Hinsdale County

Zoning & Development Regulations

Hinsdale County Zoning Resolution of 1979, as amended in 1980, 1983, 1986, 1987, 1990, 1992, 1994, 1995, 1996, 1997, 1999, 2001, 2002, 2003, 2004, 2005, 2010, & 2011

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Hinsdale County Zoning Map: Description of Districts ..... A pg 1

The section headings in these Zoning and Development Regulations are inserted for convenience only and shall not affect in any way the meaning or interpretation of these Regulations.

Chronological List of Revisions

Effec. Date	Sec. Revised	Rev. & Old Pages	New Pages	Auth By
08/04/2010	Sec. 1.6-1	1.6 pg 1	1.6 pg 1	BOCC Res. #24
08/04/2010	Sec. 1.6-2	1.6 pg 2	1.6 pg 2	BOCC Res. #24
08/04/2010	Sec. 2.6-3	2.6 pg 3	2.6 pg 3	BOCC Res. #24
08/04/2010	Sec. 2.7-1	2.7 pg 1	2.7 pg 1	BOCC Res. #24
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08/04/2010	Sec. 8.9-3	8.9 pg 15	8.9 pg 15	BOCC Res. #24
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08/04/2010	Sec. 10.3-47	10.3pg 8	10.3 pg 8	BOCC Res #24

How To Use This Code

(for later use)

A Resolution Establishing Zoning Districts for Hinsdale County, Colorado

Article 1: Introductory Provisions

Sec. 1.1 Title

1.1-1 Title

A resolution and map establishing zoning districts in Hinsdale County, Colorado, regulating the location, height, bulk, and size of buildings and other structures; the percentage of lots which may be occupied; the size of lots, courts and other open space; the density and distribution of population; and the location and use of land for trade, industry, recreation or other purposes.

Historical References:
1979 Zoning Resolution section 1.1.
95454 07/27/2006 **3**

Legal References:
C.R.S.

1.1-2 Short Title

For purposes of brevity, this Resolution and map shall be known as the Hinsdale County Zoning Resolution.

Historical References:
1979 Zoning Resolution section 1.2
95454 07/27/2006 **3**

Legal References:
C.R.S.

Sec. 1.2 Authority

1.2-1 Authority

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

Historical References:
1979 Zoning Resolution section 2.2
95454 07/27/2006 **4**

Legal References:
C.R.S.

Sec. 1.3 Applicability

Comment: Nothing equivalent in 2006 HCZDR

Historical References:
1979 Zoning Resolution section 2.2

Legal References:
C.R.S.

Sec. 1.4 Enactment, Repeals and Amendments

1.4-1 General Procedure for Amendments

Amendments to this Resolution shall be in accordance with the statutes of the State of Colorado, with reports and recommendations from the Planning Commission and the Board of County Commissioners required prior to the adoption of any such amendment.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **67**

Legal References:
C.R.S.

1.4-2 Special Procedures:

a. A petition for amendment to this Resolution shall be submitted to the Commission.

b. The Commission shall set a public hearing date and shall publish notice of said hearing at the expense of the applicant, in the official County newspaper at least thirty (30) days prior to the hearing date.

c. For proposed amendments to the official Zoning Map, the Commission shall place a sign in a conspicuous place on the subject property not less than thirty (30) days prior to the hearing stating the change request, the date, time and place of the hearing.

d. After the public hearing, the Commission shall submit a report and recommendations on the proposed amendment to the Board of County Commissioners.

e. The Board of County Commissioners shall proceed with the amendment request as prescribed by law for the consideration of passage of any resolution of the County.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **67**
Adopted: 20__

Legal References:
C.R.S.

1.4-3 Amendment Fee for Map Amendments:

For the proposed amendments to the official Zoning Map a fee of One Hundred Dollars ($100.00) shall be charged to the petitioner to cover the cost of processing.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **68**

Legal References:
C.R.S.

1.4-4 Amendments to Change the Zoning Classification of an Area:

Amendments to this Resolution may be adopted whereby the Zoning classification of an area is changed only if both of the following conditions exist:

a. That the area in question abuts and existing district having the zoning classification desired; and

b. That the petitioner has shown substantial evidence that the area in question possesses geological, physiological or other environmental conditions compatible with conditions characteristic of the classification for which application is being made.

Historical References:
1979 Zoning Resolution sections 10.1 through 10.4
95454 07/27/2006 **68**

Legal References:
C.R.S.

Sec. 1.5 Purposes and Authority

1.5-1 General Purpose

This Resolution is necessary, designed and enacted for the purpose of promoting the health, safety, morals and general welfare of the present and future inhabitants of Hinsdale County, Colorado, by lessening congestion in the streets and roads, securing safety from fire and other damages, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and protecting urban and rural development.

In addition, reasonable consideration has been given to the physiographic and other natural characteristics of the districts, and their individual suitability for particular uses, with a view to conserving the values of natural resources for the general welfare and encouraging the most appropriate uses of land throughout the County.

Historical References:
1979 Zoning Resolution section 2.1
95454 07/27/2006 **3,4**

Legal References:
C.R.S.

Sec. 1.6 Minimum Standards
(Zoning District Regulations)

1.6-1 Rural Area District 1 – RAD 1

1.6-1.1 Minimum Lot Areas:
a. One Acre
b. 1250 sq. ft. per mobile home unit in mobile home park

1.6-1.2 Required Setbacks:

All structures shall be located no less than fifteen feet from any property line.

1.6-1.3 Maximum Lot Coverage:

Fifty percent (50%)

1.6-1.4 Maximum Building Height:

Thirty-five feet

1.6-1.5 The number of primary structures that may be constructed on a single parcel or lot may not exceed that amount that shall comply with the current health and safety standards, setbacks, separations and other requirements of the Hinsdale County Zoning and Development Regulations, state and federal law.

Historical References:
1979 Zoning Resolution, sections 3.4 through 3.7
95454 07/27/2006 161

Legal References:
C.R.S.

1.6-2 Rural Area District 2 – RAD 2

1.6-2.1 Minimum Lot Area:

a. One Acre

1.6-2.2 Required Set Backs:

All structures shall be located no less than fifteen (15) feet from any property line except cluster residences.

1.6-2.3 The number of primary structures that may be constructed on a single parcel or lot may not exceed that amount that shall comply with the current health and safety standards, setbacks, separations and other requirements of the Hinsdale County Zoning and Development Regulations, state and federal law.

Historical References:
1979 Zoning Resolution, sections 3.10 through 3.11.
95454 07/27/2006 **162**

1.6-3 Urban District 1 (Residential) – Urban 1

1.6-3.1 Minimum Lot Area:

6250 sq. ft. per dwelling unit with a minimum lot width of 50 feet.

1.6-3.2 Required Setbacks:

a. Front – Minimum of fifteen (15) feet from lot line.
b. Side – Minimum of five (5) feet from lot line.
c. Rear – Minimum of five (5) feet from lot line.

1.6-3.3 Maximum Building Height:

Thirty-five feet

1.6-3.4 Maximum Lot Coverage:

Fifty percent (50%) including all buildings

Historical References:
1979 Zoning Resolution, sections 3.14 through 3.17.
95454 07/27/2006 **162,163**

Legal References:
C.R.S.

1.6-4 Urban District 2 (Tourist/Business) – Urban 2

1.6-4.1 Minimum Lot Area:

a. 6250 sq. ft. per single-family or two-family dwelling.
b. 500 sq. ft. per dwelling unit for tourist cabins, motels, lodges and multiple-family dwellings.

1.6-4.2 Required Set Backs:

a. Front – Minimum of fifteen (15) feet from lot line.
b. Side – Minimum of five (5) feet from lot line.
c. Rear – None.

1.6-4.3 Maximum Lot Coverage:

Fifty percent (50%).

1.6-4.4 Maximum Building Height:

Twenty-five (25) feet.

Historical References:
1979 Zoning Resolution, sections 3.20 through 3.23.
95454 07/27/2006 **163**

Adopted: 2007

Legal References:
C.R.S.

Sec. 1.7 Transitional Provisions

See Section _____ (10.1 & 10.2?) "Nonconforming Uses & Structures."

Historical References:
1979 Zoning Resolution section 4

Legal References:
C.R.S.

Sec. 1.8 Fees

1.8-1 Fees for Conditional Use Applications:

Application fees to help defray costs of processing and administering this section shall be paid by applicants for conditional use permits. The fee shall be in the amount of Twenty-five Dollars ($25) per site for conditional uses. Payment of the fee shall be made to Hinsdale County at the time of filing of application for conditional use.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **14**

Legal References:
C.R.S.

1.8-2 Fees for Special Use Applications:

Application fees, to help defray costs of processing and administering this section, shall be paid for special use permits. The fee shall be in the amount of Twenty-five Dollars ($25) per site for special uses.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **14**

Legal References:
C.R.S.

1.8-3 Performance Bonds Required for Some Conditional and Special Uses:

a. Mining, sand and gravel and other extractive operations: Before any conditional use permit shall be issued for a mining, sand and gravel or other extractive operation, the applicant shall furnish evidence of a bank commitment of credit in favor of the County, bond or certified check, in an amount calculated by the County commissioners to secure the site restorations (as required in Section ___ of this Resolution) in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the appropriate engineer. Such commitment, bond or check shall be payable to and held by the Board off Commissioners of the County.

b. Planned Unit Development (PUD): See the provisions of Article ___, Planned Unit Development Resolution.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **14**

Legal References:
C.R.S.

1.8-4 Other Fees

Need to insert or cross-reference the following and add as historical references below:
Map amendments fee, 1979R, Section 10.3, p. 24.
Subdivision Filing Fee, 1986Sub, Sec. 16, p. 43
Flood zone variance fee, Sec. 7.3, p. 11 (Sec. 5.17 of this cut and paste)
Mobile Home Building Permit Fee, 1992 MH, Section 2.4(J), p. 10 (Sec. 3 of this cut & paste)
PUD Fee, p. 26 (1999 PUD, Sec. 4.2 of this cut and paste)
Sign permit fee, 2004 S, Section I (Sec. 5.11 of this cut and Paste)

Historical References:
1979 Zoning Resolution section 5.6 though 5.8; Also see 1.8-4 above.

Legal References:
C.R.S.

Sec. 1.9 Severability

1.9 Severability

Should any section, clause, or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part declared to be invalid.

Historical References:
1979 Zoning Resolution section 12, "Separability Clause"
95454 07/27/2006 **75**

Legal References:
C.R.S.

Sec. 1.10 Commentaries

1.10-1 Interpretation:

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **75,76**

Legal References:
C.R.S.

1.10-2 Conflict

Whenever the requirements of this Resolution are in conflict with the requirements of any other ordinance, rule, regulation, private covenant or deed restriction, the more restrictive or that imposing the higher standards shall govern.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **76**

Legal References:
C.R.S.

1.10-3 Enactment Clause

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

BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY

_____
Chair

_____

_____

Attest:

_____
County Clerk and Recorder

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **76**

Legal References:
C.R.S.

Article 2 Base Zoning Districts

Sec. 2.1 Districts Established

2.1-1 Establishment of Zoning Districts:

In order to carry out the purposes of this Resolution, Hinsdale County is hereby divided into zoning districts as follows:

RAD 1	Rural Area District 1
RAD 2	Rural Area District 2
URBAN 1	Urban District No. 1 – Residential
URBAN 2	Urban District No. 2 – Tourist/Business
PIEDRA	Upper Piedra District

Historical References:
1979 Zoning Resolution section 2.4.
2001 Piedra Resolution
95454 07/27/2006 **4,108,159**

Adopted: 2007

Legal References:
C.R.S.

Sec. 2.2 Official Zoning Map

2.2-1 Zoning Map and Boundaries:

The location of the zoning districts hereby established and areas of no zoning within the County are shown on the map entitled "Zoning Map" of Hinsdale County which consists of the Hinsdale County Zoning Map and 15 insert maps numbered 2 through 16, and as may be amended thereafter under the provisions of this Resolution. Such map, along with explanatory matter thereof, is hereby made a part of this Resolution and is on file in the office of the County Clerk and Recorder.

Unless otherwise specified on the Official Zoning Map, district boundary lines are lot lines; the center lines off streets, alleys, highways or such lines extended; corporate lines of incorporated areas; natural boundary lines such as streams; or on section lines, or other political boundary lines.

A copy of the original Zoning Map and all amendments thereto shall be filed in the office of the Hinsdale County Clerk and Recorder. Copies of all resolutions of the Board of County Commissioners and the Planning Commission of Hinsdale County shall be filed in the office of the Hinsdale County Clerk and Recorder.

The official Hinsdale County Zoning Map shall remain in the custody of the Board of County Commissioners and be kept at the Courthouse in Lake City, Colorado. The public shall have access to the original Zoning Map through the County Clerk and Recorder, who shall make such rules and regulations as shall be necessary to properly protect said Map.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **4,5,159**

Legal References:
C.R.S.

2.2-2 Hinsdale County Zoning Map: Description of Districts

All of Hinsdale County is zoned Rural Area District 1, with the following exceptions:

a. Cathedral Area – Beginning at the point of intersection of Hinsdale-Gunnison County line and T45N; then east on said County line to the Hinsdale-Saguache County line; then south on said County line to a point of intersection with the south line of Section 19, T43N, R1W, NMPM; then west on said section line to a point of intersection of R2W; then north on said Range line to POB. No zoning.

b. South End – Beginning at the SE corner, T40N, R3W, NMPM, Hinsdale-Mineral County line; then south on County line to the SE corner of Hinsdale County common with the Ninth Standard Parallel; then west on said parallel and line between Hinsdale and Archuleta Counties to the SW corner of Hinsdale County; then north on line between Hinsdale and LaPlata County and Hinsdale and San Juan County to point of intersection with projected line between T39N and T40N, then east to point of beginning. Upper Piedra Zone District Map and Regulations, See Sec. 2.5.

c. Insert Map No. 1, Wade's Addition – Zoned Urban District 1 with the following exceptions: Urban District 2 will include all of Block 18, east half of Block 17, Lots 24 and 32, inclusive, Block 17, east half of Block 16, east half of Block 15, all of Block 14, east half of Block 13, west half of Block 12, west half of Block 11, west half of Block 10, west half of Block 9, west half of Block 8 and west half of Block 7, all in Wades Addition.

d. Insert Map No. 2 – G-A Placer – Urban No. 1.

e. Insert Map No. 3 – Lot 4 – Urban No. 2.

f. Insert Map No. 4 – Capitol City – Rural Area District 2.

g. Insert Map No. 5 – Ptarmigan Meadows Subdivision – Urban No. 1.

h. Insert Map No. 6 – San Juan Hills Subdivision – Urban No. 1.

i. Insert Map No. 7 – Red Cloud Subdivision – Urban No. 1.

j. Insert Map No. 8 – Riverside Estates Subdivision – All Urban No. 1 with the following exceptions: Urban No. 2 – Lots 15, 16, 17, Block 1, and Lots 1 through 5, inclusive, Block 5.

k. Insert Map No. 9 – Vickers Ranch Estates Subdivision – Urban No. 1.

l. Insert Map No. 10 – Marvan Subdivision – Urban No. 1.

m. Insert Map No. 11 – Lake San Cristobal Subdivision – Urban No. 1 for Lots 1 through 7, inclusive, Rural Area District 2, Lots 8 and 9.

n. Insert Map No. 12 – Homer Hensley Home Sites – Urban No 1.

o. Insert Map. No. 13 – Joel Swank Home Sites – Rural Area District 1.

p. Insert Map No. 14 – San Juan Ranch Estates Subdivision – Urban No. 1.

q. Insert Map No. 15 – Golcondia Condominia – Rural Area District 2.

r. Insert Map No. 16 – Church Placer – Rural Area District 2.

s. Lake San Cristobal Area – Beginning at the NE corner of Section 1, T43N, R4W, NMPM, then south to the SE corner of Section 36, T43N, R4W, NMPM, then west to the SW corner of Section 33, T43N, R4W, NMPM, then north to the NW cornered off Section 4, T43N, R4W, NMPM, then east on said line to POB -- Rural Area District 2.

t. Henson, North Henson and Capitol City Area – One-half mile on either side of the centerline of Henson Creek from the County line to the Lake City Townsite boundary, also one-half mile on either side of the centerline of North Henson Creek – Rural Area District 2.

Historical References:
2005 DD
2001 Piedra Resolution
95454 07/27/2006 **77,78**

Legal References:
C.R.S.

Sec. 2.3 Reserved for Future Use

Reserved for future references
Historical References:

Adopted:

Legal References:
C.R.S.

Sec. 2.4 Reserved for Future Use

Reserved for future references
Historical References:

Legal References:
C.R.S.

Sec. 2.5 Piedra, Upper Piedra District

2.5-1 Purpose; Authority, History and Intent

The Upper Piedra Planning Committee, a citizens committee from the Upper Piedra portion of Hinsdale County, which includes all county land south of the southernmost crossing of the continental divide, volunteered to prepare a proposed land use regulation for their portion of the county;

This Zoning Resolution and the Official Upper Piedra Zoning Map, which is included as the last paragraph of this Resolution, are adopted pursuant to the powers and authority conferred by Colorado Revised Statutes, including but not limited to the following Sections of CRS Chapter 28 of Title 30 (County Planning, Zoning and Subdivision); Chapter 65.1 of Title 24 (Areas of State and Local Interest); Chapter 67 of Title 24 (Planned Unit Development); Chapter 68 of Title 24 (Vested Rights); Chapter 20 of Title 29 (Local Government and Land Use Control Enabling Act); and Chapters 11 and 28 of Title 30.

These regulations are designed to implement the recommendations of the Hinsdale Upper Piedra Area Comprehensive Plan as adopted by the Hinsdale County Planning Commission following a public hearing on January 8, 2001.

The cluster development process established herein is intended to offer a land use option for single family residential purposes that differs from traditional thirty-five acre divisions of land, as described in CRS Section 30-28-101 (10) (c) (i), and is specifically authorized by CRS Section 30-28-403.

The Hinsdale County Planning Commission reviewed and recommended adoption of this Resolution following a public hearing on August 13, 2001.

The Board of County Commissioners has subsequently held three public hearings and due notice was given that the Board would meet to hear and consider this resolution.

The Board of County Commissioners has heard and considered all evidence and testimony presented with respect to the amendments and has determined, subsequent to said public hearings that the adoption of this resolution is in the best interests of the citizens of Hinsdale County.

The Board of County Commissioners, in order to assure the adopted land use resolution for the Upper Piedra area of the county is meeting the intended goals of the Upper Piedra Comprehensive Plan, directs that a committee of citizens selected from the Upper Piedra area of the County be formed in May of 2003 to conduct a review of the existing Comprehensive Plan and Land Use Resolution as it applies to the Upper Piedra to

determine its viability and make recommendations for change as necessary.

The Board of County Commissioners of Hinsdale County, Colorado amended the Hinsdale County Zoning Resolution by the repeal and re-enaction of Section 2.3, Establishment of Zoning Districts, to read as follows:

PIEDRA	Upper Piedra District
RAD 1	Rural Area District 1
RAD 2	Rural Area District 2
URBAN 1	Urban District No. 1 - Residential
URBAN 2	Urban District No. 2 - Tourist / Business

Historical References:
2001 Piedra Resolution
95454 07/27/2006 **108**

Legal References:
C.R.S.

2.5-2 Piedra, Upper Piedra District

2.5-2.A. Purpose. The PIEDRA, Upper Piedra District ("Piedra District") is designed primarily to implement the *Hinsdale Upper Piedra Area Comprehensive Plan ("Comprehensive Plan")*; to preserve the natural character of the Upper Piedra, including its open meadows, wildlife habitats, and open ridgelines, for public or private use or enjoyment; and to accommodate and sustain agricultural and agriculture-related uses, along with low-density residential development uses in the Upper Piedra area of Hinsdale County. In addition to the use and dimensional standards of this section, development in the PIEDRA District shall be in compliance with all other applicable provisions of the Hinsdale County Zoning Resolution.

1. Right-to-farm and ranch policy

a. Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.

b. Agriculture, as a way of life, benefits all residents of the Upper Piedra. It is an important part of the economy and adds intrinsic value to life in the Upper Piedra. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences, such as weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, the Upper Piedra intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance so long as it occurs as a part of non-negligent and legal agricultural practice, as stated in C.R.S. §35-3.5-101, 102 and 103.

2. Other Conflicting County Provisions. Provisions of the Hinsdale County Zoning Resolution and any other County regulations or requirements that are inconsistent with the standards or procedures of this section shall not be applicable in the PIEDRA District

3. Commentary. Whenever a provision of this Resolution requires additional explanation to clarify its intent, a "Commentary" is included. Commentaries have no regulatory effect, but rather are intended solely as a guide for administrative officials and the public to use in understanding and interpreting the Ordinance.

2.5-2.B. Schedule of Use Regulations. The Schedule of Use Regulations of this section provides tabular summary of the land use types permitted in the PIEDRA District. The table is intended for reference only and does not necessarily reflect all of the regulations that may apply to particular uses. In the event of conflict between the Schedule of Use Regulations and the text of this

Resolution, the text shall control. The Schedule of Use Regulations shall be interpreted as follows:

1. Permitted uses. Uses identified with a "P" shall be permitted by right, subject to compliance with any applicable conditions and all other applicable provisions of this Resolution.

2. Special uses. Uses identified with an "S" shall be permitted only upon approval of a Special Use Permit by the County Commissioners in accordance with the applicable procedures and standards of Section 8.10, Hinsdale County Zoning Resolution.

3. Conditional uses. Uses identified with a "C" shall be permitted only upon approval of a Conditional Use Permit by the County Commissioners in accordance with the applicable procedures and standards of Section 8.10, Hinsdale County Zoning Resolution.

4. Not permitted**.** Uses not identified with a "P", "S" or "C" are not allowed unless otherwise expressly permitted in this Resolution, or upon approval of an amendment to this Resolution, following recommendation by the Planning Commission and decision by the Board of County Commissioners after statutory required notices and public hearings.

Letters occurring in parenthesis after the names of selected use categories in the following Schedule of Use Regulations refer to conditions applicable to the use in all cases, as set forth in Sec. 2.5-2.D, Use-specific standards.

SCHEDULE OF USE REGULATIONS	
Use Type	**Piedra District**
Accessory Uses	
Accessory dwelling units (A)	P
Accessory uses (B)	P
Agricultural animals (C)	P
Barn, stable, coop, animal sheds (E)	P
Home occupations (K)	P
Nordic ski trails (L)	C
Principal Uses	
Agriculturally-related industries (D)	S
Agriculture	P
Bed and breakfasts (F)	C
Churches and places of worship	P
Commercial riding stables or equestrian centers	P
Common-interest compounds (G)	S
Dwellings, single family	P
Gravel pits (H)	S
Group homes (I)	P
Guest ranches, lodges and/or campgrounds (J)	S
Outfitter and guide services	P
Public utilities and essential services	P
Schools	P
Telecommunications towers and facilities (M)	S

2.5-2.C. Dimensional Standards**.** Each lot or parcel in the PIEDRA District shall be subject to the
following dimensional standards:

1. Minimum lot area per principal use:

a. Permitted by Right (minimum without county subdivision approval): 35 acres
b. Permitted by Cluster Development (minimum pursuant to Sec. 3.30): 25 acres

i. Minimum front and road side setbacks: 25 ft.
ii. Minimum rear and interior side setbacks: 25 ft.
iii. Minimum lot width: 150 ft.
iv. Maximum height:
a. Barns, stables and animal sheds: 35 ft.
b. All other uses: 28 ft.

2.5-2.D. Use-Specific Standards. In addition to applicable Sec. 2.5-2.E, Site Development Standards, the following conditions apply to the listed uses when referenced in the Piedra District regulations, Sec. 2.5-2.A, PIEDRA, Upper Piedra District, through Sec. 2.5-2.H, Definitions:

1. Accessory dwelling units. Accessory dwelling units shall comply with the standards of this section:

a. Such uses shall comply with all applicable requirements of the Piedra District.
b. An accessory dwelling unit shall be considered to be accessory to another single-family dwelling unit that is the principal use on the lot or parcel.
c. Such uses shall not be more than 50% of the size of the principal dwelling unit or 1,000 sq. ft., whichever is more; provided, however, the maximum size of such uses shall in no case exceed 2,500 sq. ft.
d. An accessory dwelling unit shall not be sold separately without county subdivision approval in accordance with the requirements of this Code.
e. A maximum of one (1) accessory dwelling unit shall be permitted as an accessory use per single family dwelling.

2. Accessory uses. All accessory uses shall comply with the standards of this section:

a. Such uses shall be limited to those customarily associated with and appropriate, incidental and subordinate to the principal use.
b. Such uses shall be located on the same lot or tract as the associated principal use.
c. Such uses shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this Resolution.
d. Accessory structures shall not exceed 50% of the total square footage of the principal structure; provided, however, that barns, stables and animal sheds shall not be subject to the square footage limit.
e. The maximum height of accessory structures shall not exceed 28 feet; provided, however, that barns, stables and animal sheds may be up to 35 feet in height.

f. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located.

3. Agricultural animals. The keeping of domestic agricultural animals and livestock consistent with historic, traditional, and seasonal ranching patterns in the Upper Piedra shall be permitted; and, the keeping of domesticated species shall be permitted. This section shall not be interpreted as allowing commercial feedlots.

4. Agriculturally related industries. Agriculturally-related industries shall comply with the following standards:

a. Agriculturally-related industries may be conducted on parcels with at least 70 acres;
b. Such uses shall be setback at least 300 feet from all property boundaries;
c. Such uses shall be screened or otherwise located so that they are substantially hidden from view off-site; and
d. In no case shall such uses produce noise, dust, fumes, glare, lighting, or vibration that affects lands beyond the boundaries of the subject agricultural operation.

5. Barns, stables, coops, animal sheds. Barns, stables, coops, animal sheds and similar structures shall be setback at least 100 feet from existing dwellings (other than the principal dwelling on site) and from open, natural waterways.

6. Bed and breakfasts. Bed and breakfast establishments shall comply with the standards of this section:

a. Lodging and breakfast may be provided for temporary overnight occupants in no more than five (5) separate bedrooms for compensation;
b. All guest rooms shall be located in the principal structure;
c. Structures shall not be altered in a way that changes its general residential appearance; and
d. Each bed and breakfast shall have an on-site resident manager.

7. Common-interest compounds. Common-interest compounds shall comply with the standards of this section:

a. Each compound shall be considered a single principal use and may include up to three (3) single-family dwellings, provided that no accessory dwelling units shall be allowed;
b. Each dwelling unit may occupied by a single household and shall be limited to 2,500 sq. ft. per unit;
c. Maximum density in a compound shall be limited to one (1) dwelling unit per four (4) acres;
d. All dwellings in a compound shall be located within 1000 feet of the other dwellings in the compound;
e. All dwellings shall be subject to Sec. 2.5-2.E, Site Development Standards, where possible; and
f. Individual dwellings in the compound may be sold separately upon compliance with

the State Statutory requirements of the Common Interest Ownership Act, provided that the lot or parcel shall be held in common, undivided ownership by all Compound property owners.

8. Gravel pits. Gravel pits shall be approvable subject to a reasonable impact mitigation plan addressing noise, dust, vibration, traffic, lighting, hours of operation, and reclamation.

9. Group homes**.** Group homes shall comply with the standards of this section:

a. A group home may provide a living arrangement for not more than eight (8) residents per home 18 years of age or younger, 60 years of age or older, or for the developmentally disabled, such as cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy and not more than two (2) supervisory personnel and their children;
b. Such homes shall be state-licensed; and
c. All exterior aspects of a group home, including its scale and off-road parking configuration, shall not disrupt the residential character of the area.

10. Guest ranches, lodges and campgrounds. All guest ranches, lodges and campgrounds (including RV Parks) shall comply with the standards of this section:

a. The maximum density of accommodations units or spaces shall be limited to one (1) unit or space per five (5) acres;
b. Accommodation units or spaces may be provided for temporary overnight occupants or employees;
c. Notwithstanding other provisions to the contrary, accessory facilities may include a general store, outfitters and guides (regardless of parcel size), restaurant, gift shop, equestrian facilities, and spa;
d. All structures and parking shall be substantially hidden from view off-site from public rights-of-way and high use areas;
e. The average size of all accommodations units shall not exceed 800 sq. ft., per unit;
f. The proposed project and accommodations density shall be compatible with the surrounding land uses and suitable for the proposed site; and
g. Such density shall be clustered in the most appropriate part of the property, and in accordance with the requirements of 2.5-2.E., General Site Development Standards.

11. Home occupations. Residents may engage in home occupations within residential or residential accessory structures that are compatible with residential land uses, provided that such uses do not adversely affect the integrity of residential uses. A home occupation shall be considered an accessory use.

12. Nordic ski trails. All Nordic ski trails shall be located and used so as to minimize impacts and/or disruption of the use and enjoyment of private property and/or existing land use(s).

13. Telecommunications towers and facilities**.** All commercial telecommunications

towers and facilities shall comply with the standards of this section.

a. Co-location shall be required where practicable;
b. Notwithstanding other provisions to the contrary, minimum lot or parcel size shall be 10 acres and the minimum setback shall equal to three (3) times the height of the tower to make such towers as inconspicuous as possible;
c. Notwithstanding other provisions to the contrary, the maximum allowable height for telecommunications towers shall be 100 feet;
d. Towers shall be subject to the Site Development Standards of Sec. 2.5-2.E;
e. No lighting shall be permitted on a tower;
f. Notwithstanding other provisions to the contrary, no signage, other than warning signs, or advertising shall be permitted on towers;
g. Monopole construction shall be required in all cases unless evidence is submitted demonstrating that other construction methods have less visual impact;
h. All towers shall have a dull Grey, Green or Brown (depending upon which color best matches the surrounding vegetation and site coloring) non-reflective, metallic finish;
i. Where possible natural, or planted, vegetation shall be utilized to minimize visibility from public roads and lands;
j. Accessory structures and ground facilities shall be designed to blend in or be otherwise compatible with the surrounding environment and neighborhood; and
k. No telecommunications service shall interfere with public safety telecommunications.

2.5-2.E. Site Development Standards. All development in the PIEDRA District shall be subject to the prior approval of a Site Plan by the County Administrator pursuant to the procedures of Sec. 2.5-2.F, Site Plan Review. *Site plan approval shall not be unreasonably withheld.* Site plans shall be approved upon determination of consistency with the applicable standards of this section. The standards for site development approval include:

1. Legal building site. No permit for the construction of a building or buildings upon any tract or parcel shall be issued until a building site, building tract or building lot has been created by compliance with one (1) of the following conditions:

a. Subdivision plats of record. The lot or tract is part of a subdivision plat of record, properly approved by the Hinsdale County Commissioners and filed in the plat records of Hinsdale County, Colorado;
b. Lot of record. The parcel, tract or lot faces upon a road, predates and was separately owned prior to the effective date of the original subdivision regulations of Hinsdale County; or
c. 35-acre parcels. The parcel, tract, or lot includes 35 or more acres and its creation does not fall within the definition of Subdivision.

2. Sanitation standards. All development shall conform to the sanitation requirements of the San Juan Basin Health Code.

3. Outdoor lighting standards. Commercial ranching uses of outdoor lighting for the care and protection of livestock shall be exempt from the outdoor lighting standards of this section. All other outdoor lighting utilizing lamps (bulbs) *with more than* 500 initial lumen output (equal to about 30 watt incandescent bulb) shall utilize a fully shielded fixture as defined in Sec. 3.31, Definitions, and shall be subject to the following standards:

a. All outdoor lighting shall be directed down or toward a surface; and
b. No outdoor lighting shall be directed towards any adjacent residential use or public road.

4. Sign standards. The following sign standards shall apply to all signs and sign illumination visible from public rights-of-way and/or off-site. Signs that are not visible from public rights-of-way and/or off-site shall not be subject to these regulations.

a. Permitted signs. Permitted signs shall be limited to the following:

i. Wall mounted or painted signs. Wall mounted signs and signs painted on walls advertising non-residential uses shall be permitted as follows:

a. The area of the signboard shall not exceed 40 sq. ft., and
b. Such signs shall not extend above the building façade.

ii. Free standing signs. Free standing signs advertising non-residential uses shall be permitted as follows:

a. A maximum of two (2) free standing signs are permitted per on-site business;

b. Each free-standing sign shall be limited to a maximum height of 12 feet;

c. Each free-standing sign may have a maximum of two (2) faces and a maximum area of 24 sq. ft.;

d. Each of the two (2) faces shall be the same size and be joined back-to-back without any overlap;

iii. Gate signs. Traditional gateway signs, signs over gateways or driveway entrances, may be erected to identify the entrance to a residence, agricultural operation, ranch, or other land use.

iv. Monument-style signs. Monument-style signs may be erected to identify the entrance(s) to a residential subdivision, provided that each monument style sign shall be limited to 12 feet in height, a single face, and a maximum area of 40 sq. ft. per face.

v. Directional signs. Off-premises directional signs for the convenience of the traveling public may be permitted for any residential or non-residential land use.

a. Each such use may have one (1) off-premises directional sign at appropriate access roads or intersections.

b. All such signs at a single intersection shall be attached and stacked on either a single 4" by 4" pole, or attached between two (2) 4" by 4" poles, which shall be shared with other advertisers.

c. Each directional sign shall be joined back-to-back without any overlap and have a maximum of two (2) faces that measure approximately 18" by 54".

d. Such signs may be located adjacent to a public right-of-way, subject to the permission of the landowner, or, in the public right-of-way, with the permission of the County, as appropriate.

e. No sign shall be allowed that prevents the driver of a vehicle from maintaining a clear and unobstructed view of official signs and approaching or merging traffic.

b. Sign Illumination. Signs may be illuminated by a lighting source located a distance away from the sign and projecting light onto the sign, subject to the following:

i. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure and be fully shielded; bottom-mounted lights are prohibited.

ii. Lighting for outdoor signs shall be limited to a maximum of 40 lumens per square foot of sign face, or shall be illuminated with a single 60-watt incandescent lamp.

iii. The light source shall be continuous and uninterrupted so as not to be flashing blinking, flashing, or fluttering or otherwise changing in light intensity, brightness, or color. Beacon lights are not permitted.

c. *Exempt Signs*. Signs exempt from these regulations shall include:

i. Temporary (30 days or less) civic, political, cultural and public service window posters located on private property with approval of the property owner;

ii. Temporary (30 days or less) promotional or special sales signs, when erected in conjunction with a commercial establishment;

iii. Temporary signs announcing the sale or leasing of a property or building shall be exempt provided they do not, individually or collectively exceed eight (8) sq. ft. and are promptly removed after sale or leasing of the subject property;

iv. Warning signs such as "no soliciting", "no trespassing", "beware of dog", or other similar types of signs not exceeding one and a half (1½) square feet;

v. Flag poles that display flags;

vi. Traffic control signs installed by proper authorities; and

vii. Normal and customary Christmas or other seasonal, holiday decorations;

d. Prohibited signs. Prohibited signs include the following signs:

i. Signs advertising business, activity, product, or service not conducted on the premises upon which sign is located, such as billboards, except for directional signs as specifically permitted in Sec. 3.28 D.1. (e), Directional signs;

ii. Signs employing mercury vapor lighting, internal illumination, and plastic panel rear-lighted;

iii. Signs on roofs;

iv. Signs containing statements, words, or pictures of an obscene, indecent or immoral character;

v. Signs that contain or consist of ribbon streamers, strings of light bulbs, spinners, or other similarly moving devices; and

vi. Signs that are portable or wheeled.

6. General site development standards.

a. General. All new construction shall be subject to the standards of this section except:

i. Where compliance with a particular standard would prevent the construction of <u>any</u> permanent structure for a principal use on the land, or require the construction to violate another requirement of this Resolution.
ii. Where more than one (1) buildable site exists on a parcel and all buildable sites would violate at least one (1) of the following standards, the construction shall be located so as to comply with as many standards as possible.

b. Meadow standards. This section *shall not apply* where the applicant produces adequate visual representation that a proposed new structure will not be visible from any public rights-of-way, high public use areas, or other private property. In the absence of such demonstration, development sites shall be selected as follows:

i. Avoid development in open meadow areas. Restrict development to area that is not within an open meadow if such an area exists on a lot or parcel.

ii. Mitigate impacts on open meadow areas. If adequate area outside of an open meadow is not available on a lot or parcel, then development may be permitted in a meadow as follows:

a. All structures shall be built as close to the edge of the meadow as possible;

b. Building envelope designation shall be required;

c. Landscaping and screening may be required in order to minimize visibility from off-site; and

d. Access may be designated as necessary to avoid crossing and dividing irrigated lands with roads, fences, development, and utilities.

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c. Wildlife habitat standards. Development sites shall in all cases be clustered to minimize impacts on wildlife and their habitat, and fences shall be limited to avoid obstruction of the historical movement patterns of wildlife. In addition, land uses located in riparian or shoreline areas shall comply with the following standards:

i. Avoid development in riparian habitat areas. Restrict development to a riparian habitat-free area if such an area exists on a lot or parcel.

ii. Mitigate development impacts on riparian habitat areas. If adequate riparian habitat-free area is not available on a lot or parcel, then development may be permitted in a riparian habitat area, provided, that:

a. Site selection alternatives may be reduced, provided such reduction of alternatives does not result in a density reduction;

b. Building envelope designation shall be required;

c. The diversity of permitted uses may be limited to minimize potential dangers to wildlife;

d. Natural waterholes, springs, seepage, marshes, pond and wildlife watering areas shall be protected;

e. Riparian and shoreline habitat areas that have been denuded or disturbed by development shall be revegetated in the first available growing season;

f. Roads and structures other than bridges, fences, ditches, flood control devices, and other water-related uses shall be located at least fifty (50) feet from the high water line of all streams, rivers, wetlands and riparian habitat areas, unless the Applicant demonstrates that these critical areas are not negatively affected;

g. Culverts that may become barriers to fish passage shall be prohibited;

h. Domestic predators may be limited on a case by case basis to fit habitat; and

i. Commercial or industrial development and open pit mineral extraction shall be prohibited.

d. *Ridgeline and ledge standards.* Avoid development of an open ridgeline or ledge if possible. If adequate area other than on an open ridgeline or ledge is not available, then:

i. The average elevation shall not be above the open ridgeline, provided, however, if that is not feasible then the average elevation shall be as close to the ridgeline as possible;
ii. Landscaping and screening may be required to minimize visibility; and
iii. Buildings constructed upon lands subject to this section shall be constructed with non-reflective materials that have low light reflective values so as to mitigate significant visual impacts.
iv. This section *shall not apply* where the applicant produces adequate visual representation that a proposed new structure will be substantially hidden from any public rights-of-way, high public use areas, or other private property.

2.5-2.F. Site Plan Review

1. Site plan required**.** Approval of a site plan by the County Administrator shall be required for all development in the PIEDRA District, Sec. 2.5-2.G; and, such action shall constitute the approval of a site-specific development plan.

2. Application requirements**.** Prior to the issuance of any building permit or certificate of occupancy for any development for which a site plan is required, the site plan shall be approved via a simple administrative process by the County Administrator. The application shall include sufficient information to demonstrate compliance with the Site Development Standards of Sec. 2.5-2.E, as may be specified by the County Administrator.

3. Procedures for approval. The County Administrator shall approve site plans that are consistent with the Site Development Standards of Sec.2.5-2.E.

a. The County Administrator's consideration shall include topography; meadowlands, protective screening, and forested areas; any areas designated for landscaping; open ridgelines and ledges; rivers, streams, irrigation ditches and riparian wildlife habitats; public access, layout of roads, means of ingress and egress; comments of referral agencies, such as, the Colorado Division of Wildlife, Colorado Division of Water Resources, the County Engineer and others; and other aspect deemed necessary to consider in the interest of promoting consistency with the *Comprehensive Plan* and the public health, safety, order, convenience, prosperity and general welfare.

b. If during the course of considering the site plan, the County Administrator is of the opinion that proper approval or disapproval cannot be granted without additional information or a detailed design drawing, the County Administrator may require the applicant to submit detailed design drawings and is further authorized to withhold action on the site plan until the submission of acceptable design drawings.

4. Notice of decision. The County Administrator shall provide a copy of the

decision to the applicant by mail within 10 business days of the submission of a complete application.

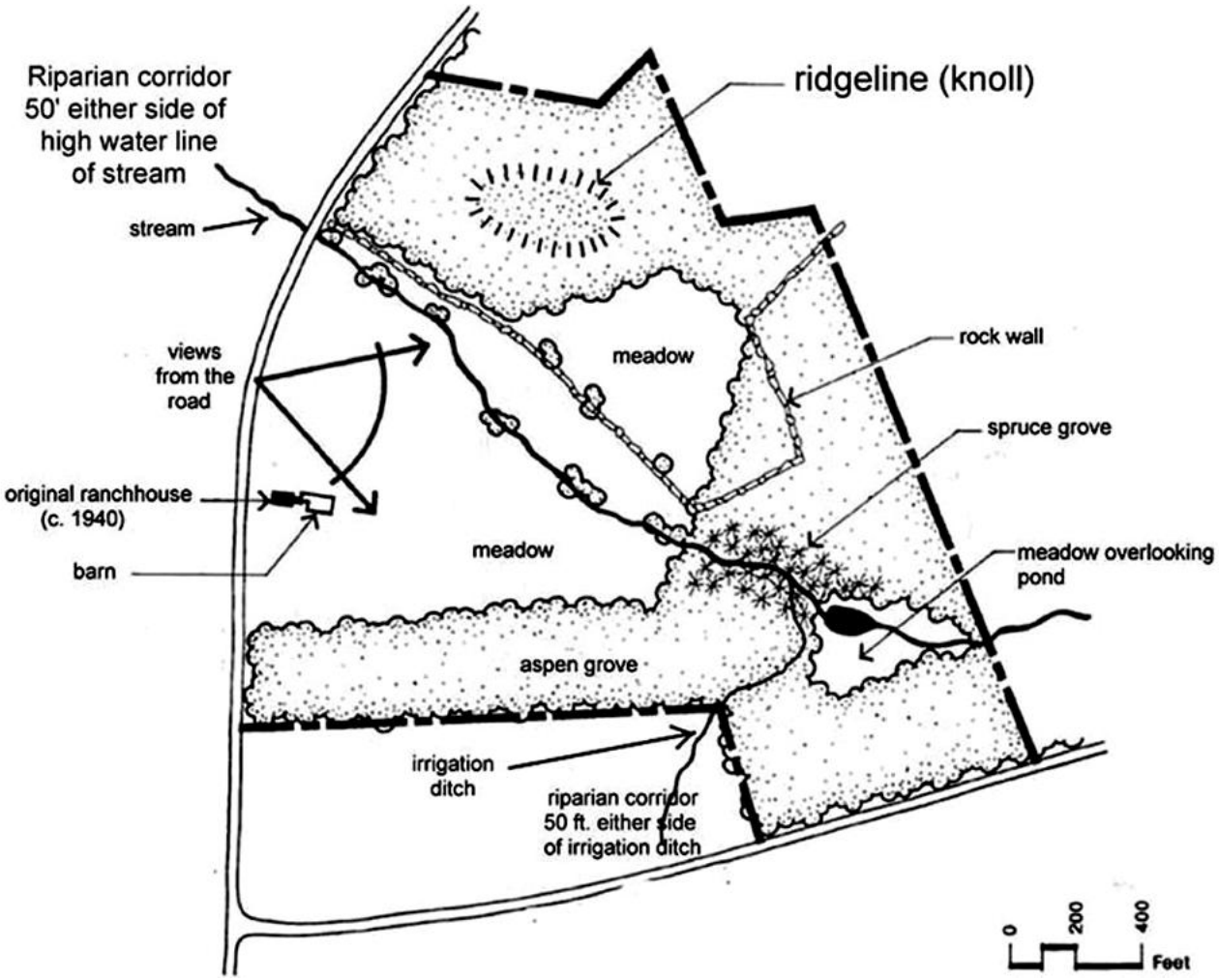
5. Appeal. In the event of a denial of a site plan application by the County Administrator, the applicant may submit a written request for an appeal of the denial to the Planning Commission, provided the request is submitted within 10 days of receipt of the denial. Furthermore, in the event of a denial of an application by the Planning Commission, the applicant may submit a written request for an appeal of the denial to the Board of County Commissioners, provided the request is submitted within 10 days of receipt of the denial.

2.5-2.G. Cluster Development

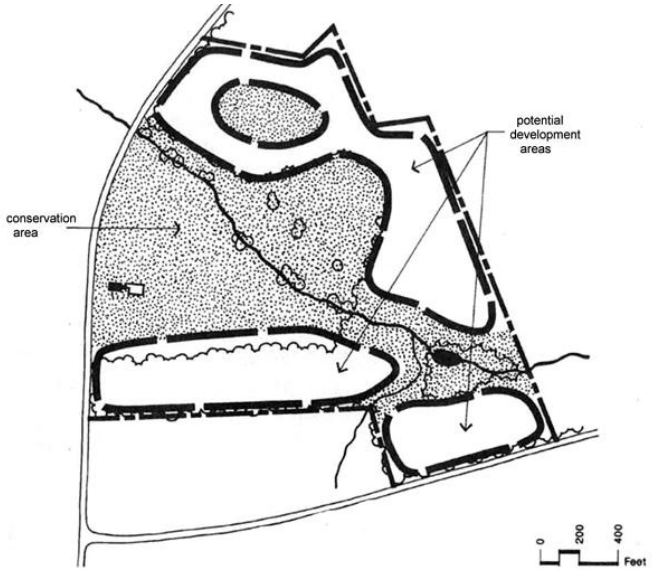
1. Purpose and Intent. Cluster Development Subdivision Exemption standards are designed to allow flexibility with respect to the dimensional standards of the Piedra District, Section 2.5-2.C, provided that the density does not exceed one (1) principal use per 25 acres; and to encourage and facilitate cluster subdivision development consistent with the goals and objectives of the *Comprehensive Plan*. Each Cluster Development shall create a compact development pattern in order to preserve open meadows, wildlife habitats, and open ridgelines in conjunction with new subdivision development.

2. Cluster Development design process illustrated. Applicants that want the bonus density should apply for a Cluster Development, and shall utilize the following process and steps in developing a proposed development plan:

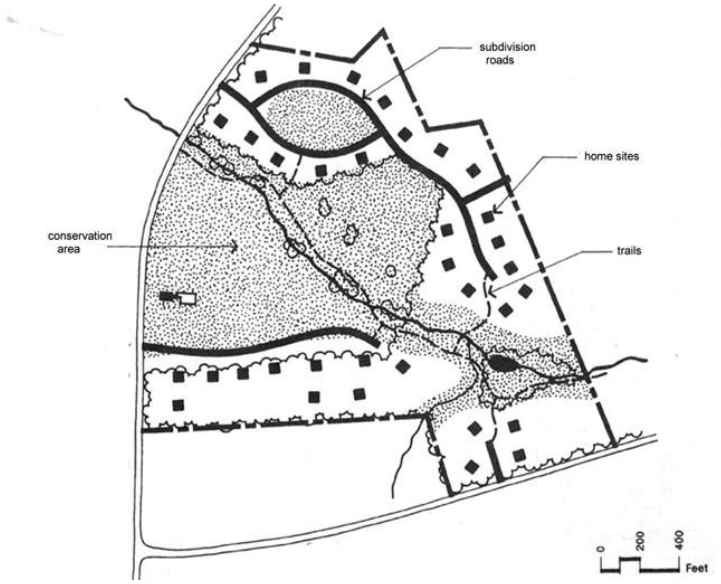
Step 1:
Analyze site characteristics -- identifying Riparian Areas, Open Ridgelines and Ledges, and Open Meadows, in accordance with the definitions of Sec. 2.5-2.H.



Step 2.
Identify potential development areas and conservation areas.



Step 3. Identify development sites with building envelopes, planned roads, and conservation areas.



3. Cluster Development standards. The County Commissioners after recommendation from the Planning Commission, may authorize the creation of the Cluster Development, subject to the following general standards:

a. *Single family uses.* Notwithstanding other provisions of this Resolution to the contrary, lots created via the Cluster Development process shall be restricted use for the development of one (1) single-family dwelling and customary accessory uses.

b. *Permitted variation from dimensional standards.* In order to achieve the purpose and intent of a Cluster Development, variation may be permitted with respect to the minimum lot area, setbacks, and lot width. The maximum density shall be no greater than one (1) single-family lot per 25 acres.

c. Minimum undeveloped common open space. The County shall require that at least 67% of the land area in each Cluster Development to be set aside as undeveloped and contiguous common open space, including the set aside of all land area in the Cluster Development that includes: wildlife habitat areas, open meadow lands, and open ridgelines and ledges on each parcel that warrant protection pursuant to the Sec. 2.5-2.G.1., Purpose and intent, for the Cluster Development. Such open space shall be preserved from development for a period of at least 40 years through the use of a recorded deed restriction. Thereafter, any change in the use of such open space shall require the written approval of all property owners in the Cluster Development, all adjacent property owners (including those across a boundary road), and the County Commissioners.

d. Lot layout and design. Each Cluster Development shall be designed in a cluster development pattern as follows:

i. All lots shall be grouped to the extent practicable in clusters of five (5) to10 contiguous lots per cluster;

ii. Each lot within a cluster shall be less than five (5) acres in size;

iii. If more than 10 lots are proposed to be in a single cluster, the Applicant shall demonstrate that the rural character of the area can be maintained (including the cumulative impact of development on adjacent properties) and visibility from public rights-of-way can be mitigated;

iv. Long, uninterrupted rows of houses lining major roadways shall be avoided;

v. To the extent practicable, topographic breaks and natural vegetation shall be used to minimize visual impacts; and

vi. Building envelopes shall be established to define the limits of disturbance on each lot.

e. *Water and sewage.* The landowner or developer of each Cluster Development shall provide or otherwise demonstrate that the proposed development will conform to the following general standards:

i. In an effort to preserve open space and water resources, a cluster development may

obtain only one (1) well permit for each single-family residential lot pursuant to sections 37-90-105 and 37-92-602, C.R.S., subject to the provisions of Sec. 2.5-2.G.3.c.

ii. Except in areas of the state where un-appropriated water is available for withdrawal and the vested water rights of others will not be materially injured and except inside designated ground water basins, a water court-approved plan for augmentation shall be required and shall accompany any county-approved rural land use plan when the water usage in the cluster development would exceed an annual withdrawal rate of one (1) acre-foot for each 35 acres within the cluster development. Nothing in this section shall be construed to preclude the use of treated domestic water provided by any public or private entity.

iii. Sewage disposal shall be provided in accordance with the requirements of the San Juan Basin Health Department.

f. Private rural road design standards. Unless otherwise approved, all roads shall be private roads dedicated to a homeowners' association or other entity with assessment authority and maintenance responsibilities. All roads shall be constructed consistent the "Hinsdale County Minimum Design and Construction Standards for Streets, Roads and Drainage", except as specified in the following Summary or as further defined below:

PRIVATE RURAL ROAD DESIGN STANDARDS SUMMARY

Minimum Surface width	Minimum Right-of-way width	Design speed	Maximum grade	Maximum Cul-de-sac length	Minimum centerline radius
16	32 ft.	10-15 mph	8-12%	1,000 ft.	75 ft.

i. Road grade. Roads shall have a maximum grade of 8 to 12 percent.

ii. Minimum curve radii. All roads shall have a minimum horizontal radius of 75 feet, unless the County Commissioners approve a lesser radius.

iii. Road structure and surface. Roads structure shall include sub-grade, sub-base, base course and surface that is adequate to support anticipated traffic loads and volume. The design life of the structure shall be 20 years. Type of surface shall be gravel except where otherwise required by the County.

iv. Borrow ditches. Road surfaces shall be properly drained and have borrow ditches along both sides of all roads.

v. Road intersections. More than two (2) roads intersecting at a point shall be avoided, except where it is impractical to secure a proper road system otherwise and all intersections shall be as near 90 degrees as possible and in no case shall the intersection angle be less than 80 degrees.

vi. Road jogs. Non-intersecting roads with centerline offset of less than 125 feet shall not be approved.

vii. Dead-end roads. All roads shall be designed to connect with existing or future roads where possible. Where a dead-end road is allowed, a cul-de-sac turnaround diameter of 75 feet shall be constructed. Dead-end roads exceeding 1000 feet in length shall provide such a cul-de-sac or a hammerhead turnaround at least every 1000 feet.

viii. Maintenance. *The County shall have no responsibility to maintain* private roads or roads that are not formally accepted for public dedication by the Board of County Commissioners and constructed in accordance with county standards as specified in "Hinsdale County Minimum Design and Construction Standards for Streets, Roads, and Drainage". The County shall only maintain roads that are publicly dedicated and constructed consistent with county standards.

g. Common facilities maintenance. A common facilities maintenance plan shall be submitted that will establish or identify an entity that will have assessment authority and be responsible for maintaining any and all common facilities; including but not limited to, common open space, roads, drainage facilities, water and/or sewage systems, and other utilities.

4. Procedures for approval and conditions. Cluster Development shall be subject to the following procedures and requirements:

a. *Pre-application conference.* Prior to the filing of a Cluster Development application, the landowner or developer shall meet with the County Administrator to acquaint himself or herself with applicable County requirements and review an initial concept plan developed by the applicant in advance. At such meeting, the application contents, referral agencies, standards for approval of Cluster Developments, review procedures, allowable uses, dimensional standards, comprehensive plan, site plan requirements and the general character of the development may be discussed. The County Administrator my request a site visit prior to the preparation of the application.

b. *Application for Cluster Development.* Any person having a proprietary interest in any property within the Upper Piedra Area, requesting approval of a Cluster Development shall submit five (5) complete copies of the application with the County Administrator. The application shall be submitted at least 30 days prior to any desired agenda date and, at a minimum, shall include the following information:

i. Letter of application. The name, address, and telephone number of the Applicant shall be provided; and a letter of application clearly requesting approval of a Cluster Development and explaining the rationale for the Cluster Development request relative to Sec. 3.30 G., Issues for Consideration, below.

ii. Title report. The application shall be accompanied by a title report from a licensed title company or attorney describing by metes and bounds or by other legal description the property to be affected by such request, and listing the name of the property owner(s)

and all liens, easements and judgments of record that affect the title to the subject property.

iii. Site plan. A complete Cluster Development Site Plan including the following:

a. Proposed lot boundaries, dimensions, and lot area, and the overall parcel acreage;
b. Location and size of existing structures, wells and septic leach fields;
c. Location of all meadows, open ridgelines and ledges, riparian wildlife habitat areas; or, a note stating that no meadows, open ridgelines or ledges, or riparian wildlife habitats exist on the property;
d. Topography at frequency sufficient to provide a reasonable understanding of the site or as specified by County Administrator;
e. Location of all streams, rivers, and irrigation ditches;
f. Existing roads, rights-of-ways, driveways and intersections adjacent to, or across the road from the subject property;
g. All proposed right-of-way and trail dedications;
h. Any proposed screening or fencing, and landscaping;
i. Location and type of existing and proposed easements and utility lines;
j. The proposed building envelope or "limits of disturbance" proposed for each principal use;
k. Any special proposed setbacks, that is, setbacks that are different from those required by Sec. 2.5-2.C, Dimensional Standards; and
l. The required common open space areas.

iv. *Water, sewer and roadways.* Water, sewer, and roadway plans in accordance with the standards of Sec. 2.5-2.G.3.i shall be submitted.

v. Fire district statement. A statement approving the road system shall be submitted.

vi. Subdivision exemption plat. A Cluster Development Subdivision Exemption Plat shall be submitted consisting of a <u>non-erasable</u> mylar (24" by 36") <u>copy</u>, and 14 hard copies (24" by 36"), or more if specified by the County Administrator. The plat shall be prepared by a licensed surveyor in accordance with the requirements of applicable state statutes. The plat shall show or be accompanied by the following:

> <u>a. Control points; acres</u>. The primary control points, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred, shall be placed on the plat. The area of the subdivision, in acres, shall be shown.
>
> <u>b. Boundary lines and bearings</u>. Tract boundary line sufficient to locate the exact area proposed for subdivision, right-of-way lines of roads, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves shall be placed on the plat.
>
> <u>c. Roads.</u> Name and right-of-way width of each road or other

right-of-way shall be placed on the plat.

d. Easements. Location and dimensions of all easements needed for roads, drainage and utilities shall be placed on the plat.

e. Lot and block numbers. Number to identify each lot or site and each block, and the dimensions of lots and blocks, shall be placed on the plat.

f. Proposed principal land use. The proposed principal land use for each lot shall be indicated on the plat.

g. Building envelopes. A building envelope or "limits of disturbance" boundary shall be designated for each lot.

h. Monuments. Location and description of monuments shall be placed on the plat. Monuments shall include rights of way monuments at all curve points, intersections and property corners.

i. Adjacent land. References to recorded subdivision plats or adjoining platted land by record name shall be placed on the plat.

j. Surveyors certificate and legal description. A legal description and surveyor's certificate, to, in the following form, shall be placed on the plat.

k. Approval certification. Certification of approval by the Planning Commission and County Board of Commissioners, in the following form, shall be placed on the plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I am a registered Colorado Land Surveyor, and that I hold certificate No._____ as prescribed under the laws of the state of Colorado, and I further certify that under the authority of the owners, I have made a survey of those lands as shown hereon and described below, and that I have subdivided said tract of land into lots and roads, hereafter to be known as _____ and that same has been correctly surveyed and staked on the ground as shown on this plat.

_____
Signature

APPROVED this ___day of _____, 20___, by the Hinsdale County, Colorado Planning Commission.

_____
Chairman

APPROVED this ___ day of _____, 20___, by the Hinsdale County Board of County Commissioners.

_____
Chairman

_____
County Recorder

l. Title; scale. A title, scale, and north point shall be placed on the plat.

m. Road intersections. The location of the point of intersection and points of tangency of road intersections, and the bearing and distance of each road right-of-way centerline shall be placed on the plat.

n. Plat identification. A positive reference and identification of the plat and date of plat shall be placed on the plat.

o. Dedication certificate. The property owner's certificate or deed of dedication shall be placed on the plat. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the State of Colorado for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public roads, alleys, parks, school sites and any other public

areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

- An accurate description of the tract of land subdivided.

- A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.

- An express dedication without reservation to the public for public use: the roads, trails, rights-of-way, and any other public areas shown on the plat.

- A positive reference and identification of the plat of such subdivision, date of plat and surveyor or engineer responsible for the survey.

vii. Tax certificates. Tax certificates bearing the signature of the County Treasurer indicating that all taxes on the land being subdivided have been paid to the current year shall be included on the plat.

viii. Construction plans and cost estimate. Three (3) sets of plans for required improvements and a set of reproducible transparent sheets, 24" x 36" in size along with all data and calculations related to roads, utilities, drainage or other infrastructure facilities construction in the subdivision and a cost estimate shall be submitted with the Cluster Development Plat. The construction plans shall conform to all requirements of the current Construction Design Standards for Hinsdale County. The cost estimate shall bear the signature and seal of the design engineer. Such plans shall also show all existing or proposed surface and subsurface improvements and obstruction.

ix. *Subdivision improvements agreement and financial guarantees.* A subdivision improvements agreement and performance guarantee for all required public improvements satisfactory to the Hinsdale County Commissioners and in the form commonly accepted by Hinsdale County.

x. *Landscaping plan.* The County may require that a landscaping plan be approved as part of the Resolution approving a Cluster Development where necessary to ensure consistency with the Comprehensive Plan. Such required plan and Resolution shall set forth requirements for mitigating the visual impacts of the development from the perspective of public use areas or as specified by the Planning and Zoning Commission. The requirements may include:

a. Elevation drawings of the proposed development from public use area perspectives or as specified by the Planning Commission;

b. A landscaping plan depicting treatment of exterior spaces to include the

species of vegetation, their size and siting; and

c. All structures shall be designed and finished so as to minimize contrast with the surrounding landscape

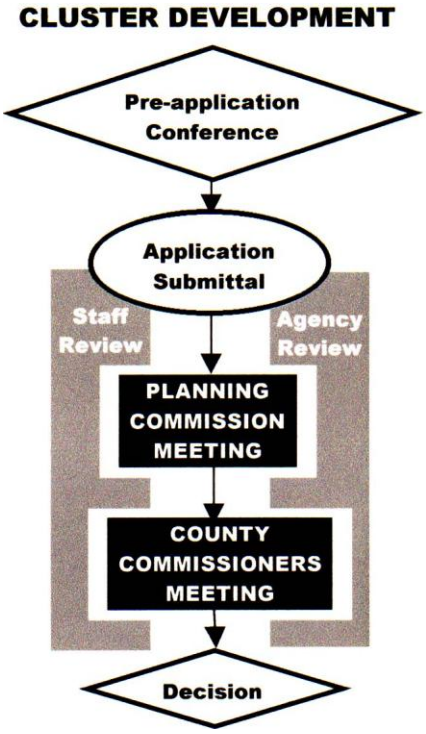
xi. Application fee. An application filing fee to cover the cost of application review in accordance with the fee schedule adopted by resolution of the Hinsdale County Board of Commissioners.

5. *Review by Planning Commission*. Before taking action on any proposed Cluster Development application, the County Commissioners shall submit the same to the Planning Commission for its recommendation and report.

i. Notice of decision. The County Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.

6. Action by County Commissioners. The County Commissioners shall act on the Cluster Development application within 30 days after the recommendation and report of the Planning Commission.

i. Notice of decision. The County Administrator shall provide a copy of the decision to the applicant by mail within 10 days of the Commission's decision.



*8. Notification of the State Engineer***.** No later than ten days after approval of a Cluster Development, the board of county commissioners shall notify the state engineer of such

approval and shall provide the state engineer a copy of the approved cluster development plan.

9. *Issues for consideration*. In making its determination regarding a Cluster Development, the Planning Commission and the County Commissioners shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented, and the following criteria:

a. Is the proposal in conformance with the *Comprehensive Plan*?
b. Is the proposed density and intensity of use permitted in the PIEDRA District?
c. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed Cluster Development? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?
d. Is the proposal consistent with the Cluster Development standards of Sec. 2.5-2.G.3?
e. Is the proposal consistent with the site development standards of Sec. 2.5-2.E?
f. Is the proposal consistent with the character of existing land uses in the surrounding area, and
g. Will the proposed Cluster Development adversely affect the property values of the surrounding area?

10. Conditions of approval

a. In approving a Cluster Development, the County may impose conditions relative to the standard(s) of development and such conditions shall be complied with before development or use of the land or any structure that is part of the Cluster Development.
b. A site plan, including all items listed in Sec. 2.5-2.G.4.b. (c) and any amendment that may be required by the County to increase the plan's conformance with applicable standards, shall be approved as part of the Resolution approving a Cluster Development, and incorporated in said Resolution.

c. In addition to land required for public rights-of-way and easements, the County may require the dedication to the County of easements, roads and trails across the subject property to maintain historic access to public lands.

11. Administrative Cluster Development adjustments**.**
Following the approval of a Cluster Development, the County Administrator may approve insubstantial adjustments to an approved Cluster Development that do not result in an increase in density where all of the following standards are met:

a. The requested adjustments will represent no more than a 10% modification of any dimensional standard of Sec. 2.5-2.C, Dimensional;

b. The requested adjustment is consistent with the *Comprehensive Plan*, the General Purpose of the Hinsdale County Zoning Resolution, and the Site Development Standards, Sec. 2.5-2.E;

c. The requested adjustment eliminates an unnecessary inconvenience to the Applicant and will have no significant adverse impacts on the health, safety or general welfare of surrounding property owners or the general public;

d. Any adverse impacts from the adjustment will be mitigated to the maximum extent practical; and

e. The requested adjustment is technical in nature and is required due to some unusual aspect of the site or proposed development that is not shared by property owners in general.

2.5-2.H. Definitions. The following definitions shall apply in the PIEDRA District:

1. Accessory Use: A use or structure subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

2. Accessory Structure: A freestanding building designed and used for functions incidental and accessory to the main use, such as a garden shelter, separate garage or storage house.

3. Agriculture**:** Agriculture includes activities that primarily involve raising, producing or keeping plants and animals; but, excluding commercial feedlots.

4. Agriculturally-related industries: Agriculturally-related industries includes traditional commercial and industrial activities conducted or operated in conjunction with bonified, on-going agricultural operations, including, but not limited to: lumber mill, farm implement and equipment repair, woodworking shops, timber harvesting, equipment and implement sales, etc.

5. Board: The Board of County Commissioners of Hinsdale County, Colorado.

6. Building (or Structure): Anything constructed, erected or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This includes, but is not limited to advertising signs (on- or off-premise), antennas, satellite dishes, wind generators, and buildings, whether for storage or occupancy.

7. Cluster development: A compact residential land division design that creates parcels containing less than thirty-five acres each without altering allowable zone density, for single-family residential purposes only, and reserves at least two-thirds (67%) of the total area of the tract for the preservation of contiguous open space including open meadows, wildlife habitat, open ridgelines and ledges, so as to implement the *Comprehensive Plan*.

8. Commission: The Planning Commission of Hinsdale County, Colorado.

9. County Administrator: The County Administrator or his county employee designee.

10. Density: The maximum number of dwelling units, accommodations units, or other principal uses permitted per acre of land net of roads and rights-of-way.

11. Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, or enlargement of any structure; and any mining, dredging, filling, grading, paving, excavation or drilling operation.

12. Dwelling unit: A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities.

13. Feedlot, commercial: A permanently constructed confined area or facility within which the property is not grazed or cropped annually, and which is used and maintained for purposes of engaging in the business of reception and feeding livestock. Nothing shall prevent an agricultural operator from seasonally confining livestock into an area for feeding or from leasing pasture for the grazing of livestock for others.

14. Fully shielded fixture**:** An outdoor light fixture shielded or constructed so that the installed fixture emits no light rays at angles above the horizontal plane. Shielding by surrounding structures not a part of the light fixture (such as canopy or soffit edges) does not qualify as shielding for determination of a fully shielded characteristic; fully shielded light fixtures must be shielded in-and-of themselves.

15. Home occupation: A business, profession, occupation, or trade conducted for gain or support, within a dwelling unit by a resident of the dwelling unit.

16. Household: Any one (1) of the following:

a. One (1) or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit or family compound; or

b. A group of not more than five (5) persons not related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit or common interest compound; or

c. Two (2) unrelated persons and their children living together in a dwelling unit.

17. Kitchen. Any room in a structure for the preparation and cooking of food that contains any of the following facilities: stove, refrigerator (except those not larger than 6 cubic feet), sink (excluding wet bar sinks not larger than 12"x12" and laundry sinks), oven, range, and cooktop.

18. Ledge: The first substantial abrupt change in slope along the top edge of a plateau or ridgeline.

19. Lentic: Of, relating to, or living in still waters (as lakes, ponds, or swamps)

20. Lot: A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

21. Lotic: Of, relating to, or living in actively moving water <a lotic habitat>.

22. Lot lines: The property lines along the edge of a lot or site.

*a. Front lot line**:*** The shortest lot line of all road lot lines. If all road lot lines are the same length, then all shall be considered front lot lines.

b. Side lot line: Any lot line except a road or rear lot line.

c. Rear lot line: A lot line that is opposite a front lot line, but which does not abut a road. A triangular lot has two (2) side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line shall include all lot lines that are most nearly opposite the front lot line.

d. Road lot line: Any lot line that abuts a road. On a corner lot, there are two (or more) road lot lines. Road lot lines can include front lot lines and side lot lines.

23. Lot area (or lot size): The total horizontal area included within lot lines.

24. Meadow: Land in or predominately in grass or grasses common to the Upper Piedra area.

25. Nonconforming use: A use that was lawfully established, but as a result of the adoption of zoning or subsequent changes in zoning requirements, the use is no longer allowable. Such uses are subject to all applicable provisions of the Hinsdale County Zoning Resolution, Section 9.1, Nonconforming uses and structures.

26. Open space, common**:** Open space within a Cluster Development that is owned in common by a Property Owners' Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common Open Space does not include areas used for roads, parking areas, driveways or other areas intended for vehicular travel, or any portion of a residential lot. However, areas used for recreational activities such as swimming pools, tennis courts, stables, picnic areas, and other recreation facilities may be counted as common open space.

27. Open space: An outdoor, unenclosed area, located on the ground, designed and

accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

28. Plateau: A flat or predominantly flat area of land, which is raised sharply above adjacent land on at least one (1) side.

29. Principal use: The principal use for which a lot, or minimum lot area as required by Sec. 2.5-2.C, Dimensional Standards, and any buildings thereon are developed.

30. Ridgeline: Ridgeline means the junction of a rising steep (> 30% grade) slope on one (1) side and a descending slope that may either be gentle or steep on the other side.

31. Riparian area: A wildlife habitat and plant community contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas have one (1) or both of the following characteristics: (1) distinctively different vegetation species than adjacent areas, and (2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between wetland and upland.

32. Setback: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise expressly stated.

a. Road setback (See also lot line, road): A setback extending along the full width of a road lot line between side lot lines and from the road lot line to the building line in depth.

b. Rear setback: A setback extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear setback depth shall be measured at right angles to the lot line.

c. Side setback: A setback lying between the side lot line and the nearest point of the building and extending from the road setback to the rear setback, or in absence of either such road or rear setback, to the road or rear lot lines. Side setback width shall be measured at right angles to the sidelines of the lot.

33. Sign, off-premises: A sign that identifies or communicates a commercial or non-commercial transportation or communication message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. Such signs are prohibited except as otherwise specified in Sec. 2.5-2.E.4.a.v.

34. Site plan: A plan, prepared to scale, showing accurate and with complete dimensioning, the boundaries of the site and all other information required by these regulations.

35. Sign: A structure or device designed or intended to convey information to the public in written or pictorial form.

36. Structure: That which is built or constructed, an edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definitive manner.

37. Subdivision: The division of any parcel of land into two (2) or more parcels, separate interests or interests in common, except when such division: (1) Creates parcels of land each 35 or more acres, none of which is intended for use by multiple owners; (2) Creates parcels of land, such that the land area of each parcel, when divided by the number of interests therein, results in 35 or more acres per interest; (3) Is caused by order of any court in this state or by operation of law; (4) Is caused by a lien, mortgage, deed of trust or any other security instrument; (5) Is caused by a security or unit of interest in any investment trust regulated under the laws of this state, or any other interest in an investment entity; (6) Creates cemetery lots; (7) Creates an interest or interests in oil, gas, minerals, or water that is now and hereafter severed from the surface ownership of real property; or (8) Is caused by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common.

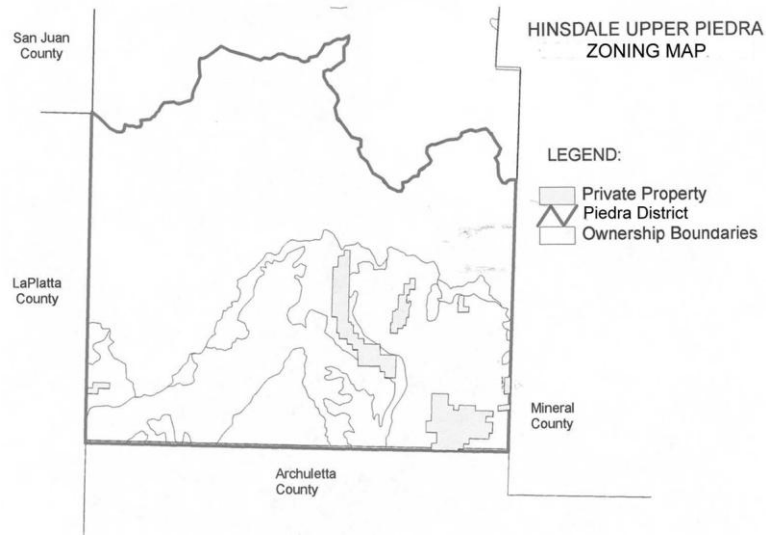
2.5-2.I. Nonconforming Uses

All existing land uses and structures in the Piedra District that were lawfully installed shall be permitted to continue, subject to all applicable provisions of these land use regulations, Nonconforming uses and structures with the following amendments:

1. Expansion or Enlargement, shall be amended to read as follows:

> Notwithstanding other provisions to the contrary, all nonconforming Common-interest Compounds existing in the PIEDRA District on the date of adoption of this Resolution shall be permitted to expand upon approval of a Special Use Permit pursuant to Section 8.10 of these regulations, subject to the following standards:
>
> 1. A maximum of three (3) additional dwelling units may be added to an existing compound; provided, however, that the maximum density in a compound does not exceed one (1) dwelling unit per four (4) acres;
>
> 2. All additional dwelling units shall be completed within 36 months of the adoption of this Resolution, and thereafter no further increase in dwelling unit density in the compound shall be permitted; and
>
> 3. Each new dwelling unit added to the compound shall conform to the Site Development Standards of Sec. 2.5-2.E.

2. The Hinsdale County Official Zoning Map is hereby amended by the adoption of the Hinsdale Upper Piedra Zoning Map, below, and the zoning of all lands in Hinsdale County, Colorado, south of the southern-most Continental Divide crossing according to the PIEDRA District, as more specifically described in this Resolution.



Historical References:
The Resolution Attached to the 2001 Piedra Land Use Regulations at the time of adoption read as Follows:

BOARD OF COUNTY COMMISSIONERS
HINSDALE COUNTY
LAKE CITY, COLORADO

RESOLUTION NO. 15
SERIES 2001

A RESOLUTION ADOPTING THE PIEDRA ZONE DISTRICT, THE OFFICIAL UPPER PIEDRA ZONING MAP, AND RELATED AMENDMENTS TO THE HINSDALE COUNTY ZONING RESOLUTION

WHEREAS, the Upper Piedra Planning Committee, a citizens committee from the Upper Piedra portion of Hinsdale County, which includes all county lands south of the southernmost crossing of the continental divide has volunteered to prepare a proposed land use regulation for their portion of the county;

WHEREAS, this Zoning Resolution and the Official Upper Piedra Zoning Map, which is included as the last paragraph of this Resolution, are adopted pursuant to the powers and authority conferred by Colorado Revised Statutes, including but not limited to, the following Sections of C.R.S.: Chapter 28 of Title 30 (County Planning, Zoning and Subdivision); Chapter 65.1 of Title 24 (Areas of State and Local Interest); Chapter 67 of Title 24 (Planned Unit Development); Chapter 68 of Title 24 (Vested Rights); Chapter 20 of Title 29 (Local Government and Land Use Control Enabling Act); and Chapters 11 and 28 of Title 30;

WHEREAS, these regulations are designed to implement the recommendations of the *Hinsdale Upper Piedra Area Comprehensive Plan* as adopted by the Hinsdale County Planning Commission following a public hearing on January 8, 2001;

WHEREAS, the Cluster Development process established herein is intended to offer a land use option for single family residential purposes that differs from traditional thirty-five acre divisions of land, as described in C.R.S. Section 30-28-101 (10) (c) (I), and is specifically authorized by C.R.S. Section 30-28-403.

WHEREAS, the Hinsdale County Planning Commission reviewed and recommended adoption of this Resolution following a public hearing on August 13, 2001; and,

WHEREAS, the Board of County Commissioners has subsequently held three public hearings and due notice was given that the Board would meet to hear and consider this resolution; and

WHEREAS, the Board of County Commissioners has heard and considered all evidence and testimony presented with respect to the amendments and has determined, subsequent to said public hearings that the adoption of this resolution is in the best interests of the citizens of the Hinsdale County; and,

WHEREAS, the Board of County Commissioners, in order to assure the adopted land use resolution for the Upper Piedra area of the County is meeting the intended goals of the Upper Piedra Comprehensive Plan, directs that a committee of citizens selected from the Upper Piedra area of the County be formed in May of 2003 to conduct a review of the existing Comprehensive Plan and Land Use Resolution as it applies to the Upper Piedra to determine its viability and make recommendations for change as necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Hinsdale County, Colorado that it does hereby amend the Hinsdale County Zoning Resolution by the repeal and re-enaction of Section 2.3, Establishment of Zoning Districts, to read as follow:

2.3 **Establishment of Zoning Districts:**

In order to carry out the purposes of this Resolution, Hinsdale County is hereby divided into zoning districts as follows:

PIEDRA	Upper Piedra District
RAD 1	Rural Area District 1
RAD 2	Rural Area District 2
URBAN 1	Urban District No. 1- Residential
URBAN 2	Urban District No. 2 - Tourist/Business

BE IT FURTHER RESOLVED by the Board of County Commissioners that it does hereby amend the Hinsdale County Zoning Resolution by the addition of a new zone district, the PIEDRA, Upper Piedra District, and new Sections 3.24 through 3.31, to read as follows:"

followed by the Piedra Zoning Regulations set forth in sections 2.5-2.A through 2.5-2.I above.

Historical References:
95454 07/27/2006 **108-132**

Adopted: 20__

Legal References:
C.R.S.

Sec. 2.6 Rural Area District 1– RAD 1

2.6-1 Uses Allowed By Right

a. Tourist Cabins, Motels and Lodges
b. Guest Ranch
c. Agriculture
d. Single and Two-Family Dwellings
e. Accessory Uses and Structures
f. Home Occupational Use
g. Fish Hatcheries
h. Retail Business
i. Filling Stations and/or Garages
j. Preliminary Mineral Exploration by Core Drilling Only

Historical References:
1979 Zoning Resolution Section 3.1 through 3.7.
95454 07/27/2006 **5**

Legal References:
C.R.S.

2.6-2 Conditional Uses Allowed by Permit Only:

a. Underground Mining, Sand, Gravel and other Extractive Operations
b. Light Industrial Use
c. Construction Business and Yards

Historical References:
1979 Zoning Resolution Section 3.1 through 3.7.
95454 07/27/2006 **5**

Legal References:
C.R.S.

2.6-3 Special Uses by Permit Only:

a. Wildlife Refuge
b. Public Park
c. Public Forestry
d. Cemeteries
e. Multi-family Dwelling
f. Public Utilities
g. Other Extractive Mining
h. Planned Unit Development
i. Mobile Home Park (See Section 3.3-3)
j. Schools and Churches
k. Recreational Vehicle Parks (See Section 3.3-3)
l. Hospitals and Medical Facilities
m. Airports
n. Auto Salvage or Scrap Yards Enclosed by a Ten-Foot Closed Fence

Historical References:
1979 Zoning Resolution Section 3.1 through 3.7.
95454 07/27/2006 **5,6**

Legal References:
C.R.S.

2.6-4 Minimum Lot Area

a. One acre
b. 1250 sq. ft. per mobile home unit in mobile home parks

Historical References:
1979 Zoning Resolution Section 3.1 through 3.7.
95454 07/27/2006 **5**

Legal References:
C.R.S.

2.6-5 Required Set Backs:

All structures shall be located no less than fifteen feet from any property line.

Historical References:
1979 Zoning Resolution Section 3.1 through 3.7.
95454 07/27/2006 **6**

Legal References:
C.R.S.

2.6-6 Maximum Lot Coverage

Fifty percent (50%).

Historical References:
1979 Zoning Resolution Section 3.1 through 3.7.
95454 07/27/2006 **6**

Legal References:
C.R.S.

2.6-7 Maximum Building Height:

Thirty-five feet (35 ft).

Historical References:
1979 Zoning Resolution Section 3.1 through 3.7.
95454 07/27/2006 **6**

Legal References:
C.R.S.

Sec. 2.7 Rural Area District 2– RAD 2

2.7-1 Uses Allowed By Right:

a. Wildlife Preserves
b. Public Parks
c. Accessory Uses and Structures
d. Single-Family Dwellings
e. Filling Stations and/or Garages
f. Preliminary Mineral Exploration by Core Drilling Only

Historical References:
1979 Zoning Resolution Section 3.8 through 3.11
95454 07/27/2006 **6**

Legal References:
C.R.S.

2.7-2 Special Uses Allowed by Permit Only:

a. Public Utilities
b. Recreation Facilities Class A, B, and C (see definitions)
c. Agriculture
d. Cluster Residences
e. Underground Mining, Sand and Gravel and other Extractive Operations
f. Retail Business
g. Hospital and Medical Facilities
h. Airports and Heliports
i. PUD

Historical References:
1979 Zoning Resolution Section 3.8 through 3.11
Resolution 1999-15
95454 07/27/2006 **6,7,44**

Legal References:
C.R.S.

2.7-3 Minimum Lot Area

One Acre

Historical References:
1979 Zoning Resolution Section 3.8 through 3.11
95454 07/27/2006 **7**

Legal References:
C.R.S.

2.7-4 Required Set Backs

All structures shall be located no less than fifteen (15) feet from any property line except cluster residences.

Historical References:
1979 Zoning Resolution Section 3.8 through 3.11
95454 07/27/2006 **7**

Legal References:
C.R.S.

Sec. 2.8 Urban District 1(Residential) – Urban 1

2.8-1 Uses Allowed by Right

a. Single-family Dwellings
b. Two-family Dwellings
c. Home Occupational Use
d. County Yards
e. Filling Stations and/or Garages Historical
f. Museums

Historical References:
1979 Zoning Resolution Section 3.12 through 3.17.
Resolution 1/3/92
95454 07/27/2006 **7,8**

Legal References:
C.R.S.

2.8-2 Special Uses by Permit Only:

a. Multi-family Dwellings
b. Tourist Cabins and Motels
c. Planned Unit Development
d. Schools and Churches
e. Offices

Historical References:
1979 Zoning Resolution Section 3.12 through 3.17.
95454 07/27/2006 **7**

Legal References:
C.R.S.

2.8-3 Minimum Lot Area

6250 sq. ft. per dwelling unit with a minimum lot width of 50 ft.

Historical References:
1979 Zoning Resolution Section 3.12 through 3.17.
95454 07/27/2006 **7**

Legal References:
C.R.S.

2.8-4 Required Set Backs:

a. Front – Minimum of fifteen (15) feet from lot line.
b. Side – Minimum of five (5) feet from lot line.
c. Rear – Minimum of five (5) feet from lot line.

Historical References:
1979 Zoning Resolution Section 3.12 through 3.17.
95454 07/27/2006 **7**

Legal References:
C.R.S.

2.8-5 Maximum Building Height:

Thirty-five (35) feet.

Historical References:
1979 Zoning Resolution Section 3.12 through 3.17.
95454 07/27/2006 **7**

Legal References:
C.R.S.

2.8-6 Maximum Lot Coverage

Fifty percent (50%) including all buildings.

Historical References:
1979 Zoning Resolution Section 3.12 through 3.17.
95454 07/27/2006 **7**

Legal References:
C.R.S.

Sec. 2.9 *Reserved for Future Use*

Sec. 2.10 Urban District 2(Tourist/Business) – Urban 2

2.10-1 Uses Allowed By Right:

a. Tourist Cabins, Motels and Lodges
b. Single and Two-Family Dwellings
c. Multiple-Family Dwellings
d. Retail Business and Offices
e. Filing Stations and/or Garages

Historical References:
1979 Zoning Resolution Section 3.18 through 3.23.
95454 07/27/2006 **9**

Adopted: 20__

Legal References:
C.R.S.

2.10-2 Special Uses by Permit Only:

a. Public Utilities
b. Class A Camp and Recreational Vehicle Park
c. Mobile Home Park
d. Planned Unit Development
e. R.V. Sales & Service

Historical References:
1979 Zoning Resolution Section 3.18 through 3.23.
95454 07/27/2006 **9**

Adopted: 20__

Legal References:
C.R.S.

2.10-3 Minimum Lot Area:

a. 6250 sq. ft. per single-family or two-family dwelling.
b. 500 sq. ft. per dwelling unit for tourist cabins, motels, lodges and multiple-family dwellings.

Historical References:
1979 Zoning Resolution Section 3.18 through 3.23.
95454 07/27/2006 **9**

Adopted: 20__

Legal References:
C.R.S.

2.10-4 Required Set Backs:

a. Front – Minimum off fifteen (15) feet from lot line.
b. Side – Minimum of five (5) feet from lot line.
c. Rear – None

Historical References:
1979 Zoning Resolution Section 3.18 through 3.23.
95454 07/27/2006 **9**

Adopted: 20__

Legal References:
C.R.S.

2.10-5 Maximum Lot Coverage

Fifty percent (50%).

Historical References:
1979 Zoning Resolution Section 3.18 through 3.23.
95454 07/27/2006 **9**

Adopted: 20__

Legal References:
C.R.S.

2.10-6 Maximum Building Height

Twenty-five (25) feet.

Historical References:
1979 Zoning Resolution Section 3.18 through 3.23.
95454 07/27/2006 **9**

Adopted: 20__

Legal References:
C.R.S.

Historical References:
1979 Zoning Resolution Section as interpreted by the committee that put together this reorganized draft, with the following comment:

Article 3: Use Specific Standards

Sec. 3.2 Use-Specific Standards

3.2-1 Supplementary Regulations for Conditional and Special Uses Allowed by Permit Only

In addition to local or state building permit regulations, the following regulations shall apply to conditional or special uses allowed by permit only, as indicated.

3.2-1.A. Application in Rural Area Districts. In all Rural Area Districts any development proposal shall be accompanied by physiographic studies of the proposed site. These studies shall be performed and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water availability, sewage and solid waste disposal. Plans for implementation must be reviewed by the appropriate authorities as follows: U.S. Soil Conservation Service, all divisions in the Colorado Department of Natural Resources and the Colorado State Health Department.

3.2-1.B. Application in Urban Districts. In the Urban Districts the requested use must:

1. Be compatible with adjoining use;

2. Tie into and not exceed the existing water utility and sewer capacities; in the case that any utility capacity is exceeded by the proposed development it will be the developer's burden to provide suitable expansion of facilities at the discretion of the utility district commissioners.

3.2-1.C. Applications for Mines, Sand, Gravel, Extractive Operations. Mines, sand and gravel, and other extractive operations allowed as conditional uses are subject to the following provisions:

1. That such use does not create any danger to safety in surrounding areas, does not cause water pollution and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property in which such use is located.

2. Permits shall be granted for these uses only with the provision that satisfactory general rehabilitation plan for the land shall be submitted prior to the start of operations and implemented thereafter.

a. The plan for site rehabilitation shall be submitted to and approved by the Board of County Commissioners before a special permit may be issued.

b. The applicant shall furnish a bank commitment of credit, bond or a certified check to secure the site restoration according to the plan.

3. Truck traffic to and from such uses shall not create hazards or nuisance to areas elsewhere in the county nor shall it unduly damage public roads.

3.2-1.D. Applications for Sanitary Land Fill and Public Utilities. Sanitary land fill and public utilities are subject to the following provisions:

1. A site plan, elevation, perspective and general written description of the proposed use shall be presented.

2. An explanation shall be made in writing of methods to be used to minimize smoke, odors, noise, dust and similar environmental problems which might result from the operation of the proposed use.

3. Such uses shall serve an obvious public need and be well documented.

4. Sufficient distance shall separate such uses from abutting properties which might otherwise be damaged due to operation of the proposed use.

5. A landscaped screen may be required as deemed necessary by the County Commissioners.

3.2-1.E. Applications for Airports, Cemeteries, Schools, Medical Facilities & Churches. Airports, cemeteries, schools, medical facilities and churches are subject to the following provisions:

1. In the case of airports, cemeteries, schools and medical facilities, such areas shall serve an obvious public need which shall be well documented.

2. Sufficient distance shall separate such uses from abutting properties, which might otherwise be damaged due to operation of the proposed use.

3. Satisfactory proof shall be given that such areas will be properly maintained.

4. Truck and automobile traffic to and from such uses shall not create hazard or nuisance to areas elsewhere in the County.

5. Sufficient off-street parking shall be provided to accommodate the expected volume of users of such facilities.

3.2-1.F. Applications for Resort Mobile Home Parks, RV Parks, Tent Camping Parks. Resort Mobile Home Parks, Recreational Vehicle Parks, and/or Tent Camping Parks as conditional uses are subject to the provisions for these facilities as set forth in the

Hinsdale County Subdivision Regulations (Sec. 8.10) and Mobile Home Ordinance (Sec. 3.2-2 below) now in effect or hereinafter adopted.

3.2-1.G. Applications for Cluster Residential Uses. Cluster residential uses are subject to the same provisions as PUD except that residential uses shall be the only permitted use.

3.2-1.H. Applications for Any Conditional and Special Uses. Any conditional and special uses, as allowed in the various districts under "Zoning District Regulations" of this Resolution, are subject to the following provisions:

1. That such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences beyond the boundaries of the property on which such use is located.

2. That upon the discretion of the County Commissioners, a written explanation may be required indicating methods to be used to minimize smoke, odors, dust and similar environmental problems which might result form the operation of the proposed use.

3.2-1.I. Compatibility. In the Two Urban Districts (Residential, Tourist/Business) it is intended that the free flow of commerce, tourism, and dwellings be arranged in such a way that those adjoining uses not compatible be separated by uses compatible with both, except where conflicts are currently existing.

The County Commissioners shall determine according to the following general guidelines the compatibility of special and conditional uses:

> Residential uses may be compatible with tourist rooms, cabins and other tourist residential in the residential or tourist districts.
>
> Business uses may be compatible with tourist uses and tourist residential in business or tourist districts.
>
> Tourist use may be compatible with both residential in residential district and business in business district. (See also Section 2.6 through 2.10)

Historical References:
1979 Zoning Resolution sections 6.2, 11.3, 3.4 through 3.23
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994.
95454 07/27/2006 **170-173**

Legal References:
C.R.S.

Sec. 3.3 Mobile Home, Mobile Home Park and Campground Regulations *Applicable to Zoned Portions of Hinsdale County Only.*

(Note: Table of contents omitted due to renumbering of sections)

3.3-1 Title, Application and Definitions

3.3-1.A. Title

These regulations shall be known as the Hinsdale County Mobile Home, Mobile Home Park , Mobile Home Leased Lots and Campground Regulations and was adopted by resolution number 19, Series 1992.

3.3-1.B. Authority

The Mobile Home Regulations are adopted under the authority granted by the Colorado Revised Statutes, Section 30-28-101, et seq., as amended, and are hereby declared to be in accordance with all provisions of those regulations. The Planning Commission established under the Colorado Revised Statutes, Section 30-28-116, has fulfilled the requirements set forth in these acts as a prerequisite to the adoption of such regulations.

3.3-1.C. Jurisdiction

These regulations shall include all of the zoned unincorporated areas within Hinsdale County and shall act to rescind the Mobile Home Regulations adopted June 2, 1969, and recorded by Resolution on February 11, 1970 in Book 101 at page 655. **EXISTING MOBILE HOME PARKS AND RECREATIONAL VEHICLE CAMPGROUND RESORTS ARE EXEMPT FROM THE NEW REGULATION EXCEPT WHEN THE EXISTING FACILITY IS ENLARGED BY 50% OR MORE. SEE NON-CONFORMING MOBILE HOME PARK. SUCH ENLARGEMENT SHALL COMPLY WITH THIS REGULATION. WHERE UNSAFE CONDITIONS EXIST, SUCH CONDITIONS MUST BE REMEDIED IN ANY CASE.**

3.3-1.D. Purpose

The purpose of these regulations shall be:

1. To establish minimum standards and requirements for placement of an individual mobile home on private property.

2. To establish minimum standards governing the construction and maintenance of

mobile home parks, including utilities, physical facilities and conditions; to make mobile home parks safe, sanitary, and pleasant for human habitation; to set forth the responsibilities and duties of owners and operators of mobile home parks.

3. To establish minimum standards governing the construction and maintenance of resort mobile home and/or tent campgrounds, AND MOBILE HOME LEASE LOTS, including utilities, physical facilities, sanitary conditions and safety; to set forth the responsibilities and duties off owners and operators of resort mobile home and/or tent campgrounds.

4. To fix penalties for violations.

3.3-1.E. Control

1. It shall be unlawful for any person to locate an individual mobile home within the zoned unincorporated areas of Hinsdale County, Colorado, except in compliance with these regulations.

2. It shall be unlawful for any person to establish, construct, or alter any mobile home park, MOBILE HOME LEASED LOTS, or any resort mobile home park and/or tent camping park within the unincorporated areas of Hinsdale County, Colorado, except in compliance with these regulations.

3.3-1.F. Interpretation

Whenever a provision of these regulations and a provision of any other law, ordinance, resolution, rule or regulation contains restrictions covering the same subject matter, that regulation which is more restrictive or imposes higher standards or requirements shall govern.

3.3-1.G. Enforcement

1. It shall be unlawful to locate a mobile home on private property within the zoned unincorporated areas of Hinsdale County without a valid permit issued by the enforcement Officer of Hinsdale County. Permit forms shall be obtained from the Enforcement Office. All applications for permits shall be made in accordance with these regulations.

2. It shall be unlawful to construct, maintain, operate or alter any mobile home park, MOBILE HOME LEASED LOTS, or any resort mobile home park and/or tent camping park within the zoned unincorporated areas of Hinsdale County, Colorado, without a valid permit issued by the Board of County Commissioners of Hinsdale County, Colorado. All applications for permits shall be made in accordance with these regulations.

3. No mobile home within any NEW mobile home park shall be occupied unless and until the park or the occupied part thereof has been completed according to the approved

plat and application for such mobile home park.

4. Except as permitted and in compliance with these regulations, no mobile home shall be parked, stored or occupied in the zoned unincorporated areas of Hinsdale County, Colorado.

5. THE COUNTY ENFORCEMENT OFFICE SHALL BE RESPONSIBLE FOR ENSURING REQUIREMENTS OF THIS REGULATION ARE MET AND COMPLIED WITH.

3.3-1.H. Definitions

1. Recreational Vehicle: Any pick-up camper, motor home, travel trailer, tent trailer or similar mobile unit designed primarily for use as a temporary unit for human occupancy and whose occupants are primarily engaged in recreational activities.

2. Dependent Mobile Home: Any Recreational Vehicle as herein defined and any mobile home which does not have a flush toilet and a bath or shower.

*3. Independent Mobile Home***:** A mobile home that has a flush toilet and a bathtub or shower.

4. Mobile Home: Any structure designed to be transported on its own chassis after fabrication which exceeds either eight (8) feet in body width or forty (40) feet in body length and which is suitable for year-round human habitation when the required plumbing, heating and electrical facilities are connected.

5. Permit: A written document approved by the Country Enforcement Officer authorizing the location of mobile homes outside of mobile home parks.

*6. Construction Permit***:** A written permit issued and approved by the Board of County Commissioners of Hinsdale County, Colorado, authorizing the construction or alteration of a mobile home park or a resort mobile home park and/or a tent camping park.

7. Person: Any individual, firm, partnership, corporation, joint venture, company or association.

*8. Mobile Home Park***:** Any plot of ground, 5 acres or less, upon which more than two (2) mobile homes (either occupied or intended to be occupied for dwelling or sleeping purposes) are located if a charge is made for such accommodations.

*9. Resort Mobile Home and/or Tent Camping Park***:** Any park which meets all of the following conditions:

3 The principal business of the park is to supply parking spaces for motor homes, TRAVEL TRAILERS, recreational vehicles and/or tent

camping, whose occupants are engaged in recreational activities such as fishing, hunting, camping, boating, etc.

10. Mobile Home or RECREATIONAL VEHICLE Space: A plot of ground within a mobile home park or a resort mobile home park and/or tent camping park designed for the accommodation of a MOBILE HOME, motor home or camping unit.

11. Non-Conforming Mobile Home Park: Any mobile home park which is not in compliance with these regulations at the time of their enactment.

*12. Mobile Home Subdivision***:** A residential subdivision designed exclusively for and occupied only by mobile homes. Such a subdivision shall not be included in the definition of a mobile home park and shall be regulated under the Hinsdale County Subdivision Regulations.

*13. Modular Home***:** A structure designed to be transported after fabrication and located as a permanent addition to and becoming a part of the real property. Such structures must meet minimum construction requirements of the Uniform Building Code and be set on permanent foundations. Such structures are subject to all local building, zoning and housing regulations. Any modular home meeting the requirements herein defined is not considered a mobile home and is not subject to these mobile home regulations.

*14. Long Term Leased Lot Mobile Home Park***:**

-Lots are leased for one year or longer, with option for renewal.

-Each lot is approximately one-half acre in size and is limited to one permanent mobile home site and one temporary site.

-Each lot is provided with one water and one sewer tap and adequate access from a public road.

-Each lessee will be responsible for all other development (if any) on each leased lot.

-State approved central water and sewer facilities will be provided by the lessor.

-Lessee will be responsible for applicable construction and/or improvement permits on each leased lot.

Historical References:
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994.
95454 07/27/2006 **292-295**

Legal References:
C.R.S.

3.3-2 Individual Mobile Homes Occupied Outside of Mobile Home Parks

3.3-2.A. On Public Right-of-Ways

No INHABITED OR UNINHABITED mobile home OR RECREATIONAL VEHICLE shall be parked or permitted to stand upon any public street, highway, road, alley or other such right-of-way for more than a twenty-four (24) hour period. If so parked for less than a twenty-four hour period, it shall be parallel to the edge of the right-of-way, safely out off the flow of moving traffic.

3.3-2.B. On Public Property

Parking of a mobile home on public property in any national forest, city park, or in a public roadside park shall be in accordance with posted signs and instructions in such parking areas, and in accordance with existing regulations of the federal and local governing agencies.

3.3-2.C. Storage.

No mobile home shall be stored in any front or side yard as specified for principal buildings by applicable Hinsdale County zoning requirements. In addition, no mobile home shall be located closer than fifteen (15) feet from any building and shall comply with requirements for setbacks as required by zoning and subdivision regulations.

3.3-2.D. On Private Property

1. The placement of more than two mobile homes on any plot of ground shall create a mobile home park, if used for rent. Any parcel with more than two mobile homes used for human habitation, which was in existence prior to June 2, 1969, and which was not considered a mobile home park or does not meet the State or County requirements for a mobile home park shall be allowed to remain as a nonconforming use. Any removal of a nonconforming mobile home and the replacement of a mobile home to that same parcel of ground shall then create a mobile home park and all applicable regulations shall apply. A division of a parcel containing two or more mobile home which creates a portion of the parcel containing two or more mobile homes shall create a mobile home park and all applicable regulations shall apply.

2. If the proposed mobile home location conflicts with provisions of the Hinsdale County zoning requirements or if it is located on a parcel of land that is adjacent to or within close proximity of an approved subdivision or where more than 70% of the residential units are conventionally built or modular homes, the building permit shall be reviewed by the Hinsdale County Planning Commission which will make recommendations to the Board of County Commissioners either approving or disapproving such location. Final action by the Board of County Commissioners on those building permit applications shall

be at the discretion of the Board of County Commissioners, based upon impact and recommendations of the Planning Commission considering further requirements.

3. No permit shall be issued under this section for placement of a mobile home on any lot, parcel or tract of land within a platted subdivision unless there have been recorded in the office of the County Clerk and Recorder of Hinsdale County, covenants relating to such subdivision which specifically permits the placement of mobile homes within the subdivision. Any such covenants or amendments to covenants must have been reviewed and approved by the Board of County Commissioners of Hinsdale County.

4. It shall be unlawful within the zoned limits of Hinsdale County for any person to park and occupy for human habitation any independent mobile home on private property without first obtaining a building permit from the Enforcement Officer. Permit application forms may be obtained from the County Enforcement Office at the County Courthouse.

5. No permit shall be issued unless all of the conditions are met pertaining to sanitary systems, water supply, electrical, lot size and setbacks as follows:

a. Sanitation and Water

i. Central Sewer and Water: Approved connection permits must be obtained for both sewer and water prior to issuance of a building permit. These areas include Urban District 1 (Residential), Urban District 2 (Tourist and Business), and any subdivision where mobile homes are permitted and which have or hereinafter will have central water and sewer systems.

ii. Central or Individual Water Supply with On-Site Individual Sewage System: An application shall be made for an individual on-site sewage disposal system permit, and a State permit for an on-site well or a connection permit for central water, whichever is applicable, shall be obtained prior to issuance of a building permit. All other areas in Hinsdale County, excepting zoned areas Urban Districts 1 and 2, and those subdivisions permitting mobile homes which have central sewage and water systems, shall be included.

b. Electrical/Other Improvements or Services

i. The mobile home must have been constructed no earlier than May 1972 and must be approved by and bear the seal of the Colorado Division of Housing OR MEET THE REQUIREMENTS OF ii BELOW.

ii. If the mobile home does not meet the above condition, the following procedure shall apply. The electrical system shall be inspected by the State Electrical Inspector and certified that it meets State electrical code for mobile homes.

iii. All other services to or improvements of any mobile home must be in compliance

with the Uniform Building code provisions adopted by the County, WHERE APPLICABLE.

c. Lot Size

i. Urban District 1 (minimum width 50 feet) – 6,250 square feet.
ii. Urban District 2 – 6,250 square feet.
iii. Rural Districts 1 and 2 and all unzoned areas in the County – one (1) acre.

d. Setbacks

All mobile homes shall be set back from property lines with such measurements taken from the wall of the mobile home and not the hitch, towing device or bumper attached to the mobile home as follows:

i. Zoned Urban District 1:

Front	15 feet
Sides	5 feet
Rear	5 feet

ii. Zoned Urban District 2:

Front	15 feet
Sides	5 feet
Rear	5 feet

iii. Zoned Rural Area Districts 1 and 2:

Front	15 feet
Sides	15 feet
Rear	15 feet

iv. All Unzoned Areas

Front	15 feet
Sides	15 feet
Rear	15 feet

6. Additions, Extensions or Enlargements

Any additions, extensions or enlargements will be allowed as long as they meet the Hinsdale County building code and a building permit is obtained from the Enforcement Officer. Compliance with applicable covenants and setbacks shall be required. If a mobile home LOCATED IN URBAN DISTRICT 1 OR 2 is to be modified with a roof structure, the new supporting walls (stud walls) must be completely sided. No open stud

walls shall be allowed in URBAN DISTRICT 1 OR 2.

7. Mobile Home Tie Down

Any mobile home placed on private property under the provisions of this subsection shall be tied down according to manufacturer's tie down instructions. If such instructions are not available, it shall be tied down according to and in a manner APPROVED BY THE COUNTY ENFORCEMENT OFFICER.

8. Skirted Enclosure

A mobile home LOCATED IN URBAN DISTRICT 1 OR 2 shall, within thirty (30) of its placement upon the site, be skirted in proper fashion. No flammable materials shall be stored beneath the mobile home.

9. Building Permit

a. The Hinsdale County Enforcement Officer may issue a permit for the temporary parking, occupancy and use of a mobile home not in a mobile home park provided that all requirements listed under , Article 3.2-2D, items 1 through 8 have been met. At the discretion of the Enforcement Officer, a temporary permit may be issued for the location, use and occupancy of an independent mobile home on private property providing sanitary and safety conditions (Article 3.2-2D, items 4 through 8) are satisfied for a cause such as construction of a permanent residence. A temporary building permit shall be valid for one hundred eighty (180) days.

b. A building permit for the permanent location, use and occupancy of a mobile home shall be issued by the County Enforcement Officer if all of the requirements of 3.2-2 are met.

10. Fees for Building Permits

Applicable fees shall be as set forth in the applicable UBC rates then adopted by the County.

11. Occupancy

No mobile home shall be occupied until all provisions of Article II have been met, including water, sanitation, electrical connections, plumbing, and Certificate of Occupancy has been issued.

12. Mobile Homes Used for Nonresidential Purposes.

Mobile homes, as well as other movable structures, are sometimes used for nonresidential purposes such as offices, laboratories or storage. The Attorney General's opinion of November 18, 1977, states that such vehicles or structures not used for occupancy by

persons for residential purposes do not fit the statutory definition of mobile homes. Such mobile homes used for these purposes shall not be required to met the requirements of Article II off theses regulations except for building permit fees. Such mobile homes are subject to registration and specific ownership taxation through the office of the County Clerk and Recorder. A building permit shall be required for mobile homes used for purposes other than residential for location in Hinsdale County in accordance with the fee schedule.

13. Individual Mobile Homes Located in Urban Districts 1 or 2 shall meet the following additional requirements:

a. Be anchored to a foundation constructed in full conformity with the County Building Code.
b. Qualify for a building permit pursuant to Section 3.3-2D.9.
c. Be a Minimum of 14 feet wide and have a minimum eave overhang of 12 inches.
d. Meet a minimum roof snow load requirement of 65 pounds per square foot.
e. Have exterior siding of brick, wood, or cosmetic equivalent.

Historical References:
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994. (1994 - 14)
95454 07/27/2006 **297-303,323**

Legal References:
C.R.S

3.3-3 Mobile Home Parks, Resort Mobile Home, Mobile Home Leased Lots, and/or Tent Camping Parks

3.3-3.A Construction Permit for Mobile Home Park, MOBILE HOME LEASED LOTS and/or Resort Mobile Home and/or Tent Camping Park

1. Application for a permit to construct, alter or expand a mobile home park or a resort mobile home and/or a tent camping park shall be made to the Board of County Commissioners of Hinsdale County. Five copies of the application shall be submitted and shall be accompanied by the following information:

a. Application Information

i. The name and address of the owner.
ii. The name of the park.
iii. The acreage of the park.
iv. The number of spaces to be constructed, added or altered.
v. The legal description of the proposed park and an abstract of title or title insurance policy.
vi. The expected water requirements and source.
vii. The expected sewage volume and method of disposal.
viii. Method of garbage disposal.
ix.. Estimated construction cost.

b. Additional Information

i. A site plan at a scale of 1"=100' showing section, township and range, zoning on adjacent property and zoning of the site.
ii. Typical plot plans for an individual mobile home space and/or resort mobile home and tent camping space at a scale of 1"=10'.
iii. Typical street and walk sections for mobile home parks.
iv. The number, location and sizes of all mobile home spaces and/or resort mobile home and/or tent camping spaces located on site plan (Item "i").
v. The location and width of roadways, sidewalks and pedestrian ways for mobile home parks.
vi. The location and size of automobile parking lots and recreation areas for mobile home parks.
vii. The location of service buildings and any other proposed structures.
viii. Plans and specifications of all buildings, utilities, utility easements, and other improvements constructed or to be constructed within the park.
ix. A detailed description of the source of water supply and water rights and of the methods to be used for sewage and garbage disposal.

c. Permit to Construct within a Mobile Home Long Term Lease Lot Park

i. Lessees shall be responsible for making application to the Board of County Commissioners for all alterations or improvements to their individual personal property that require a permit.
ii. Modifications and improvements to individual mobile homes shall require an approved permit from the County Board of Commissioners.

2. Permit Procedure

a. The Board of County Commissioners shall forward four copies of the application with accompanying information to the Hinsdale County Planning Commission.
b. The Planning Commission shall review the application,, considering the following:
i. Natural terrain which shields the park from view
ii. Zoning of the property and adjacent properties.
iii. The use of adjacent property.
iv. Any other features of the park or its location which may reasonably justify an alteration in the setback requirements.
v. Any impact on community functions such as schools, utilities, roads and garbage disposal.
vi. Compliance with regulations and required material.

c. Review by Agencies

i. The Planning Commission shall forward one copy to each of the following:
aa.. The State Health Department for sewage disposal.
bb. The State Engineer, Division of Water Resources, for water supply.
cc. The County Enforcement Officer.
dd. All other reviewing agencies as provided in the County's Subdivision Regulations.
ii. The Planning Commission shall, after fifteen (15) days contact each of the above which have not responded, asking I f an extension of time is necessary for response. If, after twenty-four 924) days an extension of time is requested, an extension not exceeding fifty (50) days from the time of original mailing shall be granted. The failure to respond within twenty-four days or fifty days if an extension is granted shall be deemed approval of said application.

d. Planning Commission Action

The Planning Commission shall review the application and response material and submit its recommendation in writing to the Board of County Commissioners of Hinsdale County within NINETY (90) days. Failure to submit such findings within the allotted time shall constitute approval by the Planning Commission.

e. Board of County Commissioners Action

The Board of County Commissioners of Hinsdale County shall consider the recommendations of the Planning Commission and shall approve or reject the application. Additional restrictions may be imposed by the Board of County Commissioners.

f. Construction Permit

The Board of County Commissioners shall authorize the Enforcement Officer to issue a Construction Permit to construct, alter, or make an addition to a mobile home park and/or resort mobile home and/or tent camping park upon payment of the fee and approval of the application. OWNERS OF INDIVIDUAL MOBILE HOMES OR RECREATIONAL VEHICLES SHALL BE RESPONSIBLE TO APPLY FOR PERMITS FOR ANY ALTERATIONS OR ADDITIONS TO THEIR PERSONAL PROPERTY.

3. Construction Permit Fees

Construction permit fees shall be based upon the IBC fees.

Historical References:
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994.
95454 07/27/2006 **304-307**

Legal References:
C.R.S.

3.3-4 Mobile Home Park Requirements

3.3-4.A. Site Selection Criteria.

Existing zoning and health regulations shall be considered prior to selection of a site for a mobile home park. Sparsely wooded sites providing shade trees are advantageous. The mobile home park shall be on a well-drained site and will be so located so that its drainage will not cause adverse effects on surrounding areas. Existing creeks and streams shall be preserved. Mobile home parks shall not be subject to fire or safety hazards or to flooding from ground or surface waters, and shall not be exposed to chronic nuisances such as odors, fumes, smoke or noise. The topography shall be favorable to minimum grading and ease of maintenance, and shall be free from depressions in which stagnate water collects.

3.3-4.B. Mobile Home Park Size

The minimum size of a mobile home park shall be three (3) acres.

3.3-4.C. Mobile Home Park Density.

The mobile home park shall have a gross density of not more than ten (10) units per acre provided that terrain, lot configuration, park size and other factors permit such density and still permit compliance with the other requirements of these regulations.

3.3-4.D. Setbacks and Placement of Mobile Homes IN AREAS ZONED URBAN DISTRICT 1 OR 2.

1. Setbacks along the perimeter of the park shall be landscaped except for those portions used for ingress and egress. The minimum setback requirements for all permanent structures and mobile homes shall be in accordance with the setback limits required by the Zoning Resolution of Hinsdale County, Colorado, Section 2, pages 33-98. In all unzoned areas, such setbacks shall be at least fifteen (15) feet from any property line. In addition, each mobile home within a mobile home park shall be setback at least fifteen (15) feet from any interior roadway with measurements being taken from the edge of the roadway and the wall of the mobile home, and not the hitch attached to the mobile home.

2. Setback requirements set forth in Section 3.3-4D.1 may be increased and/or decreased, in whole or in part, upon recommendation of the Planning Commission and approval of the Board of County Commissioners of Hinsdale County according to the following factors:

a. Natural terrain which shields the park from view.
b. Landscaping or other construction which shields the park from view.

c. The use of adjacent property.
d. The location of the park or any other features of the park which may reasonably justify an alteration in the setback requirements.

3. It shall be unlawful to allow any mobile home to be occupied in a mobile home park unless the mobile home is situated on a mobile home space.

4. All mobile homes shall be parked in such spaces so that there will be a minimum of twenty-five (25) feet between mobile homes with an end-to-end clearance of not less than fifteen (15) feet. Enclosed additions to the mobile home structure shall be considered a part of the mobile home in measuring required setbacks..

5. It shall be unlawful to park and mobile home so that any part of the mobile home will obstruct any roadway or walkway in a mobile home park.

3.3-4.E. Mobile Home Space Requirements

1. The following minimum area requirements shall apply to mobile home spaces:

a. The minimum area of a mobile home space shall be 3,200 square feet if the fifteen (15) feet end-to-end separations and the twenty-five (25) feet mobile home separations can be met. If these separations cannot be met, the minimum area of a mobile home space shall be increased to 5,000 square feet and the minimum depth shall be 100 feet. Such minimum space may be used for two (2) off-street parking spaces required in Section 3.3-4.F.1.b, but shall not be used to fulfill requirements for open space or recreation area, streets, or access roads, service buildings or the storage area required in Section 3.3-4.J.1.

b. Groups or clusters of mobile homes may be placed on a combined lot where the area of the combined lot is equal to the minimum lot area required for an equal number of mobile homes on standard lots and where the minimum setbacks are maintained on the combined lots perimeter lines and minimum separations between mobile homes are maintained.

c. a surfaced area in each mobile home space of not less than fifteen (15) feet wide by seventy (70) feet long shall be provided for parking each mobile home. Surfacing shall be a minimum of (4) inches of compacted gravel OR AS SPECIFIED BY THE COUNTY ENFORCEMENT OFFICER. EXISTING PREPARED GROUND MATERIAL MAY BE SUFFICIENT.

3.3-4.F. Off-Street and On-Street Parking

1. Areas shall be provided for the parking of motor vehicles as follows:

a. A minimum of two (2) off-street parking spaces for each mobile home space shall be

provided. Each such off-street space shall be eight (8) feet by twenty (20) feet long and shall be surfaced with a minimum of three (3) inches of gravel. Each parking space shall be provided with adequate wheel stops.

b. On-street parking may be permitted in place of required off-street parking by widening the roadways. On-street parking shall equal the minimum area for an equal number off off-street parking spaces with a minimum width of eight (8) feet.

3.3-4.G Access and Interior Roads

1. The site shall have access to a public street, road or highway. Such roadway shall be at least thirty (30) feet in width, constructed in accordance with County road specifications. The width shall be measured from shoulder to shoulder. An additional six (6) feet shall be provided on each side for snow removal.

2. Each mobile home shall face upon an interior roadway which shall be at least thirty (30) feet wide. If parking is permitted on such roadway, then such interior roadway shall be a minimum of forty-six (46) feet wide. An additional six (6) feet shall be provided beyond each shoulder for snow removal. All such roads shall be constructed in accordance with County specifications for County Roads.

3.3-4.H. Walkways, Paving and Lighting

1. Pedestrian walkways not less than two (2) feet wide shall be provided along park streets and from mobile homes to all community and service facilities where lack of such walkways constitutes a safety hazard.

2. Walkways shall be so constructed to provide ease of maintenance and shall have a minimum of three inches of gravel or shall be paved with concrete.

3. All roadways IN AREAS ZONED URBAN DISTRICT 1 or 2 shall be adequately lighted and clearly identified to allow free movement of emergency and service vehicles at all times. Driveways and walkways shall be lighted at night with electric lamps of no less than 100 watts spaced at intervals of no less than 300 feet.

3.3-4.I. Public Sites, Open Space and Recreation Areas.

1. A mobile home park shall provide an area not less than eight (8) percent of the gross mobile home park area for common recreational area or areas for the benefit of the full time park residents. Such areas allowed for recreation shall not include any roadways, mobile home space or storage areas. Any area required for setbacks as set forth in Section 3.3-4.4.1 of these regulations may be utilized for recreational areas only on the express consent of the Board of County Commissioners with recommendations from the Planning Commission.

3.3-4.J. Storage Areas

1. An outdoor storage area for boats, boat trailers, camping units, and horse trailers shall be provided within the mobile home park. Such space shall be equal to one hundred (100) square feet per mobile home space but shall be subject to reduction at the discretion of the Planning Commission during planning of a new mobile home park. SUCH AREA MAY BE SUPPLIED WITHIN THE INDIVIDUAL LOT SPACE IF TOTAL LOT SIZE IS ADEQUATE.

2. Individual outdoor storage SITES ADJACENT TO EACH MOBILE HOME SPACE shall be provided for the personal use of mobile home occupants. Space beneath the mobile home shall not fulfill this requirement.

3.3-4.K. Individual Mobile Homes

1. All mobile home units LOCATED IN AREAS ZONED URBAN DISTRICT 1 or 2 shall have a skirting off a rigid type of material. Skirting must be in place within thirty (30) days after such mobile home is set on the mobile home space. Flammable materials shall not be stored beneath a mobile home.

2. IT IS RECOMMENDED THAT all mobile home units shall be tied down in accordance with manufacturer's recommendations within thirty (30) days after the mobile home is set.

3. WHERE REQUIRED it shall be the duty of the person to whom an operating license for the mobile home is issued to see that a skirting is in place and tie down is completed in compliance with these regulations.

3.3-4.L. Dependent Mobile Homes and/or Tent Camping Units

1. Dependent mobile homes as defined in Article 3.3-1H. *Definitions* shall not be allowed in residential mobile home parks except as provided in Section 3.3-4.N.10 and Section 3.3-1.H2.

2. Independent recreational or camping vehicles as defined in Article 3.3-1H. Definitions may be allowed within conforming residential mobile home parks providing all necessary sewer, water and electrical hook-ups are made and providing all such vehicles and facilities are segregated from the full time mobile home residential areas.

3. Resort mobile home and/or tent camping parks may be combined with a residential mobile home park. Such facilities shall be segregated and isolated from the full time residential park and shall conform to the regulations covering resort mobile home and/or tent camping parks (Article 3.3-5).

3.3-4.M. Fire Protection

1. Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the local fire prevention authority or County sheriff and to satisfy all fire regulations.

3.3-4.N. Utilities

1. No mobile home shall be occupied within any mobile home park unless it is properly placed on a conforming mobile home space and connected to all utilities services including water, sewage disposal, electrical and gas lines. All utility connections shall be located on the lot served. Utility systems shall conform to the following standards:

a. Electrical

1. An electrical outlet supplying at least 100 amperes service and 110/220 volts shall be provided for each mobile home space. The installation shall comply with all State electrical regulations.

b. Water Supply

1. All mobile home parks shall be served by a water supply system designed, constructed and protected in accordance with the Colorado Department of Health "Standards for Quality Water Supplied to the Public," and according to the minimums listed herein. The system shall be capable of furnishing a minimum of 300 gallons per day per mobile home space. The water supply system shall be protected against back siphoning and no direct connection between the water supply system and the sewer system shall be allowed unless an air gap or other protective device is used. Where a public water supply is available, the park shall be connected to such system and that source shall be used exclusively. Water shall be supplied to each space.

c. Sewage Disposal

1. Facilities shall be provided and properly maintained for the collection and disposal of sewage from mobile homes, service buildings and other facilities.

2. If a public sewer system is available, all plumbing fixtures, building sewers and mobile home park sewers shall be connected thereto. If a public sewer system is not available, a private sewage disposal facility meeting the Colorado Water Quality Control Commission Standards and all applicable Hinsdale County sewage disposal requirements shall be installed. All plumbing features, building sewers, and mobile home park sewers shall be connected thereto. Sewage shall not be deposited upon the surface of the ground.

3. Sewer collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic or ground movement and shall be separated from the water supply system by a horizontal distance of ten (10) feet.

4. The sewer lines shall be constructed of approved materials with adequate vents, water-tight joints and sufficient cleanouts.

5. Sewers shall be at a grade sufficient to ensure a mean velocity of two (2) feet per second when flowing full. The system shall be designed for a minimum flow ratio of at least 300 gallons per day per mobile home space. Horizontal and vertical drainage lines connecting with other horizontal drainage lines shall enter through forty-five (45) degree "y" branches or equivalent sweeps. Manholes or cleanouts shall be provided at the upper end of each main sewer line and a manhole or accessible cleanout shall be provided at intersections of two or more sewer lines, at changes in grade or alignment more than 45', and at intervals of not more than 400 feet.

6. Each mobile home space shall be provided with a sewer branch line and riser pipe at least four (4) inches in diameter. The branch line shall be installed with a uniform slope of one-quarter (<) inch per linear foot. The branch line shall terminate at a riser pipe of at least four (4) inches inside diameter which extends vertically four (4) inches above ground elevation. Riser pipes shall be protected AGAINST POTENTIAL DAMAGE.

7. The sewer service connection shall be equipped with standard screw ring or clamp-type fittings or adapters so that water-tight and tamper-proof connections can be obtained at the mobile home drain outlet and sewer riser pipes. The connection shall be approved semi-rigid, non-collapsible, corrosion resistant pipe having a smooth interior surface and an inside diameter of not less than three (3) inches.

8. The sewer service connection shall be installed and maintained with a uniform grade not less than one-quarter (<) inch per foot and shall be no longer than necessary to connect the mobile home drain and the sewer riser pipe. Those mobile home units with drain outlets less than three (3) inches inside diameter shall be connected with reducer and screw or clamp-type fittings.

9. When a mobile home does not occupy the mobile home space, the sewer riser pipe shall be capped with a watertight cap or plug.

10. Dependant Mobile Home: Any mobile home park accommodating dependent mobile homes as herein defined. Facilities shall conform to the following:

a. Toilet facilities for males shall consist of not less than one flush toilet and one urinal for the first ten (10) such spaces reserved for these units or fraction thereof and one additional flush toilet and one additional urinal for each additional ten (10) spaces or fractional number thereof.

b. Toilet facilities for females shall consist of not less than one flush toilet

for the first ten (10) spaces for dependent units or fraction thereof and one additional flush toilet for each ten (10) additional dependent mobile home spaces or fraction thereof.

c. Each sex shall be provided with one lavatory and one shower or tub with individual dressing accommodations for the first ten (10) dependent mobile home spaces or fraction thereof and one additional set of units for each additional ten (10) dependent mobile home spaces or fraction thereof.

d. Each toilet and each bathing facility with individual dressing accommodations shall be in a private compartment or stall.

e. The toilets and sanitation facilities shall be either in separate buildings or shall be separated, if in the same building, by sound-proof walls.

f. Sewage Disposal. All sewer connections shall be to the central sewer system. (Section 4.14, Paragraph 2.C.)

d. Refuse Disposal.

1. The storage, collection and disposal of refuse in a mobile home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution or other nuisances.

2. Durable, washable and non-absorbent metal or plastic containers with tight-fitting lids shall be provided at each mobile home space or at a central storage area located not more than 200 feet from any mobile home space. Refuse containers shall be provided at the rate of two (2) 30 gallon (4 cu.ft.) containers for each mobile home space or an equivalent storage capacity in centralized storage facilities.

3. The number of containers supplied and frequency of collection shall be sufficient to prevent overfilled containers. Refuse shall be routinely collected and removed from the premises not less than once weekly. Refuse shall be disposed of at a lawful disposal site in accordance with requirements of the Colorado Solid Waste Disposal Site and Facilities Act.

Historical References:
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994.
95454 07/27/2006 **308-316**

Legal References:
C.R.S.

3.3-5 Resort Mobile Home and/or Tent Camping Park Construction Requirements

3.3-5.A. Site Selection Criteria

1. Resort mobile home and/or tent camping parks shall be drained and surfaced when necessary to facilitate drainage and shall be free from depressions in camping areas in which water collects and stagnates. The principal business of the park is to supply parking spaces for recreational mobile homes and/or tent camping whose occupants are engaged in recreational activities. Site selection shall be made giving consideration to the uses of adjacent property. Resort mobile home and/or tent camping facilities, when combined with residential mobile home parks, shall be separated and isolated from such residential units. Zoning and health regulations shall be considered prior to selection of the sites.

3.3-5.B. Resort Mobile Home and/or Tent Camping Park Size

1. The minimum size of a resort mobile home park and/or tent camping park shall be (1) acre.

3.3-5.C. Setbacks and Campsite Locations

1. Minimum setback limits for any structure, campsite, parking site or interior roadway shall be fifteen (15) feet.

2. There shall be a minimum of twenty-five (25) feet from center to center of camping units and/or resort mobile home units.

3. All resort mobile homes shall be parked in spaces provided.

3.3-5.D. Access and Interior Roads

1. Main Access Road. The site shall have access to a public street, road or highway, and shall b be at least twenty-two (22) feet in width and shall be surfaced with three (3) inches of gravel as a minimum.

2. Interior Roads. All roads or driveways within a resort mobile home and/or a tent camping park shall be a minimum of sixteen (16) feet in width, adequately drained and shall be surfaced with a minimum of three (3) inches of gravel.

3.3-5.E. Parking

1. Resort Mobile home parking spaces shall be at approximately forty-five degrees (45') to the road. Parking spaces shall be a minimum fifty-five (55) feet in length measured along the short side from the edge of the road. Width of parking spaces shall be fourteen

(14) feet. Parking spaces shall be surfaced with three (3) inches of gravel and provided with an adequate stop.

2. Tent camp parking spaces shall be forty (40) feet deep and fourteen (14) feet wide surfaced with a minimum of three (3) inches of gravel. Parking spaces shall be at a 45 degree (45') angle to the road and may be head-on or back-in type. On two-lane roadways exceeding sixteen (16) feet, parking spaces may be at right angles to the road. Parking spaces shall be provided with an adequate barrier.

3.3-5.F. Sewage Disposal.

1. A minimum of one vault toilet for each sex shall be provided. Vault toilets shall conform to State Health Department Standards and Hinsdale County Health Regulations (see attached Figure 2) Vault toilets shall be located no closer than fifty (50) feet nor more than three hundred (300) feet from any single mobile home or camping unit.

2. One sewage vault, flush with ground and with adequate connection to allow disposal of sewage from all types of mobile units shall be provided. Such vault shall conform to all standards of the Colorado State Health Department and Hinsdale County Health Regulations.

3. Provisions shall be made for pumping and disposal of waste from vaults. Such waste shall be disposed of at a lawful disposal site in accordance with requirements of the Colorado Solids Waste Disposal Site and Facilities Act. Such provisions shall be reviewed by the County health officer.

3.3-5.G. Water Supply.

Supply of potable water to such sites covered under Article V is not mandatory. For those sites which have a water supply, it shall conform in quality to "Standards for Quality of Water Supplied to the Public", Colorado Department of Health.

3.3-5.H. Electrical

1. Supply of electrical service is not required for resort mobile home and/or tent camping parks. Any electrical supply which is installed shall comply with State electrical regulations.

3.3-5.I. Refuse Disposal

1. The storage, collection and disposal of refuse in a resort mobile home park shall be so conducted as to control rodents, insects, odors, accidents, or fire hazards.

2. Durable, washable metal or plastic cans or dumpsters with tight fitting lids shall be provided. Cans or dumpsters must be a minimum of thirty (30) gallons (4 cu. ft.). Lids shall be chained and cans anchored (see attached Figure 1). Cans or dumpsters shall be

kept in a sanitary condition.

3. The frequency of collection shall be sufficient to prevent over-filled containers. Refuse shall be routinely collected and removed from the premises not less than once weekly. Refuse shall be disposed of in a lawful disposal site in accordance with requirements of the Colorado Solid Waste Disposal Site and Facilities Act.

3.3-5.J. Auxiliary Buildings

1. Service buildings that may be provided in resort mobile home and/or tent camp parks shall comply with the building code of Hinsdale County.

Historical References:
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994.
95454 07/27/2006 **317-319**

Legal References:
C.R.S.

3.3-6 Registration and Supervision

3.3-6.A Registration of TRANSIENT RECREATIONAL VEHICLES

1. It shall be the duty of each operator to keep on hand a register containing the following information:

a. The name and address of the owner of each mobile home within the mobile home park.

b. The make, model and year of each mobile home.

c. The date of arrival and departure of each mobile home. Each operator shall supply such information to the Hinsdale County Assessor's office by the 30th of June and the 15th of November of each calendar year.

3.3-6.B Supervision

1. It shall be the duty of the operator or his duly authorized agent to be in charge of the park at all times and to keep the park in a clean and sanitary condition and he shall be responsible for the supervision, operation and maintenance of the park. IN AREAS ZONED URBAN DISTRICT 1 or 2 it shall be his responsibility to see that each mobile home space is clearly numbered and each mobile home is skirted and properly tied down.

2. Nuisance, Safety and Health. It shall be the duty of the operator or his duly authorized agent to see the refuse disposal and general sanitation is in accordance with these regulations. It shall be the operator's responsibility to see that no pets are permitted to run at large or commit any nuisance within the park.

Historical References:
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994.
95454 07/27/2006 **320**

Legal References:
C.R.S.

3.3-7 Penalties, Severability Clause, Amendments and Variances

3.3-7.A. Penalties.

1. Any person who violates any provision of these regulations shall, upon conviction, be punished by a fine of not less than $5.00 nor more than $100.00 and each day's failure of compliance with any such provisions shall constitute separate violations.

3.3-7.B. Severability Clause

1. It is hereby declared that the legislative intent of these regulations shall be severable in accordance with the provisions set forth, as follows:

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

> i. The effect of such decision shall be limited to the provisions which are expressly stated in the decision to be invalid.
> ii. Such decision shall not affect, impair or nullify these regulations as a whole or any other part thereof but that the rest of these regulations shall continue in full force and effect.

b. If the application of any provision of these regulations to any mobile home park and/or to any resort mobile home park and/or tent camp park is declared to be invalid by a decision of any court of competent jurisdiction, it is declared to be the legislative intent that:

> i. The effect of such decision shall be limited to that mobile home park or resort mobile home and/or tent camp park immediately involved in the controversy, action or proceeding in which judgment or decree of invalidity was rendered.
>
> ii. Such decision shall not affect, impair or nullify these regulations as a whole or the application of any provision thereof to any other mobile home park.

3.3-7.C. Amendments or Additions

1. After study and recommendations by the Hinsdale County Planning Commission and upon public hearing, these regulations may be amended and sections added hereto or repealed by the board of County Commissioners in accordance with the provisions of state law.

3.3-7.D. Variances

1. Should an applicant clearly demonstrate that because of terrain or peculiar conditions pertaining to his land, the literal enforcement of one or more of the provisions of these regulations in impractical or will extract undue hardship, the Hinsdale County Board of County Commissioners may permit such variance as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by these regulations. Such variation requests shall be presented to the Hinsdale County Planning Commission for their consideration and recommendation to the Board of County Commissioners. Such requests for variances shall be in writing.

Historical References:
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994.
95454 07/27/2006 **321-322**

Legal References:
C.R.S.

Sec. 3.4 Accessory Uses and Structures

3.4-1 Accessory Uses and Structures: Defined

A. A Use naturally and normally incidental to a use by right, and complying with all of the following conditions:

1. Is clearly incidental and customary to and commonly and associated with the operation of the use by right;

2. Is operated and maintained under the same ownership as the use by right;

3. Includes only those structures or structural features consistent with the use by right;

4. Includes residential occupancy only by owners and employees employed on the premises and the immediate families of such owners or employees;

5. The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the gross land area utilized by all the uses by right;

6. May include home occupations, as defined.

Historical References:
1979 Zoning Resolution, section 11.3
95454 07/27/2006 **69**

Legal References:

C.R.S.

3.4-2 Density and Dimensional Standards

3.4-2.A Rural Area District 1 – RAD 1: *See Sec. 2.6*

3.4-2.B Rural Area District 2 – RAD 2: *See Sec. 2.7*

3.4-2.C Urban District 1 – URBAN 1: *See Sec. 2.8 & 2.9*

3.4-2.D Urban District 2 – URBAN 2: *See Sec. 2.10*

Historical References:
1979 Zoning Resolution, section 11.3

Legal References:

C.R.S.

Article 4 Special Purpose and Overlay Districts

Sec. 4.1 Reserved for Future Use

Note: This section is reserved for any future PDO, Planned Development Overlay Regulations. Hinsdale County does not currently have a PDO, Planned Development Overlay. However, see Section 4.2 PUD, Planned Unit Development Regulations, for a similar alternative.

Historical References:
None.

Legal References:

C.R.S.

Sec. 4.2 PD, Planned Development (PUD)

4.2-1 General Provisions

4.2-1.A Purposes

1. Encourage the total planning of land tracts consistent with the goals and objectives and/or long-range general plan.
2. Encourage innovative approaches to urban design and the sound application of proven design methods.
3. Provide flexibility in the application of zoning regulations so as to maximize the opportunities available to qualified professionals to utilize good design.
4. Provide a basic flexible framework in which a variety of private and public activities can co-exist harmoniously.
5. Provide for the integration of the Planned Unit Development (PUD) into the total fabric of development which makes up a community.
6. Provide for PUD as a special use by permit within a zoning district allowing PUD as a special use.

4.2-1.B Consistency with the General Plan

No planned unit shall be approved unless the final PUD plan is found to be consistent with current goals and objectives and/or the long-range comprehensive plan for Hinsdale County. No planned unit development shall be considered as a means of circumventing subdivision regulations and requirements.

4.2-1.C Relationship to the Subdivision Regulations

The uniqueness of each PUD may require that specifications for the width and surfacing of streets, public ways, public utility rights of way, curbs and other standards may be subject to modifications from the specifications established in the subdivision regulations adopted by Hinsdale County, Colorado if the reasons are well documented. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the development plan for a PUD and shall conform to acceptable engineering, architectural, and planning principles and practices.

4.2-1.D General Intent for Approval of Planned Unit Developments

The Planning Commission shall consider the proposed PUD from the point of view of the relationship and compatibility of the individual elements which make up the development. No PUD shall be approved that contains elements which in the view of the Planning Commission cannot for any reason exist compatibly or provide an environment

of lasting stability. It is the intent of this provision to recognize the fact that individual land uses, regardless of their adherence to all the design elements provided in these regulations may not, due to any number of factors, exist compatibly with one another. Therefore, in addition to the review of the individual land uses involved in a PUD, the Planning Commission must find that the total development can exist as an integrated whole.

In making its review of a PUD, the Planning Commission may in any area where, in its opinion, conflicts may result due to possible friction between various types of land uses, require setbacks or other standards normally applicable.

4.2-1.E Phasing of Non-Residential Construction

If a PUD contains non-residential uses of a commercial or industrial nature, these uses may be constructed first, but only if the Planning Commission finds and records its findings on the Final PUD Plan that the non-residential uses are consistent with the goals and objectives and/or the comprehensive plan for the community even though the residential areas of the planned unit are not built or not completed.

4.2-1.F Staging of Development

Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.

4.2-1.G. Definitions

1. Common Open Space. Common open space shall mean a parcel or parcels of land, an area of water, or a combination of land and water within the site designated for a PUD, designed and intended primarily for the use or enjoyment of residents, occupants, and owners of the PUD.

2. Plan. A plan means the provisions for development of a PUD which may include, but need not be limited to, easements, covenants, and restrictions relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, road, pedestrian areas and parking facilities, common open space and other public facilities.

3. Planned Unit Development. A PUD means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations. Because of the peculiarity of each individual PUD, sign controls were not included in this model, but each ~~political~~ subdivision should define and develop their own needs in this area.

4. Green Belt. A buffer area of native vegetation left substantially intact or supplemented by additional plant materials, as well as walkways and rest areas..

5. Gross Density. The average number of dwelling units per acre for the development.

6. Intensity of Use. The qualitative and quantitative levels of activity anticipated for any use of the given parcel of land.

7. Net Density. The average number of dwelling units per acre excepting all areas of dedicated public use.

8. Undeveloped Open Space. An area left completely in its natural state or the same condition in which it was found. (This does not preclude the reclaiming and rehabilitation of land to a natural state).

Historical References:
1999 PUD Resolution, General Provisions, sections I through VII.
95454 07/27/2006 **15-17**

Legal References:

C.R.S.

4.2-2 Unit Development Approval Process

Step 1A. The applicant shall meet with the Planning Commission and/or its staff for a pre-application conference concerning the proposed development prior to filing any formal application.

Step 1B. The first mandatory step in the approval process is the formal filing with the Planning Commission of the Schematic Planned Unit Development Plan covering the entire proposed development.

Step 2. The Planning Commission considers the Schematic Planned Unit Development Plan and prepares a report which is submitted to the Board of County Commissioners of Hinsdale County, Colorado, along with the Planning Commission's recommendation that the plan be approved or disapproved and reasons therefore.

Step 3. The Board of County Commissioners of Hinsdale County, Colorado, considers the Schematic PUD Plan and the Planning Commission's recommendation concerning the plan. A public hearing is then held on the proposed plan prior to approval of a special use permit by Hinsdale County.

Step 4. Once the Schematic PUD Plan has been approved the applicant may proceed to prepare a Final PUD Plan. Unlike the schematic plan which must encompass the entire development, the Final PUD Plan may be submitted in sections or stages and shall be substantially the same as the approved schematic.

Step 5. Upon approval of a final PUD plan and a preliminary subdivision plat for any portion of the property contained within the area encompassed by the final PUD Plan which is to be divided, the applicant may proceed with filing of a Subdivision Plat on that portion as per established practice.

Step 6A. Only after approval and filing of a final subdivision plat may the developer proceed with construction, sale of lots and transfer of title to a property shown on the approved plat. Approval of a final subdivision plat shall include having receipt of proper surety to insure completion of public improvements. Construction of dwelling units or structures on the final plat should not be allowed until the filing of that document.

Step 6B. Before any special use permit shall be issued for PUD development, the Board of County Commissioners of Hinsdale County, Colorado shall require that the applicant furnish evidence of a bank letter of credit or bond, or a certified check, in an amount calculated by the Board of County Commissioners to secure all or part of the proposed site improvements in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the Board of County Commissioners.

1. In the event that the PUD is to be developed by stages, the Board of County

Commissioners of Hinsdale County may require such commitment, bond or check at the stage or stages when appropriate.

2. Any such commitments, bonds, or checks shall be payable to and held by the County of Hinsdale.

Historical References:
1999 PUD Resolution, Unit Development Approval Process.
95454 07/27/2006 **18-19**

Legal References:

C.R.S.

4.2-3 Administrative Procedure Governing Approval of Planned Unit Developments

4.2-3.A Pre-Application Conference

Prior to actual submission of the Schematic PUD Plan and before any site improvements are made, the landowners shall confer with the Planning Commission and/or its staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data. This *discussion* shall concern, but not be limited to, the following:

1. The Site

a. Placement of buildings or structures in floodable areas.
b. The location.
c. The existing zoning.
d. The surrounding type of development and land use.
e. The size of the site.
f. The accessibility of the site.
g. Any development proposal shall be accompanied by physiographic studies of the proposed site. These studies shall be performed and attested to by qualified licensed professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, sewage and solid waste disposal.

Plans for implementation must be reviewed and commented upon, such review and comments to be limited to thirty (30) days by the appropriate agencies as follows:

US Soil Conservation Service
State Department of Natural Resources
State Health Department or Pollution Control
State Department of Wildlife
State Division of Planning
Land Use Commission

2. The Development

a. The type of development. proposed (residential, commercial, industrial, or combined) land use.
b. The density of development.
c. The quantity and location of parking areas.
d. The location, type and method of maintenance of open space.
e. Proposed landscaping or other treatment of the tract.
f. Proposed internal circulation system, including pedestrian ways.
g. Areas of ground coverage of roads, parking, and buildings.

3. Community Facility Considerations

a. The effect the proposed development will have upon schools, fire and police services, etc.
b. The proximity and adequacy of utilities, fire protection, major traffic arteries, etc.
c. The effect of the development on the downstream utility uses and the effects of the runoff downstream.

4. Development Schedule
The estimated time span for construction of the proposed development, including any anticipated staging.

4.2-3.B. The Schematic Planned Unit Development Plan

1. Intent. It is the Intent off this section to provide for a schematic plan and written statement which will give approving agencies and neighboring property owners enough information to inform them of the basic policy decision…….TEXT MISSING….. Development and must be sufficiently detailed to allow for effective review. However, detailed site plans are not necessary at this stage of the submission process and residential and others can be shown schematically. The written statement affords the developer an opportunity to express his intentions and elaborate on his plan in writing.

2. The maps which are part of the Schematic PUD Plan must be generalized from and must contain as an absolute minimum the following information:

a. The location and name of the proposed development to include a locator map of appropriate scale.
b. The name and address of the landowners (as defined by this article) and off the designers of the development.
c. Information regarding the physical characteristics of the surrounding area and developments within at least three hundred (300) feet of the proposed PUD or as otherwise required.
d. The size in acres of the proposed development.
e. Existing zoning and land use, both within the area encompassed by the proposed development and the area within at least three hundred (300) feet of the periphery.
f. Adjacent streets and proposed points of access.
g. The existing topographic character off the land and existing natural features.
h. The property lines and names of adjoining landowners.
i. Location and description of any existing utilities or easements in the area encompassed by the proposed development.
j. North arrow and graphic scale.
k. Existing and proposed land use and the appropriate location of buildings and structures.
l. The character and approximate density of all dwellings.
m. The proposed circulation system.

n. Public uses, including schools, parks, playgrounds, and other open spaces. This shall specifically include common open spaces which are reserved for use of the residents of the proposed development.

3. The written statement to accompany the Schematic PUD Plan may offer any additional supportive information which the applicant was unable to present graphically. However, as an absolute minimum, the written statement must contain the following information:

a. An explanation of the character of the PUD and the manner in which it has been planned to take advantage of the PUD regulations.
b. A general statement of expected financing.
c. A statement of thee present ownership of all land included within the PUD.
d. A general indication of the expected schedule of development indicating
    i. the approximate date when construction of the project can be expected to begin;
    ii. the stages in which the project will be built and the approximate date when each stage can be expected to begin;
    iii. the common open space that will be provided at each stage.

It is intended that the development schedule required by this section shall provide a general time span for development of an entire project and cannot, in most instances, involve stage developments and be highly accurate.

However, it is imperative that the Planning Commission have some general idea of the time span in which the proposed development can be expected to materialize..

e. The substance of proposed covenants, grants of easements, or other restrictions to be imposed upon the use of the land, including common open areas, buildings and other structures within the development.
f. A general statement of the anticipated legal treatment of common ownership and maintenance of such areas.

4.2-3.C. Approval of Schematic Planned Unit Development Plan

1. An applicant shall make initial application for approval of a PUD to the Planning Commission.
2. The completed Schematic PUD Plan must be submitted to the Secretary of the Planning Commission thirty (30) or more working days prior to the Planning Commission meeting at which it will be presented. Three copies of thee plan and related documents will be required.
3. Within sixty (60) days after the formal filing of the Schematic PUD Plan, the Planning Commission shall forward the plan to the Board of County Commissioners of Hinsdale County, Colorado, along with a written report recommending that the plan be approved or disapproved. Specifically, this written report shall include, but not be limited to, such items as those covered by Section 4.2-3.B.3, and in conformance with the legislative purpose and intent and consistent with the adopted and accepted standards of development, as well as goals and objectives and/or policies and/or long-range plan.
4. Upon receipt of the written report prepared in accordance with 4.2-3.B.3. above, the

Board of County Commissioners of Hinsdale County, Colorado shall consider said report, the Schematic PUD Plan, and such other data as may be required. Prior to the issuance of any special use permit a public hearing as required by law shall be held. This hearing may be held jointly with the Planning Commission. The Planning Commission report must be made available to the public at least fifteen (15) days prior to the public hearing. Within ten (10) days after the public hearing, the Board of County Commissioners of Hinsdale County, Colorado shall either approve the plan and grant the necessary special use permit or disapprove the plan.

5. Should a development plan be disapproved, the Board of County Commissioners of Hinsdale County, Colorado shall submit in writing detailed reasons for its action to the landowners within ten (10) days after said action. A copy of these comments shall be forwarded to the Planning Commission.

6. No building permits may be issued and no final plat be approved on land within the PUD zone until the Final PUD has been approved and filed.

4.2-3.D. The Final Planned Unit Development Plan

1. Application for Final Approval. Within one year following the approval of the Schematic PUD Plan, the applicant shall file with the Planning Commission a Final PUD Plan containing in final form the information required in Section 4.2-3.D.3 below. In its discretion and for good cause shown, the Planning Commission may extend the time period for filing off the PUD Plan. However, prior to any such extension the landowner shall be required to show cause for the requested extension. In the event the Planning Commission finds that conditions of the Schematic PUD Plan have changed so as to raise reasonable questions regarding the landowner's ability to continue with the plan, it may withdraw approval of the plan. Should the Planning Commission withdraw approval of the plan, a report of this action shall be sent immediately to the Board of County Commissioners of Hinsdale County, Colorado, along with its recommendation for disposition.

2. Final Approval of Stages. In accordance with the schedule presented in the Schematic Plan, the landowner may elect to seek final approval of only a geographic section or sections of the land included within the total development.

3. Contents of Final Planned Unit Development Plan

The Final PUD Plan shall be sufficiently detailed to indicated fully the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, all the following:

a. Plan Drawings at a scale of 1" = 100' indicating:

i. The anticipated finished topograph of the area involved, as well as existing topography at intervals suitable to the type of terrain for clarity as determined by the Planning Commission.

ii. A circulation diagram indicating the proposed movement and volume of vehicles, goods, and pedestrians within the PUD and to and from existing thoroughfares. This shall specifically include:

aa. Width of proposed streets.

bb. A plan of any sidewalks or proposed pedestrian ways.

cc. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern. All facilities shall conform to the standards of the Hinsdale Minimum Design & Construction Standards for Streets, see Section 5.6.

iii. An off-street parking and loading plan indicating general coverage of parking areas.

iv. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, and other public or semi-public open space uses, including any improvements which are to be deeded as part of any common use area.

v. Information regarding the physical characteristics of the surrounding area and developments within three hundred (300) feet of the proposed PUD.

vi. A plot plan showing the location of all buildings, structures, and improvements, open spaces, legal descriptions, and locator map.

vii. A plan for proposed utilities, including sanitary and storm sewers, sewage treatment plants, including lines showing proposed connections to existing utility systems and a drainage plan showing estimated run-off impoundments. Where proposed density is such as to provide less than one acre per dwelling unit, a public or common water system and a common or common sewer system and treatment facility are required. Where on-lot sewage disposal is proposed, all testing, design and construction shall be performed according to State Department of Health Regulations for Individual Sewage Disposal Systems.

b. A plan showing the use, approximate height, bulk and location of all buildings and other structures. Any drawings used to meet this requirement need not be the result of final architectural decisions and need not be in detail.

c. A generalized land use map and a tabulation of land area to be devoted to various uses and activities.

d. A tabulation of proposed densities to be allocated to various parts of the area to be developed. This tabulation is to be both in numbers of dwelling units and in projected population.

e. Ratios of parking, landscaped open space and building coverage.

f. Final drafts of all proposed covenants and grants of easement (particularly those pertaining to common open space) and the maintenance responsibilities thereof.

5. Relationship to the Subdivision Regulations

In any instance where land is to be subdivided or streets are to be dedicated, the following procedure will be utilized. At the time application is made for approval
of a Final PUD Plan, application shall also be made for preliminary approval of a subdivision plat. Both the Final PUD Plan and Preliminary Plat will be considered simultaneously by the Planning Commission. A Final PUD Plan approved by the Planning Commission may form the basis for granting modification with respect to the subdivision regulations. Final subdivision plats may be submitted to the Planning Commission on any portion of a development which lies within the area encompassed by an approved Final PUD Plan and which consists of all or a portion of the property within the area encompassed by as approved preliminary subdivision plat.

Prior to approval of any Final PUD Plan, the applicant shall insure that all land within the portion of the development proposed for final approval is owned or controlled by the applicant.

6. Procedure for Approval of the Final Planned Unit Development Plan.

a. Within thirty (30) days after final submission the Planning Commission shall either approve or disapprove the Final PUD.

b. In the course of its consideration and prior to any final approval, the Planning Commission shall give notice and provide each of the following an opportunity to be heard:

i. Any person who is on record as having appeared at the final public hearing on the Schematic PUD Plan.
ii. Any other person who has indicated to the Planning Commission in writing that he/she wished to be notified.

c. The Planning Commission may approve the Final PUD Plan if it finds:

i. The Final PUD Plan is in substantial compliance with the Schematic PUD Plan.
ii. That the Plan complies with all other standards for review which were not considered when the Schematic PUD Plan was approved.

d. If the Planning Commission finds that the Final PUD is not in substantial

compliance with the Schematic PUD or does not comply with all other standards of review, then it shall disapprove the plan. In the event of disapproval, a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the plan was denied to include specifically ways in which the Final PUD Plan was not in substantial compliance with the Schematic PUD Plan or other standards of review which the Final PUD Plan failed to meet.

e. In the event a Final PUD Plan is disapproved, the Planning Commission may allow the applicant to resubmit a revised plan within thirty (30) days.

4.2-3.E. Filing for Approved Final Planned Unit Development Plan

Upon approval of a Final PUD Plan said plan and all maps, covenants, and other portions thereof shall be filed with the following agencies:

1. Planning Commission
2. Building Department
3. County Clerk and Recorder
4. Hinsdale County Board of County Commissioners

4.2-3.F Failure to Begin Planned Development

If no construction has begun or no use established in the PUD within one year from the date of approval of the Final PUD Plan, the Planning Commission may require the landowner to appear before it and to present evidence substantiating that the landowner has not abandoned the project and possesses the willingness and ability to continue its development.

In the event the Planning Commission finds that conditions in support of the granting of approval of the Final PUD Plan have changed so as to raise reasonable questions regarding the landowner's ability to continue with the plan, it may withdraw its approval of the plan. Should the Planning Commission withdraw its approval of the plan, a report of this action should be sent immediately to the Board of County Commissioners of Hinsdale County, Colorado, along with a recommendation the PUD zone be withdrawn.

In its discretion and for good cause shown, the Planning Commission may extend the period for initiation of the development, but at least annually it must again require the landowner to demonstrate that he has not abandoned the project.

4.2-3.G. Enforcement of the Development Schedule

The construction and provision of all common open spaces and public utilities and recreational facilities which are shown on the Final PUD Plan must proceed at no slower rate than the construction of dwelling units. From time to time, the Planning Commission shall compare the actual development accomplished with the approved development

schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Planning Commission may take either or both of the following actions:

1. Cease to approve any additional final plats.
2. Instruct the building official to discontinue the issuance of building permits.

In any instance where the above actions are taken, the Planning Commission shall gain assurance that the relationship between construction of dwellings or other structures of a commercial or industrial nature and the provisions of common open spaces and public-recreational facilities are brought into adequate balance prior to the continuance of construction.

4.2-3.H. Minor Changes and Amendments to an Adopted Final Planned Unit Development Plan

The terms, conditions and the adopted Final PUD Plan may be changed from time to time as provided in the following paragraphs:

1. Minor Modifications. The building official or other agent as authorized by the Planning Commission may approve minor modifications in the location, sizing, and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the Final Planned Unit Development Plan was approved so long as no modification violates any standard or regulation set forth in the article, including bulk and open space regulations. The total of such modifications approved by the building official or other agent as authorized by the Planning Commission shall not in aggregate result in:

a. An increase of more than one (1) percent in the residential density.
b. An increase of more than three (3) percent in the floor area proposed for non-residential use off a commercial or industrial nature.
c. An increase of ore than two (2) percent in the total ground area covered by buildings.
d. A reduction of more than (1) percent in the area set aside for common open space. Minor modifications in the location of streets and underground utilities may be approved under this section.

2. Amendments. Any uses not authorized by the approved Final PUD Plan but allowable in the zoning district as a permitted use may be added to the final PUD Plan upon approval of any such alteration by the Planning Commission. In the course of its consideration of any alteration to be approved under the provisions of this paragraph, the Planning Commission shall hold a public hearing for all residents and owners within the PUD and for all other parties who have an interest in the amendment, in the judgment of the Planning Commission. All other changes in the adopted Final PUD Plan exceeding

those limits established above must be made by the Board of County Commissioners of Hinsdale County, Colorado under the regular procedures. However, prior to any action by the Board of County Commissioners of Hinsdale County, Colorado on a proposed amendment, the Planning Commission shall study the proposed amendment and shall prepare a report which will detail its recommendation on the proposed alteration and the reasons therefore.

Historical References:
1999 PUD Resolution, Administrative Procedure Governing Approval of Planned Unit Developments.
95454 07/27/2006 **20-33**

Legal References:

C.R.S.

4.2-4 Specific Uses and Requirements for Planned Unit Development

4.2-4.A. Permitted Uses

A Planned Unit Development may include the uses allowed by right, and the conditional uses allowed in the zoning district in which said PUD is located. In addition the PUD may include the following uses, separately or in combination, subject to the density and design standards designated below:

1. Single, double and multi-family residences.
2. Sale or rental of commercial grounds and services.
3. Recreation facilities.
4. Offices.
5. Convention facilities.
6. Eating and drinking places in connection with recreational facilities.
7. Public offices, utilities and facilities pertinent to the primary uses for which the PUD is intended.
8. Lodging places, including motels, hotels, lodges and dormitories.
9. Schools.
10. Churches
11. Mobile home parks.
12. Resort mobile home parks and tent camping parks
13. Light industry.

4.2-4.B. Requirements Regarding Density and Design.

1. Open Space. A minimum of twenty-five (25) percent of the total PUD area shall be devoted to open air recreation or other usable public open space. "Usable Public Open Space" shall be defined as open area developed and designed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to streets, parking and loading areas and accessory structures.

2. Residential density. The density of the net residential area shall not exceed 4 dwelling units per acre. "Net residential area" shall mean the area devoted to residential uses and the term shall not include streets and parking areas or required Usable Open Space areas.

3. Density of Other Uses. The overall average net density of the total area devoted to all other permitted uses shall not exceed a floor-to-land area ratio of 1:2. "Net density" shall apply to the area devoted to uses excluding streets and their right-of-way, and required usable open space.

4.2-4.C. Height Requirements for Buildings

The maximum height of buildings may be designated by the Planning Commission in relation to the following characteristics of the proposed building:

1. Its geographical location.
2. The probable effect on surrounding slopes and mountainous terrain.
3. Adverse visual effect to adjacent sites or other areas in the immediate vicinity.
4. Potential problems for adjacent sites caused by shadows, loss of solar gain, loss of air circulation, or closing of view.
5. Influence on the general vicinity, with regard to extreme contract, vistas and open space.
6. Uses within the proposed building.

4.2-4.D. Parking.

Parking spaces shall be provided in the PUD according to the following:

1. Assembly Halls. For auditoriums, arenas, gymnasiums, exhibition halls, theatres, and other similar recreational or public gathering places, at least one (1) space for each one hundred (100) square feet of gross floor area, one (1) parking space for each (4) seats, whichever is greater, plus one (1) additional space for every two (2) employees thereof. When individual seats are not provided, twenty-two (22) inches of undivided seating shall constitute one (1) seat.

2. Bowling Alleys. At least four (4) parking spaces for each alley, plus one (1) additional space for every two (2) employees.

3. Churches. There shall be one (1) parking space for each six (6) seats in the principal auditorium. Twenty-two (22) inches of undivided seating shall constitute one (1) space.

4. Educational Institutions. For high schools and colleges, one (1) parking space for every four (4) persons in the faculty and student body, and for elementary, primary and junior high school two (2) parking spaces for every classroom plus sufficient off-street space for safe and convenient loading and unloading of students.

5. Hospitals. One (1) parking space for every three beds.

6. Hotels. For hotels, boarding houses, rooming houses, clubs, dormitories, lodges and other similar structures at least one (1) parking space for each dwelling unit or one (1) parking space for each two guest rooms, whichever is greater.

7. Libraries and Museums. One (1) parking space for each one thousand (1,000) square feet of gross floor area, plus one (1) parking space every two (2) employees.

8. Markets. For markets, retail bakeries, grocery stores, delicatessens, and liquor stores, one (1) parking space for every one hundred (100) square feet of space dedicated exclusively for the sale and display of such merchandise, plus one (1) parking space for

every two (2) employees.

9. Medical Clinics. For medical and dental clinics, two (2) spaces per doctor, plus one (1) parking space for every two (2) employees.

10. Professional Offices. For professional offices, banks, lending institutions, and including sales, management and rental offices, one (1) parking space for every three hundred (300) square feet of gross floor area.

11. Residential Use. Two (2) parking spaces for each single-family equivalent, dwelling unit, efficiency unit, townhouse, or condominium. One (1) space for two (2) units of elderly and space for expansion in case of change in tenants.

12. Restaurants. For restaurants, bars, and taverns, one (1) parking space for each one hundred (100) square feet of gross floor area.

13. Retail Business. One (1) parking space for each four hundred (400) square feet of gross floor area, plus (1) additional space for each two (2) employees, occupants, or tenants thereof.

14. Tourist Courts. For tourist courts and motels, one (1) parking space per unit.

15. Off-Street Parking. The intentions of the off-street parking regulations are to insure the provision and maintenance of adequate off-street parking in order to develop a proper flow of traffic, to reduce congestion, and to provide for the safety and general welfare of its inhabitants as follows:

a. Responsibility. The duty to provide and maintain off-street parking areas shall be the joint responsibility of the operator and owner of the land use(s) and the land for which the off-street parking areas are required to be provided and maintained.

b. New Structures Uses. For structures and/or uses established or placed into operation after the effective date of this Final PUD Plan, there shall be provided the amount or number of off-street parking spaces set forth herein.

c. Alteration or Additions to Existing Structures or Uses. For all structures or uses meeting the parking requirements of this ordinance, but that are subsequently moved, converted, extended, enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats shall maintain the existing amount of parking spaces for the increment of increase, at least the amount or number of off-street parking spaces that would be required hereunder if the increment were a separate land use or structure. If the existing land use or structural use is converted to a different use, off-street parking spaces shall be provided to meet the requirements of the different use as hereinafter set forth.

d. Location. All required off-street parking spaces shall be provided within four hundred (400) feet of the structure or use generating the parking need.

e. Combined Off-Street Parking Areas. Off-street parking spaces may be provided in the areas that jointly serve two (2) or more structures or uses provided that the total number of off-street parking spaces shall not be less than that required for the total combined number of structures and/or uses. When two (2) or more businesses, structures, and/or uses whose peak parking requirements occur at different periods of the day, they may apply for special parking review subject to the approval of the Planning Commission.

f. Parking Limitations. In residential areas, off-street parking spaces shall be used by vehicles up to but not exceeding three-fourths (3/4) ton manufacturer's capacity rating.

g. Storage Restrictions. In residential areas, off-street parking spaces shall not be used for the parking or storage of automobile trailers, boats, detached campers, or any other object that will render the parking space unusable according to the intent and purpose of this ordinance.

h. Sales or Service Restrictions. No off-street parking space shall be used for the sale, repair, dismantling, or servicing of any vehicle, equipment, material or supplies.

i. Drainage. All off-street parking spaces shall be graded for proper drainage, maintaining grades from a minimum of one-half of one percent (.5%) to four percent (4%). They shall be surfaced with asphalt, asphaltic concrete, gravel or an equivalent material.

j. Obstructions. All off-street parking spaces shall be unobstructed and free of other uses.

k. Snow Stacking. (If applicable). Additional snow stacking space equal to one hundred (100) square feet shall be provided adjacent to each off-street parking space. Alternative approaches will be considered by the Planning Commission upon complete written presentation of snow removal methods, techniques, and the proposed size and location of snow stacking areas. If the applicant or owner intends to utilize private snow removal equipment, a written guarantee of permanent ongoing snow removal services will be necessary.

l. Design Standards. The following minimum design standards shall be required:

i. Size of Parking Spaces. Each parking space shall have dimensions equal to ten (10) by twenty (20) feet, exclusive of space required for maneuvering.
ii. Accessibility. Each parking space shall be easily accessible during both ingress and egress. All non-residential parking areas shall have sufficient maneuvering spaces so that all vehicles can head directly onto exit drives leading to public streets, alleys or highways.
iii. Intersections. No portion of any entrance or exit driveway leading to or from a public street or highway for the purpose of off-street parking shall be closer than thirty-five (35) feet to an intersection of two (2) or more public streets or highways.

iv. Width of Driveways. The width of any driveway connecting a public street or highway shall be at least twenty-two (22) feet in width but shall not exceed thirty-five (35) feet at its intersection with the property line and/or curb line on the physically established edge of the street. Divided driveways may be accepted upon review of the Planning Commission.
v. Frequency of Driveways. No two (2) driveways connecting a public street or highway to an off-street parking area shall be within thirty (30) feet of one another at their intersections with the property line and/or curb line or the physical edge off the street.
vi. Traffic. The location and number of driveways must be so arranged that they will reduce the possibility of traffic hazards as much as possible.
vii. Set Back. No portion of a parking space shall be closer than five (5) feet in both directions along the curb line or the physically established edge of the street or highway.
viii. Visual Clearance. All driveways leading to an/or from off-street parking spaces that intersect public pedestrian ways shall be visually unobstructed for a distance of thirty-five (35) feet in both directions along the curb line or the physically established edge of the street or highway.
ix. Discretion for Exception. In the case of any structure or use not specifically mentioned herein or any special circumstance affecting the off-street parking requirements , variances or special allowances may be granted by the Hinsdale County Board of Adjustment.

4.2-4.E. Fees. To defray a portion of the expense of a PUD review, the following schedule of fees shall apply and be included with the formal filing of the Schematic Planned Unit Development Plan: A two-hundred dollar ($200) non-refundable filing fee shall be submitted with the preliminary plat. In addition, the subdivider shall reimburse the County for any out-of-pocket costs the County incurs for legal, engineering or other services or costs in processing the PUD and reviewing the plats. No plat shall be approved or recorded and no lien or other improvements security released until all such charges then due are paid to the County. For replats, the cost shall be $20.00 per parcel or lot of land affected by the replat.

Historical References:
1999 PUD Resolution, Specific Uses and Requirements For Planned Unit Development
95454 07/27/2006 **34-41**

Legal References:

C.R.S.

4.2-5. Special Conditions for Planned Unit Development

4.2-5.A. Maintenance of Common Open Space.

1. Maintenance of Common Open Space.

In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PUD fail to maintain the common open space in reasonable order and condition in accordance with the plan, the Board of County Commissioners of Hinsdale County may serve written notice upon such organization or upon the residents of the PUD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Board of County Commissioners of Hinsdale County, Colorado may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said thirty (30) days or any extension thereof, the Board of County Commissioners of Hinsdale County, Colorado, in order to preserve the taxable values off the properties within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners.

Before the expiration of said year, the Board of County Commissioners of Hinsdale County, Colorado, shall, upon its initiative or the written request of the organization theretofore responsible for the maintenance off the common open space, call a public hearing upon notice to such organization, or to the residents of the PUD to be held by the Board of County Commissioners of Hinsdale County, Colorado, at which hearing such organization or the residents of the PUD shall show cause why such maintenance by the Board of County Commissioners of Hinsdale County, Colorado, shall not, at the election of the Board, continue for a succeeding year. If the Board of County Commissioners of Hinsdale County, Colorado shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Board shall cease to maintain such common open space at the end of said year. If the Board of County Commissioners of Hinsdale County, Colorado shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Board may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

The cost of such maintenance by the Board of County Commissioners shall be paid by

the owners of properties within the PUD that have a right of enjoyment of the common open space, and any unpaid assessments shall become a tax lien on said properties. The County shall file a notice of such lien in the office of the County Clerk and Recorder upon the properties affected by such lien within the PUD and shall certify such unpaid assessments to the Board of County Commissioners and County Treasurer for collection, enforcement and remittance of general property taxes.

Historical References:
1999 PUD Resolution, Special Conditions for Planned Unit Development
95454 07/27/2006 **42-43**

Legal References:

C.R.S

Article 5. General Development Standards

Sec. 5.1 Reserved for Future Use

Reserved for future provisions.

Historical References:

Legal References:

C.R.S

Sec. 5.2 Off-Road Parking

See Subdivision Regulations, Article _____, Section _____.

Historical References:
1986 Subdivision Regulations, p. 26.

Legal References:

C.R.S

Sec. 5.3 Water Supply

See Subdivision Regulations, Article _____, Section _____.

Historical References:

1986 Subdivision Regulations sections 4.2.B, page 15, 7.2.6.A, page 21, 8.2.6.d, page 24, 8.4, page 26, sentences 7 (1) through (7), 11.11, page 36.

Legal References:

C.R.S.

Historical References:
1997 Sewage Disposal Procedures, Hinsdale County Office of Environmental Health Department.

Legal References:

C.R.S

Sec. 5.5 Fire Protection

Insert Fire Management Plan or reference it?

Historical References:

Legal References:

C.R.S

Sec. 5.6 Roads: Minimum Design and Construction Standards for Streets

5.6-1 Design

5.6-1.A. General. The purpose of these standards is to provide the developer guidelines for planning and to assure a safe and well-constructed facility requiring a minimum amount of maintenance.

All streets, sidewalks, curbs and gutters design and rights-of-way widths shall conform at a minimum to the requirements of these standards and the requirements of the "Hinsdale County Subdivision Regulations, Article 6." Definition of the functional classification of streets shall be as defined in the Subdivision Regulations. Deviation from these standards may be permitted where, in the opinion of the approving authority, the quality of the finished facility would not vary materially from the intent of these standards.

All designs and plans and specifications for construction shall be prepared by or under the supervision of a Registered Professional Engineer, registered in the State of Colorado.

These standards shall be the minimum accepted criteria for all public and private streets.

5.6-1.B. Geometrics

1. Horizontal Alignment. Horizontal alignment design shall conform to the pattern of thoroughfares designated in the Major Street Plan and to any future street right-of-way. Proposed streets shall be continuous in alignment with existing planned or platted streets with which they connect. Proposed streets shall intersect one another at ninety (90) degree angles or as close to ninety degrees as topography permits (no less than 80 degrees). The centerline of streets not in alignment at intersection with another street shall be designed with a minimum offset of 150 feet.

At street intersections, the property line corners and minimum curb or shoulder radii shall be as follows:

Horizontal Alignment at Street Intersections – Curb or Shoulder Radius/Property Line Radius		
Type of Intersection	**Curb or Shoulder Radius**	**Property Line Radius**
Local (Residential) – Local	15'	15' radius
Local – Collector	25'	15' radius
Collector – Collector	30'	10' radius

Normally, only collector streets shall extend to the boundary lines of the land to be subdivided. Excessively long, straight residential streets, conducive to high speed traffic, are prohibited.

Dead-end local streets shall end in cul-de-sacs which provide turn-arounds at the closed end of the streets. A cul-de-sac shall have a circular turn-around with a minimum right-of-way diameter of ninety feet (90'). The turn-around driving lane shall be a minimum of 14' with a minimum turning radius of 38' to the outside of the driving lane.

The maximum length of a dead-end street shall be 1200'.

The maximum length of a loop or "U" street shall be 2,000'.

A residential street may be reduced from 26' to 18' on dead-end streets only, provided the following criteria are met:

1 Maximum length shall be 500'.
2 A maximum of 5 single family residences are serviced by the street.
3 All other horizontal and vertical alignment criteria shall apply, except that an alternate cul-de-sac shape and size may be allowed (if approved by the County Engineer) that will permit vehicles to turn around by backing once.

Streets shall meet the following criteria:

Minimum Horizontal Roadway Design Criteria		
Classification: Residential Local		
Minimum Design Criteria	**No Parking Allowed**	**Parking Permitted**
Width (ft.) Shoulder-Shoulder (or face to face of curb)	24	28/32
Shoulder/Travel Lane/Travel Lane/Shoulder (ft.)	2/10/10/2	3/11/11/3 5/11/11/5
Minimum Design Speed	20	25
Centerline Radius (min) (ft)	75	100
Horizontal Sight Distance (min) (ft)	125	150
Minimum Reverse Curve Tangent (ft)	0	0
Right-of-Way	60	60

2. Vertical Alignment

Grades and vertical sight distance shall be subject to approval by the County (Engineer) to secure proper drainage and/or safety for vehicles and pedestrians. Grades of streets shall not be less than five-tenths percent (0.50%). Maximum grade through intersections shall be five percent (5%). Any grade through an intersection shall extend a minimum of fifty feet (50') each direction from the outside edge of the traveled way of the intersecting streets. Streets shall meet the following criteria.

Vertical Curve Design Criteria		
Classification: Residential Local		
Minimum Design Criteria	**No Parking Allowed**	**Parking Permitted**
Width (face to face)	24	28/32
Grade (Max) % (2)	8	8
Minimum Length of Vert. Curves (1) (ft.)		
Algebraic Difference:		
Less than 0.5 %	0	0
0.5% to 1%	50	50
1% to 2%	100	100
2% to 3%	150	150
3% to 4%	150	150
4% to 5%	150	150
5% or greater	(3)	(3)
Minimum Vert. Sight	200	150

(1) All vertical curves shall be symmetrical parabolic curves.
(2) Grades over 8% but not exceeding 12% may be allowed, in special terrain conditions, for lengths of 500' upon approval of the County (Engineer).
(3)Use an additional thirty foot (30') length vertical curve for each additional 1.00% (or fraction thereof) change in grade.
(4) Use an additional fifty foot (50') length of vertical curve for each additional 1.00% (or fraction thereof) change in grade above 5%.
(5) All vertical sight distances for vertical curves with crests shall be shown on the construction plans.

For properties facing on streets with grades steeper than eight percent (8%) or cut or fill greater than 3', measured from elevation of shoulder, plans for access to the street will be submitted by the home builder for approval prior to issuance of a building permit. The plan will show the location of the driveway, entrance grade, width of drive, provisions for drainage, turning radii and any additional lane which may be required due to sight distance limitations for exiting or entering vehicles.

5.6-1.C. Street Structure

The street structure includes the subgrade, subbase, base course and pavement required to support anticipated traffic loads and volume. The design life of the structure will be 20 years. Type of surface will be designated by Hinsdale County.

The design procedure for flexible pavements shall be based on Colorado Department of Highways Methodology included in their Roadway Design Manual.

The design of all streets shall be done by or under the supervision of a registered Professional Engineer. A design report will be included with the design.

A soils report will be submitted with the soils classified in accordance with the American Association of State Highway and Transportation Officials (AASHTO) and unified soils classification. A sieve analysis and atterberg limits will be required every tenth of a mile. For flexible pavement design, a California Bearing Ratio (CBR) value will be required for each representative soil type.

Excavation, embankment, subgrade preparation and aggregate base course shall be in accordance with Street Standards Drawing No. 1 and Colorado Highway Department Standard Specification whether or not the County requires a paved surface. If pavement is not required, aggregate base course shall consist of a minimum of six inches (6") of Class 6 (Co. Dept. Hwy. Std. Spec. 703.03) placed on top of a properly prepared subgrade. Class 4 (Co. Dept. Hwy. Std. Spec. 703.03) may be substituted for Class 6 in the bottom three inches (3") of aggregate base course provided the material has some fractured faces.

Subgrade preparation and aggregate base course shall extend one foot (1') beyond the outside edge of shoulder or one foot (1') beyond the back of curb when curb and gutter is specified.

5.6-1.D. Drainage and Flood Control

Drainage study calculations and supporting data required as set forth herein shall be prepared and submitted for review by the County Engineer.

1. Preliminary Drainage Study

A preliminary drainage study shall include the following:

a. A map showing project location, description of property, acreage, topography, identification of major drainage-ways involved, proposed type of development, and a reference to any flood hazard area delineation study applicable to the site.

b. A map of the tributary drainage basin determining the location and magnitude of flows from upstream of the site based on current development or zoning, whichever provides the highest runoff volume.

c. Hydrology and hydraulic calculations determining the historic and future storm runoff quantities for the two (2) year and one hundred (100) year return periods for the site under development. Evaluation of the historic drainage for the 2 and 100 year return periods shall include basin length, slope, time of concentration, intensity (show intensity duration curves used), and flow rates.

d. A conceptual drainage plan showing how intercepted and onsite flows will be received and transported.

e. Designated points off discharge from the site, accompanied by a general analysis of whether existing downstream facilities will handle this discharge.

f. Required right-of-way for drainage easements and detention areas if known.

2. Final Drainage Report

After review and comments on the preliminary drainage report by the County, a final drainage report shall be completed. The final report shall consist of a minimum of two copies of detailed drainage calculations and engineered drawings to allow the County Engineer to review detailed hydraulic calculations and assumptions. These detailed calculations shall include the following:

a. The evaluation of the historic drainage. The information provided in the approved preliminary drainage report can be reused and be submitted with the final drainage report if still accurate.

b. Evaluation of the proposed drainage based on the proposed site development pattern. The information provided in the approved preliminary drainage report can be reused and be submitted with the final drainage report if still accurate.

c. Detailed calculations will be furnished for all existing and proposed drainage facilities with accompanying drainage calculations. For example, this would include street flow, ditch flow, inlets, pipe flow, curb and gutter, manholes, erosion control structures, channels, and all other facilities that are intended to handle storm water flow.

d. Define right-of-way requirements, present and future ownership, and access and responsibility for maintenance.

e. Show sufficient hydrology and hydraulic calculations. Provide the method used, assumptions, and design parameters as a minimum. Show upstream and downstream construction points. This analysis shall include any changes in the flow depths stream velocities, or changes in erosion rates to the next parcel of property under separate ownership both upstream and downstream from the site being analyzed.

f. Provide map of total drainage basin and drainage subbasin boundaries.

g. Provide map of area under consideration, including the following:

Proposed 2-foot contours based on USGS large scale charts.

Location and elevation of benchmark or benchmarks referenced to the datum of large scale USGS charts.

Existing and proposed property lines.

Present and proposed drainage easements.

Street name and grades.

Right-of-way requirements.

Routing and accumulative flows at the upstream and downstream ends of the site and at various critical points on-site for both the 2 year and 100 year return storm runoffs.

Finished floor elevations for protection from major storm runoff.

Street cross-sections showing the 100 year flood levels.

Existing and proposed flood plains in open channels.

h. Open channel flow shall be provided with the following information:

Profiles showing existing and proposed channel grades and water surface profiles.

In critical areas, cross-sections and required rights-of-way.

Locations and sizes of all existing and proposed structures.

As built profiles for any existing utilities which may be affected by the channel construction.

Type and design details of channel linings.

3. Drainage Facilities

Final grades, street geometrics, types of construction and all other street details relative to the design, construction or operation of the storm drainage system must be approved by the County's Engineer to insure proper review of the total drainage system which includes roadside ditches, culverts or stormdrains, and interior ditches and main channels.

Culvert grades shall be such that a minimum 1' – 6" over the crown of the pipe is maintained. If less cover is used, the engineer shall submit his pipe structural design to the County. If normal drainage from lots is toward the roadway ditch, provisions shall be made to minimize erosion of roadway cut slopes. In case of ditches from lots entering the roadside ditch, provision shall be made to reduce the silting of the roadside ditch at their confluence.

Energy dissipators shall be provided at the discharge point of all storm water facilities. Hydraulic structures, headwalls, inlets and rip-rap are some possible energy dissipators. Cutting or eroding velocities shall be reduced in ditches or channels by use of drop structures.

Roadside cut slopes shall be rounded to existing ground to prevent erosion from drainage over cut slopes. In major channels, a maximum velocity for the major storm (100 year) storm design runoff shall be 7.5 fps for grass lined channels. Concrete lined channels may also be used.

Where driveways cross existing roadside ditches, a dip section providing an unobstructed waterway equivalent to the full area of the ditch shall be constructed if grades are feasible. Where grades are not feasible, a culvert pipe of a diameter six inches (6") less than the depth of the ditch, but not less than fifteen inches (15") shall be installed. When the required culvert exceeds four (4) square feet in cross-sectional area, the design of the driveway culvert shall be reviewed for adequacy by the County Engineer. The pipe shall be CSP, aluminum or RCP.

4. Easements and Rights-of-Way

In the event that a proposed subdivision or any part thereof is traversed by any major water course channel, stream or creek, gulch, or other natural drainage channel, the subdivider shall dedicate an adequate right-of-way for storm drainage and maintenance road purposes. Easements for drainage to a natural channel shall be required.

5.6-1.E. Utilities

1. New Streets (for paved streets). Prior to subgrade preparation as described in Std. I-C, all underground utility mains shall be installed and service connections stubbed out to the outside edge of the shoulder as described in Std. I-B-1. Service from public utilities and from sanitary sewers shall be made available for each lot in such a manner that will eliminate the necessity of disturbing the street travel lane when connections are made.

2. Existing Streets. The County shall be notified and shall inspect utility cuts whenever they are made in the public way. The cuts shall conform to the following requirements:

a. Backfill of Excavations Under and Within Two Feet (2') of Any Street Surface.

If work in the public way creates any excavations that lie under or within two feet (2') of any existing or future paved surfaces, the excavation shall be backfilled with the excavated material in layers not to exceed six inches (6") and each layer shall be compacted to 95% of maximum density in accordance with AASHTO T99. A minimum of six inches (6") of aggregate base course shall be placed on top. Aggregate base shall consist of Class 6 in accordance with Colorado Highway Department Standard Specifications 703.03. Class 4 (Co. Hwy. Dept. Std. Spec 703.03) may be substituted for Class 6 in the bottom three inches (3") of aggregate base course provided the material has some fractured faces. Aggregate base course meeting County specifications may be placed by any procedure which results in 95% compaction.

In the case where the excavation occurs in roads built prior to the adopted road standards,

and that road has not been brought up to standard, a minimum of 3" of aggregate base course (CL 6) shall be placed on top rather than 6".

b. Surfaces Beyond Streets and Parkways.

If work in the public way creates any excavations beyond street surfaces and under parkways, the excavated soil shall be carefully deposited and satisfactorily tamped in uniform layers not greater than six inches (6") in thickness until the backfill reaches the top of the substructure. The remainder of the excavation shall be backfilled in uniform layers not exceeding twenty-four inches (24") in thickness, and satisfactorily tamped to within one foot (1') of the surface. The backfilling operation shall continue with soil until the backfill remains slightly above the ground level. Excess material shall be disposed of.

Granular backfill meeting County specifications may also be used; however, soil shall be used for the final foot of backfill. Cultivated grass areas shall be reseeded.

c. Asphalt Streets. The existing pavement shall be neatly cut on all sides of the trench. Backfill, as described in section _5.6-1.E.2_ above, for any street surface, shall be placed to within eleven inches (11") of the surface. Then six inches (6") of compacted ABC CL 6 shall be placed. Finally the entire remaining excavation shall be tacked with CCS-1h emulsified asphalt diluted with one part water, and a five inch (5") asphalt concrete patch meeting the requirements of Hot Bituminous Pavement Grading E, place in two lifts. A thicker patch may be required by the Town Engineer.

d. Low Cost Asphalt Streets. Where a street consists of seal coat, dust seal or other thin low type surface, an asphalt patch meeting the requirements of Hot Bituminous Pavement Grading E and at least two inches (2") thick shall be placed. The asphalt shall be rolled with a rubber tired vehicle until a dense surface is obtained.

e. Sidewalks, Driveways, Curbs and Gutters and Other Structures.
Whenever an excavation cuts a sidewalk, driveway, curb and gutter, or other structure, the excavation shall be backfilled as described in Std. I-E-2 for street surface. In each case, a neat saw cut shall be made one foot (1') back from each side of the excavation to undisturbed soil; however, on sidewalk, the pavement shall be removed back to the nearest contraction or expansion joint. All broken or spalled concrete or structure material shall be removed and the surface shall be replaced using a Class B, 6 sack mix, 3750 psi at 28 days.

Historical References:
1986 Minimum Design and Construction Standards for Streets
95454 07/27/2006 **353-361**

Legal References:

C.R.S

5.6-2 Construction Plans and Details

5.6-2.A. All construction plans shall include adequate detailed construction drawings and specifications for the entire street design, storm sewer systems and grading plans. Plans shall conform to the following details:

1. Drawings shall be 24" x 36" and shall meet Colorado Dept. of Highways drafting standards with horizontal scale 1" = 50' and vertical scale 1' = 5'. Larger scales may be required by the County Engineer where necessary.

2. North Arrow on every sheet.

3. Title Block to be placed in the lower right hand corner and containing project name, scale, designed by, drawn by, checked by.

4. Date of plan and date of any revision.

5. Seal and signature of the Registered Professional Engineer licensed in the state of Colorado under whose supervision the plans were prepared.

6. Bench mark description on each sheet referenced to USGS.

7. Typical cross section for each differing street section.

8. Plan view shall include the following:

a. Property and ROW lines and all easements.
b. Survey lines and stations, plus baseline and stations, if needed.
c. Street names and face of curb to face of curb or travel way dimensions.
d. Existing and proposed structures and utilities, including:
    i. Water including fire hydrants and valves (may be shown on separate sheet).
    ii. Sanitary sewer including manholes (may be shown on separate sheet).
    iii. Storm drainage facilities.
    iv. Curb, gutters and sidewalks.
    v. Driveways and intersecting streets along both sides of adjacent streets.
e. Station of drainage appurtenances and flow arrows.
f. Match lines and sheet numbers.
g. All curve data plus elevations on curb returns.
h. Existing and proposed curb return radii.
i. Handicap ramp locations.
j. Centerline elevations on all intersecting streets.
k. Survey line ties to adjacent streets.
l. Soil test location.

9. Profiles are required for all streets and all storm facilities.
a. Elevations shall be top of curb or shoulder edge for streets and intersections, and pipe inverts for storm drains or culverts.
b. Original ground at each profile if needed.
c. All existing improvements.
d. Proposed construction.
    i. Vertical Curves with VPI, VPC, and VPT's as well as the Profile Grade at the VPI.
    ii. Curb return profiles.
    iii. Size, type, invert and locations of storm drain pipes or culverts.
    iv. Size, type and location of all existing underground utilities within the ROW.
    v. At intersections with existing roads, elevation 100' each direction from the intersection.
10. Any special details or notes necessary to clarify the construction requirements.

Historical References:
1986 Minimum Design and Construction Standards for Streets.
95454 07/27/2006 **363-364**

Legal References:

C.R.S

5.6-3 Construction Requirements

5.6-3.A Coordination

The coordination during construction of those facilities required to be completed by a developer is the responsibility of the developer. This coordination shall include but not be limited to:

1. Utility companies or districts.
2. Adjacent landowners.
3. Town, County and State concerning their facilities and safety requirements during construction.

The developer shall be responsible for repair of any existing utilities, fences, drainage structures, road surfaces, etc., disturbed or damaged during his construction operations. The damaged items shall be returned to their original condition or better.

5.6-3.B. Construction Material

By adoption of these Street Standards and Construction Specifications, Hinsdale County adopts the Colorado Department of Highways current edition of Standard Specifications for Road and Bridge Construction. These specifications ay be modified from time to time for a specific project to meet a local condition, but only by a written special provision approved by the County.

5.6-3.C. Construction Methods

Methods of construction shall meet the requirements of all the CDOH Standard Specifications for Road and Bridge Construction. Other methods may be used in construction which result in a finished job of acceptable quality and avoids the use of equipment or dangerous materials which will cause damage to adjacent property or endanger the environment.

5.6-3.D. Inspection and Quality Control

The County will inspect the facilities required to be constructed by the developer during the progress of the work and conduct a final inspection at completion. Tests necessary to assure the quality of the work will be performed by the county or a retained consultant and the developer will be notified in writing of acceptance or of any defects discovered. It will be the responsibility of the developer to correct any defects before final acceptance is made.

Costs for the inspection and any tests required will be born by the developer or his contractor.

INSERT TWO DIAGRAMS FROM BOOK
--TYPICAL STREET SECTION
--STREET SURVEY MONUMENT

Historical References:
1986 Minimum Design and Construction Standards for Streets
95454 07/27/2006 **365-367**

Legal References:

C.R.S.

5.6-3.E. Survey Monuments

Street survey monuments as shown in Dwg. No. 2 will be installed at all street centerline intersections, at the center of radius for cul-de-sacs, and at the end of dead end streets. All monuments shall be set within sixty (60) days of completion of the streets.

Survey monuments for subdivision boundaries shall conform to the requirements of Colorado State Statute 38-51-101.

Historical References:
1986 Minimum Design and Construction Standards for Streets.
95454 07/27/2006 **362,366-367**

Legal References:

C.R.S

Sec. 5.7 Driveways and Access

5.7-1 Sidewalk, Curb and Gutter, Driveways

5.7-1.A. Concrete

All concrete shall be Class B, 6 sack mix, 3750 psi at 28 days.

When specified or required, sidewalks shall be four-inch (4") thick concrete or shall be boardwalk; curbs shall be either barrier or mountable type, six inches (6") in height and constructed of concrete; gutters shall be two feet (2') in width and constructed of concrete. When curb and cutter with sidewalks are required, curb cuts (in barrier type) shall be provided and six inch (6") thick pavement of the same width as the sidewalk shall be provided for the full width of the driveway and formed to blend with the sidewalk grade. Handicap ramps shall be provided.

Sidewalk widths shall be suitable for their intended use and shall be subject to the approval of the County.

Six inches (6") thick subgrade preparation and four inches (4") of aggregate base course shall be required and constructed in accordance with the requirements of Std. I-C

5.7-1.B. Boardwalks

1. The following requirements shall be met:

a. All boardwalks must conform with the grade of the existing sidewalks, and, if any two portions of the sidewalk are at unequal elevations, a ramp rather than a step, must be constructed, to provide wheel chair access.

b. All boardwalks shall be constructed to drain toward the street, at a ratio of ¼ inch per foot.

c. All boardwalks must be no lower than curb level.

d. Boardwalks must be made of treated wood (according to Uniform Building Code Standards) or No. 2 Foundation Redwood or better, or Foundation Cedar, all marked or branded by an approved agency, unless otherwise approved by the County Engineer. All decking shall be wood and must be S-dry (19%) or drier.

e. Boardwalks shall be placed on solid concrete footings at least ten inches wide and six inches deep, and the curb may be used as one footing if properly constructed and approved by the County Engineer, but decking shall not extend closer than four inches to

the street edge of the curb.

f. Decking boards shall be laid and placed such that the surface is smooth and even throughout, and all fasteners must conform to Uniform Building Code standards and be galvanized. The surface must be uniform and tight such that no gaps exist between individual boards of the walkway.

g. Boardwalks shall be constructed to support a minimum of 250 pounds per square foot, a s shown in Table 23-A of the Uniform Building Code.

h. Boardwalk widths shall be suitable for their intended use and shall be subject to the approval of the County.

i. Subgrade preparation and aggregate base course shall be as required in Std. I-E-1.

Historical References:
1986 Minimum Design and Construction Standards for Streets.
95454 07/27/2006 **361-362**

Legal References:

C.R.S

Sec. 5.8 Trails

Insert Trails Master Plan or reference it???

Historical References:

Legal References:

C.R.S.

Sec. 5.9 Reserved for Future Use

Reserved for future protections.

Historical References:

Legal References:

C.R.S.

Sec. 5.10 Reserved for Future Use

Reserved for future protections.

Historical References:

Legal References:

C.R.S.

Sec. 5.11 Sign Regulations

5.11-1 Statement of Purpose

To preserve and promote the public health, safety, and welfare of the citizens of Hinsdale County by affording the business community equal and fair opportunity to advertise and promote its products and services without discrimination. The purpose is also to maintain and enhance the visual environment and to preserve the right of the citizens to enjoy Hinsdale County's scenic beauty; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property and to enable the fair and consistent enforcement of these sign regulations. This section concerning signs applies to the entire unincorporated area of Hinsdale County, whether zoned or unzoned, unless specifically stated otherwise.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **47**

Legal References:

C.R.S.

5.11-2 Definitions

A. Abandoned Sign: A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

B. Awning: A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. Only business names, addresses, types of service, and/or logos may be attached to, painted, stenciled, or otherwise placed on these devices.

C. Directional Sign: Off-premises directional signs for the convenience of the traveling public may be allowed by permit for any residential or non-residential land use.

a. Each such use may have one (1) off-premises directional sign at appropriate access roads or intersections.
b. All such signs at a single intersection shall be attached and stacked on either a single wood or metal post or attached between two (2) wood or metal posts, which shall be shared with other advertisers.
c. Each directional sign shall be joined back-to-back without any overlap and have a maximum of two (2) faces that measure approximately 8" x 24".
d. Such signs may be located adjacent to a public right-of-way, subject to the permission of the landowner, or, in the public right-of-way, with the permission of the County, as appropriate.
e. No sign shall be allowed that prevents the driver of a vehicle from maintaining a clear and unobstructed view of official signs and approaching or merging traffic.
f. Signs located in County rights-of-way must be made with break away construction.

D. Flag/Banners: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as an advertisement drawing attention to a business or event or as a symbol of a government, political subdivision, or other entity.

E. Free-Standing Sign: A sign self supported by a pole or post and not attached to any building, wall, or fence, but in a fixed location. Types of free standing signs include, but are not limited to: post and arm; monument; and pole signs.

F. Gateway Signs: Traditional gateway signs, signs over gateways or driveway entrances, may be erected to identify the entrance to a residence, agricultural operation, ranch or other land use.

G. Marquee: A sign on, attached to, or consisting of interchangeable letters on the face of a permanent overhanging shelter which projects from the face of a

building. Letter or symbols shall not exceed six (6) inches in height. A minimum clearance of ten (10) feet above the sidewalk level shall be required for pedestrian clearance.

H. Monument Sign: An outside sign identifying a development, businesses, services or homes (such as a shopping area or housing development) made of brick, masonry, stone, wood or log the bottom of which is attached directly and permanently to the ground and physically separated from any other structure.

I. Non-Conforming Sign: A sign, which lawfully, or unlawfully, occupied a building or land under an earlier Sign Code, which does not conform to the current regulations of the district in which it is located.

J. Off-Premise Sign or Billboard: A sign that identifies goods or services that are not sold on the same premises as the said sign.

K. On-Premise Sign: A sign identifying or advertising a business, person, activity, or service located on the premises where the sign is located.

L. Political Sign: Any sign that advertises a candidate or an issue, which is to be voted on in a local, state or federal election process.

M. Portable Sign: A sign not designed or intended to be permanently affixed into the ground or to a structure. This is included in allowable square footage.

N. Post and Arm Sign: A free standing sign comprised of a vertical post to which a perpendicular arm is attached and from which a sign hangs.

O. Premises: The contiguous land in the same ownership or control, which is not divided by a street.

P. Prohibited Signs: Signs that are not allowed as follows:

1. Signs advertising business, activity, product or service not conducted on the premises upon which the sign is located, such as billboards, except for directional signs as specifically permitted under Directional Signs;
2. Signs employing mercury vapor lighting, internal illumination, and plastic panel rear-lighted;
3. Signs containing statements, words or pictures of an obscene, indecent or immoral character;
4. Signs that contain or consist of ribbon streamers, strings of light bulbs, spinners or other similarly moving devices;
5. Signs, which are portable or wheeled, except sandwich boards.
6. Signs done in an unworkmanlike manner or having materials such as cardboard or unfinished, spray-painted plywood.

Q. Projecting Sign: A sign attached to a building wall or structure that projects horizontally more than twelve (12) inches from the face of the wall.

R. Public Way: Any corridor designed for vehicular or pedestrian use that is maintained with public funds.

S. Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

T. Safety Control Sign: Warning, control OSHA, or required public safety sign.

U. Scenic Roadside: Scenic roadsides are established and named herein to mean those land areas within the county limits, (i.e., Alpine Loop Back Country Byway) which lie within the viewshed of either side of the outermost edge of any of the roads which are of uncommon visual importance or scenic attractiveness.

V. Sign: A sign is a one or two sided object, device, display, structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location; or to express a point of view, by any means including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images.

W. Sign Area: The single facing of a sign, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business or product.

X. Special Event: A community, governmental, or non-profit organization event, planned for a defined date.

Y. Seasonal Sign: A sole sign for a business, such as a farm or produce stand sign, displayed at least sixty (60) days but no more than one hundred and twenty (120) days each year. Such a sign shall be governed by the same regulations as all other permitted, non-temporary signs.

Z. Temporary Sign: A promotional sale sign, fund-raising sign, garage sale sign, political sign, or similar sign displayed no more than fourteen (14) days per calendar year.

AA. Traffic Control Sign: A sign to regulate traffic that has been erected by an appropriate governmental agency having jurisdiction over the public way.

BB. Traffic Flow Informational Sign: A sign directing traffic to or from or within, or providing information for a commercial, residential or industrial development.

CC. Viewshed: An area visible from the road that provides vistas over water or across expanses of land, such as farmland, woodlands, coastal wetlands, mountaintops or ridgelines.

DD. Wall Sign: Any sign painted on, incorporated in, or affixed to the interior or exterior of any window, or to any outside wall, column, roof or other exterior surface of a building; also any sign consisting of cut-out letters or devices affixed to a building wall, column, window, roof or other exterior surface with no background defined.

EE. Window Sign: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is *permanently affixed* inside a window or upon the window panes or glass and is visible from the exterior of the window.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **47-50**

Legal References:

C.R.S.

5.11-3 General Limitations

No signs of any nature shall be allowed, constructed, erected or maintained, except as herein specifically provided:

A. Traffic, safety, directional, informational and other signs required under appropriate governmental regulations shall be exempt from this Regulation.

B. All signs shall be contained within the property boundaries in which the business or residence/establishment is located. Signs shall identify or advertise only the business or residence/establishment on the lot upon which the sign is located, unless the Board of Adjustment makes a determination that an off-site sign is necessary and essential for the business or residence/establishment of a use not occupying the same lot.

C. No sign shall be located so that it shall interfere with or detract from orderly traffic movement, obscure or impair the vision of the driver of any motor vehicle, or which is a hazard to traffic.

D. The color or format of a sign shall not resemble or conflict with traffic signs or signals.

E. All signs shall be constructed in a good and workmanlike manner, shall at all times be properly maintained and kept in good repair and condition and shall be of safe and permanent construction.

F. No flashing or animated signs, or signs with moving parts or intermittent lighting to create the visual effect of movement shall be permitted.

G. No banners, streamers, pennants, or bunting, calling attention to interest on a lot or business will be permitted.

H. Nothing in these regulations shall be construed to prevent the erection of pennants, banners, or buntings of a special event, providing permission for such is obtained from the County Enforcement Officer. Such displays may be erected two weeks prior to the opening of the event and shall be removed two weeks after the activity is over. Hunting season special event displays may be erected two weeks prior to the first rifle-hunting season and removed prior to Thanksgiving Day.

I. No sign shall be erected or maintained or permitted to remain publicly displayed which are of a misleading, fraudulent, obscene, immoral, indecent, or unsightly character.

J. No sign may contain any radio, phonograph, whistle, bell or other sound or noise making instrument.

K. Political signs will conform to the sign limits allowed in the individual districts where the signs are to be erected. These signs must be removed within three (3) days after the election.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **51-52**

Legal References:

C.R.S.

5.11-4 Nonconforming and Existing Signs:

All signs must conform to this Sign Regulation by January 1, 2005.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **52**

Legal References:

C.R.S.

5.11-5 Structural Characteristics.

A. No lettering on any sign, including cut out letter signs, shall exceed twelve (12) inches in height, except for the initial letter of each word that may be eighteen (18) inches in height.

B. Free-standing signs shall be limited to one sign per principal use, shall not be higher than the principal building and shall be contained completely within the property lines upon which the principal building is located.

C. Projecting signs shall be limited to one sign per principal use, shall not be higher that the ridge line or parapet wall of the building to which it is attached and shall be minimum, of ten (10) feet above grade when located adjacent to or projecting over a pedestrian way. It shall not extend more that four (4) feet from a building wall. No sign shall project into any portion of a street used for vehicular traffic, nor shall any overhead sign project from any building beyond the dividing line of the sidewalk and the vehicular portion of the street.

D. Wall signs shall not be higher than the roof or top of the cornice wall of the building and no sign part, including cut out letters, shall project more than six (6) inches from the building wall.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **52**

Legal References:

C.R.S.

5.11-6 Sign Measurement

A. The maximum permitted area of signs individually or in the aggregate shall be fifty (50) square feet. Fifty (50) square feet of total sign area will be allowed for buildings and improvements containing up to one thousand (1,000) square feet of commercial area in the aggregate. Additional signage will be allowed for buildings and improvements on each parcel or unit of real property that contain aggregate commercial space of more than 1,000 square feet. Such additional signage will be allowed in proportion to the actual square footage of excess commercial space at the rate of up to five (5) square feet of sign area for each additional 1,000 square feet of excess commercial space.

B. Cut out letter shall be measured the same as wall signs if attached to a building and their aggregate area shall be credited toward allowable sign area at one-half of their measured surface area.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **52-53**

Legal References:

C.R.S.

5.11-7 Signs Allowed in Districts

A. IN URBAN DISTRICT 1 (Residential)
IN URBAN DISTRICT 2 (Tourist/Business)

1. One residential identification sign per living unit, being a free standing sign, wall sign or a projecting sign, to identify the occupants thereof or any home occupation pursued therein, not to exceed two (2) square feet.

2. One sign advertising the sale or rent of a property, not lighted or illuminated and not exceeding six (6) square feet.

3. One sign announcing the construction or remodeling of a building, not illuminated or lighted, and not to exceed six (6) square feet.

4. An institutional identification sign, either projecting on the wall on the face of any school, church or public building not to exceed six (6) square feet of sign area.

B. IN RURAL DISTRICTS 1 & 2

1. One residential identification sign per living unit, being a free standing sign, a wall sign or a projecting sign, to identify the occupants thereof or any home occupation pursued therein, not to exceed sixteen (16) square feet.

2. One sign advertising the sale or rent of a property, not lighted or illuminated and not exceeding sixteen (16) square feet.

3. One sign announcing the construction or remodeling of a building, not illuminated or lighted, and not to exceed sixteen (16) square feet.

4. An institutional identification sign, either projecting on the wall on the face of any school, church or public building not to exceed sixteen (16) square feet of sign area.

C. PIEDRA DISTRICT – See specific requirements under Section 2.5-2.E.4 of the Piedra Land Use Regulations.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **53-54**

Legal References:

C.R.S.

5.11-8. Permit Not Required

Residential Identifications signs, signs advertising the sale or rental of property, signs advertising the construction or remodeling of a building and institutional identification signs shall not require a permit if they otherwise comply with the provisions of this resolution.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **54**

Legal References:

C.R.S.

5.11-9 Permit Required

No sign shall be erected, constructed, altered, remodeled, or changed until the County Enforcement Officer has issued a permit. No permit shall be granted until after an application has been filed with the County Enforcement Officer showing the plans and specifications, including dimensions, materials and details of construction of the proposed structure, which application must be approved by the County Enforcement Officer and the prescribed fee paid therefor. There shall be a $50.00 charge for such permit. Special Events shall not have a fee charged for the permit.

Historical References:
Hinsdale County Sign Code 2004.
95454 07/27/2006 **54**

Legal References:

C.R.S.

Sec. 5.12 Reserved for Future Use

Reserved for future protections. (Night Sky Ordinance?)

Historical References:

Legal References:

C.R.S.

Sec. 5.13 Reserved for Future Use

Reserved for future protections.

Historical References:

Legal References:

C.R.S.

Sec. 5.14 Reserved for Future Use

Reserved for future protections.

Historical References:

Legal References:

C.R.S.

Sec. 5.15 Reserved for Future Use

Reserved for future protections.

Historical References:

Legal References:

C.R.S.

Sec. 5.16 Reserved for Future Use

Reserved for future protections.

Historical References:

Legal References:

C.R.S.

Sec. 5.17 Floodplain Management

Historic Note: The original 1987 Resolution No. 11, Series 1987, provided: A resolution of Hinsdale County Colorado, to provide flood plain regulations and repeal the building permit resolution for 1977, development within flood and mudslide hazard areas and 1975, for construction in flood and mudslide hazard areas.

5.17-1 General Provisions

5.17-1.A. The regulations adopted in this section shall be in addition to and supplementary to all other regulations of Hinsdale County. Whenever any conflict exists between these regulations and any other regulations of Hinsdale County, those providing the more stringent limitation or requirement shall apply.

5.17-1.B. As used in this section, "development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

5.17-1.C. As used in this section, "base flood" means a flood having a 1% chance of being equaled or exceeded in any given year.

5.17-1.D. As used in this section, "flood" and "flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b.The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides (i.e. mudflows) which are proximately caused by "flooding" and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1.a. above.

5.17-1.E. As used in this section, "flood insurance rate map," (FIRM) means an official map of a community on which the Administrator has delineated both the special hazard

areas and the risk premium zones applicable to the community.

5.17-1.F. As used in this section, "flood insurance study" or "flood elevation study" means an examination or evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e.mudflow) and/or flood-related erosion hazards.

5.17-1.G. As used in this section, "regulatory floodway" means 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 one foot. The term "floodway" refers to the area designated as such on the Flood Plain Information Report adopted in Section 5.17-5.

5.17-1.H. As used in this section, "new construction" means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

5.17-1.I. As used in this section, "start of construction" [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub.L. 98-348] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

5.17-1.J. As used in this section, "manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, or other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

5.17-1.K. As used in this section, "manufactured home park or subdivision" means a parcel [or contiguous parcels] of land, divided into two or more manufactured home lots for rent or sale.

5.17-1.L. As used in this section, "substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part off the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

2. Any alteration off a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

5.17-1.M. Unless another definition is specifically provided, the terms used in these Flood Plain Management Regulations shall have the same meaning provided by regulations issued by the Federal Emergency Management Agency for the National Flood Insurance Program as found in 44 CFR, section 59.1.

5.17-1.N. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the County, any officer or employee thereof, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

5.17-1.O. Amendments to these regulations shall be processed in accordance with procedures for amending Hinsdale County Zoning Regulations and all copies of all amendments shall be provided to the Federal Emergency Management Agency.

5.17-1.P. As used in this section, "Floodplain" or "Area off Special Flood Hazard" shall both mean the land in the flood plain within the County, subject to a one percent or greater chance of flooding in any given year and it shall include such areas as shown in the Flood Insurance Study and its related maps and plates as adopted in Section 5.17-5.

Historical References:
1987 Flood Plain Management Regulations
95454 07/27/2006 **211-214**

Legal References:

C.R.S.

5.17-2 Development Permits:

5.17-2.A. Within the designated "Floodplain," as shown on the Maps and Study adopted by Section 5.17-5, a development permit shall be obtained prior to commencing any construction or development, or placement of any manufactured home.

5.17-2.B. Application for a development permit shall be made on forms furnished by the County which may require plans drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and their locations, and other information appropriate of the administration of these regulations.

5.17-2.C. Submitted with the application for a development permit for property within the Floodplain shall be the following information:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

2. Elevation in relation to mean sea level to which any structure has been flood-proofed.

3. Certification by a registered professional engineer or architect that the flood-proofing methods of any non-residential structure meet the criteria of Section 5.17-4.M.

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

5.17-2.D. Other information required by the County as necessary to administer and enforce the provisions of these regulations.

Historical References:
1987 Flood Plain Management Regulations
95454 07/27/2006 **215**

Legal References:

C.R.S.

5.17-3 Duties of Building Officials

The Building Official or other officer or employee designated by the Board of Commissioners shall administer and enforce the provisions of these regulations, including the performance off the following duties:

5.17-3.A. Review all development and other permits to determine that all requirements of these regulations have been met prior to any permit being approved.

5.17-3.B. Review all development and other permits to determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required.

5.17-3.C. 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 record whether or not the structure contains a basement.

5.17-3.D. For all new or substantially improved flood-proofed structures, verify and record the actual elevation (in relation to mean sea level) to which the structure is flood-proofed; and maintain on file the flood-proofing certification required by Section 5.17-4.M.

5.17-3.E. Maintain for public inspection all records pertaining to these regulations.

5.17-3.F. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator.

5.17-3.G. Require as a condition of permit approval that maintenance will be provided by the owner within an altered or relocated portion of any watercourse so that the flood carrying capacity is not diminished.

5.17-3.H. Review all development permits and other permits and applications, including subdivision proposals and other new developments including manufactured home parks or subdivisions to determine whether such development will be reasonably safe from flooding.

5.17-3.I. Require that an evacuation plan indicating alternate vehicular access and escape routes be filed with the Town of Lake City, Colorado and County of Hinsdale for manufactured home parks and manufactured home subdivisions located within the Floodplain.

5.17-3.J. When base flood elevation date has not been provided in accordance with Section 5.17-5, obtain, review and reasonable utilize any base flood elevation and

floodway data available from a Federal, State or other source, including data developed pursuant to Section 5.17-4.K, in order to administer section 5.17-5.

Historical References:
1987 Flood Plain Management Regulations
95454 07/27/2006 **216-217**

Legal References:

C.R.S.

5.17-4 Standards

5.17-4.A. The standards provided in this Resolution shall apply within the designated Floodplain.

5.17-4.B. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Because of the hydrodynamic loads, crawlspace construction is not recommended in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.

The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than (1) foot above the lowest adjacent exterior grade.

5.17-4.C. All manufactured homes to be placed within said Floodplain shall be installed using methods and practices which minimize flood damage, and shall be elevated and anchored to resist floatation, collapse or lateral movement. Methods of anchoring may include, but are not limited to use of over the top or frame ties to ground anchors. The requirements of this paragraph (5.17-4.C.) shall not apply when the grade of the ground itself has been elevated by compacted fill above the elevation of the base flood. Special requirements shall be that:

1. Over the top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations; with manufactured homes less than 50 feet long requiring one additional tie per side.

2. Frame ties are provided at each corner of the home with 5 additional ties per side at intermediate points; with manufactured homes less than 50 feet long requiring 4 additional ties per side.

3. All components of the anchoring system are capable of carrying a force of 4,800 pounds.

4. Any additions to the manufactured home are similarly anchored.

5. In lieu of the special requirements of paragraphs 5..17-1.C.1 through 3, an alternative anchoring system may be used if a licensed professional engineer certifies or technical evaluation demonstrates that such system will adequately anchor the manufactured home

with respect to a base flood discharge.

5.17-4.D. Portions of the building below the base flood elevation (BFE) must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also and joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE. Insulation is not a flood-resistant material. When insulation becomes saturated with floodwater, the additional weight often pulls it away from the joists and flooring. Duct work or other utility systems located below the insulation may also pull away from their supports. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

5.17-4.E. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.17-4.F. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5.17-4.G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

5.17-4.H. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.17-4.I. All subdivision proposals shall be consistent with the need to minimize flood damage, and shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5.17-4.J. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

5.17-4.K. Base flood elevation data shall be provided with subdivision proposals and other proposed development [including proposals for manufactured development [including proposals for manufactured home parks and subdivisions] which contain at least 50 lots or 5 acres, whichever is less.

5.17-4.L. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above base flood elevation.

5.17-4.M. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor (including the basement) elevated to or above the level of the base flood elevation, or together with the

attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water,

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and

iii. Have structural design, specifications and plans for the construction developed and/or reviewed by a registered professional engineer or architect who shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting applicable provisions of this Section. Such certification, including elevations to which the structure is floodproofed, shall be provided to the Building Official.

5.17-4.N. All manufactured homes to be placed within the Floodplain or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and are securely anchored to an adequately anchored foundation system according to Section 5.17-4.C.

5.17-4.O. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

i. 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.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

iv. The interior grade of a crawl space below the base flood elevation (BFE) must not be more than two (2) feet below the lowest adjacent exterior grade and the height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. (See Figure below)

5.17-4.P. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as

perforated pipes, drainage tiles, gravel or crushed stone. Drainage can be by gravity or mechanical means. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

5.17-4.Q. Below-grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

5.17-5 Adoption of Maps, Study and Report:

5.17-5.A The "Flood Insurance Study (FIS)" and "Flood Insurance Rate Map (FIRM)" for Hinsdale County, as promulgated by the Federal Insurance Administration, effective September 30, 1987, and the "Flood Plain Information Report, Lake Fork of the Gunnison and Henson Creek at Lake City" (FPIR), as prepared by Westwater Engineering, Inc., dated August, 1985 and adopted by the Colorado Water Conservation Board are hereby adopted by reference for the purpose of administration and enforcement of these Regulations.

5.17-5.B. The Building Official shall interpret the exact locations of the boundaries of Floodplain as provided on the FIRM and in the FIS, and of the floodway as provided in the FPIR.

5.17-5.C. In interpreting the boundaries of the Floodplain or of the floodway and in determining base flood elevation the Building Official shall obtain, review and reasonably utilize any base flood elevation data and other data available from other federal sources or sources officially approved by the Colorado Water Conservation Board.

Historical References:
1987 Flood Plain Management Regulations
95454 07/27/2006 **217- 219,223, 226**

Legal References:

C.R.S.

Sec. 5.18 Reserved for Future Use

Reserved for future protections.

Historical References:

Legal References:

C.R.S.

Sec. 5.19 Reserved for Future Use

Reserved for future protections.

Historical References:

Legal References:

C.R.S.

Sec. 5.21 Land Dedications and Fees In-Lieu

5.21-1 Public Sites and Open Spaces

5.21-1.A. Payment of Fee in Lieu of Land Dedication. It shall be the Board's policy to require payment of a sum of money in lieu of land. The fixed fee is four hundred dollars ($400) per dwelling unit site, to be paid at the time of final plat; balance by short term promissory note. (I.E. 3-5 years)

It is the policy of the Planning Commission and Board to collect this fee at any time there is a change of use affecting the density (therefore impact) on any parcel of land.

Special requests for land by appropriate school districts or local government entities will be considered.

The Board, upon consideration of future county requirements may require the dedication of areas or sites of a character, extent and location suitable for public use for schools or parks or in lieu thereof, payment of a sum of money not exceeding the full market value of such sites or land areas at the time of the final plat approval.

Dedication of such areas or sites shall not exceed five percent (5%) of the gross land area of the final plat.

Dedication of such site and land areas to the county or the public or, in lieu thereof, payment of a sum of money not exceeding the full market value of such sites and land areas. If such sites and land areas are dedicated to the county or the public, the Board of County Commissioners may, at the request of the affected entity, sell the land. Any such sums when required or money paid to the Board of County Commissioners from the sale of such dedicated sites and land areas shall be held by the Board of County Commissioners:

1. For the acquisition of reasonably necessary sites and land areas or for other capital outlay purposes, *for schools or parks*, or

2. For the development of said sites and land areas for park purposes; or

3. *For growth related planning functions by school districts for educational purposes.*

5.21-1.C. Notice. After final approval of a subdivision plan or plat and receipt of dedications of sites and land areas or payments in lieu thereof, the Board of County Commissioners shall give written notification to the appropriate school districts and local government entities. Following such notice, a school district or local government entity may request and shall demonstrate to the Board of County Commissioners a need for land

or moneys for a use authorized. When a Board of County Commissioners votes to allocate land or moneys for subject project, such land or moneys shall immediately be transferred to the appropriate school district or local government entity.

Historical References:
1986 Subdivision Regulations, Section 11.14 Public Sites and Open Spaces.
95454 07/27/2006 **267**

Legal References:

C.R.S.

Article 6 Subdivision Standards

Sec. 6.1 Applicability

6.1-1 Fiscal Impacts

It is the policy of the County to insure that development will not result in reduction of the quality of services, public facilities or programs provided to the residents of the County, and further, that the development is consistent with the goals of provisions of services, facilities, solid and effluent disposal programs without substantial increases in taxation levels. In order to implement this policy, the County shall ensure the following:

6.1-1.A. Review. Review proposed developments in light of the impact of the subdivision on current tax base and ill levy. The County may approve those developments which do not result in extended road service costs or other County costs, school costs or increases in programs resulting in a substantial tax deficit to the County.

6.1-1.B. Approval for Long Range Good. The County may approve such divisions if it is determined that for social, economic, or other reasons, the development is in the long range interests of the residents of the entire County.

6.1-1.C. Approval if Developer Pays. The County may approve such subdivision developments providing the developer of the subdivision contributes the costs for infrastructure necessary because of the development without substantially altering the tax base or ill levy of the County.

Historical References:
1986 Subdivision Regulations, section 1.4 Fiscal Impacts.
95454 07/27/2006 **231**

Legal References:

C.R.S.

Sec. 6.2 General Subdivision Provisions

6.2-1 Subdivision or Planning of Parcel

Where an entire parcel is not subdivided, the sub-divider must indicate his intended plans for disposition of the remainder of the parcel.

Historical References:
1986 Subdivision Regulations, Section 11.13.
95454 07/27/2006 **267**

Legal References:

C.R.S.

6.2-2 Public Sites and Open Spaces

6.2-2.A. Payment of Fee in Lieu of Land Dedication. It shall be the Board's policy to require payment of a sum of money in lieu of land. The fixed fee is four hundred dollars ($400) per dwelling unit site, to be paid at the time of final plat; balance by short term promissory note. (I.E. 3-5 years)

It is the policy of the Planning Commission and Board to collect this fee at any time there is a change of use affecting the density (therefore impact) on any parcel of land.

Special requests for land by appropriate school districts or local government entities will be considered.

The Board, upon consideration of future county requirements may require the dedication of areas or sites of a character, extent and location suitable for public use for schools or parks or in lieu thereof, payment of a sum of money not exceeding the full market value of such sites or land areas at the time of the final plat approval.

Dedication of such areas or sites shall not exceed five percent (5%) of the gross land area of the final plat.

Dedication of such site and land areas to the county or the public or, in lieu thereof, payment of a sum of money not exceeding the full market value of such sites and land areas. If such sites and land areas are dedicated to the county or the public, the Board of County Commissioners may, at the request of the affected entity, sell the land. Any such sums when required or money paid to the Board of County Commissioners from the sale of such dedicated sites and land areas shall be held by the Board of County Commissioners:

1. For the acquisition of reasonably necessary sites and land areas or for other capital outlay purposes, *for schools or parks*, or

2. For the development of said sites and land areas for park purposes; or

3. *For growth related planning functions by school districts for educational purposes.*

6.2-2.C. Notice. After final approval of a subdivision plan or plat and receipt of dedications of sites and land areas or payments in lieu thereof, the Board of County Commissioners shall give written notification to the appropriate school districts and local government entities. Following such notice, a school district or local government entity may request and shall demonstrate to the Board of County Commissioners a need for land or moneys for a use authorized. When a Board of County Commissioners votes to allocate land or moneys for subject project, such land or moneys shall immediately be transferred to the appropriate school district or local government entity.

Historical References:
1986 Subdivision Regulations, section 11.14, Public Sites and Open Spaces.
95454 07/27/2006 **267**

Legal References:

C.R.S.

Sec. 6.3 Legal Building Site (See also Sec. 6.4 & 6.5)

6.3-1 Zoning Permits

No building shall be erected, occupied, moved or structurally altered under conditional or special uses, until a permit therefore has been issued by the Zoning Enforcement Officer; and no permit shall be issued unless the proposal is in full accordance with these regulations, except in those instances where a full variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures.

Historical References:
1986 Subdivision Regulations, section 8.2.
95454 07/27/2006 **60**

Legal References:

C.R.S.

6.3-2 Certificate of Occupancy

No new building shall hereinafter be occupied or used under conditional or special uses without a Certificate of Occupancy which has been issued by the Zoning Enforcement Officer. Such certificate shall be issued within five (5) days after the officer has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of these regulations.

Historical References:
1986 Subdivision Regulations, section 8.3.
95454 07/27/2006 **60**

Legal References:

C.R.S.

6.3-3 Records

All building permits, application records, records of inspection and certificates of occupancy records shall be kept on file in the office of the Zoning Enforcement Officer and shall be available for inspection by the public.

Historical References:
1986 Subdivision Regulations, section 8.4.
95454 07/27/2006 **60**

Legal References:

C.R.S.

Sec. 6.4 Building Lots

See Sec. 6.5????

Historical References:

Legal References:

C.R.S.

Sec. 6.5 Easements

6.5-1 Subdivision Plans/Plats

Preliminary Plans and Final Plats for subdivisions must indicate existing buildings, other easements, telephone lines, gas lines, power lines, and other features located on the subdivision and within two hundred feet of its boundaries. For more information see Sec. 8.

Historical References:
95454 07/27/2006 **253**

Legal References:

C.R.S.

Sec. 6.6 Reserved for Future Use

Reserved for future regulation.

Historical References:

Legal References:

C.R.S.

Article 7. Decision Making Bodies and Officials

Sec. 7.1 Reserved for Future Use

Reserved for future regulation.

Historical References:

Legal References:

C.R.S.

Sec. 7.2 Reserved for Future Use

Reserved for future regulation.

Historical References:

Legal References:

C.R.S.

Sec. 7.3 Board of Zoning Adjustment

7.3-1 Establishment

A Board of Zoning Adjustment is hereby established which shall consist of three members and three associate members and which shall be appointed by the County Commissioners. All further reference to the Board of Zoning Adjustment in this section shall hereafter be made to "the BZA."

Historical References:
1979 Zoning Regulation, 8.5.a.
95454 07/27/2006 **60**

Legal References:

C.R.S.

7.3-2 Membership

The BZA shall consist of three members and three associate members. No more than one of the members and one of the associate members may also be members of the County Planning Commission. Until otherwise provided, the members shall serve without compensation. Each member shall serve for three (3) years, provided however that of the first appointed BZA, one member shall serve for one (1) year, one member for two (2) years, and one member for three (3) years. Any member of the Board may be removed for cause by the County Commissioners upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointment. The associate members of the BZA shall take the place of any regular member off the BZA in the event that he is temporarily unable to act, owing to absence from the County, illness, interest in the case before the Board or other cause.

Historical References:
1979 Zoning Regulation, 8.5.b.
95454 07/27/2006 **60**

Legal References:

C.R.S.

7.3-3 Officers

The BZA shall, at its first regular meeting of each year, select a chairman, a vice-chairman and a secretary. The secretary may or may not be a member of the BZA. The Chairman shall preside at meetings and shall perform all duties as usual and ordinary for the presiding officer of any board or group. The vice-chairman shall perform the duties of the chairman in the absence of the chairman. The secretary shall keep full and complete minutes and records of all meetings and shall have custody of all of the records and shall generally perform all of the duties usually performed by the secretary of any board or group.

Historical References:
1979 Zoning Regulation, 8.5.c.
95454 07/27/2006 **61**

Legal References:

C.R.S.

7.3-4 Appeals to the BZA

Appeals to the BZA may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course off the administration or enforcement of the provisions of the zoning regulations. Appeals to the BZA may also be taken by any officer, department board or bureau of the County affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement off the provisions of the zoning regulations. Such appeal must be made within thirty (30) days after the occurrence of such grievance or decision which is the subject of the appeal. Upon appeals, the BZA shall have the following powers:

7.3-4.A. Appeals from Decisions of Administrative Officials.

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning resolution.

7.3-4.B. Interpretation.

To hear and decide requests for interpretation of this Resolution, including uncertainty as to boundary location or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this Resolution.

7.3-4.C. Variances. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and adjacent property owners and without substantially impairing the intent and purpose of this zoning resolution.

7.3-4.D. The concurring vote of two members of the BZA 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 appellant.

Historical References:
1979 Zoning Regulation, 8.5.d.
95454 07/27/2006 **62,64**

Legal References:

C.R.S.

7.3-5 General Duties of the BZA

7.3-5.A. To meet at the call of the chairman, by his request or by the request of the Zoning Enforcement Officer, or by any party wishing to appeal the decision of the same.

7.3-5.B. To adopt any rules necessary to transact the BZA's business or to expedite its functions or powers so long as thy are not inconsistent with the provisions of this regulation.

7.3-5.C. To keep minutes of the proceedings of each meeting, which shall be filed in the office of the BZA, who may designate the Zoning Enforcement Officer to keep such files and which shall be of public record.

7.3-5.D. To permit the public to attend and to be heard at all of its meetings.

7.3-5.E. To notify in writing the Zoning Enforcement Officer, the owner involved, adjacent property owners and the Planning Commission of all decisions made, resolutions passed, hearings scheduled, or permits authorized.

7.3-5.F. To publish notice of, cause to be published (to cause the property to be posted and to notify adjacent property owners in writing, at least ten (10) days prior to) the date necessary by the BZA.

Historical References:
1979 Zoning Regulation, 8.5.e.
95454 07/27/2006 **63**

Legal References:

C.R.S.

7.3-6 Procedure

The BZA shall act in strict accordance with all of the other applicable laws off the State of Colorado and applicable Zoning Regulations of the County of Hinsdale. All appeals to the Board shall be in writing and on such a form as shall be prescribed by the Board. Every appeal shall indicated what provisions of this regulation are involved, what relief from these provisions is being sought, and the grounds upon which such an appeal is being sought, as required above.

The chairman of the BZA shall then, within forty-five (45) days, call a meeting of the BZA for the purpose of the review of the requested appeal. At the same time a copy of the appeal request shall be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board before the date set for hearing the appeal. Notification of the decisions of the BZA shall then be made.

Historical References:
1979 Zoning Regulation, 8.5.f.
95454 07/27/2006 **63,65**

Legal References:

C.R.S.

7.3-7 Appeals from the BZA.

Any further appeal from the decisions of the BZA may be made to the courts as provided by law, provided, however, that such appeal is made prior to twenty (20) days following the date of the notification of the BZA's decision.

Historical References:
1979 Zoning Regulation, 8.5.g.
95454 07/27/2006 **65**

Legal References:

C.R.S.

Sec. 7.4 Floodplain Board of Appeals

See Article _____, Section _____.

Historical References:

Legal References:

C.R.S.

Sec. 7.5 Reserved for Future Use

Reserved for future regulation/clarification.

Historical References:

Legal References:

C.R.S.

Sec. 7.6 Reserved for Future Use

See Section 7.5.

Historical References:

Legal References:

C.R.S.

Sec. 7.7 Reserved for Future Use

See Section 7.5

Historical References:

Legal References:

C.R.S.

Article 8. Administration and Procedure

Sec. 8.1 Common Procedure

8.1-1 Procedure for Conditional or Special Use Permits

8.1-1.A. Application for conditional or special use permit shall be submitted in writing to the County Commissioners, along with such evidence as may be necessary to demonstrate compliance with the conditions and requirements set forth for the particular use, according to the regulations governing conditional or special use.

8.1-1.B. The County Commissioners shall study and review the application and accompanying evidence before taking action on the application. In addition, before ruling on the application, they shall:

1. Submit a copy of the application and accompanying data to the County Planning Commission for study and review.

2. Hold a public hearing on the application as indicated in section 8.1-2 below.

3. The County Commissioner's study of the application shall include consideration of all the following:

a. Information submitted by or for the applicant.
b. Information submitted for the Public Hearing.
c. Comments by the County Planning Commission, and any additional qualified opinions.

4. The County Commissioners shall rule on the application as follows:

a. In the case of a conditional use application, such application shall be granted upon the conditions as indicated in 8.1-1.A.
b. In the case of a special use application, such application may be granted or denied, as indicated in 8.1-1.B.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **166-167**

Legal References:

C.R.S.

8.1-2 Flood Plain Permit Procedure. The Flood Plain Development permit process is governed by Section 5.17 of these regulations.

Historical References:
Flood Plain Regulations 1987

Legal References:

C.R.S.

8.1-3 Subdivision Procedure. Subdivision procedure is governed by Section 8.9 of these regulations.

Historical References:
Subdivision Regulations 1982

Legal References:

C.R.S.

Sec. 8.2 Public Notices and Hearings

8.2-1 Notice for Conditional or Special Use Permits

Before granting a conditional use or special use permit, the Board of County Commissioners shall hold a public hearing on the matter and notice of such hearing shall be published at the expense of the applicant in the official County newspaper, and be sent to the applicant and to owners of properties adjacent to the property in question at least fourteen (14) days prior to the hearing date.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **13**

Legal References:

C.R.S.

8.2-2 Reserved for Future Use

Reserved for future regulations.

Historical References:
Hinsdale County Subdivision Resolution 1982.

Legal References:

C.R.S.

8.2-3 Reserved for Future Use

Historical References: 1979 Zoning Resolution.

Legal References:

C.R.S.

Sec. 8.3 Administrative Review Procedure

8.3-1 Zoning Permits:

No building shall be erected, occupied, moved or structurally altered under conditional or special uses, until a permit therefore has been issued by the Zoning Enforcement Officer; and no permit shall be issued unless the proposal is in full accordance with this Resolution, except in those instances where a full variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures.

Historical References: 1979 Zoning Resolution.
95454 07/27/2006 **60**

Legal References:

C.R.S.

Sec. 8.4 Development Permits

8.4-1 Zoning Permits

No building shall be erected, occupied, moved or structurally altered under conditional or special uses, until a permit therefore has been issued by the Zoning Enforcement Officer; and no permit shall be issued unless the proposal is in full accordance with this Resolution, except in those instances where a full variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height off all structures.

Historical References: 1979 Zoning Resolution.
95454 07/27/2006 **60**

Legal References:

C.R.S.

Sec. 8.5 Zoning and Building Permits

and Certificates of Occupancy

8.5-1 Zoning Permits

No building shall be erected, occupied, moved or structurally altered under conditional or special uses, until a permit therefore has been issued by the Zoning Enforcement Officer; and no permit shall be issued unless the proposal is in full accordance with these regulations, except in those instances where a full variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location off all improvements in relation to the lot and indicating the height of all structures.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **60**

Legal References:

C.R.S.

8.5-2 Certificates of Occupancy:

No new building shall hereinafter be occupied or used under conditional or special uses without a Certificate off Occupancy which has been issued by the Zoning Enforcement Officer. Such certificates shall be issued within five (5) days after the officer has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Resolution.

Historical References:
95454 07/27/2006 **60**

Legal References:

C.R.S.

Sec. 8.7 Reserved for Future Use

Reserved for future provisions.

Historical References:

Legal References:

C.R.S.

Sec. 8.8 Text and Zoning Map Amendments (Rezonings)

8.8-1 General Procedure:

Amendments to this Resolution shall be in accordance with the statutes of the State of Colorado, with reports and recommendations from the Planning Commission and the Board of County Commissioners required prior to the adoption of any such amendment.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **67**

Legal References:

C.R.S.

8.8-2 Special Procedures

8.8-2.A. A petition for amendment to this Resolution shall be submitted to the Commission.

8.8-2.B. The Commission shall set a public hearing date and shall publish notice of said hearing at the expense of the applicant, in the official County newspaper at least thirty (30) days prior to the hearing date.

8.8-2.C. For proposed amendments to the official Zoning Map, the Commission shall place a sign in a conspicuous place on the subject property not less than thirty (30) days prior to the hearing stating the change request, the date, time and place of the hearing.

8.8-2.D. After the public hearing, the Commission shall submit a report and recommendations on the proposed amendment to the Board of County Commissioners.

8.8-2.E. The Board of County Commissioners shall proceed with the amendment request as prescribed by law for the consideration of passage of any resolution of the County.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **67**

Legal References:

C.R.S.

8.8-3 Amendment Fee for Map Amendment:

8.8-3.A. For the proposed amendments to the official Zoning Map a fee of One Hundred Dollars ($100) shall be charged to the petitioner to cover the cost of processing.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **68**

Legal References:

C.R.S.

8.8-4 Amendments to Change the Zoning Classification of an Area:

8.8-4.A. Amendments to this Resolution may be adopted whereby the Zoning classification of an area is changed only if both of the following conditions exist:

1. That the area in question abuts an exiting district having the zoning classification desired; and

2. That the petitioner has shown substantial evidence that the area in question possesses geological, physiological or other environmental conditions compatible with conditions characteristic of the classification for which application is being made.

Historical References: 1979 Zoning Resolution.
95454 07/27/2006 **68**

Legal References:

C.R.S.

Sec. 8.9 Subdivisions

Subdivision Process – Flow Chart		
Board Of County Commissioners.	Planning Commission	Subdivider
1.		Submit sketch plan to Planning Commission 30 days prior to meeting with the Planning Commission
2.	Within 35 days from receipt, submit sketch plant to BOCC with recommendation.	
3. Within 30 days of receipt, review report and plan and communicate comments to Planning Commission		
4.		Submit Preliminary Plat to Planning Commission at least 40 days prior to meeting with Planning Commission.
5.	Within 30 days of receipt of Preliminary Plat, hold public meeting and report recommendations to Board of County Commissioners and Subdivider	
6. Render a decision within 65 days of receipt of PC recommendation and advise Planning Commission and Subdivider		Within 10 months, submit final plat to Planning Commission.
7.	Within 45 days of receipt of final plat, submit recommendations to the BOCC	
8. Within 65 days after receipt of PC recommendation, render a final decision and advise Planning Commission and		

Subdivider.		

8.9-1 General Provisions

8.9-1.A. Title

This document shall be known as the Subdivision Regulations of Hinsdale County, Colorado, adopted pursuant to Colorado Revised Statutes, 1973, 30-28-133, a s amended.

8.9-1.B. Authority

Hinsdale County is enabled by law to control the subdivision of all of the unincorporated land within the County boundaries. The authority is specifically defined in the Colorado Revised Statutes, 1973, 30-28-133 as amended (SB35). Furthermore said County is granted, by the General Assembly of Colorado, broad authority to plan for and regulate the use of land within Hinsdale County so as to provide for planned and orderly development within Colorado and to balance the basic human needs of a changing population with legitimate environmental concern.

Other enabling legislation includes but is not limited to:

1. Part 1 of Article 28 of title 30 CRS 1972 (County Planning).
2. Part 2 of Article 28 of title 30 CRS 1973 (Building Code).
3. Article 65 of title 24 CRS 1973 (Colorado Land Use Act).
4. Article 65.1 of title 24 CRS 1973 (Areas and Activities of State Interest).
5. Article 67 of title 24 CRS 1973 (Planned Unit Development Act).
6. Article 20 of title 29 CRS 1973 (Local Government Land Use Control Enabling Act).

Without limiting or superseding authority presently exercised or previously granted, each local government within its respective jurisdiction has the authority to plan for and to regulate the use of land by (1) regulating the location of activities and developments which may result in significant changes in population densities; (2) providing for phased development of services and facilities; (3) regulating the use of land on the basis of impact thereof on the community or surrounding areas; and (4) otherwise planning for the regulating of the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.

SB 95 (1975) amends SB 35 and is contained in Section 1, 106-2-33.

7. Article 2 of title 43 and CRS 1973 (County Highways).
8. Section 30-11-107 CRS 1973 (Powers of the Board of County Commissioners)

8.9-1C. Purpose.
1. To promote the health, safety and general welfare of the residents of Hinsdale County.

2. To assist orderly, efficient and integrated development of Hinsdale County.

3. To safeguard the interest off the real property owner, the sub-divider and the general public.

8.9-1.D. Fiscal Impacts

It is the policy of the County to insure that development will not result in reduction of the quality of services, public facilities or programs provided to the residents of the County, and further, that the development is consistent with the goals of provisions of services, facilities, solid effluent disposal programs without substantial increases in taxation levels. In order to implement this policy, the County shall:

1. Review proposed developments in light of the impact of the subdivision on current tax base and mill levy. The County may approve those developments which do not result in extended road service costs or other County costs, school costs or increases in programs resulting in a substantial tax deficit to the County.

2. The County may approve such subdivisions if it is determined that for social, economic or other reasons, the development is in the long range interests of the residents of the entire County.

3. The County may approve such subdivision developments providing the developer of the subdivision contributes the costs for infrastructures necessary because of the development without substantially altering the tax base or mill levy of the County.

8.9-1.E. Scope and Territorial Limits

The territorial jurisdiction under these regulations shall include all private land located within Hinsdale County, except in incorporated towns, and shall apply to all divisions of land as herein defined.

8.9-1.F. Conformity with Regulations

No person, firm, corporation or other entity or non-entity shall subdivide any tract of land which is located wholly or in part in Hinsdale County, Colorado, except that which is in an incorporated town; nor shall any person, firm, corporation, or other entity or nonentity sell, exchange, or offer for sale or purchase any parcel of land which is any part of a subdivision of a larger tract of land; nor shall any person, firm, corporation, or other entity or nonentity offer for recording any deed conveying such a parcel of land, or any interest therein, unless he shall first have complied in full with the provisions of these regulations and all requirements thereof.

Any sub-divider, or agent of a sub-divider, who transfers, sells, offers to sell or agrees to sell any subdivided land prior to approval thereof by the Board of County Commissioners

shall be in violation of 30-28-110(4)(a) CRS 1973, as amended and 30-28-124 CRS 1973, as amended.

1. Any sub-divider, or agent of a sub-divider, who transfers or sells or agrees to sell or offers to sell any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder shall be guilty of a misdemeanor and shall be subject to a fine not to exceed $500 dollars for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected under this paragraph 1. shall be credited to the General Fund of the County.

2. The Board of County Commissioners of the County in which the sub-divided land is located shall have the power to bring an action to enjoin any sub-divider from selling, agreeing to sell, or offering to sell sub-divided land before a final plat for such subdivided land has been approved by the Board of County Commissioners.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **228-232**

Legal References:

C.R.S.

8.9-2 Definitions

8.9-2.A. Accessory and Building

A subordinate use of a building, other structure, or a tract of land, or a subordinate building or other structure 1) which is clearly incidental to the use of the principal building, other structure or use of the land; 2) which is customary in connection with the principal building or use of the land or other structure; and 3) which is ordinarily located on the same lot with the principal building, other structure or use of the land.

8.9-2.B. Acid.

Any of a large class of substances, the aqueous solutions of which are capable of turning litmus indicators red, having a PH below 7.0 and reacting with bases or alkalis to form salts.

8.9-2.C. Advertising Device

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

8.9-2.D. Advertising Device, Directional

An advertising device which is erected to guide or direct the flow of traffic on the premises on which such device is located and which is noncommercial in nature.

8.9-2.E. Agriculture.

The cultivation of the soil, producing of crops, and the raising of livestock.

8.9-2.F. Alley or Service Alley

A minor public thoroughfare upon which the rear of the building lots generally abut and which affords a secondary means of access (See Uniform Street Standards).

8.9-2.G. A device or instrument designed for household use.

8.9-2.H. Applicant

The owner or authorized agent for any proposal to subdivide or otherwise develop

property in Hinsdale County.

8.9-2.I. Auditorium

A large public building for public meetings or artistic performance.

8.9-2.J. Building

A structure having a roof, supported by columns or walls, and, the term shall also include the term structure as defined herein.

8.9-2.K. Building Area

The total area on a horizontal plane at the average grade level of the principal building and including all accessory buildings measured along the outside walls and exclusive of uncovered porches, terraces, and steps.

8.9-2.L. Buildable Lot Area

The area ten (10) feet from the front lot line and five (5) feet from the rear and side lot lines, except when the right of way is a sixty (60) foot extension of an existing eighty (80) foot right of way, it shall then be twenty (20) feet from the front lot line (See Figure E).

8.9-2.M. Block

An area of land within a subdivision which is entirely bounded by streets, highways, or the exterior boundaries of the subdivision.

8.9-2.N. Board

The Board of County Commissioners of Hinsdale County.

8.9-2.O. Channel

A natural or artificial low-lying land area with definite bed and banks to confine continuously or periodically flowing water.

8.9-2.P. Clerk and Recorder

Hinsdale County Clerk and Recorder

8.9-2.Q. Community Building

A meeting place used by members of the community for social, cultural or recreational purpose.

8.9-2.R. Comprehensive Plan
A comprehensive plan for the future growth, protection and development of the County, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, employment, and general welfare of its population.

8.9-2.S. Condominium

A system of separate ownerships of individual units in a multi-unit project where the land within the project is owned in common.

8.9-2.T. Conservation Standards

Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil and Conservation Service for Hinsdale County, adopted by the County Soil and Water Conservation District Supervisors, and containing alternatives for the use and treatment off land based upon capabilities from which the land owner selects that alternative which best meets his needs in developing his soil and water conservation plan.

8.9-2.U. Crosswalk or Walkway

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

8.9-2.V. Cul-de-Sac

A street open at one end only and providing at the other end special facilities for the turn around of vehicular traffic.

8.9-2.W. Depth of Lot

The average distance from street right-of-way to the rear lot line opposite and most distant from said right-of-way line.

8.9-2.X. Disposition

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

8.9-2.Y. Double Frontage Lot

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

8.9-2.Z. Dwelling

A structure used or designed to be used exclusively for residential occupancy for one or more persons or families and including facilities for living, sleeping, cooking and eating.

8.9-2.AA. Dwelling Unit (D.U.)

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

8.9-2.BB. Easement

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

8.9-2.CC. Equal Degree of Encroachment

A standard applied in determining the location of encroachment limits so that flood plain lands on both sides off a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach. It is assumed that an encroachment, if permitted, may confer on all property owners on both sides of the stream an equal right to encroach to the same degree along both sides of the stream within a significant reach. Since the factors affecting hydraulic efficiency are usually not uniform with a given reach, an equal degree of encroachment will usually not result in equal distances between encroachment lines and the sides off the stream.

8.9-2.DD. Evidence

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

8.9-2.EE. Exemption

Land ownership change proposals which meet the criteria set forth in Section 8.9-17 are exempt from the subdivision review process.

8.9-2.FF. Family

An individual, or two or more persons related by blood, marriage, adoption, as guardian and ward, or a group of not more than five (5) persons, who need not be so related, living together in a one family dwelling or in one unit of a two family or multi-family dwelling.

8.9-2.GG. Flood

A temporary rise in a water course, flow or stage, that results in water overlapping its banks and inundating areas adjacent to the channel.

8.9-2.HH. Flood, Intermediate Regional

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

8.9-2.I I. Flood Plain

The relatively flat area or low lands adjoining the channel or a stream or water course and subject to flood water overflow.

8.9-2.JJ. Floor Area

Area included within the surrounding exterior wall surfaces of a building or portion thereof, exclusive of courts. The floor area of a building or portion thereof not provided with surrounding exterior walls shall be the unusable area under the horizontal projection off the roof or floor above.

8.9-2.KK. Frontage Road

Minor street parallel to and adjacent to arterial streets and highways.

8.9-2.LL. Garage, Private

An accessory building or an accessory portion of a main building, designed or used for the shelter or storage of a motor vehicle or vehicles owned and/or operated by the occupants of the main building.

8.9-2.MM. Health Department

The Hinsdale County Health Department

8.9-2.NN. Improvements

Street grading, street surfacing and paving, curbs and gutters, sidewalks, water mains and lines, sanitary sewers, drainage facilities, culverts, bridges, utilities, and street name signs.

8.9-2.OO. Lateral Sewer

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

8.9-2.PP. Lot

A parcel or portion off land separated from other parcels or portions by descriptions as on a subdivision or record of survey map or by metes and bounds for purposes of sale, lease, separate use, or building development.

8.9-2.QQ. Master Plan

The comprehensive plan adopted by the Planning Commission and adopted for Hinsdale County, and which includes a unit or part of such plan or plans thereof.

8.9-2.RR. Mobile Home Subdivision

A residential subdivision designed for mobile homes, in which the homes and the land are to be owned by the occupants. Such a subdivision shall not be included in the definition of "Mobile Home Park" and shall be regulated under the subdivision regulations.

8.9-2.SS. Multi-Family Dwelling

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

8.9-2.TT. Municipality

An incorporated city or town.

8.9-2.UU. National Cooperative Soil Survey

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

8.9-2.VV. Off-Street Parking

The space required to park one passenger vehicle which shall be not less than two hundred (200) square feet in area, exclusive off access drive.

8.9-2.WW. Official Meeting of the Board

The regular monthly meeting off the Board, normally held on the first Monday or the first business day thereafter, if the first Monday is a holiday, any special meeting held pursuant to statutory notice, or any meeting required to be held pursuant to statutes.

8.9-2.XX. Permanent Monument

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

8.9-2.YY. Planned Unit Development (P.U.D.)

An area of land improved as a residential development in which normal restrictions of lot sizes, setbacks, densities, land uses and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provision of open spaces, public facilities, access, planned esthetics and other considerations deemed important by the local approving agency. An area developed pursuant to CRS 1973, Title 24.

8.9-2.ZZ. Plat

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

8.9-2.AAA. Preliminary Plan

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

8.9-2.BBB. Correction Plat

A re-recording of a previously approved plat that is intended to correct a technical error in a plat.

8.9-2.CCC. Replat

Any change to a previously approved and recorded final plat that does not fall within the definition for a "Correction Plat". Replats are subject to the entire subdivision regulations.

8.9-2.DDD. Roadway.

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

8.9-2.EEE. Sketch Plan

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

8.9-2.FFF. Street

Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way for the movement of vehicular traffic which is an existing state, county or other municipal roadway, or a street or way shown upon a plat; heretofore approved pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right of way. For the purposes of this ordinance, streets shall be classified as defined in subsections 1. through 9.

1. Major Highway

A major regional highway including an expressway, freeway or interstate highway designed to carry vehicular traffic:
a. Into, out of or through the regional area (inter regional)
b. From one political subdivision of the region to another or from an inter-regional highway (intra-regional).

2. Major or Arterial Street

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

3. Collector Street

A street or road designed to carry vehicular traffic from one or more residential or non-residential units to or from a major street or major highway.

4. Local Street

A street or road designed to carry vehicular traffic from one or more individual residential or non-residential units to or from a collector street.

5. Alley

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

6. Cul-de-Sac

A dead end street terminating in a vehicular turn around area.

7. Half Street

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

8. Service Road

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

8.9-2.GGG. Street Right of Way

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

8.9-2.HHH. Subdivider of Development

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

8.9-2.I I I. Subdivision.

Any parcel of land in the state which is divided into two (2) or more parcels, separate interests, or interests in common, unless exempt under subsections 1., 2., or 3. of this definition.

1. The terms subdivision and subdivided land as defined in this definition shall not apply to any divisions of land which creates parcels of land each of which comprises thirty-five acres or more of land, none of which is intended for use by multiple owners.

2. Unless the method of disposition is adopted for the purpose of evading this article, the terms “subdivision” and “subdivided land,” as defined in this section shall not apply to any division of land:

a. Which creates parcels of land such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in thirty-five (35) acres or more per interests.

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

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

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

e. Which creates cemetery lots.

f. Which creates an interest or interests in oil, gas, minerals or water which are now or

hereafter severed from the surface ownership of real property; or

g. Which is created by the acquisition of an interest in land in the name of a husband and wife or as tenants in common or other persons in joint tenancy and any such interest shall be deemed for the purposes of this subdivision section as only one interest.

3. The board may, pursuant to rules and regulations or resolution, exempt from this definition of the term "subdivision" and "subdivided land" any division of land if the Board determines that division is not within the purposes of this article. See Section 8.9-17..

8.9-2.JJJ. Subdivision Improvement Agreement

One or more security arrangements which may be accepted by the county to secure the construction of such public improvements as are required by county subdivision regulations within the subdivision and shall include collateral, such as, but not limited to, performance or property bonds, private or public liens on property, deposits of certified funds, or other similar surety agreements.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **233-242**

Legal References:

C.R.S.

8.9-3 Procedures for Submissions and Review of Sketch Plan

8.9-3.A Submission

The subdivider shall submit to the Planning Commission, at least thirty (30) days in advance of a meeting, one copy of a Sketch Plan and supplemental data for proposed subdivision for the purpose of informal initial review of the concept and general scope of the proposal and determination of its probable acceptability at an early stage in the planning. If the submission is for a Correction Plat or Replat, the subdivider shall also submit the previously recorded plat. See Section 8.9-16 for fees.

8.9-3.B. Provisions of Procedures and Standards for Evaluation of Sewer and Water Systems.

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

8.9-3.C. Review of Sketch Plan

The Planning Commission will review the sketch plan materials and give them to the Board with its comments, suggestions, and recommendations within thirty-five (35) days. The Board shall then review the materials and the report of the Planning Commission, and communicate its own comments, suggestions, and recommendations to the subdivider and to the Planning Commission at the next official meeting of the Board.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **243**

Legal References:

C.R.S.

8.9-4 Procedures for Submission and Review of Preliminary Plan

8.9-4.A. Submission

In accordance with decisions resulting from review by the Board of Commissioners of the Sketch Plan, the subdivider shall prepare and submit 25 copies of a Preliminary Plan and supplemental data for consideration by the Planning Commission. A receipt shall be issued to the subdivider for the Preliminary Plan submission. See Section 8.9-16.

Preliminary Plan submission accompanied by the appropriate fee shall be made to the Planning Commission at least 40 days prior to the date of regular meeting of the Planning Commission to permit the necessary processing and review prior to consideration by the Planning Commission.

8.9-4.B. Preliminary Plan Referral and Review

The Planning Commission shall distribute copies thereof for review and comment, suggestions, and recommendations, as follows:

1. To the appropriate school district.
2. To each county or municipality within a two mile radius of any portion of the proposed subdivision.
3. To any utility, local improvement, and service district, or ditch company when applicable.
4. To the Colorado State Forest Service, when applicable.
5. To other planning commissions with jurisdiction over the area.
6. To the local soil conservation district board or boards within the county for explicit review and recommendations regarding soil suitability and flooding problems. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.
7. When applicable, to the Department of Health, for their review of the on-lot sewage disposal reports, for review of the adequacy off existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision.
8. When applicable, to the state engineer for an opinion regarding material to supply to proposed development, and conditions associated with said water supply evidence. The state engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells.
9. To the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land.
10. To any other and all other agencies or persons who may, in the opinion of the Board or the Planning Commission, be affected by the proposed subdivision; and
11. To the Colorado Division of Wildlife.

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

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

Within thirty (30) days of receipt of the preliminary plan by the Planning Commission, or within the period of an extension granted by the Planning Commission and agreed to by the sub-divider, the Planning Commission shall consider the preliminary plan at a public meeting, and deliver to the Board and to the sub-divider its comments, suggestions, and recommendations regarding the preliminary plan. If any of the agencies enumerated in this section respond after the consideration of the preliminary plan at such a public meeting, the Planning Commission shall notify the Board of such response and shall review the response and shall immediately transmit its comments concerning the review to the Board.

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

8.9-4.C. Board Action

The Board shall act upon such preliminary plan within sixty-five (65) days after receipt of the recommendations of the Planning Commission at an official meeting of the Board. Failure by the Board to act within sixty-five (65) days shall be deemed a favorable approval of such preliminary plan and a certificate shall be issued immediately thereafter to that effect.

Approval of the preliminary plan shall be effective for twenty-four (24) months. Thereafter, approval of the preliminary plan will have expired unless a final plat has been submitted to the Board within that twenty-four (24) months or a mutually agreed upon extension has been granted by the Board. Whenever a final plat is submitted for less than the entire area covered by the preliminary plan approval of the preliminary plan for the remaining un-platted area shall be extended for an additional eighteen (18) months.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **244-245**

Legal References:

C.R.S.

8.9-5 Procedures for Submission, Review and Recording of Final Plat

8.9-5.A. Submission

The final plat may only be submitted for all or a portion of an area within an approved preliminary plan to which it must conform. The final plat shall be submitted by the sub-divider at an official meeting of the Planning Commission.

Final plats shall be submitted for approval within twenty-four (24) months of the date a preliminary plan has been approved by the Board. No final plat submission will be accepted which has exceeded this time laps period. An extension of time may be granted by the Board upon written request of the sub-divider. Any plat submitted, for which preliminary plan approval has been given in excess of twenty-four (24) months previous, and for which no time extension has been granted, shall be considered by the Planning Commission as a new preliminary plan. The final plat shall also contain the refinements required in Section 8.9-9. A receipt shall be issued to the subdivider for the final plat submission.

8.9-5.B. Planning Commission Review

The Planning Commission shall review the final plat submission for completeness pursuant to the requirements of Section 8.9-9 and for conformity to the approved preliminary plan and any conditions upon which such approval may have been made. The Planning Commission shall deliver its comments, suggestions and recommendations regarding the final plat to the Board and to the sub-divider within 45 days of receipt of the final plat.

8.9-5.C. Board Review

After recommendation by the Planning Commission the sub-divider or his legal agent shall appear before the Board to request review of the final plat.

Failure of the Board to act on the requested final plat review within sixty-five (65) days of the date of the request shall be deemed approval of the final plat and a certificate shall be issued immediately thereafter to that effect.

If the Board determines that the final plat submission complies with the applicable requirements of these regulations, they shall endorse on the plat as follows:

Reviewed and approved by the Hinsdale County
Board of County Commissioners

By:_____

Attest:

_____
County Clerk
Date:_____

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **246**

Legal References:

C.R.S.

8.9-6 Related Procedures

8.9-6.A. Acceptance of Street and Other Public Land Dedication

Approval of a subdivision shall not constitute an acceptance by the County of the roads, streets, alleys, or other public lands and indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the County shall be accepted by the County only by specific actions of the Board. "Acceptance may be upon such conditions and requirements as the Board may require."

8.9-6.B. Correction Plat and Replat Procedures

A replat of a subdivision shall be subject to and shall comply with the entire subdivision regulations, except for the following procedures considered to be correction plats:

1. Lot lines may be revised from those shown on the recorded plat, provided that in making such changes:
    a. No additional lot or parcel is created;
    b. Easements reserved for drainage are not changed, unless supported by complete engineering data;
    c. Street locations and street rights of way are not changed; and
    d. The Plat is not altered in any way which will adversely affect the character of the previously filed plat.

2. If there is a minor survey or drafting error in a recorded final plat, the subdivider shall be required to file the final plat with an affidavit witnessed by the land surveyor concerning the change, which shall be presented to the Board for consideration. If, however, the correction of the error results in such major alterations that the correction plat no longer meets the design standards and criteria of these regulations, then the plat may only be approved after the considerations pursuant to the full subdivision process.

A copy of all final plat revisions shall be submitted to the Board for its review. Where the replat or correction plat complies with the appropriate requirements of these regulations, such plat shall be submitted to the Board for its endorsement prior to the filing of such plat with the County Clerk and Recorder. All replats and correction plats shall specifically state the revisions that were made from the previously recorded plat.

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

8.9-6.C. Withdrawal of Approval

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

8.9-6.D. Recording Final Plat

The sub-divider shall record the final plat with the County Clerk and Recorder within fifteen (15) working days of approval of the final plat by the Board. The County Clerk and Recorder shall furnish the sub-divider with a receipt for the final plat upon filing of the final plat.

8.9-6.E. Notification to the Land Use Commission

Each month the Board, or its appointed representative, shall transmit to the Colorado Land Use Commission, per 30-28-106, copies of the notice of filing and a summary of information of each subdivision, preliminary plan and plat submitted to them, together with a report of each exemption granted by the Board pursuant to 30-28-101 (1) to (11)[10 d] CRS, 1973, as amended, and these regulations, on such form as may be prescribed by the Land Use Commission.

8.9-6.F. Tax Certificate

No plat for subdivided land shall be approved by the Board unless at the time of the approval of platting (preliminary plat) the sub-divider provides the certification of the county Treasurer's Office that all ad valorem taxes applicable to such subdivided land for years prior to that year in which approval is sought, have been paid.

8.9-6.G. Notification of Mineral Rights Owners and Lessees

No plat for subdivided land shall be approved by the Board unless a list is provided of names and addresses of all surface owners, mineral owners and lessees of mineral owners to whom notices have been sent of the time and place of the final action on the proposal. Notice shall be sent as their names may appear upon the plats or records in the County Clerk and Recorder's Office and as their most recent addresses may appear in a telephone or other directory of general use in the area of the property or in the tax records of the municipality or county. The notice shall state the time and place of the final action and be sent not less than fifteen (15) days before the hearing.

8.9-6.H. Vacation of a Plat

1. Condition. A developer or landowner may make application to the Board to vacate any plat of record or any part thereof under the following conditions:

a. The plat to be vacated is a legal plat of record.
b. Vacation of the development or any part thereof will not interfere with use of, nor deny access via public thoroughfare to, adjoining properties, utility service or their improvements.
c. Vacation of the development or any part thereof will not be contrary to this resolution.
d. No plat shall be vacated if such vacation should result in damage to any individual lot owner.

2. Procedure. The landowner shall present a proposal to the Board containing the legal description of the development and calling for vacation thereof. The Board shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the County Clerk and Recorder. All fees for the recording of such vacation shall be paid by the person seeking the vacation.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **247-249**

Legal References:

C.R.S.

8.9-7 Sketch Plan Requirements

8.9-7.A. Procedures and Requirements for Submission

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

8.9-7.B. Contents of Sketch Plan Applications

A sketch plan shall include the following items (submit ten (10) copies):
1. The name of the subdivision. No subdivision in the County shall bear the same name as another subdivision unless adjoining and using consecutive filing numbers.
2. The name and address of the owner(s), sub-divider(s), and the authorized representative upon whom all notices hereunder shall be given.
3. A map or maps (drawn to an appropriate scale) showing the general location of the subdivision and the property boundaries of the subdivision area and true north, and significant natural and man-made features on the site and within one-half mile of any portion of the site.
4. A map or maps drawn to a scale of 1" = 100' showing:
a. A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
b. Existing topographic contours at ten (10) foot intervals drawn from available data, such as United States Geological Survey (USGS) maps.
c. The acreage of the entire tract and the area, to the nearest half acre and percent of total area to be devoted to streets and to each other type of use.
5. A map or maps drawn to a scale of 1" = 100' showing:
a. A lot and street layout indicating general scaled dimensions of lots to the nearest foot.
b. Soil types and their boundaries, as shown on soil survey maps prepared by the US Department of Agriculture, Soil Conservation Service and also a table of single-sheet interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. (Requests for these maps and tables are to be made to the local Soil Conservation District; the subdivision does not need to be in a soil conservation district to obtain maps and table or have them prepared.).
6. Reports concerning:
a. Type of water systems proposed; also documentation of water rights and of historic water use;
b. Type of sewage disposal system proposed;
c. Stream, lake, topography, and vegetation;
d. Geological characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision.
e. In areas of potential radiation hazard to the proposed future land use, these potential radiation hazards shall be evaluated.

8.9-7.C. Drawing Requirements

The scale of the sketch plan shall be not less than one inch equals one hundred feet. Some variation from this will be acceptable in the case of large subdivision provided the plans and design are clearly legible. Maps shall include true north points, name of the subdivision, name of the county, township, range, principal meridian section and quarter section; block and lot numbers. In the case of large subdivisions requiring more than two sheets at such a scale, a total area plan showing the total area on a single sheet at an appropriate scale shall also be submitted. The dimensions of each and every map submitted shall be twenty-four inches by thirty-six inches. In the case of multiple sheets, a key map showing the relationship of the individual sheets shall be provided on each sheet.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **250-251**

Legal References:

C.R.S.

8.9-8 Preliminary Plan Requirements

8.9-8.A. Submission

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

8.9-8.B. Contents of Preliminary Plan Application

1. Two copies of an Application for Approval of a Preliminary Plan

2. The name of the subdivision. See 9.9-7.B.1.

3. The name and address of the owner(s) and subdivider(s) and name of the designer of the preliminary plan, and the authorized representative upon whom all notices hereunder shall be given.

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

5. A minimum of twenty-five (25) copies of a map of the proposed subdivision except in cases where, due to certain characteristics of the proposal, the Board or the Planning Commission decrees that additional copies are necessary for referral and review. Such maps shall show the following:

a. A location and vicinity map, drawn at an appropriate scale, showing the following:
   i. Relating existing and planned streets and highway systems;
   ii. Zoning districts, taxing districts and other special districts, if any;
   iii. Significant vegetation patterns.

b. A map or maps, drawn at an appropriate scale showing:
   i. Perimeter outline of the plan, accesses, abutting subdivision outlines and names, and other relevant information within a one-half mile distance of the perimeter of the proposed plat.
   ii. Abutting property lines.

c. A traverse map, drawn at an appropriate scale, of the monumented perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one part in ten thousand. Survey tie into the state grid or other permanent marker established by the county surveyor is required if practical. Monuments shall conform to the requirements of CRS 1973, 38-50-101.

d. A map or maps showing the following at the scale of 1" = 100':
i. Lot and street layout, including:

a. Dimensions of all lots to the nearest foot (which may be scaled values)
b. Lots and blocks numbered consecutively
c. Location and identification of all existing and proposed public and private easements.
d. Existing and proposed street names.
e. Sites to be reserved or dedicated for parks, playgrounds, schools or other public uses.
f. Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry or other uses, exclusive of single-family dwellings.
g. Location of common open space not reserved or dedicated to the public.
h. The area, to the nearest half acre and percent of the total area of the subdivision devoted to streets and to each other type of use.

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

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

e. A map or maps showing the following at a scale of 1" = 100':

i. Lot and street layout as in (d) (i) above.

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

iii. Significant geologic features.

iv. General location in the subdivision area of trees over six inches in diameter, measured at six feet above the ground. In cases of heavily wooded areas, indicate the location of trees which are to remain. It is the intent of this requirement to determine the approximate location of trees for design evaluation rather than to require unnecessary surveying of the exact tree location.

f. A map or maps showing the following at a scale of 1" = 100':

i. Lot and street layout as in 9.9-8.B.5.d.i. above.

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

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

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

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

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

In the event that soil erosion and sediment control plans are required, the preliminary plan submission shall not be considered complete until such plans have been submitted to the Planning Commission, which shall furnish the sub-divider with a receipt.

8.9-8.C. Drawing Requirements

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

The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor, licensed by the State of Colorado. A workmanlike execution of the plans shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection. The plan shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), and shall indicated the basis of bearings, astronomic north arrow, name of subdivision, name of municipality; township, range, principal meridian section and quarter section; block and lot number (of the property under consideration).

8.9-8.D. Text

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

1. Total acreage of entire proposed subdivision.
2. Function, ownership, and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
3. Sewage disposal report where on-lot sewage treatment is proposed.
4. The substance of all covenants, grants of easements or restrictions to be imposed upon the use of land, buildings and structures.
5. Geologic investigation reports regarding area suitability for the proposed development shall be prepared by a professional geologist as defined by Colorado statutes.
6. Tables of soil type interpretations, as prepared for the sketch plan submission, based on the National Cooperative Soils Survey, U.S. Department of Agriculture, Soil Conservation Service, provided by the Soil Conservation District, where such tables were incomplete in the sketch plan submission.
7. Survey notes of subdivision perimeter survey and copies of all monument records required pursuant to CRS, 1973, 38-52-103.
8. An abstract of title for the property, or evidence of a title insurance policy for the land

to be subdivided and any related supporting materials as needed.
9. Total number of proposed dwelling units.
10. Total number of square feet of proposed non-residential floor space.
11. Total number of proposed off-street parking spaces, excluding those associated with single-family residential development.
12. Estimated total number of gallons per day of water system requirements.
13. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means and suitability where no central sewage treatment facility is proposed.
14. Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the developer by the County.
15. Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to insure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:
a. Evidence of ownership or right of acquisition of or use of existing and proposed water rights.
b. Historic use and estimated yield of claimed water rights.
c. Amenability of existing rights to a change in use.
d. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.
e. Evidence concerning the potability of the proposed water supply for the subdivision.
f. Evidence that public or private sewage treatment facilities can and will provide adequate sewage treatment for the proposed subdivision if such service is to be provided by an existing district.
g. A court approved plan for augmentation is required for subdivision proposals involving additional wells in over-appropriated areas.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **252-255**

Legal References:

C.R.S.

8.9-9 Final Plat Requirements

8.9-9.A. Submission

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

8.9-9.B. Conformance with Preliminary Plan

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

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

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

8.9-9.C. Revision of a Final Plat

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

8.9-9.D. Final Plat Information

The Final Plat shall show the following at the scale of 1" = 100':

1. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys or excepted parcels.
2. The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.

3. On curved boundaries and all curves on the plat, sufficient data shall be given to

enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:
a. Radius of curve;
b. Central angle;
c. Tangent;
d. Arc length;
e. Notation of non-tangent curves.

4. Length shall be shown to hundredths of a foot and angles and bearings shall be shown to seconds of arc.

5. Lot acreage shall be stated to nearest thousandth of an acre.

6. All dimensions of irregularly shaped lots shall be indicated on each lot.

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

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

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

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

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

12. The information on the plat shall also include:

a. Name of subdivision, astronomic north arrow, basis of bearings, and date.
b. Name and address of owner or owners of record.
c. Total acreage of subdivision and total number of lots.
d. The number of acres, to the nearest half acre, and the percent of total area of the subdivision in streets and each other type of use proposed for the subdivision.
e. Township, Range, Principal Meridian, Section (and quarter section(s) if portion of a section), Block and Lot numbers.
f. Graphic Scale
g. Monuments, see Section 5.6-3.E:
    i. Permanent reference monuments shall be set on the external boundary of the subdivision, pursuant to CRS, 1973, 38-51-101.
    ii. Block and Lot Monuments shall be set pursuant to CRS, 1973, 38-51-101.
    iii. At least one second order benchmark (N.C.S. datum) shall be set (when practical to the tie in) within every subdivision or subsequent filing prior to submission of

the Final Plat for approval.

iv. Detail requirements on monument construction marking and setting are contained in Section 5.6-3.E.

h. Any additional information required by CRS 1973, 38-51-102.

8.9-9.E Drawing Requirements.

The final plat drawing shall comply with the following standards:

a. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed by the state of Colorado. A workmanlike execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.

b. The plat shall be delineated in drawing ink, at a scale of 1" = 100' on waterproof tracing cloth or mylar, in the following size:

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

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

8.9-9.F. Supporting Documents

1. The following documents shall be submitted with the Final Plat drawing and be considered a part of the Final Plat submission:

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

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

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

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

iii. Grading and drainage plan. The proposed grading plan shall be indicated by solid line contours superimposed on dashed line contours of existing topography for the area of the Final Plat. Such contours shall be at two foot intervals for predominant ground slopes within the tract over five percent grade. In case of predominantly level topography throughout a subdivision, one foot contour intervals may be required.

iv. Erosion control plan, when required for preliminary plan review Section 8.9-8 or required as a result of such review.

c. A guarantee of public improvements see Section 8.9-13.

d. An exact copy of a certificate of a title insurance company or attorney's opinion which shall set forth the names of all owners of property included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the county, which shall affect the property covered by such plats. If the opinion of title discloses any of the above, then the holder or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the County Planning Commission.

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

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

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

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

i. Monument record for required benchmark.

j. The drawings, described in 9.9-9.F.b.1 through 4 shall be prepared by either a registered professional engineer or registered land surveyor, as required by the laws of the State of Colorado, who is licensed by the State of Colorado.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **256-259**

Legal References:
C.R.S.

8.9-10 Conformance with Existing Laws

8.9-10.A. Conformance with Existing Laws

Land being subdivided shall conform with the comprehensive plan, zoning resolution, and other resolutions and regulations in effect in the County. In the absence of such plans and/or resolutions these regulations are not to be construed as a substitute for such plans and/or resolutions; however, unzoned and unregulated areas may be subdivided and plats filed so long as they conform to these regulations. In all cases, the Planning Commission and the Board shall consider the criteria in Section 8.9-11. These criteria shall also apply to sub-dividers within a Planned Unit Development zoned area of a county with a zoning resolution see Section 8.9-14.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **259**

Legal References:

C.R.S.

8.9-11 Design Standards

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

8.9-11.A. General Standards

The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and trees. Land subject to hazardous conditions such as land slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or nonpotable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

8.9-11.B. Lots

1. No single lot shall be divided by a municipal or county boundary line.
2. A lot shall not be divided by a road, alley, or other lot.
3. Wedge-shaped lots. In the case of a wedge-shaped lot, no lot shall be less than thirty feet in width at the front property line.
4. Lot lines. Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines this shall be indicated.
5. Front on public streets. All residential lots in subdivisions shall front on a public street, in accordance with other local regulations.
6. Where no zoning regulations are in effect, maximum density standards or minimum lot size requirements may be specified by the Board, based on interpretations made from the Cooperative Soil Survey, U.S. Department of Agriculture, Soil Conservation Service, and other procedures and the recommendations of the county or district health department.

8.9-11.C. Streets and Roads

The street pattern of the subdivision shall be designed to provide adequate access within the tract and to adjacent subdivisions with consideration given to future extensions to serve undeveloped lands. Streets shall bear a logical relationship to topography and will be designed to discourage through traffic and conform to the county's major thoroughfare plan.

8.9-11.D. Road Construction and Design Standards

1. All roads, streets, or alleys, whether public or private, shall be constructed and designed in accordance with the Hinsdale County Minimum Design and Construction Standards for Streets. See Section 5.6.

2. Before the County will accept dedication and/or maintenance responsibility off

privately owned roads, the roads must be equal or superior to the specifications outlined in the Minimum Design and Construction Standards for Streets.

3. Street survey monuments shall be installed according to Section 5.6-3.E of the Hinsdale County Subdivision Regulations.

4. All bridges shall be designed and constructed in accordance with the Geometric Design Guide for Local Road and Bridge Standards.

8.9-11.E. Street Names

When streets are in alignment with existing streets, the new streets shall be named according to the streets with which they correspond. Streets which do not fit into the established street naming pattern shall be named by the Planning Commission in a manner which will not duplicate or be confused with existing street names.

8.9-11.F. Street Dedication

Public dedication will be required of those roads or bridges which provide principal major access to the subdivision and to tracts of land beyond which are blocked from existing public roads by the location of the subdivision. Such roads will meet the Hinsdale County Minimum Design and Construction Standards for Streets. Bridges will meet the Geometric Design Guide for Local Road and Bridge Standards.

When the subdivision is located on only one side of an existing or proposed street, the required right of way should be dedicated by the sub-divider.

Acceptance of streets by the County Commissioners shall be for design criteria only, with the liability for improvements resting solely with the sub-divider or owners.

8.9-11.G. Alleys or Easements.

The County may require alleys at least fifteen (15) feet wide and open at both ends. Where alleys are not required, easements shall be granted or reserved five (5) feet in width, or more, on each side of rear lot lines and along side lot lines when necessary for utility installation and maintenance, including sewer, gas, water lines, and electric and telephone service.

8.9-11.H. Functional Classification of Streets.

1. Each proposed residential street shall be functionally classified and then designed and constructed for its entire length to meet or exceed the Lake City Minimum Design and Construction Standards for Streets. Classifications are:

a. Residential Local Street: This street has the sole purpose of providing frontage for service and access to private lots. The streets carry only traffic having either destination

or origin on the street itself. It is intended to carry the least amount of traffic at the lowest speed. Average daily traffic should n not exceed a volume of 200.

b. Collector Street: This street may also provide access and frontage to property, but it also conducts traffic from residential access streets that intersect it. It conducts and distributes traffic between other residential streets and activity or higher order streets.

2. Collector Streets are required when the average daily traffic anticipated on the street will exceed the limits for residential local streets.

8.9-11.I. Frontage of Major Highways

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

8.9-11.J. Sanitary Sewage Disposal

1. General Requirements. In all new subdivisions, all lots or parcels which cannot be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage system prior to the occupancy of, or use of buildings constructed thereon. In order to determine the adequacy of the soil involved to properly absorb sewage effluent and to determine the minimum lot area required for such installations, an interpretive map based on the National Cooperative Soil Survey showing the suitability of the soil for septic tank fields will bee submitted, along with the results of percolation tests. The results of these data will be reviewed by the Board and by the Department of Health, to determine the general suitability off the soil for on-lot disposal systems. If the soil is not suitable for individual septic systems, plans for an alternative system designed by a qualified professional engineer must be submitted.

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

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

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

d. The method for conducting soil percolation tests shall be performed according to the State Department of Health Regulations for Individual Sewage Disposal Systems.

e. All individual sewage disposal systems shall be designed and constructed according to the State Department of Health Regulations for Individual Sewage Disposal Systems.

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

g. An applicant desiring to install soil absorption sewage disposal facilities on the soils having severe limitations, as determined in the preliminary plan review, shall: Have additional on-site investigations made, including percolation tests; obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed soil absorption sewage disposal system; and meet the Health Department regulations. In addition, the sanitary inspector shall find that the proposed corrective measures have overcome the severe soil limitations.

h. Other applicable standards adopted by the Board or the Health Department: An applicant desiring to install soil absorption sewage disposal facilities on soils having severe limitations shall have an opportunity to present evidence contesting such classification and analysis, if he so desires. Thereafter, the Board may affirm, modify, or change the classification.

2. Sanitary Sewer Mains, Laterals, and House Connections.

Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Board may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal systems.

Responsibility for the design and supervision of installation of all capped sewers, laterals, and house connections shall be that of the county involved. Whenever individual on-lot sanitary sewage disposal systems are proposed, the sub-divider shall either install such facilities or require by deed restriction or otherwise as a condition of the sale of each lot or parcel within such subdivision that on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

3. Test Procedures.

Test procedures shall be conducted in accordance with U.S. Public Health Service Publication No 526, 1963 Edition, and other county requirements.

8.9-11.K. Water Supply

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

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

8.9-11.L. Drainage and Flood Control

1. Drainage study calculations, supporting data and plans will be submitted according to the requirements set forth in the Hinsdale County Minimum Design and Construction Standards for Streets.

2. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work, and shall be shown graphically. All existing drainage features which are to be incorporated in the design shall be so identified.

3. If the Final Plat is to be presented in sections, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system shall be indicated.

8.9-11.M. Flood Plain Regulations

1. Within zones where flood information studies, maps and flood plain management regulations have been adopted these regulations shall apply.

2. In areas where flood hazards are possible but not delineated by the County, State or Federal data, the sub-divider will provide the data required to calculate the flood elevations.

3. The County Enforcement Office, Planning Commission and Board of County Commissioners shall determine where flood plain hazards are possible.

8.9-11.N. Subdivision or Planning of Parcel

Where an entire parcel is not subdivided, the sub-divider must indicate his intended plans for disposition of the remainder of the parcel.

8.9-11.O. Public Sites and Open Spaces

1. Payment of Fee In Lieu of Land. It shall be the Board's policy to require payment of a sum of money in lieu of land. The fixed fee is four hundred dollars ($400) per dwelling unit site, to be paid at the time of final plat; balance by a short term promissory note. (I.E. 3-5 years)

It is the policy of the Planning Commission and Board to collect this fee at any time there is a change of use affecting the density (therefore impact) on any parcel of land.

2. Dedication of Land. Special requests for land by appropriate school districts or local government entities will be considered. The Board, upon consideration of future county requirements, may require the dedication of areas or sites of a character, extent and location suitable for public use for schools or parks or in lieu thereof, payment of a sum of money not exceeding the full market value of such sites or land areas at the time of the final plat approval. Dedication of such areas or sites shall not exceed five percent (5%) off the gross land area of the final plat.

3. Effect of Payment or Dedication

Dedication of such sites and land areas to the County or public or, in lieu thereof, payment of a sum of money not exceeding the full market value of such sites and land areas. If such sites and land areas are dedicated to the County or the public, the Board of County Commissioners may, at the request of the affected entity, sell the land. Any such s ums when required, or moneys paid to the Board of County Commissioners from the sale of such dedicated sites and land areas shall be held by the Board of County Commissioners:

a. For the acquisition of reasonably necessary sites and land areas OR for other capital outlay purposes FOR SCHOOLS OR PARKS, or

b. For the development of said sites and land areas for park purposes, or

c. FOR GROWTH-RELATED PLANNING FUNCTIONS BY SCHOOL DISTRICTS FOR EDUCATIONAL PURPOSES.

After final approval of a subdivision plan or plat and receipt off dedications of sites and land areas or payments in lieu thereof, the Board of County Commissioners shall give written notification to the appropriate school districts and local government entities. Following such notice, a school district or local government entity may request and shall demonstrate to the Board of County Commissioners a need for land or moneys for a use authorized. When a Board of County Commissioners votes to allocate land or moneys for subject project, such land or monies shall immediately be transferred to the

appropriate school district or local government entity.

8.9-11.P. Utilities and Improvements

The following improvements shall be constructed at the expense of the sub-divider as stipulated in the Subdivision Improvements Agreement (See Section 9.9-13.A.) in a manner approved by the Board which is consistent with sound construction and local practice. Where specific requirements are spelled out in other sections of these regulations, they shall apply:

1. Road, grading and surfacing.
2. Curbs, if required.
3. Sidewalks, if required.
4. Sanitary sewer laterals and mains where required.
5. Storm sewers or storm drainage system, as required.
6. Water distribution system, where applicable.
7. Street signs at all street intersections.
8. Permanent reference monuments and monument boxes.
9. Other facilities as may be specified or required in these regulations by the Planning Commission.
10. Electric Power
11. Telephone.
12. All utilities, except major power transmission lines, shall be underground, unless specifically exempted by the Board, who shall grant such exemption only in cases of extreme difficulty. Major Power Lines are those in excess of 32 kV.

Utilities are defined as water, sewer (where applicable), electrical power and telephone.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **260-268**

Legal References:

C.R.S.

8.9-12 Open

Reserved for Future Regulation

Historical References:
Hinsdale County Subdivision Resolution 1982.

Legal References:

C.R.S.

8.9-13 Guarantee of Public Improvements

9.9-13.A. Guarantees

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

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

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

9.9-13.B. Use of Guarantees, Return Thereof

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

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **269**

Legal References:

C.R.S.

8.9-14 Variances and Planned Unit Development

8.9-14.A. Hardship.

Should the sub-divider clearly demonstrate that, because of peculiar physical conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by these regulations. Specific reasons for approval or disapproval will be stated by the Board and recorded by written resolution.

8.9-14.B. Planned Unit Development

The Planning Commission and the Board may modify the design standards contained in Section 9.9-11 of these regulations for application to proposals for Planned Unit Development, provided that the overall design is consistent with the purposes of such standards.

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

2. The P.U.D. design shall specify that the common area shall be a part of the overall area covered by the Plan.

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

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

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **270**

Legal References:
C.R.S.

8.9-15 Validity

If any section, subsection, paragraph, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision hereof, other than the part adjudged to be invalid or unconstitutional.
Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **271**

Legal References:

C.R.S.

8.9-16 Schedule of Fees

A two-hundred dollar ($200) non-refundable filing fee shall be submitted with the preliminary plat.

In addition, the sub-divider shall reimburse the County for any out-of-pocket costs the County incurs for legal, engineering or other services or costs in processing the subdivision and reviewing the plats. No plat shall be approved until all such charges then due are paid to the County.

For replats, the cost shall be $20 per parcel or lot of land affected by the replat.
Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **272**

Legal References:

C.R.S.

8.9-17 Exemptions and Small Subdivisions

8.9-17.A. Exemptions

1. Proposals which meet one of the following criteria may be granted exemption from the full subdivision review process required by these regulations **provided** full compliance with all of the applicable provisions of this Section 8.9-17.

a. If the purpose of the proposal is to transfer land to an adjoining parcel and not to create additional lots; or

b. If the proposal is to adjust boundaries and not to create additional lots.

2. All applications submitted under this Section 8.9-17A. shall be made on forms approved by the County and shall be accompanied by a survey which meets the requirements set forth in Section 8.9-17.B. All applications shall be filed with the County Administrator's office and shall be referred to the Planning Commission for its recommendation.

3 The application fee for an exemption is $50 per tract plus $ 20 per tract for mapping and shall be paid at the time of filing the application. (If the application is finally denied, the mapping fee shall be refunded.)

4. In the event the Board denies an application for exemption under this Section 8.9-17 A., the resolution denying such exemption shall state the reason for such denial. In making its decision regarding an application for exemption under this Section 8.9-17 A. the Board may take into consideration, but shall not be bound by, the recommendation of the Planning Commission, the reports of the Building Inspector and the Road and Bridge Department, all applicable codes and laws, comments of citizens of Hinsdale County and owners of property in the vicinity of the land proposed to be exempt, and their own personal knowledge.

8.9-17 B. Small Subdivisions

1. Eligible Projects: Proposals which meet one of the following criteria shall be allowed to subdivide real property using the following abbreviated process, **provided** all of the provisions of this Section 8.9-17 B. are fulfilled.

a. If the purpose is to split or divide a single parcel of land into three (3) or fewer lots or parcels, thereby creating new tracts or parcels that would not be eligible for exemption under Section 8.9-17 A, provided each parcel must comply with the acreage and other requirements of the Hinsdale County Zoning Regulations. This provision shall include but is not limited to the following situations:

i. If the proposal is to create a new parcel of land which is isolated from the main parcel by a dedicated and accepted public road or a geographic feature which makes common use of the entire parcel impractical, or

ii. If the proposal is to dispose of land which is isolated from the main parcel by a public road which is maintained by Hinsdale County but for which there has been no dedication to Hinsdale County and the owner making the proposal offers to dedicate to Hinsdale County a sufficient right of way across the owner's land sought to be divided.

2. Procedure for Small Subdivisions

a. Sketch Plan. The applicant shall submit a sketch plan to the County Administrator. An administrative fee of $200 shall accompany the submission of the sketch plan. The County Administrator shall meet with staff to review all sketch plans. Review and comment on the sketch plan shall be the task of the County Administrator and staff. However, if the County Administrator deems it necessary, the sketch plan may be submitted to the Planning Commission for review and comment. The County Administrator shall have thirty (30) days to review and provide comments on the sketch plan. If the sketch plan is also submitted to the Planning Commission, there shall be an additional fifteen (15) days for review and comment. The County Administrator shall return the sketch plan with written comments to the applicant within the aforementioned time frames.

b. Notice to Landowners. Subsequent to the submission of the sketch plan, but at least sixty (60) days prior to submission of the preliminary plan, the applicant shall notice all neighboring landowners in writing of the development plan. Neighboring landowners with the right to receive notice shall include all landowners on the same block as the proposed development, which shall include both sides of the street of said block. Any landowner diagonally adjacent to the development project, but not on the same block of the project, shall also receive notice. Such written notice shall be hand-delivered or sent by certified mail, return receipt requested, to the most current address for the neighboring landowner in the Hinsdale County Assessor's Office. Upon written request by any of the neighboring landowners to the County Administrator, a public meeting shall be held whereby neighboring landowners can provide their comments regarding the proposed development to the applicant and the Planning Commission. Neighboring landowners may also submit comments in written form to the County Administrator.

b. Preliminary Plan. Within six (6) months of receiving the sketch plan and comments back from the County Administrator, the applicant shall submit a preliminary plan to the County Administrator. The preliminary plan shall conform to the requirements in Section 8 of the Hinsdale County Subdivision Regulations. Submission of the preliminary plan must occur at least twenty (20) days prior to the Planning Commission meeting at which the applicant is seeking consideration, to allow time for agency review and comment. See 8.9-17 B. 2. d. ii. below.

i. Administration. The County Administrator shall meet with staff to review all preliminary plans submitted by an applicant. The County Administrator and staff shall also make a site visit to the area that is proposed for development. The applicant shall provide any waivers or permission that is necessary for the County Administrator, including staff, to enter upon and inspect the proposed development site.

ii. Planning Commission. After receiving a recommendation from the County Administrator that the preliminary plan is acceptable, the Planning Commission shall consider the plan with all agency comments at a regularly scheduled public meeting pursuant to Section 8 of the Hinsdale County Subdivision Regulations. Within thirty (30) days of the meeting, the Planning Commission shall report its recommendations to the Board of County commissioners and the applicant.

iii. Board of County Commissioners. The Board of County Commissioners shall consider the recommendations of the Planning Commission in rendering its decision as to the preliminary plan. The Board of County Commissioners shall submit its written recommendations regarding the preliminary plan to the Planning Commission and the applicant.

c. Final Plat. Within ten (10) months of receiving the recommendations from the Board of County Commissioners, the applicant shall submit a final plat to the County Administrator. The final plat shall conform to the requirements of the Hinsdale County Subdivision Regulations.

i. Planning Commission. Within fifteen (15) days of receiving the final plat, the County Administrator shall submit the final plat to the Planning Commission for consideration at its next public meeting. Within forty-five (45) days of the meeting, the Planning Commission shall submit its recommendations to the Board of County commissioners and the applicant.

ii. Board of County Commissioners. Within sixty-five (65) days of receiving the Planning Commission's recommendations regarding the final plat, the Board of County Commissioners shall consider the final plat at a public meeting. Within thirty (30) days after the public meeting, the Board of County Commissioners shall inform the Planning Commission and the applicant of its decision.

d. Survey and Plat Requirements and Fees. A survey plat meeting all of the following requirements must be filed with each application for exemption or mini-subdivision regulations. Plat requirements and other technical matters shall be addressed as provided in the Subdivision Regulations, see Sections 8.9-1 through 8.9-16, with the following exceptions that specifically apply only to small subdivisions and exemptions:

i. CAPTION. The survey plat must have one of the following titles, as appropriate:

"Transfer of property from (insert name of owner transferring) to (insert name of owner receiving transfer) pursuant to sub-section (1) of Section 8.9-17 A. of the Hinsdale County Subdivision Regulations."

"Subdivision of the property of (insert name of owner) pursuant to Section 8.9-17 B. of the Hinsdale County Subdivision Regulations."

"Boundary line adjustment between the properties of (insert names of owners of both properties) pursuant to sub-section (3) of Section 8.9-17 B. of the Hinsdale County Subdivision Regulations."

"Subdivision of the property of (insert name of owner) pursuant to of Section 8.9-17 B. of the Hinsdale County Subdivision Regulations."

ii. Procedures in 8.9-4 for Submission and Review of the Preliminary Plan have been abbreviated *for small subdivisions* to the following submissions for review and comment, suggestions and recommendations:

a. To any utility, local improvement, and service district, or ditch company when applicable.
b. To the Colorado State Forest Service, when applicable.
c. To other planning commissions with jurisdiction over the area.
d. To the local soil conservation district board or boards within the county for explicit review and recommendations regarding soil suitability and flooding problems. Such referral shall be made even though all or part of a proposed subdivision is not located within the boundaries of a conservation district.
e. When applicable, to the Department of Health, for their review of the on-lot sewage disposal reports, for review of the adequacy of existing or proposed sewage treatment works to handle the estimated effluent, and for a report on the water quality of the proposed water supply to serve the subdivision.
f. When applicable, to the state engineer for an opinion regarding material to supply to the proposed development, and conditions associated with said water supply evidence. The state engineer shall consider the cumulative effect of on-lot wells on water rights and existing wells.
g. When applicable, to the Colorado Geological Survey for an evaluation of those geologic factors which would have a significant impact on the proposed use of the land.
h. To any other and all other agencies or persons who may, in the opinion of the Board or the Planning Commission, be affected by the proposed subdivision.

iii. Standards for Evaluation of Sewer and Water Systems.

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

iv. Limit on Availability of Services.

The following legends must be set forth on the survey:
a. "THE APPROVAL OF THE SUBDIVISION/BOUNDARY LINE ADJUSTMENT SHOWN ON THIS SURVEY PURSUANT TO SUBDIVISION PROVIDED FOR IN SECTION 8.9-17 B. (THE EXEMPTION PROVIDED FOR IN SECTION 8.9-17A.) OF THE HINSDALE COUNTY SUBDIVISION REGULATIONS DOES NOT CONSTITUTE OR IMPLY ASSURANCE THAT WATER AND/OR ELECTRICITY ARE NOW OR WILL IN THE FUTURE BE AVAILABLE TO THE PROPERTY SHOWN ON THE SURVEY OR THAT A BUILDING PERMIT WILL BE ISSUED WHEN REQUESTED, NOR DOES SUCH APPROVAL CONSTITUTE A CHANGE IN, OR AN AGREEMENT TO CHANGE, THE ZONING CLASSIFICATION OF THE PROPERTY."

b. If the property abuts or has its principal access to a public road on which winter maintenance is not presently being performed by Hinsdale County, the following additional legend must be set forth on the survey:
"THE APPROVAL OF THE SUBDIVISION (BOUNDARY ADJUSTMENT) SHOWN ON THIS SURVEY PURSUANT TO THE EXEMPTION PROVIDED FOR IN SECTION 8-17 OF THE HINSDALE COUNTY SUBDIVISION REGULATIONS DOES NOT CONSTITUTE OR IMPLY THE AGREEMENT OF HINSDALE COUNTY (i) TO PROVIDE OR PERMIT WINTER MAINTENANCE OF THE PUBLIC ROAD SHOWN ON THE SURVEY, OR (ii) TO PROVIDE MAINTENANCE OF ANY KIND ON ANY PRIVATE ROADS SHOWN ON THE SURVEY."

v. The survey must be signed by the owners of all property shown thereon, except that the owner of the property over which a recorded access easement exists need not sign the survey. In addition, the survey must contain the following signature blocks for the use of the Planning Commission and the Board of County Commissioners:

"APPROVAL OF THE SUBDIVISION (BOUNDARY LINE ADJUSTMENT) IS RECOMMENDED THIS _____ DAY OF _____, 20__."

_____
Chairman, Hinsdale County Planning Commission"

"THE SUBDIVSION (BOUNDARY ADJUSTMENT) IS APPROVED PURSUANT TO THE EXEMPTION PROVIDED BY SUB-SECTION ____ OF SECTION 8.9-17 OF THE HINSDALE COUNTY SUBDIVISION REGULATIONS. (INCLUDE ONLY IF THERE IS A ROAD DEDICATION) THE DEDICATION OF THE ROAD(S) SHOWN ON THE SURVEY IS (ARE) HEREBY ACCEPTED THIS ____ DAY OF _____, 20__.

_____
Chairman, Hinsdale County Board of County Commissioners

vi. All applications for a small subdivision under this Section 8.9-17 B. shall be made on forms approved by the Board and shall be accompanied by a survey which meets the requirements set forth in Section 8.9-17.B. All applications shall be filed with the County Administrator's office and shall be referred to the Planning Commission for its recommendation.

vii. The Application fee for a small subdivision is $75 per tract (including the original tract) plus $20 per new tract created for mapping shall be paid at the time of filing the application (If the application is finally denied, the mapping fee shall be refunded upon request). In addition the applicant will pay the impact fee for creation of additional lots or parcels, as provided in 8.9-11.O.

viii. In the event the Board denies an application for exemption under this Section 8.9-17 A., the resolution denying such exemption shall state the reason for such denial. In making its decision regarding an application for exemption under this Section 8.9-17 A. the Board may take into consideration, but shall not be bound by, the recommendation of the Planning Commission, the reports of the Building Inspector and the Road and Bridge Department, all applicable codes and laws, comments of citizens of Hinsdale County and owners of property in the vicinity of the land proposed to be exempt, and their own personal knowledge.

Historical References:
Hinsdale County Subdivision Resolution 1982.
95454 07/27/2006 **140-150**

Adopted: 2008

Modified:

Legal References:

C.R.S.

Section 8.9-18
Zoning and Development Regulations
Condominium/Common Interest Community

ADOPTED

October 15, 2008

BOARD OF COUNTY COMMISSIONERS
HINSDALE COUNTY, COLORADO

8.9-18

I. DEFINITIONS

Certain words and phrases, as used in these regulations, are defined as follows:

a. *Board* shall mean the Hinsdale County Board of County Commissioners.

b. *Common interest community* shall mean real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration.

c. *Condominium or condominium project* shall mean a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. "Condominium" shall include forms of ownership such as "townhouse" or "townhome" and this definition shall control over any and all others that may apply. The definition under Section 2.19 of the Hinsdale County Subdivision Regulations is hereby repealed and replaced with the definition under this paragraph.

d. *Condominium map* shall mean that part of a declaration that depicts all or any portion of a condominium project in three dimensions, is executed by the declarant, and is recorded in the real estate records in the County, and as required under Section 38-33.3-209, Colorado Revised Statutes ("C.R.S."), as amended. A map is required for a condominium project having a horizontal boundary. The requirements for condominium maps are set forth in Section III below. A map and a plat may be combined into one instrument.

e. *Condominium plat* shall mean that part of a declaration that is a land survey plat as set forth in Section 38-51-106, C.R.S., depicting all or any portion of the condominium project in two dimensions, executed by the declarant, recorded in the real estate records in the County, and as required under Section 38-33.3-209, C.R.S., as amended. The requirements for condominium plats are set forth in Section III below. A condominium plat and map may be combined into one instrument.

f. *Condominium unit* shall mean the physical portion of the condominium project, which is designated for separate ownership or occupancy and the boundaries of which are described in or determined from the declaration.

g. *Condominium owner* shall mean the declarant or other person who owns a unit in the condominium project.

h. *County* shall mean Hinsdale County, Colorado.

i. *Declarant* shall mean any person, group of persons or entity acting in concert that offers to convey to a purchaser such declarant's interest in a condominium unit not previously conveyed to a purchaser or who reserves or succeeds to any special declarant right.

j. *General common elements* shall mean expenses of administration, insurance, operation, and management, repair, or replacement of the common elements, except to the extent such repairs and replacements are responsibilities of a condominium owner.

k. *Horizontal boundary* shall mean a plane of elevation relative to a described benchmark that defines either a lower or upper dimension of a unit such that the real estate respectively below or above the defined plane is not a part of the unit.

l. *Limited common elements* shall mean a portion of the common elements allocated by the declaration or by operation of Section 38-33.3-202(1)(b) or (1)(d), C.R.S. for the exclusive use of one or more units, but fewer than all of the units.

m. *Planning Commission* shall mean the Hinsdale County Planning Commission.

n. *Preliminary plat* shall refer to that condominium plat described and referred to in Section X below.

o. *Time sharing* shall include "interval estates," "time share estates," and "time-span estates," as those terms are defined in the Colorado Condominium Ownership Act.

Further definitions are available in the state statutes and subdivision regulations.

II. PURPOSE

The purpose of these condominium regulations is to establish rules, regulations, procedures and standards governing the platting of land located within the County for condominium ownership, and to set forth the procedures to be followed by the Planning Commission and the Board in the approval of condominium plats.

All condominium and common interest community developments, which include new and conversion projects, shall conform to applicable provisions of the Hinsdale County Fire Code, International Building Code, International Residence Code, Hinsdale County Zoning and Development Regulations, any and all water and sewer requirements, as well as any state or federal regulations that may apply. All such projects will be inspected and signed off by the appropriate inspector.

III. PLAT REQUIREMENTS

Prior to submittal for approval, any condominium plat shall conform to the requirements in Section 9 of the County Subdivision Regulations, as well as the

requirements in this Section. Where there is a conflict between the Subdivision Regulations and these Condominium Regulations, these Condominium Regulations shall control.

(a) There shall be at least one (1) blue line print and two (2) full sets of mylars, the size to be twenty-four (24) inches by thirty-six (36) inches, with a half-inch border on the top, bottom and right-hand side, and a one-and-one-half (1.5) inch border on the left-hand side. As many sheets as may be necessary may be submitted for a single plat or filing;

(b) The cover sheet shall contain the full name of the condominium project;

(c) The cover sheet shall include a title insurance report or a legal opinion, executed by an attorney-at-law licensed to practice in the State of Colorado, evidencing title of the property being dedicated to be in the name of the owner/declarant, and showing all exceptions to the title, if any. Such opinion shall be substantially in the following form:

Attorney's Opinion

I, [printed name of attorney], being an attorney-at-law duly licensed to practice before courts of record in the State of Colorado, do hereby certify that I have examined the title to all lands herein dedicated and shown upon this plat and that title to such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:

(herein list all exceptions)

Dated this ____ day of _____, 20___.

(Signature)

_____
Attorney-At-Law
Supreme Court Registration No. _____

(d) The cover sheet shall contain a notarized dedication of the full legal description of the parcel being dedicated, executed by the owner, as such owner is identified in the legal opinion. Such dedication shall be substantially in the following form:

(FULL NAME OF CONDOMINIUM PROJECT IN CAPITAL LETTERS)

DEDICATION

Know all men by these presents, that [full name of owner], being the owner of the following described real property, hereby declares and executes this condominium plat of

[full name of condominium project in capital letters], County of Hinsdale, State of Colorado, as follows:

1. Description. The property description of the real property laid out and platted as [full name of condominium project in capital letters] shown on this plat is:

PROPERTY DESCRIPTION

[Full legal description]

2. Condominium Declaration of Protective Covenants. The real property laid out as [full name of condominium project in capital letters], Hinsdale County, Colorado, is platted and dedicated pursuant to the terms and conditions of the condominium declaration of protective covenants for [full name of condominium project in capital letters) dated _____, 20__ and recorded at Reception No. _____ in the official records of Hinsdale County, Colorado.

In witness whereof, [full name of owner], executed this dedication this _____ day of _____, 20___.

[Full Name of Owner]

By: _____

ATTEST: _____
Notary

(e) The cover sheet shall contain a certificate prepared by a person licensed in the state as a land surveyor, to the effect that the project is completed as shown on the plat. Such certificate shall be substantially in the following form:

LAND SURVEYOR'S CERTIFICATE

I, [full name of land surveyor], being a registered land surveyor in the State of Colorado, do hereby certify that this condominium plat of [full name of condominium project in capital letters], was made by me and under my supervision and is accurate to the best of my knowledge, that the improvements as constructed conform substantially to this plat, that this plat fully and accurately depicts the layout, measurements and location of the improvements on the real property, the condominium unit designations, and the dimensions of such units and the elevations of the unfinished floors and ceilings.

Dated this _____ day of _____, 20___.

(Seal) _____

Full Name and Address of Land Surveyor with Colorado Registration Number

(f) The cover sheet shall contain printed provisions for the acceptance and approval of the plat by the Board, the Planning Commission and by the County Clerk and Recorder, in substantially the following form:

HINSDALE COUNTY BOARD OF COUNTY COMMISSIONERS

The plat of [full name of condominium project in capital letters], is approved for filing this _____day of _____, 20____.

BOARD OF COUNTY COMMISSIONERS,
COUNTY OF HINSDALE, STATE OF COLORADO

By: _____

ATTEST:

_____
County Clerk

HINSDALE COUNTY PLANNING COMMISSION

The Planning Commission of Hinsdale County, Colorado hereby recommends approval of this Plat, such recommendation being made at a meeting of said Planning Commission held on the _____ day of _____, 20____.

_____
_____, Chairperson

HINSDALE COUNTY CLERK AND RECORDER'S ACCEPTANCE
(To be placed in the lower right-hand corner of the cover sheet)

This plat was accepted for filing in the office of the Clerk and Recorder of Hinsdale County, Colorado, on this _____ day of _____, 20_____.

Reception Number _____.

Time _____ Date_____.

_____
County Clerk

(g) All buildings and improvements shall be drawn to a scale, and the scale, both written and graphic, is to be identified on each page;

(h) The plat shall contain a location map, identifying a sufficient part of the surrounding land and streets so as to easily determine the location of the subject parcel within the County;

(i) The cover sheet shall contain a site plan, containing at least the following information:

1. The exterior boundaries of the entire dedicated site, with all courses and distances noted thereon;

2. The outline or building footprint of all buildings, structures and improvements located on the property, with the linear measurements of all exterior walls of such buildings;

3. The shortest distances between all buildings and between the buildings and the nearest property line;

4. All parking spaces;

5. The location of any retaining walls;

6. The ingress and egress to the subject property and to the buildings located thereon;

7. Existence of any overhanging features, exterior stairs and decks on any buildings, and the appropriate linear measurements thereof;

(j) Both the location map and the site plan shall have north arrows indicated thereon (designate true and magnetic north);

(k) There shall be appropriate additional sheets portraying the floor plans of all buildings, structures or other improvements located upon the property, containing at least the following:

1. All exterior walls, and bearing walls, along with the thickness of such walls;

2. All exterior doors and windows, and sliding doors;

3. The appropriate identification of each individual condominium unit, along with the limited common elements appurtenant to such unit, and appropriate, easily identifiable, identification of all general common elements, and of any other space within any building or structure which is not specifically identified as a condominium

unit, a limited common element or a general common element;

4. The location of all walls enclosing any condominium unit or other enclosure, such as a manager's unit, employee unit or amenities;

5. Cross sections of all units, showing the elevation above sea level of each floor as finished;

6. The linear measurements of all of the above.

IV. DECLARATION OF PROTECTIVE COVENANTS

Prior to review by the Planning Commission or the Board of any plat, there shall be declarations, prepared in compliance with the purpose, intent and requirements of the Colorado Common Interest Ownership Act, Section 38-33.3-101 et seq., fully executed and notarized by the owner of the property being dedicated, which declarations shall also contain the following:

(a) There shall be a provision therein for the payment by the condominium association, if applicable, of all water and sewer charges for all individual condominium units within the project, and any common element charges in accordance with the applicable Hinsdale County rules and regulations regarding water and sanitation use.

(b) The declarations shall clearly define and describe the rights, duties and liabilities of all condominium unit owners with respect to the general common elements and the limited common elements, and with respect to any employee or manager units, if applicable.

(c) If the condominium project is expandable, appropriate provisions shall be contained in the declarations relating to the phasing of the project along with the identification, by legal description, of the property into which the project will be expanded, identification of the total maximum condominium units which could be constructed within the entire expanded project, and identification of the interest each condominium unit owner has, by percentage, in the initial phase, and the method by which those percentages will be affected by any expansion. If the balance of the property into which the project may be expanded is not dedicated to the initial condominium association, with only the right to develop the same and sell and convey units thereon being retained by the developer, then any expansion beyond the initial phase may be considered a re-subdivision of the land, requiring full compliance with the County's subdivision regulations. In such event, the County may withhold approval of the initial condominium plat and declarations until such compliance has been made.

(d) The declarations shall contain the appropriate description and designation of all employee and manager units, if applicable, and the rights and liabilities of each condominium unit owner with respect to such employee or manager units. The

declarations should also contain provisions authorizing the association to execute, on behalf of all of the owners, and file an amended plat in the event the provisions of Section III are repealed.

(e) The declarations shall provide that if any condominium unit is owned by more than one (1) person, or by a partnership, joint venture, corporation or other such entity, the owners thereof shall designate to the association, in writing, the name and address of the agent of the owner to whom all legal or official assessments, liens, levies or other such notices may be properly and lawfully mailed, and that, upon failure to so designate an agent, the association shall be deemed to be the agent for receipt of notices to such owners.

(f) The declarations shall require two (2) parking spaces per unit or dwelling.

V. PLANNING COMMISSION REVIEW

(a) All plats and declarations shall be filed with the Planning Department at least fourteen (14) calendar days prior to a Planning Commission meeting for initial review by the Planning Department and by the County Attorney, and for placement upon the Planning Commission's agenda.

(b) In order to be considered by the Planning Commission, all plats and declarations shall receive notation that they have been approved by both the Planning Department and the County Attorney.

(c) The Planning Commission, in its review of plats and declarations, shall forward to the Board, in writing, either its recommended approval of such plats and declarations or its recommendations against approval of such plats and declarations. If the Planning Commission fails to recommend approval of such plats and declarations properly submitted to it, it shall provide the applicant with its reasons for not recommending approval, and make such recommendations for modifications or changes to the documents submitted as it deems necessary. Any such plats may then be resubmitted to the Planning Commission as soon as the applicant has made such changes as may be requested.

(d) If the Planning Commission, after its review of the plats and declarations, determines that the plats and declarations should be approved, except for minor adjustments, the Planning Commission may conditionally approve such plats and declarations. Any such conditionally approved plats and declarations may then be submitted to the Board for its action only after the specified adjustments, corrections or modifications have been made, and the documentation evidences that either the Planning Department or the County Attorney, as applicable, has confirmed that the specified conditions have been met.

(e) If there are minor differences in dimensions between the setback distances

of buildings or structures from lot lines or distances between buildings as required by applicable ordinances, the administrative staff, together with the Planning Commission, may recommend that the Board waive these differences, thereby eliminating the requirement of obtaining a variance, if, in the determination of the administrative staff and the Planning Commission, these minor differences are negligible and that the applicant has met the intent of the above applicable ordinances.

VI. BOARD OF COUNTY COMMISSIONERS' APPROVAL

(a) Upon receipt of a recommendation by the Planning Commission, the subject plat and declarations shall be set before the Board at a scheduled meeting as agreed to by the developer and the Board. At this meeting, the Board shall review such plat and declarations and either approve the same, and forthwith execute the plat, or disapprove them. Provided further, that the Board may waive minor differences, considered to be negligible, under the same criteria as set forth in V(e) above, relating to the Planning Commission's recommendations.

(b) Upon final approval by the Board of the plats and declarations, the owner, or his/her agent, shall immediately cause the plats and declarations to be recorded, with the County Clerk and Recorder, and shall forthwith thereafter return one (1) full set of the mylars and one (1) full set of the declarations to the County, bearing the recording information noted thereon.

VII. TIME-SHARING

Time-sharing of any condominium project shall not be permitted by any owner of any condominium unit therein, unless the properly recorded declarations for such project specifically permit or allow time-sharing of all units therein, or of the subject unit, and then only in full compliance with and subject to all applicable ordinances, resolutions, regulations and code provisions of the County.

VIII. FEES

(a) Prior to submission of any plats and declarations, all applicable building department and other fees pertaining to approval of the plats and declarations shall be paid.

(b) Each owner or applicant requesting approval of condominium plats and declarations shall pay an initial fee of FIVE HUNDRED AND 00/100 U.S Dollars ($500.00) to the County for the initial review of the plats and declarations by the County Attorney. If it is necessary for the County Attorney to review any changes or amendments to either the plats or declarations, after the initial review, the owner or

applicant shall reimburse the County for all attorneys' fees incurred by it prior to final approval.

IX. PRE-SALE OF CONDOMINIUMS

(a) No condominium project or condominium located therein, shall be advertised or offered for sale, nor any agreement nor negotiations for the sale thereof be made, by the owner, or the agent of the owner, of any such condominium project until a preliminary plat has been approved by the County, pursuant to these regulations.

(b) No condominium project or condominium located therein, shall be sold, transferred, or conveyed until the plat thereof has been approved by the Board pursuant to these regulations and recorded in the office of the Clerk and Recorder of the County. No individual condominium may be sold until it qualifies for a certificate of occupancy from the County Enforcement Officer.

X. REQUIREMENTS OF PRELIMINARY PLATS

Prior to submittal to the Board for approval, any preliminary plat of a condominium project shall conform to the requirements found under Section 8 of the County Subdivision Regulations, as well as the requirements under this Section. Where there is a conflict between these Condominium Regulations and the Subdivision Regulations, these Condominium Regulations shall control.

(a) A minimum of twenty-five (25) blue line prints of the preliminary plan shall be submitted;

(b) The cover sheet shall contain the full name of the proposed condominium project;

(c) The cover sheet shall contain a statement of the full legal description of the parcel upon which the proposed condominium project is to be constructed;

(d) All buildings and improvements shall be drawn to scale, and the scale, both written and graphic, is to be identified on each page;

(e) The preliminary plat shall contain a location map, identifying a sufficient part of the surrounding land and streets so as to easily determine the location of the subject parcel within the County;

(f) The cover sheet shall contain a site plan, containing at least the following information:

1. The exterior boundaries of the entire site upon which the proposed

condominium project is to be constructed, with all courses and distances noted thereon;

2. The outline or building footprint of all buildings, structures, and improvements to be located on the subject property, with the linear measurements of all exterior walls of such buildings;

3. All exterior parking spaces;

4. The ingress and egress to the subject property and to the buildings located thereon;

5. The location of any exterior stairs and decks on any buildings, and the appropriate linear measurements thereof;

6. Both the location map and the site plan shall have north arrows indicated thereon;

7. There shall be appropriate additional sheets portraying the floor plans of all buildings, structures, or other improvements located upon the property, containing at least the following:

a. All exterior walls, and bearing walls;

b. All exterior doors and windows, and sliding doors;

c. The appropriate identification of each individual condominium unit, along with the limited common elements appurtenant to such unit, and appropriate, easily identifiable, identification of all general common elements, and of any other space within any building or structure which is not specifically identified as a condominium unit, a limited common element, or a general common element, which space shall also reflect the intended use thereof, such as a storage locker, type of amenity, or parking spaces;

d. The location of all walls enclosing any condominium unit or other enclosure, such as a manager's unit, employee unit, or amenities;

e. Cross sections of all units; and

f. Identification of all proposed employee or manager units, if applicable.

XI. PROJECT DESIGN STANDARDS

The Project Design Standards outlined in this Section shall apply to all common interest communities, including, but not limited to, single-family structures and multi-unit

dwellings.

(a) *Purpose*. This Section establishes the minimum standards by which proposals will be reviewed and approved to regulate development and improvements for common interest communities. These standards are intended to ensure a minimum level of performance. If an alternate design, process or material can be shown to provide performance equal to or better than that established by the applicable standards, or where it can be shown that strict compliance with the applicable standards would cause unacceptable environmental impacts, or would result in adverse conditions on or off-site because of unusual topography, size or shape of the property, existing vegetation, or other exceptional situations or conditions, the Planning Commission may recommend that the Board accept the alternative. The evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable, so that normally anticipated maintenance costs will not increase.

(b) *Minimum Standards.* Any common interest community project must conform to the applicable development standards outlined in the Hinsdale County Zoning and Development Regulations, the International Residence Code, the International Building Code, and the Hinsdale County Fire Code.

(c) *Setback Requirements.* Any common interest community project must conform to the setback requirements in this Section. The setback requirements in this Section XI(c) shall apply to all common interest community projects and where there is any conflict between the setback requirements in this Section and the setback requirements in any other applicable regulation, the setback requirements in this Section shall apply.

1. **SIDE SETBACKS**. The side of any and all structures shall be located at least SEVEN AND ONE-HALF FEET (7½') from the side of any property line and at least FIFTEEN FEET (15') from the side of any other structure.

2. **FRONT AND BACK SETBACKS.** The front and back of any and all structures shall be located at least FIFTEEN FEET (15') from the front and back of any other structure or property line.

END OF REGULATIONS

Sec. 8.10 Conditional and Special Use Permits

8.10-1 Special Permits:

Where Resolution of the Board of County Commissioners requires a special permit to build or use land due to geologic, snowslide area, or other matters of State interest, under House Bill 1041, the permit will be required and use allowed only in accordance with the terms of said permit.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **5**

Legal References:

C.R.S.

8.10-2 Conditional and Special Uses Allowed by Permit Only

8.10-2.A. Conditional and special uses as designated under Section 2 of these regulations may be allowed only by permission of the Board of County Commissioners, as follows:

1. Conditional Uses shall be permitted by the County Commissioners, provided that such use complies with and meets all the conditions and safeguards indicated for that particular use under this Section, and under Section 9.9-6. Upon satisfactory demonstration that all such conditions have been met, the County Commissioners shall grant permission for the conditional use, subject to additional conditions as may be imposed by the County Commissioners in order to comply with the purposes and intent of these regulations.

2. Special Uses may be granted or denied at the discretion of the County Commissioners, whose determination shall be based on the purposes, standards, and requirements regarding Special Uses as set forth under this Section and under appropriate provisions of Section 8.10-9 of these regulations. In granting permission for a special use, the County Commissioners may impose additional conditions in order to comply with the purposes and intent of these regulations.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **11-12**

Legal References:

C.R.S

8.10-3 Procedure for Conditional or Special Use Permits

A. Application for a conditional or special use permit shall be submitted in writing to the County Commissioners, along with such evidence as may be necessary to demonstrate compliance with the conditions and requirements set forth for the particular use according to these regulations.

B. The County Commissioners shall study and review the application and accompanying evidence before taking action on the application. In addition, before ruling on the application, they shall:

1. Submit a copy of the application and accompanying data to the County Planning Commission for study and review.

2. Hold a public hearing on the application as indicated in section v. below.

3. The County Commissioner's study of the application shall include consideration of all the following:
a. Information submitted by or for the applicant.
b. Information submitted for the Public Hearing
c. Comments by the County Planning Commission, and any additional qualified opinions.

C. The County Commissioners shall rule on the application as follows:

1. In the case off a conditional use application, such application shall be granted upon the conditions as indicated in 8.10-2.A.1.of this section.

2. In the case of a special use application, such application may be granted or denied, as indicated in 8.10-2.A.2. of this section.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **12-13**

Legal References:

C.R.S

8.10-4 Public Notice and Hearing

Before granting a conditional use or special use permit, the Board of County Commissioners shall hold a public hearing on the matter and notice of such hearing shall be published at the expense of the applicant in the official County newspaper, and be sent to the applicant and to owners of properties adjacent to the property in question at least fourteen (14) days prior to the hearing date.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **13**

Legal References:

C.R.S

8.10-5 Regulation of Conditional Uses:

All conditional uses allowed by permit only shall conform to the regulations set forth in Section 2, for the district in which they have been permitted. In addition, such uses shall conform to any supplementary regulations such as those designated for particular uses under Section 8.10-9.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **13**

Legal References:

C.R.S

8.10-6 Regulation of Special Uses:

8.10-6.A. Planned Unit Development (PUD): All Planned Unit Developments shall conform to the regulations set forth in the Hinsdale County Planned Unit Development Resolution.

8.10-6.B. All other special uses allowed by permit only shall conform to the regulations as set forth in Section ___ (formerly Section 3 Zoning) for the district in which they have been permitted. In addition, such uses shall conform to any supplementary regulations such as those designated for the particular uses under Section ___ (formerly section 6 zoning) of this Resolution.

8.10-6.C. All cluster residence developments shall conform to the Hinsdale County Planned Unit Development Resolution.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **13-14**

Legal References:

C.R.S

8.10-7A Fees for Conditional Use Applications

Application fees to help defray costs of processing and administering this section shall be paid by applicants for conditional use permits. The fee shall be in the amount of Twenty-Five Dollars ($25) per site for conditional uses. Payment of the fee shall be made to Hinsdale County at the time of filing off application for conditional use.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **14**

Legal References:

C.R.S

8.10-7B Fees for Special Use Applications:

Application fees, to help defray costs of processing and administering this section, shall be paid for special use permits. The fee shall be in the amount of Twenty-five Dollars ($25) per site for special uses.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **14**

Legal References:
C.R.S.

8.10-8 Performance Bonds Required for Some Conditional and Special Uses

a. Mining, sand and gravel and other extractive operations: Before any conditional use permit shall be issued for a mining, sand and gravel or other extractive operation, the applicant shall furnish evidence of a bank commitment of credit in favor of the County, bond or certified check, in an amount calculated by the County commissioners to secure the site restorations Section in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the appropriate engineer. Such commitment, bond or check shall be payable to and held by the Board off Commissioners of the County.

b. Planned Unit Development (PUD): See the provisions of Section 4.2, Planned Unit Development Resolution.

Historical References:
1979 Zoning Resolution.
95454 07/27/2006 **14**

Legal References:
C.R.S.

8.10-9 Supplementary Regulations for Conditional and Special Uses Allowed by Permit Only:

In addition to local or state building permit regulations, the following regulations shall apply to conditional or special uses allowed by permit only, as indicated.

8.10-9.A. In all Rural Area Districts, any development proposal shall be accompanied by physiographic studies of the proposed site. These studies shall be performed and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water availability, sewage and solid waste disposal. Plans for implementation must be reviewed by the appropriate authorities as follows: U.S. Soil Conservation Service, all divisions in the Colorado Department of Natural Resources and the Colorado State Health Department.

8.10-9.B. In the Urban Districts the requested use must:

1. Be compatible with adjoining use;

2. Tie into and not exceed the existing water utility and sewer capacities; in the case that any utility capacity is exceeded by the proposed development it will be the developer's burden to provide suitable expansion of facilities at the discretion of the utility district commissioners.

8.10-9.C. Applications for Mines, Sand, Gravel, Extractive Operations. Mines, sand and gravel, and other extractive operations allowed as conditional uses are subject to the following provisions:

1. That such use does not create any danger to safety in surrounding areas, does not cause water pollution and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property in which such use is located.

2. Permits shall be granted for these uses only with the provision that satisfactory general rehabilitation plan for the land shall be submitted prior to the start of operations and implemented thereafter.

a. The plan for site rehabilitation shall be submitted to and approved by the Board of County Commissioners before a special permit may be issued.

b. The applicant shall furnish a bank commitment of credit, bond or a certified check to secure the site restoration according to the plan.

3. Truck traffic to and from such uses shall not create hazards or nuisance to

areas elsewhere in the county nor shall it unduly damage public roads.

8.10-9.D. Applications for Sanitary Land Fill and Public Utilities. Sanitary land fill and public utilities are subject to the following provisions:

1. A site plan, elevation, perspective and general written description of the proposed use shall be presented.

2. An explanation shall be made in writing of methods to be used to minimize smoke, odors, noise, dust and similar environmental problems which might result from the operation of the proposed use.

3. Such uses shall serve an obvious public need and be well documented.

4. Sufficient distance shall separate such uses from abutting properties which might otherwise be damaged due to operation of the proposed use.

5. A landscaped screen may be required as deemed necessary by the County Commissioners.

8.10-9.E. Applications for Airports, Cemeteries, Schools, Medical Facilities & Churches. Airports, cemeteries, schools, medical facilities and churches are subject to the following provisions:

1. In the case of airports, cemeteries, schools and medical facilities, such areas shall serve an obvious public need which shall be well documented.

2. Sufficient distance shall separate such uses from abutting properties, which might otherwise be damaged due to operation of the proposed use.

3. Satisfactory proof shall be given that such areas will be properly maintained.

4. Truck and automobile traffic to and from such uses shall not create hazard or nuisance to areas elsewhere in the County.

5. Sufficient off-street parking shall be provided to accommodate the expected volume of users of such facilities.

8.10-9.F. Applications for Resort Mobile Home Parks, RV Parks, Tent Camping Parks. Resort Mobile Home Parks, Recreational Vehicle Parks, and/or Tent Camping Parks as conditional uses are subject to the provisions for these facilities as set forth in the Hinsdale County Subdivision Regulations Section 8.9 and Mobile Home Ordinance Section 3.3 now in effect or hereinafter adopted.

8.10-9.G. Applications for Cluster Residential Uses. Cluster residential uses are subject to the same provisions as PUD except that residential uses shall be the only permitted

use.

8.10-9.H. Applications for Any Conditional and Special Uses. Any conditional and special uses, as allowed in the various districts under "Zoning District Regulations" of this Resolution, are subject to the following provisions:

1. That such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences beyond the boundaries of the property on which such use is located.

2. That upon the discretion of the County Commissioners, a written explanation may be required indicating methods to be used to minimize smoke, odors, dust and similar environmental problems which might result form the operation of the proposed use.

8.10-9.I. Compatibility. In the Two Urban Districts (Residential, Tourist/Business) it is intended that the free flow of commerce, tourism, and dwellings be arranged in such a way that those adjoining uses not compatible be separated by uses compatible with both, except where conflicts are currently existing.

The County Commissioners shall determine according to the following general guidelines the compatibility of special and conditional uses:

Residential uses may be compatible with tourist rooms, cabins and other tourist residential in the residential or tourist districts.

Business uses may be compatible with tourist uses and tourist residential in business or tourist districts.

Tourist use may be compatible with both residential in residential district and business in business district. (See also Section 2.6 through 2.10)

Historical References:
1979 Zoning Resolution sections 6.2, 11.3, 3.4 through 3.23
Mobile Home, Mobile Home Park and Campground Regulations 1992
Mobile Home, Mobile Home Park and Campground Regulations Modification by Resolution dated May 18, 1994.
95454 07/27/2006 **55-58**

Legal References:
C.R.S.

Sec. 8.11 Uses Not Itemized

8.11-1 Creating Additional Uses

Upon application or on its own initiative and after review by the Planning Commission, the Board of County Commissioners may, by resolution, add to the uses listed for a zoning district any other similar use which conforms to the conditions set forth in the following special findings:

8.11-1.A. Such use is appropriate to the physiographic and general environmental character of the district to which it is added.

8.11-1.B. Such use does not create any more hazard to or alteration of the natural environment than the minimum amount normally resulting from the other uses permitted in the district to which it is added.

8.11-1.C. Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses permitted in the district to which it is added.

8.11-1.D. Such use is compatible to the uses existing and permitted in the district to which it is added.

When any use has been added to the list of permitted uses in any district in accordance with this section, such use shall be deemed to be listed in the appropriate section of those district regulations, and shall be added thereto in the published text of this Resolution at the first convenient opportunity, with a notation indicating that the addition was made in accordance with this section.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **59**

Legal References:

C.R.S

Sec. 8.12 Administration

8.12-1 Enforcement

These regulations shall be enforced by an officer appointed by the County to be known as the Zoning Enforcement Officer.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **60**

Legal References:

C.R.S

8.12-2 Zoning Permits

No building shall be erected, occupied, moved or structurally altered under conditional or special uses, until a permit therefore has been issued by the Zoning Enforcement Officer; and no permit shall be issued unless the proposal is in full accordance with these regulations, except in those instances where a full variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures.

Historical References:
1986 Subdivision Regulations, section 8.2.
95454 07/27/2006 **60**

Legal References:

C.R.S.

8.12-3 Certificate of Occupancy

No new building shall hereinafter be occupied or used under conditional or special uses without a Certificate of Occupancy which has been issued by the Zoning Enforcement Officer. Such certificate shall be issued within five (5) days after the officer has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of these regulations.

Historical References:
1986 Subdivision Regulations, section 8.3.
95454 07/27/2006 **60**

Legal References:

C.R.S.

8.12-4 Records

All building permits, application records, records of inspection and certificates of occupancy records shall be kept on file in the office of the Zoning Enforcement Officer and shall be available for inspection by the public.

Historical References:
1986 Subdivision Regulations, section 8.4.
95454 07/27/2006 **60**

Legal References:

C.R.S.

8.12-5 Board of Zoning Adjustment

8.12-5.A. Establishment

A Board of Zoning Adjustment is hereby established which shall consist of three members and three associate members and which shall be appointed by the County Commissioners. All further reference to the Board of Zoning Adjustment in this section shall hereafter be made to "the BZA."

8.12-5.B. Membership

The BZA shall consist of three members and three associate members. No more than one of the members and one of the associate members may also be members of the County Planning Commission. Until otherwise provided, the members shall serve without compensation. Each member shall serve for three (3) years, provided however that of the first appointed BZA, one member shall serve for one (1) year, one member for two (2) years, and one member for three (3) years. Any member of the Board may be removed for cause by the County Commissioners upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointment. The associate members of the BZA shall take the place of any regular member off the BZA in the event that he is temporarily unable to act, owing to absence from the County, illness, interest in the case before the Board or other cause.

8.12-5.C. Officers

The BZA shall, at its first regular meeting of each year, select a chairman, a vice-chairman and a secretary. The secretary may or may not be a member of the BZA. The Chairman shall preside at meetings and shall perform all duties as usual and ordinary for the presiding officer of any board or group. The vice-chairman shall perform the duties of the chairman in the absence of the chairman. The secretary shall keep full and complete minutes and records of all meetings and shall have custody of all of the records and shall generally perform all of the duties usually performed by the secretary of any board or group.

8.12-5.D. Appeals to the BZA

Appeals to the BZA may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course off the administration or enforcement of the provisions of the zoning regulations. Appeals to the BZA may also be taken by any officer, department board or bureau of the County affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the

administration or enforcement off the provisions of the zoning regulations. Such appeal must be made within thirty (30) days after the occurrence of such grievance or decision which is the subject of the appeal. Upon appeals, the BZA shall have the following powers:

1. Appeals from Decisions of Administrative Officials.

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning resolution.

2. Interpretation.

To hear and decide requests for interpretation of this Resolution, including uncertainty as to boundary location or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this Resolution.

3. Variances. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and adjacent property owners and without substantially impairing the intent and purpose of this zoning resolution.

4. The concurring vote of two members of the BZA 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 appellant.

8.12-5.E. General Duties of the BZA

1. To meet at the call of the chairman, by his request or by the request of the Zoning Enforcement Officer, or by any party wishing to appeal the decision of the same.

2. To adopt any rules necessary to transact the BZA's business or to expedite its functions or powers so long as thy are not inconsistent with the provisions of this regulation.

3. To keep minutes of the proceedings of each meeting, which shall be filed in the office of the BZA, who may designate the Zoning Enforcement Officer to keep such files and which shall be of public record.

4. To permit the public to attend and to be heard at all of its meetings.

5. To notify in writing the Zoning Enforcement Officer, the owner involved, adjacent property owners and the Planning Commission of all decisions made, resolutions passed, hearings scheduled, or permits authorized.

6. To publish notice of, cause to be published (to cause the property to be posted and to notify adjacent property owners in writing, at least ten (10) days prior to) the date necessary by the BZA.

7. Procedure

The BZA shall act in strict accordance with all of the other applicable laws off the State of Colorado and applicable Zoning Regulations of the County of Hinsdale. All appeals to the Board shall be in writing and on such a form as shall be prescribed by the Board. Every appeal shall indicated what provisions of this regulation are involved, what relief from these provisions is being sought, and the grounds upon which such an appeal is being sought, as required above.

The chairman of the BZA shall then, within forty-five (45) days, call a meeting of the BZA for the purpose of the review of the requested appeal. At the same time a copy of the appeal request shall be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board before the date set for hearing the appeal. Notification of the decisions of the BZA shall then be made.

8. Appeals from the BZA.

Any further appeal from the decisions of the BZA may be made to the courts as provided by law, provided, however, that such appeal is made prior to twenty (20) days following the date of the notification of the BZA's decision.

Historical References:
1979 Zoning Regulation
95454 07/27/2006 **60-65**

Legal References:

C.R.S.

Sec. 8.13 Site Plan Review

8.13-1 Zoning Permits

No building shall be erected, occupied, moved or structurally altered under conditional or special uses, until a permit therefore has been issued by the Zoning Enforcement Officer; and no permit shall be issued unless the proposal is in full accordance with this Resolution, except in those instances where a full variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures.

Historical References:
Hinsdale County Zoning Resolution 1979.
95454 07/27/2006 **60**

Legal References:

C.R.S

Sec. 8.14 Floodplain Development Permits

8.14-1 Floodplain Development Permits

8.14-1.A. Within the designated "Floodplain" as shown on the Maps and Study adopted by Section 8, a development permit shall be obtained prior to commencing any construction or development, or placement off any manufactured home.

8.14-1.B. Application for a development permit shall be made on forms furnished by the County which may require plans drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and their locations, and other information appropriate for the administration of these regulations.

8.14-1.C. Submitted with the application for a development permit for property within the Floodplain shall be the following information:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

2. Elevation in relation to mean sea level to which any structure has been floodproofed.

3. Certification by a registered professional engineer or architect that the floodproofing methods of any non-residential structure meet the criteria of Section 5.17-4.L.

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

8.14-1.D. Other information required by the County as necessary to administer and enforce the provisions of these regulations.

Historical References:
Hinsdale County Floodplain Regulations 1987.
95454 07/27/2006 **215**

Legal References:

C.R.S

8.14-2 Floodplain Variances

8.14-2.A. The Enforcement Officer is hereby authorized to grant a variance from these regulations for the reconstruction, rehabilitation, or restoration of structures listed on the National Register or State Inventory of Historic Places without regard to the other criteria of this Section.

8.14-2.B. The Board of Zoning Adjustment shall have authority to grant a variance from the provisions of these regulations in accordance with the criteria provided in this Section following a hearing of which reasonable notice has been published.

8.14-2.C. Application for a variance shall be accompanied by an application fee of $25, and by all information necessary to show that the variance is justified in accordance with the criteria of this Section.

8.14-2.D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that all relevant technical considerations have been fully considered. As lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

8.14-2.E. In considering any variance, all technical considerations, all relevant factors, and the standards provided in these regulations shall be considered.

8.14-2.F. A variance shall be issued only upon the determination that all of the following exist:

1. The variance is a minimum necessary considering the flood hazards to afford relief.

2. There is good and sufficient cause.

3. Failure to grant the variance would result in exceptional hardship to the applicant, and

4. The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws.

8.14-2.G. A variance shall be disallowed within the floodway if any increase in flood levels during the base flood discharge would result.

8.14-2.H. The applicant for any variance shall have the burden of proof to show that the above criteria are met. Any technical or engineering data or information shall be

prepared and certified by a registered professional engineer or other qualified professional. The Board of Adjustment may improve conditions as necessary to insure the above criteria are met.

8.14-2.I. Records shall be maintained of all variance actions, including justification of their issuance, and they shall be included in the annual report submitted to the Federal Emergency Management Agency. The applicant for a variance which is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be increased commensurate with the increased risk resulting from the reduced lowest floor elevation, as high as $25 per $100 of insurance coverage, and that such construction increases risk to life and property. Copies of such notices shall be kept by the County.

Historical References:
Hinsdale County Floodplain Regulations 1987.
95454 07/27/2006 **221-223**

Legal References:

C.R.S

Sec. 8.15 Sign Permits

8.15-1 Permit Not Required

Residential Identification signs, signs advertising the sale or rental of property, signs advertising the construction or remodeling of a building and institutional identification signs shall not require a permit if they otherwise comply with the provisions of this resolution.

Historical References:
Hinsdale County Sign Regulations 2004.
95454 07/27/2006 **54**

Legal References:

C.R.S

8.15-2 Permit Required

No sign shall be erected, constructed, altered, remodeled, or changed until the County Enforcement Officer has issued a permit. No permit shall be granted until after an application has been filed with the County Enforcement Officer showing the plans and specifications, including dimensions, materials and details of construction of the proposed structure, which application must be approved by the County Enforcement Officer and the prescribed fee paid therefore. There shall be a $50 charge for such permit. Special Events shall not have a fee charged for the permit.

Historical References:
Hinsdale County Sign Regulations 2004.
95454 07/27/2006 **54**

Legal References:

C.R.S

Sec. 8.16 Reserved for Future Use

Reserved for future regulation.

Historical References:

Legal References:

C.R.S

Sec. 8.17 Variances

Where by reason of exceptional narrowness, shallowness or shape off a specific piece of property at the time of the enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation of condition of such piece of property, the strict application of any regulation enacted under this Resolution would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owners of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and impairing the intent and purpose of this zoning resolution. See Section 8.12-5.A Board of Zoning Adjustments, for details.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **177**

Legal References:

C.R.S

Sec. 8.18 Appeals of Administrative Decisions

8.18-1 Appeals from Decisions or Administrative Officials

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by and administrative official or agency based on or made in the enforcement of the zoning resolution.

8.18-2 Interpretation

To hear and decide requests for interpretation of this Resolution, including uncertainty as to boundary location or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this Resolution.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **177**

Legal References:

C.R.S

Sec. 8.19 Enforcement

8.19-1 Zoning Enforcement

The zoning regulations shall be enforced by an officer appointed by the County to be known as the "Zoning Enforcement Officer."

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **175**

Legal References:

C.R.S

8.19-2 Flood Plain Enforcement

8.19-2.A. It shall be unlawful for any person to violate any of the provisions of the Floodplain regulations. Any person convicted of such a violation may be punished by a fine of up to $300, or a jail sentence of up to 90 days, or by both such fine and imprisonment; provided, however, no person under the age off 18 years shall be subject to any term of imprisonment except for contempt of court. Each day any violation continues shall be considered a separate offense.

8.19-2.B. The County may maintain an action in any court of competent jurisdiction to enjoin or abate any violation of the requirements of these Floodplain regulations.

8.19-2.C. Any property, building or structure existing or maintained in violation of the requirements of these Floodplain regulations is hereby declared to be a nuisance which may be abated in accordance with law.

Historical References:
Hinsdale County Flood Plain Regulations 1987.
95454 07/27/2006 **223**

Legal References:

C.R.S

Sec. 8.20 Violations and Penalties

8.20-1 Zoning Violation and Penalties:

1. Failure to comply with all of the provisions of these regulations regarding zoning, unless a variance has been authorized by the Board of Zoning Adjustment, shall constitute a misdemeanor and upon conviction is punishable by a fine of not more than Three Hundred ($300) dollars or imprisonment for a period of not more than ninety (90) days or both. Each day that such a violation continues to exist shall be considered a separate offences.

2. Notification

Whenever the Zoning Enforcement Officer shall find a violation of any of the provisions of this Resolution, he shall notify the person responsible for the violation in writing and shall order the necessary corrections within a period of sixty (60) days.

3. Complaints:

Any person aggrieved by a violation or apparent violation of the provisions of these zoning regulations may file a written complaint with the Zoning Enforcement Officer who shall investigate such complaint and take legal action within five (5) days to have the violation penalized or removed, if such violation is found to exist.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **65-67**

Legal References:

C.R.S

Article 9 Nonconformities

Sec. 9.1 Nonconforming Uses and Structures

9.1-1 Nonconformance

Certain uses of land and buildings may be found to be in existence at the time of the passage of these zoning regulations which do not meet the requirements of the regulations. It is the intent of these regulations to allow the continuance of such nonconforming use and to allow for rebuilding if destroyed without regard to percentages as otherwise provided in this resolution.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **9-10**

Legal References:

C.R.S

9.1-2 Expansion or Enlargements

9.1-2 .A. A nonconforming structure to be extended or enlarged shall conform with the provisions of these zoning regulations.

9.1-2.A. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of these regulations.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **10**

Legal References:

C.R.S

9.1-3 Repairs and Maintenance

The following changes or alterations may be made to a nonconforming building or to a conforming building housing a nonconforming use:

9.1-3.A. Maintenance repairs that are needed to maintain the good condition of a building.

9.1-3.B. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **10**

Legal References:

C.R.S

9.1-4 Restoration or Replacement

9.1-4.A. Where a nonconforming structure devoted to a nonconforming activity is damaged less than fifty (50) percent of the cost of reconstructing the entire structure or where a nonconforming structure is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within twenty-four (24) months from date of partial destruction.

9.1-4.B. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **10**

Legal References:

C.R.S

9.1-5 Discontinuance:

Whenever a nonconforming use has been discounted for a period of twenty-two (22) months it shall not thereafter be re-established, and any future use shall be in conformance with the provisions of these regulations.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **11**

Legal References:

C.R.S

9.1-6 Change in Nonconforming Use

No nonconforming use of a building or lot may be changed to another nonconforming use. A nonconforming use of a building or lot may be changed to a conforming one.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **11**

Legal References:

C.R.S

9.1-7 Construction Prior To Resolution Passage:

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit or county approval has been issued and construction of which shall have been diligently prosecuted within three (3) months of the date of such permit or approval.

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **11**

Legal References:

C.R.S

Sec. 9.2 Nonconforming Lots

See Article 9, Nonconformities

Article 10 Rules of Construction

Sec. 10.1 Rules of Language Construction

Section 10.1-1 of the Zoning & Development Regulations to read as it did in the 1979 *

Rules of Language Construction

For the purpose of these Regulations and when not inconsistent with the context:

10.1-1

a) Words used in the present tense include the future.
b) Words in the singular include the plural.
c) Words in the plural include the singular.
d) The masculine includes the feminine.
e) The word "shall" is mandatory and not discretionary.
f) The word "may" is permissive.
g) The particular controls the general.
h) Uses listed are intended to be specific and not illustrative

* Zoning Documents *1979*

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **68**

Legal References:

C.R.S

10.1-2 Interpretation

Certain words and phrases are defined, and certain provisions shall be interpreted as herein set out, when not inconsistent with the context. The word “building” includes the word “structure;” the word “person” includes a “firm,” “associates,” “corporation,” ‘partnership,” and “natural person;” the word “used” includes the words “occupied,” “arranged,” “designed,” or “intended to be used;” the word "construct” includes the words “erect,” “reconstruct,” “alter,” “move in” and “move upon.”

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **69**

Legal References:

C.R.S

Sec. 10.2 Reserved for Future Use

Reserved for future use.

Historical References:
Hinsdale County Zoning Regulations 1979.

Legal References:

C.R.S

Sec. 10.3 Zoning Definitions

Note from the compilers: Additional definitions can be found in other resolutions that comprise the zoning and development regulations (e.g. 1987 FP). These definitions are typically specific to the resolution in which they appear.

10.3-1 Accessory Uses and Structures

A use naturally and normally incidental to a use by right, and complying with all of the following conditions:

10.3-1.A. Is clearly incidental and customary to and commonly associated with the operation of the use by right;

10.3-1.B. Is operated and maintained under the same ownership as the use by right;

10.3-1.C. Includes only those structures or structural features consistent with the use by right.

10.3-1.D. Includes residential occupancy only by owners and employees employed on the premises and the immediate families of such owners or employees;

10.3-1.E. The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten (10%) of the gross land area utilized by all the uses by right.

10.3-1.F. May include home occupations, as defined.

10.3-2 Agriculture

The art and science of utilizing the earth for production of crops or livestock.

10.3-3 Alley

A public, dedicated right-of-way used primarily as a service or secondary means off access and egress to the service side of abutting property.

10.3-4 Auto Salvage or Scrap Yards

A building, structure, or parcel of land, or portion thereof, used for the collecting, storage or sale of wastepaper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery, or other materials, and including the sale of whole or parts thereof.

10.3-5 Automobile Filling Station

Buildings and premises where gasoline, oil, grease, batteries, tires, and automotive accessories may be supplied and dispensed at retail, and where minor servicing and repair may be made.

10.3-6 Building

Any structure having a roof supported by columns or walls for the purpose of housing or enclosure of persons, animals, chattels or property of any kind.

10.3-7 Building Height

The vertical distance as measured from the average finished grade at the building set back to the highest point of the roof surface.

10.3-8 Building Set Back

An imaginary line extending across the full width or side off a lot, parallel with the street right of way line or property line and outside off which no building or structures shall be constructed.

10.3-9 Cluster Residence

A residential subdivision design preserving open space to serve recreational, scenic, and public service purposes and other purposes related thereto without altering existing densities or building bulk for the net project area.

10.3-10 Commission

Shall mean the Hinsdale County Planning Commission

10.3-11 County

Shall mean Hinsdale County, Colorado

10.3-12 County Commissioners

Shall mean the Board of County Commissioners of Hinsdale County, Colorado

10.3-13 Conditional use

A use allowed in the indicated zoning district only with permission by the County Commissioners. Permission for a conditional use shall be granted upon satisfactory demonstration that all pertinent conditions and requirements in these regulations regarding that particular use will be observed.

10.3-14 Disinfection

A method of treating sewage in compliance with at least the following minimum standards (see also Secondary Sewage Treatment):

1 That chlorine is used for a minimum contact time of fifteen minutes; and
2 That the chlorine residual remaining after the contact period is not less than 0.5 mg/liter.

10.3-15 Garage, Public

A garage, other than a private garage, used for the housing or care of motor vehicles, where such vehicles may be equipped for operation, repaired, or kept for remuneration, hire or sale.

10.3-16 Home Occupations

Any non-residential use conducted entirely within a dwelling unit and carried on solely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not occupy more than twenty percent (20%) of the total floor space of the dwelling unit.

10.3-17 Hotel

A building designed for occupancy by short term or part-time residents who are lodged with or without meals and in which no facilities are provided for cooking in individual rooms.

10.3-18 Light Industrial

Uses which involve the processing of raw products, or materials, into another form. Provided that the processes involved are completely enclosed within a building or structure or are such that they do not result in offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences.

10.3-19 Lodge

A hotel designed primarily to be used and occupied on a seasonal basis.

10.3-20 Mobile Homes

Any manufactured living unit designed for permanent human occupancy, possessing complete sanitary facilities and so constructed to have no foundation other than wheels, jacks, or skirtings, for the purpose of relocation by highway or other form of transportation.

10.3-21 Mobile Home/Transient

Also travel campers, recreation vehicles, campers, camp trailers, or travel trailers. A living unit designed for temporary occupancy with or without sanitary facilities, not to exceed forty (40) feet in length and eight (8) feet wide and equipped or constructed for use with wheels or mounted on or towed by a motorized vehicle, or which is converted bus, truck, car or other motor vehicle.

10.3-22 Mobile Home Park

A parcel of land utilized or intended for use for the renting or occupancy spaces for one or more mobile homes. Each mobile home park shall contain ten or more improved spaces, each having adequate ground area as well as adequate plumbing and other services for one mobile home.

10.3-23 Motel

A group off attached or detached buildings containing individual sleep and/or living units, designed for or used temporarily by tourists and transients, with garage or parking space adjacent to or near each rental unit.

10.3-24 Net Density

The ratio of total floor area (excluding basements) to total buildable land area, excluding streets and street right-of-ways and required open space areas.

10.3-25 Net Residential Area

The land area devoted to residential uses, not including streets, parking area, or required useable open space.

10.3-26 Nonconforming Building

A building or portion thereof, legally built prior to the effective date of this Resolution or any amendment thereto, which does not conform with the regulations of the district in which it is located.

10.3-27 Parking Space

An off-street, hard surfaced, dust-free space designed and intended to be occupied by a parked automobile, which is a minimum of two hundred (200) square feet in area, exclusive of maneuvering off the roadway space.

10.3-28 Permit

A document issued by Hinsdale County, Colorado, granting permission to perform an act or service, which is regulated by the County.

10.3-29 Planned Unit Development

Development of land in a manner which allows the following: Variety of uses, in addition to those ordinarily allowed by right or by condition in the designated district, for which land may be developed in order to allow for uniqueness and overall flexibility of development in special instances as may be approved by the County Commissioners pursuant to the Hinsdale County Planned Unit Development regulations (See section ____).

10.3-30 Planning Commission

Shall mean the Hinsdale County Planning Commission

10.3-31 Public Hearing

A public meeting held by the Planning Commission or County Commissioners at which time citizens' opinions may be voiced during the subject of the hearing.

10.3-32 Road

See street.

10.3-33 Recreational Facilities

Class A recreation facilities are characterized by needing elaborate study, design and construction to handle large numbers of people. Water in pipes and depending on Health Department tests, may require treatment. Sewage dispersal systems may be mechanical, aerobatic lagoons, or large septic systems depending on slope, geology, soils and aquifers. Class A includes but is not limited to guest ranches, unitized campgrounds with flush toilets, tap water, or individual vehicle utility hookups.

Class B recreation facilities are formalized, but lack modern utilities. Construction is required but sewage disposal is accomplished by vault toilets and water comes from hand pump wells. A Class B campground has unitized sites but no utility hookups. Mechanical sewage system may be required, depending on soil and geological conditions.

Class C Urban Recreation. Examples would be tennis courts, basketball courts, swimming pools, etc. open to public use. Similar facilities may be present at dude or guest ranches or organized camps; in that case it becomes a Class A facility.

10.3-34 Resolution

Shall mean the Hinsdale County Zoning Resolution

10.3-35 Resort

A commercial place designed and intended primarily to accommodate tourists and vacationers with recreational facilities and may or may not include a lodge or motel.

10.3-36 Resort Mobile Home and/or Tent Camping Park

Any plot of ground which has been planned, improved, or used for the placement of two (2) or more mobile homes for human habitation, and which furthermore meets all of the

following conditions:

1 The principal business of the park is to supply parking spaces for mobile homes and/or tent camping whose occupants are engaged in recreational activities such as fishing, hunting, boating or camping.
2 Mobile homes accommodated do not exceed forty (40) feet in length.
3 Mobile homes may be accommodated for no longer than three years.
4 A minimum of forty percent (40%) of the area of any Mobile Home Park shall be developed as open space.

10.3-37 Retail Business

The sale of merchandise, goods, or wares to the public at large, including restaurants, cafes, lounges, but excluding service stations, garages and junk yards.

10.3-38 Right-of-Way

The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

10.3-39 Secondary Sewage Treatment

A method of sewage treatment in which a minimum of eighty-five percent (85%) of the biochemical oxygen-consuming material is removed (see also Disinfection).

10.3-40 Set Back

The required distance, and the land resulting therefrom, between the center line of public roadway, or some other designated line, and the closest possible line of a conforming structure.

10.3-41 Sign

Any advertisement separate from the building.

10.3-42 Special Use

A use allowed in the indicated zoning district only with permission by the County Commissioners. Permission for a special use may be granted or denied in accordance with the basic purposes and intent of this Resolution.

10.3-43 Street

A channel including the entire dedicated public right-of-way, providing for the pedestrian and vehicular movement of people and goods.

10.3-44 Tent Camping Park

See "Resort Mobile Home and/or Tent Camping Park."

10.3-45 Tourist Dwelling Unit

A building designed to be used as a living place, including toilet and kitchen facilities, but not including hotels, motels, clubs, boarding houses or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint.

10.3-46 Use by Right

A use which is listed as a use permitted by right in any given zone district in these regulations. Uses permitted by right are not required to show need for their location.

10.3-46 Usable Public Open Space

Open area designed and developed for uses, including but not limited to, recreation, courts, gardens, parks and walkways. The term shall not include space devoted to streets and parking and loading areas.

10.3-47 Deleted

Historical References:
Hinsdale County Zoning Regulations 1979.
95454 07/27/2006 **69-75**

Legal References:

C.R.S

Appendix

Hinsdale County Zoning Map: Description of Districts