



**CROWLEY COUNTY
PLANNING AND ZONING
MANUAL**

ADOPTED JANUARY 31, 2013

**CROWLEY COUNTY
PLANNING AND ZONING MANUAL
January 31, 2013**

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INTRODUCTION

A. Title

The title of these regulations shall be “Crowley County Planning and Zoning Manual”.

B. Authority

The Crowley County Planning and Zoning Manual and the amendments thereto are authorized by the Colorado Revised Statutes and shall apply to all the unincorporated territory in Crowley County, Colorado. Such enabling legislation includes, but is not limited to:

- (1) Title 30, Article 28, Section 111, CRS 2009, (Zoning Plan)
- (2) Title 30, Article 28, Section 133, CRS 2009, (Subdivisions and Regulations)
- (3) Title 30, Article 11, Section; 107, CRS 2009, (Powers of the Board of County Commissioners)
- (4) Title 24, Article 65.1, Section 101, et. seq., CRS 2009, (Areas and Activities of State of Concern): Legislative declaration

C. Purpose

The Crowley County Planning and Zoning Manual is designed and enacted for the purpose of promoting health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the County.

D. Legal Status

(1) Interpretation: Whenever the provisions of these Regulations are found to be inconsistent with any other regulations, the regulation imposing the more restrictive standards shall control. The provisions of these regulations are minimum requirements that do not preclude the imposition of the more restrictive standards by agreement or law.

(2) Severability: If any section, clause, provision or portion of these regulations is judged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected.

E. Building Permit:

No building shall be erected, reconstructed or structurally altered, nor shall any building be used for any purpose except in conformity with the Planning and Zoning Manual. No building permit shall be issued unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to the applicable requirements of the Planning and Zoning Manual.

F. Violations and Penalties

Any person, firm or corporation violating any provision of these regulations shall be subject to the penalties set forth in the Colorado Revised Statutes (30-28-124 and 30-28-124.5), as amended, and any other legal action provided by law.

SECTION 1. GENERAL PROVISIONS

1. **Title.** The regulations may be known as the Crowley County Zoning Regulations.
2. **Authority.** The Crowley County Zoning Regulations are authorized by the Colorado Revised Statutes, as amended, and shall apply to all of the unincorporated land within the county limits of Crowley County.
3. **Purpose.** These regulations contained herein are necessary to encourage the most appropriate uses of land; to conserve and utilize Crowley County's natural resources; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; and create a stable pattern of land use.
4. **Application.** These regulations classify and regulate the use of land, buildings and structures within the unincorporated areas of Crowley County, Colorado. Except as otherwise provided, no Zoning Permit shall be issued for a use not specifically mentioned or described herein unless, in the judgment of the County Land Use Administrator, the proposed use is similar to the uses listed.
5. **Classification of Districts.** For the purpose of these regulations Crowley County is divided into Zoning Districts designated as follows:

<u>District:</u>	<u>Designation:</u>
-Agriculture	-A
-Residential	-R
-Flood Prone	-F
-Commercial/Industrial	-CI

6. **Zoning Map.** The location and boundaries of the Districts designated in 5. above are hereby established as shown on the map entitled, "Crowley County Zoning Map", and signed by the Chairman of the Board of County Commissioners and the County Clerk and hereafter referred to as the Zoning Map. The Zoning Map and all notations thereon are made part of these regulations.

SECTION 2. ZONING DISTRICTS

A. Agriculture District (A)

1. **Purpose.** This district is intended to protect and preserve the agricultural industry of Crowley County and to protect the rural property owners from encroachment by incompatible land users.
2. **Use by Right.** Use by right is any of the following uses:
 - a. Any and all forms of commercial agriculture
 - b. Farm buildings and accessory structures
 - c. Dwelling Unit
 - d. Mobile Homes as defined in Section 3.
3. **Uses by Review.** Use by Review is any of the following uses which are permitted upon approval of a Use by Review application by the Crowley County Planning Commission and Board of Commissioners.
 - a. Rural Institutional uses, including but not limited to: Churches, cemeteries, schools, day care centers, local government buildings and facilities and government owned facilities for the maintenance of roads and highways.
 - b. Agricultural Support, including but not limited to: Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticulture services on a fee or contract basis; processing, storage, and wholesale of farm produce; livestock sales and auction; feed and fertilizer manufacturing and processing; feed lots; and farm equipment service and repair.
 - c. Outdoor Recreations areas, including but not limited to: Areas for hiking, golf courses, nature areas, parks, picnic areas, commercial stables, wildlife sanctuaries, and all other outdoor recreational uses.
 - d. Mining and extraction operations, hazardous or solid waste disposal site(s) and salvage yard(s).
 - e. Public utility and public service structures: Private energy generation structures, including wind, solar, nuclear, coal, natural gas, and geo-thermal facilities, and all necessary substations, gas regulator stations, communications equipment and buildings; pumping stations and reservoirs, transmission lines and pipelines.
 - f. Feed Lots: Shall be located at least two (2) miles from the boundary of an incorporated area or from a major residential cluster (more than fifteen (15) houses) in an unincorporated area.

They shall be located at least one (1) mile from any U.S. or State Highway.

- g. Use of Major Recreation Equipment: For the purpose of this regulation major recreational equipment is defined as, including but not limited to, pick-up campers, motorized dwellings, tent trailers, etc. No such equipment, which may be used for human habitation, shall be utilized for living and housekeeping purposes on any lot in any location not approved for such use.

Exceptions to this provision may be granted by the Land Use Administrator in cases where individuals are visiting temporarily (30 days or less) or individuals who are in the process of building a home on the respective property (90 days or less).

- 4. **Lot Area.** The following are minimum lot sizes:
 - a. Farm uses: one (1) acre
 - b. Non-farm single family uses: one (1) acre
 - c. All other uses: one (1) acre*If domestic well water is in use, contact Crowley County Health Department Regulations
- 5. **Setback Requirements for Buildings/Structures Excluding Fences.**
 - a. Minimum front yard: 30 feet from lot line.
 - b. Minimum side yard: 10 feet from lot line.
 - c. Minimum rear yard: 15 feet from lot line.
- 6. **Maximum Height:** 45 feet
- 7. **Non Farm Single Family Residential Sub-Divisions:** The maximum number of lots, in addition to an existing principal dwelling, that may be created shall be based on each individual request. Each lot created shall contain no more than one single family home provided it meets the following requirements:
 - a. Each lot shall be a separately conveyed parcel of at least one acre in area and described by a certificate of survey.
 - b. The driveway(s) serving such lots shall be separated from adjacent driveways on the same side of the road by the following distances:
 - 1. County Road – 100 feet.
 - 2. State/Federal Highway – As required.
 - 3. Minimum distance from intersection – 80 feet.
 - c. Each lot shall have a minimum of 100 ft. frontage on a County Road, State or Federal Highway.

In considering requests for Non-Farm Single Family Residential Sub-divisions, the Crowley County Board of County Commissioners

and the Crowley County Planning Commission shall also consider the location of the property in question, the number of previous subdivisions approved for the property in question, the availability of more suitable land, the requirements of the Crowley County Health Department, as well as any additional information they may deem necessary in their consideration of the application.

B. Residential District (R)

1. **Purpose.** The Residential District is intended to provide low to medium density development characteristically used for single family residential uses and accessory uses.
2. **Uses by Right.** Use by right is any of the following:
 - a. Dwelling, single family
 - b. Double wide mobile homes
3. **Use by Review.** Use by review is any of the following which are permitted only upon approval of a Use by Review application to the Crowley County Planning Commission.
 - a. Outdoor recreation areas, including but not limited to: Hiking, golf courses, nature areas, parks, picnic areas, and private stables.
 - b. Indoor recreational and special residential uses, including but not limited to: Churches, schools, day care centers, community or recreational centers, libraries and all other special recreational or residential uses.
 - c. Institutional uses including but not limited to: Nursing homes, hospitals, group dwellings, homes for physically or mentally handicapped.
 - d. Mobile homes, single wide.
 - e. Home occupations
 - f. Commercial road services including but not limited to: Convenience stores, fast food restaurants, gasoline service stations.
 - g. Commercial office(s) including but not limited to: Barber shops/beauty shops, governmental offices, business or professional offices, medical/dental clinics.
 - h. Dwelling, multi-family and multi-unit
4. **Lot Area.** No parcel of land existing in single ownership at the time of the passage of this resolution can henceforth be divided for sale in units of less than 9,375 square feet. Note: If septic system is required, minimum lot size is one (1) acre.

5. Set-back Requirements:

- a. Minimum Front Yard – 30 feet from lot line.
- b. Minimum side yard: 10 feet from lot line
- c. Minimum rear yard: 15 feet from lot line

6. Maximum Height.

- a. Maximum height for principal uses: 30 feet
- b. Maximum height for accessory uses: 20 feet

7. Lot Coverage. The total coverage of all buildings shall not occupy more than fifty percent (50%) of the gross lot area.

C. Commercial/ Industrial (CI)

1. Purpose. This district is intended to accommodate the growth expected in the unincorporated areas of Crowley County, and in particular, along the major transportation routes, which are vital to commercial/industrial growth and development.

2. Use by Right. Use by right shall not be permitted in this district.

3. Use by Review. Use by review is required for all proposed uses in this District.

4. Lot Area. Minimum lot-10,000 square feet.

Note: If septic system is required, minimum one (1) acre.

5. Setback Requirements.

- a. Minimum front yard: 30 feet from right-of-way/lot line.
- b. Minimum side yard: 10 feet from right-of-way/lot line.
- c. Minimum rear yard: 15 feet from right-of-way/lot line.

Note: See County Assessor and/or Land Use Administrator for right-of-way information.

6. Maximum Height.

- a. Maximum height for principal uses: 60 feet
- b. Maximum height for accessory uses: 30 feet

7. Lot Coverage. The total coverage of all buildings shall not occupy more than fifty percent (50%) of the total gross lot area.

D. Flood Prone (F)

1. Purpose. The Board of Crowley County Commissioners finds that there are Flood Prone areas within Crowley County which may result in natural hazards, that flooding may cause serious damage to properties and subject residents of such areas to hazards. The standards of this district are designed to retain and provide areas for the unobstructed passage of possible flood waters and give protection from possible floods to the population areas, as defined by information available to the Crowley County Planning Commission and the Crowley County Board of County Commissioners. Detailed studies have not been performed in these areas, but flooding is possible. These areas are an approximation of the area inundated by the base flood and for which water surface elevations have not been determined. The purpose of this regulation is to:

- a. Promote sound planning and land use, and permit only such uses within the flood plains that will not endanger life, health and public safety or property in time of flooding.
- b. Protect the public from avoidable financial expenditures for flood control projects, flood relief measures, and the repair and restoration of damaged public facilities.
- c. Prevent avoidable interruption of business and commerce.
- d. Minimize victimization of unwary home and land purchasers.
- e. Facilitate the administration of flood hazard areas by establishing requirements that must be met before use of development is permitted.

2. District Uses.

A . Use by Right.

1. Agricultural uses such as pasture, grazing, outdoor plant nurseries or sod farming. However, storage of agricultural chemicals such as fertilizers, pesticides and fuels shall be Use by Review.
2. Outdoor recreational areas, including but not limited to: Areas for hiking, golf courses, nature areas, parks, picnic areas, and wildlife preserves.
3. Railroads, streets, bridges, utility lines and facilities, structures for irrigation, and drainage. Flood control of water diversion shall be designed and constructed to minimize potential flood hazards.

B. Use by Review

1. All uses not listed as a Use By Right.

3. Prohibited Uses.

- a. The storage or processing of materials that are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life.
- b. The disposal of garbage or other solid or liquid waste materials.
- c. Use that would contribute to the potential of solid debris or waste being carried downstream.
- d. The development or use of public and commercial overnight campgrounds and travel trailer parks.
- e. Any obstruction which would adversely affect the efficiency of or restrict the flow capacity of a designated flood prone area so as to cause foreseeable damage to others, wherever located.

4. **Lot Area.** No parcel of land shall be divided for sale onto lots less than one (1) acre.

5. Set Back Requirements for Buildings/Structures Excluding Fences.

- a. Minimum front yard: 30 feet from right-of-way/lot line
 - b. Minimum side yard: 10 feet from right-of-way/lot line
 - c. Minimum rear yard: 15 feet from right-of-way/lot line
- Note: See County Assessor and/or Land Use Administrator for right-of-way information.

6. **Lot Coverage.** The total lot coverage of all buildings shall not occupy more than twenty-five percent (25%) of the lot area.

7. Height of Buildings.

- a. Maximum height for principal uses: 35 feet
- b. Maximum height for accessory uses: 20 feet

8. Supplementary Flood Prone District Regulations.

- a. Interpretation of Official Maps. Where interpretation is needed as to the exact location of the boundaries of flood plains, the Administrator may make the necessary interpretation, if the

applicant does not agree with the interpretation made by the Land Use Administrator, the applicant may file an appeal as stated in the appeals section of these regulations.

b. Mobile Homes and Mobile Home Park Development. For the purpose of this section there shall be no difference when considering a single wide mobile home or a double wide mobile home, both will be considered a Use By Review and must have the approval of the Crowley County Planning Commission prior to the location of the proposed mobile home on the site. Development of new mobile home parks, extension of existing mobile home parks, and the placement of mobile homes outside a mobile home park shall be governed by the following:

1. Existing Mobile Home Parks. Use of existing mobile home parks within the Flood Prone District may be continued as a non-conforming use provided, however, that any mobile home located within a Flood Prone District shall within thirty (30) days from the adoption of this regulation be anchored to resist flotation, collapse or lateral movement in the event of flooding. Specific requirements shall be that:

(A) Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side.

(B) Frame ties be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.

(C) All components of the anchoring systems be capable of carrying a force of 4,800 pounds.

(D) Existing Mobile Home Sites Not in a Mobile Home Park. Existing mobile homes on sites not in a mobile home park shall be subject to the restrictions listed in (a.) through (c.) above.

2. New Mobile Home Parks. Development of new mobile home parks or expansion of any existing mobile home park within the Flood Prone District shall be prohibited.

(A) The placement of any mobile home outside a mobile park shall be prohibited until such time as the Crowley County Planning Commission has approved the application for the proposed mobile home.

(B) Upon approval of the Use by Review application for the placement of a mobile home in a Flood Prone District the following requirements shall be complied with in their entirety:

(i.) Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side.

(ii.) Frame ties be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.

(iii.) All components of the anchoring systems be capable of carrying a force of 4,800 pounds.

(iv.) Any additions to the mobile home be similarly anchored according to requirements.

c. Permits, in accordance with the provisions of these regulations, will be required for any development within a Flood Prone District.

(1) Methodologies of “wet flood proofing” shall not be considered as approved forms of flood proofing.

(2) New and replacement sanitary sewage systems shall be located to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.

(3) On-site waste disposal systems are to be located to minimize or eliminate infiltration of flood waters into the system.

(4) New and replacement water supply systems are to be designed to minimize infiltration of flood waters into the system.

(5) All subdivision proposals greater than 50 lots or 5 acres (whichever is the lesser) shall include within such proposals base flood elevation data. For additional subdivision requirements in regard to subdivisions within the Flood Prone Districts, refer to the Subdivision Regulations.

d. Variance and Appeals. Variances will only be considered in the following situations:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and the hardship is not of the applicant's own making. A Variance application will not be considered if the need for a Variance is a self-created hardship or financially based hardship.

(3) A determination that the development proposed would meet the requirements of the regulations governing Flood Plains to the fullest extent possible.

(4) Appeals. Any applicants for a Flood Prone Development Permit or any persons claiming to be affected by the granting or denial of any such permit may appeal such granting or denial. Anyone wishing to request changes to or rejection of the Official Maps, as defined in these regulations, or any part thereof, may appeal the maps. Appeals shall be filed with the Administrator, and engineering and technical data shall be furnished to support the appeal. After the engineering and technical data have been reviewed by the Crowley County Planning Commission and the Crowley County Board of Commissioners and found to be accurate, the Official Maps will be amended and re-designated. Any person wishing to request changes to or rejection of the Official Maps, or any part thereof, shall make such an appeal within thirty (30) days following the date of adoption of the maps after public hearing pursuant to Section 30-28-11 of the Colorado Revised Statutes. An application or any persons claiming to be affected by the decision of the Board of Crowley County Commissioners may appeal the decision as provided in the Appeal procedures as set forth in these Regulations and as provided in the Colorado Rules of Civil Procedure, Section 106.

e. Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for the protection of life and property, and is based on the information available at the date of adoption of these regulations. Floods larger than the base flood may be man-made, such as bridges and culvert openings being restricted by debris. These regulations do not imply that areas outside the Flood Prone District will be free from flooding. These regulations shall not create liability on the part of Crowley County or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereof.

SECTION 3. MOBILE HOME REGULATIONS

A. Mobile Homes/Manufactured Homes

1. Single Wide Mobile Home. A detached single-family housing unit that has all of the following characteristics:

- a. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, and which has plumbing and electrical connections provided for attachment to outside systems;
- b. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or on detachable wheels;
- c. Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations. Unit will be located on a foundation, supports or jacks, underpinned, and connected to utilities and the like;
- d. Is installed on an engineered permanent foundation. See Crowley County Building Inspector for guidelines. The permanent foundation may consist of a stem wall of concrete or cement blocks properly designed and installed as directed by the Crowley County Building Inspector, and must be properly attached and/or tied down to the foundation and/or ground.
- e. Is without motive power; and
- f. Meet the following specifications:
 - 1.. Has a minimum of seven hundred-fifty (750) square feet of living space as stated on the title documents, or as measured by exterior measurements excluding towing gear and bumpers;
 2. Must have two (2) inch by four (4) inch or greater exterior wall construction;
 3. Must have sheetrock or other fire resistant material behind the stove, and on all walls in the furnace room and around the hot water heater;
 4. All free standing wood burning stoves or fire places are prohibited unless factory installed;
 5. All supplemental heating appliances shall be subject to a safety inspection by the Crowley County Building Inspector;
 6. All mobile homes shall have steps to all entrances which are a maximum of eight (8) inches high and a

minimum of nine (9) inches wide and have a secure handrail;

7. Must have copper electrical wiring with a minimum of a one hundred (100) amp main;

8. Must have its own independent source of potable water and a septic system or be connected to a municipal sewer system as approved by the Health Department;

9. Single-wide units must be placed on blocks as follows, regardless of whether or not the title has been purged. Concrete blocks may be placed on pads, which measure at least twenty-four (24) inches by twenty-four (24) inches by six (6) inches (24" X 24" X 6"). See Crowley County Building Inspector for guidelines.

10. Has brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous façade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter wall, foundation, or to grade, and has skirting of the same or similar material and color as the siding, whichever is applicable. Trailer must have a pitched roof;

g. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by Federal Law. An emblem certifying compliance with the above regulation must be attached to the mobile home, and be legible.

h. Exceptions. All mobile homes currently located within Crowley County, as of January 1, 1999, shall comply with the above requirements except that the minimum living space will be six hundred (600) square feet and a two (2) inch by four (4) inch (2" X 4") exterior wall construction is not required.

i. Use of mobile homes for anything other than human habitation is strictly prohibited.

j. The minimum requirements and provisions of this section shall not apply to the temporary location and placement of owner occupied mobile homes in authorized mobile home parks within Crowley County. For purposes of this section, temporary shall mean placement of a mobile home on a rented mobile home park lot for less than twelve (12) months. For purposes of this section, owner occupied shall mean that the record title owner of the mobile home actually resides in the

mobile home and uses the mobile home as a permanent residence for more than six (6) months out of any calendar year.

k. Owners of mobile homes must adhere to the following requirements:

- 1.) An authorization form and moving permit must be issued by the County Treasurer of the county of origin before the mobile home is moved, and all requirements adhered to as specified in CRS 39-5-205. The Crowley County Building Inspector must be notified before the mobile home is moved onto the property.
- 2.) A sewage system approval must be issued by the Health Department before the mobile home is placed on the property.
- 3.) A Building Permit must be purchased within 30 days of the mobile home being placed on the property.
- 4.) The mobile home must be placed on a permanent foundation within 60 days of being moved onto the property. The foundation must be inspected and approved by the County Building Inspector.
- 5.) Mobile homes owners shall have 90 days after the foundation inspection to comply with all County requirements.
- 6.) All mobile homes must be inspected by the County Building Inspector and an Occupancy Permit issued prior to occupation for living purposes.
- 7.) If an Occupancy Permit has not been issued within 90 days of the final foundation inspection, the mobile home must be removed from Crowley County immediately

2. Double Wide Mobile Home. A unit which is built in two (2) or more separate units which are bolted or secured together to make one unit. Said unit shall meet the Housing and Urban Development Building Standards established for mobile homes. This section also applies to **Manufactured Homes** and shall be defined as:

- a.** is partially or entirely manufactured in a factory;
- b.** is not less than twenty-four (24) feet in width and forty-two (42) feet in length and is not less than 1,008 square feet.
- c.** is installed on an engineered permanent foundation;
- d.** has brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous façade from the bottom of the soffit (top of the exposed perimeter wall, foundation, or to grade, (whichever is applicable) and has a pitched roof;

e. is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et. seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by Federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building Code as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.

B. Mobile Home Parks Standards and Requirements.

1. Purpose. Mobile Home Parks are designed to provide an area of medium density development, strictly for mobile homes, while promoting an acceptable living environment for the occupants of mobile homes, whereby the property shall be retained under single ownership of individual lots to be rented or leased by mobile home owners. Mobile Home Park owner's are responsible to adhere to all requirements as outlined in A.1. and A.2. of this section. These Standards and Requirements are applicable throughout Crowley County regardless of zoning district.

2. Uses By Review. A use by review is any of the following uses which are permitted upon issuance of a Zoning Permit by the County Land Use Administrator:

- a. Mobile Homes
- b. Accessory Buildings
- c. Recreation and service facilities for the occupants of the mobile home park.

3. Lot Requirements. No parcel of land at the time of the passage of this resolution may henceforth be developed into a mobile home park without containing a minimum area of five (5) acres.

- a. Lot area. No individual mobile home lot or space shall be created that contains less than 3,000 square feet.
- b. Minimum lot width: 40 feet
- c. Minimum lot depth: 70 feet

4. Setback Requirements.

- a. Minimum front yard: 20 feet
- b. Minimum side yard: 10 feet
- c. Minimum rear yard: 10 feet

5. Lot Coverage. The total ground area covered by all buildings on any mobile home space shall not exceed fifty (50) percent of the total ground area of the mobile home space.

6. Height of Buildings. No mobile home within a mobile home park shall exceed fifteen (15) feet in height.

7. Mobile Home Park Development Requirements.

- a. Frontage. Minimum frontage on a dedicated public right-of-way with an accepted roadway constructed on it shall be sixty (60) feet.
- b. Access. The main park ingress and egress shall be a minimum of two lanes, hard surface, thirty-two (32) feet in width with a minimum right-of-way width of sixty (60) feet.
- c. Roadways. The park interior roadways shall be hard surface, twenty (20) feet in width, located on a minimum right-of-way width of forty (40) feet with attached concrete walkways, three (3) feet in width. The roadway may be privately or publically maintained.
- d. Emergency Access. There shall also be provided at least two (2) unobstructed, fifteen (15) foot wide emergency access ways to the mobile home park interior road system. One of the access ways may be closed by means of a chain or other barrier acceptable to the fire prevention agency which has jurisdiction.
- e. Landscaping. The boundary of the mobile home park shall be landscaped to include hedges, evergreens, shrubbery, or a six (6) foot screening wall which will act as a buffer. Such landscaping, fences, or walls and the set-back area adjacent thereto shall be properly maintained by the owner.
- f. Open space requirements. A minimum of eight (8) percent of the total park shall be set aside for recreational purposes. Adequate pedestrian access shall be provided to the recreational facility which shall be maintained by the owner.
- g. Maintenance plan. A maintenance plan conforming to the requirements of this Regulation shall be submitted.
- h. Common area. A minimum of one hundred (100) square feet per mobile home, hard surface, shall be set aside for outside storage.
- i. Skirting. All mobile homes are required to be skirted within seven (7) days of setting the mobile home on a lot or space.
- j. Platting requirements. A submittal conforming to the requirements of the preliminary and final plats as stipulated in the Subdivision Regulations shall be made to the Crowley County Land Use Administrator.

C. Mobile Home Subdivision Standards and Requirements.

1. Purpose. This type of subdivision, which shall be utilized exclusively by mobile homes, is similar to conventional single family medium density development where land is subdivided into individual lots for individual ownership.

2. Use by Review. A use by review is any of the following uses which are permitted upon the issuance of a Zoning Permit by the Land Use Administrator:

- a. Single family mobile or manufactured home
- b. Accessory buildings
- c. Recreation and service facilities for the occupants of the mobile home subdivision.

3. Lot Requirements. No parcel of land at the time of the passage of this regulation can henceforth be developed into a mobile home subdivision without containing a minimum area of ten (10) acres.

- a. **Lot area.** No individual mobile or modular home lot shall be created that feet contains less than 4,000 square feet.
- b. Minimum lot width: 50 feet
- c. Minimum lot depth: 70 feet
- d. Minimum of two (2), ten by twenty (10'X 20') off street parking spaces shall be provided per lot.

4. Setback Requirements.

- a. Minimum front yard: 30 feet
- b. Minimum side yard: 10 feet
- c. Minimum rear yard: 15 feet

5. Lot Coverage. The total ground area covered by all buildings on any lot shall not exceed fifty (50) percent of the total ground area.

6. Height of Buildings. No building within a mobile home subdivision shall exceed twenty (20) feet in height.

7. Mobile Home Subdivision Development Requirements.

- a. **Frontage.** Minimum frontage on a dedicated public right-of-way with an accepted roadway constructed on it shall be sixty (60) feet.
- b. **Access.** The main access to a mobile home subdivision shall be a minimum of two (2) lanes, hard surfaced, thirty-four (34) feet in width with a minimum right-of-way width of sixty (60) feet.
- c. **Roadways.** The subdivision interior roadways shall be hard surfaced, thirty-four (34) feet in width, and shall have concrete walkways three (3) in width and shall be publicly maintained. Graveled roadways shall be accepted if each lot area is greater than two (2) acres.
- d. **Emergency Access.** There shall also be provided at least two (2) unobstructed, fifteen (15) foot wide emergency access ways to the subdivision interior road system, one of which may be closed by means of a chain or other barrier acceptable to the fire prevention agency which has jurisdiction.

e. Landscaping. The boundary of the mobile home subdivision shall be landscaped including hedges, Evergreens, shrubbery, or a six (6) foot high screening wall which will serve as a buffer. Such buffer and/or planting areas adjacent thereto shall be properly maintained by the owner of the mobile home subdivision.

f. Open Space Requirements. A minimum of eight (8) percent of the total developed area shall be set aside for recreational purposes with adequate approved pedestrian access provided and shall be properly maintained by the owner of the subdivision.

g. Maintenance Plan. A maintenance plan shall be submitted with the initial application.

h. Skirting. All mobile home or modular homes are required to be skirted within seven (7) days of setting the structure on any lot or space.

i. Platting Requirements. A submittal conforming to the requirements of the preliminary and final plats as stipulated in the Subdivision Regulations shall be made to the Crowley County Land Use Administrator..

j. Common Area. A minimum of 100 square feet per mobile home, hard surface, shall be set aside for outside storage.

SECTION 4. OFF-STREET PARKING

A. Off-Street Parking. At the time of erection of a new structure or at the time of enlargement or change in an existing structure within any district in Crowley County, off-street parking spaces shall be as noted in this section, unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified, the area measured shall be the net floor area.

Use	Minimum Standards
1. Residential Uses	
a. Single family dwelling	-2 spaces per dwelling
b. Multi-family dwelling	-2 spaces per dwelling unit
c. Group housing	-1 space per occupant capacity
2. Institutions	
a. Extended care facility	-1 space per 2 beds
b. Hospital	-1 space per 3 beds

3. Place of Assembly

- a. Church** -1 space per 4 seats
- b. School, elementary/Jr. high** -2 spaces per classroom
- c. School, high school** -5 spaces per classroom
- d. College/Voc. school** -10 spaces per classroom
- e. Auditorium/stadium/arena** -1 space per 4 seats or 1 space per 150 sq. feet

4. Commercial

- a. Hotel** -1 space per 2 units
- b. Motel** -1 space per unit
- c. Retail sales and service** -5 spaces per 1,000 sq. feet gross sales area

- d. Office/professional services** -5 spaces per 1,000 sq. feet gross sales area

- e. Eating or drinking establishment** -1 space per 100 sq. feet gross area
- f. Mortuaries** -1 space per 4 seats

5. Industrial

- a. Industrial/manufacturing/wholesale** 1 space per employee plus 1 space per 700 sq. ft. of service area.

B. General Provisions: Off-Street Parking and Loading.

1. The provisions and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

3. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately.

4. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap,

provided that satisfactory legal evidence is presented to the building inspector in the form of deeds, leases or contracts to establish the joint use.

5. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customer, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

SECTION 5. SIGNS

1. Purpose. The purpose of this section is to define the types of signs that will be permitted in the various zoning districts and those that will be prohibited, the manner in which the sign areas and dimensions will be measured, and the exemption of certain types of signs from these regulations. It is further the intent of this section to encourage the erection of signs which are attractive and compatible with the adjacent property, and which will preserve and enhance property values within Crowley County.

2. General Standards. The following regulations shall apply to all signs, either accessory or non-accessory, in all zoning districts regardless of designations.

- a. Along streets and roads, no signs shall obscure vision, view of the natural landscape or the larger urban area; nor shall any sign be distracting to motorists or create a traffic hazard.
- b. No signs shall be erected at the intersection of any street or road in the such manner as to obstruct clear vision; nor shall any sign be erected at a location whereby reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any traffic sign or traffic control device.
- c. All signs are contingent upon review of the Crowley County Planning Commission.

3. Public Agency Signs. The provisions of this subsection shall not apply to the signs erected by national, state, county or municipal governmental agencies, including traffic and informational signs,

4. Removal of Signs. Any signs existing which identifies a business or activity which no longer exists, or a product which is no longer sold on the premises must be removed.

5. Temporary Signage. Signs pertaining to special events, which refer to particular periods or points of time, such as meetings, sales, exhibitions or vacancy announcements shall be permitted provided that such signs shall be removed within seven (7) days of the event.

SECTION 6. NON-CONFORMING USES AND STRUCTURES.

1. Purpose. Any use, parcel or structure that existed immediately prior to the adoption of this regulation on February 20, 1969, which does not conform to the provisions of the regulation at the time of adoption, shall be known as a non-conforming parcel, or a non-conforming structure.

2. Continuation of Non-Conforming Use of Structure. A non-conforming structure or use by may be continued and maintained in reasonable repair but shall not be altered or extended.

3. Non-Conforming Structure. A structure conforming as to use but non-conforming as to height, set-back, or coverage may be altered or extended provided the alteration or extension does not result in a violation of this regulation.

4. Discontinuance of a Non-Conforming Use. If a non-conforming use is discontinued from use for a period of six (6) months, further use of the property shall be for a conforming use. If the use is of a seasonal character, six (6) months shall also apply.

5. Change of a Non-Conforming Use. If a non-conforming use is changed, it shall be changed to a use conforming to the regulations of the districts and, after change, it shall not be changed back again to the original non-conforming use.

6. Destruction of a Non-Conforming Structure. If a non-conforming structure or a structure containing a non-conforming use is destroyed by fire, flood, wind, explosion or other act to an extent exceeding fifty (50) percent of the cost of replacement of the structure using new materials, a future structure or use on the property shall conform to the provisions of this regulation. If a destruction is determined to be less than fifty (50) percent, restoration must be started within twelve (12) months of such calamity, and must be completed within 24 months of initiating restoration.

7. Completion of Structure or Building. Nothing contained in this regulation shall require any change in the plans, construction, alteration or designated use of a building for which construction work has commenced prior to the adoption of this regulation.

8. Non-Conforming Lots of Record. If any district in which single family dwellings are permitted, a single family dwelling may erected on any single lot of record which exists as such at the time of adoption of this regulation. Such a lot much have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lots fail to meet the requirements of the district in which it is located for area, width, or both, provided however, that the requirements of the district for minimum yard dimensions shall be met unless a variance to said requirements has been granted by the County Board of Commissioners.

If two or more lots or combination of lots and proportions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this regulation, and part, or all of said lots do not meet the requirements of the district in which they are located as to minimum area of frontage minimum lot area or both, the lands shall be considered for the purpose of this regulation an undivided parcel, and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by this regulation.

9. Non-Conforming Signs. No signs may be enlarged or altered in such a manner as to increase its non-conformity; however, any sign or portion thereof may be altered to decrease its non-conformity.

The right to operate any non-conforming sign shall terminate within six (6) months after the adoption of this regulation or upon expiration of the sign lease agreement, which ever comes first.

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

SECTION 7. ADMINISTRATION

A. Application. All applications for building permits, use by review, variance and zoning changes, shall be submitted to the Crowley County Land Use Administrator and/or Building Inspector in the manner and on the forms as prescribed by said Administrator.

1. Schedule of Fees. All fees shall be established by the Crowley County Board of Commissioners and shall be subject to revision by appropriate resolution adopted at any regular meeting of said Board.

2. Payment of Fees. At the time any application is submitted the appropriate fee shall be made in the form and manner prescribed by the Administrator. No application shall be accepted unless accompanied by the appropriate fee.

B. Building Permits. All building permits shall be issued solely by the Crowley County Building Inspector, or his or her duly authorized representative. No construction, conversion, extension, removal, enlargement, or structural alteration of any building or structure shall commence without having first obtained a building permit.

1. Right of Entry. The Building Inspector, or duly authorized representative, shall be authorized by the submission of an application pursuant to this regulation to enter the premises made the subject matter of the application for the purpose of making inspections and for such other purposes as may be necessary for the conduct of duties in the administration and enforcement of this regulation.

2. Approval. When the Building Inspector determines that the requirements of the regulation have been met and that all other standards set forth in applicable building codes, or conditions or requirements established by the Crowley County Planning Commission, the Board of Adjustment, or the Board of County Commissioners of Crowley County, the Building Inspector shall issue a building permit to the applicant. No oversight or dereliction on the part of the Building Inspector or his duly authorized representative, or on the part of any official or employee of the County, shall legalize or authorize the violation of any of the provisions of this regulation.

3. Disapproval. If in the opinion of the Building Inspector the proposal set forth in the application is not in conformance with the provisions of the regulation or the standards set forth in applicable building codes, or conditions or requirements established by the Crowley County Planning Commission, the Zoning Board of Adjustment, or the Board of Crowley County Commissioners, he may refuse to issue a building permit. Such refusal shall be made in writing by the Building Inspector setting forth the reason or reasons for such disapproval and the same shall be mailed to the applicant by certified mail, return receipt requested.

4. Validity. Any permit issued in violation of any of the provisions of this regulation shall be null and void and may not be construed as waiving any provisions of this regulation.

5. Stop Orders. Whenever any building work is being done contrary to the provisions of this regulation, or land or structure(s) are being used contrary to this regulation, the Building Inspector shall order the work or use stopped by notice in writing served on any person engaged in doing or causing such work to be done or such use to be continued, and any such person and all others engaged in doing or causing such work to be done or such use to be continued shall forthwith stop such work or use until authorized by the Building Inspector to proceed with the work or continue the use.

6. Appeals. Any person denied a permit or issued a stop order by the Building Inspector or any other person or public official may appeal such action to the Crowley County Planning Commission within thirty (30) days from the date of such action by the Building Inspector.

- a. Forms of Appeal.** All such appeals shall be made in writing upon a form furnished by, and in the manner prescribed by the Building Inspector, and shall have attached thereto a copy of the action taken by the Building Inspector.
- b. Appeal Fee.** No additional fee shall be required.
- c. Time Limit for Reconsideration.** The Crowley County Planning Commission shall render a decision within sixty (60) days of the receipt of the appeal and a failure to render a decision within the allotted time shall constitute acceptance of such application.

C. Use by Review, Variances and Zoning Changes. All applications for uses by review, variances and/or zoning changes shall be referred by the Land Use Administrator to the Crowley County Planning Commission within the thirty (30) days after the application has been completed, and said Commission shall consider such application at its next regular meeting.

1. The Crowley County Planning Commission is hereby authorized:

- a.** To hold a public hearing upon the application and at such hearing receive testimony under oath and make such studies and surveys as are required.
- b.** To make findings based upon the testimony and evidence adduced at the hearing together with any other relevant matters considered by the Commission.
- c.** To request information or opinion relative to the application from the Land Use Administrator, any

administrative officer of the County, or any other person or persons.

- d. To make a recommendation to the Board of Crowley County Commissioners for approval or denial of the application. Such recommendations shall be in writing and shall include the findings of the Commission and shall include a statement setting forth those factors which the Commission considered controlling factors in making its recommendations.

2. Right of Entry. The members of the Crowley County Planning Commission or their duly authorized representatives, including the Land Use Administrator shall be authorized by the submission of an application pursuant to this regulation, to enter upon the premises made the subject matter of the application for the purpose of investigating matters relevant to the application and for such other purposes as may be necessary for the conduct of the duties of the Commission in the administration and enforcement of these regulations.

3. The Land Use Administrator Shall Serve as the Secretary to the Crowley County Planning Commission. In the absence for any reason of the Land Use Administrator, such Administrator shall designate any acting secretary to serve the Commission in that capacity.

4. Public Hearings. All actions of the Crowley County Planning Commission shall be taken at public hearings, notice of which has been given by the Secretary of the Commission not less than ten (10) calendar days before the date set for such action. Notice shall be given in the following manner:

- a. Such notice shall give the date, time and place of the hearing, a brief description and/or street address of the property made the subject matter of the application.
- b. Such notice shall be published in the newspaper defined as, "Paper of Public Record".
- c. A copy of such notice shall be sent by regular mail to the last know address of the owners of real property lying within one hundred (100) feet of the exterior boundaries of the property made the subject matter of the application and to all such other persons as in the judgment of the secretary should be notified. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any determination of the Commission.
- d. The Commission may continue such hearing upon a request by the applicant or upon its own determination. Notice of continuance shall be made only by notice given at the public hearing.

5. Findings. In considering a Use by Review, Variance and/or Zoning Change application, the Crowley County Planning Commission shall find in writing, based upon the evidence and testimony that all the following conditions do in fact exist:

- a. The requested use is a use listed as a Use By Review and/or the requested change in Zoning and/or Variance will permit only those uses listed as a use permitted in the particular Zoning District.
- b. The granting of a Use by Review, Variance and/or Zoning Change will not substantially modify the intent, purpose and spirit of this regulation.
- c. The requested Use by Review, Variance and/or Zoning Change incorporates a reasonable means to create an environment harmonious with that of the surrounding properties.
- d. The requested Use By Review, Variance and/or Zoning Change will not adversely affect the public health, safety or welfare.

6. Special Conditions or Requirements. Any special conditions and/or requirements on applications presented to the Commission, as the Commission feels necessary to carry out the intent and purpose of this regulation, shall be specifically set forth in any recommendation by the Commission.

7. Time Limit for Consideration. Decisions by the Crowley County Planning Commission shall be rendered within thirty (30) days from the date of the public hearing. Upon mutual agreement between the Commission and the applicant, set forth in writing upon the form and in the manner prescribed by the Land Use Administrator, the time period within which the Commission shall act may be extended.

D. Actions by the Board of County Commissioners of Crowley County. No Use by Review, Variance and/or Zone Change shall be granted except by the Board of County Commissioners in the form of a resolution. Upon receipt of the recommendation of the Crowley County Planning Commission upon an application for Use by Review, Variance and/or Zone Change the Board of County Commissioners shall be authorized:

- a. To hold a public hearing upon said application and at such hearing to receive testimony under oath to make such studies and surveys as are required.
- b. To request information or opinions relative to the application from the Land Use Administrator, any administrative officer of the county, or any other person or persons.

- c. To make a decision based upon the testimony and evidence adducted at the hearing together with any other relevant matters considered by the Board of County Commissioners.

1. Public Hearings. The Board of Crowley County Commissioners shall consider any application for a Use by Review, Variance and/or Zone Change request at a public hearing, notice of which has been given by the Secretary of the Board of County Commissioners not less than ten (10) calendar days prior to the date set for such hearing for a Use by Review and/or Variance and thirty (30) days prior to the date set for such hearing for a Change in Zoning.

- a. Such notice shall give the date, time and place of the hearing, a brief description and/or street address of the property made the subject matter of the application. Only one such publication shall be required.
- b. Such notices shall be published in a newspaper of general circulation in the County and if there is more than one such newspaper, publication shall be made in the paper in which the Board, in its opinion, determines to be more applicable to the property made the subject matter of the application.
- c. A copy of such notice shall be sent by regular mail to the last known address of the owners of real property lying within one hundred (100) feet of the exterior boundaries of the property made the subject matter of the application. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any determination of the Board.

2. Action by the Board of County Commissioners. All actions of the Board of County Commissioners shall be in writing. The Board may accept or reject the recommendations of the Crowley County Planning Commission. It shall not be necessary for the Board of County Commissioners to make findings. Any Use by Review, Variance and/or Zone Change granted by the Board of County Commissioners shall be in the form of a written resolution.

3. The Limit for Consideration. The Board of County Commissioners shall render a decision within thirty (30) days from the date of the public hearing. Upon mutual agreement between the Commissioners and the applicant, set forth in writing upon the form and in the manner prescribed by the Land Use Administrator, the time period within which the Board of County Commissioners may act may be extended.

4. Reapplication. In the event of a denial of the Use by Review, Zone Changes and /or Variance application, no new application concerning substantially the same subject matter and property shall be made for a period of one (1) year from

the date such decision is taken, or one (1) year from the date the final appeal decision is rendered.

E. Action by the Board of County Commissioners Sitting as the Board of Adjustment. In all cases the Board of County Commissioners shall serve as the Board of Adjustment with full authority to act as provided in C.R.S. §§30-28-117 and 30-28-118, as may be further defined by the provisions of this Zoning Resolution, or by subsequent Resolution of the Board of Commissioners.

1. Term of Office. Each member's term in office on the Board of Adjustment shall be co-terminous with the term of office as a member of the Board of Commissioners.

2. Authority of Board. The Board of Adjustment, in appropriate cases and subject to appropriate principles, standards, rules, conditions, and safeguards set forth in the zoning resolution, may make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. Where feasible, special exception may be made for the purpose of providing access to sunlight for solar energy devices. The Board of Adjustment has the authority to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions, as they may arise in the administration of the zoning regulations.

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

4. Appeals to the Board of Adjustments. Appeals to the Board of Adjustment 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 of the administration or enforcement of the provisions of the zoning resolution. Appeals to the Board of Adjustment may 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 of the provisions of the zoning resolution. The time within which such appeal shall be made shall be 30 days from the date the action being appealed is taken., The form or other procedure relating thereto, shall be as specified in the general rules provided by

the Board of County Commissioners to govern the procedure of such Board of Adjustment or in the supplemental rules of procedure adopted by such board. In the absence of such supplemental rules or procedures the following will apply:

- a. Forms of Appeal.** All such appeals shall be made in writing upon a form furnished by, and in the manner prescribed by the Board and shall have attached thereto a copy of the action taken which is being appealed.
- b. Appeal Fee.** No additional fee shall be required.
- c. Time Limit for Reconsideration.** The Board of Adjustment shall render a decision within sixty (60) days of the receipt of the appeal and a failure to render a decision within the allotted time shall constitute denial of the appeal.

5. Powers of Board of Adjustment When Appeal Filed. Upon appeals the Board of Adjustment has the following powers:

- a.** To hear and decide appeals where it is alleged by the appellant that there is 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;
- b.** To hear and decide, in accordance with the provisions of any such resolution, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such resolution to pass;
- c.** Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation 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 Resolution 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 said property, a variance from such strict application so as to relieve such difficulties or hardship if such relief may be granted without substantial detriment to

the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolutions. In determining whether difficulties to, or hardship upon, the owner of such property exist, as used in this paragraph (c), the adequacy of access to sunlight for solar energy devices installed on or after January 1, 1980, may properly be considered. Regulations and restrictions of the height, number of stories, size of buildings and other structures, and the height and location of trees and other vegetation shall not apply to existing buildings, structures, trees, or vegetation except for new growth on such vegetation.

6. Vote Required to Overturn Previous Decision. The concurring vote of all three members 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.

F. Appeals to the District Court. The decision of the Board of County Commissioners under sub-part D. and of the Board of Adjustment of sub-part E., shall be final and appeal of such action may be made to the District Court within (30) days from the date of the action by Board of County Commissioners or Board of Adjustments.

Fee Schedule:

Use By Review: \$75.00

Plow Out Permit/Cultivation: \$75.00

Zone and Variance Change: \$75.00

Subdivision Exemption: \$75.00

Permit for Construction and Installation of Utilities: \$150.00

SECTION 8. PLOWING AND CULTIVATION OF NATIVE RANGELANDS

A. Plowing and Cultivation of Native Rangelands. The plowing of native rangelands in Crowley County will result in accelerated soil erosion from both wind and water. Therefore, the Crowley County Board of Commissioners and the Crowley County Planning Commission have deemed it necessary to regulate the plowing and cultivation of native rangeland located within the unincorporated area of Crowley County.

1. Purpose.

- a. To ensure that land disturbing activities in areas containing privately owned native rangelands shall be conducted in a manner which will minimize damage to those resources.
- b. To prevent soil erosion and blowing dust resulting from improper soil management techniques.
- c. To establish certain requirements which must be met before the plowing and cultivation of native rangeland is permitted.
- d. To ensure that soil resources are conserved to the fullest extent possible for the present and future inhabitants of Crowley County.
- e. To minimize blowing dust to protect the health, safety, welfare and property of Crowley County residents.

2. **Applicability.** This section applies to any person or persons seeking to cultivate or plow any native rangelands lying within the unincorporated areas of Crowley County.

3. **Definition.** Native rangeland shall be defined to include:

- a. Lands that while not necessarily native, have not been plowed in the last three (3) years of the date of the application for permit.
- b. Lands lying within Crowley County that have sold or otherwise transferred the water rights appurtenant thereto.

4. **Permit Submission Requirements.** No person shall cultivate or plow any native rangeland unless a permit has been issued, pursuant to this section. An application for a permit to engage in the cultivation or plowing of native rangelands shall be submitted to the Crowley County Planning Commission and must include the following:

- a. A legal description of the property involved;
- b. A map delineating the proposed land use change;
- c. A conservation plan, approved by the local Soil Conservation District Board, which will specify the conditions under which the plowing or cultivation of native rangeland will be permitted.

5. **Disapproval.** If the application is disapproved, the applicant may appeal the decision as provided for in the Administrative Section (Appeals sub-section) of these regulations.

B. Administration Regulations Concerning Plowing and Cultivation of Native Rangelands. All applications for plowing and cultivation will be referred by the Land Use Administrator to the Crowley County Planning Commission within thirty (30) days after the application has been completed. The Planning Commission shall consider such application at its next regular meeting.

1. Public Hearings. The Crowley County Planning Commission shall consider any application for plowing and cultivation of native rangelands at a public hearing, notice of which has been given by the Secretary of the Commission not less than 10 calendar days before the date of such hearing.

- a. Such notice shall give the date, time and place of hearing, and a brief description and/or street address of the property made the subject matter of the application.
- b. Such notice shall be published in the newspaper of record. Only one publication shall be required.
- c. A copy of such notice shall be sent by regular mail to the last known address of the owners of real property lying within one hundred (100) feet of the exterior boundaries and to all other persons as in the judgment of the Secretary should be notified. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any determination of the Commission.
- d. At the public hearing the Secretary shall submit a written statement evidencing compliance with this section.

2. The Crowley County Planning Commission is hereby authorized:

- a. To hold a public hearing upon the application and at such hearing, receive testimony under oath, and make such studies and surveys as are required.
- b. To request information or opinions relative to the application from the Land Use Administrator, administrative officer of the County, or any other person or persons.
- c. To make findings based upon the testimony and evidence presented at the hearing, together with any other relevant matters considered by the Commission.
- d. To make a recommendation to the Board of County Commissioners for approval or denial of the application. Such recommendation shall include a statement setting

forth those matters which the Commission considers controlling factors in making its recommendation.

3. Findings. Prior to granting an application for plowing and cultivation of native rangelands, the Crowley County Planning Commission shall find in writing, based upon the evidence and testimony, that all of the following conditions do in fact exist:

- a. The requested application for plowing and cultivation has a soil and water conservation plan from the Soil Conservation Service.
- b. The requested application for plowing and cultivation has made adequate provisions for irrigation water and/or dry land farming.
- c. The requested application for plowing and cultivation has made adequate provisions for the control of topsoil erosion caused from wind and water.
- d. The requested application for plowing and cultivation has obtained the necessary information as to type of vegetation which will be re-seeded in the area if at such time re-vegetation of the property in question is required.
- e. The requested application for plowing and cultivation will not adversely affect the public health, safety, welfare and property of Crowley County and its residents.

4. Time for Recommendation. Recommendation by Crowley County Planning Commission shall be rendered within thirty (30) days from the date of the public hearing. Upon mutual agreement between the Commission and the applicant, set forth in writing upon the form and in the manner prescribed by the Land Use Administrator, the time period within which the Commission shall act may be extended.

5. Right of Entry. The members of Crowley County Planning Commission, or their duly authorized representative, including the Land Use Administrator, shall be authorized by the submission of an application pursuant to this regulation to enter upon the premises made the subject matter of this application. Entry shall be for the purposes of investigating matters relevant to the application, and for such other purposes as necessary for the conduct of the duties of the Commission in the administration and enforcement of this regulation.

6. Actions by the Board of County Commissioners of Crowley County. No permit for the cultivation or plowing of native rangelands shall be granted except by the Board of County Commissioners in the form of a resolution.

- a. Upon receipt of the recommendation for approval/denial from the Crowley County Planning Commission for a

permit to plow or cultivate native rangelands, the Board of County Commissioners shall be authorized:

- i.** To hold a public hearing upon said application and at such hearing to receive testimony under oath and to make such studies and surveys as are required.
 - ii.** To request information or opinions relative to the application from the Land Use Administrator, or any administrative officer of the County, or any other person or persons.
 - iii.** To make a decision based upon the testimony and evidence presented at the hearing together with any relevant matters considered by the Board of County Commissioners.
- b.** Public Hearings. The Board of County Commissioners shall consider any application for plowing or cultivation of native rangelands at a public hearing, notice of which has been given by the Secretary of the Board of County Commissioners not less than ten (10) days prior to the date set for such hearing for application to plow or cultivate native rangelands.
- c.** A copy of such notice shall be published in the paper or record and sent by regular mail to the last known address of the owners of real property lying within one hundred (100) feet of the exterior boundaries, and to all other person as in the judgment of the Secretary should be notified. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any determination of the Commission.
- d.** At the hearing the Secretary shall submit a written statement evidencing compliance with this section.
- e.** The County Commissioners may continue such hearing from time to time upon request by the applicant or upon its own determination. Notice of continuance shall be made only by notice given at public hearing.

7. Actions by the Board of County Commissioners. All actions by the Board of County Commissioners shall be in writing. The Board may accept or reject the recommendations of the Crowley County Planning Commission. It shall not be necessary for the Board of County Commissioners to make findings.

8. Time Limit for Consideration. The Board of County Commissioners shall render a decision within thirty (30) days from the date of the public hearing. Upon mutual agreement between the Commissioners and the applicant, set forth in writing upon the form and in the manner prescribed by the Land Use Administrator, the time period within which the Board may act may be extended.

9. Appeals Process. As referenced in Section 7, page 29, **Administration**, of this manual.

10. Reapplication. In the event of a denial of the request of plowing or cultivation of native rangeland, no new application containing substantially the same subject matter and property shall be made for a period of one (1) year from the date of such denial, or in the event of appeal, applicant has one (1) year from said date of the final decision.

11. Legal Remedies. The decision of the Board of County Commissioners, upon the application for plowing or cultivation of native rangeland shall be final. Appeal of such action may be made to the District Court within thirty (30) days from the date of the action by the Board of County Commissioners. See page 31, paragraph F.

12. Enforcement. When the Board of County Commissioners is advised that any landowner or operator is cultivating or causing to be cultivated any grasslands in violation of this Regulation, the Land Use Administrator is authorized to issue an order to the owner as listed upon the records of the County Assessor specifying that the cultivation shall cease immediately and that the rangelands shall be re-vegetated back to species of grasses and shrubs approved by the Soil Conservation District. Notice of such order shall be sent by certified mail to the landowner or otherwise served as provided in the Colorado Rules and Procedures.

Within thirty (30) days of the receipt of such order, the landowner shall submit to the Board of County Commissioners a conservation plan to comply with these Regulations.

If the landowner fails to submit a conservation plan as provided in these Regulations, or if the landowner fails to comply with such plan, or if the landowner advises the Board of County Commissioners that he does not intend to or cannot comply with such plan, the Board may take reasonable action necessary to re-vegetate the rangelands specified in the order issued pursuant to this Regulation. Notice of such action shall be sent by certified mail to the owner prior to the performance of such action.

13. Penalties. Upon the completion of the re-vegetation effort provided in this Regulation by the Board of County Commissioners, the Board may, by resolution,

assess against the landowner the cost of said treatment, which shall in no event exceed the actual cost of re-vegetation.

Should it be necessary for the Board of County Commissioners to seek the order of the District Court to enforce its Cease and Desist Order and/or the County to successfully enforce and uphold its regulations, the landowner shall be responsible for all charges of litigation which includes any reasonable attorney fees and the proceeding costs herein. Both fees and costs incurred by the County shall be charged solely at the discretion of the Board of County Commissioners of Crowley County. Any person, firm or corporation violating these Regulations shall be punished by a fine of not more than three hundred (\$300) dollars or by ninety (90) days imprisonment, or both such fine and imprisonment. Each day during which illegal cultivation or plowing continues shall be deemed a separate offense.

14. Exclusion. Plowing and cultivation of gardens, not exceeding five (5) contiguous acres, will be permitted without the necessity of complying with this resolution.

15. Successors in Interest. Should any landowners within unincorporated areas of the County obtain a permit under this resolution, the plan adopted by the Board of County Commissioners, in their resolution shall be recorded in the real property records of the County and shall thereafter be a covenant of the land and shall be binding upon the owner, his heirs, assigns or successors in interest.

SECTION 9. BLOWING DUST/DIRT

Purpose. This section is to mitigate the soil erosion and damage caused by wind storms and blowing soil produced, and are declared to be injurious or destructive to the property and natural resources of Crowley County and a menace to the safety of the citizens of Crowley County.

Authority. Colorado Revised Statute 35-72-103(1) provides the Board of County Commissioners the authority to take action as such:

(1) When the board of any county of the state is advised, in writing, or otherwise informed that soil is blowing from any land in the county and is supplied with a description of such land and it appears that, by reason of such blowing from any land in the county, private property, including but not limited to crops, grasslands, fences, fencerows, irrigation canals, ditches, or livestock on adjacent or other land, or roads, barrow ditches, fences, or other public property is being damaged, such board shall, as soon as practicable, give notice of such complaint to the owner or occupier of the land from which soil is blowing and inspect or cause to be inspected such land. If the board finds, after consultation with a member or members of the local district board of directors, with the state conservation board, or with local owners or occupiers, including the owner or occupier of the land from which soil is blowing, that soil is blowing from such land in sufficient quantity to be injurious to private property, including but not limited to crops, grasslands, fences, fencerows, irrigation canals, ditches, or livestock on adjacent or other land, or to roads, barrow ditches, fences, or other public property because of soil being blown thereon, such board shall determine what, if anything can be done to prevent or materially lessen such blowing of soil from such land. If the board determines, after such consultation, that the complaint lodged with it falls under the provisions of article 3.5 of this title, no further action shall be taken by the board. If the board finds, after such consultation, that an emergency exists, that such blowing is occurring, that it can be prevented or materially lessened by treatment of the soil, and that property damage appears to be resulting there from, such board shall issue a citation to the owner as listed upon the records of the county assessor and to the occupier, if known to such board, specifying the nature of the treatment required and the extent thereof and the date by which such treatment is to be commenced and the date is to be completed.

(2) Notice of such citation shall be given by personal communication, if possible, and by mailing a copy thereof by registered mail addressed to each of the persons to whom the citation is directed at the address as shown on the records of the county assessor; otherwise, service of such citation shall be made as provided by the Colorado rules of civil procedure for the service of summons. Such citation shall also be posted in a public place in the county courthouse in the county in which said land is located. If such treatment is not commenced on or before three days or within such greater time as may be specified in such citation after the date of such personal communication, mailing, and posting or the service of notice as provided in the subsection (2), or if the treatment is not

performed in the manner and to the extent specified in the citation and in a workmanlike manner and with due diligence, or if, prior to the expiration of the date fixed in said citation, the persons to whom said citation is directed advise the board that they do not intend to or cannot accomplish the work so directed, the board may cause such treatment to be performed in accordance with such citation.

(3) The provisions of this section shall not apply to any land less than one (1) acre in area.

Duty of landowner – liability for damage as defined by CRS 35-72-102.

(1) To conserve property and the natural resources of the state and to prevent the injurious effects of blowing soil, it is the duty of the owner or occupier of any land in the state to prevent soil blowing there from, as nearly as can be done, by planting perennial grasses, shrubs, or trees or annual or biennial crops and by treatment consisting of listing, chiseling, and similar practices at such times and in such manner as will prevent or minimize erosion of the soil and soil blowing. If soil blowing is evident, such practices shall include, to the extent practicable, leaving stubble residue on top of the soil.

(2) Any owner or occupier who sustains damages to his property, including but not limited to crops, grasslands, fences, fencerows, irrigation canals, ditches, or livestock, proximately caused by the failure of any other owner or occupier of other land to discharge his duty to prevent soil blowing from land he owns or occupies may recover actual damages from the other owner or occupier by bringing an action in any court of competent jurisdiction.

(3) Any unit of state government or any agency of the state or federal government which sustains damages to any of its property, including but not limited to roads, borrow ditches, or fences, proximately caused by the failure of an owner or occupier to discharge his duty to prevent soil blowing from land he owns or occupies may recover actual damages from such owner or occupier by bringing an action in any court of competent jurisdiction.

(4) Such recourse to the court may be taken only upon demonstration that such owner, occupier, unit, or agency of government allegedly sustaining damages has submitted a written report of soil blowing to the board pursuant to section 35-72-103.

(5) In any action brought under this section, any preventative practice followed by an owner or occupier pursuant to a citation issued by a board pursuant to the provisions of section 35-72-103 is not an admission of tort liability, in any such action, and no determination of the board shall give rise to a presumption of negligence or lack of negligence of an owner or occupier.

(6) The provisions of this section shall not apply to any land less than one acre in area.

Administrative Action. Upon identification of blowing dust and authorization by the Board of County Commissioners, the Land Use Administrator is authorized to perform the following:

1. Confer with local NRCS for appropriate corrective steps to be taken by land owner.
2. Contact property owner or occupier by personal communication if possible and registered mail address, advising him/ her of the issues at hand.
3. Recommended remediation plan must be performed and completed at the property owner's expense, within ten (10) calendar days of the date of citation.
4. If the landowner fails to perform the necessary procedures, the Board of County Commissioners may take action to resolve the problem, the cost not to exceed \$15 per acre. Said cost should be added to the real property tax assessment, assessed to the parcel and become a lien upon the parcel, pursuant to Colorado Revised Statute 35-72-105.

Exception: The Board of County Commissioners may declare the existence of an emergency situation in regard to conditions which might exist which call for immediate action on the part of landowners to prevent or mitigate damage by blowing dirt to private and public property. The BOCC may temporarily suspend the county's Plow-out/Cultivation ordinance and authorize the county's Land Use Administrator to notify the landowner(s) that they have permission to perform deep tillage operations for the express purpose for reducing the potential, or mitigating the damage from blowing dirt. This temporary suspension, under no circumstances, allows for the farming of native grasslands and lands that no longer have water rights, without a current conservation plan and the approval of the local conservation district, the county Planning and Zoning Commission, and the Board of County Commissioners. These temporary procedures will continue until the emergency situation has been lifted by the Board of County Commissioners.

SECTION 10. AMENDMENTS

A. Procedure for Amending Resolution. From time to time the Board of County Commissioners may amend the number, shape, boundaries, or area of any district, or any regulation of or within such district, or any provision of the zoning resolution. Any such amendment shall not be made or become effective unless the same has been proposed by, or is first submitted for the approval, disapproval, or suggestions of the Planning Commission. If approved by the Planning Commission, within 30 days after submission of such amendment, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the Board of County Commissioners. Before finally adopting any such amendment, the Board of County Commissioners shall hold a public hearing thereon. Public notice of the time and place of the hearing shall be given by at least one publication in the newspaper. Any such change shall be made only by the Board of County Commissioners in the form of an amending resolution.

B. Initiation of Amendment. The resolution for the amendment of any portion of this regulation or zoning district boundary may be initiated by any member of the Board of County Commissioners, the Crowley County Planning Commission, the Land Use Administrator, or by one or more owners of property within the area which the amendment is requested.

1. Such initiation shall be made by application pursuant to Section 7, Administration of this regulation for a change in zoning and the procedures set forth in Section 7 shall be applicable in all respects to any proposed amendment.

SECTION 11. VIOLATIONS AND PENALTIES.

A. Criminal Penalties. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of the provisions of these regulations or any amendment thereof. Any person, firm or corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of these regulations or any amendment thereof shall be guilty of a misdemeanor. The violation of any provisions of this Regulation shall be punishable as provided in Colorado Revised Statutes, 30-28-124 as the same may be amended from time to time. Each day or portion thereof, any violation of any provision of this regulation shall continue and shall constitute a separate offense.

B. Civil Penalties. In addition to any criminal penalties stated above, any person, firm, or corporation violating these regulations or any amendment thereof may be subject to the imposition of a civil penalty in an amount of not less than \$500 nor more than \$1000. Each day after the issuance of the order of the County Court during which such unlawful activity continues shall be deemed a separate violation and the subject of a continuing civil penalty ordered by the County Court. Until paid, any civil penalty ordered by the County Court and assessed shall, as of recording, be a lien against the property on which the violation has been found to exist. In case the assessment is not paid within 30 days, it may be certified by the County attorney to the County Treasurer, who shall collect the assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. Any lien placed against the property pursuant to this section shall be recorded with the Clerk and Recorder of Crowley County.

C. Other Remedies In addition to other remedies provided above the County may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use.

D. Attorney Fees Should it be necessary for the County to seek an order of the Court to enforce and uphold its regulations, the landowner shall be responsible for all charges of litigation which includes any reasonable attorney fees and the proceeding costs herein.

SECTION 12. OIL AND GAS REGULATIONS

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SUBDIVISION REGULATIONS

SECTION 1. GENERAL PROVISIONS

A. Title. The title of these regulations shall be “The Crowley County Subdivision Regulations” and may so be cited and pleaded. The short form, “Subdivision Regulations” and “regulations” used extensively herein after refers to in all instances to the aforesaid Crowley County Subdivision Regulations.

B. Authority. These amendments are adopted in accordance with Chapter 30-28-133 of the Colorado Revised Statutes, 1973.

C. Purpose. Subdivision Regulations are designed and enacted for the purpose of promotion health, safety, convenience, and welfare of the general public and to establish standards of subdivision design which will encourage the development of sound, economical, stable neighborhoods and create a healthy environment for present and future inhabitants of Crowley County, Colorado by:

1. Assisting the orderly, efficient and integrated development of the County;
2. Making provisions for adequate open spaces for traffic, drainage, recreation and parks, sites for schools and educational facilities, light and air;
3. Making provisions for proper location, width and design of streets in order to minimize traffic hazards, and to provide for safe and convenient vehicular circulation;
4. Specifying the extent to which or manner in which roadways shall be graded and improved and to what extent water, sewer and other utilities shall be required and installed;
5. Ensuring that structures will harmonize with the physical characteristics of the site;
6. Ensuring that land is subdivided into lots that are of adequate size and configuration for the purpose which they are intended to be used;
7. To ensure conformance of land subdivision plans with the public improvement plans for the County and its various municipalities;
8. To encourage well planned subdivisions for establishing adequate standards for design and improvement;
9. To improve land survey moments and records by establishing standards for design and improvements;
10. To secure equitable handling of all subdivision plans by providing uniform procedures and standards;
11. To prevent flood damage to persons and properties and pollution of surface and surface water;
12. To prevent and control erosion, sedimentation and other pollution of surface and surface water;

13. To restrict building on flood lands, areas covered by poor soil, or in areas poorly suited for building or construction;
14. To prevent loss or injury from land slides, mud flows, and other geological hazards;
15. To assure the planning for and provision of an adequate, safe source of water and means of sewage disposal;
16. To perpetuate and encourage the use of non- depletable, non-pollutant sources of energy;
17. Protecting the natural resources, preserving the natural vegetation and promoting the natural beauty of the County;
18. Implementing the Crowley County Land Use Plan.

D. Interpretation. Where any provisions of this regulation imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or resolution, then provisions of these regulations shall govern.

E. Jurisdiction. The territorial jurisdiction of these regulations shall apply to all of the unincorporated land located within Crowley County, Colorado.

F. Zoning and Platted Areas. No land in Crowley County shall be subdivided until duly zoned in accordance with the purpose of the subdivision under the provisions of the Crowley County Zoning Resolution.

G. Division of Responsibility.

1. **Sub-divider and/or Developer.** The sub-divider and/or developer shall be responsible for the preparation and design of all plats and plans of subdivision; shall accomplish necessary improvements; shall prepare reports, and shall process all said plats and plans of subdivisions in accordance with the applicable regulations, ordinances, and resolutions as adopted and amended from time to time. The sub-divider shall submit all his plats and plans to the County Land Use Administrator's Office. After submission, if the sub-divider desires to withdraw his plans and/or plats at anytime during the processing period, he shall so request his intent to the Land Use Administrator's Office in writing.
2. **Land Use Administrator and/or Planning Department.** The Land Use Administrator and/or the Planning Department are responsible for reviewing matters pertaining to Master Plans and plats of subdivisions prior to the County Planning Commission hearing. The Land Use Administrator and his staff shall make reports and recommendations to the Planning Commission and to the Board of County Commissioners on matters pertaining to Master Plans and plats of subdivisions and shall administer the provisions as stated in the regulations.
3. **County Planning Commission.** The Commission is charged with the responsibility of reviewing and making recommendations to the County

Commissioners on plats and subdivisions by initiating investigations, reports and recommendations on designs, as related to the public health, safety and welfare, of the proposed subdivisions and assuring conformance with these regulations and other county ordinances, regulations and resolutions. All approved, disapproved and conditionally approved Maters Plans, preliminary plats, final plats and vacations plats reviewed by the he County Planning Commission will referred to Board of County Commissioners for their consideration within fourteen (14) days from the date of their action.

4. **Land Use Administrator.** The Land Use Administrator shall examine and review all survey maps and plats before they are recorded in the Crowley County Clerk and Recorder's Office to ensure the proper content and form, including such items as drainage, road right-of-way and street plans and profiles. He shall inspect the required subdivision improvements as provided in these regulations. Furthermore, he shall inspect subdivisions to ensure property clean up and disposal of timber and brush which remain from right-of-way clearing.
5. **Crowley County Health Department.** The Crowley County Health Department shall review all plats where on-site sewage disposal systems are proposed for the purpose of determining the adequacy of the soil involved to properly absorb subsurface sewage effluent and shall also investigate other factors contributing to environmental pollution as well as reviewing the proposed domestic water supply system to ensure a properly functioning system.
6. **Board of County Commissioners.** The County Commissioners are responsible for making decisions of approval, disapproval, or conditional approval for all master plans, vacation plats, sketch plans, preliminary and final plats. If there are any significant changes in the above plans after the Planning Commission's recommendations, the said plan shall be referred back to the Planning Commission for their review.

H. Enforcement.

1. No plans, plats, or re-plats of land shall be approved by the County Planning Commission unless these plans/plats conform to the provisions of these regulations.
2. The Board of County Commissioners shall withhold all public street improvements and public maintenance from all right-of-way which have not been accepted for such purposes by the Board of County Commissioners.
3. **Board of County Commissioners Approval Required when Recoding:**
 - a. "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 of not to exceed five hundred dollars (\$500) for each parcel or interest in subdivided land which is sold or offered for sale. All fines collected under this Paragraph (a) shall be credited to the General Fund of the County”.

b. “ The Board of County Commissioners of the County in which the subdivided land is located shall have the power to bring action to enjoin any sub-divider from selling, agreeing to sell, or offering to sell subdivided land before a final plat for any such subdivided land before a final play for any such subdivided land has been approved by the Board of County Commissioners”.

4. No building shall be erected, nor shall a building permit be issued within a subdivision before the plat thereof shall have been approved by the Board of County Commissioners and recorded by the County Clerk and Recorder of Crowley County.

***Cut and pasted from Zoning Districts, need to fine proper place for this.

- a. **Non-farm Single Family Residential Subdivisions.** The maximum number of lots, in addition to an existing principal dwelling that may be created, shall be based on each individual request.

Each lot created shall contain no more than one single family home provided it meet the following requirement:

- a. Each lot shall be separately conveyed parcel of at least one-half (1/2) acre in area and described by a certificate of survey.
- b. The driveway serving such lots shall be separated from adjacent driveways on the same side of the road by the following distances

- 1.County Road: 100 feet
- 2.State/Federal Highway: As required
- 3.Minimum distance from an intersection: 80 feet

- c. Each lot shall have a minimum of 100 feet frontage on a County Road, State of Federal Highway.

In considering requests for non-farm single family residential subdivisions the Crowley County Board of County Commissioners and the Crowley County Planning Commission shall also consider the location of the property in question, the number of previous subdivisions approved for the property in question, the availability of more suitable land,

the requirements of the Crowley County Health Department as well as any additional information they may deem necessary in the consideration of the application.

Refer to the Subdivision Regulations for additional requirements and application procedures.

SECTION 2. SUBDIVISION EXEMPTIONS

1. Purpose: Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these subdivision regulations, it may approve exemptions, provided that the Board of County Commissioners passes a resolution authorizing such exemption, and provided such exemptions shall not have the effect of nullifying the intent and purpose of these subdivision regulations. The subdivision exemption process applies to the creation of any parcel of property, 35 acres or less in size.

2. Subdivision Exemption Applications must include:

- a. Proof of Ownership
- b. Existing zoning classification
- c. Number of previous subdivisions granted for this property
- d. Description of current use(s) of property
- e. Legal description of property
- f. Description of proposed use(s) and reason(s) for creating new parcel(s)
- g. Two copies of the certified survey of the property indicating the legal description of the existing property and the newly created parcels. This survey must be performed by a surveyor holding a Colorado registration and this registration number must appear with their stamp on the survey.
- h. A plot plan (drawing) showing all existing structures, access, distances from property lines, easements, right-of-ways, etc., shall be in the plot plan. If the property in question is vacant, a plot showing the proposed structures, distances from property lines, access, easements, etc., shall be submitted with this application. Plot plans shall be drawn on a 8 1/2" x 11" or 8 1/2" x 14" paper must be legible. Plot plans will be reproduced several times and therefore in must be clearly drawn.
- i. If applicable: a statement of approval from the Crowley County Health Department regarding water supply.
- j. If applicable: a statement of approval from the Crowley County Health Department regarding supply and sewage treatment.
- k. Applicant or representative is required to be present at the Crowley County Planning Commission and Board of County Commission Hearing.

DEFINITIONS

For the purposes of this Land Use Code, the following words and phrases are defined as follows: In certain cases, more detailed or more specific definitions may be found within a section. In such cases, the more specific definition shall control.

Access. A means of vehicular approach or entry to or exit from the property.

Accessory Agricultural Sales. A location for the retail sale or wholesale of agricultural or horticultural products which are entirely grown or matured on site. Products are raw and sold on a seasonal basis.

Accessory Building or Structure. A subordinate building or structure located on the same lot as the principal structure, the use of which is incidental to the principal use.

Accessory Dwelling Unit. A dwelling unit considered secondary to a primary dwelling unit for use as a complete independent living facility on the same parcel as a permitted principal use and which meets dimensional and other requirements applicable to the principal use.

Accessory Use. A use which is customarily supportive, secondary and subordinate to the principal use on the parcel.

Accessory Outside Storage. The outside placement of items which are customary and incidental to the principal use of the property.

Adjacent. Meeting, abutting or touching at some point, or located across a street, alley or other right-of-way.

Adjacent Property Owner. An owner of record of any estate, right, or interest in real property which is adjacent to the subject land.

Administrative Review. The land use change permit application and review process, described in Section 7 of this Code, by which the Land Use Administrator approves applications for land uses.

Administrator. The Land Use Administrator, or authorized representative.

Adverse. Unfavorable, harmful.

Agriculture. The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for harvesting, packing, treating, or storing the produce, excluding forestry.

Agricultural Land. Land which, regardless of the uses for which such land is zoned, meets the definition of “agricultural land” in Section 39-1-102 (1.6), C.R.S., as amended.

Agricultural Products. Products grown or raised on a property, intended for direct human or animal consumption or use, such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants and wool.

Agricultural Products Processing and Storage. The alteration of agricultural products brought to the site in its natural state, including but not limited to cleaning, sorting, grading, packaging, milling, or storing of products which are intended for direct human or animal consumption or use.

Agricultural Products Retail Sales – Off Site. A location for the retail sale of agricultural products, a majority of which are not grown on site, and are intended for direct human or animal consumption or use.

Agricultural Products – Wholesale. A location for the wholesale of agricultural products.

Agricultural Soils, Prime. Those soils which are best suited for the production of food, feed and other crops. Prime agricultural soils meet the following criteria:

1. Have an adequate moisture supply either by natural rain fall or irrigation, and have good water storage capacity;
2. They are neither too acidic nor too alkaline for vigorous plant growth.
3. The water table is either lacking or so deep that it does not adversely affect plant growth.
4. The soils are not high in sodium.
5. They do not have serious erosion hazards.

Airport. The land used by aircraft to take off and land, together with all facilities and adjacent land used in connection with the operation of aircraft.

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

Alley. A public right-of-way providing secondary access to the rear of a property and not intended for general travel.

Alteration (Structural). A change, rearrangement or addition to the structural parts or in the existing facilities of a building or structure, or the moving from one location or position to another.

Animal Unit. An animal unit (AU) is one mature cow of approximately 1000 pounds and a calf that has not been weaned, or their equivalent, as set forth in the following Animal Unit Equivalency Table:

ANIMAL UNIT EQUIVALENCY TABLE

	Animal Unit Equivalents	Number of Animals Equivalent to One Unit Animal Unit	Maximum in Limited CFO	Maximum in Small CFO
Bulls	1	1	100	999
Cow with Calf (as defined above)	1	1	100	999
Stocker Feeder Cattle	.67	1.33	133	999
Dairy Cow	1	1	100	999
Bison	1	1	100	999
Mule	1	1	100	999
Ostrich	1	1	100	999
Elk	1	1	100	999
Horse	1	1	100	999
Swine	.2	5	500	4,995
Sheep	.2	5	500	4,995
Llama	.2	5	500	4,995
Goat	.2	5	500	4,995
Alpaca	.2	5	500	4,995
Rabbit	.04	25	2,500	24,975
Turkey	.04	25	2,500	24,975
Ducks	.04	25	2,500	24,975
Poultry	.02	50	5,000	49,950
Game Birds	.02	50	5,000	49,950

Applicant. A person or entity submitting an application for land use subject to these Regulations.

Appurtenances. The visible, functional or ornamental objects accessory to and part of a building.

Archeological Resource, Cultural Resource, or Historical Resource. Resources that have been designated by the County or are recognized or historically known to the County; that are on the National Register of Historic Places (National Register) and/or that may be considered under the National Historic Preservation Act; or that are included in an established list of places compiled by the state historical society, or any local historic preservation program.

Area of Special Flood Hazard. Land located within a 100-year flood plain.

Automobiles, Trailers and Accessory Sales and Rental Area. An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done, except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

Automobile Service and Body Work. See *Vehicle Repair Service* of these Definitions.

Average Daily Traffic (ADT). The average number of one-way vehicular trips that are generated from a particular land use during a 24-hour period.

Bank. An organization, usually a corporation, chartered by a state or federal government, which does most or all of the following: receives demand deposits and time deposits, honors instruments drawn on them, and pays interest on them; discounts notes, makes loans, and invests in securities; collects checks, drafts, and notes; certifies depositor's checks; and issues drafts and cashier's checks.

Bar. An establishment serving alcoholic beverages as prescribed in the Colorado Revised Statutes.

Barber Shop. The place of business of one whose business it is to cut hair and to shave or trim beards.

Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year. The term is used interchangeably with intermediate regional flood, one hundred year flood, and one percent chance flood.

Batch Plant. A facility for mixing concrete or asphalt.

Beauty Shop. An establishment providing persons with services that include, but are not limited to, hair treatment, manicures, pedicures or facials.

Bed & Breakfast. A small lodging establishment that offers overnight accommodation and breakfast, but *usually* does not offer other meals. Typically, bed and breakfasts are located in private homes for commercial use.

Billboard. See page 26, Signs.

Block. A portion of land enclosed by mapped roads or other bounds and contained within subdivided or mapped land.

Board of Adjustment. The body appointed by the Board of County Commissioners whose authority and procedures are described in Sections 30-28-117 and 30-28-118, C.R.S.

Board or Board of County Commissioners. The Board of County Commissioners of Crowley County, as described in CRS 30-10-301 – 30-10-322.

Boarding House. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests. (Also known as “Rooming House”)

Buildable Area: That portion of lot or parcel that can be occupied by a building or structure.

Building. Any structure having a roof supported by columns or walls and intended for supporting, enclosing, sheltering or protecting any use or occupancy. The term “building” shall include modular or prefabricated buildings that do not fall within the definition of manufactured housing or mobile homes.

Building Envelope. A designated area on a lot or parcel in which all structures and development shall be constructed or occur, unless specifically excepted or exempted, including but not limited to excavation, landscaping, building, grading, demolition or filling.

Building Height (Structure Height). The vertical distance, measured from a street grade or natural ground surface at the mid-point between the front and rear walls of a building or structure to the top of a flat roof or mansard roof or to the mid-point between the eave line and the peak of a gable, hip, shed, or similar pitched roof.

Building Material, Lumber Yard or Garden Store. A facility for the sale of home, lawn and garden supplies; landscaping materials; and brick, lumber, and other similar materials.

Building Permit. A permit which is issued by the County prior to the erection, construction, alteration, moving or relocation of a building or structure.

Business or Professional Office. The office of an architect, attorney, dentist, doctor, engineer, insurance broker or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

Campground. A parcel of land, in single ownership, that has been developed for occupancy by guest-owned tents and recreational vehicles on a temporary basis for recreational purposes.

Camper Trailer. A wheeled vehicle without motive power which is designed to be

drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

Car Wash. An area of land and/or a structure with machine- or hand-operated facilities used principally for cleaning, washing, and polishing or waxing motor vehicles.

CDOT. Colorado Department of Transportation.

Cemetery. A place designated for the burial or keeping of remains of the dead, human or animal, and appurtenant facilities including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.

Change in Land Use. Any development, grading, construction, activity or operation that changes the basic character, configuration, use or zoning of land or buildings and structures after the enactment of this Land Use Code constitutes a change in land use.

Channel. A natural or artificial water course of perceptible extent with definite bed and banks which confines and conducts continuously or intermittently flowing water.

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

Cluster, Cluster Development. The concentration of development, including buildings, driveways, and water supply and wastewater treatment facilities on one or more compact areas of a development parcel, preserving the remainder as productive agricultural land or undeveloped open space, and avoiding impacting areas of identified value for wildlife habitat, scenic features of a rural landscape, historical agricultural uses, and significant environmental features.

Commercial Mineral Deposits. Oil, gas, gravel and other natural deposits that may be extracted from the land for economic benefit

Commercial Agriculture. The use of land for the growing and/or production of field crops, livestock, and livestock products for income including but not limited to the following:

- (1) Field crops, including: corn, hay, sorghum, wheat, dry beans, barley, and vegetables;
- (2) unconfined livestock, including: dairy and beef cattle, goats, horses, sheep, hogs and poultry;
- (3) livestock products, including: milk, butter, cheese, yogurt, eggs, meat and honey.

Commercial Nursery. A use where trees, shrubs, and flower and vegetable plants are grown and sold, either wholesale or retail.

Commercial Use or Activity. Any use or activity primarily devoted to business such as

the purchase, sale, lease or exchange of goods and/or the provision of services.

Commission, Planning. The Crowley County Planning Commission.

Comprehensive Plan. The sum of policies, proposals, programs, maps and reports adopted and identified by the Planning Commission as components of the Comprehensive Plan.

Communication Facility. A non-inhabitable structure or tower and accessory building, supporting antennas, and microwave dishes that send and/or receive radio frequency signals, including television and data impulses, through space by means of electromagnetic waves. Individual/personal direct-to-home satellite services are not included in the definition of "Communication Facility".

Community Meeting Facility, Recreation Hall or Auditorium. A facility for public gatherings and events such as weddings, wedding receptions, community meetings, and meetings and events sponsored by neighborhood groups, religious groups, philanthropic organizations and so forth.

Composting Facility: A site where composting occurs as part of a private business, nonprofit organization, or government service including but not limited to a site where compost materials are received, processed or stored for use in the composting process. A composting facility shall **not** mean farms where composting is an ancillary part of farm operations which conform to generally accepted agricultural and management practices and where no compost is sold or removed for distribution off-site.

Concentrated Animal Feeding Operation. Any animal feeding operation where animals are fed at the place of confinement, and crops, vegetation, forage growth, or postharvest residues cannot sustain the animals, and the number of any type of animals held for that purpose exceeds 999 animal units.

Condominium. An apartment house in which the apartments or dwelling units are individually owned. Each owner receiving a recordable deed enabling him to sell, mortgage, exchange, etc.

Confined Animal Feeding Operation. A lot or facility (other than an aquatic animal production facility) where animals are confined and fed at the place of confinement, and crops, vegetation, forage growth, or post-harvest residues cannot sustain the animals.

1. *Limited:* The number of any type of animals held at the place of confinement does not exceed 100 animal units;
2. *Small:* The number of any type of animals held at the place of confinement shall be more than 100 animal units but less than 1000 animal units.

Conservation Easement. An easement for the purpose of preserving the property's value for recreation, education, habitat, open space, agricultural productivity, historical

importance and scenic qualities of the subject property.

Conservation Plan. Any plan developed by the land owner and Soil Conservation District which describes measures required to prevent, to the extent possible, soil erosion from occurring on the property for which the plan was developed.

Conservation Standards. Guidelines and specifications for soil and water conservation practices and management prepared by the U.S.D.A. Soil Conservation Service for Crowley County, adopted by the county soil and water Conservation District Supervisors and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects the alternative which best meets his needs in developing his soil and water conservation plan.

Construction, New. Structures for which the start of construction commenced on or after the effective date of these regulations.

Construction, Start of. The utilization of labor and/or materials on the footing, foundation, walls, roof and other portions of the building or structure.

Contiguous. Sharing an edge or boundary, touching.

Convenience Store. Any retail establishment selling consumer products including prepackaged or prepared food items and household items. A convenience store may also have associated retail sale of gasoline and other petroleum products.

Corrals (Pens). An enclosure for holding horses, cattle or other animals.

Corrections Facility. A use which provides housing, treatment or care for individuals legally confined or placed as a result of criminal charges and designed to incarcerate or rehabilitate individuals in either a secured or non-secured setting.

Correction Plat. Revision of a previously-approved plat, which is intended to correct minor surveying, drafting or wording errors in the plat.

County. The County of Crowley, State of Colorado.

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

Cul-de-sac. A street open at one end only and providing at the other end special facilities for the turning around of vehicular traffic.

Cultivation. The practice of plowing or disking or any other mechanical or chemical preparation of the land for the purpose of producing a crop for harvest.

Day Care Center. A facility which provides less than 24-hour care or supervision for

nine or more persons under the age of eighteen (18) who are not related by blood, marriage, or adoption to the owner, operator, or manager, whether such facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose.

Decibel. The basic unit for measuring the difference of sound pressure levels from a sound event to a reference pressure. To approximate the range of frequencies of sound most audible to the human ear, an “A-weighting” factor is applied. Sound levels are usually reported in A-weighted decibels, abbreviated dBA.

Deed Restriction: A limitation on the use or sale of the property written in the deed.

Delicatessen. A shop that sells cooked or prepared foods ready for serving.

Density. A unit of measurement, specific to development, to be interpreted as the number of dwelling units per acre of land.

Design Standards or Design Requirements. All requirements and regulations relating to design and layout of a subdivision as contained in these regulations.

Determination of Completeness. The Land Use Administrator’s determination that the application is complete based on compliance with the submittal requirements for the applicable review process.

Development. The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, any use or change in use of any buildings or land; any change in use of any buildings or land; any extension of any use of land or any clearing, grading, plowing, or other movement of land, for which permission may be required pursuant to this regulation.

Development Agreement. The agreement between the owner and the County which specifies the terms and conditions of the land use permit approval. This agreement implements the site specific development plan which establishes vested rights under Article 68 of Title 24, C.R.S.

Disposition. A contract of sales resulting in the transfer of equitable title to any interest in subdivision land; an option to purchase an interest in subdivided land.

District. Any soil conservation district organized as provided in the Colorado Revised Statutes, 2009, Section 35-70-104.

District, Zone. A land area or land areas as defined by the zoning map, within which the zoning regulations are uniform.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sediment during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

Drive-in Restaurant. An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the consumer in a ready-to-consume state for consumption either inside or outside the restaurant building or for carry-out for the purpose of consumption off the premises.

Drugstore. A store where prescriptions are filled and drugs and other articles are sold; a pharmacy.

Dwelling. Any building or a portion thereof, which is designated or used for residential purposes.

Dwelling, Multi-family. Multiple separate housing units for residential inhabitants which are contained within one building or several buildings within one complex.

Dwelling, Multi-Unit. A building that contains two (2) or more dwelling units. The term "dwelling unit" does not include hotels, motels, fraternity houses and sorority houses and similar group accommodations.

Dwelling Unit. A structure designed, arranged or intended to be occupied by one single family, containing a primary heat source and living facilities for sleeping, cooking, eating and sanitation. A Dwelling Unit may also be referred to as a Single-Family Dwelling Unit or a Single-Family Residence for the purposes of this Land Use Code.

Easement. An area which is reserved, conveyed or dedicated for a specialized purpose without the transfer of fee title.

Eating or Drinking Establishment. An establishment for the sale and consumption of food and beverages on the premises, or with drive-thru accommodations.

Educational Facility/ Institution. Buildings and uses for instruction or research activities associated with an academic institution which has curriculum for technical or vocational training, including but not limited to kindergarten, elementary, secondary, or higher education. Educational facilities may include residential facilities for faculty, staff, and students.

Electric Power Distribution Lines and Facilities. Structures, lines and appurtenant facilities used for the distribution of electric energy.

Emergency Care Facility. A health care facility that provides outpatient emergency diagnosis and treatment.

Emergency Shelter. A facility providing intermediate-term housing to people with limited financial resources, including people who are homeless or are abused mentally, physically, or emotionally and need to escape a threatening situation. Accommodations may also include food, counseling, transportation services, and services to support the personal care of the residents of the facility including medical care, dental care and hygiene.

Enclosed. Surrounded by walls and/or fences and a roof.

Energy Grade Line. A line showing the total energy of the flow across the cross-section.

Equestrian Arena. A defined, improved area that may be covered or open, within which equestrian activities involving horse riding, training, practice, exhibition or driving occurs.

Equestrian Center. A defined, improved area that may be covered or open, within which equestrian activities involving horse riding, training, practice, exhibition or driving occurs for commercial purposes, and which may include boarding and includes rental or fee arrangements.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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 parties concerned.

Excavation. The removal of earth material by artificial means, also referred to as a cut.

Exemption Plat. A request for relative minor changes to a recorded subdivision plat, including boundary line changes, lot mergers, and the addition of vacated rights-of-way to adjacent lots. May not be used to increase the number of subdivided lots and may not be used when the application includes un-subdivided land.

Expansive Soil. Rock or soil that shrinks or expands excessively with changes in moisture content.

Extended Care Facility. An establishment which provides lodging, board, and personal services for the health, safety, and comfort for persons residing therein. The term does not apply to hospitals.

FAA. The Federal Aviation Administration.

Fabrication. The act or process of constructing or manufacturing a product from diverse and usually standardized parts.

Family. One or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related occupying a dwelling unit and living as a single housekeeping unit.

Farms. Real property used for commercial agriculture or horticulture, all of which is owned by a single family, family corporation, individual, corporation or other legal entity.

Farm Market. A seasonal retail outlet normally owned or operated by a producer or farm unit, located on-farm or off-farm, selling mainly products produced by the farm directly to the consumer.

Farming. The business of cultivating land and the growing/producing of crops.

Farm Building. Any building or accessory structure other than a farm or nonfarm dwelling which is used in a farming operation, including but not limited to: a barn, granary, silo, or farm implement storage building.

Feed Lot. A concentrated, confined animal or poultry growing operation for meat, milk, or egg production or stabling, in pens or structures wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.

Final Plat. See Plat, 3.

Fire Station. A facility operated by a municipality, fire district, or department which houses fire equipment. The facility may be used for housing personnel and for associated meetings.

Fish Farm. A workplace where fish are hatched and raised for the purpose of harvesting and sale, and including, but not limited to, production for consumption and private stock.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of watercourses, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Fringe. Areas within the flood plain that constitute the low hazard areas between the outer boundary of the floodway and the outer limit of the floodplain. Within the flood fringe area, the depth and velocity of the flood waters do not present as serious a threat to life and property as that within the floodway.

Flood Insurance Rate Map (FIRM). An official map of the Federal Emergency Management Agency (FEMA) on which the area subject to flooding by the base flood has been delineated either by an approximate or detailed engineering study. These maps also delineate flood insurance rate zones and may include the delineation of water surface

elevations and floodway boundaries.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Flood Plain. An area including and adjacent to the stream channel, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

1. Mainstream flood plains;
2. Debris-fan flood plains; and
3. Dry wash channels and dry wash flood plains;

Flood Plain Encroachment. Any development, stockpile, refuse, or matter in, along, across, or projecting into any flood plain which might impede, retard, or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water. The term flood plain encroachment shall not include any device or structure reasonably necessary for flood control or prevention.

Flood Prone. The Flood Prone area is an approximate location encompassing the area in and adjacent to a stream or other watercourse, which is subject to flooding as the result of a base flood, the water surface elevations of which have not been determined by a detailed engineering study.

Flood-proofing. Any combination of structural and non-structural additions, changes or adjustments to structures, moveable objects, or properties for the purpose of reducing or eliminating the potential for flood damage.

Floodway. The areas within the flood plain which are required for the passage or conveyance of the base flood, in which waters will flow at significant depths or with significant velocities. These areas include the channel of a river or creek and any adjacent flood plain areas that must be kept free of development and other encroachments so the base flood can be conveyed without substantial increase in flood height.

Specifically, the floodway is defined according to the following criteria:

1. Areas of the flood plain that must be kept free of development and other encroachments so the base flood is conveyed with no more than a one foot increase in the water surface elevations.
2. Where the floodway has not been identified, areas of the flood plain where floodwater from the base flood is eighteen (18) inches or greater in depth.
3. The area that comprises a minimum of twenty-five (25) feet from the banks of the river or creek, unless the bank consists of an impervious natural rock wall or cliff which is higher than the flood elevation.

Floor Area. Floor area, also called gross floor area, means the total square footage of the

building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (½) of all storage and display areas for durable goods.

4-H Project. The keeping or housing of animals by a 4-H member.

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

Game Preserves, Developed. A restricted property on which wild animals are hunted for sport or food, and where the potential for hunting success has been enhanced through significant changes in the land, habitat or game population, in addition to those associated with restricting access to said property. Significant change includes, but is not limited to, any of the following:

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

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

Garage. An enclosed structure for the parking of motor vehicles.

General Service Establishment.

1. An establishment for services offered by building trade professionals including building contractor, electrical contractor, and plumbing contractor.
2. An establishment for trade services offered by blacksmiths and/or other trades fitting in this group.
3. An establishment for service and repair of small appliances, equipment and machinery.

Geologic Hazard. A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety, or to property. The term includes but is not limited to:

1. Avalanches, landslides, rock falls, mudflows, unstable or potentially unstable soils, and unstable or potentially unstable slopes;
2. Seismic effects;
3. Radioactivity; and
4. Ground subsidence.

Geologic Hazard Area. An area that contains or is directly affected by a geologic hazard including avalanche, landslide area, mudflow debris area, radioactive area, and potentially unstable soils.

Grade, Building. The average of the natural ground level at the center of all walls of the building.

Grade, Finished. The final elevation of the ground surface after development.

Grade, Natural. The elevation of the ground surface in its natural state, before manmade alterations.

Grazing. The feeding of animals on growing grasses, other growing vegetation or postharvest residues.

Group Dwelling. The residence or group of six or more persons, not related by blood, marriage, adoption, or guardianship and living together as a single housekeeping unit.

Group Home Facilities. A facility operated by a public, nonprofit, or private agency, which provides 24-hour care or supervision of persons who are not related by blood, marriage, or adoption to the facility's owner, operator or manager.

Hardware Store. A store which sells hardware which includes, but is not limited to: fasteners, keys, locks, hinges, wire, chains, plumbing supplies, tools, utensils, cutlery and machine parts, etc.

Hazard. A natural or manmade phenomenon or condition which is a significant source of risk, danger or peril.

Health Department. All references to the Health Department mean the Crowley County Health Department.

Heliport. A structure or area of land or water used or intended to be used by helicopters for takeoff and landing, and the appurtenant buildings and facilities, including: necessary passenger and cargo facilities, fueling and emergency service facilities.

Helistop. A minimally developed heliport for landing and discharging passengers or cargo, and not intended for refueling or maintaining helicopters.

Historic Site. A structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

Home. One's place of residence.

Home Occupation. A business, profession, occupation or trade conducted for gain or support and located entirely within a residential building or a structure accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building or the property in general.

Horticultural. Having to do with the growing of fruits, vegetables, flowers, or ornamental plants.

Hospital. An institution providing health services for inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training and central services facilities and staff offices.

Hotel. An establishment leasing or renting overnight sleeping accommodations to the public generally.

Illumination, Direct. Lighting by means of an unshielded light source which is effectively visible when the light travels directly from the source to the viewer's eye.

Illumination, Indirect. Lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front or a light source that is primarily designed to illuminate without direct travel from the source to the viewer's eye.

Impact. The direct or indirect effect or consequence resulting from a development upon land, the environment, the community or any part or segment thereof. The term shall include, but not be limited to: physical, environmental, economic, visual, auditory or social consequences or effects.

Impact Analysis. Assessment of the pros and cons of pursuing a course of action in the light of its possible consequences, for the extent and nature of change it may cause.

Impervious Materials. Materials that do not readily allow water to infiltrate into the ground. The term "Impervious Materials" shall include building roof surfaces and overhangs, concrete or asphalt pavement surfaces and compacted gravel.

Improvements. All facilities, constructed or erected by a developer within a subdivision, to permit and facilitate the use of lots and blocks for a principle residential, business or manufacturing purpose.

Individual Sewage Disposal System (ISDS). An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing or disposing of sewage that is not part of or connected to a sewage treatment works, as that term is defined in Section 25-10-103 (20), C.R.S., as amended.

Industrial Use or Activity. Uses engaged in processing or manufacturing of materials from either extracted or raw materials or from previously prepared materials resulting in

a new product designed for wholesale or retail sale.

1. Extraction. Extraction operations include, but are not limited to: petroleum and natural gas wells; shale and coal mines; gravel pits; timber cutting.

2. Processing. Processing operations include, but are not limited to: petroleum refining; oil shale crushing; retorting and refining; ore smelting; coal crushing and cleaning; saw mills; alfalfa pellet mills; food canning or packing; creation of glass, ceramic or plastic materials; gravel crushing; cement manufacture; and concrete batch plants.

3. Fabrication. Fabrication operations include, but are not limited to: manufacture of equipment, vehicles and consumer goods from processed materials; wood and metal working operations; and batch plants.

4. Repair. Industrial repair operations include, but are not limited to: automobile and heavy equipment repair; and appliance repair.

5. Material Handling. Material handling operations include, but are not limited to: a transfer station for construction waste such as wood, drywall, metals, paper, plastic and other types of construction materials.

Junk. See *Rubbish* of these Definitions.

Junk Yard. See *Salvage Yard* of these Definitions.

Kennel. Any place or premises upon which any person, firm or corporation owns, keeps, or harbors more than four (4) dogs over six (6) months old within the unincorporated limits of the County of Crowley, State of Colorado.

Land Suitability Analysis. The process used to determine the appropriateness of a given area for a particular use.

Land Survey Plat. A scale drawing of the boundaries of a parcel of land, which is compiled by a series of exact and precise linear and angular measurements taken from a known point of origin developed by mathematical principals of surveying.

Landing Strip. A minimally developed airport for landing and discharging passengers or cargo, and not intended for refueling or maintaining aircraft.

Land Use Administrator. The Crowley County Land Use Administrator or his or her appointed representative.

Land Use Change. Any land use or development activity that changes the basic character, configuration, use or zoning of land or buildings and structures after the enactment of this Land Use Code.

Land Use Change Permit. Approval by the County for any land use change subject to County review by this Land Use Code.

Land Use Code. The Crowley County Land Use Code. The terms “Code” and “Regulations” also refer to the Crowley County Land Use Code.

Laundromat, Laundry or Dry-Cleaning Facility. A retail business that provides laundry and/or dry-cleaning services to individual customers.

Ldn. Day Night Level (DNL/LDN). A 24-hour average noise level with a 10-decibel (dB) penalty for nighttime.

Limited Impact Review. A shortened land use change permit application and review process, described in Section 7 of this Land Use Code, by which the Crowley County Planning Commission approves permits for uses being allowed on the basis of their limited impact with regard to compatibility with the site and surrounding land and uses, and the adequacy of required services.

Livestock. Domestic animals that are used for food for human or animal consumption, breeding, draft or profit.

Lot. Any portion, piece or parcel of land.

Lot Coverage. The portion of a lot which is covered or occupied by buildings, structures, parking areas and drives or any other impervious surface.

Lot, Depth. The shortest horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

Lot, Double Frontage. Lots which front on one public street with a side or a back lot line fronting another public street.

Lot, Flag. A lot, the main use or building area of which does not abut on a public street, but is connected thereto by a narrow strip of land which is a part of the lot.

Lot Line. The external boundary of a lot.

Lot Line, Front. The boundary of a lot dividing it from the adjacent street or access road.

Lot Line, Rear. The boundary of a lot opposite the front lot line.

Lot Line, Side. Any boundary of a lot other than the front or rear lot line.

Lot Size or Area. The total horizontal area within the lot lines.

Lot, Through. An interior lot having frontage upon two parallel or nearly parallel streets.

Lot, Width. The distance between the side lot lines measured at the required front building setback line, or in the case of an irregularly shaped lot, the front building lot.

Machine Shop. A facility where material is processed or treated by machining, cutting, grinding, welding, or similar processes.

Major Electrical or Natural Gas Facilities. Major electrical or natural gas facilities include one or more of the following:

1. Electric power generation;
2. Substations used for switching, regulating, transforming or otherwise modifying the characteristics of electricity;
3. Transmission lines;
4. Structures and equipment associated with such electrical generating facilities, substations, or transmission lines;
5. Structures and equipment utilized for the local distribution of natural gas service including, but not limited to: compressors, gas mains and gas laterals.

Major Impact Review. A land use change permit application and review process, by which the Crowley County Planning Commission recommends to the Board of County Commissioners approval, denial or approval with conditions of an application for a permit for uses being allowed on the basis of their major impact with regard to compatibility with the site and surrounding land and uses, the adequacy of required services and other factors as set forth in the recommendation.

Manufactured Home.

1. A pre-constructed building unit or combination of pre-constructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, which includes electrical, mechanical or plumbing services, and which unit or units are not licensed as a vehicle. Further, such building unit(s) shall be certified by HUD pursuant to the Federal Manufactured Home Construction and Safety Standards Act, 41 U.S.C. 778 5401, *et seq.*, as amended, or shall comply with the NFPA (National Fire Protection Act) 501b/ANSI (American National Standards Institute) a119.1 (most current edition and all subsequent editions thereto, together with all amendments thereto) or meet the requirements of the International Building Code.
2. The term manufactured home shall **not** include travel trailers, camper trailers, campers or self-contained motor homes or camper buses.

Manufactured Home Park. A parcel upon which two or more manufactured homes, occupied or intended to be occupied for dwelling purposes, are located.

Manufactured Home Space. A portion of ground within a manufactured home park designated for the permanent location of one manufactured home.

Mass Transit Facility. A station or terminal constructed to provide and facilitate passenger access and egress to: a rapid or mass transit system; fixed guide ways; dedicated highway lanes restricted to use by only mass transit vehicles; restricted dedicated flyovers and restricted dedicated access to terminals or stations; or highway access and egress facilities restricted to use only by mass transit vehicles.

Master Plan. See Comprehensive plan.

Medical Clinic (Office). A clinic or office connected with the practice of medicine.

Mineral Estate. A mineral interest in real property that may be severed from the surface estate of the subject real property, which if severed, is shown in the real estate records of the county in which the real property is situated; and which is not owned as part of the full fee title to the real property. [Section 24-65.5-102, C.R.S.]

Mining, Mine. Any area of land from which minerals are extracted in non-liquid form or are extracted in a liquid form while workers are underground, and including any accessory support facilities; ways and roads appurtenant to such area; and lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property, including impoundments, retention dams, and tailing ponds, on the surface or underground, used in, or to be used in, or resulting from the work of extracting such minerals from their natural deposits in non-liquid form or, if in liquid form, used by workers underground or used or to be used in the milling of such minerals or the work of preparing coal or other minerals.

Mitigation. An action which will have one or more of the following effects:

1. Avoiding an impact by not taking a certain action or parts of an action;
2. Minimizing an impact by limiting the degree or magnitude of the action or its implementation;
3. Rectifying an impact by repairing, rehabilitating, or restoring the impact area, facility or service;
4. Reducing or eliminating an impact over time by preservation and maintenance operations; and
5. Compensating for an impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

Mobile Home. See *Manufactured Home* of these Definitions.

Mobile Home Park. Any parcel of land upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located for periods of longer than 90 days, regardless of whether or not a charge is made for such accommodations.

Mobile Home Sub-Division. A parcel of land sub-divided into lots, each lot individually owned and utilized as the site for placement of a single family mobile home and its facilities.

Monument(s). The actual points set on the ground to locate, delineate, or describe tracts of land and/or the points set to define a legal description of a tract of land.

1. United States Land Surveyor Monuments: The point or corners established by the survey of public land for the United States Government, and also the reestablishment or restoration of said corners.
2. The points or corners set by a Colorado Registered Land Surveyor in accordance with Chapter 136 Colorado Revised Statutes, 1973, to define a legal description on the ground.

Monument(s), Permanent. Any structure of masonry and/or metal, permanently placed on or in the ground, including those expressly placed for surveying reference as required by Colorado Revised Statutes, 1973.

Motel. A building or group of buildings containing guest rooms, usually with access directly from a parking lot, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Municipality. An incorporated city or town.

Native Rangeland. Shall be defined to include lands, while not necessarily native range lands as that term is commonly understood, which have not been plowed within three years of the date of the application for permit to engage in the cultivation or plowing of native rangeland. It is the specific intent to cover not only native rangeland, but also those lands lying within Crowley County that have sold or otherwise transferred the water rights appurtenant thereto.

Natural Hazards. Mudslides, subsidence areas, flood plains, seismic faults, rockslides, erosion and other naturally occurring phenomena that can pose hazards to life or property.

Nonconforming Use. A building, structure or use of land legally existing at the time of enactment of this Land Use Code or lawful amendments to this Code and which does not conform to the regulations of the zoning district in which it is situated or used.

Nursing Facility. A facility or a distinct part of a facility certified under state and federal regulations to provide care and treatment for inpatients. "Nursing facility" includes private, nonprofit or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

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

Official Maps. Maps delineating designated flood plain districts and designated zoning districts as adopted by the Board of County Commissioners.

Off-Street Parking Space. The space required to park one passenger vehicle, which space shall be a minimum of ten feet by twenty feet in area, exclusive of the access drive.

Oil and Gas Drilling and Production. Any operation utilizing equipment which advances a borehole into substrata for the purpose of discovery, development and/or production of oil or gas.

Open Space. Any land or water area which serves the specific use of: providing park and recreation opportunities, conserving natural areas and environmental resources, or protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land or yards as part of a platted lot.

Outdoor Recreation. An area or facility which offers entertainment, recreation or games of skill where any portion of the activity takes place outside and may include lighted areas for use after dusk. This includes, but is not limited to: a golf driving range, boating facility, tennis facility or a miniature golf course.

Overnight Shelter. A facility providing short-term overnight accommodations, on a day-to-day basis, without charge or at a nominal charge to people with limited financial resources, including people who are homeless. Accommodations may also include food, counseling, transportation services and service to support the personal care of the residents of the facility including medical care, dental care and hygiene.

Owner. The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel. A lot or tract, or contiguous groups or portions of such lots or tracts.

Parcel, Non-Conforming. A parcel which lawfully existed at the time this resolution or any amendment hereto became effective but which does not now conform to the regulations applicable in the zone district in which it is located.

Parking, Commercial. Parking lots or structures open to the public and operated for a profit.

Parking, Community. Parking lots or structures not open to the public, but shared by several persons not residents on the premises.

Parking Lot. A lot, parcel or tract for the parking of motor vehicles and trailers.

Parks, Public. Land retained for public recreational use, that may be improved with playground apparatus, public tennis courts, public golf courses (with or without a clubhouse), picnic areas, shelters, riding, biking or hiking trails, skateboard areas, other game courts or pits, art, memorials and historic structures. Public Parks may include greenways and natural areas and features that are subject to minimal maintenance, generally open to the public.

Parks, Private. Land retained for recreational use, designed and maintained to meet the needs of the residents of a defined area and/or membership, where general public access is denied or only offered on a limited basis. Ownership and maintenance is assumed by a property owner's and/or membership association.

Peak Hour. A term used in traffic engineering and analysis that identifies the 60-minute period where a segment of road or intersection experiences, or is projected to experience, the greatest number of through and turning vehicles in an average 24-hour period.

Person. Any individual, corporation, governmental entity, estate, trust, partnership, association or other legal entity.

Personal Property. Any moveable property which is not real property or permanently affixed to real property.

Personal Service Facility. See *Retail or Personal Service Facility* of these Definitions.

Pipeline. Any conduit and appurtenant facilities designed for, or capable of, transporting natural gas, other petroleum derivatives or other liquid.

Planned Unit Development. 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.

Plat. A map and supporting materials of certain described land prepared as an instrument for recording of real estate interests with the county clerk and recorder.

1. Sketch Plan: A map of proposed subdivisions, drawn and submitted in accordance with the requirements of adopted regulations, to evaluate feasibility and design characteristics at an early stage in the planning.
2. Preliminary Plan: A map or maps showing the preliminary design of a proposed subdivision, together with such information, supporting data and other requirements as are necessary to comply with the provisions of these regulations.

3. Final Plat: A map or maps indicating the final design of the proposed subdivision supported by the necessary engineering data and legal documentation, as set forth in these regulations and in the Colorado Revised Statutes.
4. Vacation Plat: A map indicating a proposed vacation of a dedicated street, road or easement, or a vacation of a subdivision into raw acreage. It shall be prepared by a Colorado Registered Land Surveyor in accordance with the provisions of these regulations and is presented to the Crowley County Planning Commission and to the Board of County Commissioners for approval and which if approved, will be recorded by the Crowley County Clerk and Recorder.

Preliminary Plan Map. See Plat, Sketch Plan.

Property Lines. Invisible lines outlining the boundaries of properties of lots for the purpose of description in sale, lease, building development or other separate use of property.

Principal Use. The primary purpose or function for which the land, building or structure is used.

Professional Office. Examples of a professional office use include physicians and medical clinics, dentists, lawyers, realtors, architects, engineers, musicians, designers and accountants. A professional office use does not include storage or sale of merchandise.

Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events or similar activities. Public assembly facilities include, but are not limited to: schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

Public Hearing. A meeting called by a public body, for which public notice has been given in compliance with the provisions of this Code and which is held in a place where the general public may attend, with the principal purpose of receiving testimony, evidence or public comment on a specific application or issue.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

Public Utilities. Electricity, natural gas, water and wastewater service, wire telephone

service, and similar public services. The term “public utilities” does not include wireless telecommunication facilities.

Ranching. The business of keeping livestock, fowl and other non-domestic animals. This definition does not include concentrated animal feeding operations or confined animal feeding operations or dog kennels.

Recreational Vehicle (RV). A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples of recreational vehicles include, but are not limited to: camping trailer or tent trailer, motorized camper, motor home, recreational conversion van or bus, pickup camper, tent, or travel trailer.

Recyclable Materials. Reusable materials including, but not limited to: metals, glass, plastic, wood, and paper which are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse or hazardous waste.

Recycling Collection Center. A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting facility.

Recycling Processing Facility. A facility where recyclable and organic materials are collected and processed. Processing includes but is not limited to: baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.

Residence, Single Family. A structure designed, arranged or intended to be occupied by one single family, containing a primary heat source and living facilities for sleeping, cooking, eating and sanitation. A single-family residence may also be referred to as a “single-family dwelling unit” for the purposes of this Land Use Code.

Residential. Characterized by or suitable for residences or homes.

Residential Lot. A distinct part or parcel of land on which a building planned and designed to be used as a residence shall be built.

Resort, Lodge, Conference Center or Guest Ranch. Dude ranch, boating base camp, hunting or fishing camp, or other similar facility for the purpose of recreation which provides lodging, recreational activities, dining facilities, parking, storage facilities and restrooms or other needs operated on the site for guests or members.

Restaurant. A commercial establishment designed primarily to serve prepared food to customers.

Retail or Personal Service Facility. An establishment for the retail sale of merchandise to the general public or the provision of personal services to the public.

Right-of-Way (ROW). All streets, roadways, sidewalks, alleys and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in the said right-of-way.

Riparian/Riparian Areas. Related to, living or located on the bank of a natural watercourse or lake. Riparian areas include groups of plants, animals and aquatic communities whose presence is either directly or indirectly attributed to water-influenced or water-related factors. Areas exempt from this definition are manmade agricultural structures and devices including irrigation ditches, sprinklers and artificial ponds.

Roads:

1. **Arterial:** A major or main route usually designed with long-distance travel in mind.
2. **Collector:** A road used as a connection between local roads and arterial roads.
3. **Local:** A road designed specifically to have high accessibility and to connect to collector and arterial roads and is typically not used for through traffic.

Road Profile. A drawing reflecting a proposed or existing vertical section of a road, street, or alley for which right-of-way is to be or has been conveyed to Crowley County for road purposes. It may be a true or exaggerated profile, and may reflect either a center line and/or both flow lines of a road, street, or alley.

Rooming House. See *Boarding House* of these definitions.

Rubbish. Trash, junk and garbage including, but not limited to: unwanted or discarded household items; waste from building construction, remodeling and repair including used lumber and building materials; tree branches, grass and shrub clippings, leaves or other general yard and garden waste; newspapers, magazines, packaging materials, waste paper or cardboard, boxes and crates, rags; dead animal carcasses; and any other unsightly or discarded material including scrap metal, scrap material, bottles and tin cans, which causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Salvage Yard. A building, structure or parcel of land used for the collecting, storage, dismantling, salvage, recycling, demolition or sale of material that is unfit for its original intended use, is discarded, worn out, dismantled, or deteriorated in such condition that it is not useable or not safe or fit for human use or habitation.

Saw Mill. A facility for the storage, sales, cutting and milling of forest products.

Secretary. Secretary shall mean the secretary to the Planning Commission or any other person so designated by the Board of County Commissioners or the Planning Commission.

Setback. The required minimum distance between the point that the facing wall intersects with the finished grade of the building and the related front, side or rear lot line.

Sketch Plan Map. See Plat.

Sign Area. The sum area of the surface of each plane of the sign within the outermost edge or border of the plane. The sign area of freestanding letters not attached to a surface or plane shall be the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias or symbols.

Sign Face. The surface of a sign upon, against, or through which the message is displayed or illustrated.

Sign, Freestanding (Billboard). A sign that is supported by one or more columns, uprights or poles extended from the ground or from an object on the ground, or a sign that is erected on the ground.

Sign, Ground (Billboard). A type of freestanding sign which is erected on the ground and which contains no unrestricted space or open space between the ground and the top of the sign.

Sign – Identification Sign. Identification signs include name plates, signs or symbols establishing the identity of a building; combination of name and street addresses; landmark or natural features; plaques that are an integral part of the structure.

Sign – Ideological Sign. A sign expressing philosophical concepts, including religious and political signs.

Sign – Joint Identification Sign. A sign that provides common or collective identification for two or more businesses or industrial uses.

Sign – Real Estate Sign. A sign indicating the availability for sale, rent or lease of a specific lot or building.

Sign, Off-Premises. Any sign which contains a message unrelated to the business conducted or to a commodity, service or entertainment sold or offered on the premises upon which the sign is located.

Sign, On-Premises. Any sign which contains a message directly pertaining to the business conducted or to a commodity, service or entertainment sold or offered on the premises upon which the sign is located.

Sign, Portable. Any sign not permanently attached to the ground or to any structure.

Sign, Projecting. A sign attached to a building and extending beyond the surface of the building to which the sign is attached.

Sign, Suspended. A sign suspended from the ceiling of an arcade, marquee or canopy.

Sign, Temporary. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.

Significant. Deserving to be considered; important; notable and not trifling.

Site Plan. An architectural plan, landscape architectural document, and a detailed engineering drawing of proposed improvements to a given lot. At a minimum, this must include building footprints, travel ways, parking, drainage facilities, sewer lines, water lines, etc. The plan does not have to be professionally drawn.

Site Specific Development Plan. The approved plan which has been submitted to the County to establish a vested right pursuant to Title 24, Article 68, C.R.S.

Slope. Change in vertical elevation of a property over a specified horizontal distance, measured between contour intervals.

Soil Conservation District. Any Soil Conservation District organized as provided in Colorado Revised Statutes, 1973, section 35-70-104.

Solar Access. The ability to receive sunlight across real property.

Solar Energy Device. A device which converts the sun's radiant energy into thermal, chemical, mechanical or electric energy.

Solar Energy System. A system composed of a solar energy collector, an energy storage facility and components for the distribution of transformed energy, which may be attached to a residence or other structures.

Solar Panels, Solar Arrays (Solar Energy). A device consisting of solar cells that convert light into electricity (panel), or an electrical device consisting of a large array of connected solar cells (arrays).

Solid Waste. The term "solid waste" includes: garbage or refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; solid, liquid, semi-solid, or contained gaseous material discarded from industrial operations, commercial operations or community activities. "Solid waste" does not include: any solid or dissolved materials in domestic sewage; agricultural wastes; solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject

to permits under the provisions of the Colorado Water Quality Control Act, Title 25, Article 8, C.R.S.; materials handled at facilities licensed pursuant to the regulatory provisions under the Radiation Control Act, Title 25, Article 11, C.R.S.; and scrap metal that is being recycled or shredded, or circuit boards that are being recycled.

Solid Waste Disposal. The storage, treatment, utilization, processing or final disposal of solid wastes.

Solid Waste Disposal Site or Facility. The location and/or facility at which the deposit and final treatment of solid wastes occur.

Stable. A building in which horses or cattle are sheltered and fed.

Standpipe. A high vertical pipe or cylindrical tank for storing water and keeping it at a desired pressure, particularly to provide fire protection to upper floors of tall buildings or a large tank used in a water supply system.

Street/Roads. See Roads.

Street, Sub-Division. Any thoroughfare or public space not less than 16 feet in width which has been dedicated or deeded to the public for public use.

Structure. The term “structure” includes, but is not limited to: buildings, decks, fences, retaining walls, signs, towers, antennas, smokestacks and over head transmission lines.

1. *Permanent structure.* A permanent structure is constructed in a manner which would be expected to have a lengthy useful life, for a purpose expected to be long-term in duration.

2. *Temporary structure.* A temporary structure is constructed in a manner which would be expected to have a relatively short useful life, for a purpose expected to be short-term in duration.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any substantial change in the roof or in the exterior walls. For purposes of these Regulations, “structural alterations” do not include alterations required for public safety.

Subdivision.

1. “Subdivision” or “subdivided land” means any parcel of land which is to be used for condominiums, apartments, or any other multifamily dwelling units, unless such land when previously subdivided was accompanied by a filing which complied with the provisions of these regulations with substantially the same density, or which is divided into two or more parcels, separate interests or interests in common, unless exempted under this definition.

1. The term, “subdivision” and “subdivided land” as defined in Paragraph 1 of this definition shall not apply to any division of land which creates parcels of land each of which is intended for use by multiple owners.

2. Unless the method of disposition is adopted for the purpose of evading this code, the terms “subdivided land” as defined in Paragraph 1 of this definition, shall not apply to any division of land:
 - a. Which is created by order of any court in this State or operation of law;
 - b. Which is created by a security or unit of interest in any investment trusts regulated under the laws of this State or any other interest in an investment entity;
 - c. Which is created by lien, mortgage, deed of trust, or any other security instrument;
 - d. Which creates an interest in oil, gas, minerals, or water which are not now or hereafter severed from the surface ownership of real property;
 - e. Which is created by the acquisition of an interest in land in the name of a husband and wife or other person in joint tenancy, or as tenants in common or any such interest shall be deemed for the purpose of this section as only one interest; or
 - f. Which creates cemetery lots.

Subdivision, Exemption. The Board of Crowley County Commissioners may pursuant to rules and regulations or resolutions, exempt from the definition of the terms “subdivision” and “subdivided land” any division of land if the Board determines that such subdivision is not within the purpose of Part 1 of Articles 28 of Title 30, Colorado Revised Statutes, 2009. The Board shall refer such request for exemption to the County Planning Commission for their recommendations and shall impose such terms and conditions as the Board may determine necessary to protect the public health, safety and general welfare. A survey performed by a land surveyor registered in the State of Colorado shall be required. The establishment of all corners, monumentation of corners, establishment of boundary lines, etc., shall be performed in accordance with the Colorado Revised Statutes and the Crowley County Subdivision Regulations. All structures shall also be shown on the survey plat and distances from property lines, existing as well as newly created, shall be indicated. The plat must be drawn to scale including all structures located on the tract which the survey delineates.

Subdivision Improvement Agreement. One or more security arrangements which the county shall accept to secure the actual cost of construction of such public improvements as required by these regulations within a subdivision.

Subdivision, Minor. The subdivision of land resulting in the creation of an unlimited number of lots and which does not:

- a. Involve the dedication of a public road or waiver of the access requirements;
- b. Create a traffic hazard;
- c. Detrimentally affect surrounding property owners or their property;
- d. Detrimentally affect adjacent irrigated agricultural land;
- e. Require a change in the existing zoning resolution to accommodate the proposed use.

Substantial Improvement. Any repair, or reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either (a) before the improvements or repairs have started or (b) if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either (1) any project or 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 alterations of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society's list of historic places.

Survey. A series of observations and measurements made by a land surveyor, registered in the State of Colorado, for the purpose of locating or restoring any real property boundary. All observations, measurements, monumentation, etc., shall be made, set, recorded, etc., in accordance with the Colorado Revised Statutes, 1973. All surveys submitted to the Land Use Administrator, in conjunction with any application submitted to that office, shall also show all existing structures located on the tract which the survey delineates, distances from property lines (existing as well as newly created) and any other pertinent information such as easements, right-of-ways, and etc.

Telecommunication Facility. All devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed or mounted on poles, other structures or buildings. Telecommunication facilities may include, but not be limited to: radio, television, telephone, cell phones and microwave towers or antennas for commercial transmission to consumers.

Telecommunication Facility, Public Safety. A facility owned and/or operated by a governmental agency and utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses.

Telecommunication Facility, Non-commercial. A facility or facilities utilized for the transmission or reception of electromagnetic or electro-optic information, which is accessory to a residential use and not commercial in nature.

Tract. A portion of land, usually not platted, delineated by a metes and bounds description.

Trailhead. An area set aside with parking, staging areas and appropriate structures including, but not limited to: parking areas; corrals for horses and stock; parking for trailered vehicles such as snowmobiles and ATV's; restroom facilities, or space for portable toilets; interpretive and informational signage; and trash collection bins.

Transfer Station. A facility at which refuse, awaiting transport to a disposal site, is transferred from one type of containerized collection receptacle into another or is processed for compaction.

Transitional Housing. A facility providing long-term housing in multi-family dwelling units in conjunction with programs that assist tenants in working towards independence from financial, emotional or medical conditions that limit their ability to obtain independent housing for themselves. Participation in a program of supportive services is required as a condition of residency.

Trash: See *Rubbish* of these Definitions.

Unsafe Structure. A structure or building which is determined to present a substantial danger or hazard to the general public health and safety.

Use. The purpose or activity for which land or any building thereon is designed, arranged, intended, or for which it is occupied or maintained.

Use, Accessory. A subordinate use which is customarily incidental to the principal building or to the principal use of the parcel.

Use by Review: Any use or activity that is not considered to be a “use by right” and is therefore subject to the review process set forth in Section 7. C., page 27 of this Land Use Code.

Use by Right: A use or activity that is permitted in a zoned district without obtaining a Land Use Change Permit if the proposed use or activity complies with the applicable zone district regulations and use restrictions set forth herein, but is not exempt from other Federal, State or local permit requirements or standards and other applicable provisions of this Land Use Code.

Use, Non-Conforming. A use which lawfully occupied a building or land at the time this resolution or amendment hereto became effective and which does not now conform with the use regulations applicable in the zone district in which it is located.

Use, Principal. The specific primary purpose for which land is used.

Utility Substation. Any facility designed to provide switching, voltage transformation or voltage control required for the transmission of electricity.

Utility Storage Area. Any surface facility designed to store natural gas or petroleum derivatives.

Variance. A relaxation of the terms of the Zoning Resolution where such relaxation will not be contrary to the public interest or the intent and purpose of this resolution. Where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undo hardship. The condition or situation is not of so general or recurrent a nature as to make

reasonable and applicable the formulation of an amendment containing a general regulation for such condition or situation.

Vehicle Repair Service. A shop or place of business for repair and maintenance of automobiles, trucks and other automotive and farm equipment, and/or the making or repairing of a vehicle body.

Vehicle Service Center. A facility for the retail sale of gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication and minor repairs are conducted.

Vehicles, Rental. The use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment.

Vested Property Right. The right to undertake and complete the development and use of property under the terms and conditions of a County-approved Site Specific Development Plan, as defined in Section 24-68-102 (5), C.R.S.

Vicinity Map. A map of the region/area which includes the proposed project.

Warehouse and Distribution Center. A building used primarily for the inside storage and distribution of goods and materials. This term includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

Wastewater Plan. A plan to identify the best method to handle and dispose of residential and commercial sewage and wastewater.

Water-body. A “water-body” shall include rivers, lakes, creeks, arroyos, dry-bed streams, and irrigation canals, but shall specifically not include irrigation ditches and laterals.

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

Water and Sewer Projects. The site selection and construction of major new domestic water and wastewater treatment systems, major extensions of existing domestic water and wastewater treatment systems, and efficient utilization of municipal and industrial water projects, including any proposed land development directly related to such project if such development is to be located wholly or partially within this County, and if such development specifically generates the need for the project.

Water Impoundment. Detention or retention of water in wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds or

other similar water features.

Water Storage Facility. Any enclosed structure that is used to store water either above or below ground for public consumption or fire protection.

Water Supply Plan. A plan to determine the most appropriate source of providing potable water to the planned site.

Water Treatment Facility. A facility or facilities within the water distribution system that can alter the physical, chemical or bacteriological quality of the water.

Weeds and Brush. Any underbrush, brush, shrub or plant material greater than twelve inches in height which:

1. Ordinarily grows without cultivation; not in planting beds or otherwise in a controlled manner; or not for the purpose of food production; and,
2. Is allowed to grow in such a manner or extent that it causes or is likely to cause a public hazard or nuisance, or is unacceptably offensive in light of community standards of cleanliness or generally accepted neighborhood aesthetics; and,
3. Is not an undesirable plant designated under the County's Noxious Weed Management Plan, pursuant to the "Colorado Noxious Weed Act", the removal of which shall be governed by that Plan.

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

Wholesale. Sale for resale, not for direct consumption.

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

Yard, Front/Rear. A yard extending the full width of the lot and situated between the street line and the required front/rear setback line.

Yard, Side. A yard extending between the required side setback line and the adjacent side line of the lot and extending from the required front setback to the required rear setback line.