

**WELD COUNTY
CODE ORDINANCE 2021-09**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 23
ZONING, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
WELD, STATE OF COLORADO:**

WHEREAS, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

WHEREAS, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Weld, State of Colorado, that Chapter 23 of the Weld County Code be, and hereby is, repealed and re-enacted, with amendments, to read as follows.

**CHAPTER 23
ZONING**

ARTICLE I – General Provisions

Amend Sec. 23-1-90. Definitions.

The following specific words and phrases, when appearing in this Chapter in uppercase letters, shall have the meanings stated in this Section:

Add *AGRICULTURAL PROCESSING*: PROCESSING of crops and other plants, including extracting oils from plants and canning of plants for distribution to retailers but does not include production of ethanol, alcoholic beverages, or activities listed in the definition of FARMING.


Delete AGRICULTURAL PRODUCTION.

AGRICULTURAL SUPPORT AND SERVICE: Establishments principally engaged in serving DAIRIES and FARMING, excluding LIVESTOCK CONFINEMENT OPERATIONS, MEAT PROCESSING, ORGANIC FERTILIZER PRODUCTION/COMPOSTING FACILITIES, TRANSLOADING facilities, and COMMERCIAL TRUCK WASHOUT FACILITIES; and including but not limited to the following:

- a. and b. – No change.
- c. Grain, seed, feed, fertilizer, herbicide, pesticide, kerosene, and propane retail, wholesale, and service establishments,
- d. thru i. – No change.

Add j. AGRICULTURAL PROCESSING.

PAGE 1 CC:CTB(EG/CH), FI(DW/50),
ACT(BC/CD), AD(RR), CA(ALL), 2021-1771
PL(TP/AS/MW/HR) ORD2021-09
07/14/21

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07/12/2021 11:00 AM R Fee:\$0.00
Carly Koppes, Clerk and Recorder, Weld County, CO


Delete AGRICULTURAL SUPPORT AND SERVICE excludes the following:

AUXILIARY QUARTERS: One (1) or more interconnected rooms permanently attached to or located within a SINGLE-FAMILY DWELLING which are arranged, designed, used or intended for USE as a complete independent living facility for one (1) FAMILY. All AUXILIARY QUARTERS shall comply with the following requirements:

Delete a. and b. Reletter c. as a.

- a. The GROSS FLOOR AREA of the SINGLE-FAMILY DWELLING shall be no less than one thousand six hundred (1,600) square feet in size.

Delete d. Reletter e. and f. as b. and c.

- b. The minimum GROSS FLOOR AREA of the AUXILIARY QUARTERS shall be no less than three hundred (300) square feet and the maximum GROSS FLOOR AREA of the AUXILIARY QUARTERS shall not exceed fifty percent (50%) of the remaining GROSS FLOOR AREA of the SINGLE-FAMILY DWELLING.

- c. The AUXILIARY QUARTERS and the SINGLE-FAMILY DWELLING shall be attached by common roof and foundation.

Delete g.

LEGAL LOT: As used in this Chapter, the term LEGAL LOT shall refer to any of the following:

Delete a. and reletter subsequent items.

- a. Any LOT created prior to September 20, 1961, prior to the adoption of the Official Subdivision Regulations for Weld County, Colorado.
- b. Any LOT created between September 20, 1961, and December 15, 1992, in compliance with the Official Subdivision Regulations, Weld County, Colorado, as amended (referred to as the "Weld County Subdivision Regulations"), and in conformance with the bulk requirements and other regulations of the zone district where the LOT is located.
- c. Any LOT created between December 15, 1992, and December 28, 2000, in compliance with the Weld County Subdivision Ordinance, Ordinance No. 173, as amended, and in conformance with the bulk requirements and other regulations of the zone district where the LOT is located.
- d. Any LOT created after December 28, 2000, in compliance with Chapter 24 of the Weld County Code, and in conformance with the bulk requirements and other regulations of the zone district where the LOT is located.

Add e. Any LOT at least thirty-five (35) acres in size and not part of a plat approved by the COUNTY.

A LEGAL LOT may not necessarily be a BUILDABLE LOT.

OIL AND GAS FACILITY: As defined in Chapter 21, Article V.

OIL AND GAS SUPPORT AND SERVICE: Establishments principally engaged in serving the oil and gas industry, including but not limited to:

- a. Class I or II Underground Injection Control (UIC) wells, as defined by the US Environmental Protection Agency,

- b. Natural gas compressor stations,
- c. Natural gas processing facilities, including liquification (LNG) facilities,
- d. Oil and gas company OFFICES,
- e. OUTDOOR STORAGE yards for oil and gas equipment, including pipe laydown yards and parking/storage of drilling rigs, etc.,
- f. Trucking companies principally engaged in the hauling of drilling rigs, oil and gas, pipe for use in drilling, water, etc.

OIL AND GAS SUPPORT AND SERVICE excludes the following:

- a. Manufacturing and HEAVY MANUFACTURING, including pipe manufacturers,
- b. OIL AND GAS FACILITIES,
- c. OIL AND GAS STORAGE FACILITIES,
- d. PETROLEUM REFINERIES and coal gasification facilities,
- e. Pipelines and appurtenant facilities transporting petroleum products,
- f. TRANSLOADING,
- g. UTILITY SERVICE FACILITIES.

Delete SECONDARY RECOVERY.

Remainder of Section – No change.

ARTICLE II – Procedures and Permits

Division 3 – Site Plan Review

Amend Sec. 23-2-150. Intent and applicability.

A. thru L. – No change.

Add M. and N.

M. If a LOT has an approved and recorded SITE SPECIFIC DEVELOPMENT PLAN and the zoning on the LOT is changed to a zone district for which the existing USE requires a Site Plan Review, the Director of Planning Services may waive the Site Plan Review application requirement, if the following applies:

1. The existing USE of the property is not changing or expanding beyond what is allowed without a Site Plan Review, as stated in Subsection E above; and
2. The approved SITE SPECIFIC DEVELOPMENT PLAN is in substantial compliance with the requirements of the new zone district, including but not limited to bulk requirements, design standards, and operation standards.

N. Any USE allowed by approval of a Site Plan Review may be permitted as a Use by Special Review when applied for in conjunction with a pending Use by Special Review permit or as a minor amendment to an approved Use by Special Review permit, in accordance with Division 4 of this Article.



Division 4 – Uses by Special Review

Amend Sec. 23-2-285. Minor amendments.

A. thru C. – No change.

D. The Planning Services Director may refer a Minor Amendment to the Board of County Commissioners and schedule a public hearing. If such hearing is scheduled, the Clerk to the Board shall:

1. – No change.
2. Give notice of the application and the public hearing date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first-class, not less than ten (10) days before the scheduled public hearing. Such notice is not required by state statute and is provided as a courtesy to surrounding property owners (the surface estate). Inadvertent errors by the applicant in supplying such list or the Clerk to the Board in sending such notice shall not create a jurisdictional defect in the hearing process, even if such error results in the failure of a surrounding property owner to receive such notification.
3. The Department of Planning Services shall post a sign on the property under consideration in a location readily visible from the adjacent PUBLIC STREET/ROAD RIGHT-OF-WAY. The sign will be posted at least ten (10) days preceding the hearing date for the Board of County Commissioners' hearing. In the event the property under consideration is not adjacent to a PUBLIC STREET/ROAD RIGHT-OF-WAY, a second sign at the point at which the driveway (access drive) intersects a PUBLIC STREET/ROAD RIGHT-OF-WAY will be posted. The sign posting will be evidenced with a photograph.

Remainder of Section – No change.

ARTICLE III – Zone Districts

Division 1 – A (Agricultural) Zone District

Amend Sec. 23-3-30. Accessory uses outside of subdivisions and historic townsites.

The following BUILDINGS, STRUCTURES and USES shall be allowed in the A (Agricultural) Zone District on LOTS outside of SUBDIVISIONS and HISTORIC TOWNSITES so long as they are clearly incidental and ACCESSORY to an allowed USE.

A. – No change.

B. Up to two (2) CARGO CONTAINERS in accordance with Section 23-4-1100 per LEGAL LOT of less than eighty (80) acres. Up to five (5) CARGO CONTAINERS in accordance with Section 23-4-1100 may be allowed per LEGAL LOT of eighty (80) or more acres.

C. thru H. – No change.

Add I. Swimming pools, tennis courts and similar ACCESSORY USES, and STRUCTURES.

J. WIND GENERATORS allowed as ACCESSORY USES in Section 23-4-450 of this Chapter.

Amend Sec. 23-3-35. Uses allowed by permit outside of subdivisions and historic townsites.

No USE listed in this Section shall commence construction or operation in the A (Agricultural) Zone District on LOTS outside of SUBDIVISIONS and HISTORIC TOWNSITES without prior



approval of a land use permit from the Department of Planning Services or Department of Public Health and Environment, as applicable.

A. AGRICULTURAL SUPPORT AND SERVICE, permitted under Division 17 of Article IV of this Chapter.

B. thru P. – No change.

Delete Q. and R. and reletter subsequent items.

Amend Sec. 23-3-40. Uses by special review outside of subdivisions and historic townsites.

The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained on LOTS outside of SUBDIVISIONS and HISTORIC TOWNSITES in the A (Agricultural) Zone District upon approval of a Special Review Permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter, or Article II, Division 5, in the case of MAJOR FACILITIES OF PUBLIC UTILITIES OR PUBLIC AGENCIES.

A. thru T. – No change.

U. NONCOMMERCIAL TOWERS requiring approval of a Use by Special Review, as detailed in Division 10 of Article IV of this Chapter.

V. thru HH. – No change.

II. TELECOMMUNICATION ANTENNA TOWERS requiring approval of a Use by Special Review, as detailed in Division 10 of Article IV of this Chapter.

JJ. and KK. – No change.

Add LL. Any USE allowed by permit listed in Section 23-3-35, in conjunction with a pending or approved Use by Special Review Permit.

MM. WIND GENERATORS requiring the issuance of Special Review Permit under Division 6 of Article IV of this Chapter.

Amend Sec. 23-3-50. Accessory uses in subdivisions and townsites.

The following BUILDINGS, STRUCTURES and USES shall be allowed in the A (Agricultural) Zone District on LOTS in SUBDIVISIONS and HISTORIC TOWNSITES so long as they are clearly incidental and ACCESSORY to an allowed USE. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after August 25, 1981, on LOTS of less than ten (10) acres in SUBDIVISIONS and HISTORIC TOWNSITES shall not exceed four (4) percent of the total LOT area. However, in no case shall such an ACCESSORY BUILDING exceed twice the GROSS FLOOR AREA of the principal DWELLING UNIT on the LOT except by VARIANCE. Any ACCESSORY STRUCTURE made nonconforming by application of this Section may be repaired, replaced or restored in total.

A. – No change.

B. One (1) CARGO CONTAINER in accordance with Section 23-4-1100 per LEGAL LOT.

C. thru G. – No change.

Add H. Swimming pools, tennis courts and similar ACCESSORY USES, and STRUCTURES.

I. WIND GENERATORS allowed as ACCESSORY USES in Section 23-4-450 of this Chapter.

Amend Sec. 23-3-55. Uses allowed by permit in subdivisions and historic townsites.

No USE listed in this Section shall commence construction or operation in the A (Agricultural) Zone District on LOTS in SUBDIVISIONS and HISTORIC TOWNSITES without prior approval of a land use permit from the Department of Planning Services or Department of Public Health and Environment, as applicable.

A. AGRICULTURAL SUPPORT AND SERVICE, AGRITAINMENT, agriculture-related EVENT FACILITIES, AGRITOURISM, and HUNTING LODGES permitted under Division 17 of Article IV of this Chapter.

B. thru L. – No change.

Delete M. and N. and reletter subsequent items.

Amend Sec. 23-3-60. Uses by special review in subdivisions.

The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained on LOTS in SUBDIVISIONS in the A (Agricultural) Zone District upon approval of a Special Review Permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

A. ACCESSORY BUILDINGS with GROSS FLOOR AREA larger than four (4) percent of the total LOT area, as detailed in Section 23-3-50 above.

Delete B. and reletter C. as B.

B. ANIMAL BOARDING and animal TRAINING FACILITIES where the maximum number of ANIMAL UNITS permitted in Section 23-3-70.D below is exceeded or traffic to and from the facility exceeds sixty (60) daily trips.

D. thru Y. – No change. Reletter as C thru X.

Y. TOWERS, NONCOMMERCIAL requiring approval of a Use by Special Review, as detailed in Division 10 of Article IV of this Chapter.

Z. TOWERS, TELECOMMUNICATION ANTENNA requiring approval of a Use by Special Review, as detailed in Division 10 of Article IV of this Chapter.

AA. Any USE allowed by permit listed in Section 23-3-55, in conjunction with a pending or approved Use by Special Review permit.

Z. thru AA. – No change. Reletter as BB. and CC.

Amend Sec. 23-3-65. Uses by special review in historic townsites.

The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained on LOTS in HISTORIC TOWNSITES in the A (Agricultural) Zone District upon approval of a Special Review Permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

A. ACCESSORY BUILDINGS with GROSS FLOOR AREA larger than four (4) percent of the total LOT area, as detailed in Section 23-3-32 above.

Delete B. and C.

E. thru JJ. – No change. Reletter as B. thru II.



Add JJ. TOWERS, NONCOMMERCIAL requiring approval of a Use by Special Review, as detailed in Division 10 of Article IV of this Chapter.

Add KK. TOWERS, TELECOMMUNICATION ANTENNA requiring approval of a Use by Special Review, as detailed in Division 10 of Article IV of this Chapter.

KK. – No change. Reletter as LL.

MM. Any USE allowed by permit listed in Section 23-3-55, in conjunction with a pending or approved Use by Special Review permit.

LL. and MM. – No change. Reletter as NN. and OO.

Amend Sec. 23-3-70. Bulk requirements.

The following lists the bulk requirements for the A (Agricultural) Zone District. Land in the A (Agricultural) Zone District is subject to the requirements contained in this Section.

A. Minimum LOT size:

1. Thirty-five (35) acres; or
2. Less than thirty-five (35) acres; and

Delete a. and reletter subsequent items.

- a. Created prior to September 20, 1961, prior to Weld County Subdivision Regulations; or
- b. Created between September 20, 1961 and August 30, 1972, in compliance with the Weld County Subdivision Regulations; or
- c. Created between August 30, 1972 and December 15, 1992, in compliance with the Weld County Subdivision Ordinance; or
- d. Created between December 15, 1992, and December 28, 2000, in compliance with Weld County Subdivision Ordinance No. 173; or
- e. Created after December 28, 2000, in compliance with Chapter 24 of the Weld County Code.

B. thru F. – No change.

Delete G.

Division 2 – Residential Zone Districts

Amend Sec. 23-3-110. R-1 (Low-Density Residential) Zone District.

A. thru C. – No change.

D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-1 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS of less than ten (10) acres in SUBDIVISIONS and HISTORIC TOWNSITES shall not exceed four (4) percent of the total LOT area. However, in no case shall such an ACCESSORY BUILDING in a SUBDIVISION or HISTORIC TOWNSITE exceed twice the GROSS FLOOR AREA of the principal DWELLING UNIT on the LOT except by VARIANCE. Any ACCESSORY BUILDING



made nonconforming by application of this Section may be repaired, replaced or restored in total.

1. thru 4. – No change.

- E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the R-1 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. And 4.

5. – No change. Renumber as 3.

- F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-1 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

Insert 1. ACCESSORY BUILDINGS with a GROSS FLOOR AREA larger than four (4) percent of the total LOT area, as detailed in Subparagraph D. above.

1. thru 7. – No change.

Add 8. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

8. and 9. – No change. Renumber as 9. and 10.

Amend Sec. 23-3-120. R-2 (Duplex Residential) Zone District.

A. thru C. – No change.

- D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-2 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS of less than ten (10) acres in SUBDIVISIONS and HISTORIC TOWNSITES shall not exceed four (4) percent of the total LOT area. However, in no case shall such an ACCESSORY BUILDING in a SUBDIVISION or HISTORIC TOWNSITE exceed twice the GROSS FLOOR AREA of the principal DWELLING UNIT on the LOT except by VARIANCE. Any ACCESSORY BUILDING made nonconforming by application of this Section may be repaired, replaced or restored in total.

1. thru 4. – No change.

- E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the R-2 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3 and 4.

5. – No change. Renumber as 3.

- F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-2 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

Insert 1. ACCESSORY BUILDINGS with a GROSS FLOOR AREA larger than four (4) percent of the total LOT area, as detailed in Subparagraph D. above.

1. thru 6. – No change.

Add 7. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

Remainder of Section – No change. Renumber 7. and 8. as 8. and 9.

Amend Sec. 23-3-130. R-3 (Medium-Density Residential) Zone District.

A. thru C. – No change.

- D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-3 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS of less than ten (10) acres in SUBDIVISIONS and HISTORIC TOWNSITES shall not exceed four (4) percent of the total LOT area. However, in no case shall such an ACCESSORY BUILDING in a SUBDIVISION or HISTORIC TOWNSITE exceed twice the GROSS FLOOR AREA of the principal DWELLING UNIT on the LOT except by VARIANCE. Any ACCESSORY BUILDING made nonconforming by application of this Section may be repaired, replaced or restored in total.

1. thru 4. – No change.

- E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the R-3 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. And 4.

5. – No change. Renumber as 3.

- F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-3 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

Insert 1. ACCESSORY BUILDINGS with a GROSS FLOOR AREA larger than four (4) percent of the total LOT area, as detailed in Subparagraph D. above.

1. thru 6. – No change.

Add 7. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

Remainder of Section – No change. Renumber 7. and 8. as 8. and 9.

Amend Sec. 23-3-140. R-4 (High-Density Residential) Zone District.

A. thru C. – No change.

D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-4 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS of less than ten (10) acres in SUBDIVISIONS and HISTORIC TOWNSITES shall not exceed four (4) percent of the total LOT area. However, in no case shall such an ACCESSORY BUILDING in a SUBDIVISION or HISTORIC TOWNSITE exceed twice the GROSS FLOOR AREA of the principal DWELLING UNIT on the LOT except by VARIANCE. Any ACCESSORY BUILDING made nonconforming by application of this Section may be repaired, replaced or restored in total.

1. thru 4. – No change.

E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the R-4 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. and 4.

5. – No change. Renumber as 3.

F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-4 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

Insert 1. ACCESSORY BUILDINGS with a GROSS FLOOR AREA larger than four (4) percent of the total LOT area, as detailed in Subparagraph D. above.

1. thru 6. – No change.

Add 7. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

Remainder of Section – No change. Renumber 7. and 8. as 8. and 9.

Amend Sec. 23-3-150. R-5 (Manufactured Home Residential) Zone District.

A. thru C. – No change.

D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the R-5 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS of less than ten (10) acres in SUBDIVISIONS and HISTORIC TOWNSITES shall not exceed four (4) percent of the total LOT area. However, in no case shall such an ACCESSORY BUILDING in a SUBDIVISION or HISTORIC TOWNSITE exceed twice the GROSS FLOOR AREA of the principal DWELLING UNIT on the LOT except by VARIANCE. Any ACCESSORY BUILDING made nonconforming by application of this Section may be repaired, replaced or restored in total.

1. thru 4. – No change.



E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the R-5 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. and 4.

5. – No change. Renumber as 3.

F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the R-5 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

Insert 1. ACCESSORY BUILDINGS with a GROSS FLOOR AREA larger than four (4) percent of the total LOT area, as detailed in Subparagraph D. above.

1. thru 6. – No change.

Add 7. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

Remainder of Section – No change. Renumber 7. and 8. as 8. and 9.

Amend Sec. 23-3-160. Bulk requirements.

Table 23.2 below lists the Bulk Requirements for the R-1, R-2, R-3, R-4 and R-5 Zone Districts. All BUILDINGS, STRUCTURES, USES, and land in the Residential Zone Districts are subject to the requirements contained in this Section.

Table 23.2
Bulk Requirements for R-1, R-2, R-3, R-4, and R-5 Zone Districts

Section	Requirement	R-1	R-2	R-3	R-4	R-5
A.	Minimum LOT size (sq. ft.)	6,000	6,000	6,000	6,000	6,000
B.	Minimum LOT area per DWELLING UNIT (sq. ft.)	6,000	3,000	3,000	1,500	3,000
C.	Minimum LOT width	50	50	50	50	50
D.	Minimum SETBACK (feet)	20	20	20	20	20
E.	Minimum OFFSET (feet).	Five (5) feet, or one (1) foot for each three (3) feet of BUILDING HEIGHT, whichever is greater, or zero (0) for attached DWELLING UNITS, where permitted and where located along a party wall meeting the requirements of Chapter 29 of the Weld County Code.				
F.	Maximum BUILDING HEIGHT (feet)	30	30	30	45	30
G.	Maximum LOT COVERAGE (%)	50	60	60	70	60
H.	Maximum number of ANIMAL UNITS permitted per LOT	Two (2) per LOT in R-1 Zone District, ANIMAL UNITS are not permitted in the R-2, R-3, R-4 and R-5 Zone Districts.				
I.	Maximum number of HOUSEHOLD PETS per premises	Up to four (4) of one (1) species or a total of seven (7) of two (2) or more species.				



Remainder of Section – No change.

Division 3 – Commercial Zone Districts

Amend Sec. 23-3-210. C-1 (Neighborhood Commercial) Zone District.

A. thru D. – No change.

E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the C-1 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. and 4.

5. thru 7. – No change. Renumber as 3. thru 5.

F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-1 Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

1. thru 8. – No change.

9. TELECOMMUNICATIONS ANTENNA TOWERS over seventy (70) feet in height in accordance with Division 10 of Article II of this Chapter.

Add 10. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

Remainder of Section – No change. Renumber 10. thru 12. as 11. thru 13.

Amend Sec. 23-3-220. C-2 (General Commercial) Zone District.

A. thru D. – No change.

E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the C-2 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. and 4.

5. thru 7. – No change. Renumber as 3. thru 5.

F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-2 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. thru 5. – No change.

6. TELECOMMUNICATIONS ANTENNA TOWERS over seventy (70) feet in height in accordance with Division 10 of Article II of this Chapter.

Add 7. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.



Remainder of Section – No change. Renumber 7. thru 9. as 8. thru 10.

Amend Sec. 23-3-230. C-3 (Business Commercial) Zone District.

A and B. – No change.

C. Uses allowed subject to Site Plan Review. The following USES shall be allowed in the C-3 Zone District following approval and recording of a Site Plan in accordance with Article II, Division 3, of this Chapter. Any USE conducted outside of an ENCLOSED BUILDING shall be SCREENED from adjacent PUBLIC RIGHTS-OF-WAY and ADJACENT LOTS in any Zone District other I-3.

1. AGRICULTURAL SUPPORT AND SERVICE.

2. thru 34. – No change.

D. – No change.

E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the C-3 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. and 4.

5. thru 7. – No change. Renumber as 3. thru 5.

F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-3 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. thru 7. – No change.

8. TELECOMMUNICATIONS ANTENNA TOWERS over seventy (70) feet in height in accordance with Division 10 of Article II of this Chapter.

Add 9. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

Remainder of Section – No change. Renumber 9. thru 11. as 10. thru 12.

Amend Sec. 23-3-240. C-4 (Highway Commercial) Zone District.

A. thru D. – No change.

E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the C-4 Zone District without prior approval of a land use permit from the Department of Planning Services.

Delete 1. and 2.

3. thru 7. – No change. Renumber as 1. thru 5.

F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the C-4 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. thru. 3. – No change.

4. TELECOMMUNICATIONS ANTENNA TOWERS over seventy (70) feet in height in accordance with Division 10 of Article II of this Chapter.

Add 5. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

Remainder of Section – No Change. Renumber 5. and 6. as 6. and 7.

Division 4 – Industrial Zone Districts

Amend Sec. 23-3-310. I-1 (Light Industrial) Zone District.

A and B. – No change.

- C. Uses allowed subject to Site Plan Review. The following USES shall be allowed in the I-1 Zone District following approval and recording of a Site Plan in accordance with Article II, Division 3, of this Chapter. Any USE conducted outside of an ENCLOSED BUILDING shall be SCREENED from adjacent PUBLIC RIGHTS-OF-WAY and ADJACENT LOTS in any Zone District other I-3.

1. AGRICULTURAL SUPPORT AND SERVICE.

Delete 2.

3. thru 6. – No change. Renumber as 2. thru 5.

Add 6. CONTRACTOR'S SHOPS.

7. thru 14. – No change.

Add 15. Indoor USES of a manufacturing, fabricating, assembling or warehouse nature.

15. thru 30. – No change. Renumber as 16. thru 31.

- D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the I-1 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE and included on an approved and recorded Site Plan. Any USE conducted outside of an ENCLOSED BUILDING shall be SCREENED from adjacent PUBLIC RIGHTS-OF-WAY and ADJACENT LOTS in any Zone District other I-3.

1. CARGO CONTAINERS in accordance with Section 23-4-1100.

2. thru 6. – No change.

- E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the I-1 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. and 4.

5. thru 7. – No change. Renumber as 3. thru 5.

- F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the I-1 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. thru 10. – No change.

11. TELECOMMUNICATIONS ANTENNA TOWERS over seventy (70) feet in height in accordance with Division 10 of Article II of this Chapter.

Add 12. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

Remainder of Section – No change. Renumber 12. and 13. as 13. and 14.

Amend Sec. 23-3-320. I-2 (Medium Industrial) Zone District.

A. and B. – No change.

C. Uses allowed subject to Site Plan Review. The following USES shall be allowed in the I-2 Zone District following approval and recording of a Site Plan in accordance with Article II, Division 3, of this Chapter. Any USE conducted outside of an ENCLOSED BUILDING shall be SCREENED from adjacent PUBLIC RIGHTS-OF-WAY and ADJACENT LOTS in any Zone District other I-3.

1. AGRICULTURAL SUPPORT AND SERVICE.

Delete 2.

3. thru 7. – No change. Renumber as 2. thru 6.

Add 7. CONTRACTOR'S SHOPS.

8. thru 28. – No change.

29. THEATERS and convention halls.

30. TRANSLOADING.

Add 31. USES of a research, repairing, manufacturing, fabricating, assembling, PROCESSING, or storage nature.

31. – No change. Renumber as 32.

D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the I-2 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE and included on an approved and recorded Site Plan. Any USE conducted outside of an ENCLOSED BUILDING shall be SCREENED from adjacent PUBLIC RIGHTS-OF-WAY and ADJACENT LOTS in any Zone District other I-3.

1. AIRSTRIPS.

2. CARGO CONTAINERS in accordance with Section 23-4-1100.

3. thru 7. – No change.

E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the I-2 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. and 4.

5. thru 7. – No change. Renumber as 3. thru 5.

F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the I-2 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. thru 12. – No change.

13. TELECOMMUNICATIONS ANTENNA TOWERS over seventy (70) feet in height in accordance with Division 10 of Article II of this Chapter.

Add 14. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

14. and 15. – No change. Renumber as 15. and 16.

Amend Sec. 23-3-330. I-3 (Heavy Industrial) Zone District.

A. and B. – No change.

C. Uses allowed subject to Site Plan Review. The following USES shall be allowed in the I-3 Zone District following approval and recording of a Site Plan in accordance with Article II, Division 3, of this Chapter.

1. – No change.

2. AGRICULTURAL SUPPORT AND SERVICE.

3. – No change.

Delete 4.

5. thru 10. – No change. Renumber as 4. thru 9.

Add 10. CONTRACTOR'S SHOPS.

11. thru 35. – No change.

Add 36. USES of a research, repairing, manufacturing, fabricating, assembling, PROCESSING, or storage nature.

36. – No change. Renumber as 37.

D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the I-3 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE and included on an approved and recorded Site Plan.

1. CARGO CONTAINERS in accordance with Section 23-4-1100.

2. thru 6. – No change.

E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the I-3 Zone District without prior approval of a land use permit from the Department of Planning Services.

1. and 2. – No change.

Delete 3. and 4.

5. thru 7. – No change. Renumber as 3. thru 5.



F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the I-3 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.

1. thru 11. – No change.

12. TELECOMMUNICATIONS ANTENNA TOWERS over seventy (70) feet in height in accordance with Division 10 of Article II of this Chapter.

Add 13. Any USE listed in Subsection C above, in conjunction with a pending or approved Use by Special Review permit.

13. and 14. – No change. Renumber as 14. and 15.

Division 5 – E (Estate) Zone District

Amend Sec. 23-3-420. Accessory uses.

The following BUILDINGS, STRUCTURES and USES shall be allowed in the E (Estate) Zone District so long as they are clearly incidental and accessory to an allowed USE. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS of less than ten (10) acres in SUBDIVISIONS and HISTORIC TOWNSITES shall not exceed four (4) percent of the total LOT area. However, in no case shall such an ACCESSORY BUILDING in a SUBDIVISION or HISTORIC TOWNSITE exceed twice the GROSS FLOOR AREA of the principal DWELLING UNIT on the LOT except by VARIANCE. Any ACCESSORY BUILDING made nonconforming by application of this Section may be repaired, replaced or restored in total. Exterior portions of all ACCESSORY BUILDINGS, including the roof, shall be constructed of nonreflective materials.

Remainder of Section – No change.

Amend Sec. 23-3-430. Uses by special review.

The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the E Zone District upon approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.

Insert A. ACCESSORY BUILDINGS with a GROSS FLOOR AREA larger than four (4) percent of the total LOT area, as detailed in Section 23-3-420 above.

A. thru F. – No change.

Add G. Any USE listed in Section 23-3-425, in conjunction with a pending or approved Use by Special Review permit.

G. and H. – No change. Reletter as H. and I.

Amend Sec. 23-3-440. Bulk requirements.

The following Subsections list the bulk requirements for the E Zone District. All BUILDINGS, STRUCTURES, USES, and land in the E district are subject to the requirements contained in this Section:

A. thru M. – No change.



ARTICLE IV – Supplementary District Regulations and Zoning Permits

Division 3 – Manufactured homes, manufactured structures, and occupied recreational vehicles

Amend Sec. 23-4-140. Non-transferable.

Upon determination of the Department of Planning Services, a Zoning Permit for a temporary or an annual use shall not be transferable by the applicant and/or owner to any successor. The Zoning Permit for a temporary or an annual use shall terminate automatically upon conveyance of the property. The MANUFACTURED HOME / MANUFACTURED STRUCTURE shall be removed from the property or a new Zoning Permit shall be applied for and approved.

Amend Sec. 23-4-150. Temporary use during construction of residence.

A zoning permit for the USE of a MANUFACTURED HOME or RECREATIONAL VEHICLE occupied as a TEMPORARY DWELLING UNIT during the construction of a permanent DWELLING UNIT on the same LOT in the A (Agricultural) Zone District may be issued by the Department of Planning Services subject to the following provisions:

A. thru E. – No change.

F. Extensions of six-month increments beyond the above eighteen-month period may be granted only by the Director of Planning Services.

Remainder of Section – No change.

Amend Sec. 23-4-160. Temporary storage of unoccupied manufactured home.

A zoning permit for the TEMPORARY storage of one (1) unoccupied MANUFACTURED HOME, not including the storage of goods inside the UNIT, on a LOT in the A (Agricultural) Zone District may be issued by the Department of Planning Services subject to the following provisions:

A. thru E. – No change.

F. A zoning permit for TEMPORARY storage of a MANUFACTURED HOME shall be for a period of six (6) months and any extensions shall be determined by the Director of Planning Services.

Delete G.

H. – No change. Reletter as G.

Amend Sec. 23-4-170. Annual accessory farming use.

A. A zoning permit for the annual USE of one (1) MANUFACTURED HOME for an ACCESSORY FARMING USE, on a LOT in the A (Agricultural) Zone District, in addition to a principle DWELLING UNIT, may be issued by the Department of Planning Services upon determination that:

1. thru 4. – No change.

5. The MANUFACTURED HOME is not the first DWELLING UNIT on the parcel of land. The first DWELLING UNIT on the parcel of land does not require a zoning permit.

Remainder of Section – No change.

Amend Sec. 23-4-180. Annual accessory use during medical hardship.

A. A zoning permit for the annual USE of a MANUFACTURED HOME during a medical hardship on a LOT in the A (Agricultural) Zone District, in addition to the principal DWELLING UNIT, may be issued by the Department of Planning Services upon a determination that:

1. thru 3. – No change.

Add 4. The MANUFACTURED HOME is not the first DWELLING UNIT on the parcel of land. The first DWELLING UNIT on a parcel of land does not require a zoning permit.

B. and C. – No change.

Add D. A MANUFACTURED HOME permitted as a TEMPORARY USE during a medical hardship shall not have a permanent foundation.

Amend Sec. 23-4-230. Delegation of authority.

The Board of County Commissioners delegates the authority to issue a Zoning Permit for a MANUFACTURED HOME, MANUFACTURED STRUCTURE, or occupied RECREATIONAL VEHICLE which otherwise requires the approval of the Board of County Commissioners through a public hearing process to the Department of Planning Services upon a determination by the Department that:

A. – No change.

B. The Department of Planning Services has sent notice and not received signed notification of at least thirty percent (30%) of surrounding property owners within five hundred (500) feet of the subject property in opposition to the location of the MANUFACTURED HOME, MANUFACTURED STRUCTURE, or occupied RECREATIONAL VEHICLE within twenty-one (21) days.

C. – No change.

D. If the Department of Planning Services does receive signed notification that thirty percent (30%) or more of surrounding property owners within five hundred (500) feet of the subject property are in opposition to the permit, the Board of County Commissioners shall review the application for compliance with the criteria set out in this Division at a regularly scheduled meeting of the Board:

1. thru 4. – No change.

5. The Clerk to the Board shall arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices at least ten (10) days prior to the hearing.

6. – No change.

Division 6 – Wind Generators and Permitting Requirements

Amend Sec. 23-4-450. Wind generator standards.

WIND GENERATORS are allowed in certain zone districts as either ACCESSORY USES, as principal or ACCESSORY USES subject to Zoning Permit requirements of Section 23-4-460, or as principal or ACCESSORY USES subject a Use-by-Special Review Permit, per the height guidelines and maximum numbers for LEGAL LOTS, below. The height of a WIND GENERATOR is measured from the surrounding ground to the hub of the generator:

Table 23.3 – No change.

All WIND GENERATORS are subject to the following standards:

A. and B. – No change.

C. All WIND GENERATORS shall be set back from property lines, PUBLIC RIGHTS-OF-WAY and access easements a distance of at least one (1) times the height of the generator as measured to the tip of the rotor blades or within a recorded fall zone easement that is a distance of at least one (1) times the height of the measured tip of the rotor blades.

Remainder of Section – No change.

Amend Sec. 23-4-475. Notification and appeal of denial.

A. Once an application that is subject of this Division 6 is deemed complete by the Department of Planning Services, the Department of Planning Services shall send the application to applicable agencies listed in Appendix 23-G, as determined by the Department of Planning Services. The failure of any agency to respond within twenty-one (21) days may be deemed a favorable response. All REFERRAL agency review comments are considered recommendations. The authority and responsibility for approval and denial of a zoning permit rests with the Department of Planning Services.

B. – No change.

C. If the Department of Planning Services receives objections from the owners of at least thirty (30) percent of those notified within twenty-one (21) days, or if the Department of Planning Services determines the application does not meet all applicable criteria and requirements, the zoning permit shall be denied by the Department of Planning Services.

1. – No change.

2. If appealed, a public hearing shall be scheduled before the Board of County Commissioners and the Clerk to the Board shall send notice, mailed first-class, to the applicant and owners of LOTS within five hundred (500) feet of the subject property at least ten (10) days prior to the hearing.

3. – No change.

4. The Clerk to the Board shall arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices at least ten (10) days prior to the hearing.

5. and 6. – No change.

7. Notice is not required by state statute and is provided as a courtesy to surrounding property owners. Inadvertent errors by the applicant in supplying such list or the Clerk to the Board in sending such notice shall not create a jurisdictional defect in the permit process even if such error results in the failure of a surrounding property owner to receive such notification.

8. – No change.



Amend Division 8 - Second Single-Family Dwelling

Amend Sec. 23-4-600. Requirements for a second single-family dwelling.

Where a second SINGLE-FAMILY DWELLING is permitted in Article III of this Chapter, the following criteria shall be met prior to issuance of a permit for said dwelling:

- A. The LOT shall be a LEGAL LOT and at least one (1) acre with PUBLIC WATER or two and one-half (2.5) acres with well water.
- B. – No change.
- C. Where Article III of this Chapter requires issuance of a zoning permit for a second SINGLE-FAMILY DWELLING, the process described in this Division shall be followed. Where Article III of this Chapter requires approval of a Use by Special Review for a second SINGLE-FAMILY DWELLING, the process in Division 4 of Article II of this Chapter shall be followed.

Add D. thru F.

- D. Only one (1) permit for a second SINGLE-FAMILY DWELLING may be issued for each LEGAL LOT, where permitted.
- E. Adequate water and sewage disposal facilities shall be available for both principal and second SINGLE-FAMILY DWELLINGS.
- F. The second SINGLE-FAMILY DWELLING shall be compatible with surrounding area, in harmony with the character of the NEIGHBORHOOD and the immediate area.

Add Sec. 23-4-610. Submittal requirements.

An application for any zoning permit for a second SINGLE-FAMILY DWELLING shall include the following:

- A. Application form, which shall include parcel number(s) of the subject property; property acreage; name, address and telephone number of the property owner and applicant, if different from the property owner. The applicant shall sign the form. If the applicant is not the owner of the property, an authorization letter signed by the property owner shall be included.
- B. A copy of a deed or legal instrument identifying the applicant's interest in the property.
- C. Articles of Organization or Incorporation documents if the owner is a business entity. Include Statement/Delegation of Authority documentation.
- D. Trustee documents if the owner is a Trust.
- E. A Statement of Taxes from the County Treasurer showing no delinquent property taxes for the property under consideration.
- F. A sketch plan of the site at the scale of one (1) inch represents fifty (50) feet or other suitable scale to show:
 - 1. The proposed location of the second SINGLE-FAMILY DWELLING, including distances from the LOT lines and other STRUCTURES on the property.
 - 2. Access to the second SINGLE-FAMILY DWELLING, indicating whether the access is existing or proposed. Access shall be shown on the sketch plan and shall be shared to the extent possible. Existing accesses shall be preferred.

3. Location and measurements of any easements or rights-of-way.
 4. Number and length of road frontages.
 5. Identification of any county, state or federal STREETS/ROADS or highways.
 6. Existing STRUCTURES on the property.
 7. Location of initial and replacement leach fields for any existing or proposed Onsite Wastewater Treatment Systems.
- G. Evidence that a water supply of sufficient quality, quantity and dependability is or will be available for each SINGLE-FAMILY DWELLING. A letter, permit, or bill from a water district, municipality, or the Division of Water Resources are examples of evidence.
- H. Evidence that adequate means for the disposal of sewage is or will be available for each SINGLE-FAMILY DWELLING in compliance with the requirements of the Department of Public Health and Environment.
- I. Application fees.
- J. A signed buffer report and affidavit of the names, addresses, and parcel numbers of the surrounding property owners within five hundred (500) feet of the property. The buffer report shall expire thirty (30) days from preparation.

Add Sec. 23-4-630. Procedure.

- A. The Board of County Commissioners delegates the authority to issue a Zoning Permit for a second SINGLE-FAMILY DWELLING on a LEGAL LOT in the A (Agricultural) Zone District, which otherwise requires the approval of the Board of County Commissioners through a public hearing process, to the Department of Planning Services upon a determination by the Department that:
1. The application is in compliance with the criteria identified in Section 23-4-600.
 2. The Department of Planning Services has sent notice to and received signed response from no more than thirty percent (30%) of surrounding property owners within five hundred (500) feet of the subject property in opposition to the location of the second SINGLE-FAMILY DWELLING. Any notice not received within twenty-one (21) days shall be deemed a positive response of said request.
- B. Should the application not meet one or more of the criteria listed in Section 23-4-630.A, the Board of County Commissioners shall hear the application at a regularly scheduled meeting.
1. The Board of County Commissioners shall give notice of the application for a zoning permit and the meeting date to those persons listed in the application as owners of property located within five hundred (500) feet of the parcel under consideration. Such notification shall be mailed, first class, not less than ten (10) days before the scheduled meeting. Such notice is not required by state statute and is provided as a courtesy to surrounding surface estate owners. Inadvertent errors by the applicant in supplying such list or the Department of Planning Services in sending such notice shall not create a jurisdictional defect in the permit process, even if such error results in the failure of a surrounding property owner to receive such notification.
 2. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a second SINGLE-FAMILY DWELLING has been requested for



the property, the meeting date and telephone number where further information may be obtained. The sign shall be posted at least ten (10) days prior to the meeting date and evidenced with a photograph.

3. The Board of County Commissioners shall review the application based on the approval criteria in Section 23-4-600.

Division 11 – Semi-Trailers as Accessory Storage

Amend Sec. 23-4-930. Delegation of authority.

- A. The Board of County Commissioners delegates the authority to issue a zoning permit for a SEMI-TRAILER which otherwise requires the approval of the Board of County Commissioners through a public hearing process to the Department of Planning Services upon a determination by the Department that:

1. – No change.
2. The Department of Planning Services has sent notice and has not received signed notification of at least thirty percent (30%) of surrounding property owners within five hundred (500) feet of the subject property in opposition to the location of the SEMI-TRAILER within twenty-one (21) days.

- B. – No change.

- C. If the Department of Planning Services does receive signed notification that thirty percent (30%) or more of surrounding property owners within five hundred (500) feet of the subject property are in opposition to the permitting of a SEMI-TRAILER as ACCESSORY storage, the Board of County Commissioners shall review the application for compliance with the criteria set out in this Division at a regularly scheduled meeting of the Board:

1. thru 4. – No change.
5. The Clerk to the Board shall arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices at least ten (10) days prior to the hearing.
6. – No change.

Division 12 – Parking of Commercial Vehicles

Amend Sec. 23-4-980. Delegation of authority.

- A. The Board of County Commissioners delegates the authority to issue a zoning permit for a COMMERCIAL VEHICLE which otherwise requires the approval of the Board of County Commissioners through a public hearing process to the Department of Planning Services upon a determination by the Department that:

1. – No change.
2. The Department of Planning Services has sent notice and has not received signed notification from at least thirty percent (30%) of surrounding property owners within five hundred (500) feet of the subject property in opposition to the location of the COMMERCIAL VEHICLE within twenty-one (21) days.

- B. – No change.



C. If the Department of Planning Services does receive signed notification that thirty percent (30%) or more of surrounding property owners within five hundred (500) feet of the subject property are in opposition to the permitting of a COMMERCIAL VEHICLE, then the Board of County Commissioners shall review the application for compliance with the criteria set out in this Division at a regularly scheduled meeting of the Board:

1. thru 4. – No change.

5. The Clerk to the Board shall arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices at least ten (10) days prior to the hearing.

6. – No change.

Division 13 - Home Occupation Permits

Amend Sec. 23-4-990. Home occupation permit requirements.

A. and B. – No change.

C. Duties of Department of Planning Services and Board of County Commissioners for a CLASS II HOME OCCUPATION zoning permit.

1. Once a COMPLETE APPLICATION is submitted for a CLASS II HOME OCCUPATION, the Department of Planning Services shall refer the application to the applicable agencies listed in Appendix 23-G, as determined by the Department of Planning Services. The failure of any agency to respond within twenty-one (21) days may be deemed a favorable response. All REFERRAL agency review comments are considered recommendations to the COUNTY. The authority and responsibility for approval and denial of a zoning permit rests with the COUNTY.

2. – No change.

3. If the Department of Planning Services receives objections from at least thirty (30) percent of those notified within twenty-one (21) days, or if the Department of Planning Services determines the application does not meet all applicable criteria and requirements, the zoning permit shall be denied by the Department of Planning Services.

4. The Department of Planning Services shall notify the applicant of the objections and the denial of the zoning permit. The Department of Planning Services shall also provide the applicant comments received from REFERRAL agencies. The applicant may appeal in writing to the Department of Planning Services within ten (10) days of receipt of the denial notice. If the applicant does not submit a written appeal within said ten (10) days, the denial shall be final. If appealed, the following process shall be followed:

a. A public hearing shall be scheduled before the Board of County Commissioners and Clerk to the Board shall send notice, mailed first-class, to the applicant and owners of LOTS within five hundred (500) feet of the subject property at least ten (10) days prior to the hearing.

b. – No change.

c. The Clerk to the Board shall arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices at least ten (10) days prior to the hearing.

Remainder of Section – No change.

Division 16 – Cargo containers

Amend Sec. 23-4-1100. Cargo containers used for storage, an office, a dwelling or any habitable use.

A CARGO CONTAINER shall require the issuance of a building permit and compliance with all applicable provisions of this Code, including Article V of this Chapter. The following conditions shall apply:

A. and B. – No change.

C. CARGO CONTAINERS outside of Industrial (I-2 and I-3) zone districts shall not be stacked on top of each other unless incorporated into a STRUCTURE. CARGO CONTAINERS in Industrial (I-2 and I-3) zone districts shall not be stacked more than three (3) containers high.

Remainder of Section – No change.

Division 17 – Zoning Permits for Certain Uses in the Agricultural Zone District

Amend Sec. 23-4-1200. Uses requiring zoning permits in the agricultural zone district.

A. and B. – No change.

C. If approved, the Zoning Permit Plan shall be recorded by the Department of Planning Services prior to commencement of the USE or construction. All Zoning Permit Plans shall be digitized with electronic signatures and seals or shall be delineated in nonfading permanent black ink on Mylar or other drafting media approved by the Department of Planning Services with original signatures and seals in permanent black ink. The applicant shall pay the recording fee. If the required documents have not been recorded within ninety (90) days from the date of approval or if an applicant is unwilling or unable to meet any of the conditions within ninety (90) days of approval, the Director of Planning Services may refer the application to the Board of County Commissioners, which may revoke the zoning permit following a public hearing. The applicant shall be notified of the public hearing at least ten (10) days prior to the hearing. Prior to said hearing, the Director of Planning Services may grant a one-time extension of up to ninety (90) days, for good cause shown, upon a written request by the applicant. Before this extension has expired, the applicant may seek a further extension from the Board of County Commissioners by written request to the Director of Planning Services. If the Board of County Commissioners denies the extension or if the conditions are not met and the required documents recorded by the date specified by the Board, the zoning permit approval shall be voided, and the application denied.

D. – No change.

Add E. Any use allowed by a Zoning Permit for Certain Uses in the Agricultural Zone District may be permitted as a Use by Special Review when applied for in conjunction with a pending Use by Special Review permit or as a minor amendment to an approved Use by Special Review permit in accordance with Article II, Division 4 of this Chapter.

Amend Sec. 23-4-1220. Application requirements.

The following shall be submitted as a part of a zoning permit application:

A. and B. – No change.

C. A Zoning Permit Plan of the property, a draft of which shall be submitted in electronic (.pdf) format and if approved shall be submitted on Mylar or other drafting media approved by the Department of Planning Services. The Zoning Permit Plan shall include, as applicable:

1. thru 6. – No change.

7. The Zoning Permit Plan shall bear the following certifications:

a. and b. – No change.

Remainder of Section – No change.

Amend Sec. 23-4-1230. Notification and appeal of denial.

A. Once an application that is subject of this Division 17 is deemed complete by the Department of Planning Services, the Department of Planning Services shall send the application to applicable agencies listed in Appendix 23-G, as determined by the Department of Planning Services. The failure of any agency to respond within twenty-one (21) days may be deemed a favorable response. All REFERRAL agency review comments are considered recommendations. The authority and responsibility for approval and denial of a zoning permit rests with the Department of Planning Services.

B. The Department of Planning Services shall send notice, mailed first-class, to owners of LOTS within five hundred (500) feet of the subject property notifying them of the application and their opportunity to object to the issuance of the zoning permit, which shall be submitted by returning the signed form sent by the Department of Planning Services within twenty-one (21) days.


C. Within sixty (60) days of receiving a COMPLETE APPLICATION, the Department of Planning Services shall provide a written report to the applicant and provide the applicant comments received from REFERRAL agencies and any objections received from the property owners notified. The applicant shall be given the opportunity to revise the application to address the concerns raised. If the Director of Planning Services is satisfied with the applicant's efforts to address all concerns, the Director of Planning Services may approve the zoning permit. If the applicant is unwilling or unable to address all concerns to the satisfaction of the Director of Planning Services, the Director of Planning Services shall schedule a public hearing before the Board of County Commissioners for its review and decision following a public hearing.

1. If scheduled for a public hearing before the Board of County Commissioners, the Clerk to the Board shall send notice, mailed first-class, to the applicant and owners of LOTS within five hundred (500) feet of the subject property at least ten (10) days prior to the hearing.

2. – No change.

3. The Clerk to the Board shall arrange for legal notice of said hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices at least ten (10) days prior to the hearing.

Remainder of Section – No change.

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Carly Koppes, Clerk and Recorder, Weld County, CO


ARTICLE V – Overlay Districts

Division 5 – Historic Townsites Overlay District

Amend Sec. 23-5-430. Requirements.

A. Building permits. The COUNTY will not issue a building permit for any STRUCTURE located within a HISTORIC TOWNSITE that enters the SETBACK or OFFSET established for the underlying zone district, or extends over LOT lines. A building permit application within a HISTORIC TOWNSITE shall require submission of a plot plan. No building permit shall be final, nor shall any certificate of occupancy be provided until an Improvements Location Certificate (ILC) is submitted. COUNTY staff shall verify that all STRUCTURES were constructed in substantial compliance with the plot plan. To obtain a building permit for a DWELLING UNIT in a HISTORIC TOWNSITE, the applicant must show the following:

1. and 2. – No change.
3. Access is or can be made available that provides for safe ingress and egress to a public road. All accesses shall be constructed in accordance with the requirements set forth in this Code.
4. Construction of all internal roads of the HISTORIC TOWNSITE may only occur pursuant to a Right-of-Way Use Permit issued by the Department of Public Works in accordance with this Code, to ensure positive drainage and to avoid conflicts regarding location of utilities.
5. The LOT is at least two and one-half (2.5) acres in size with an individual well and Onsite Wastewater Treatment System (OWTS), or at least one (1) acre in size with a PUBLIC WATER supply and OWTS. A building permit for a LOT within a HISTORIC TOWNSITE which is smaller than two and one-half (2.5) acres in size on an individual well and OWTS or smaller than one (1) acre in size on a PUBLIC WATER supply may be approved by the COUNTY upon a review and determination by the WCDPHE that the LOT is capable of adequately accommodating the individual well and OWTS, as applicable. For the review by the WCDPHE, the applicant must provide:
 - a. thru e. – No change.
6. As a condition of approval of a building permit within a HISTORIC TOWNSITE, the applicant shall be required to obtain an approved Road Access Permit, pursuant to the provisions set forth in this Code. Application for a Road Access Permit to a resubdivided LOT within a HISTORIC TOWNSITE shall include acknowledgement by the applicant that:
 - a. The platted STREET or road of the HISTORIC TOWNSITE from which access is sought will not be maintained by the COUNTY unless it is brought up to the standards and authorized for maintenance as set forth in this Code.
 - b. – No change.

B. Resubdivision.

1. Resubdivision within a HISTORIC TOWNSITE may be necessary to combine LOTS, change interior LOT lines, incorporate vacated RIGHTS-OF-WAY into LOTS, vacate property from a HISTORIC TOWNSITE, vacate RIGHTS-OF-WAY, or create additional LOTS, subject to the requirements of Chapter 24, Article IX of this Code and this Division 5.



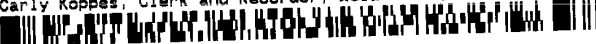
2. In addition to the requirements and procedures for resubdivision provided in Chapter 24, Article IX of this Code, the following statement shall be included as a note on the resubdivision plat of property located within a HISTORIC TOWNSITE:

Historic Townsites are an important part of Weld County's history, culture, and economy. These subdivisions were created in the late 19th and early 20th centuries. Persons moving into Historic Townsites must recognize and accept there are potential drawbacks in Historic Townsites that may not be present in modern subdivisions, including concerns related to stormwater drainage, water supply limitations, setbacks between wells and septic systems, road access, and road maintenance. Weld County does not maintain internal roads within Historic Townsites unless expressly authorized by resolution of the Board of County Commissioners.

Remainder of Section – No change.

BE IT FURTHER ORDAINED by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

BE IT FURTHER ORDAINED by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

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Carly Koppen, Clerk and Recorder, Weld County, CO


The above and foregoing Ordinance Number 2021-09 was, on motion duly made and seconded, adopted by the following vote on the 7th day of July, A.D., 2021.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: Esther G. Meick

Weld County Clerk to the Board

Steve Moreno
Steve Moreno, Chair

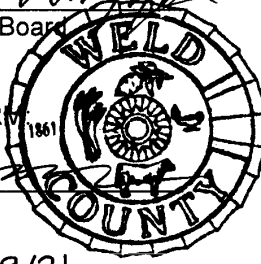
Scott K. James, Pro-Tem

BY: Wendy N. Vining
Deputy Clerk to the Board

Perry L. Buck
Perry L. Buck

APPROVED AS TO FORM

[Signature]
County Attorney



Mike Freeman
Mike Freeman

Lori Saine

Date of signature: 07/09/21

Publication: May 4, 2021

First Reading: May 26, 2021

Publication: May 30, 2021, in the Greeley Tribune

Second Reading: June 14, 2021

Publication: June 20, 2021, in the Greeley Tribune

Final Reading: July 7, 2021

Publication: July 11, 2021, in the Greeley Tribune

Effective: July 16, 2021

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Carly Koppes, Clerk and Recorder, Weld County, CO

