[153]

(C) Use of Other Base Flood Data:

When base flood elevation data has not been provided in accordance with Section 3-755 of this section, the Morgan County Planning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Section 3-810, Specific Design Standards for Developments in Floodplain Areas.

[151] 2014 BCC 05
[152] 2014 BCC 06
[153] 2018 BCC 13

(D) Warning and Disclaimer of Liability:

The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on occasion or the flood height may be increased by manmade or natural causes such as bridge openings restricted by debris. This section does not imply that the areas outside floodplain boundaries or land uses permitted within such areas will always be totally free from flooding or flood damages. Nor shall this section create a liability on the part of, or a cause of action against, the County or any officer or employee thereof for any flood damages that may result from reliance on this section or any administrative decision lawfully made there under.

(E) Mandatory Review:

In the event that significant changes occur within the flood regulatory area, such as flood control measures, channelization and stream improvements, etc., there shall be an evaluation of the boundaries as follows. The County will study the magnitude of the apparent change and will determine whether there is need for a full-scale study of the boundaries with a view to possible FEMA revision of boundaries. The County will then follow through on the FEMA revision procedure as warranted.

(F) Nonconforming Uses:

These Regulations shall not apply to uses existing in the floodplain overlay areas prior to the passage of these Regulations, provided that if a structure is substantially damaged or improved, it must be brought into compliance with these Regulations.[154]

3-765 Uses Permitted in the Floodplain Overlay Areas

The following uses shall be allowed by permit within the DFD and the FPD, zones A and AE, to the extent that they are not prohibited in a particular area by the existing zoning category and comply with the procedures of Section 3-775 and following.

(A) Residential, commercial and industrial uses as allowed in the underlying zone category or as approved by Special Use Permit.

(B) Agricultural uses such as general farming, pasture, truck farming, sod farming, grazing and crop harvesting.

(C) Public and private recreational uses not requiring structures designed for human use or habitation. Such uses may include parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and natural reserves, game farms, fish hatcheries, shooting reserves, target ranges, trap and skeet ranges, and hunting, fishing and hiking areas.

(D) Any land use relating to open space. Such uses shall be in compliance with the Morgan County Comprehensive Plan, and the defined functional categories found therein.

[154] 2014 BCC 05

(E) Utility and flood control facilities such as dams, flowage management areas, transmission lines, pipelines and water monitoring devices.

(F) Domestic livestock and wildlife management facilities such as fences, observation towers, and structures relating to the control or maintenance of domestic stock or wildlife.

(G) Private and public roads and related structures which are in compliance with this section.

(H) Lawns, gardens, parking areas and other similar uses, provided that this shall not be construed to allow any dwelling unit or other structure within the Floodplain Overlay Areas.

(I) Commercial/industrial uses such as loading areas, parking area, airport landing strips and storage yards for equipment or machinery easily moved or not subject to flood damage, but not extending to junk yards nor solid or liquid waste disposal facilities.

(J) Open pit mining for the removal of top soil, sand, gravel or other minerals.

(K) Development relating to activities permitted within the floodplain.

(L) Temporary structures relating to domestic livestock management.

(M) Public or private water storage and sewer treatment facilities and multiple use water treatment facilities.

(N) New, existing, and expansions to existing mobile, and manufactured home parks and subdivisions and individual mobile, and manufactured homes allowed by Special Use Permit or zone district in conformance with these Regulations.

3-770 Uses Prohibited in Floodplain and Floodway Areas

No development, encroachment, use or alteration in, on or over any part of the floodplain or floodway shall be permitted which alone or cumulatively with other such uses would cause or result in:

(A) The storing or processing of materials that are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life.

(B) Solid waste disposal sites or other solid or liquid waste materials.

(C) The potential of solid debris or waste being carried downstream.

FLOODPLAIN DEVELOPMENT PERMIT PROCESS

3-775 Purpose

A floodplain development permit is required for any manmade change to improved or unimproved real estate located within the DFD and FPD areas (100-year floodplains) within the unincorporated area of the County. This shall include any proposed land use change such as subdivisions, zoning, site specific development plans, mobile home parks, building and use permits or improvements requiring a County permit or other approval. The intention of this permitting system is to take necessary steps which are particular to flood-prone areas and land use proposals, specifically, those which alter existing character of the land and lie within known or designated 100-year floodplains and can affect drainage patterns and flood carrying capacities of the known watercourses within these flood-prone areas. Any proposed development which would alter or increase the potential damage or impacts of a major storm or alter the floodplain impacts on other tracts of land shall require this review prior to permit approval.

3-780 Review and Record Keeping Duties of Morgan County

The Planning Administrator shall:

(A) Review all development permit applications pursuant to the requirements of the floodplain regulations.

(B) Notify, in riverain situations, all referral agencies, adjacent communities and the Water Conservation Board during the review process concerning any alteration or relocation of a watercourse, and submit copies of such notification to FEMA.

(C) Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of these Regulations, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point.

(D) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(E) Prepare recommendations for the Board of County Commissioners.

(F) Maintain and make available for public review records of base flood elevations for the County from other data sources and that collected by the County from original sources.

(G) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(H) For all new or substantially improved flood-proofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level to which the structure has been flood-proofed.

(2) Maintain the flood-proofing certifications required in Section 3-810.

(I) Issue permits upon permit approval by the County.

The Board of County Commissioners shall:

(A) Review all permits forwarded to them for decision to approve, deny or approve with conditions.

(B) Approve any modifications to these Regulations.

(C) Approve all data studies and floodplain maps used as references in these Regulations.

3-785 Special Factors Used in Evaluating a Land Use Proposal Within the DFD and FPD Areas

The following factors shall be used to evaluate a proposed land use in the DFD and FPD areas:

(A) The effects upon the efficiency or capacity of the flood regulatory area.

(B) The effects upon lands upstream, downstream and in the immediate vicinity.

(C) The effects upon the flood profile and flood heights.

(D) The effects upon the flood regulatory area and lands beyond the flood regulatory areas.

(E) The effect upon tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

(F) Whether additional public expenditures for flood protection or prevention will be necessary.

(G) Whether the applicant would obtain an undue advantage compared to later applicants who might request a permit.

(H) The potential danger to persons upstream, downstream and in the immediate vicinity.

3-790 Application Process

(A) All applications for a land use change lying within the DFD and FPD areas (zones A and AE) must submit an appropriate number of copies, as determined by the Planning Administrator, of plans containing the following items:

(1) Plans prepared by a qualified engineer and drawn to an appropriate scale which show the floodplain and floodways and overall site affected, the proposed improvements or development, the elevations of the area in question, any existing or proposed structures, fill, storage of materials, drainage facilities, and the location of each.

(2) The plans should indicate at two foot (2') intervals the mean sea level elevation of all existing and finished grades and of the lowest floor (including the basement) of all new and substantially improved structures and the mean sea level elevation to which any structure or use is flood-proofed.

(3) The plans shall be certified by a registered professional engineer that the flood proofing methods meet flood-proofing criteria provided by the County, district or agency involved in the review procedure.

(4) Provide a description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(B) Submittal of copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(C) It will be the responsibility of the County Planning Administrator to coordinate reviews for all floodplain development permits to assure that the County regulations and codes are being satisfied.

(D) A permit may be used for the proposed improvement or development when, according to the review by the County, the proposal is in full compliance with the applicable State and local requirements.

(E) Time limits for the development of various uses in a floodplain will be the same as those attached to any use, building, zoning or other development permits issued.[155]

3-795 Administrative Approval

The Planning Administrator, in the Administrator's sole discretion, may issue a Floodplain Development Permit unless the Planning Administrator determines that the application should be considered and decided by the Board of County Commissioners. In considering any application the Administrator must follow the same criteria and impose the conditions and design standards required by Sections 3-740 through 3-810 of the Floodplain Regulations.[156]

3-800 Variance Procedure

(A) The Board of Adjustment, as established in Chapter 5 of these Regulations, shall hear and decide appeals and requests for variances from the requirements of the County's

[155] 2017 BCC 53
[156] 2017 BCC 55

Floodplain Regulations. Applications for appeals and variance shall be governed by the process outlined in Sections 5-175, 5-180, 5-190, 5-200 and 5-215 of these Regulations.[157]

(B) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Administrator in the enforcement or administration of these Regulations.

(C) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions through the judicial system of the State of Colorado.

(D) In reviewing upon such appeals, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of the Floodplain Regulations[158], and:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(4) The importance of the services provided by the proposed facility to the County.

(5) The necessity to the facility of a waterfront location, where applicable.

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(7) The compatibility of the proposed use with the existing and anticipated development.

(8) The relationship of the proposed use to the Morgan County Comprehensive Plan and floodplain management program for that area.

(9) The safety of access to the property in times of flooding for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

[157] 2017 BCC 55
[158] 2017 BCC 55

(E) Upon consideration of the factors of Section 3-800 (D) and the purposes of the Floodplain Regulations, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of the Floodplain Regulations.[159] [160]

(F) The Planning Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to FEMA.

3-805 Conditions for Variance

(A) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1)–(11) of paragraph (D) of this Section have been fully considered. As lot sizes increase beyond one-half (1/2) acre, the technical justifications required for issuing the variance increase.

(B) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(C) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(D) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief to the property owner.

(E) Variances shall only be issued upon:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 3-800(D)(4) or conflict with existing local laws or regulations.

(F) Any applicant to whom a variance is granted shall be given written notice of the disclaimer of liability by the County, that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance is payable by the applicant, and, if granted, will be commensurate with the increased risk from the reduced lowest floor elevation.

[159] 2017 BCC 55
[160] 2017 BCC 55

3-810 General Design Standards for Developments in Floodplain Areas (applies to all areas of special hazards)

(A) The Planning Administrator or his designee shall review all development and use permit proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a development proposal is in a floodplain area, any such proposals shall be reviewed to assure that all such development are consistent with the need to minimize flood damage within the floodplain area; all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided to reduce exposure to flood hazards; and applicant shall provide certification by a registered professional engineer that standards listed below have been met or exceeded. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

(B) New and replacement water supply systems within floodplain areas are to be designed to minimize or eliminate infiltration of flood waters into the systems.

(C) New and replacement sanitary sewage systems are to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and on-site sanitary waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(E) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(F) All new construction and subsequential improvements shall be constructed using methods and practices that minimize flood damage.

(G) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.

(H) The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-half foot (1/2') at any point.[161]

[161] 2014 BCC 05

3-815 Mobile Home Parks and Subdivisions[162]

All mobile homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a mobile home park or subdivision, (ii) in a new mobile home park or subdivision, (iii) in an expansion to an existing mobile home park or subdivision, or (iv) in an existing mobile home park or subdivision on which mobile home has incurred "substantial damage' as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the mobile home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All mobile homes placed or substantially improved on sites in an existing mobile home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

(A) The lowest floor of the mobile home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or

(B) The mobile home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Specific requirements shall be that:

(1) Over-the-top ties be provided at each of the four corners of the mobile home with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty feet (50') long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty feet (50') long requiring four (4) additional ties per side.

(3) All components of the anchoring system shall be designed by a registered engineer and be capable of carrying a force of 4,800 pounds.

3-820 Specific Design Standards for Developments in Floodplain Areas

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 3-755 and 3-760, Use of other Base Flood Data, the following provisions are required:

(A) New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, one feet (1') above the base flood elevation. In areas that the base flood elevation has not been determined, new construction and substantial

[162] 2014 BCC 05

improvements of any residential structure shall have the lowest floor, including basement, one feet (1') above the highest adjacent grade.[163]

(B) New construction or substantial improvement of any residential construction with below-grade crawlspace shall:

(1) Have the interior grade elevation that is below base flood elevation or below the highest adjacent grade, where base flood elevation has not been determined, no lower than two feet below the lowest adjacent grade.

(2) Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four feet (4') at any point.

(C) New construction or substantial improvement of any residential construction with or without base flood elevation shall:[164]

(1) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood.

(2) Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.

(3) Be constructed with materials and utility equipment resistant to flood damage.

(4) Be constructed using methods and practices that minimize flood damage.

(5) Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) If it will have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement, be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:[165]

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

[163] 2018 BCC 13
[164] 2018 BCC 13
[165] 2014 BCC 05

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(D) New construction and substantial improvement of any nonresidential structure, including critical facilities, shall either have the lowest floor, including basement, elevated one feet (1') above the base flood elevation in Flood Zone AE, or one feet (1') above the highest adjacent grade in Flood Zone A or, together with attendant utility and sanitary facilities shall:[166]

(1) Be flood-proofed so that below the base flood elevation the structure is water tight with walls impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Morgan County Planning Administrator as set forth in Section 3-780.

(E) New construction and substantial improvement of critical facilities shall either have the lowest floor, including basement, elevated two feet (2') above the base flood elevation in Flood Zone AE, or two (2') above the highest adjacent grade in Flood Zone A or, together with attendant utility and sanitary facilities shall:[167]

(1) Be flood-proofed so that below the base flood elevation the structure is water tight with walls impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Morgan County Planning Administrator as set forth in Section 3-780.

(F) Any exterior fuel storage or supply equipment must be adequately anchored to prevent flotation.[168]

3-821 Properties Removed from the Floodplain by Fill[169]

A Floodplain Development Permit shall not be issued for the construction of a new structure of addition to an existing structure on a property removed from the floodplain by the issuance of a

[166] 2014 BCC 05
[167] 2018 BCC 13
[168] 2018 BC 13
[169] 2014 BCC 05

FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

(1) Residential Construction

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood elevation that existed prior to the placement of fill.

(2) Nonresidential Construction

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

Chapter 4 - **SUPPLEMENTARY REGULATIONS** [170] [171] [172]

CAMPGROUND REGULATIONS

4-100 Applicability and Permit

Campgrounds (including recreation vehicle or RV parks) shall be allowed as a special review use in the A, A/B, and C zone districts. Applications for a campground in these zone areas shall follow submission requirements as set forth in Section 2-460 and following of these Regulations.

It shall be unlawful to allow any recreational camping unit (camper, motor home, recreational vehicle, tent, travel trailer, etc.) to be occupied in a campground or RV park for which there are no available spaces conforming to the provisions of these Regulations.

An applicant for a new campground or recreational vehicle park permit shall obtain a Development Permit in accordance with these Regulations. The application for a Development Permit shall be accompanied by any necessary fees as specified by Morgan County and by plans for operation and maintenance of the campground or recreational vehicle park, including tenant rules and regulations. Developers contemplating the development of RV subdivisions are advised to consult Section 3-425 and following, Planned Developments, for guidelines concerning rezoning.

4-105 Site Selection Criteria

Existing zoning and health regulations must be considered prior to selection of the site for a campground. Sites providing shade trees are advantageous. The campground shall be on a well-drained site and shall be located so that its drainage will not cause adverse effects on surrounding areas. Existing streams and creeks shall be preserved. Campgrounds shall not be subject to flooding, fire or safety hazards, and shall not be exposed to chronic nuisances such as noise, smoke, or fumes. The topography shall be favorable to minimum grading and ease of maintenance. Submission of a site-specific development plan per Section 2-460 and following of these Regulations is required for any proposed campground use, and shall include a landscape plan detailing any necessary landscape buffers and screening.

4-110 Minimum Site Area

The site shall contain a minimum of two (2) acres of land.

4-115 Density

A campground shall have a gross density of not more than fifteen (15) units per acre.

[170] 2018 BCC 35
[171] 2018 BCC 35
[172] 2018 BCC 35

4-120 Setbacks – Perimeter

Each campground shall set aside along the perimeter of the park the following setbacks which shall be landscaped and used for no other purpose.

(A) Abutting a State or Federally designated highway or City designated major arterial – fifty feet (50').

(B) Abutting any public right-of-way other than (A) above including alleys – twenty-five feet (25').

(C) Abutting any exterior boundary other than (A) or (B) above – fifteen feet (15'), except that the minimum setback when abutting a residential district shall be fifty feet (50').

4-125 Campground Space Requirements

Space Area

All campground spaces shall be a minimum of one thousand two hundred fifty (1,250) square feet and not less than twenty-five feet (25') wide.

Interior Setbacks

(A) Side setback of camping unit – not less than seven and one-half feet (7 ½') from the side lot lines.

(B) Front setback of camping unit – not less than ten feet (10') from the front lot lines.

(C) Rear setback of camping unit – not less than five feet (5') from the rear lot lines.

Surfaced Area

Each campground space shall contain a surfaced area of not less than ten by forty feet (10' x 40'). Surfacing shall consist of asphalt or concrete. A camping unit shall be parked entirely on the surfaced area. It shall be unlawful to park a camping unit so that any part of such camping unit obstructs any roadway or walkway within the campground. A gravel surface patio area shall be provided adjacent to the surfaced parking area for the camping unit. A suitable ground cover must be provided on un-surfaced portions of the campground space.

Tent Camping Areas

Tent camping areas shall be separate from those spaces used for vehicular campers (RVs, travel trailers, etc.). One (1) picnic table for each tent space and a minimum of one (1) barbecue stand for every two (2) tent spaces shall be provided.

4-130 Access and Interior Roadways

(A) The site shall have at least one (1) direct access to a public road or highway which shall be at least thirty-two feet (32') in width. Access points to a County Road shall be subject to review and approval by the County. Access roads shall be provided to each campground space.

(B) Interior roadways shall not be less than twenty four feet (24') in width, with minimum fifty-foot (50') radius cul-de-sacs. No on-street parking shall be permitted.

(C) Roadways shall be surfaced with gravel, asphalt, or concrete.

4-135 Walks and Lighting

(A) Walkways shall be a minimum of four feet (4') wide and shall have a minimum two-inch (2") gravel surface.

(B) Streets and walkways shall be lighted with lights spaced a maximum of five hundred feet (500') apart.

4-140 Open Space and Recreation Areas

Each campground shall provide an amount not less than fifteen percent (15%) of the gross campground area for private recreation and/or open space. The area allowed for recreation or open space shall not include any area designated as a roadway, campground space, storage area, or any area required for setback as set forth in Section 4-125. All open space areas shall be maintained so that no weed or grasses grow taller than six inches (6").

4-145 Service Buildings

Every campground shall be provided with one or more service building adequately equipped with flush type toilets, lavatories, showers, and laundry facilities meeting minimum health department standards. Such building(s) shall be well lighted and well ventilated, with screened openings.

4-150 Maximum Residency

(A) No camper, motor home, recreational vehicle, travel trailer, tent, or other type of recreational camper shall be allowed to occupy space within the campground for periods exceeding sixty (60) days, unless otherwise approved by the Board of County Commissioners.

(B) Campgrounds are designed for short-term residency, and it is the intent of these provisions to ensure that occupancy within a campground will not be perpetuated beyond the time limits set forth in subsection (A) above. Movement of vehicles in or out of spaces during the specified time limits is allowed.

4-155 Water Supply

An accessible, adequate, safe and potable supply of water under pressure shall be provided in each campground. The number of spaces to be occupied in a campground shall be limited to the quantity of water available to supply each space with the minimum requirements. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the campground shall be made only after plans and specifications for the water system have approved by the State Department of Health. All plumbing in the campground shall comply with State and County plumbing laws and regulations.

4-160 Sewage Disposal – Sanitary Stations

(A) Each campground shall provide sufficient facilities at sanitary stations for the sole purpose of removing and disposing of wastes from holding tanks in a clean efficient and convenient manner.

(B) Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.

(C) This disposal hatch of sanitary station units shall be connected to the park sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the campground water supply system.

(D) Sanitary stations shall be approved by the State Department of Health and the local health department.

4-165 Electricity and Phone

(A) All spaces in a campground shall be provided with an electrical outlet supplying at least 110 volts, or 110/220 volts. The installation shall comply with all State and County electrical regulations.

(B) At least one (1) public telephone shall be provided at the service building(s).

4-170 Solid Waste Disposal

The storage, collection, and disposal of solid wastes in the campground shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution. All refuse shall be stored in fly tight, water tight, rodent proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing or blowing away. Satisfactory container racks or holders shall be provided at permanent locations convenient to campground spaces, in areas screened by appropriate landscaping features.

4-175 Dedication of Easements and Public Lands

The developer must submit warranty deeds or file a site plan of a new campground or recreational vehicle park covering the dedication of all easements and public lands, if any, prior to or at the time of final approval of the proposed campground or recreational vehicle park.

4-180 Building Permits

All buildings and utilities to be constructed in the campground or RV park must comply with all applicable codes of Morgan County and the State of Colorado.

4-185 Tie-Downs

Recreational vehicles which are self-propelled are not required to be tied down while located within campgrounds or RV parks. All such vehicles must be adequately blocked while stationary.

LIVESTOCK CONFINEMENT OPERATIONS (FEEDLOTS), SLAUGHTER HOUSES, PACKING PLANTS, AND RENDERING PLANTS

4-190 General

Reference to Sections 1-175, 1-180, 1-185, 1-560, 1-570, 1-575, and Table 3 of Appendix B of these Regulations is necessary to completely understand the intent of this Section.

4-195 Procedure

Livestock Confinement Operation Permits shall follow the application procedure of a Use by Special Review (Section 2-350 and following**).**

Facility Design Standard and Special Permit Requirements

4-200 Location Restrictions[173]

(A) Livestock confinement facilities which exceed sizes set out in Section 3-175, slaughter houses, packing plants, or rendering plants shall be located at least thirteen hundred twenty feet (1320') from any public place of assembly, from any existing residence or occupied commercial building, any county or municipal residential zone, or from any residential building site for which a building permit has been issued as measured from the permitted building footprint.[174]

(B) Livestock confinement facilities which meet the provisions for a Conditional Use pursuant to Section 3-175(P) of these regulations shall be located at least six hundred sixty feet (660') from zone boundaries and places set out in paragraph (A) of this section.

[173] 2009 BCC 19
[174] 2019 BCC 21

(C) A livestock confinement facility which is a legal nonconforming use because of this section may be allowed to expand provided that the expansion does not decrease any set back distances from zone boundaries and places set out in paragraph (A) of this section.

(D) The permitted area of livestock confinement facilities shall be located at least fifteen feet (15') from any County, State or Federal highway right-of-way, and subject to review by the County and the Colorado Department of Transportation. This distance limitation shall be measured from the nearest boundary of the permitted area and not as set forth in Subsection (E). At the discretion of the Board of County Commissioners these location restrictions may be adjusted when considering the proximity to incorporated areas and residential planned developments.[175][176]

(E) Unless stated otherwise, distances from livestock confinement facilities set forth in these Zoning Regulations shall be measured from the footprint of the permitted area upon which the livestock confinement operation is or will be located.[177]

(F) The distance limitations in subsections A and B of this Section shall not apply to existing residences or residence for which a building permit has been issued when that residence is located on the same legal parcel as the livestock confinement facilities.[178]

4-205 Waste Management

Manures shall be handled and disposed of in a sanitary manner. A written waste management plan shall be submitted as part of the application and must be approved by the County. The County may require that such waste management plan be certified by a licensed engineer with experience in waste management. In instances where the facility is required to submit a waste management plan to the Water Quality Control Division of the State Health Department, such plan and any comments of the division on such plan must be submitted to the County as part of the application. Where the plan includes a waste management lagoon, the County will require that the lagoon be lined in accordance with the regulations of the Water Quality Control Division of the State Health Department, effective August 30, 1992, as they may be amended from time to time, or by an equivalent material which meets with the approval of the County's Planning Administrator, based on satisfactory engineering data submitted by the applicant. The seepage rate from such lagoons shall not exceed the standards set forth in the regulations of the Water Quality Control Division of the State Health Department, effective August 30, 1992, as they may be amended from time to time, or failing such standards, then the seepage rate shall not exceed 1/32 inch in a 24-hour period for process waste water and ¼ inch in a 24-hour period for runoff water.

4-210 Rodent and Insect Control

Suitable chemical and scientific controls shall be provided for rodent and insect control.

[175] 2019 BCC 21
[176] 2009 BCC 19
[177] 2019 BCC 21
[178] 2019 BCC 21

4-215 Feed and Water Facility Aprons

Concrete or other suitable aprons adjacent to the permanently affixed feed bunks, water tanks and feeding devices shall be provided.

4-220 Grading of Confinement Area

Adequate mechanical means for scraping, grading and cleaning of the confinement area shall be provided at all times; and scraping, grading and cleaning of the area will be accomplished as approved by the County and the local health department.

4-225 Drainage Facilities

Drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams or other bodies of water from pollution, as approved by the County. The County adopts the Confined Animal Feeding Operations Control Regulation of the Water Quality Control Division of the State Health Department, effective August 30, 1992, as they may be amended from time to time, as a statement of the County's minimum requirements but reserves the right to extend such standards to operations to which the State regulations are not applicable in order to prevent conditions which constitute a health and safety risk to neighboring landowners or state waters in the County.

4-230 Fugitive Dust Control

All livestock confinement areas are to be watered sufficiently to control fugitive dust; an on and off site fugitive dust control plan must be approved by the County.

4-235 Odor Control

Odors are to be controlled by livestock confinement facility operators both on and off site for the health and safety of workers, the public and confined livestock. An odor control plan must be approved by the County.

4-240 Expansion

(A) Any minor or routine expansion of either a permitted livestock confinement facility or a pre-existing ("grandfathered") livestock confinement facility may be granted by Planning Administrator as a Conditional Use.

(B) Any expansion of a permitted or pre-existing livestock confinement facility which is in excess of minor or routine shall require a permit pursuant to Sections 4-200 and following of these regulations.

4-245 Health of Animals

All confined or pastured livestock must be kept in a safe and healthful condition. All cases of animal cruelty will be prosecuted to the full extent of Colorado law.

4-250 Land Use Map and Ownership

Applicants for a livestock confinement facility special use permit must file an existing land use (by type and location of use) map and an ownership map (showing ownership by parcel and location and notification addresses) as part of their application.

4-255 Notification

All property owners within thirteen hundred and twenty feet (1,320') of the livestock confinement facility property ownership boundary shall be notified of the Planning Commission special use permit hearings for the livestock confinement facility.

4-260 Residential Siting Policy

It is the policy of Morgan County to discourage and/or deny applications for residential subdivisions, residential subdivision exemptions and home construction within thirteen hundred and twenty feet (1,320') of an animal confinement operation, packing plant, slaughter house, or rendering plant sited under these Regulations without a use by special review, except for residences located or to be located in the same legal parcel as an animal confinement operation. Should such a use by special review be granted in order to meet the needs of a property owner under hardship conditions, then a deed will also be recorded by the property owner at the time of granting the use by special review noting that the property owner acknowledges full knowledge that a permitted animal confinement operation, packing plant, slaughter house, or rendering plant was located closer than thirteen hundred and twenty feet (1,320') from the residence.[179]

KENNELS

4-265 Location Restrictions

Kennels shall be located a minimum of six hundred sixty feet (660') from any existing residence, public place of assembly, occupied commercial building, or any residential building site for which a building permit has been issued as measured from the permitted building footprint. This requirement shall not be applied to a residence occupied by the operator of the kennel or a family member of any employee of the operator.

4-270 Application Requirements

All applications for conditional or use by special review permits for kennels shall be accompanied by the following documents:

(A) A scaled plan of the property showing all proposed and existing buildings, facilities and fences.

(B) A waste disposal plan.

[179] 2019 BCC 21

(C) Estimated distances to all residences or other facilities listed in Section 4-265 located within one (1) mile.

(D) A listing of the maximum number of animals by species, breed, and estimated adult body weight of each type, breed, or species of animal to be kept in the kennel.

OUTDOOR SHOOTING RANGES

4-275 General

A special use permit to develop and operate and/or expand or reopen an existing outdoor shooting range is required.

4-280 Application Submittal Requirements

(A) Existing conditions map of site with topography at appropriate contour intervals.

(B) A plan of operations and the maintenance of safety on-site is required.

(C) Proof of ownership or an authorization letter from the owner(s).

(D) A list of owners of property within one mile of the site.

4-285 Design Standards

(A) Minimum land requirements shall be set by the Planning Commission for each application.

(B) Shooting ranges shall, when possible, be located to take advantage of natural terrain barriers.

(C) The design standards for the type of range proposed shall be no stricter than those issued by the National Rifle Association (NRA) or equivalent military range construction standards.

(D) No rifle, pistol, shotgun, or other range shall be permitted it if poses unacceptable risk to other land uses.

(E) Provisions for parking, equipment storage, and toilets may be required by the Planning Administrator.

4-290 Safety Baffles

When natural terrain does not offer adequate safety protection, overhead safety baffles, or other safety features shall be required.

4-295 Occasional Shotgun Events

Occasional (not to exceed 12 times per year) or infrequent shotgun shooting events shall not be considered an "outdoor shooting range" for purposes of these regulations.

SIGN REGULATIONS

All signs in the unincorporated portion of Morgan County shall be regulated and governed by the provisions of Appendix S to these Zoning Regulations.

HOME OCCUPATIONS

4-305 Intent

To provide for the operation of limited commercial activities within established residential zone districts.

4-310 General Provisions

A home occupation shall be allowed as a permitted use in all residential districts provided that:

(A) Such use shall be conducted only by the occupants thereof plus not more than one (1) non-related (by family) non-resident employee. Such use shall be conducted only within the principal dwelling.

(B) Such use shall be clearly incidental and secondary to the use of the dwelling as a dwelling unit and shall not change the character thereof.

(C) The total area utilized for such purposes shall not exceed one-half (1/2) of the first floor area of the principal dwelling.

(D) Exterior advertising of the home occupation shall consist of a maximum of one (1) two-sided sign no more than six (6) square feet in size.

(E) There shall be only limited and incidental sale of products made by the residents and conducted on the premises.

(F) There shall be no outside storage on the premises of materials or equipment used in connection with the home occupation.

(G) There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the property.

(H) Home occupations shall not generate traffic which significantly affects the residential character of an area.

(I) The Board of County Commissioners shall determine which activities other than those listed are compatible with the Section.

(J) Home occupations housed in accessory structures will require a conditional use permit for that use.

4-315 Uses Permitted

Those uses falling generally within the definition of home occupation of Section 1-535, including but not limited to:

(A) Tutoring Lessons.

(B) Day care home (no more than eight (8) children including the providers children).

(C) Artist studio.

(D) Accounting service.

(E) Personal skills lessons (no more than six (6) people per lesson).

(F) Individual professional office.

(G) Small appliance repair or sharpening service.

(H) Secretarial service.

ADULT AMUSEMENT, ENTERTAINMENT, OR BUSINESS ESTABLISHMENT

4-320 General

Adult amusement, entertainment, or business establishments shall be allowed as a use by special review in the LI zone district only. Applications for such an establishment in LI zone areas shall follow submission requirements as set forth in Section 2-505 and following of these Regulations.

4-325 Location

No adult amusement, entertainment, or business establishment shall be operated or maintained within one thousand feet (1,000') of any agriculture or residentially zoned or used property, school or church, measured from the closest property line of such residential, school, or church property to the property line of the adult amusement, entertainment or business establishment. Such restriction may be waived by the Board of County Commissioners if a petition requesting such waiver is received and verified by the Board signed by fifty-one percent (51%) of those persons owning, residing, or operating business within the one thousand foot (1,000') radius area. For the purpose of this section, "agriculture and residentially Zone" shall refer to property in unincorporated Morgan County within the A, ER, RR, RCR, MDR, HDR, HH and PD zones.

4-330 Separation Distance

No adult amusement, entertainment, or business establishment shall be operated or maintained within two thousand feet (2,000') of two (2) other such establishments, measured from the closest property lines of each establishment from the other. Such restrictions may be waived by the Board of County Commissioners if it is found:

(A) The proposed establishment will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of these Regulations will be observed.

(B) All other applicable restrictions of these Regulations will be observed.

4-335 Hours of Operation

Hours of operation of any adult amusement, entertainment, or business establishment may be limited by the Board as a condition of approval of the special use permit.

4-340 Opaque Covering of Windows and Doors

All windows, doors and other apertures of adult amusement, entertainment, or business establishment shall be located, covered, screened or otherwise obstructed in such a manner as to prevent a view into the interior from any public or semi-public area; and for new construction and wherever else it is considered feasible by the Commission and the Board, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

4-345 Signs

Signs present or visible on any adult amusement, entertainment, or business establishment shall be subject to all provisions contained within these Regulations. Additionally, advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways or from other public and semi-public areas.

JUNK AND WEED CONTROL

4-350 Intent

To control the open air accumulations of junk, rubbish, garbage, weeds, brush and abandoned vehicles, equipment and structures on individual properties and adjacent alleys or rights-of-way in Morgan County by the authority of Title 30, Article 15, Section 401(1)(a)(I) of the C.R.S.

4-355 Applicability

These Regulations apply to all zone districts in Morgan County except industrial tracts of ten (10) or more acres in industrial (LI and HI) zoned districts and agriculture land in the A- Agricultural zone district which is currently in agricultural use. Fallow land lying idle for more than twelve (12) consecutive months is not considered " agricultural land currently in agricultural use" for purposes of these Regulations. These Regulations do not apply to identified and operating junk

yards officially listed as “grandfathered” uses or uses currently allowed by valid special permits approved by the County.

4-360 Accumulation of Junk – Prohibition

It is unlawful for any person, firm or corporation to cause or permit junk, scrap metal, scrap lumber, weeds, brush, waste paper products, discarded building materials, furniture or furnishings, or any unused, abandoned, or derelict mobile homes of trailers, or abandoned parts, machinery or machinery parts, or other waste material, to be left or accumulated in or upon any yard, garden, lawn, outbuilding or premises in the County, unless in connection with an agriculture of business enterprise lawfully situated and licensed for the business of collecting waste material. It is unlawful to permit any accumulation of any such waste material in or upon any yard, lawn, garden, outbuilding or premises in the County if the waste material constitutes a fire hazard or hazard to the safety of persons or property or an unsanitary condition unless otherwise specified herein.

4-365 Time of Accumulation

Garbage, junk and abandoned vehicles or equipment of any kind will not be allowed to accumulate on private property or on adjacent alleys or rights-of-way in Morgan County for a period of time longer than thirty (30) days unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the pubic.

4-370 Time to Correct

Any person, firm or corporation with accumulations of garbage, junk and abandoned vehicles or equipment of any king existing at the time of passage of these Regulations will have a total of thirty (30) days to remove and properly dispose of said articles from said property unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public.

4-375 Rubbish and Garbage Containers

Rubbish and garbage containers shall be provided by the owner, tenant, lessee or occupant of the premises. Rubbish containers shall be of a kind suitable to contain all trash and garbage collected and shall have a tight fitting lid. Collection of garbage in plastic garbage bags of twenty (20) gallon capacity or larger is allowed during the thirty-day accumulation period prior to collection by a licensed waste hauler and/or disposal at the County landfill.

4-380 Abandoned Structures

Abandoned structures are to be boarded up or otherwise secured from entry for public health and safety reasons. Abandoned and unused structures that are deteriorating to the extent that they constitute a safety hazard are to be torn down and all component materials disposed of. A structure becomes a safety hazard when structurally it is no longer sound and economically infeasible to rehabilitate for reuse of any kind allowed in a particular zone district.

4-385 Suppression of Weeds

It shall be the duty of all persons owning or occupying any property within the County to suppress weeds, as designed by Morgan County or the Colorado Department of Agriculture, by appropriate chemical or mechanical means. Weeds shall be suppressed by the owner or occupant of the property within ten (10) days after notice from the County. Any infestation of weeds after notice is hereby declared a public nuisance and may be abated pursuant to Sections 4-420 through 4-435 of these Regulations.

4-390 Inoperable Vehicles

A maximum of one (1) expired license, unregistered or inoperative vehicle or parts thereof are allowed in residential, mobile home and agriculture (parcels 20 acres or less) zones for personal use. A maximum of three (3) expired license, unregistered or inoperative vehicles or parts thereof are allowed in the Agriculture Zone (parcels larger than 20 acres), A/B, C, LI and HI zones unless otherwise allowed by special permit. Vehicles in excess of these numbers are not allowed unless they are stored in a private garage or storage shed. Vehicles in excess of the allowed numbers may be allowed if the Planning Administrator determines that they are economically necessary for a bona fide farming or ranching operation. A vehicle shall be deemed inoperative if it is missing any major operating component such as tires, wheels, engine, or transmission.

4-395 Screening of Inoperable Vehicles

In all districts where inoperative vehicles or parts thereof may be allowed in excess of the above requirements, they shall be fully screened so as to prevent such vehicles from being viewed from a public road or area. Vehicles having been repaired at gasoline stations or auto repair shops shall not remain unattended longer than thirty (30) days after repairs are completed.

4-400 Junkyards

Junkyards desiring to locate adjacent to a state highway or interstate highway must obtain a state permit as per 43-1-501 of the C.R.S. in addition to County permits.

4-405 Inspections and Notice

Authorized County personnel are empowered to examine or cause to be examined every premise suspected to contain an unlawful accumulation of such junk, waste material and weeds and if it is found, to give the person responsible for the junk, waste material and weeds, or the owner or occupant of the premises upon which found, a written notice stating that an unlawful accumulation of junk, waste material, or weeds has been found upon the premises, and directing the person to whom the notice is addressed to eliminate the violation within a reasonable time specified in the notice. The time provided shall be commensurate with the work required to be done to correct the unlawful condition. Proper service of any such notice shall be personal service upon the person responsible for the unlawful accumulation, or the owner, authorized property management agent, or the occupant of the premises. Alternatively, the service may be made to the person by registered or certified mail and return receipt requested.

4-410 Violations

Failure of any person to carry out the work required to be done by any such notice within the time specified by the notice shall constitute a misdemeanor, and any person, firm or corporation who violates the provisions of this section shall, upon the conviction thereof, be fined in accordance with Chapter 6 of these Regulations.

4-415 Depositing Junk or Waste on Another's Property

It is unlawful for any person to discard or abandon any of the waste material mentioned in Sections 4-350 and 4-360 upon premises not owned or occupied by the person without the consent of the owner thereof, and the waste material so deposited without consent shall be deemed to have been discarded and abandoned.[180]

4-420 County Abatement

In event of failure of any owner of said lot(s), parcel(s) and tract(s) of real property to dispose of garbage, junk, abandoned vehicles, farm and heavy equipment of any kind or to remove abandoned structures or weeds, brush or rubbish as set forth herein, at any time and in any manner prescribed herein, the proper officials of the County are given power and authority to notify said owner that if said owner fails to comply with these Regulations on or before the date specified in said notice that the proper officials of the County shall forthwith remove or cut any such junk, rubbish, abandoned vehicles, structures, weeds or brush and the entire cost thereof, plus five percent (5%) for inspection and expense will be assessed against said lot(s), parcel(s), and tract(s) of real property as are in violation of these Regulations. The proper officials of the County, after such removal, shall forthwith file with the County Clerk a statement showing the amount to be assessed against any such lot(s), parcel(s), and tract(s) of real property in payment of said inspection, removal and related expense.

4-420.5 Administrative Entry and Seizure Warrant

No entry upon private property for the purpose of removing or cutting any such junk, rubbish, abandoned vehicles, structures, weeds or brush shall be made until an administrative entry and seizure warrant has been obtained from the Morgan County Court or Morgan County District Court. The application for an administrative entry and seizure warrant shall consist of: (a) a copy of the written notice to the property owner, including evidence that the property owner received such notice, such as a post office return receipt or an affidavit of personal service; and (b) a sworn or affirmed affidavit stating: the factual basis for the warrant; a description of the location of the property; a general list of any rubbish to be removed and a provision allowing the court to determine whether the rubbish will be disposed of or temporarily impounded. Within ten (10) days following the date of the issuance of the administrative entry and seizure warrant, the warrant shall be executed in accordance with the issuing court's directions, and a copy of the issued warrant shall be provided or mailed to the property owner. Following execution of the warrant, proof of the execution shall be submitted to the issuing court. Such proof shall include a written inventory of any property temporarily impounded.

[180] 2008 BCC 27

4-425 Notice of Assessment

The County Clerk shall send by registered mail a notice to the owner of any such lot(s), parcel(s) and tract(s) of real property that assessment has been made against the lot(s), parcel(s), and tract(s), for the cost of inspection, removal and related expense for failure to comply with these Regulations. Any such owner may file objections to such assessments within ten (10) days from the date said notice is received; said objections shall be filed with the County Clerk. The County Clerk shall cause such objections to be presented to the Board of County Commissioners for review at their next regular meeting following the date said objections are file with the Clerk. The Planning Administrator shall issue notice to said owner of the date of said review hearing by certified mail. Failure of said owner to file objections shall result in said assessments to become a permanent lien on said lot(s), parcel(s), and tract(s) of real property. In the event the Board of County Commissioners determines the assessments to be proper, the County Clerk, on or before thirty (30) days after said assessment hearing, shall certify to the Morgan County Treasurer said assessment which is to be levied on said lot(s), parcel(s), and tract(s) and shall collect the same as general taxes, and that fiver percent (5%) will be added to all costs of collection.

4-430 Hearing on Assessment

At the time designated in said notice, the Board of County Commissioners shall hear objections to the amount assessed to be levied against lot(s), parcel(s), and tract(s) of real property and shall determine such assessment against said real property as shall be deemed just and proper. If the owner of any such lot(s), parcel(s), and tract(s) of real property fails to pay the amount so assessed with thirty (30) days, said assessment, together with ten percent (10%) added for the cost of collection, shall be certified by the County Clerk to the Morgan County Treasurer, who shall collect all such assessments in the same manner that general taxes are collected, and such assessment shall be a lien in the several amounts assessed against such lot(s), parcel(s), and tract(s) of real property until paid, and shall have priority over all other liens except general taxes and prior special assessments. All moneys received by the County Clerk under these Regulations shall be placed in the general fund of the County.

4-435 Nonexclusivity of Assessments

The fact that assessments have been made against said real property as provided in these Regulations for cutting and removing garbage, weeds, brush, junk, abandoned vehicles, farm and heavy equipment, structures, and the like shall not prevent the owner from being punished as provided in Chapter 6, but such fine may be imposed on those being found guilty under the provisions of these Regulations, whether an assessment has or has not been made in accordance with the provisions of these Regulations.

DUST CONTROL

4-440 Responsibility of Landowners and Lessees

Landowners or lessees of land throughout the County are required to prevent the blowing of dust from land and property when said blowing of dust may or does damage to adjacent or surrounding property or creates a danger to motor vehicle traffic.

4-445 Dust Mitigation

Persons are required to prevent damage which is or may be caused by blowing dirt by either watering and wetting down the area, by installing a snow fence or barrier or by chiseling the ground. Such areas are to be reseeded as necessary.

4-450 Abatement by County

In the event the landowner or lessee does not institute dust prevention measures as herein above set out, within forty-eight (48) hours after being notified by the Planning Administrator in writing that the dust blowing from the described premises is causing damage to the adjacent or surrounding properties, then the County is hereby and herewith authorized to enter upon the property and take whatever corrective measures are determined necessary to prevent the blowing of dust. The landowner shall be responsible for the actual cost of the dust prevention measures taken by the County. The landowner shall also be responsible for the costs incurred by the County to enforce the collection of the cost of the dust prevention measures taken, including attorney fees and court costs. Assessments shall be levied as per the procedures of section 4-425 and following of these Regulations.

OIL AND GAS DRILLING AND / OR PRODUCTION[181]

4-452 Definitions[182]

All terms used in these Oil and Gas Regulations that are not otherwise defined in this section, or the Zoning Regulations, are defined as provided in the Act or in such regulations adopted by the Commission. All other words used in these Oil and Gas Regulations are given their usual, customary and accepted meaning, and all words of a technical nature or peculiar to the oil and gas industry shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this article have the following meanings:

Act: the Oil and Gas Conservation Act, C.R.S. § 34-60-101 *et seq.*, as may be amended.

COGCC or Commission means the Colorado Oil and Gas Conservation Commission.

Commercial disposal injection well: any hole drilled into the earth into which Class II waste is injected for the purposes of storage or disposal from a third party for financial profit, pursuant to authorizations granted by the Commission.

Gas storage well: any well drilled for the injection, withdrawal, production, observation, or monitoring of natural gas stored in underground formations. The fact that any such well is used incidentally for the production of native gas or the enhanced recovery of native hydrocarbons shall not affect its status as a gas storage well.

[181] 2018 BCC 24
[182] 2018 BCC 24

Injection well: any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal, pursuant to authorizations granted by the Commission.

Oil and gas facility: equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.

Oil and gas location: a definable area where an operator has disturbed or intends to disturb the land surface in order to locate an oil and gas facility.

Oil and/or gas well: any hole drilled into the earth for the purpose of exploring for or extracting oil, gas or other hydrocarbon substances

Oil and gas operations: exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking, or abandonment of an oil and gas well, underground injection well, or gas storage well; production operations related to any such well, including the installation of flowlines and gathering systems; off-location flowlines and gathering lines; the generation, transportation, storage, treatment, or disposal of exploration and production wastes; and any construction, site preparation, or reclamation activities associated with such operations.

Operator: the person designated by the working interest owners as operator and named in Commission Form 2 or a subsequently filed Commission Form 10.

Owner: any person with a working interest ownership in oil and gas or a leasehold interest therein.

Production site: the area surrounding proposed or existing production pits or other accessory equipment required for oil and gas production, at which may also be located tanks and tank batteries, exclusive of transmission and gathering pipelines.

Production facility: any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline and other equipment direction associated with the oil and/or gas wells or injection wells. Production facilities located on the same property as an oil or gas well or injection well shall be considered accessory uses to that well.

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

Well: an oil and gas well or an injection well.

Well site: the areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well and its associated well pad.

Wellhead: the equipment attaching the surface equipment to the well bore equipment at the well.

4-454 Compliance with Regulations

(A) In addition to compliance with those conditions required herein or imposed by the Zoning Regulations, an applicant seeking use approval for oil or gas operations or facilities shall comply with the conditions and requirements of these Oil and Gas Regulations and all other state or federal regulations.

(B) It shall be unlawful for any person to commence any oil and gas operation or facility that has not been previously permitted under the Zoning Regulations, reactivate a plugged or abandoned well or perform initial installation of accessory equipment or pumping systems (in cases where a well is not being drilled) unless the applicable permit has first been granted by the County.

(C) In recognition of the potential impacts associated with oil and gas operations, all wells and accessory equipment and structures may be inspected by the County and any designated inspectors at reasonable times to determine compliance with applicable provisions of the Zoning Regulations, these Oil and Gas Regulations, and the Building Code as adopted by the County and all other applicable County regulations and/or health or safety standards, adopted by the County. For the purpose of implementing and enforcing the provisions of County regulations, County personnel or appointed agents have the right to enter upon private property after reasonable notification to the operator. The County shall not inspect a site without an operator or operator's representative being present; however, the operator shall comply promptly with the request of the County to inspect.

4-456 Pre-Application Meeting

Prior to submitting an application for any oil and gas operation or facility which requires a conditional or special use permit, the applicant is required to attend a pre-application meeting with County Planning staff. At the pre-application meeting, the applicant will receive direction from County staff that will provide necessary information that will enable the applicant to submit a complete application to the County. At that time the County will also provide a list of applicable referral agencies that will be asked to provide input and comment on an application.

4-458 Applications

In addition to any submittal documents required by Sections 2-495 or 2-510 of the Zoning Regulations for the applicable use permit, except as modified by these Oil and Gas Regulations, any application for any oil and gas operation or facility requiring a conditional or special use permit, shall contain the following items:

(A) Location Drawing. A scaled drawing, or scaled aerial photograph showing the approximate outline of the oil and gas location and all wells and/or production facilities used for measuring distances shall be attached. The drawing shall include all visible improvements within five hundred (500) feet of the proposed oil and gas location (as measured from the proposed edge of disturbance), with a horizontal distance and approximate bearing from the oil and gas facilities. Visible improvements shall include, but not be limited to, all buildings, publicly maintained roads and trails, fences, above-

ground utility lines, railroads, pipelines or pipeline markers, mines, oil wells, gas wells, injection wells, water wells known to the operator and those registered with the Colorado State Engineer, known springs, plugged wells, known sewers with manholes, standing bodies of water, and natural channels including permanent canals and ditches through which water may flow. If there are no visible improvements within five hundred (500) feet of a proposed oil and gas location, it shall be so noted on the application.

(B) Location Pictures. A minimum of four (4) color photographs, one (1) of the staked location from each cardinal direction shall be attached. Each photograph shall be identified by: date taken, well or location name, and direction of view.

(C) A list of major equipment components to be used in conjunction with drilling and operating the well(s), including all tanks, pits, flares, combustion.

(D) Hydrology Map. A topographic map showing all surface waters and riparian areas within one thousand (1,000) feet of the proposed oil and gas location, with a horizontal distance and approximate bearing from the oil and gas location.

(E) Access Road Map. An 8 1/2" by 11" vicinity map, U.S. Geological Survey topographic map, or scaled aerial photograph showing the access route from the highway or county road to the proposed oil and gas location.

(F) NRCS Map Unit Description. Natural Resources Conservation Service (NRCS) soil map unit description.

(G) Contact information for the surface owner(s) and an indication as to whether there is a surface use agreement(s) or any other agreement(s) between the applicant and the surface owner(s) for the proposed oil and gas location.

(H) A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies. Copies of all applications submitted to other local, state or federal agencies shall be included, along with any issued permits or permissions.

(I) A plan for weed control at the production or well site.

(J) Application for a floodplain development permit, if applicable.

(K) A report from a traffic engineer providing estimated number of daily trips by vehicle type and recommended roadway surface maintenance and/or improvements.

(L) The names of adjacent subdivisions and/or the names of owners of properties within one thousand three hundred and twenty (1,320) feet of the oil and gas location. The identity of any municipality or county whose boundary is within one thousand three hundred and twenty (1,320) feet of the oil and gas location.

4-460 Procedures

(A) Except as provided for in these Oil and Gas Regulations, applications for oil and gas operations shall processed as provided for in these Zoning Regulations for the applicable use permit.

(B) If determined by the Planning Department to be necessary, due to the intensity or size of the oil and gas operation, the applicant shall conduct a neighborhood meeting, prior to consideration of the application by the Planning Commission or consideration by the Planning Department, at a convenient public location on the subject property or at the closest practical location to the subject site at a time to allow surrounding land owners the best opportunity to attend. Applicants for off-location flowlines and gathering lines should discuss with the Planning Department the appropriate location for a neighborhood meeting or if more than one meeting in necessary due to the length of the line.

(1) Notice of the neighborhood meeting shall be given by the applicant to the property owners within one thousand three hundred and twenty (1,320) feet of the oil and gas location or in the case of off-location flowlines and gathering lines, one thousand three hundred and twenty (1,320) feet from the proposed centerline of the line. Notice shall be mailed at least ten (10) days prior to the neighborhood meeting date. The notice shall state the date, time, place and purpose of the neighborhood meeting and shall include a map of the oil and gas location or the line. A copy of the notice shall be provided to the County. The applicant or applicant's representative shall attend the neighborhood meeting.

(2) At the neighborhood meeting, the applicant shall provide an overview of its proposed oil and gas operation and allow those in attendance to provide input as to the proposed operation, including, but not limited to, issues that arise from application of these regulations to the proposed operation, and suggested mitigation to adequately ensure compliance with these regulations.

(3) The neighborhood meeting shall be in a presentation format with maps of the oil and gas location, facility and, if applicable, location of off-location flowlines and gathering lines. The applicant or applicant's representative shall be available to answer questions. The applicant shall provide comment sheets for participants to provide feedback concerning the proposed development. The applicant shall offer participants the opportunity to provide their name and mailing addresses for the purpose of receiving notice of public hearings concerning any application that is subsequently submitted.

(4) A written summary of the neighborhood meeting shall be prepared by the applicant at least 15 days prior to consideration of the application by the Planning Commission. The written summary shall be included with the development application submittal and shall explain how any issues identified at the neighborhood meeting have been addressed. In addition, any names and addresses for participants who would like to receive notice of public hearings concerning any

application, which is subsequently submitted shall be submitted with the meeting summary.

(5) Any neighborhood meeting shall occur after the pre-application meeting and at least 20 days prior to review of the application before the Planning Commission or Planning Department, as may be applicable. Any delay in the neighborhood meeting or submission of the meeting summary, as provided for in subsection 4 above, shall result in a continuation of consideration of the application before the Planning Commission or a delay in the consideration of the application before the Planning Department, as applicable.

(C) Notice. At least fifteen days prior to any hearing on an application required by these Oil and Gas Regulations or the County's Zoning Regulations, notice of the hearing shall be sent certified mail to owner(s) of record of property located within one thousand three hundred and twenty (1,320) feet of the oil and gas location, and to the governing body of any municipality and/or county whose boundaries are within one thousand three hundred and twenty (1,320) feet of the oil and gas location. The notice shall include the following information:

(1) Date, time and location of the hearing.

(2) The location and a general description of the proposed oil and gas facilities.

(3) The anticipated date operations will commence (by calendar quarter and year).

(4) A proposed access map, including off-site haul route(s).

(5) A copy of the location drawing required in Sec. 4-458(A) above.

(6) A list of the oil and gas facility components required in Sec. 4-458(B) above.

(7) Operator and County contact information.

(8) At least five (5) days prior to a hearing, the application must provide proof of notice in compliance with this Section. Based on site specific considerations, the County may request that additional parties be included in the notification.

4-462 Waste Disposal Requirements

(A) Sewage wastes shall be disposed of in a manner approved by the Northeast Colorado Health Department. Long-term or permanent oil and gas operations or facilities, as well as any sewage disposal that involves discharge to the environment may not be utilized without a permit from the health department. Some type of approved sewage disposal equipment shall be provided at any manned site not otherwise provided with convenient access to adequate sanitation facilities.

(B) All hazardous wastes must be managed, handled, transported and disposed on in accordance with any applicable rules promulgated by the COGCC, CDPHE and EPA.

(C) Trash and debris generated from the operation shall be removed to an approved landfill or disposal/recycling facility. Burial or burning of such materials at the site is specifically prohibited.

4-464 Nuisance Avoidance Requirements

(A) Offensive and noxious odors, noises, fluids, gases, and dust from the oil and gas operations shall be confined to the property to the extent practicable.

(B) All oil and gas operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration, and noxious odors, and shall be in accordance with any County, local, state or federal health department regulations and with the best accepted practices for the drilling and production of oil, gas, and other hydrocarbon substances.

(C) Power generating equipment shall utilize sound attenuators or mufflers to minimize noise generated.

(D) Site lighting necessary to provide safe working conditions shall be oriented so as to avoid glare on public roads or dwellings on other parcels.

(E) No sign in connection with such drilling and/or production shall be constructed, erected, maintained, or displayed on the premises except directional signs or those required by law.

(F) All structures and equipment shall be maintained so as not to become a hazard or injurious to public health and safety.

(G) All oil and/or gas shall be transported from the wellhead to the production facilities by buried or above-ground pipeline or other approved method.

(H) Air contaminant emission sources shall comply with the permit and control provisions of the Colorado Air Quality Control Program (Title 25, Article 7, C.R.S.) and the rules and regulations promulgated by the Colorado Air Quality Control Commission. If operations result in the generation of amounts of dust, in excess of applicable standards, along access routes, the permittee shall institute adequate dust control measures.

4-466 Referrals

County Planning staff will refer the complete application for a twenty-one (21) day review by the various County departments and the County Attorney's Office, as deemed appropriate. An application may require review by outside agencies such as the U. S. Army Corps of Engineers, if the project impacts a floodplain, and may also be referred to any life-safety providers, adjacent jurisdictions, Northeast Colorado Health Department and/or the Colorado Department of Public Health and Environment and others as may be deemed appropriate. If the applicant provides evidence of notice of its application to the applicable state agencies charged with permitting or

reviewing the use, the County may waive additional notice to these agencies. Notwithstanding any previous referrals, at any time, if the County determines it needs additional information and/or input to process the application, it may refer the application to the appropriate agency.

4-468 Review Criteria

In addition to any review criteria imposed by the Zoning Regulations for the applicable permit, the County shall consider whether the application complies with the requirements of these Oil and Gas Regulations.

4-470 Setbacks from Buildings

(A) When wells are existing, buildings shall not be constructed within the following distances:

(1) Except as provided herein, buildings shall not be constructed within five hundred (500) feet of any oil and gas location.

(2) Any building to be used as a place of assembly, institution or school shall not be constructed within one thousand (1,000) feet of any oil and gas location.

(3) Any outside recreation uses shall not be established within three hundred fifty (350) feet of any oil and gas location.

(B) When wells are existing, lots and roads shall not be platted within the following distances:

(1) Lots shall not be platted within one hundred fifty (150) feet of an existing oil and gas location.

(2) Lots intended to be used as a place of assembly, institution or school shall not be platted to allow a building site within one thousand (1,000) feet of an oil and gas location.

(3) Streets shall not be platted within seventy-five (75) feet of an existing well or production facility; provided, however, that streets may cross collection flowlines at right angles.

(4) Lots and streets may be platted over well and production sites that have been abandoned and reclaimed in accordance with the Act and COGCC rules and regulations. Such platting shall only occur after the completion of the abandonment and reclamation process.

4-472 Additional Regulations Related to Off-Location Flowlines and Gathering Lines

Except as provided for in the Zoning Regulations and County's 1041 Regulations, off-location flowlines and gathering lines shall be permitted subject to the standards set for in this Section.

(A) Notice of application for an off-location flowline and/or gathering line shall be given to surface property owners within one thousand three hundred and twenty (1,320) feet on each side of the centerline of the proposed preferred alignment, and to interest holders (excluding mineral interests) in any real property proposed to be physically disturbed or crossed by the activity or development which is the subject of the application. Such notification shall be mailed, first-class, by the applicant, no less than ten (10) days before the submission of the application.

(B) In addition to any requirements for an application for a use permit pursuant to the Zoning Regulations an application for an off-location flowline and/or gathering line shall contain the information required under Rules 1101(a) and 1101(c)(1) of the Commission, as applicable, and the following:

(1) Summary statement of the project, to include when applicable:

(a) A description of the preferred route or site and reasons for its selection.

(b) Procedures to be employed in mitigating any adverse impacts of the proposed routes or sites.

(c) An outline of the planned construction, including startup and commissioning schedule, to include the number of stages and timing of each.

(d) A description of emergency procedures to be followed in case of a reported failure or accident involving the proposed off-location flowline and/or gathering line. Such outline shall include actions, if any, required of public officials, including fire and police officials, and the names and telephone numbers of appropriate company officials to notify if an accident or failure should occur.

(e) A description of the method or procedures to be employed to avoid or minimize the impacts on irrigated agricultural land.

(f) A description of any haul routes during construction, identifying the roads and bridges involved and the weight of the loads.

(g) Any other information determined to be necessary by the Planning Administrator or its authorized representative to ensure the protection of the health, safety and welfare of the inhabitants of the County.

(C) Criteria for off-location flowlines and/or gathering lines.

(1) The off-location flowline and/or gathering line will not have an undue adverse effect on existing and future development of the surrounding area.

(2) The design of the proposed off-location flowline and/or gathering line mitigates negative impacts on the surrounding area to the greatest extent feasible.

(3) The site shall be maintained in such a manner so as to control soil erosion, dust and the growth of weeds.

(4) Compliance with the County's Floodplain Regulations.

(5) All reasonable alternatives to the proposal have been adequately assessed, and the proposed action is consistent with the best interests of the people of the County and represents a balanced use of resources in the affected area.

(6) No adverse impact, from stormwater runoff, to the public rights-of-way and/or surrounding properties as a result of the off-location flowline and/or gathering line.

(D) Abandoned Flowlines and/or Gathering Lines

(1) The operator shall abandon flowlines in accordance with the rules of the Commission.

4-474 Post Approval Submissions[183]

(A) Upon approval of the use permit by the County, the applicant shall submit the final versions of documents shall incorporate any conditions of approval imposed by the Board of County Commissioners but otherwise, may not deviate from the plans submitted with the application.

(B) Upon completion of the installation of the off-location flowline or gathering line, the applicant shall submit final as-built drawings for the line.

SOLID WASTE MANAGEMENT SITES AND FACILITIES / CERTIFICATE OF DESIGNATION

4-505 Intent

These standards constitute the minimum standards for solid waste management and siting of solid waste facilities by Special Use Permit in Morgan County. Given the nature of this type of land use, the County reserves the right to add to or modify these standards at any time in the interest of preserving the public health, safety and welfare of county residents.

[183] 2018 BCC 24

FACILITY DESIGN AND OPERATING STANDARDS

4-510 Design Requirements

Municipal waste of any kind is to be disposed in existing or new facilities meeting design standards as set forth in the latest version of the Federal Subtitle D of the Resource Conservation and Recovery Act (RCRA) and current regulations of the state and local health departments in the judgment of the County. The term municipal solid waste is as defined in these Regulations.

4-515 Hazardous Waste

Hazardous waste of any kind is to be disposed of in existing or new facilities meeting design standards as set forth in the latest version of the Federal Subtitle C of the Resource Conservation and Recovery Act (RCRA) and current regulations of the state and local health departments in the judgment of the County. The term hazardous waste is as defined in these Regulations.

4-520 Incineration Facilities

Incineration facilities used in the disposal of solid waste shall meet the latest version of air quality standards as set forth by state and federal regulations.

4-525 Water Quality

The County shall, in consideration of protection of the water quality in Morgan County, require compliance with standards as set forth in federal and state regulations as applicable at the time of application dealing with water quality.

4-530 Application for Certificate of Designation for New Facilities for Solid Waste Management

(A) Any person or entity proposing to operate a facility for solid waste management in the County shall submit an application to the Planning Administrator for a Certificate of Designation, accompanied by the appropriate fee and a Special Use Review Application with its appropriate fee and deposit. The two applications together will follow the Special Use Review procedure as set forth in these Regulations except for the delay set forth at paragraph (C) of this section of these Regulations. Both a Certificate of Designation and a Special Use Permit must be obtained and maintained to site and operate a solid waste management facility.

(B) Following the pre-application conference as set forth in Section 2-350 and following of these Regulations, the Planning Administrator shall forward at least four copies of the application to the Colorado Department of Health for its review and recommendation for approval or disapproval.

(C) The procedure as set forth in Section 2-350 and following will be suspended until the recommendation of the Colorado Department of Health has been received by the Planning

Administrator. If the Colorado Department of Health recommends disapproval, the application shall be denied at this point without further action by the County.

4-535 Evaluation Criteria

Certificates of Designation are evaluated in accordance with considerations as set forth in applicable statues including C.R.S. 30-20-104 and 30-20-105. The County will take into account:

(A) The effect that the solid waste management site and facility will have on the surrounding property, taking into account the types of processing to be used, surrounding property uses and value, and wind and climatic conditions.

(B) The convenience and accessibility of the solid waste management site and facility to potential users.

(C) The ability of the applicant to comply with the health standards and operating procedures provided for in the Colorado Revised Statutes and such rules and regulations as may be prescribed by the Colorado Department of Health.

(D) Recommendations by the local health department.

(E) The compliance of the proposed site and facility with the County's Comprehensive Plan.

4-540 Issuance of Certificate of Designation

Upon approval of a Certificate of Designation, the County will issue each certificate to be immediately and permanently displayed in a prominent place at the site and facility. The County will forward a copy of the Certificate of Designation to the Colorado Department of Health and to the local health department.

4-545 Tipping Fee

Prior to the issuance of any special use permit for a solid waste management facility, an agreement must be reached establishing the tipping fee revenue to be collected by the County at the solid waste management site. The agreement must at a minimum establish the revenue fee amount, how it is to be applied, reported and transmitted, and the record keeping requirements. No County tipping fee revenue shall be less than fifteen percent (15%) of the gross receipts generated at any solid waste management site permitted with the County. An additional County tipping fee revenue shall be collected on solid waste generated outside of the County equal to the difference between the standard charge of the facility permitted in the County and the normal tipping fee charged for the County where the solid waste was generated, if any.

Fee levels higher than fifteen percent (15%) of gross receipts shall be established for solid waste management facilities designed for storage or disposal of hazardous wastes (as defined by Subtitle C of RCRA) and for municipal solid waste management facilities disposing of wastes generated outside the County.

4-550 Continuing Jurisdiction

The County maintains continuing jurisdiction over solid waste management facilities. Any change or amendment to operating procedures, waste acceptance policies, staffing requirements, emergency response procedures, waste handling or storage procedures, or other matters considered in the original application or any expansion or addition to the existing approved facility or capabilities of the solid waste management facility, will necessitate further review and approval by the County. The County may require periodic inspection or site audits by staff or consultants to assure continuing compliance with the operating plan approved by the County. The facility operator will reimburse the County for all costs it incurs in the administration of continuing jurisdiction; failure to do so will result in the revocation of both the Special Use Permit and the Certificate of Designation.

WASTE WATER TREATMENT PLANTS

4-555 Intent

It is the intent of these Regulations to establish minimum standards which all waste water treatment facilities must meet as part of the use by special review process of Chapter 2 of these Regulations.

4-560 Application

These regulations shall apply to any municipal, industrial, agricultural, or residential waste water treatment facility. Residential waste water treatment facilities are defined as a common system for the treatment of waste water which serves three or more residences. Industrial waste water treatment facilities shall include those associated with livestock truck wash out operations.

4-565 Setbacks

(A) All waste water treatment facilities shall be set back a minimum distance of three hundred and fifty feet (350') from any residence or one hundred and fifty feet (150') from the property line, whichever is greater.

(B) Any waste water treatment facility shall be set back from domestic water wells one hundred and fifty feet (150').

(C) The Board of County Commissioners may require the distances in subparagraphs (A) and (B) above to be reduced or expanded depending upon local site conditions, such as communicability between surface waters and aquifers or whether the system is lined with impermeable materials, or if the system is sealed from the atmosphere.

4-570 Subject to Federal Discharge Permit

Subject to Federal discharge permit requirements, the county retains continuing jurisdiction over waste water treatment facilities. Any change or amendment to operating procedures, waste acceptance policies, staffing requirements, emergency response procedures, waste handling or storage procedures or other matters considered in the original application of any expansion or

addition to the existing approved facility or capabilities of the waste water treatment facility will necessitate further review and approval by the county. The county may require periodic inspection or site audits by staff or consultants to assure continuing compliance with the operating plan approved by the county. The facility operator will reimburse the county for all costs it incurs in the administration of continuing jurisdiction. Failure to do so will result in the revocation of the special use permit. The county retains the authority for county personnel, or agents, to inspect the property at any reasonable time.

MOBILE HOME PARK REQUIREMENTS

4-575 Authority

These Regulations establish minimum standards governing necessary utilities and facilities and other physical improvements and conditions required to make mobile home parks and subdivisions safe, sanitary, and fit for human habitation; articulate the responsibilities and duties of owners and operators of mobile home parks; authorize the inspection of mobile home parks; and fix penalties for violations, adopted pursuant to authority conferred with Article 28 of Title 30 of the C.R.S.

4-580 Application

The provisions and regulations of this Section shall apply to the construction, alteration, extension, location, installation, use, and maintenance of all mobile homes in the unincorporated area of Morgan County. It shall be unlawful for any person to place, construct, alter, extend, install, use or maintain a mobile home on a separate lot or in a mobile home park or subdivision within the unincorporated area of Morgan County except in compliance with this Section. All of the regulations in this Section and following apply to mobile home parks and selective regulations apply to mobile home subdivisions.

4-585 Mobile Home Park Development Permit

An applicant for a mobile home park permit shall obtain a Mobile Home Park Development Permit in accordance with these Regulations. Before issuance of placement permits, the applicant shall submit all necessary plans and supplemental information for the proposed mobile home park in accordance with the site plan review process under Chapter 2 of these Regulations. When necessary, a request for rezoning to Mobile Home (MH) Zone must also comply with the submittal requirements of this section. The application for a Mobile Home Park Development Permit shall be accompanied by any necessary fees as specified by Morgan County and by plans for operation and maintenance of the Mobile Home Park, including tenant rules and regulations.

Any permit for construction, alteration, or extension of any individual mobile home park or a mobile home in a mobile home park or subdivision shall not be issued until the use has been approved as required by the zoning regulation and compliance with all conditions of approval has been guaranteed, either by actions of the applicant prior to issuance of the permit or by written agreement signed by the applicant and approved by the County.

4-590 Dedication of Easements and Public Lands

The developer must submit warranty deeds or file a site plan of the mobile home park covering the dedication of all easements and public lands prior to or at the time of final approval of the mobile home park.

4-595 Building Permits

All buildings and utilities to be constructed, altered, or repaired in a mobile home park shall comply with all applicable codes of Morgan County and the State of Colorado.

4-600 Mobile Home Placement Permit – All Zones Where Allowed

A placement permit shall be required for the installation of mobile homes on individual lots and mobile homes in a mobile home park or subdivision in all zone districts where they are allowed in Morgan County, for the tying down of previously installed mobile homes, and for the construction of any accessory structures on individual mobile home lots or spaces.

Said placement permit shall be obtained from the Morgan County Planning Administrator, who shall issue a permit to place the mobile home upon compliance by the applicant with these Regulations and with any other information as may be requested by the Planning Administrator to enable him/her to determine that the proposed mobile home will comply with all applicable requirements. After placement is complete, the County will inspect the mobile home for compliance with these Regulations prior to issuing a Certificate of Occupancy (C.O.) for the mobile home. Placement permit holders may not occupy a mobile home until the C.O. is issued.

4-605 Standards and Improvements – Additional Requirements

In addition to all applicable general bulk requirements and exceptions contained in Section 3-620 and following, the following additional standards and requirements shall apply to mobile home parks within a MH Zone. The design standards of the Morgan County Subdivision Regulations also apply to the development of mobile home park site plans and are to be used in addition to the standards of this Section unless otherwise specified herein.

4-610 Site Plan Review

Site plans for proposed mobile home parks shall be required and be submitted for site specific development plan review. All classes of uses in the MH district must be reviewed per this requirement. Landscape plans shall also be required.

4-615 Nonresidential Uses

(A) A mobile home or unit may be used for office or other nonresidential purposes, on a temporary basis during construction or remodeling activities connected with a use permitted on the lot, provided that a placement permit is obtained and a use time limit is determined and that the use and location of the mobile home complies with all applicable zoning and building regulations of Morgan County. In addition, such mobile home shall

be removed from the site within thirty (30) days when the construction or remodeling has been completed. Such mobile home shall be adequately secured against damage and over-turning by winds as per these Regulations.

(B) Where a mobile home is proposed to be used for nonresidential purposes not connected with construction or remodeling activities, or not listed as a use in the Zone it is to be placed, a variance permitting such use shall be required to be granted by the Board of Adjustment in accordance with the procedure provided in Chapter 5.

(C) Nothing contained herein shall be deemed as prohibiting the sale of a mobile home located in a mobile home park and connected to the required utilities.

4-620 Site Area

The site for a mobile home subdivision or park shall contain a minimum of ten (10) acres of land.

4-625 Density

The total density of a mobile home park or subdivision shall not exceed six (6) units per gross acre, and the density on any particular acre shall not exceed eight (8) units per acre.

4-630 Perimeter Setbacks

Each mobile home park or subdivision shall provide the following setbacks along the perimeter, which shall be landscaped and maintained except for those portions used for ingress and egress.

(A) Abutting a State or Federally designated highway or County designated major arterial – fifty feet (50’)

(B) Abutting any public right-of-way other than (A) above – twenty-five feet (25’).

(C) Abutting any exterior boundary other than (A) or (B) above – fifteen feet (15’).

4-635 Internal Setbacks

(A) There shall be a minimum twenty-foot (20’) setback from any service or mobile home park or subdivision permanent building.

(B) Enclosed additions or porches shall be considered a part of the mobile home in measuring required setback distances. The required area for each mobile home space shall not include that additional area required for access roads, service buildings, recreation areas, office, and similar mobile home park or subdivision needs.

4-640 Access and Interior Roadways

(A) The mobile home park site shall have at least two (2) direct accesses to a public road or highway by a roadway, each of which shall be at least forty feet (40’) wide. Access points

to these roads shall be subject to review and approval by the County and the Colorado Department of Transportation where necessary.

(B) Access to every mobile home space shall be from internal streets and roads. The mobile home park shall be designed so that all mobile home spaces and community buildings face onto an interior roadway.

(C) Paved streets shall be required in mobile home parks or subdivisions when the number of units exceeds thirty (30). Paving shall be asphalt or concrete or equivalent material upon a stabilized base, according to current specifications of the County.

4-645 Minimum Street Width

Minimum interior street widths in mobile home parks shall be as follows, measured from flow line to flow line:

(A) No on-street parking: 24 feet (24').

(B) Parking on one side only: 30 feet (30').

(C) Parking on both sides: 40 feet (40').

4-650 Walkways

Paved walkways at least three feet (3') wide shall be provided from all mobile home spaces to service buildings and other community areas, and along all access roads, when the number of units in the mobile home park or subdivision is equal to or exceeds forty (40) units. Walkways shall be hard surfaced with concrete or asphalt. Off-street parking or fences shall not obstruct walkways. Gravel may be used in mobile home parks and subdivisions of less than forty (40) units.

4-655 Storage

Storage facilities shall be provided on or conveniently near each mobile home space for the use of the mobile home occupants.

(A) There shall be a minimum of one hundred forty-four (144) cubic feet provided for occupant storage for each mobile home space.

(B) Storage facilities shall be no closer to streets or drives than the mobile home itself, and shall be designed in a manner that will enhance the appearance of the park or subdivision and shall be constructed of suitable weather-resistant materials.

(C) Storage underneath a mobile home is not permitted.

(D) A separate centralized storage area(s) for campers, trailers, RVs, boats, motor homes, etc. is required in the mobile home park or subdivision at an amount equal to one hundred (100)

square feet per each mobile home space. Such area(s) shall be hard surfaced and be screened with a six-foot (6') high solid fence or suitable opaque landscaping.

4-660 Skirting

All mobile home units in all zones shall be skirted as defined in Section 1-805. Such skirting must be in place within thirty (30) days after the mobile home is set on the mobile home space or lot. All skirting shall have one (1) or more openings constructed and located to allow convenient access to all points of utilities connections.

4-665 Blocking and Tie-Downs

(A) Every owner or occupant of a mobile home within the County or subject to County regulation shall secure the mobile home against wind and flood (when required) damage in accordance with the regulations of this Section.

(B) In the case of mobile home parks constructed prior to the effective date of these Regulations, the Morgan County building official shall have the authority to reduce the number of required tie-down sets upon presentation of adequate evidence that certain spaces are not subject to the wind forces upon which these requirements are based.

4-670 Tie-Downs

(A) Each mobile home shall be provided with tie-downs to the main framing member of the mobile home as shown in Table 5, Appendix B.

(B) All ties shall be fastened to an anchorage as described below and shall be drawn tight with one-half inch (½") or larger galvanized, drop-forged turnbuckles or other equivalent tightening device as approved by the building official. Turnbuckles shall be ended with jaws or forged or welded eyes. Turnbuckles with hood ends are prohibited.

(C) All cable ends shall be secured with at least two (2) U-bolt type cable clamps or other fastening device as approved by the building official.

(D) Cable used for ties shall be either galvanized steel or stainless steel. It shall be either 3/8 inch diameter (7 x 7-7 wires each) steel cable, or 3/8 inch diameter or larger (7 x19-7 strands of 19 wires each) "aircraft" cable.

(E) When flat steel strapping is used, it shall be in accordance with Federal Specification QQ-S-781; i.e., 1-¼ inch x .035 inch, Type 1, Class B, Grade 1. Zinc coating shall be a minimum of 0.30 ounces per square foot of surface. Breaking strength shall be a minimum of 4,750 pounds. (See paragraphs 1.2.1.1, 1.2.1.2, 3.10.2, 6.1.7, and Table II of QQ-S781). Any other material shall be at least equal to the above specifications in tensile strength and weather resistance.

(F) Steel bands used for ties shall terminate with a D-ring, bolt or other device that will not cause distortion of the band with a tensioning device attached.

(G) Sharp edges of the mobile home that would tend to cut the cable when the home is buffeted by the wind shall be protected by a thimble or other device that will prevent such cutting.

(H) Connection to the I beam may be by a 5/8 inch drop forged closed eye, bolted through a hole drilled through the beam. A washer, or equivalent, shall be used so that the beam is sufficiently fish-plated through the hole.

(I) Other connectors, or means of securing the cable to the beam, of equivalent holding power and permanence are acceptable if approved by the building official.

4-675 Anchorage

(A) Ground anchors shall be aligned with piers required below. The anchors shall be situated immediately below the outer wall if they are to accommodate over-the-home ties if this placement allows for sufficient angle for the anchor-to-frame connection.

(B) Steel rods shall be of 5/8 inch minimum diameter with a forged or welded eye at the top. For dead man anchors the bottom of the rod shall be hooked into the concrete.

(C) Augers shall be of minimum diameter of six inches (6") (arrowheads eight inches [8"]) and be sunk to a depth of at least five feet (5').

(D) Dead man anchors shall be sunk to a depth of five feet (5'), with a minimum vertical dimension of two feet (2') and a diameter of six inches (6"). Celled concrete blocks are prohibited.

(E) In lieu of the above, anchors to reinforced concrete slabs shall be of strength comparable to the above as may be approved by the building official. If this method is used, the weight of the mobile home must rest on the slab.

4-680 Piers and Footings

(A) All piers shall be placed on footers of concrete with minimum dimensions of sixteen inches by sixteen inches by four inches (16" x 16" x 4"), or equivalent thereof as approved by the building official.

(B) Piers shall be constructed of standard eight inches by eight inches by sixteen inches (8" x 8" x 16") celled concrete blocks placed over the foundation with the long dimension crossways to the main frame members and centered under them, with cells vertical. Pier heights shall be such that the mobile home will be located as close to the ground as possible.

(C) Piers shall be topped with a concrete cp eight inches by sixteen inches by four inches (8" x 16" x 4").

(D) Hardwood shims shall be driven tight between the cap and the main frame to provide uniform bearing. They shall be four inches (4") or less in thickness and be wide enough to provide bearing over the top cap.

(E) Other types of piers and foundations of equivalent permanence and weight bearing ability may be approved by the building official. The use of a heavy metal adjustment column, anchored to both frame and foundation, is recommended.

(F) Required piers shall be centered under each main frame (or chassis) member within five feet (5') of anchorage. The end piers shall be no farther than five feet (5') from the ends of the mobile home.

4-685 Cabanas and Awnings

Cabanas and awnings, and similar accessory structures, shall be secured by a row of support bars with a maximum spacing of twelve feet (12') at the outer edge. The posts shall be adequately secured to the roof and to the concrete patio or equivalent footing. Other adjacent structures such as storage bins, antennas, refuse containers, etc., shall also be secured and approved by the building official.

4-690 Alternative Tie-Down and Blocking Methods Permitted

In the event that a mobile home owner or mobile home park developer wishes to use different tie-down, blocking and anchorage systems than those specified above he/she shall comply with the following:

(A) The method and materials for tie-down pads and for securing the mobile homes to the tie-down pads must be designed by a professional engineer licensed by the State of Colorado and must be approved by the Morgan County Planning Administrator both for typical tie-downs and for each individual space as it is shown on the proposed final site plan. The entire mobile home tie-down design must meet or exceed the standards set out in these regulations.

(B) This approval by the building official must occur prior to the approval of any final mobile home park site plan by the Morgan County Planning Commission.

4-695 Placement of More than One Mobile Home on a Single Parcel

All placement permits for mobile homes as accessory uses are temporary. Such permits shall automatically expire and the mobile home shall be removed upon the cessation of the use of the mobile home as an accessory use. No conversion to fee simple sale of the mobile home unit shall be permitted. Mobile homes as principal dwelling units must meet all bulk and design standard requirements as specified in Section 3-650 (Table 1, Appendix B) of these Regulations.

NOTE: Future conversion of accessory use mobile homes to fee simple units on subdivided lots with prior approved utilities on a combined system may not meet zoning requirements.

4-700 Age and Condition of Mobile Homes

(A) All mobile homes located in Morgan County shall be maintained in good condition. Any damage caused by fire, wind, flood, rain, decay, lack of maintenance, vandalism, animals, or any other reason shall be promptly, not to exceed three (3) months, repaired.

(B) No mobile homes older than twenty (20) years from the date of application for a Mobile Home Placement Permit shall be placed in Morgan County unless, after inspection, it is determined that the mobile home is in adequate condition for its intended use. If intended for human habitation it must, at a minimum, meet the 1994 manufacturing standards of the U.S. Department of Housing and Urban Development (HUD) or the 2003 edition of the International Building or Residential Codes. All inspection costs shall be borne by the applicant for a Mobile Home Placement Permit.

WIRELESS SERVICE FACILITIES[184]

4-705 Purposes

To allow the location of wireless service facilities ("WSF") in the County while protecting the public health, safety, and general welfare of the community; to act on applications for the location of WSFs within a reasonable period of time; to encourage co-location of WSFs; and to prevent unreasonable discrimination among providers of functionally equivalent services.

4-710 Definitions

Accessory equipment for a WSF means equipment, including buildings and structures, used to protect and enable radio switching equipment, backup power and other devices incidental to a WSFs, but not including antennae.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.

Base station means a structure or equipment, other than a tower, at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term includes any equipment associated with wireless communications services, including radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks). The term includes any structure, other than a tower, to which any of the equipment described hereof is attached.

Building roof-mounted WSFs means a WSF that is mounted and supported entirely on the roof of a legally existing building or structure.

[184] 2018 BCC 35

Building wall-mounted WSFs means a WSF that is mounted and supported entirely on the wall of a legally existing building or structure.

Broadband facility means any infrastructure used to deliver broadband service or for the provision of broadband service.

Eligible WSF facility request means a request for approval of the modification of an existing tower or base station that involves the co-location of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.

Equipment storage shelter means buildings, storage shelters, and cabinets used to house WSF equipment.

Freestanding WSF means a WSF that consists of a stand-alone support structure such as a tower or monopole, and antennae and accessory equipment.

Microwave antenna means a disk-type antenna used to link communication sites together by wireless voice or data transmission.

Micro Wireless Facility means a small wireless facility that is no larger in dimensions than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that have an exterior antenna, if any, that is no more than eleven (11) inches in length.

Public right-of-way means all roads, streets and alleys and all other dedicated rights-of-way, access and utility easements of the County, the state, or any district, utility or roadway.

Small cell facility means either a personal wireless service facility as defined by the federal Telecommunications Act of 1996, or a WSF that meets both of the following:

(A) Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and

(B) Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

A small cell facility includes a micro wireless facility.

Small cell network means a collection of interrelated small cell facilities designed to deliver wireless service.

Substantial change means a modification to an existing tower or base station under the following circumstances:

(A) A substantial change in the height of an existing tower or base station occurs as follows:

(1) For a tower outside of a public right-of-way, when the height of the tower is increased by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater.

(2) For a tower located in a public right-of-way or for a base station, when the height of the structure increases by more than ten percent (10%) or by more than ten (10) feet, whichever is greater.

(B) Changes in height are measured as follows:

(1) When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment.

(2) When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.

(C) A substantial change in the width of an existing tower or base station occurs as follows:

(1) For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(2) For a tower in a public right-of-way or a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet.

(D) A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:

(1) When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or

(2) When the change involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets.

(E) A substantial change also occurs for any existing tower or base station when any of the following are found:

(1) When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four (4) new cabinets, whichever is less.

(2) When the change entails any excavation or deployment outside the current site.

(3) When the change would defeat the concealment elements of the eligible support structure.

(4) When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (A)through (E)(2), hereof.

Tower means a structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Whip antenna means an array of antennae that is cylindrical in shape.

Wireless service means data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

Wireless service facility or **WSF** means a facility for the provision of wireless services, including a small cell facility; except that "wireless service facility" does not include coaxial or fiber-optic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

4-715 Standards for all WSFs

(A) Applicability. The standards contained in this Section apply to all applications for WSFs in the County. The applicant shall demonstrate in writing that its proposed WSF meets all applicable standards of these regulations and any other required regulations or ordinances of the County.

(B) Co-Location. The County encourages co-location of WSFs when feasible to minimize the number of WSF sites. To further the goal of co-location:

(1) No WSF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the County, the owner or operator shall provide evidence explaining why co-location is not possible at a particular facility or site; and

(C) Consent given to a telecommunications provider or broadband provider to erect or construct any poles, or to locate or co-locate communications and WSF on vertical structures in a right-of-way, does not extend to the co-location of new facilities or to the erection or construction of new poles in a right-of-way not specifically referenced in the grant of consent.

(D) Permitted zoning districts. WSFs shall be considered a permitted use in all zoning districts subject to administrative review as provided in these regulations.

(E) Compliance with FCC standards. All WSFs shall meet the current standards and regulations of the FCC and any other agency of the federal government with the authority to regulate WSFs. Upon a request by the County at any time, WSF owners and operators shall verify that:

(1) The WSF complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and

(2) The WSF complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.

(3) By adopting this Section, the County is not attempting to regulate radio frequency power densities or electromagnetic fields, which are controlled by the FCC.

(F) Abandonment. If, after completion of construction, the WSF ceases operation for any reason for twelve (12) consecutive months:

(1) The owner or operator shall remove the WSF within ninety (90) days of the end of the twelve (12) month period; and

(2) Any permit issued for operation of a WSF shall expire.

(G) Height Limit. Notwithstanding any other height limitations in regulations, in no case shall a WSF located on property owned by the County or in any public right-of-way exceed sixty (60) feet in height.

4-720 Freestanding, Wall and Roof-Mounted WSFs

(A) Freestanding WSFs.

(1) Minimum setbacks. A freestanding WSF shall meet the greater of the following minimum setbacks from all property lines:

(a) The setback for a principal structure within the applicable zone district;

(b) Twenty-five percent (25%) of the WSF facility height including antennae; or

(c) The WSF facility height if the facility is adjacent to a residentially zoned parcel or if the WSF facility is within two hundred fifty (250) feet of an existing residential structure.

(2) Maximum height. Notwithstanding any height limitations in Table 1 of Appendix B, a freestanding WSF, including antennae, shall comply with all FAA regulations and requirements, and shall not interfere with any airport approach zones.

(3) Design standards. A freestanding WSF shall meet the following design standards to minimize impacts:

(a) The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.

(b) Existing land forms, vegetation, and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment to the extent practicable.

(c) Existing vegetation shall be preserved or enhanced.

(d) The total area of any equipment storage shelters shall not exceed four hundred (400) square feet for each WSF.

(e) Equipment storage shelters shall be grouped as closely together as technically possible.

(f) No equipment storage shelter shall exceed fifteen (15) feet in height.

(g) All freestanding WSFs shall accommodate co-location of facilities, unless co-location is technically unfeasible as set forth in section 4-175(B).

(h) All applicable landscape regulations shall be observed. A landscape plan prepared by a professional landscape architect may be required to demonstrate that such landscape appropriately shields the base and security fencing from view if the base of the facility is otherwise visible from adjacent rights-of-way.

(i) Any equipment that could be dangerous to persons or wildlife shall be adequately covered or fenced.

(B) A building wall-mounted WSF shall adhere to the following design standards to minimize impacts:

(1) The facility shall be screened from view and/or colored to match the building or structure to which it is attached.

(2) Antennae may encroach into a setback area a maximum of twenty-four (24) inches, but not extend over a property line and shall be as flush to the building as technically possible.

(3) The mounting of antennae shall be as flush to the building wall as possible, and in no case shall the antennae extend more than three (3) feet out from the building wall. The maximum area of panel antennae per building face, measured as the sum of individual panel antenna areas, shall not exceed an aggregate total of fifty (50) square feet.

(4) The facility shall not extend twelve (12) feet above the highest point of the roof of the building.

(C) A building roof-mounted WSF shall adhere to the following design standards to minimize impacts:

(1) A building roof-mounted WSF, including antennae, shall not exceed the maximum structure height limit in the zone district in which the facility is located and shall not extend more than twelve (12) feet above the height of the building on which the facility is mounted.

(2) The facility shall be screened from view and/or colored to match the building or structure to which it is attached.

(3) The diameter of a microwave dish antenna shall not exceed four (4) feet.

(4) No component of a roof-mounted WSF, except whip antenna, may extend more than twelve (12) feet above the roof the building to which they are mounted. Whip antennae may extend no more than fifteen (15) feet above the roof of the building to which they are mounted.

(D) The equipment storage shelter(s) and/or cabinets for any roof-mounted or building-mounted WSF shall meet the following additional requirements:

(1) The total footprint of each provider's equipment storage shelter(s) and or cabinet(s) shall not exceed three hundred and sixty (360) square feet.

(2) No equipment storage shelter shall exceed thirteen (13) feet in height.

(3) Equipment storage shelters and/or cabinets shall not exceed an aggregate total coverage of fifteen percent (15%) of the building roof area.

4-725 Small Cell Facilities

(A) A telecommunications provider or broadband provider has the right to locate or co-locate small cell facilities or small cell networks on light poles, light standards, traffic signals, or utility pole in the right-of-way owned by the County, subject to the following:

(1) A small cell facility or a small cell network shall not be located or mounted on an apparatus, pole, or signal with tolling collection or enforcement equipment attached.

(2) The construction, installation, operation and maintenance of a small cell facility must comply with applicable federal and state law and the provisions of this Section. If upon inspection, the County concludes that a wireless service facility fails to comply with such laws and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the small cell facility, the owner shall have thirty (30) days from the date of the notice to bring such facility into

compliance. Upon good cause shown by the owner, the County may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such facility into compliance within said time period, the County may remove such facility at owner's expense or prohibit future, noncompliant use of the light pole, light standard, traffic signal or utility.

(B) Micro wireless facilities. No application or permit shall be required for the installation, placement, operation, maintenance, or replacement of micro wireless facilities that are suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with the national safety code, subject to the following:

(1) The County may require a permit for installation, placement, operation, maintenance, or replacement of micro wireless facilities where the installation, placement, operation, maintenance, or replacement of micro wireless facilities does any of the following, upon determination of the County:

(a) Involves working within a highway travel lane or requires the closure of a highway travel lane;

(b) Disturbs the pavement or a shoulder, roadway, or ditch line;

(c) Includes placement on limited access rights-of-way; or

(d) Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

4-730 Application and Approval Procedures

(A) An application for approval of a proposed WSF shall include all information regularly required for other development applications, in addition to the following:

(1) A written, narrative statement describing in detail, how the proposed WSF will comply with each of the applicable design standards set forth herein.

(2) If requested by the County, photographic simulations showing the proposed facility and, if applicable, the structure on which it will be attached.

(B) Consolidated applications for small cell facilities. A telecommunications provider or broadband provider may file a consolidated application to receive a single permit for small cell networks involving multiple individual small cell facilities within the County. However, each small cell facility within the consolidated application individually remains subject to review for compliance with the requirements provided herein.

(C) Incomplete applications.

(1) When an application is incomplete, the County shall provide written notice to the applicant within thirty (30) days, specifically identifying all missing documents or information.

(2) If an application remains incomplete after a supplemental submission, the County shall notify the applicant within ten (10) days. Second or subsequent notices of incompleteness may not require the production of documents or information that were not requested in the original notice of incompleteness.

(D) Expedited review.

(1) An eligible WSF application, including an application for location or co-location of a small cell facility or small cell network or replacement or modification of a WSF, small cell facility or facilities, or small cell network request, shall be approved or denied by the County within sixty (60) days of the date of the County's receipt of the completed application. This time period may be tolled only by mutual agreement or when an application is incomplete.

(2) If the County fails to approve or deny an eligible WSF request within the sixty (60) days of the date of the County's receipt of the completed application (accounting for any tolling), the request shall be deemed granted; provided that this automatic approval shall become effective only upon the County's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

(E) Review.

(1) Criteria for approval or denial of application. In considering an application for location or co-location of a WSF, small cell facility or small cell network, the County shall base the decision as to the approval or denial of the application on whether the proposed WSF meets the applicable design standards as outlined herein.

(2) Approval.

(a) The County shall approve an eligible telecommunications request that does not substantially change the physical dimensions of a tower or base station.

(b) The County may approve an eligible telecommunications request that substantially changes the physical dimensions of a tower or base station if it complies with the remainder of this Code.

(c) The County may condition the approval of any eligible telecommunications request on compliance with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety.

(3) Denial. A final decision by the County to deny any application shall be in writing and supported by substantial evidence contained in a written record.

HUMAN BURIAL

4-735 General

This section is intended for personal, private burials and does not apply to the creation of a cemetery. The landowner shall not charge a fee for the burial. This section does not apply to the disposal of cremated human remains. [185]

4-740 Permit

Personal, private burial may take place in any zone district after issuance of a Burial Notification Permit. The fee for this permit shall be determined by the Board of County Commissioners. This permit may be issued by the Planning Administrator. A Burial Notification Permit does not relieve a person from the requirements of any applicable Colorado law or local health department regulations regarding human remains and cemeteries. [186]

4-745 Permit Requirements[187]

(A) Landowners name, address and signature.
(B) Name of deceased.

(C) Legal description of burial parcel.

(D) GPS coordinates (degrees, minutes, seconds of latitude and longitude, UTM coordinates, or other generally accepted location coordinates) or a survey, within one foot (1'), of burial site. This must be prepared by a licensed, professional, surveyor or engineer and include the surveyor or engineers stamp.

At the applicants expense, the completed permit will be recorded in the office of the Morgan County Clerk and Recorder by the Planning Department.

4-750 Burial Requirements[188]

(A) Burial with at least three feet (3') of cover.

(B) There shall be at least four feet (4') of suitable soil separation, (not gravel), from the bottom of the burial site to the maximum seasonal groundwater table.

(C) Maintain a 100 foot (100') separation from streams, lakes, and/or any well.

[185] 2009 BCC 27
[186] 2009 BCC 27
[187] 2009 BCC 27
[188] 2009 BCC 27

(D) The site shall be permanently identified with a marker on the ground. The Planning Administrator shall determine whether any proposed marker is sufficiently permanent.

(E) A burial container, coffin or vault, is not required.

(F) Embalming is not required.

MEDICAL AND RECREATIONAL MARIJUANA[189]

4-760 Definitions

(A) "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate, but excluding industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(B) 'Marijuana club" means a place not used for residential purposes where individuals gather to consume, grow or distribute or otherwise use marijuana, regardless of whether such place calls itself private or public or charges an admission, membership or similar fee. A marijuana establishment with a valid license under Article XVIII, Section 16 of the Colorado Constitution (recreational marijuana establishments) or a marijuana business with a valid license under Section 14 of Article 18 to the Colorado Constitution (medical marijuana businesses) and their accompanying state and County regulations, shall not constitute a marijuana club.

(C) "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a retail marijuana store; a medical marijuana center, a medical marijuana infused products manufacturer, an optional grow operation, and a marijuana club. 3-315

(D) "Marijuana cultivation facility" means a facility licensed pursuant to the Colorado Retail Marijuana Code to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

(E) "Marijuana product manufacturing facility" means a facility licensed pursuant to the Colorado Retail Marijuana Code to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

[189] 2013 BCC 12

(F) "Marijuana testing facility" means a facility licensed pursuant to the Colorado Retail Marijuana Code to analyze and certify the safety and potency of marijuana.

(G) "Medical marijuana" means marijuana that is grown and sold for a purpose authorized by Article XVIII. § 14 of the Colorado Constitution.

(H) "Medical marijuana center" means a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Article XVIII, § 14 of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

(I) "Medical marijuana-infused products manufacturer" means a facility licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products, and which a municipality is authorized to prohibit as a matter of law.

(J) "Optional premises cultivation operation" means a person licensed pursuant to the Colorado Medical Marijuana Code to grow and cultivate marijuana for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.

(K) "Patient" has the meaning set forth in Article XVIII, § 14(1)(c) of the Colorado Constitution.

(L) "Primary caregiver" has the meaning set forth in Article XVIII, §14 (1)(f) of the Colorado Constitution.

(M) "Retail marijuana store" means a facility licensed pursuant to the Colorado Retail Marijuana Code to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

4-780 Marijuana establishments – prohibited

It is unlawful for any person to operate, cause to be operated, or permit to be operated in unincorporated Morgan County a marijuana establishment, and marijuana establishments are hereby prohibited in unincorporated Morgan County.

MEDICAL MARIJUANA[190]

4-800 Medical marijuana dispensaries and/or growing sites are prohibited in any zone in unincorporated Morgan County.[191]

[190] 2011 BCC 11
[191] 2011 BCC 11

4-805 The prohibition of Section 4-800 shall apply only to commercial nonprofit, collective, or cooperative uses and shall not apply to persons who are certified medical marijuana users for their own individual use.[192]

[192] 2011 BCC 11

Chapter 5 - BOARD OF ADJUSTMENT AND APPEALS PROCEDURE [193] [194]

5-100 Intent

The purpose of the Board of Adjustment herby created shall be to provide for, in appropriate cases and subject to additional conditions and safeguards, the ability to make special exceptions to the terms of these Regulations in conformance with their general purpose and intent.

5-105 Membership of the Board of Adjustment

The Board of County Commissioners of Morgan County shall appoint a Board of Adjustment consisting of five (5) voting members. Not more than one (1) of the members of such board may at any time be a member of the Planning Commission. Each of the members of the Board of Adjustment shall be a resident of the County. The term of appointed members of the Board of Adjustments shall be three (3) years and until their respective successors have been appointed. The terms of office shall be staggered by making the appointments so that at least one (1) member's term will expire each year. Each individual member can serve no more than two (2) consecutive full three (3) year terms.

5-110 Associate Members of the Board of Adjustment

Two (2) associate members to the Board of Adjustment are to be appointed by the Board of County Commissioners. Each associate member shall be a resident of the County. In the event that any regular member of the Board of Adjustment is temporarily unable to act, owing to absence from the County, illness, interest in a matter before the Board of Adjustment, or any other cause, that member's place may be taken during such temporary disability by the most senior associate member present based upon length of service.

5-115 Removal of Members of the Board of Adjustment

Any member of the Board of Adjustment may be removed for nonperformance of duty or misconduct by the Board of County Commissioners. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.

5-120 Compensation

The Board of Adjustment shall receive such fees as determined by Morgan County and for reimbursement for actual expenses incurred and mileage for attending official and special meetings.

5-125 Officers

The Board of Adjustment shall elect from its members a Chairperson and a Vice-Chairperson whose term shall be for one (1) year. Other positions may be created by the Board of Adjustment

[193] 2014 BCC 26
[194] 2017 BCC 55

when needed.

5-130 Internal Rules

The Board of Adjustment shall adopt such rules and regulations governing its proceedings as it may consider necessary or advisable; such rules and regulations shall be consistent with the guidelines of this section and appropriate state law.

5-135 Meetings

The Board of Adjustment shall meet as often as necessary to hear and act upon applications and other appropriate requests submitted.

5-140 Special Meetings

The Board of Adjustment may call special meetings for special projects and other important topics for review, discussion and/or recommendation. Alternate hearing dates due to weather conditions and other scheduling difficulties may be considered by the Chairperson of the Board of Adjustment.

5-145 Planning Administrator Duties

(A) The Planning Administrator or designee shall serve as secretary to the Board of Adjustment and shall be present at all regular and special meetings of this Board. The minutes shall be made a matter of public record within a practical time after the official meeting of the Board of Adjustment. Anyone wishing to have a transcript of the proceedings may have a court reporter present at their own expense.

(B) All file summaries and other documents as determined appropriate by the Planning Administrator are to be provided to the Board of Adjustment prior to the hearing as a business item.

5-150 Powers and Duties of the Board of Adjustment

The Board of Adjustment has the following powers:

(A) To hear and act upon requests for appeals from the administrative decisions of the Planning Administrator and interpretive decisions of the Planning Administrator regarding Zone District Boundaries.

(B) To hear and grant or deny variances from the bulk requirements of these Regulations, variances regarding the maximum number of residences permitted per parcel, and the floodplain regulations, as provided for in Sections 3-800 and 3-805 of these Regulations.

5-155 Majority Needed

(A) The concurring roll call vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement decision, or determination of any such administrative official or agency or to decide in favor of the applicant.

(B) No appeals from the Planning Administrator's action shall be granted by the Board of Adjustment when, in the opinion of said Board, the applicant has not provided reasonable and adequate evidence justifying the request presented, or when the applicant cannot demonstrate compliance with the criteria in Section 5-220.

5-160 Decision by the Board of Adjustment

The decision by the Board of Adjustment shall be final and appeal of such a decision shall be as provided by law.

PROCEDURE FOR APPEALS AND VARIANCES

5-175 Pre-application Procedure

The applicant shall discuss the appeals and variances informally with the Planning Administrator to learn what materials and what steps are necessary for the application.

5-180 Decision of Administrator - Application

A formal application shall be submitted to the Planning Administrator and he or she shall render a decision on the completeness of the application within ten (10) days of submittal of the application. Appeals of this decision may subsequently be made to the Board of Adjustment. The Planning Administrator shall notify the applicant, in writing, of the completeness of the application and if applicable, the reason(s) why the application is not complete. Only complete applications will be considered by the appropriate decision making authority pursuant to these Regulations.

5-185 Requirements for Variance Application

Variance applications shall consist of the following items:

(A) A completed application form.

(B) Proof of ownership of the land on which the appeal is requested.

(C) Application fee.

(D) A site plan drawn to appropriate scale showing the location of existing structures, fences, natural features, streets and rights-of-way, boundary lines, and lot lines. The site plan will graphically display the design standards, such as setbacks, which are the subject of variance or disagreement. Drawing sheet size shall be a minimum of eighteen by twenty-four inches (18" x 24").

(E) Any other information determined to be necessary by the Planning Administrator or the

Board of Adjustment that will aid in making a decision which will not impair the intent and purpose of these Regulations.

(F) A statement or narrative that demonstrates compliance with the applicable criteria for variances.

(G) A list and a map provided by the Planning Department showing all adjacent surface property owners of the property which is the subject of the variance application.

(H) For variances to minimum lot size, any additional requirements provided for in Section 8-170 of the Morgan County Subdivision Regulations. References in this section to the Morgan County Board of Commissioners or Planning Commission shall be deemed to refer to the Morgan County Board of Adjustment.

5-190 Requirements for Appeals Application

All appeals of the Planning Administrator's decision shall consist of the following:

(A) All application requirements of Section 5-185(A) through (E) and a written description of the grounds for the appeal and why the administrative decision was incorrect.

(B) Citation of the Section of the Zoning Regulations that is the subject of the appeal.

(C) Any written statements desired by the appellant.

5-200 Notice of Hearing

(A) Planning Administrator or designee shall be responsible for publishing the notice of a public hearing, required under Section 5-215 of these Regulations, at least one time in a newspaper of general circulation in Morgan County, Colorado, at least ten (10) days prior to said hearing before the Board of Adjustment. Said notice shall read as shown on Form 7, Appendix A.

(B) At least ten (10) days prior to the hearing, the Planning Administrator or designee shall mail a notice of said hearing by first class mail, to owners of property of adjacent property under consideration for the appeal or variance.

5-210 Administrative Variances

Variance applications requesting a variance of no more than a 10% from the applicable bulk requirement(s) may be considered for approval by the Planning Administrator, subject to the following procedure and criteria:

(A) Within five (5) days of receipt of a complete application, the Planning Administrator or designee shall mail notice of the application by first class mail, to owners of property adjacent to the property under consideration for the variance. Such notice shall provide that owners may file comments with the Planning Administrator within fourteen (14) days of the date of the notice.

(B) No earlier than the final date for submission of comments as described in subsection (A) above but within thirty (30) days of receipt of a complete application, the Planning Administrator shall render a written decision on the application. The Planning Administrator is authorized to impose conditions on an application in conformity with these Regulations. The written decision shall be mailed to the applicant.

(C) Decisions by the Planning Administrator under this Section may be appealed to the Board of Adjustment pursuant the procedures in these Regulations.

(D) In considering the application and any comments, the Planning Administrator shall consider the following criteria:

(1) The variance, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations and/or use of the adjacent right of way;

(2) That the variance, if granted, is in keeping with the intent of these Zoning Regulations and the Morgan County's Comprehensive Plan; and

(3) That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

5-215 Actions of the Board of Adjustment

(A) The Board shall conduct the public hearing on an appeal or variance application in a controlled manner, hearing presentations of application materials by the applicant, comments from the Administrator and public testimony. The Board shall make its decision based on the information presented and on findings related to the criteria in Section 5-220, as applicable. The Board may convene the hearing only if a quorum of four (4) members or associate members is present.

(B) The Board shall make its decision at the meeting and instruct the Administrator to prepare a resolution approving, approving with condition or denying the application. Resolutions from the Board of Adjustment may be forward to the Board of County Commissioners as an information item.

5-220 Criteria for Reviewing Appeals and Variances – Board of Adjustment

The Board of Adjustment shall make decisions concerning appeals and applications for variances utilizing the following criteria, as applicable:

(A) Appeals Criteria. In hearing an appeal of an administrative decision or interpretation, the Board of Adjustment shall consider the following

(1) the technical meaning of the provision being appealed;

(2) evidence as to the past interpretation of the provision;

(3) the principles of interpretation and rules of construction in these Zoning Regulations; and

(4) the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan

(B) Variance Criteria. In order to grant a variance, the Board of Adjustment shall find that the following criteria have been satisfied:

(1) The strict application of the applicable regulation results in peculiar and exceptional practice difficulties or exception and undue hardship on the owner due to:

(a) exceptional narrowness, shallowness, or shape of the property at the time of the enactment of the regulation; or

(b) exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; and

(2) the hardship is not self-imposed;

(3) the variance, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations;

(4) that the variance, if granted, is in keeping with the intent of these Zoning Regulations and the Morgan County's Comprehensive Plan; and

(5) that the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

(C) In granting any variances, the Board of Adjustment may prescribe appropriate conditions, safeguards and permit time limits in conformity with these Regulations. Violations of such conditions, safeguards, and time limits when made part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under Chapter 6 of these Regulations.

(D) Other nonconforming uses, lots, and structures shall not be grounds for a variance request.

(E) A variance granted regarding the maximum number of residences per parcel shall only be granted for the medical care of a family member and shall only be granted for a period of time and not in perpetuity. The recipient of such a variance shall be required to certify annually to the Planning Administrator that the additional residence is still occupied by either the family member needing medical care or the caregiver.

(F) Criteria for review of variance to the floodplain regulations are contained in Section 3-800.

5-225 Implementation of Variances

Upon the granting of a variance by the Board of Adjustment, the successful applicant shall have one (1) year from the date of issuance of the variance to commence implementation of the variance allowed. The Planning Administrator shall inspect all variance implementation projects to determine that they conform to the intent of the variance. Should a variance not be implemented in the time period allowed, the variance will be null and void upon action of the Planning Administrator. A one-time extension of the implementation period for a maximum of six (6) months may be granted by the Planning Administrator at the request of the variance holder.

Chapter 6 - **ENFORCEMENT**[195]

6-100 Intent

The purpose of this Chapter is to require compliance with these Regulations, to state which activities violate these Regulations, and to establish general County remedies when a violation exists.[196]

6-103 Authority to Enforce[197]

The Board of County Commissioners and its duly appointed representatives shall have:

(A) The authority to enforce the provisions of these Regulations, including companion documents and permits issued under the County's authority described in these Regulations and state law, in accordance with this Chapter and the governing statutes (C.R.S. § 30-28-24 and C.R.S. § 30-28-124.5, as amended).

(B) The authority to enforce the applicable provisions of Chapter 4 concerning Solid Waste Management Sites in accordance with this Chapter and the governing statutes and regulations (The Solid Wastes Disposal Sites & Facilities Act, C.R.S. §§ 30-20-100.5 et seq.; Infectious Waste C.R.S. §§ 25-15-401 et seq. "Infectious Waste"; and CDPHE "Regulations Pertaining to Solid Waste Disposal Sites & Facilities", 6 C.C.R. 1007-2 hereinafter referred to as "State Solid Waste Regulations").

(C) Nothing in this Chapter or any other provision of these Regulations shall be construed to restrict the ability of the County to pursue any available means of enforcement available to it under state law.

6-105 Violations and Penalties[198]

(A) It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance with this Code or with the terms and conditions of any land use application approval or permit, or without first obtaining all approvals and permits required by these Regulations.

(B) Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, who violates any of the provisions of these Regulations or any owner who allows the use of the owner's land by another in violation of these Regulations and who does not remedy the violation upon notice that such violation exists may be liable for a violation under these Regulations.

---

[195] 2020 BCC 01
[196] 2020 BCC 01
[197] 2020 BCC 01
[198] 2020 BCC 01

6-108 Enforcement Procedures[199]

This section sets forth the enforcement options available and the presumed progression of enforcement actions that may be taken by the County to address violations. Nothing in this Section shall prevent the County from exercising discretion to pursue the remedies or any combination thereof, as set forth below or as provided by Colorado law.

(A) Notice of Violation

If probable cause exists to believe that a violation has occurred, a notice of violation shall be sent via first class mail to the owner's mailing address as listed in the records of the Morgan County Assessor's Office and to the mailing address of the property in question, if different than the owner's address and if one exists.

The notice of violation shall specifically describe the nature of the violation and shall require that the violation be corrected at least ten (10) days after the date of the notice. The notice of violation shall provide that the alleged violator may request additional time to correct the violation.

If the violation is not corrected within the time period established in the notice of violation or approved extension of time, the County may determine to pursue remedies under subsections (B) and/or (C) of this Section.

(B) Revocation of Approvals and Permits

If an alleged violator is in violation of the conditions of a land use approval or permit that was issued by the County or if the approval or the permit was obtained by false representation or issued in error, the Board of County Commissioners may revoke the approval or permit, and/or amend conditions imposed on the approval or permit that are related to the violation. Amendment of the terms and conditions shall include the addition of new conditions and the removal of conditions. The Planning Administrator shall first consider the alleged violation(s) and determine whether there is sufficient evidence that a violation(s) has occurred or is occurring. Upon a determination that sufficient evidence exists, the Planning Administrator shall issue an order to show cause to the alleged violator, directing the alleged violator to appear before the Board and show why the approval and/or permit should not be revoked or amended. The order to show cause shall set a time and date for hearing on the violation to be held at least fourteen (14) days from the date of the order. The order to show cause shall be personally served, posted on the property subject to the permit, or sent certified mail to the alleged violator and the owner, if different.

The Board shall conduct the show cause hearing and the violator and/or owner may present evidence as to why the County should not revoke the land use approval or permit or amend the conditions on the approval or permit. The Board may also hear from individuals directly aggrieved by the alleged violation. No other individuals have the right to be heard at the hearing. The Board shall determine whether to revoke the permit and/or amend

[199] 2020 BCC 01

conditions within fourteen (14) days after the conclusion of the hearing. The Board shall notify the alleged violator and/or owner in writing of its decision.

(C) Remedies

The following remedies for enforcement of the Code shall be cumulative and shall in no way limit the County's authority to seek any other remedy available at law for violations of these Regulations.

(1) Deny and withhold all permits, certificate or other form of authorization to use or develop any land, structure or improvements on the property where the violation is occurring.

(2) Criminal prosecution and the associated fines and penalties.

(3) Initiate injunction or abatement proceedings or other appropriate legal action in district court or other court having jurisdiction against any person, firm, corporation or entity who fails to comply with any provision of these Regulations or any requirement or condition imposed under these Regulations.

(4) Seek a court order in the nature of mandamus, abatement, injunction or other action to abate or remove a violation or otherwise restore the premises to the condition that existed before the violation.

(5) Civil prosecution and associated fines and penalties.

(D) No oversight or error on the part of the Planning Director, his/her appointed designee's, assistants, or any official or employee of the County shall legalize, authorize, or excuse the violation of any of the provisions of these Regulations.

6-110 Inspections and Duties of Planning Administrator[200]

Pursuant to C.R.S. 30-28-114 as amended, the Board of County Commissioners authorizes the Planning Administrator and his designees to perform the following enumerated duties:

(A) To respond to complaints regarding violations of these Regulations and make regular inspections of properties in Morgan County. The procedure for responding to complaints and processing by the Planning Administrator shall be developed by the Administrator and then reviewed and approved by the County Attorney. In general, these procedures will involve letters of potential violation to the property owner by the Planning Administrator, issuing of a summons by the Morgan County Sheriff's Department, and eventual appearance of the violator in a court of law to defend the charges should corrections not be made.

[200] 2020 BCC 01

(B) To enter and inspect any building, structure, or tract of land in the unincorporated area of the County to determine compliance with these Regulations.

(C) To issue written notices to alleged violators in accordance with this Chapter.

(D) In cases where it is determined that the public health and safety may be endangered, a twenty-four (24) hour notice to cease and desist may be given to the violator.

(E) To perform other such duties as may be necessary and appropriate to permit such agents to detect zoning violations, to give alleged violators notice, and to enforce compliance with these Regulations. The Planning Administrator may request in writing, from the property owner, the remedy of any such violation(s).

6-120 Non-liability of Officials

Any Morgan County official, employee or designated representative charged with the enforcement of this Zoning Resolution, acting in good faith and without malice on behalf of said County in the discharge of this person's official duties, shall not thereby be rendered 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.

6-125 Non-liability for Injury

These Regulations shall not be construed to hold Morgan County in any manner responsible for any injury 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 or zoning permit as herein provided, or resulting from the institution of court action as herein above set forth or the forbearance by Morgan County to so proceed.

6-130 Payment of Property Taxes Required

No application for a permit, rezoning or any other action requiring County approval under these regulations shall be accepted by the County for any property which is delinquent or past due on the payment of property taxes. Taxes shall be considered delinquent if the County has not received payment by the set due date. The sale of a tax lien, pursuant to Colorado law, shall not cure a delinquency. This requirement may be waived by the Board of County Commissioners on the condition that adequate assurances and arrangements for the payment of overdue property taxes have been made.[201]

[201] 2017 BCC 08

Chapter 7 - **VALIDITY**

7-100 Severability

Should any section, clause provision, sentence or word of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be invalid.

Chapter 8 - **REPEALS**[202,203]

8-100 Prior Resolutions

All prior resolutions of the County of Morgan, State of Colorado, inconsistent herewith, to the extent of such inconsistency and no further, are hereby repealed.

[202] 2014 BCC 27
[203] 2014 BCC 05

APPENDIX A – FORMS[204]

FORM NO. 1

WEBSITE AND PUBLICATION NOTICE
FOR LAND USE APPLICATIONS AND REZONING

A PUBLIC HEARING BEFORE (INSERT APPROPRIATE BODY) WILL BE HELD TO CONSIDER THE FOLLOWING (INSERT APPROPRIATE ITEM):

Applicant: _____

Landowner (if different): _____

Legal Description: _____

Reason: _____

Location of Hearing: _____

Date of Hearing: _____

The application and all materials are available for inspection at the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado, during regular office hours. At time of the public hearing an opportunity will be given for presentation of evidence related to the application.

WEBSITE AND PUBLICATION NOTICE
FOR AMENDMENTS TO ZONING OR SUBDIVISIONS REGULATIONS

A PUBLIC HEARING BEFORE (INSERT APPROPRIATE BODY) WILL BE HELD TO CONSIDER THE FOLLOWING (INSERT APPROPRIATE ITEM):

Description of Amendment: _____

Location of Hearing: _____

Date of Hearing: _____

All materials are available for inspection at the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado, during regular office hours. At time of the public hearing an opportunity will be given for presentation of evidence related to the application.

[204] 2021 BCC 06

FORM NO. 2

[Picture of Sign on Property]

I certify, under penalty of perjury, that the above sign was posted on (date), pursuant to the Morgan County Zoning Resolution by (name of applicant or agent).

Project name: _____ Project number: _____

Signature of Applicant/Representative: _____

Signed and sworn before me this date: _____

NOTARIZED BY:_____

FORM NO. 3

POSTING NOTICE

NOTICE OF A PUBLIC HEARING ON A LAND USE APPLICATION BEFORE (INSERT APPROPRIATE BODY)

Applicant: _____

Landowner: _____

Reason: _____

Location of Hearing: _____

Date of Hearing: _____

Information may be obtained from the Morgan County Planning Department at 970-542-3526.

FORM NO. 4

VESTING OF RIGHTS

This site plan is approved for format and content and development rights are hereby vested for the described property according to the terms of Section_____ of the Morgan County Zoning Regulations this _____day of_____, 20_____, by the Board of County Commissioners, Morgan County, Colorado.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

_____
Chairman

ATTEST:

_____
Clerk to the Board

(SEAL)

FORM NO. 5

SURVEYOR'S CERTIFICATE

I, (surveyor name), a duly registered land surveyor in the State of Colorado, do hereby certify that this drawing of the Rezone Area truly and correctly represents the results of a survey made by me or under my direct supervision:

_____ _____

(date) (surveyor)

(surveyor's seal and number shall appear with this certificate)

PLANNING COMMISSION CERTIFICATE

The Morgan County Planning Commission has hereby reviewed the Rezoning Application No. _____ this ____day of _____, 20____.

_____

Chairman

Attest: _____

Secretary

(c)

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

Rezone Case No._____

Approved this ____day of _____, 20____, Board of County Commissioners, Morgan County, Colorado.

Attest: _____ _____

Clerk to the Board Chairman

CLERK AND RECORDER'S CERTIFICATE

State of Colorado)
) ss.
County of Morgan)

I hereby certify that this instrument was filed in my office at ____o'clock ___.m., this ____ day of _____, 20____, and is duly recorded in _____.
Recording Fees of_____are paid.

_____
Clerk and Recorder

_____
Deputy

FORM NO. 6

PLANNING ADMINISTRATOR CONDITIONAL USE CERTIFICATE

Approved to issue a Conditional Use Permit for the above described use for the period _____ this ____ day of _____, 20____, County Planning Administrator, Morgan County, Colorado.

_____
Planning Administrator

County Clerk and Recorder's signature block found in Form No. 5 of these Regulations.

FORM NO. 7

PUBLIC NOTICE OF HEARING BEFORE THE BOARD OF ADJUSTMENT

MORGAN COUNTY

"Notice is hereby given that on ___(day of week),___(month and date)__, 20____, at __(time – a.m./p.m.)____, or as soon as possible thereafter, in the Hearing Room of the Morgan County Commissioners at Fort Morgan, Colorado, or at such other time and place as this hearing may be adjourned, a public hearing will be held upon the application on file with the Morgan County Planning Administrator, 231 Ensign Street, Fort Morgan, Colorado, (970) 542-3526, by ___(name of applicant)____, for an appeal pursuant to the current Morgan County Zoning Regulations. The affected property is located approximately __(distance and direction from nearest major intersection)__.

Project Name and No.:_____

(legal description of property)_____

(reason for appeal)_____

Date of Application:_____

Published in ____(name of newspaper)____ on ____(date of publication)____.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office and may be examined during regular office hours.

At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

APPENDIX B– ZONE DISTRICT BULK REQUIREMENTS AND SPECIAL DESIGN STANDARDS CHART[205] [206] [207] [208] [209] [210]

TABLE 1

The chart on this page lists the relevant bulk and design standards applicable to each of the zoning districts for Morgan County.

Zone District Code Letter:	**A** C	**A/B** c	**ER** c	**RR** c	**RCR** c	**MDR** c	**HDR** c
Design Standards							
1. Minimum Lot Size	80 acres a d	10,000 sq ft a b	2 acres a	9,500 sq ft a b	5,000 sq ft a b	7,500 sq ft a b	5,000 sq ft a b
2. Minimum Lot Area Per Unit (MF Only) (3-625)	80 acres a d	10,000 sq ft a b	1 acre a	15,000 sq ft a b	3,500 sq ft a b	3,600 sq ft a b	2,400 sq ft a b
3. Minimum Setbacks (feet)							
Front	30	30	30	30	25	30	30
Side	25	20	20	10	10	10	10
Rear – Primary	20	20	20	20	15	15	15
Rear – Accessory	10	10	10	10	10	10	10
4. Minimum Lot Frontage Width (feet) (3-630)	120	50	75	50	50	50	50
5. Maximum Building Height (feet) (3-635)							
SFU	35	35	35	35	35	35	35
Others	100	50	35	35	35	45	50
6. Fence Height (feet)	6	6	6	6	6	6	6
Front Yard Limit (3-640)	N/A	N/A	N/A	4	4	3	3
7. Minimum Height of Utility Lines (feet)	20	20	20	20	20	20	20
8 Maximum Lot Coverage by Structures %	N/A[18]	10	25	30	35	40	55
9. Open Space Requirement %	N/A	N/A	N/A	N/A	N/A	50	45

Notes:

a. Minimum of 2.5 acres for exemptions from subdivision, minor subdivisions and planned developments in all zones for parcels utilizing septic systems and containing a water well. Minimum of 1 acre for exemptions from subdivision, minor subdivisions and planned developments in all zones (except ER) for parcels utilizing septic systems and public water service.

b. Lot size minimums assume public sewer and public water service when expressed in square feet (sq .ft.).

c. 1,320' (1,320 foot) setbacks are required from animal confinement facilities, slaughter houses, rendering plants and packing plants for residences without a SRU.

d. For residential uses. For non-residential uses – 35 acres

e. Setbacks in the Table may be modified by Se. 3-360.

**All PD district bulk requirements specified as per approved development plans.

Key: N/A = Not Applicable

[205] 2008 BCC 50
[206] 2018 BCC 09
[207] 2018 BCC 09
[208] 2018 BCC 24
[209] 2017 BCC 49
[210] 2021 BCC 11

APPEENDIX B –ZONE DISTRICT BULK REQUIREMENTS AND SPECIAL DESIGN STANDARDS CHART

TABLE 1

The chart on this page lists the relevant bulk and design standards applicable to each of the zoning districts for Morgan County.

Zone District Code Letter:	**C** c	**LI** c	**HI** c	**MH** c	**PD** c	**JLV UBR** c	**JLV C&SRU** c
Design Standards							
1. Minimum Lot Size	4,000 sq ft a b	4,000 sq ft a b	10,000 sq ft a b	5,000 sq ft a b	** a b	1 Lot	1 Lot
2. Minimum Lot Area Per Unit (MF Only)	2,400 sq ft a b	N/A	N/A	N/A	**	N/A	N/A
3. Minimun Setback (feet)							
Front	30	30	30	15	**	15	25
Side	10	10	10	10	**	5	7.5
Rear - Primary	15	15	15	10	**	10	10
Rear – Accessory	10	10	10	10		10	10
4. Minimum Lot Frontage Width (feet)	30	50	100	50	**	N/A	N/A
5. Maximum Building Height (feet)							
SFU	N/A	N/A	N/A	30	**	30	35
Others	50	50	60	30	**	20	35
6. Fence Height (feet)	8	8	8	6	**	6	6
Front Yard Limit		8	8	3		4	4
7. Minimum Height of Utility Lines (feet)	20	20	20	20	**	20	20
8 Maximum Lot Coverage by Structures %	75	75	70	35	**	35	35
9. Open Space Requirement %	15	15	20	50	**	N/A	N/A

Notes:

a. Minimum of 2.5 acres for exemptions from subdivision, minor subdivisions and planned developments in all zones for parcels utilizing septic systems and containing a water well. Minimum of 1 acre for exemptions from subdivision, minor subdivisions and planned developments in all zones (except ER) for parcels utilizing septic systems and public water service.

b. Lot size minimums assume public sewer and public water service when expressed in square feet (sq .ft.).

c. 1,320’ (1,320 foot) setbacks are required from animal confinement facilities, slaughter houses, rendering plants and packing plants for residences without a SRU.

d. For residential uses. For non-residential uses – 35 acres

e. Setbacks in the Table may be modified by Sec. 3-360.

** All PD district bulk requirements specified as per approved development plans.

Key:N/A = Not Applicable.

TABLE 2 - PARKING REQUIREMENTS

TYPE OF USE		PARKING REQUIREMENTS
(A)	Residential Uses	
	(1) Dwellings Two	(2) spaces per dwelling unit
	(2) Rooming or boarding house	Four (4) spaces per every five (5) guest accommodation rooms
	(3) Housing restricted to aged, disabled etc.	One-half (1/2) space to aged, disabled, etc. per unit
	(4) Mobile Homes	Two (2) spaces per each mobile home space plus (1) guest parking space for every two (2) mobile home spaces, in a common area. Guest spaces must be within three hundred feet (300') of units served. (Guest spaces may be reduced depending upon available on-street parking capacity.)
(B)	Commercial Residential Uses	
	(1) Hotel, motel	One (1) space per each guest room, plus one (1) space per each two (2) employees and/or owners
	(2) Club or lodge	Spaces to meet the combined requirements of the uses being conducted, such as a hotel, restaurant, auditorium, etc.
(C)	Institutions	
	(1) Convalescent hospital, nursing home, sanitarium, rest home, or home for the aged	One (1) space per each two beds for patients or residents and visitors
	(2) Hospitals and similar facilities	One (1) space per each four hundred (400) square feet of floor area
(D)	Places of Public Assembly	
	(1) Churches or places of worship	One (1) space per each three (3) fixed seats or one (1) space per each one hundred fifty (150) square feet of floor area, whichever is greater
	(2) Library or Reading	Room One (1) space per each four hundred feet (400') of floor area plus one space per each two (2) employees
	(3) Post office and public building	One (1) space per three hundred (300) square feet of building floor area plus one (1) space for each agency-owned vehicle
	(4) Preschool, nursery of kindergarten	Two (2) spaces per each teacher
	(5) Elementary or intermediate school	One (1) space per each classroom plus one (1) space per each administrative employee plus one (1) space for each fifteen (15) students
	(6) High School	One (1) space per each classroom plus one (1) space per each administrative employee plus one (1) space per each ten (10) students
	(7) Vocational school	One (1) space per every two (2) students plus one (1) space per teacher and administrator
	(8) Other auditoriums or meeting rooms	One (1) space per every three (3) fixed seats or five feet (5') of bench length

PARKING REQUIREMENTS, con't.		
TYPE OF USE		**PARKING REQUIREMENTS**
(E)	Commercial Amusements	
	(1) Arena, stadium or theater	One (1) space per each three (3) fixed seats or five feet (5') of bench length
	(2) Bowling alley	Five (5) spaces per each alley plus one (1) space per each two (2) employees
	(3) Dance hall or skating rink	One (1) space per each one hundred (100 square feet of floor area plus one (1) space per each two (2) employees
	(4) Golf Courses	(nine [9] or eighteen [18] hole) Two (2) per hole plus one per employee
(F)	Commercial	
	(1) Drive-in restaurant	(excluding drive-up windows) One (1) per each one hundred (100) square feet of floor area
	(2) Drive-up windows (food, liquor, bank, etc.)	Four (4) stacking spaces per window, plus standard parking as required for inside uses
	(3) Lumber yards	One (1) per each two hundred (200) square feet of floor area in main sales building
	(4) Motor vehicle sales	Ten percent (10%) of the total lot sales area is to be reserved for customer parking
	(5) Retail store, except as provided below in (6)	One (1) space per each one hundred twenty-five (125) square feet of floor space
	(6) Service or repair shop or retail store handling exclusively bulky merchandise, such as furniture, large appliances, floor coverings, etc.	One (1) space per each four hundred (400) square feet of floor area
	(7) Bank or office (except medical and dental)	One (1) space per each four hundred (400) square feet of floor area plus one (1) space per each two (2) employees
	(8) Medical or dental clinic	Three (3) spaces for each doctor plus one (1) space per each two (2) employees
	(9) Eating or drinking establishment	One (1) space per each one hundred (100) square feet of floor area
	(10) Mortuaries and funeral parlors	One (1) space per each three (3) seats or five feet (5') of bench length in chapels
(G)	Industrial	
	(1) Storage warehouse, manufacturing	One (1) space per each employee establishment, or air, rail or trucking freight terminal
	(2) Wholesale establishment	One (1) space per each employee plus one (1) space per each seven hundred (700) square feet of patron- serving area

TABLE 3 - MAXIMUM NUMBER OF ANIMAL UNITS (AU) PER ACRE

MAXIMUM NUMBER AUs on contiguous property owned or leased by the owner or caretaker of the animals	
ZONE	**AU†**
A (Parcels larger than 20 acres)	4
A (Parcels 20 acres and smaller)	1
A/B (Parcels larger than 20 acres)	2
A/B (Parcels 20 acres and smaller)	1
C	1
ER	1
RCR	1
RR	1
MH	0
MDR	1
HDR	0
HI	1
LI	1
JLV	0

MAXIMUM NUMBER AUs of Poultry, Fowl, Game Birds, Rabbits, Furbearing Animals Independent of Area	
ZONE	**AU†**
A (Parcels larger than 20 acres)	100
A (Parcels 20 acres and smaller)	100
A/B (Parcels larger than 20 acres)	100
A/B (Parcels 20 acres and smaller)	10
C	10
ER	10
RCR	10
RR	10
MH	0
MDR	10
HDR	0
HI	10
LI	10
JLV	0

How to calculate the number of AUs per parcel.

1. Multiple AU times (x) # of acres in your zone = AUs/parcel
2. From next page either divide AU/parcel by Col 1 –OR– multiply by Col 2 to for total AUs allowed. This number is cumulative for all animals kept on the parcel. *Decimals are rounded down*

EXAMPLE 1: 50 acre parcel in A: 50 x 4 = 200 then divide by Horse, mature Col 1:
200 ÷ 1.3 = 153.85 hd/parcel

EXAMPLE 2: 50 acre parcel in A: 50 x 4 = 200 then multiply by Horse, mature Col 2:
200 x 0.77 = 154 hd/parcel

EXAMPLE 3: 4 acre parcel in ER: 4 x 1 = 4 then divide by Milk producing dairy cow Col 1:
4 ÷ 1.4 = 0.71 hd/parcel *(none allowed, less than 1)*

EXAMPLE 4: 4 acre parcel in ER. 4 x 1 = 4 then multiply by Milk producing dairy cow Col 2:
1 x 0.714 = 0.71 hd/parcel *(none allowed, less than 1)*

Always check covenants for species and number of animals allowed.

TABLE 4 - ANIMAL UNITS (AU)

Cattle	Col 1 (divide)	Col 2 (multiply)
Cow, with or without un-weaned calf at side, or heifer 2 yrs. old or older	1.0	1:1
Milk producing dairy cow	1.4	0.714:1
Bull, 2 years old or older	1.3	0.77:1
Young cattle, 1 to 2 years old Bull, 2 years old or older	0.8	1.25:1
Weaned calf to yearling	0.6	1.28:1
Un-weaned calf	0.25	4:1
Equine		
Horse, mature	1.3	.77:1
Horse, yearling	1.0	1:1
Weanling colt or filly	0.75	1.33:1
Mule, mature	1.2	.833:1
Donkey, mature	0.6	1.67:1
Miniature Horse	0.37	2.7:1
Sheep		
Mature ewe, with or without un-weaned lamb at side	0.2	5:1
Ram, 2 years old or older	0.25	4:1
Yearling	0.15	6.67:1
Weaned lamb to yearling	0.12	8.33:1
Goats		
All breeds and ages	0.14	7:1
Swine		
Sow	0.4	2.5:1
Boar	0.5	2:1
Pig up to 200 pounds	0.2	5:1
Elk		
Any age	0.5	2:1
Buffalo		
Any age	1.3	.77:1
Llamas and Alpacas		
Mature llama, with or without un-weaned young at side	0.5	2:1
Weaned young llama to yearling	0.25	4:1
Alpaca	0.25	4:1
Ratite Birds		
Ostriches, emus, rheas	0.2	5:1
Rabbits		
All breeds and ages	0.0178	56:1
Chickens		
Breeders	0.0133	75:1
Replacement pullets to 6 months of age	0.0031	325:1
8-week old broilers	0.0015	650:1
Turkeys		
Breeders	0.0333	35:1
Turkeys raised to maturity	0.025	40:1
Turkeys 6 months of age or less	0.0133	75:1

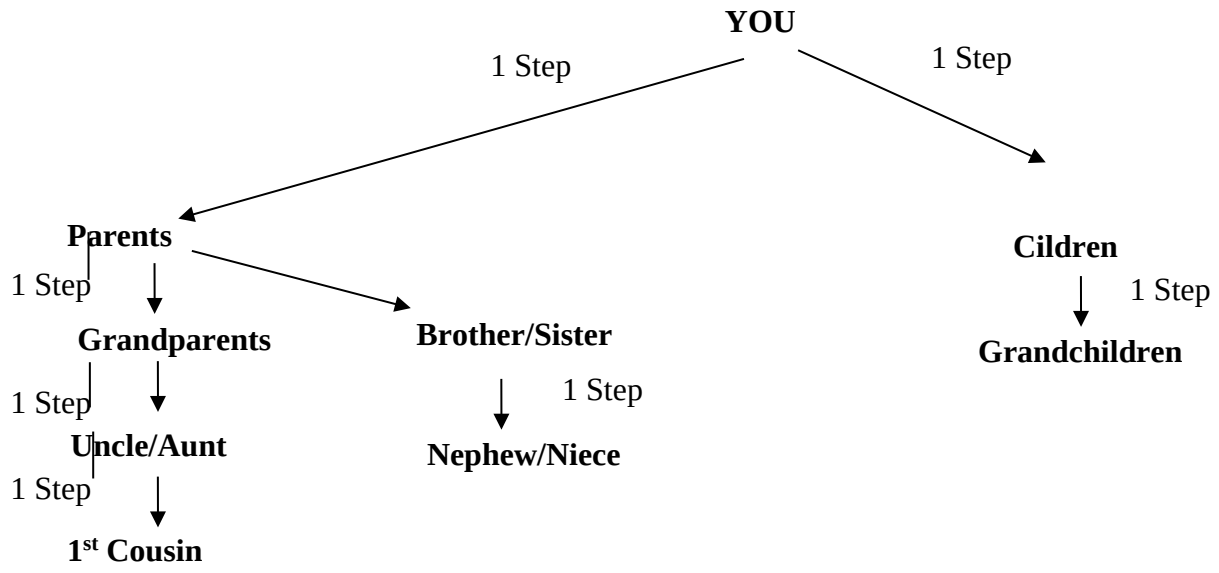
Unlisted species shall be considered to equal one animal unit per 1100 pounds live animal weight. Multiple animals may be aggregated to determine an animal unit or weight.

TABLE 5 - MOBILE HOME SET REQUIREMENTS

Mobile Homes placed prior to September 24, 1990

Length of Mobile Home	Required Tie-Down Sets	Number of Anchors
Up to 50 feet	2 sets	4
50 to 70 feet	3 sets	6
Over 70 feet	4 sets	8
Up to 30 feet	2 sets	4
30 to 50 feet	3 sets	6
50 to 70 feet	4 sets	8
Over 70 feet	5 sets	10

TABLE 6 - FAMILY MEMBER STEP CHART



S APPENDIX - SIGN REGULATIONS

S-100 **Purpose and Intent**

The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is intended to encourage the effective use of signs as a means of communication within Morgan County; to maintain and enhance the aesthetic environment; to improve pedestrian and traffic safety; to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents.

These regulations are adopted under the statutory authority of Morgan County in furtherance of the general purposes of the Morgan County Comprehensive Plan.

S-105 **Governmental Signs Excluded**

For the purpose of these Regulations, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

S-110 **Applicability – Effect**

A sign may be erected, placed, established, painted, created, or maintained in the unincorporated portions of Morgan County only in conformance with the standards, procedures, and other requirements of these regulations and in accordance with the zone in which the sign permit is issued, unless otherwise provided for.

The effect of these regulations as more specifically set forth herein, are:

To establish a permit system to allow signs in Zones subject to the standards and the permit procedures of these regulations;

To provide for signs in limited circumstances in the public right of way;

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

To provide for the enforcement of the provisions of these regulations.

S-115 **General Requirements (All Zone Districts)**

(A) A sign permit shall be required from the Planning Administrator for all signs exceeding six (6) square feet in area. In addition, a sign permit shall be required at any time the sign area is increased.

(B) All signs located in the unincorporated portions of Morgan County shall be required to comply with all applicable requirements for the zone in which the sign permit is issued, unless otherwise provided for in this section.

(C) Sign permit fees shall be established by the Board of County Commissioners and paid to the Planning Administrator.

(D) The minimum yard setback for permanent signs on all Federal, State and major County arterial highways and intersections shall not be less than thirty-five (35') from the existing right-of-way line. Where this requirement may conflict with a yard setback otherwise required in a district, the larger yard shall be required. Temporary "For Sale", "For Rent", or "For Lease" signs advertising vacant land shall be exempt from this provision.

(E) Electronic Message Centers must conform to the zone in which they are placed and may not have message changes more frequently than every 10 seconds. Messages may roll or scroll but may not flash, except at the 10 second message change interval.

(F) In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illuminations there from to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(G) All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Colorado State Electrical Code. All signs containing electrical components must display Underwriter's Laboratory (U/L) labeling.

(H) Signs or sign structures shall not be erected in such a manner that a portion of their surface or supports will interfere with the free use of any fire escape, exit or standpipe.

(I) All signs hung and erected shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign.

(J) Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall upon receipt of written notice from the County Planning Administrator proceed at once to put such sign in a safe and secure condition or remove the sign.

(K) No sign may be placed upon vehicles parked or abandoned along roadways, upon mobile homes, on any portable or moveable conveyance, except by special review.

(L) No sign shall be placed, or overhung, in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall be permitted on any property.

(M) Signs within Planned Developments shall comply with the regulations of this Section, except when a separate Development Guide is adopted by the Board of County Commissioners for that proposed PD which incorporates separate guidelines for signage.

(N) Nonconforming signs may change copy only. Signs must become conforming if they are modified to within 50% of original cost or replacement cost, whichever is less. Once a nonconforming sign has been removed, it can only be replaced with conforming signage.

(O) Signs located on abandoned buildings or serving as identification for a use no longer in operation must be removed or sign faces covered within 60 days of abandonment or 60 days after operation cease whichever comes first.

(P) Political campaign signs 32 square feet (8' x 4') or smaller shall be exempt from the permitting process in all zones. Political signs may be erected 1 year prior to the general election for which it is being campaigned. Political signs shall be removed within thirty (30) days after the election. No signs may be placed without landowner's expressed permission to place the sign. No signs may be placed in the road right of way, and shall not be placed in any area that would impede visual safety, safety of pedestrian or motor vehicle traffic. County Roads are sixty (60) feet wide. To determine where you may place your sign, start from the middle of the road and measure thirty (30) feet from the center of the road. No sign may be place within this area.[211]

S-120 **Measurement of Sign Area**

(A) The surface of a sign shall be computed as including the entire sign and border area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all the elements of the matter displayed. Structural members not being part of the advertising matter but supporting the sign shall not be included in computation of surface area. These structural supports are to be clearly subordinate to the advertising materials and not part of any corporate logo, or design, e.g., McDonalds "arches", etc.

(B) Sign with backing: The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas in each square, rectangle, triangle, portion of circle, or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

(C) Signs without backing: The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle, or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each work, written representation (including any series of letters) emblems, or figures of similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

(D) In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on the wall of building, the area of the sign shall be the entire area within the perimeter or not more than eight straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of a background of the display or as used to differentiate such sign from the backdrop or structure against which it is placed.

(E) The sign area for a sign with more than one face shall be computed by adding together the area of all of the sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

[211] 2014 BCC 18

(F) All other signs or combinations thereof: The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of either of the following combinations: (1) the display surface or face of the sign including all frames, backing, face plates, nonstructural trim, or (2) other component parts not otherwise used.

S-125 **Computation of Height**

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

S-130 **Temporary Signs**

Signs, banners, flags, balloon displays and the like having a square footage display area no greater than fifty (50) square feet and displayed for thirty (30) days or less and not covered under these Regulations may be erected without a sign permit. All other temporary signs require a permit.

S-135 **Fence Signs**

Signs placed on fences are classified as wall signs and subject to the regulations of the Zone in which the signage is placed.

S-140 **Prohibited Signs (All Zones)**

(A) Revolving beacons or strobe lights free standing or attached to signs.

(B) Any signs emitting sound.

(C) Political signs in public rights-of-way or on public property.

(D) Roof-mounted signs or signs which project above the highest point of the roof line or fascia of a building.

S-145 **Signs in the ER, RR, RCR, MDR, HDR, JLV, and MH Zones**

No permit shall be required for the following signs in residential zones:

(A) One (1) identification sign per principal use or use-by-right subject to the following:

(1) Single family, duplex and mobile home; two (2) square feet

(2) Multifamily and triplex; six (6) square feet

(3) Public and quasi-public uses; six (6) square feet

(4) Home occupations; six (6) square feet

(B) Any lighting of signs shall be by indirect illumination only in the MDR and HDR Zones.

(C) One (1) temporary “For Sale,” “For Rent,” or “For Lease” sign per dwelling or lot provided the total surface area of such sign does not exceed four (4) square feet and is not

illuminated. Such signage shall not be required to meet minimum yard setback requirements of the zone district in which it is located, but shall not impair visibility for traffic movement.

(D) One (1) identification sign per model home within an approved subdivision provided that the surface area of each sign does not exceed six (6) square feet. Any lighting of identification signage shall be by indirect illumination only. Such signage shall not be required to meet minimum yard setback requirements of the zone district in which it is located, but shall not impair visibility for traffic movement.

S-150 **Signs in the A and A/B Zones**

No permit shall be required for the following signs in A and A/B Zones.

(A) All signs permitted in Section S-145 subject to the regulations specified.

(B) Identification signs or signs advertising the sale of products produced or raised on the premises provided that the total number of signs shall not exceed two (2) and provided the total surface area of all such signs does not exceed one hundred (100) square feet, nor the total surface area of any one sign exceed fifty (50) square feet. Such signs may be indirectly or internally illuminated.

(C) Maximum height (to top of sign) above grade is thirty (30) feet.

(D) Signs designating seed, fertilizer and other products directly used in the production of agriculture products provided that each sign does not exceed five (5) square feet in size.

(E) Minimum setback for signs designated in subparagraphs (A) – (D) above from right-of-way is ten (10) feet.

S-155 **Subdivision Mobile Home Park, Planned Development or Multi Family Complex**

The following signs require permits.

(A) Two (2) identification signs per public access, not to exceed twelve (12) square feet per access.

(B) Maximum height (to top of sign) above grade is four (4) feet.

(C) Minimum setback from right-of-way is ten (10) feet.

(D) Signs may be internally or indirectly illuminated.

S-160 **Signs in the C, LI and HI Zones**

(A) All signs permitted in Section S-145 subject to the regulations specified.

On site signs as accessory uses requiring a permit.

(A) Wall identification signs as follows:

(1) Must be located lower than the height of the fascia or roof gutter line of a building.

(2) Must be attached to, completely surrounded by the building. Projecting signs may not extend more than four (4) feet from the building.

(3) Maximum surface area per sign is 100 square feet.

(4) Total signage area per use is 400 square feet.

(5) Total number of wall sign faces is four (4).

(6) Indirect or internal illumination allowed

(B) Freestanding identification signs as follows:

(1) A total of one (1) freestanding sign having not more than two (2) faces, per one hundred (100') of lot frontage.

(2) Maximum surface area per sign face is 200 square feet.

(3) Maximum height (to top of sign) above grade is thirty (30) feet.

(4) Set back from property line is twenty five (25) feet.

(5) Such signs may be indirectly or internally illuminated.

(6) Minimum spacing between signs is 100 feet.

(7) Directional and parking signs are allowed and are not included as part of the total sign area allowed per individual use or per shopping center, business, commercial or industrial park. As long as such signs do not contain a logo or advertising, a permit is not required.

S-165 **Off-Site Signs as Accessory Uses Requiring a Permit**

(A) Directional signs are allowed and not counted as part of the total sign area allowed per individual use or per shopping center, business, commercial or industrial park provided that the total number of signs shall not exceed two (2).

(B) Directional signs shall relate only to a service or product primarily available for the highway user and available within two (2) miles of a highway exit or in a community through which the highway passes.

(C) Maximum area per face is 200 square feet.

(D) Maximum height (to top of sign) above grade is thirty (30) feet.

(E) Minimum setback from the road right-of-way is fifty (50) feet.

(F) Minimum spacing between signs is 100 feet.

(G) Such signs shall not be located within 2,000 feet of an exit or entrance road on a limited access highway.

(H) Such signs shall not be permitted within 300 feet of an intersecting road, scenic or historic point, public park, playground or rest area.

(I) Such signs shall not exceed one (1) in any one approach direction for a given use or service on any one highway or road.

(J) Signs along state and interstate highways must conform to State of Colorado regulations for permitting and location.

(K) Signs may be indirectly illuminated.

S-170 **Large Signs (Billboards)**

Large signs (Billboards) shall require a permit and meet the following criteria.

(A) All large wall or freestanding signs having a sign face surface area larger than 200 square feet are subject to approval of a Condition Use Permit prior to issuance of a Sign Permit by the county. Approval of a Conditional Use Permit for a sign will follow the procedures of Chapter 2 of the Morgan County Zoning Regulations.

S-175 **Review Criteria for Large Signs**

(A) Such signs may be indirectly or internally illuminated. Flashing lights are prohibited.

(B) Beacons or strobe lights attached to such sighs are prohibited.

(C) These signs may be located only in the A, A/B, C, LI and HI Zones. Such signs proposed in a PD Zone must be part of an approved development guide.

(D) The design of the sign must be able to withstand local wind loading factors without collapsing.

(E) The design standards of Section S-180 below have been met.

(F) The location of the sign is such that its shape is not “sky lined” or breaking the horizon for a distance of one (1) mile from the sign in either direction along the roadway from which the sign is viewed.

(G) If located along a state highway or interstate highway, evidence that a state sign permit has been obtained must be produced.

S-180 **Design Standards for Large Signs**

(A) Maximum surface area per face is 650 square feet.

(B) Maximum number of faces is two (2).

(C) Maximum height (to top of sign) above grade is fifty (50) feet.

(D) Minimum setback from right-of-way is 200 feet.

(E) Minimum spacing between signs is 500 feet.

(F) Such signs shall not be located within 2,000 feet of an exit or entrance road on a limited access highway.

(G) Such signs shall not be permitted within 300 feet of an intersecting road, scenic or historic point, public park, playground or rest area.

(H) Large signs along interstate highways must conform to State of Colorado regulations for permitting and location.

(I) Signs may be indirectly illuminated.

S-185 **Sign Permit Procedures**

All signs subject to permits as outlined in these Regulations must obtain a permit from the Morgan County Planning Administrator. Application forms for such permits are available from the Administrator.

S-190 **Application Submittal Requirements**

(A) A rendering of the sign and sign message, showing outside dimensions, total surface area for all signs, letter sizes, colors, etc.

(B) A site plan showing location, setbacks, height and distances to principal use for off-site signs.

(C) A cost estimate for the sign detailing materials, labor and placement costs.

(D) Copies of approved state permits where required.

(E) Any other information as deemed necessary by the Morgan County Planning Administrator.

(F) A completed application form and payment of the required fees.

S-195 **Permit Review**

The Planning Administrator will review the application materials and issue all sign permits within five (5) days of receipt. The Administrator may issue comments and request corrections on the application in the interest of the intent of these Regulations. Sign permits for Conditional or Special Use Review signs can only be accepted after County approval of the Conditional or Special Use Permit.

S-200 **Construction Inspection**

Site inspections of signs under construction or completed signs may be carried out by the Morgan County Building Official or the Morgan County Building Inspector as deemed necessary. All inspections shall be noted on the permit application form as to date and inspection comments. Sign permits may be voided by the Planning Administrator where there is non-compliance with recommendations and Regulation requirements. Voiding of sign permits will require either correction of deficiencies or removal of the sign.

S-205 **Removal**

(A) Any sign damaged and unsightly shall be repaired or removed by either the sign owner or the landowner within 30 days of the damage.

(B) Any sign damaged which may pose a threat to citizens or other property shall be removed or repaired immediately.

(C) Any sign advertising goods or services on site no longer available shall be removed or have the faces covered by the landowner within 60 days of the date of the goods or services advertised become unavailable. This time period may be extended at the discretion of the Planning Administrator.

(D) Any sign advertising a candidate or election issue shall be removed by the landowner within 30 days following the election.