

**WELD COUNTY
CODE ORDINANCE 2010-6**

IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 21 AREAS AND ACTIVITIES OF STATE INTEREST, CHAPTER 23 ZONING, CHAPTER 24 SUBDIVISIONS, CHAPTER 26 RUA, CHAPTER 27 PUD, AND CHAPTER 29 BUILDING REGULATIONS, 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of the County of Weld, State of Colorado, that certain existing Chapters of the Weld County Code be, and hereby are, repealed and re-enacted, with amendments, and the various Chapters are revised to read as follows.

**CHAPTER 21
AREAS AND ACTIVITIES OF STATE INTEREST**

**ARTICLE I
Administrative Regulations**


*Division 2
Designation of Matter of State Interest*

Amend Sec. 21-1-200. Board of County Commissioners to make designations.

Designations and amendments of designations may be initiated in two (2) ways:

A and B - No change

Delete C.


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CC: PL, PW
8-27-10

ARTICLE II Permit Regulations

Division 2 Permit Application

Amend Sec. 21-2-260. Duties of Department of Planning Services.

A - No Change

- B. Upon determination that the application submittal is complete, the Department of Planning Services shall:

1 thru 3 - No change

4. A sign shall be posted for the applicant on the property under consideration for such permit. The sign shall be posted adjacent to and visible from a publicly maintained road right-of-way. In the event the property under consideration is not adjacent to a publicly maintained road right-of-way, one (1) sign shall be posted in the most prominent place on the property and a second sign posted at the point at which the driveway (access drive) intersects a publicly maintained road right-of-way. The sign shall be posted at least ten (10) days prior to the hearing, and include the following information:

- a. Permit number.
- b. Date, place and time of public hearing.
- c. Location and phone number of the public office where additional information may be obtained.
- d. Applicant's name and address.
- e. Size of parcel of land.
- f. Type of request.

However, in lieu of the posting requirement herein, applicants for an electric transmission line which is more than one (1) mile in length shall advertise the hearing at least once in the newspaper designated by the Board of County Commissioners for publication of notices a minimum of ten (10) days prior to the hearing date. The advertisement shall contain a map displaying the proposed alternative routes along with a description of the hearing time, date and location. The advertisement for an electric transmission line which is more than one (1) mile in length shall be the only requirement for notification of property owners, except as to notices which may be required by Section 24-65.5-103, C.R.S.

5 - No change

6. Refer the application for their review and comment to those referral agencies deemed by the Department of Planning Services, in its sole discretion, to be appropriate to the subject matter of the application. The agencies named shall respond within twenty-eight (28) days after the electronic mailing of the application. The failure of any agency to respond within twenty-eight (28) days may be deemed to be a favorable response to the Planning Commission. The reviews and comments solicited by the referral agencies are intended to provide the County with information about the proposed activity. The Planning Commission and Board of

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County Commissioners may consider all such reviews and comments and may solicit additional information if such information is deemed necessary. The reviews and comments submitted by a referral agency are recommendations to the County. The authority and responsibility for making the decision to approve or deny the request for a permit pursuant to these Section 1041 Regulations rest with the officials of the County.

Remainder of Section - No change

ARTICLE III
Site Selection and Construction of
Major Facilities of a Public Utility

Division 1
General and Introductory Provisions

Amend Sec. 21-3-20. Definitions.

In addition to the terms defined in Section 21-1-90 of this Code, the following terms specific to the designation of site selection and construction of major facilities of a public utility shall be construed to have the meanings set forth as follows:

Major facilities of a public utility means the following (This definition includes all electrical utilities' facilities, regardless of whether they are subject to the jurisdiction of the Colorado Public Utilities Commission, which primarily generate and/or transmit electrical power to entities off-site):

1. Any transmission lines, power plants and substations of electrical utilities.
2. Any appurtenant facilities of a public utility which in the opinion of the Board either by itself or in conjunction with other major facilities of a public utility are likely to cause a major impact upon the health, welfare or safety of the citizens of the County, or upon the physical, social or economic environment of the County.

Delete the definition of Pipelines from Sec. 21-3-20.

Division 3
Permit Program for Site Selection and
Construction of a Major Facility of a Public Utility

Amend Sec. 21-3-330. Application submittal requirements.

A - No change

B. Submittal requirements for all applications for a development permit for a major facility of a public utility, where applicable:

1 thru 4 - No change

5. The following items and information:

- a. Description of the present use and zoning.

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- b. A sketch or map showing the following:
 - i. If a power plant is proposed, the area within ten (10) miles from the site.
 - ii. For transmission lines, provide a map showing all existing transmission lines (115 kV or greater) for a distance of two (2) miles beyond any reasonable alternative studied.

c thru o - No change

6 thru 16 - No change

- 17. A Decommissioning Plan. Adequate financial assurance to cover the decommissioning of the facility may be required as a condition of approval of the Decommissioning Plan.
- 18. Any other information required by the Board or the Planning Department and communicated to the applicant at the preapplication conference. This limitation shall not preclude the Board from requesting the applicant to provide additional information during the public hearing on the application, in order to provide which the applicant shall be granted reasonable continuances if the applicant so requests.

C. Specific submittal requirements. These additional requirements shall be imposed on the applicant by the Planning Department, in such Department's sole discretion, if the Planning Department determines that the need for the additional information is warranted by the size and scope of the proposed project in order for the Board of County Commissioners to make an informed decision on the application. It is the intention of these Regulations that the following information shall be required only if the proposed project is of such size and scope that it is reasonably likely to have significant environmental or social impacts on the County residents or lands.

1 - No change

2. Environmental impact analysis.

a and b - No change

c. Water resources:

i and ii - No change

d. Significant environmentally sensitive factors:

i - No change

e. Visual aesthetics and nuisance factors:

i thru iii - No change

f. Transportation impacts:

i thru iii - No change

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g. Less damaging alternatives:

i thru iii - No change

3. Applicants seeking a permit for the site selection and construction of transmission lines or substations shall submit the following additional documents and information:

Remainder of Section - No change

ARTICLE IV

Site Selection and Construction of Arterial Highways, Interchanges, Collector Highways (Including Private Toll Roads and Toll Highways), Mass Transit and Rapid Transit Terminals, Stations and Fixed Guideways, and Areas Around Arterial Highways, Interchanges, Collector Highways (Including Private Toll Roads and Toll Highways) and Mass Transit and Rapid Transit Terminals, Stations and Fixed Guideways

Division 4 Permit Approval Criteria


Amend Sec. 21-4-420. Additional standards of approval for site selection of arterial highways, interchanges, and collector highways (including private toll roads and toll highways).

In addition to the general permit approval criteria and the standards for approval of all permit applications, proposed projects for site selection of arterial highways, interchanges and collector highways (including private toll roads and toll highways), the applicant shall satisfy these additional standards:

A - No change

- B. **Multi-Modal Features.** Other reasonable modes of transportation shall be incorporated into the highway proposal, including bicycle, mass transit and pedestrian modes.

Remainder of Section - No change


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**CHAPTER 23
ZONING**


**ARTICLE I
General Provisions**

Amend Sec. 23-1-80. Implementation procedures.

- A. Repeal of Previous Zoning Resolution: Applicable only to 1981 Redistricting. The Official Weld County Zoning Resolution adopted May 29, 1961, was repealed on August 18, 1981. The Official Weld County Zoning map in hard copy is replaced with the digitized version of this map that is maintained in joint cooperation with the Weld County Assessor's Office and the Weld County GIS office. The digitized map is available electronically through the Weld County webpage and is recorded in hardcopy once each year. The maps accompanying the repealed Official Weld County Zoning Resolution shall be amended according to the redistricting procedures in Subsection B of this Section. The Weld County Flood Hazard Overlay District Zoning Maps, recorded April 22, 1980, in Book 901, Reception Numbers 1822844 through 1822908, inclusive; and the Geologic Hazard Area Map of Potential Ground Subsidence Areas in the County recorded May 22, 1978, in Book 832, Reception Number 1754240, are not repealed or amended by this Section. The repeal of the Official Weld County Zoning Resolution shall not prevent the prosecution and punishment of any person for any violation committed prior to its repeal and map amendment. The repeal of the Zoning Resolution shall not affect or repeal any conditions or standards imposed as a condition for approval of any land use decision by the Board of County Commissioners prior to the effective date of the Zoning Ordinance codified herein and any amendment thereto.

Remainder of Section - No change

Amend Sec. 23-1-90. Definitions, as follows:


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HOME BUSINESS: An incidental USE to the principal permitted USE for gainful employment of the FAMILY residing on the property, where:

- a. Such USE is conducted primarily within a DWELLING UNIT or ACCESSORY STRUCTURE and principally carried on by the FAMILY resident therein.
- b. Such USE is clearly incidental and secondary to the principal permitted USE and shall not change the character thereof.

A HOME BUSINESS shall not be interpreted to include the following: clinic, HOSPITAL, nursing home, animal hospital, HOTEL/MOTEL, RESTAURANT, mortuary or organized classes where more than six (6) persons meet together for instruction on a regular basis (does not include classes sponsored by a PUBLIC SCHOOL).

HOME OCCUPATION: An incidental use of a DWELLING UNIT for gainful employment of the resident therein, where:

- a. Whether a Class I or Class II, a HOME OCCUPATION may utilize up to fifty percent (50%) of a DWELLING UNIT and/or in ACCESSORY BUILDINGS with appropriate building permits.

- b. Such USE is clearly incidental and secondary to the USE of the dwelling for dwelling purposes and shall not change the character thereof.
- c. Hours of operation for public access shall be limited between 7:00 a.m. and 7:00 p.m.
- d. There is no exterior storage, display or sales of materials, goods, supplies or equipment related to the operation of such HOME OCCUPATION, nor of any highly explosive or combustible materials.
- e. Does not create any negative impacts to the public health, safety and general welfare of the adjacent property owners, such as little or no offensive noise, vibration, smoke, dust, odors, lighting, traffic congestion, trash accumulation, heat, glare or electrical interference, or other hazard or nuisance noticeable off the LOT.
- f. HOME OCCUPATIONS shall maintain compliance with Health, Building and all other applicable local, state and federal regulations.

Ordinarily, a HOME OCCUPATION shall not be interpreted to include the following: clinic, HOSPITAL, nursing home, animal hospital, HOTEL/MOTEL, RESTAURANT, mortuary, vehicle or boat repair (including painting) or organized classes where more than six (6) persons meet together for instruction on a regular basis (does not include classes sponsored by a PUBLIC SCHOOL).

CLASS I

A HOME OCCUPATION – CLASS ONE shall be conducted solely by the inhabitants of the DWELLING UNIT and comply with all criteria called out in the HOME OCCUPATION definition. The site shall not be accessible by the public. Signage: May consist of a maximum of one (1) non-illuminated sign no more than one (1) square foot in size which must be attached to the face of the DWELLING UNIT. Ordinarily, a HOME OCCUPATION – CLASS ONE shall include similar uses to home office (no customers), cake decoration, and internet sales, etc.

CLASS II

A HOME OCCUPATION – CLASS TWO shall be conducted by the inhabitants of the DWELLING UNIT plus up to two (2) external employees and comply with all criteria called out in the HOME OCCUPATION definition. Two (2) associated vehicles with two (2) rear axles can be included under this application on parcels of land less than eighty (80) acres. Parcels of land greater than eighty (80) acres are allowed one (1) tractor trailer (semi) and one (1) additional vehicle with two (2) rear axles. There shall only be incidental sales of stocks, supplies or products conducted on the premises. Signage: May consist of a maximum of one (1) non-illuminated sign no more than nine (9) square feet in size which must be attached to the face of the DWELLING UNIT. Does not produce traffic volumes exceeding that produced by the DWELLING UNIT by more than 16 average daily trips, provided adequate off-street parking is provided. Please keep in mind that one vehicle produces two trips - one when arriving and one when leaving. Therefore, an average of only eight (8) cars can come to the property per day. Trips include those produced by the residents for any purpose related to conducting the business, the one employee, clients, deliveries related to the business, etcetera. Ordinarily, a HOME OCCUPATION – CLASS TWO shall include uses similar to Hair Salon, Day Care (8 or fewer children under the age of 16), welding shop, Tax Preparation, with customers, provided it meets the criteria set forth.

MAJOR FACILITIES OF A PUBLIC UTILITY OR PUBLIC AGENCIES: Public Utilities or Public Agencies operating or constructing a mine, ELECTRIC TRANSMISSION LINES, domestic



water storage facilities, POWER PLANTS, SUBSTATIONS of electrical utilities, wastewater treatment facilities, water treatment facilities, including extensions, expansions or enlargements thereof; STORAGE AREAS of utilities providing electricity, water, wastewater and natural gas or other petroleum derivatives, including extension, expansions or enlargements thereof; PIPELINES of utilities providing natural gas or other petroleum derivatives, including extensions, expansions or enlargements thereof; road, park or other public way, ground or space, public building or structure or public utility, whether publicly or privately owned.

Amend Sec. 23-1-90 to ADD the following definitions:

BREWERY: Any establishment licensed pursuant to the provisions of Article 47, Title 12 of the Colorado Revised Statutes, where malt liquors are manufactured, except brew pubs. Malt liquors include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2 %) of alcohol by weight or four percent (4%) alcohol by volume.

BREW PUB: A retail establishment licensed pursuant to the provisions of Article 47, Title 12 of the Colorado Revised Statutes, that manufactures not more than one million eight hundred sixty thousand (1,860,000) gallons of malt liquor on its licensed premises or licensed alternating proprietor licensed premises, combined, each calendar year. Malt liquors include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2 %) of alcohol by weight or four percent (4%) alcohol by volume.

DISTILLERY: Any establishment licensed pursuant to the provisions of Article 47, Title 12 of the Colorado Revised Statutes, where spirituous liquors are manufactured. Spirituous liquors include any alcohol beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin, and every liquid or solid, patented or not, containing at least one-half of one percent (0.5 %) alcohol by volume and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except as provided in Sections 12-47-103 (19) and (39), C.R.S., shall not be construed to be fermented malt or malt or vinous liquor but shall be construed to be spirituous liquor.

NON-COMMERCIAL TOWER: Any mast or pole taller than 40 feet and permanently attached to the property. The **NON-COMMERCIAL TOWER** may include over the air high definition television (HDTV) reception, short wave radio, citizens band radio, wireless internet, and cell phone range extension, for example.

WINERY: Any establishment licensed pursuant to the provisions of Article 47, Title 12 of the Colorado Revised Statutes (C.R.S.), where vinous liquors are manufactured; except a vintner's restaurant licensed pursuant to Section 12-47-420, C.R.S. Vinous liquors include wine and fortified wines that contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) alcohol by volume and shall be construed to mean an alcohol beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

Delete the definitions of ANTENNA; ANTENNA, ATTACHED; ANTENNA, CONCEALED; ANTENNA SETBACK, ANTENNA TOWER; ANTENNA TOWER HEIGHT; CO-LOCATION; COMMERCIAL TOWER; COMMERCIAL TOWER FACILITY; MEDICAL MARIJUANA DISPENSARY.

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Remainder of Section - No Change

ARTICLE II Procedures and Permits

Division 1 Amendments to Zoning Map

Amend Sec. 23-2-50. Application requirements for Change of Zone.

A thru E - No change

- F. The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the requirements of Sections 23-2-50.C and 23-2-50.D of the Weld County Code. The Mylar plat and additional requirements shall be recorded within sixty (60) days from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.

If a plat has not been recorded within sixty (60) days of the date of the approval of the Change of Zone (COZ), or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the COZ has not been abandoned and that the applicant possesses the willingness and ability to record the plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the COZ cannot be met, the Board may, after a public hearing, revoke the COZ.

Division 3 Site Plan Review

Amend Sec. 23-2-160. Application requirements for site plan review.

Any person wanting to apply for a Site Plan Review shall arrange for a preapplication conference with the Department of Planning Services. The purpose of the application is to give the applicant an opportunity to demonstrate, through written and graphic information, how the proposal complies with the standards of this Chapter. The following supporting documents shall be submitted as a part of the application:

A thru V - No change

- W. **SITE PLAN REVIEW PLAT:** A Site Plan Review Plat shall be prepared after a Site Plan Review application is approved. The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as conditions of approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The Mylar plat and additional requirements shall be recorded within sixty (60) days from the date the Administrative Review was signed. The applicant shall be responsible for paying the recording fee.

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If the Site Plan Review plat has not been recorded within sixty (60) days from the date the Administrative Review was signed, or if an applicant is unwilling or unable to meet any of the conditions within sixty (60) days of approval, the application will be forwarded to the Weld County Code Compliance for violation. The Director of Planning Services may grant an extension of time, for good cause shown, upon a written request by the applicant. The plat shall meet the following requirements:

Remainder of Section - No change

*Division 4
Uses by Special Review*

Amend Sec. 23-2-200. Intent and applicability.

A thru F - No change

- G. The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the requirements of Section 23-2-260.D of the Weld County Code. The Mylar plat and additional requirements shall be recorded within sixty (60) days from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.

If a Use by Special Review (USR) plat has not been recorded within sixty (60) days from the date of the Board of County Commissioners Resolution, or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the Use by Special Review (USR) has not been abandoned and that the applicant possesses the willingness and ability to record the Use by Special Review (USR) plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the Use by Special Review (USR) plat cannot be met, the Board may, after a public hearing, revoke the Use by Special Review (USR).

*Division 5
Special Review Permits for Major Facilities
of Public Utility or Public Agenda*

Amend Sec. 23-2-300. Applicability.

A and B - No change

- C. The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the requirements of Section 23-2-380 or Section 23-2-390 of the Weld County Code. The Mylar plat and additional requirements shall be recorded within sixty (60) days from the

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date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.

If a Use by Special Review (USR) plat has not been recorded within sixty (60) days from the date of the Board of County Commissioners Resolution, or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the Use by Special Review (USR) has not been abandoned and that the applicant possesses the willingness and ability to record the Use by Special Review (USR) plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the Use by Special Review (USR) plat cannot be met, the Board may, after a public hearing, revoke the Use by Special Review (USR).

Amend Sec. 23-2-370. Application requirements.

An adequate number of copies of the application for a Special Review Permit shall be submitted by the applicant to the Department of Planning Services. An application for a Special Review Permit shall contain the following information in such form as prescribed by the Department of Planning Services:

A thru C - No change

- D. A detailed report shall be submitted which includes information on the following items:

1 thru 12 - No change

13. A Decommissioning Plan. Adequate financial assurance to cover the decommissioning of the facility may be required as a condition of approval of the Decommissioning Plan.

Renumber current 13 and 14 to become 14 and 15.

**ARTICLE III
Zone Districts**

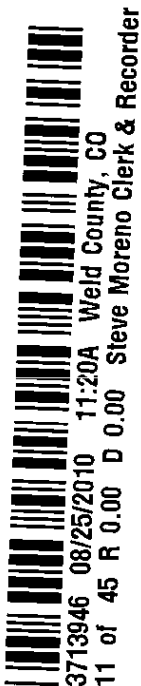
*Division 1
A (Agricultural) Zone District*

Amend Sec. 23-3-20. Uses allowed by right.

No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the A (Agricultural) Zone District except for one (1) or more of the following USES. Land in the A (Agricultural) Zone District is subject to the schedule of bulk requirements contained in Section 23-3-50 below. USES within the A (Agricultural) Zone District shall also be subject to the additional requirements contained in Articles IV and V of this Chapter.

A thru D - No change

- E. TEMPORARY storage and sorting of, in transit, of crops, vegetables, plants, flowers and nursery stock not raised on the premises and not for sale on said premises.



F thru T - No change

- U. One (1) TELECOMMUNICATION ANTENNA TOWER and/or one (1) NON-COMMERCIAL TOWER subject to the provisions of Article IV, Division 10 of this Chapter.

V thru Z - No change

- AA. County Grader Shed, except in or adjacent to a platted subdivision or Townsite.

Amend Sec. 23-3-30. Accessory uses.

The following BUILDINGS, STRUCTURES and USES shall be allowed in the A (Agricultural) Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed By Right in the A (Agricultural) Zone District. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the bulk requirements contained in Section 23-3-50 below. ACCESSORY USES within the A (Agricultural) Zone District shall also be subject to the additional requirements contained in Articles IV and V of this Chapter. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except when a greater percentage is allowed pursuant to covenants or homeowners association rules, and except in Regional Urbanization Areas, which shall adhere to RUA development standards.

A thru C - No change

- D. HOME OCCUPATIONS - CLASS I shall comply with Section 23-1-90 and CLASS II shall comply with Section 23-1-90 and Article IV, Division 12 of this Chapter.

E thru L - No change

- M. COMMERCIAL VEHICLES. Parking and operation of one (1) COMMERCIAL VEHICLE may be permitted on lots in an approved or recorded subdivision plat, or LOTS which are part of a map or plan filed prior to the adoption of any regulations controlling subdivisions in the A (Agricultural) Zone District, according to the procedure and zoning permit requirements outlined in Section 23-4-950 of this Chapter. Parking and operation of one (1) COMMERCIAL VEHICLE may be allowed on property of less than eighty (80) acres in size, when not a LOT in an approved or recorded subdivision or a LOT which is part of a map or plan filed prior to adoption of any regulations controlling subdivisions, without a zoning permit. Without the appropriate land use permits, only one (1) tractor trailer and one (1) two rear axle vehicle are permitted on a parcel of land less than eighty (80) acres. Parking and operation of up to five (5) COMMERCIAL VEHICLES may be allowed on property equal to or greater than eighty (80) acres in size when used to haul agricultural goods, equipment or livestock, as long as the number of trips does not exceed sixty (60) per day to and from the property. No additional COMMERCIAL VEHICLES are allowed, unless part of a commercial or industrial USE otherwise permitted by Subsection 23-3-40.R below.

N - No change



- O. TELECOMMUNICATION ANTENNA TOWER(S), which require the issuance of a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER, subject to the provisions of Article IV, Division 10 of this Chapter.
- P. SECOND SINGLE-FAMILY DWELLING, subject to the additional requirements of Article IV, Division 8 of this Chapter.

Amend Sec. 23-3-40. Uses by special review.

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

A thru D - No change

E. PUBLIC and quasi-PUBLIC BUILDINGS including:

- 1. CHURCHES.
- 2. Private SCHOOLS.
- 3. Administrative OFFICES or meeting halls for agricultural organizations.
- 4. County Grader shed in or adjacent to a platted subdivision or Townsite.

F thru K - No change

L. TELECOMMUNICATION ANTENNA TOWERS which require a Use by Special Review Permit, subject to the provisions of Article IV, Division 10 of this Chapter.

Reletter current L thru DD to become M thru EE.

FF. BREWERY.

GG. BREWPUB.

HH. DISTILLERY.

II. WINERY.

JJ. NON-COMMERCIAL TOWER(s) greater than 130 feet in height.

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

A and B - No change

- C. 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 the Uses Allowed by Right in the R-1 Zone District. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the bulk requirements contained in Section 23-3-160 below. ACCESSORY USES within the R-1 Zone District are also subject to the additional requirements contained in Articles IV and V of this Chapter. Note: The combined GROSS FLOOR AREA of all ACCESSORY BUILDINGS constructed



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after the original effective date of this Chapter (August 25, 1981) on LOTS in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions of less than ten (10) acres shall not exceed four percent (4%) of the total lot area, except when a greater percentage is allowed pursuant to covenants or homeowners association rules, and except in Regional Urbanization Areas, which shall adhere to RUA development standards. However, in no case shall such an accessory building exceed twice the gross floor area of the primary residence on the lot except by variance. Any accessory structure made nonconforming by application of this Section may be repaired, replaced or restored in total.

1. Garages, carports and parking areas.
2. Swimming pools, tennis courts and similar RECREATIONAL FACILITIES.
3. SIGNS, in accordance with the provisions of Article IV, Division 2 of this Chapter.
4. HOME OCCUPATIONS - CLASS I shall be the only permissible form of HOME OCCUPATIONS allowed in all Residential Zone Districts and shall comply with Section 23-1-90 of this Chapter.
5. HOME OCCUPATIONS.
6. Service BUILDINGS and facilities.
7. Storage of those vehicles, or parts thereof, which are defined in Section 42-12-101, C.R.S., and are SCREENED; and/or the storage of no more than two (2) vehicles which, regardless of their condition and/or classification as DERELICT VEHICLES, have been operated at any time during the past one-year period in a sanctioned or sponsored race, derby or event and are SCREENED.
8. Any other STRUCTURE or USE clearly incidental and ACCESSORY to a Use Allowed by Right in the R-1 Zone District.
9. NON-COMMERCIAL TOWER.

*Division 3
Commercial Zone District*

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

A - No change

- B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-1 Zone District except for one (1) or more of the following USES, which must be conducted in ENCLOSED BUILDINGS and in compliance with the performance standards contained in Section 23-3-250 below. No outside storage will be allowed in the C-1 Zone District. USES within the C-1 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1 thru 12 - No change

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13. One (1) TELECOMMUNICATION ANTENNA TOWER subject to the provisions of Article IV, Division 10 of this Chapter.

14. BREWPUB.

C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the C-1 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards contained in Section 23-3-250 below. ACCESSORY USES within the C-1 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1 thru 5 - No change

6. TELECOMMUNICATION ANTENNA TOWER(S), which require the issuance of a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER, subject to the provisions of Article IV, Division 10 of this Chapter.

7. NON-COMMERCIAL TOWER.

D. 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 10 - No change

11. TELECOMMUNICATION ANTENNA TOWER(S), which require a Use by Special Review Permit, subject to the provisions of Article IV, Division 10 of this Chapter.

Remainder of Section - No change

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

A - No change

B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-2 Zone District except for one (1) or more of the following USES, which must be ENCLOSED and conducted in compliance with the performance standards contained in Section 23-3-250 below. No outside storage will be allowed in the C-2 Zone District. USES within the C-2 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1. Uses Allowed by Right in the C-1 Zone District.

2. Stores and shops furnishing services and merchandise at retail to the general public.

3. RESTAURANTS, including DRIVE-IN RESTAURANTS.

4. NIGHTCLUBS, BARS, LOUNGES and TAVERNS.

5. BREWPUB.

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6. THEATERS, convention halls and other such facilities and STRUCTURES, private or PUBLIC, with seating capacities not over one thousand (1,000).
7. Establishments for the sale and care of HOUSEHOLD PETS.
8. OFFICES.
9. Lumberyards, not including lumberyards with outside storage. Lumberyards that utilize storage STRUCTURES having an open side shall be permitted so long as the open side is not visible from the public rights-of-way or from surrounding properties.
10. Establishments for the repair and/or restoration of small electrical equipment and appliances such as radios, television sets, business office machines and household appliances.
11. Private and COMMERCIAL RECREATIONAL FACILITIES.
12. Hospitals, nursing homes and mental or physical rehabilitation centers.
13. Mortuaries and FUNERAL HOMES.
14. HOTELS or MOTELS.
15. ADULT BUSINESS, SERVICE or ENTERTAINMENT ESTABLISHMENT subject to the provisions of Article IX of this Chapter.
16. One (1) microwave, COMMERCIAL radio, television or other communication transmission or relay tower seventy (70) feet or less in height per LOT (measured from ground level).
17. One (1) TELECOMMUNICATION ANTENNA TOWER subject to the provisions of Article IV, Division 10 of this Chapter.

C.

Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the C-2 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards contained in Section 23-3-250 below. ACCESSORY USES within the C-2 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1 thru 5 - No change

6. TELECOMMUNICATION ANTENNA TOWER(S), which require the issuance of a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER, subject to the provisions of Article IV, Division 10 of this Chapter.
7. NON-COMMERCIAL TOWER.

D.

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 8 - No change

9. TELECOMMUNICATION ANTENNA TOWER(S), which require a Use by Special Review Permit, subject to the provisions of Article IV, Division 10 of this Chapter.

Remainder of Section - No change

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

A - No change

- B. Uses Allowed by Right. No BUILDINGS, STRUCTURES or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-3 Zone District except for one (1) or more of the following USES which must be conducted in compliance with performance standards contained in Section 23-3-250 below. USES within the C-3 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1 thru 15 - No change

16. One (1) TELECOMMUNICATION ANTENNA TOWER subject to the provisions of Article IV, Division 10 of this Chapter.

17. BREWPUB.

- C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the C-3 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards contained in Section 23-3-250 below. ACCESSORY USES within the C-3 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1 thru 4 - No change

5. TELECOMMUNICATION ANTENNA TOWER(S), which require the issuance of a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER subject, to the provisions of Article IV, Division 10 of this Chapter.

6. NON-COMMERCIAL TOWER.

- D. 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 9 - No change

Replace 10 to read as follows: TELECOMMUNICATION ANTENNA TOWER(S), which require a Use by Special Review Permit, subject to the provisions of Article IV, Division 10 of this Chapter.

Remainder of Section - No change

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

A - No change

- B. Uses by Right. No BUILDINGS, STRUCTURES or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the C-4 Zone District except for one (1) or more of the following USES which must be conducted in conformance with performance standards contained in Subsection F below. USES within the C-4 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1 thru 8 - No change

9. One (1) TELECOMMUNICATION ANTENNA TOWER subject to the provisions of Article IV, Division 10 of this Chapter.

10. BREWPUB.

- C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the C-4 Zone District so long as they are clearly incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards contained in Section 23-3-250 below. ACCESSORY USES within the C-4 Zone District shall also be subject to additional requirements contained in Articles IV and V of this Chapter.

1 thru 8 - No change

9. TELECOMMUNICATION ANTENNA TOWER(S), which require the issuance of a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER, subject to the provisions of Article IV, Division 10 of this Chapter.

- D. 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 4 - No change

5. TELECOMMUNICATION ANTENNA TOWER(S), which require a Use by Special Review Permit, subject to the provisions of Article IV, Division 10 of this Chapter.

Remainder of Section - No change

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

A - No change

- B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be used in the I-1 Zone District, and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one (1) or more of the following USES. The USES must be conducted in compliance with the Performance Standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below.

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1 thru 10 - No change

11. One (1) TELECOMMUNICATION ANTENNA TOWER subject to the provisions of Article IV, Division 10 of this Chapter.

- C. Accessory Uses. The BUILDINGS, STRUCTURES and USES may be allowed in the I-1 Zone District so long as they are incidental and ACCESSORY to the Uses Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards set forth in Sections 23-3-340, 23-3-350 and 23-3-360 below.

1 thru 8 - No change

9. TELECOMMUNICATION ANTENNA TOWER(S), which require the issuance of a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER, subject to the provisions of Article IV, Division 10 of this Chapter.

10. NON-COMMERCIAL TOWER.

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

1 thru 9 - No change

10. TELECOMMUNICATION ANTENNA TOWER(S), which require a Use by Special Review Permit, subject to the provisions of Article IV, Division 10 of this Chapter.

Remainder of Section - No change

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

A - No change

- B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one (1) or more of the following USES which must be conducted in compliance with the performance standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below.

1 thru 10 - No change

11. One (1) TELECOMMUNICATION ANTENNA TOWER subject to the provisions of Article IV, Division 10 of this Chapter.

- C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES may be allowed in the I-2 Zone Districts so long as they are clearly incidental and ACCESSORY to the Use Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards set forth in Sections 23-3-340, 23-3-350 and 23-3-360 below.

1 thru 8 - No change

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9. TELECOMMUNICATION ANTENNA TOWER(S), which require the issuance of a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER, subject to the provisions of Article IV, Division 10 of this Chapter.
 10. NON-COMMERCIAL TOWER.
- D. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied or maintained in the I-2 Zone District upon the approval of a permit in accordance with the requirements and procedures set forth in Article II, Division 4 of this Chapter.
- 1 thru 7 - No change
8. TELECOMMUNICATION ANTENNA TOWER(S), which require a Use by Special Review Permit, subject to the provisions of Article IV, Division 10 of this Chapter.
- Renumber current 8 thru 15 to become 9 thru 16.
17. DISTILLERY.
- Remainder of Section - No change

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

- A - No change
- B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be USED and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained, except for one (1) or more of the following USES which must be conducted in compliance with the performance standards contained in Sections 23-3-340, 23-3-350 and 23-3-360 below.
- 1 thru 11 - No change
12. One (1) TELECOMMUNICATION ANTENNA TOWER subject to the provisions of Article IV, Division 10 of this Chapter.
- C. Accessory Uses. The following BUILDINGS, STRUCTURES and USES may be allowed in the I-3 Zone Districts so long as they are clearly incidental and accessory to the Use Allowed by Right. Such BUILDINGS, STRUCTURES and USES must be designed, constructed and operated in conformance with the performance standards set forth in Sections 23-3-340, 23-3-350 and 23-3-360 below.
- 1 thru 8 - No change
9. TELECOMMUNICATION ANTENNA TOWER(S), which require the issuance of a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER, subject to the provisions of Article IV, Division 10 of this Chapter.
 10. NON-COMMERCIAL TOWER.

- D, Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied or maintained in the I-3 Zone District upon the 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. TELECOMMUNICATION ANTENNA TOWER(S), which require a Use by Special Review Permit, subject to the provisions of Article IV, Division 10 of this Chapter.

Renumber current 9 thru 16 to become 10 thru 17.

18. BREWERY.

19. DISTILLERY.

Remainder of Section - No Change

*Division 4
Open Mining*

Amend Sec. 23-4-250. Purpose.

The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the requirements of Section 23-4-270 of the Weld County Code. The Mylar plat and additional requirements shall be recorded within sixty (60) days from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.

If a Use by Special Review (USR) plat has not been recorded within sixty (60) days from the date of the Board of County Commissioners resolution, or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the Use by Special Review (USR) has not been abandoned and that the applicant possesses the willingness and ability to record the Use by Special Review (USR) plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the Use by Special Review (USR) plat cannot be met, the Board may, after a public hearing, revoke the Use by Special Review (USR).



Insert the following:

**ARTICLE IV
Supplementary District
Regulations and Zoning Permits**

*Division 8
Second Single-Family Dwelling in the A (Agricultural) Zone District*

Sec. 23-4-600. Permit requirements.

No second SINGLE-FAMILY DWELLING on a LEGAL LOT in the A (Agricultural) Zone District shall be allowed without first receiving an approved zoning permit as required by this Division. The intent of allowing a second SINGLE-FAMILY DWELLING on a LEGAL LOT in the A (Agricultural) Zone District is to provide for family and caregivers to dwell on the same LEGAL LOT. An application for any zoning permit for a second SINGLE-FAMILY DWELLING on a LEGAL LOT in the A (Agricultural) Zone District shall include the following:

- A. Name, address and telephone number of the applicant.
- B. Name, address and telephone number of the owner of the land if different from Subsection A above.
- C. Evidence of interest in the subject land held by the applicant if the applicant is not the owner of the land.
- D. A legal description of the property for which the application is made.
- E. Number of acres of the property.
- 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 property 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. Amount of road frontages.
 - 5. Identification of any county, state or federal roads or highways.
 - 6. Existing STRUCTURES on the property.

- G. Methods of disposal of sewage or other wastes in compliance with the requirements of the Colorado Department of Public Health and Environment and the County Department of Public Health and Environment.
- H. Methods of supplying water in such a manner as to be adequate in quality, quantity and dependability for the proposed use.
- I. An application fee.
- J. The requirements of this Division 8 require the applicant to provide a certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the County Assessor of the owners of property (the surface estate) within five hundred (500) feet of the property lines of the parcel to where the mobile home shall be placed. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- K. Notification responses 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 second SINGLE-FAMILY DWELLING.

Sec. 23-4-610. Approval process.

A zoning permit for a second SINGLE-FAMILY DWELLING on a LEGAL LOT in the A (Agricultural) Zone District may be issued by the Department of Planning Services if the application meets the criteria stated in Paragraphs A.1 through A.4 below and Section 23-4-620 of this Division, and is not located on lots in an approved or recorded subdivision plat or LOTS part of a map or plan filed prior to adoption of any regulations controlling subdivisions.

- A. The Board of County Commissioners shall hear the application at a regularly scheduled meeting of the Board, if the application does not meet the criteria stated in Paragraphs 1 through 4 below and Section 23-4-620 of this Division. 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 property owners (the surface estate). 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. 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. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the second SINGLE-FAMILY DWELLING on surrounding property. The Board of County Commissioners shall also consider the following factors in reviewing applications for a permit for a second SINGLE-FAMILY DWELLING:

1. Compatibility with surrounding area, harmony with the character of the NEIGHBORHOOD and its effects upon the immediate area.
 2. Compatibility with Chapter 22 of this Code.
 3. Availability of adequate water and sewage disposal facilities.
 4. The general health, safety and welfare of the inhabitants of the area and the COUNTY.
- B. Only one (1) zoning permit for a second SINGLE-FAMILY DWELLING may be issued for each LEGAL LOT in the A (Agricultural) Zone District in the County.

Sec. 23-4-620. Delegation of authority.

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:

- A. The applicant is in compliance with the criteria identified in this Division 8.
- B. The Department of Planning Services has sent notice and 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 second SINGLE-FAMILY DWELLING. The petition shall indicate that the surrounding property owners who have signed the notification have objections to the issuance of a zoning permit for the second SINGLE-FAMILY DWELLING. Any notice not received within twenty-eight (28) days shall be deemed a positive response of said request.

Amend numbering only: *Division 9
Miscellaneous Regulations*

Amend number and title: *Division 10
Antennas and Towers*

Amend Sec. 23-4-800. Purpose.

The purpose of this Division is to accommodate the increasing wireless communication needs of County residents, businesses and visitors while protecting the public health, safety, general welfare and visual environment of the County by:

- A. Enhancing the ability to provide wireless services to County residents, businesses and visitors.
- B. Simplifying and shortening the process for obtaining necessary permits for antennas and TELECOMMUNICATION ANTENNA TOWERS, while protecting the legitimate interests of County residents.

- C. Protecting the County's environmental resources and visual environment from the potentially adverse visual effects of antennas and TELECOMMUNICATION ANTENNA TOWERS through careful design and siting standards.
- D. Reducing the number of TELECOMMUNICATION ANTENNA TOWERS needed to serve the County by requiring TELECOMMUNICATION ANTENNAS to be placed on existing structures wherever possible and requiring CO-LOCATION of telecommunication providers on existing and new TELECOMMUNICATION ANTENNA TOWERS.
- E. Using performance standards and incentives to promote location of TELECOMMUNICATION ANTENNAS on concealed structures and existing buildings and TELECOMMUNICATION ANTENNA TOWERS.

Add Sec. 23-4-805. Definitions.

For the purposes of this Chapter, certain terms or words used herein shall be interpreted as defined in this Section. The following specific words and phrases, when appearing in this Chapter in uppercase letters, shall have the meanings stated in this Section:

CO-LOCATION: Locating TELECOMMUNICATION ANTENNAS or other wireless communications equipment for more than one (1) provider on a single structure.

NON-COMMERCIAL TOWER: Any mast or pole taller than 40 feet and permanently attached to the property. The **NON-COMMERCIAL TOWER** may include over the air high definition television (HDTV) reception, short wave radio, citizens band radio, wireless internet, and cell phone range extension, for example.

TELECOMMUNICATION ANTENNA: An exterior transmitting or receiving device used in telecommunications that radiates or captures telecommunication signals.

TELECOMMUNICATION ANTENNA, ATTACHED: An antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole or a support structure other than a TELECOMMUNICATION ANTENNA TOWER.

TELECOMMUNICATION ANTENNA, CONCEALED: An antenna with a support structure that screens or camouflages the presence of antennas and/or TELECOMMUNICATION ANTENNA TOWERS from public view in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include man-made trees, clock towers, flagpoles, light structures, steeples and similar objects.

TELECOMMUNICATION FACILITIES: Include TELECOMMUNICATION ANTENNAS; TELECOMMUNICATION ANTENNAS, ATTACHED; TELECOMMUNICATION ANTENNAS, CONCEALED; and TELECOMMUNICATION ANTENNA TOWERS.

TELECOMMUNICATION ANTENNA SETBACK: The distance between a property line and the footprint of the antenna structure, including antennas, reflectors, dishes and other appurtenances.

TELECOMMUNICATION ANTENNA TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged, lattice, guy or monopole TELECOMMUNICATION ANTENNA TOWERS. This includes radio and television transmission, microwave, and common-carrier, personal communications service (PCS),



cellular telephone, and/or alternative ELECOMMUNICATION ANTENNA TOWERS, and the like. This definition does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur (HAM) radio antennas, including, but not limited to AMATUER RADIO ANTENNA/TOWERS.

TELECOMMUNICATION ANTENNA TOWER HEIGHT: The distance from the finished grade at the TELECOMMUNICATION ANTENNA TOWER base to the highest point of the TELECOMMUNICATION ANTENNA TOWER. Overall TELECOMMUNICATION ANTENNA TOWER height includes the base pad, mounting structures and panel antennas but excludes lightning rods and whip antennas.

Amend Sec. 23-4-810. Preferred order for locating TELECOMMUNICATION FACILITIES.

The order of preference for locating new permanent TELECOMMUNICATION FACILITIES is (from most preferred to least preferred and based on economic and technical feasibility):

- A. CO-LOCATION on existing TELECOMMUNICATION ANTENNA TOWERS.
- B. TELECOMMUNICATION ANTENNA, ATTACHED.
- C. TELECOMMUNICATION ANTENNA, CONCEALED.
- D. TELECOMMUNICATION ANTENNA TOWER. New TELECOMMUNICATION ANTENNAS must use the most-preferred facility type where economically and technically feasible. A lesser-preferred facility type is allowed only if the applicant presents substantial evidence to show it will have a lesser visual impact than the use of more preferred facilities and that the applicant's desired geographic area cannot be served by using more-preferred facilities.

Amend Sec. 23-4-820. General requirements.

- A. TELECOMMUNICATION FACILITIES on Residential Properties. TELECOMMUNICATION FACILITIES may not be placed on properties or buildings used primarily for residential purposes. This does not apply to buildings containing eight (8) or more dwelling units or farms and ranches containing dwelling units.
- B. TELECOMMUNICATION FACILITIES are allowed as a use by right or accessory use on a property as follows:
 - 1. TELECOMMUNICATION ANTENNA, ATTACHED AND TELECOMMUNICATION ANTENNA, CONCEALED are permitted by administrative review in all zone districts.
 - 2. TELECOMMUNICATION ANTENNA TOWERS are not allowed in the following zone districts: R-1, R-2, R-3, R-4, R-5, E and PUD (with Residential uses).
 - 3. TELECOMMUNICATION ANTENNA TOWERS are permitted either as a use by right, accessory use, or Use by Special Review in the following zone districts: C, I, A and PUD (with Commercial or Industrial uses).
- C. Accessory uses to a TELECOMMUNICATION ANTENNA AND TELECOMMUNICATION ANTENNA TOWER shall not include offices, broadcast studios, long-term vehicle storage or other outdoor storage, or other uses not needed to send, receive or relay transmissions.



Repeal Sec. 23-4-820.D thru the end of Sec. 23-4-890 and Re-Enact, as follows:

Sec. 23-4-830. Standards for TELECOMMUNICATION ANTENNA TOWERS.

- A. TELECOMMUNICATION ANTENNA TOWERS are allowed as a use by right, accessory uses, subject to Zoning Permit for TELECOMMUNICATION ANTENNA TOWER requirements, or as a Use by Special Review Permit, per the height guidelines below. The height of a TELECOMMUNICATION ANTENNA TOWER is defined as the distance from the finished grade at the TELECOMMUNICATION ANTENNA TOWER base to the highest point of the TELECOMMUNICATION ANTENNA TOWER. Overall TELECOMMUNICATION ANTENNA TOWER HEIGHT includes the base pad, mounting structures and panel antennas, but excludes lightning rods and whip antennas.

Use by Right or Accessory Use	Zoning Permit for TELECOMMUNICATIONS ANTENNA TOWER	Use by Special Review Permit approval required
Up to 35 feet in height	>35 feet up to 70 feet in height	Greater than 70 feet in height

- B. Radial Spacing. TELECOMMUNICATION ANTENNA TOWERS over thirty-five (35) feet high must be located at least one thousand (1,000) feet from other TELECOMMUNICATION ANTENNA TOWERS over thirty-five (35) feet high that are capable of supporting TELECOMMUNICATION FACILITIES. Closer spacing between TELECOMMUNICATION ANTENNA TOWERS may be granted through the Use by Special Review process. This radial spacing requirement does not apply to facilities located at designated antenna farms.
- C. In addition to meeting the Use by Special Review standards set forth in Article II, Division 5 of this Chapter, the applicant shall submit documentation addressing the following standards:
- Existing or approved TELECOMMUNICATION ANTENNA TOWERS cannot accommodate the telecommunications equipment planned for the proposed TELECOMMUNICATION ANTENNA TOWER.
 - The TELECOMMUNICATION ANTENNA TOWER shall not constitute a hazard to aircraft.
 - The TELECOMMUNICATION ANTENNA TOWER shall be placed on the property to contain on site all ice-fall or debris from TELECOMMUNICATION ANTENNA TOWER failure.
 - The proposed TELECOMMUNICATION ANTENNA TOWER shall be designed and provide for CO-LOCATION. The Board of County Commissioners may revoke permit(s) or other administrative approval(s) if conditions for approval of a TELECOMMUNICATION ANTENNA TOWER includes CO-LOCATION, but:
 - The TELECOMMUNICATION ANTENNA TOWER owner is not willing to provide space for other carriers at a fair market rate when it would not impair the structural integrity of the TELECOMMUNICATION ANTENNA TOWER or cause interference.
 - The TELECOMMUNICATION ANTENNA TOWER owner modifies the structure in a way to make CO-LOCATION impractical or impossible.

- c. If approval is revoked, the facility must be removed at the owner's expense.
 5. The TELECOMMUNICATION ANTENNA TOWER shall have the least practicable adverse visual impact on the environment.
 6. The proposed TELECOMMUNICATION ANTENNA TOWER shall not emit radiation that will adversely affect human health.
 7. The proposed TELECOMMUNICATION ANTENNA TOWER shall be the minimum height needed to accommodate the TELECOMMUNICATION ANTENNA.
 8. The proposed TELECOMMUNICATION ANTENNA TOWER shall comply with all applicable federal and state regulations.
 9. The design of the proposed TELECOMMUNICATION ANTENNA TOWER shall insure structural integrity.
 10. The proposed TELECOMMUNICATION ANTENNA TOWER shall have adequate measures to discourage unauthorized climbing and to insure the security thereof.
 11. All reasonably possible sites for the TELECOMMUNICATION ANTENNA TOWER have been considered, and the proposed site is the most appropriate, available site from a land use perspective.
 12. The proposed TELECOMMUNICATION ANTENNA TOWER shall not adversely impact wildlife.
 13. A Decommissioning Plan. Adequate financial assurance to cover the decommissioning of the facility may be required as a condition of approval of the Decommissioning Plan.
- D. TELECOMMUNICATION ANTENNA TOWER and Equipment Setbacks.
1. TELECOMMUNICATION ANTENNAS, ATTACHED and other appurtenances may encroach up to two (2) feet into the minimum building setbacks in the underlying zoning district but must not extend over property lines.
 2. Minimum setbacks for TELECOMMUNICATION ANTENNAS, CONCEALED are the same as the minimum building setbacks in the underlying zoning district.
 3. Minimum setbacks for TELECOMMUNICATION ANTENNA TOWERS, are as follows:
 - a. From property lines of properties in the A, C, I and PUD (with Commercial or Industrial uses) zones: one-hundred percent (100%) of the TELECOMMUNICATION ANTENNA TOWER HEIGHT but not less than minimum building setbacks in the underlying zone district.
 4. Guy wires and equipment buildings and cabinets. No part of the TELECOMMUNICATION ANTENNA TOWER system, including any guy wire anchors shall extend closer than thirty (30) feet to the property boundary.



E. Equipment Design.

1. A TELECOMMUNICATION ANTENNA, ATTACHED on a roof may extend up to fifteen (15) feet over the height of the building or structure and may exceed the underlying zoning district height limitation. TELECOMMUNICATION ANTENNAS, ATTACHED mounted on a building or structure wall must be as flush to the wall as technically possible, and must not project above the top of the wall, and must be located, painted and/or screened to be architecturally and visually compatible with the building it is attached to.
2. TELECOMMUNICATION ANTENNA TOWERS should be painted or coated in earth-tone colors that blend, to the extent possible, with the surrounding building and natural environment unless state or federal regulations require specific colors.
3. TELECOMMUNICATION ANTENNA TOWERS must not be artificially lighted unless required by the FAA or other state or federal agency. Security lighting on the site may be mounted up to twenty (20) feet high and must be directed toward the ground to reduce light pollution, prevent offsite light spillage, and avoid illuminating the TELECOMMUNICATION ANTENNA TOWER.
4. Equipment buildings must be compatible with the architectural style of the surrounding building environment with consideration given to exterior materials, roof form, scale, mass, color, texture and character. Equipment buildings must be constructed with materials that are equal to, or better than, the materials of the principal use. Equipment cabinets must be located, painted and/or screened to be architecturally and visually compatible with the surrounding building and natural environment.
5. The maximum permissible noise level shall adhere to the maximum permissible noise levels allowed in the underlying zone district as delineated in Section 14-9-30 of this Code. Equipment must not generate noise that can be heard beyond the site. However, this does not apply to generators used in emergency situations where the regular power supply for a facility is temporarily interrupted. It also does not apply to air conditioners or noise made during regular maintenance and upkeep of the facility and site.

F. Base or accessory site design.

1. Screening and landscaping appropriate to the context of the site and in harmony with the character of the surrounding environment is required when any part of the facility is visible from public rights-of-way or adjacent properties.
2. Existing vegetation and grades on the site should be improved or preserved to the extent possible.
3. Signage at the site is limited to nonilluminated warning and equipment identification signs. This does not apply to concealed antennas incorporated into freestanding signs.



4. TELECOMMUNICATION ANTENNA FACILITIES, except those in the C and I zones, must not include manned offices, long-term vehicle storage or other outdoor storage, or other uses not needed to send, receive or relay transmissions.

G. Abandonment.

If the Use by Special Review has not commenced within three (3) years from the date of approval, or is discontinued for a period of three (3) consecutive years, it shall be presumed inactive or abandoned. The COUNTY shall initiate an administrative hearing to consider whether to grant an extension of time to commence the use or revoke the use. If the use is revoked, it shall be necessary to follow the procedures and requirements of this Division in order to reestablish any subsequent Use by Right or Use by Special Review. Upon the determination that the use has been abandoned, the facility owner has ninety (90) days to re-use the facility or transfer the facility to another owner who will re-use it. Evidence of such shall be provided, in writing, to the Department of Planning Services.

1. Removal of abandoned TELECOMMUNICATION ANTENNA TOWERS shall be addressed in all lease agreements and shall specifically address the duties and obligations of the lessee and its assigns as well as the property owner regarding the removal of TELECOMMUNICATION ANTENNA TOWERS deemed by the County to be abandoned.
2. The applicant or owner shall submit an improvements agreement agreeing to remove the improvements as shown in the application, plans, plat and other supporting documents. The agreement shall be made in conformance with the County policy on collateral for improvements. The agreement shall be approved by the Board of County Commissioners prior to commencement of operations, as applicable.

Sec. 23-4-840. Supplemental Use by Special Review Permit application requirements for TELECOMMUNICATION ANTENNA TOWERS.

A. Application Contents. In addition to requirements outlined in Article II, Divisions 3 through 5 of this Chapter, applications for administrative or Use by Special Review approval of proposed TELECOMMUNICATION FACILITIES, and additions or modifications to existing facilities, must include the following:

1. A Site Plan showing the location and legal description of the site; on-site land uses and zoning; adjacent roadways; parking and access; areas of vegetation and landscaping to be added, retained, replaced or removed; setbacks from property lines; and the location of the TELECOMMUNICATION FACILITY, including all related improvements, buildings and equipment.
2. A vicinity map showing adjacent properties, general land uses, zoning and roadways:
 - a. Within one hundred (100) feet of a proposed attached antenna site.
 - b. Within a distance of one (1) mile of a proposed TELECOMMUNICATION ANTENNAS, CONCEALED, temporary TELECOMMUNICATION ANTENNA TOWER or micro-cell TELECOMMUNICATION ANTENNA TOWER site.
 - c. Within a distance of one (1) mile of a proposed TELECOMMUNICATION ANTENNA TOWER site.



3. Elevation drawings of the proposed TELECOMMUNICATION FACILITY showing all TELECOMMUNICATION ANTENNAS, TELECOMMUNICATION ANTENNA TOWERS, structures, equipment buildings and cabinets, fencing, screening, landscaping, lighting and other improvements related to the facility, showing specific materials, placement and colors.
 4. Photo-realistic renderings (photosyms) of the site after construction, demonstrating the true impact of the TELECOMMUNICATION FACILITY on the surrounding visual environment. The Department of Planning Services may request photo-realistic renderings of the site from specific vantage points. This requirement does not apply to TELECOMMUNICATION FACILITIES permitted under the administrative review process unless the Department of Planning Services requests such information.
 5. A report describing the TELECOMMUNICATION FACILITY and the technical, economic (if deemed necessary by the Department of Planning Services) and other reasons for its design and location; the need for the TELECOMMUNICATION FACILITY and its role in the network; and the capacity of the structure, including the number and type of antennas it can accommodate.
 6. The FAA response to the Notice of Proposed Construction or Alteration (FAA Form 7460-1 or equivalent), if the facility is located near an airport or a flight path.
 7. An agreement detailing responsibility for landscaping, screening, site maintenance and the replacement of dead plant material.
 8. A schedule for the installation of landscaping and screening, if applicable.
 9. A letter of intent to allow CO-LOCATION on the TELECOMMUNICATION ANTENNA TOWER.
 10. A letter of intent or lease agreement statement which addresses removal of the facility at the expense of the TELECOMMUNICATION FACILITY and/or property owner if it is deemed abandoned. The applicant or owner may also be required to submit an improvements agreement agreeing to remove the improvements as shown in the application, plans, plat and other supporting documents. The agreement shall be made in conformance with the County policy regarding collateral for improvements and shall be approved by the Board of County Commissioners prior to commencement of operations, as applicable. The Department of Planning Services may request additional copies of any submittal item for review by other agencies.
 11. A map indicating the service area/radius of the proposed TELECOMMUNICATION ANTENNA TOWER in addition to the service area/radius of other existing TELECOMMUNICATION ANTENNA TOWERS within ten (10) miles of the proposed TELECOMMUNICATION ANTENNA TOWER location.
- B. TELECOMMUNICATION FACILITY Inventory. The first application for a proposed TELECOMMUNICATION FACILITY by a provider must include a detailed inventory of all the providers existing and approved TELECOMMUNICATION FACILITIES within the County, all incorporated areas within the County, and one (1) mile beyond the County border, including Wyoming.



Sec. 23-4-850. Application review of TELECOMMUNICATION ANTENNA TOWERS.

- A. Technical Issues and Expert Review. TELECOMMUNICATION FACILITIES may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Department of Planning Services may require the applicant to pay reasonable costs of a third-party technical study of a proposed TELECOMMUNICATION FACILITY. Selection of experts to review the proposal will be at the sole discretion of the County.
- B. Building Permits. Zoning Permit and Use by Special Review approval of TELECOMMUNICATION FACILITIES are separate from the building permit review process. Building permits for the construction of TELECOMMUNICATION FACILITIES cannot be issued until the facility is approved through the administrative, Planning Commission or Use by Special Review process.

Sec. 23-4-860. Information request.

- A. System Information. A TELECOMMUNICATION ANTENNA TOWER provider will meet with the Department of Planning Services to furnish information about the proposed system design.
- B. Information Sharing. The Planning Department may share information with other interested parties seeking to locate TELECOMMUNICATION FACILITIES in the County in an effort to promote CO-LOCATION and co-development of TELECOMMUNICATION FACILITIES.

Sec. 23-4-870. Zoning Permit for TELECOMMUNICATION ANTENNA TOWER permit application requirements.

An application for a Zoning Permit for a TELECOMMUNICATION ANTENNA TOWER shall include the following:

- A. Name, address and telephone number of the applicant.
- B. Name, address and telephone number of the owner of the land, if different from Subsection A. above.
- C. Parcel number and legal description of the property for which the application is made.
- D. Evidence of interest in the subject land held by the applicant.
- E. Number of acres of the property.
- F. Elevation drawings of the proposed TELECOMMUNICATION FACILITY showing all TELECOMMUNICATION ANTENNA TOWERS, structures and other improvements related to the TELECOMMUNICATION FACILITY, showing specific materials, placement and colors.
- G. County road access information sheet.
- H. A vicinity map showing adjacent properties, general land uses, zoning and roadways:



1. Within five hundred (500) feet of the proposed Antenna TELECOMMUNICATION ANTENNA TOWER site.
- I. 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 TELECOMMUNICATION ANTENNA TOWERS and other support structures (guy wires), including distances from the property LOT lines, above-ground power lines and other STRUCTURES on the property.
 2. Location and measurements of any easements or rights-of-way.
 3. Amount of road frontages.
 4. Identification of any county, state or federal roads or highways.
 5. Existing STRUCTURES on the property.
 6. A site detail of TELECOMMUNICATION ANTENNA TOWER and encumbrances/support structures.
- J. An application fee.
- K. A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the County Assessor of the owners of property (the surface estate) within five-hundred (500) feet of the property lines of the parcel on which the TELECOMMUNICATION ANTENNA TOWER shall be placed. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.
- L. A letter of intent to allow CO-LOCATION on the TELECOMMUNICATION ANTENNA TOWER.
- M. A letter of intent or lease agreement statement which addresses removal of the TELECOMMUNICATION FACILITY at the expense of the TELECOMMUNICATION FACILITY and/or property owner if it is deemed abandoned. The applicant or owner may also be required to submit an improvements agreement agreeing to remove the improvements as shown in the application, plans, plat and other supporting documents. The agreement shall be made in conformance with the County policy regarding collateral for improvements and shall be approved by the Board of County Commissioners prior to commencement of operations, as applicable. The Department of Planning Services may request additional copies of any submittal item for review by other agencies.

Sec. 23-4-880. Referrals to Municipalities within one-half (1/2) mile of Commercial Antenna TELECOMMUNICATION ANTENNA TOWERS.

- A. The Department of Planning Services shall refer all Zoning Permits for TELECOMMUNICATION ANTENNA TOWER applications to municipalities whose



boundaries are located within one-half (½) mile of the boundaries of the subject property. The municipalities named shall respond within twenty-eight (28) days after the mailing of the application by the COUNTY. The failure of any municipality to respond within twenty-eight (28) days may be deemed to be a favorable response to the Board of County Commissioners.

Sec. 23-4-890. Delegation of authority.

The Board of County Commissioners delegates the authority to issue a zoning permit for a TELECOMMUNICATION ANTENNA TOWER, 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. The applicant is in compliance with the criteria identified in this Chapter for the specific category of zoning permit for which application is being made.
- B. 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 TELECOMMUNICATION ANTENNA TOWER. If opposed, the petition shall indicate that the surrounding property owners who have signed the notification have objections to the issuance of a zoning permit for the TELECOMMUNICATION ANTENNA TOWER.
- C. The Department of Planning Services and has not received referral responses in opposition to the location of the TELECOMMUNICATION ANTENNA TOWER from municipalities within one-half (½) mile of the subject property.

Section 23-4-895. Requirements for NON-COMMERCIAL TOWERS.

NON-COMMERCIAL TOWERS shall be subject to the following requirements:

- A. NON-COMMERCIAL TOWERS shall be permitted in all zone districts. See Appendix 23-F for requirements in zone districts.
- B. NON-COMMERCIAL TOWER components, including any and all antennas, appurtenances, cables, guy wires, or structural supports, shall be subject to the front, side and rear setback requirements for accessory structures for the zone district in which the tower is located. This provision shall not apply to the tower itself.
- C. NON-COMMERCIAL TOWERS must be setback from any existing or planned overhead transmission lines a distance greater than the height of the tower.
- D. No NON-COMMERCIAL TOWER may exceed the height as measured from the ground at a point directly beneath the apex of the NON-COMMERCIAL TOWERS, per the specific zone district, without a Zoning Permit for a NON-COMMERCIAL TOWER (ZPNCT) or Use by Special Review Permit approved by the Board of County Commissioners.
- E. No NON-COMMERCIAL TOWERS may exceed the number as a use by right of the specific Zone District without a Zoning Permit for NON-COMMERCIAL TOWERS (ZPNCT) or a Use by Special Review Permit approved by the Board of County Commissioners.



- F. Limiting Site Factors. NON-COMMERCIAL TOWERS are permitted in all zone districts; however, should the proposed NON-COMMERCIAL TOWER be located in one or all of the following areas, the NON-COMMERCIAL TOWER is subject to additional review and approval by the appropriate agency:
1. Two miles from any military installation.
 2. Within the Airport Zoning Overlay District.
 3. Within the Geologic Hazard Development areas as defined by the Weld County Code.
 4. No facilities will be permitted within:
 - a. Historic sites.
 - b. Wetlands.
 - c. All floodways, as defined by the Weld County Code.
- G. Prior to the issuance of a land use permit for any NON-COMMERCIAL TOWER, the applicant shall provide the following:
1. A completed land use application form and a Building Permit application form.
 2. A description of the proposed tower, including its height and method of construction.
 3. A scaled Site Plan drawing of the subject property, showing all property lines, the location of all existing structures, and the proposed location of the tower, including the location of cables, guy wires or other structural supports.
 4. The applicant is to provide evidence that additional review and approval by the appropriate agency is not required in accordance with FAR Part 77, "Objects Affecting Navigable Airspace", and/or, if the structure were located within an established Airport Zoning Overlay District. Towers farther than 20,000 feet to the nearest point of the nearest runway for both public airports, and any established private airport are automatically exempt from any review. Other exemptions are based on tower distance, tower height, ground height and buildings between the tower and the airport, and length of airport runway.

Amend numbering only: *Division 11*
Semi-Trailers as Accessory Storage

Amend numbering only: *Division 12*
Parking and Operation of Commercial Vehicles



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Add the following:

Division 13
HOME OCCUPATION - Class II permits

Sec. 23-4-970. HOME OCCUPATION – Class II permit requirements.

- A. Intent. A HOME OCCUPATION – Class II Zoning Permit shall be obtained for any HOME OCCUPATION falling within the definition of a Class II operation.
- B. Application requirements. An application for any zoning permit for a HOME OCCUPATION required by this Division shall include the following:
 - 1. Name, address and telephone number of the applicant.
 - 2. Name, address and telephone number of the owner of the land if different from Subsection 1 above.
 - 3. Evidence of interest in the subject land held by the applicant, such as a deed, lease agreement or similar evidence.
 - 4. A legal description of the property for which the application is made.
 - 5. Number of acres of the property.
 - 6. A sketch plan of the site at the scale of one (1) inch represents twenty (20) feet or other suitable scale to show:
 - a. The proposed location of the commercial vehicle (if applicable), including distances from the property LOT lines and other STRUCTURES on the property.
 - b. Access to be utilized by the commercial vehicle (if applicable) indicating whether the access is existing or proposed.
 - c. Location and measurements of any easements or rights-of-way.
 - d. Road Access Sheet.
 - e. Identification of any county, state or federal roads or highways.
 - f. Existing STRUCTURES on the property.
 - g. The STRUCTURE(s) in which the HOME OCCUPATION shall be operated within shall be appropriately labeled. The total area of use shall also be delineated.
 - 7. An application fee.
 - 8. The requirements of this Division require the applicant to provide a certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the County Assessor of the owners of property (the surface estate) within five



hundred (500) feet of the property lines of the parcel. The source of such list shall be the records of the County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the applicant shall certify that such list was assembled within thirty (30) days of the application submission date.

9. Whether the property is situated within a subdivision regulated by a Homeowners Association (HOA). If applicable, contact information shall be provided.
 10. Acknowledgement that this zoning permit shall not be transferable by the applicant and/or owner to any successor; the zoning permit shall terminate automatically upon conveyance or lease of the property.
- C. Delegation of Authority. The Board of County Commissioners delegates the authority to issue a zoning permit for a HOME OCCUPATION 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 applicant is in compliance with the criteria identified in this Chapter for the specific category of zoning permit for which application is being made.
 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. If opposed, the petition shall indicate that the surrounding property owners who have signed the notification have objections to the issuance of a zoning permit for the commercial vehicle.
 3. The application complies with any Homeowners Association (HOA) standards.
- D. Duties of the Board of County Commissioners. The Board of County Commissioners shall hear the application at a regularly scheduled meeting of the Board, if the application does not meet the criteria stated in Paragraphs A through C above, and Section 23-1-90 of this Chapter. 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 property owners (the surface estate). 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. The Department of Planning Services shall post a sign for the applicant on the property in question indicating that a HOME OCCUPATION – Class II 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. The Board of County Commissioners shall consider any testimony of surrounding property owners concerning the effects of the HOME OCCUPATION on surrounding properties. The Board of County Commissioners shall also consider the following factors in reviewing applications for a permit for a HOME OCCUPATION – Class II:



1. Compatibility with surrounding area, harmony with the character of the NEIGHBORHOOD and its effects upon the immediate area.
2. Compatibility with Chapter 22 of this Code.
3. Availability of adequate water and sewage disposal facilities.
4. The general health, safety and welfare of the inhabitants of the area and the COUNTY.

Division 14
Cultivation, Manufacture, Distribution or Sale of
Medical Marijuana or Medical Marijuana-Infused Products

Sec. 23-4-1000. Prohibition of cultivation, manufacture, distribution, or sale of medical marijuana or medical marijuana-infused products in any zone district.

No STRUCTURE or tract of land in any zone district in Weld County may be used by an person(s) for the purpose of cultivation, manufacture, distribution, or sale of MEDICAL MARIJUANA or MEDICAL MARIJUANA-INFUSED PRODUCTS, except for patients cultivating for their personal consumption, in compliance with the terms, conditions, limitations, and restrictions in Section 14 of Article XVIII of the Colorado Constitution, or except when such person(s) are acting as a primary caregiver in compliance with the terms, conditions, limitations, and restrictions of Section 25-1.5-106, C.R.S.

Sec. 23-4-1010. Prohibition of the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses in any zone district.

No STRUCTURE or tract of land in any zone district in Weld County may be used for the purpose of the operation of MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, and MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSES.

Sec. 23-4-1020. Definitions.

As used in this Division, the words and phrases set forth below have the following definitions:

MEDICAL MARIJUANA: Marijuana that is grown and sold pursuant to the provisions of Article 43.3, Title 12 of the Colorado Revised Statutes (C.R.S.) and for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution.

MEDICAL MARIJUANA CENTER: A person licensed pursuant to Article 43.3, Title 12 of the Colorado Revised Statutes (C.R.S.) to operate a business as described in Section 12-43.3-402, C.R.S., that sells MEDICAL MARIJUANA to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado Constitution, but is not a primary caregiver.

MEDICAL MARIJUANA-INFUSED PRODUCT: A product infused with MEDICAL MARIJUANA that is intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, and tinctures.



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MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER: A person licensed pursuant to Article 43.3, Title 12 of the Colorado Revised Statutes (C.R.S.) to operate a business as described in Section 12-43.3-404, C.R.S.

OPTIONAL PREMISES CULTIVATION OPERATION: A person licensed pursuant to Article 43.3, Title 12 of the Colorado Revised Statutes (C.R.S.) to operate a business as described in Section 12-43.3-403, C.R.S.

ARTICLE V Overlay Districts

Division 2 Geologic Hazard Overlay District

Amend Sec. 23-5-140. Establishment of District.

There is hereby established in the County a GEOLOGIC HAZARD OVERLAY DISTRICT.

- A. The GEOLOGIC HAZARD OVERLAY DISTRICT includes land which is within a GEOLOGIC HAZARD AREA. The Colorado Geological Survey (CGS) and US Geological Survey (USGS) jointly developed a digital map delineating coverage's based on previous studies pertaining to the location and distribution of abandoned underground coal mines in the Boulder-Weld coal field north and northwest of the Denver metropolitan area.
- B. The regulated areas delineating the Extent of Abandoned Coal-Mine Workings and Locations of Mine Shafts, Adits, Air Shafts, and Faults, as amended, and as adopted by the Board of County Commissioners, is available in electronic format for public inspection at the USGS webpage portal. [<http://pubs.usgs.gov/imap/i-2375/i-2375.pdf>]. Weld County GIS, monitors this electronic link for amendments and provides electronic access to this information through the County GIS portal. Where there is a conflict between the boundary lines illustrated on the map and the actual field conditions, the disputes shall be settled according to Article VI of this Chapter.

**CHAPTER 24
SUBDIVISIONS**

**ARTICLE II
Minor Subdivision and
Major Subdivision Process**

Amend Sec. 24-2-10. Minor subdivision process and time parameters.

A thru C - No change

- D. The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the Weld County Code. The Mylar plat and additional requirements shall be recorded within six (6) months from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.

If a plat has not been recorded within six (6) months of the date of the approval of the minor Subdivision change of zone or final plan, or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the subdivision has not been abandoned and that the applicant possesses the willingness and ability to record the plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the subdivision cannot be met, the Board may, after a public hearing, revoke the subdivision.

Amend Sec. 24-2-20. Major subdivision process and time parameters.

A thru D - No change

- E. The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the Weld County Code. The Mylar plat and additional requirements shall be recorded within six (6) months from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.

If a plat has not been recorded within six (6) months of the date of the approval of the major Subdivision change of zone or final plan, or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the subdivision has not been abandoned and that the applicant possesses the willingness and ability to record the plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the subdivision cannot be met, the Board may, after a public hearing, revoke the subdivision.



ARTICLE V Resubdivision

Amend Sec. 24-5-15. Resubdivision process and time parameters.

The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the requirements of Section 24-5-20.E.6 or Section 24-5-30.B.5 or Section 24-5-40.B.1 of the Weld County Code. The Mylar plat and additional requirements shall be recorded within sixty (60) days from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.

If a resubdivision plat has not been recorded within sixty (60) days from the date of the Board of County Commissioners Resolution, or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the resubdivision has not been abandoned and that the applicant possesses the willingness and ability to record the resubdivision plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the resubdivision plat cannot be met, the Board may, after a public hearing, revoke the resubdivision.

ARTICLE VII Subdivision Design Standards

Amend Sec. 24-7-50. Lot size standards.

- A. All lots within a subdivision shall meet the minimum regulations established by the County, the State and the federal government.

Remainder of Section - No change

WITHDRAW proposed Amendments to Sec. 24-8-20. Recorded exemption.

Amend Sec. 24-8-30. Subdivision exemption.

- A. The subdivision exemption is intended for the following purposes:

1 thru 4 - No change

5. For the temporary use of a parcel for oil and gas production facilities; oil and gas storage facility or oil and gas support and service facilities. Upon termination of the leasehold arrangement, the lot and access shall cease to exist.

Amend Sec. 24-8-40. Exemption standards.

An exemption application shall comply with all of the following standards:

A thru O - No change

- P. After August 3, 2010, the largest Lot, or Lot B of a two-lot recorded exemption, may not be less than 35 acres Net. Lot B or the largest lot is not eligible for future land exemption.

Amend Sec. 24-8-60. Exemption plat.

An exemption plat shall be prepared after an application is approved and all conditions of approval have been met. The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as conditions of approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The Mylar plat and additional requirements shall be recorded within sixty (60) days from the date the Administrative Review was signed. The applicant shall be responsible for paying the recording fee.

If the Exemption plat has not been recorded within sixty (60) days from the date the Administrative Review was signed or Board of County Commissioners Resolution, or if an applicant is unwilling or unable to meet any of the conditions within sixty (60) days of approval, the application will be forwarded to the Weld County Board of County Commissioners with a staff recommendation for denial. The Director of Planning Services may grant an extension of time, for good cause shown, upon a written request by the applicant. The plat shall meet the following requirements:

Remainder of Section - No change

**CHAPTER 26
RUA**

**ARTICLE II
I-25 RUA**

Amend Sec. 26-2-50. Landscaping regulations.

A thru C - No change

- D. Landscaping Requirements Along Roadway Corridors.

1 - No change

2. Design Criteria.

a thru d - No change

delete e.

Reletter f thru h to become e thru g.



**CHAPTER 27
PUD**

**ARTICLE VIII
Supplemental Procedures and Requirements**

Amend Sec. 27-8-60. Failure to record a PUD final plan.

The applicant shall submit three (3) paper copies of the plat for preliminary approval to the Weld County Department of Planning Services. Upon approval of the paper copies, the applicant shall submit a Mylar plat, along with all other documentation required as Conditions of Approval. The Mylar plat shall be recorded in the office of the Weld County Clerk and Recorder by the Department of Planning Services. The plat shall be prepared in accordance with the requirements of the Weld County Code. The Mylar plat and additional requirements shall be recorded within three (3) years from the date of the Board of County Commissioners Resolution. The applicant shall be responsible for paying the recording fee.

If a plat has not been recorded within three (3) years of the date of the approval of the Planned Unit Development (PUD) change of zone or final plan, or within a date specified by the Board of County Commissioners, the Board may require the landowner to appear before it and present evidence substantiating that the PUD has not been abandoned and that the applicant possesses the willingness and ability to record the plat. The Board of County Commissioners may extend the date for recording the plat. If the Board determines that conditions supporting the original approval of the PUD cannot be met, the Board may, after a public hearing, revoke the PUD.

**CHAPTER 29
BUILDING REGULATIONS**

**ARTICLE II
Code Standards**

Amend Sec. 29-2-120. Area of special flood hazards standards.

All new construction and substantial improvements within an area of special flood hazards shall meet the following standards:

A thru G - No change

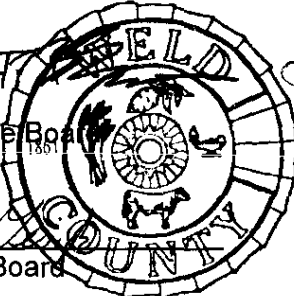
- H. No final inspection shall be approved for any new construction, substantial improvements of any structure, mobile or manufactured home within an area of special flood hazards until the property owner submits an elevation certification or floodproofing certification completed by a Colorado registered professional engineer or architect. Certifications shall be on forms furnished by the Floodplain Administrator or designee.

BE IT FURTHER ORDAINED by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Colorado Code Publishing to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and sub sections 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 sub-sections 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.

The above and foregoing Ordinance Number 2010-6 was, on motion duly made and seconded, adopted by the following vote on the 26th day of July, A.D., 2010.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:  Douglas Rademacher
Weld County Clerk to the Board
Douglas Rademacher, Chair

BY: Esther G. Kirkmeyer
Deputy Clerk to the Board
Barbara Kirkmeyer, Pro-Tem

APPROVED AS TO FORM: Sean P. Conway
County Attorney
Sean P. Conway

William F. Garcia
William F. Garcia

David E. Long
David E. Long

Publication: May 20, 2010, in the Windsor Beacon

First Reading: June 21, 2010
Publication: July 1, 2010, in the Windsor Beacon

Second Reading: July 12, 2010
Publication: July 15, 2010, in the Windsor Beacon

Final Reading: July 26, 2010
Publication: July 29, 2010, in the Windsor Beacon

Effective: August 3, 2010



**APPENDIX 23-F
Non-Commercial Tower(s)**

<u>Zone District</u>	<u>Number Towers Allowed</u>	<u>Use by Right (UBR)</u>	<u>Zoning Permit for a Non-Commercial Tower (ZPNCT)</u>	<u>Use by Special Review (USR)</u>
Zoning: Agricultural				
1.00 – 4.99 Acres	2	2 up to 70 feet in height		
5.00 – 9.99 Acres	6	4 up to 70 feet in height	2 up to 130 feet in height requires ZPNCT	
10.00 + Acres	10	4 up to 70 feet in height	4 up to 130 feet in height requires ZPNCT	2 at 130 feet + in height (USR)
Zoning: Residential	1	1 up to 40 feet in height, or	1 up to 70 feet in height requires ZPNCT	
Zoning: Estate	1	1 up to 40 feet in height, or	1 up to 70 feet in height requires ZPNCT	
Zoning: Commercial	1	1 up to 40 feet in height, or	1 up to 70 feet in height requires ZPNCT	
Zoning: Industrial	1	1 up to 40 feet in height, or	1 up to 70 feet in height requires ZPNCT	
Zoning: PUD (by Zone District)				

Notes:

- A NON-COMMERCIAL TOWER is defined as any mast or pole taller than 40 feet and permanently attached to the property.
- All Zone Districts: Setbacks - No tower(s) allowed in front setback.
- Any Tower higher than fifty (50) feet which could possibly fall on another person's property requires ZPNCT approval.
- Towers 130 feet, or greater, in height require a Use by Special Review, approved by the Board of County Commissioners.
- ZPNCT: Zoning Permit for Non-Commercial Tower(s) requires notification of property owners within 500 feet of proposed tower. Administratively approved unless 30% opposition from surrounding property owners.
- Zoning: Agricultural parcel - size 5.0-9.99 acres allows up to 6 at 70 feet in height and none at 130 feet, or any combination thereof. For example, 5 at 70 and one at 130 feet in height, not to exceed the number of towers at the height allowed by this chart.
- Zoning: Agricultural parcel - size 10 plus acres allows up to 10 at 70 feet in height, or any combination thereof, not to exceed the number of towers at the height allowed by this chart.