



# ZONING RESOLUTION 1990

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    Subsection 7.8 "Regulations for Pre-existing Lots"  
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Amend Section 7.1 "Sign Regulations"  
Delete references to various application and renewal fees  
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County

## SECTION 1

### TITLE

#### 1.1 Title

A resolution and map establishing Zoning Districts in Logan County, Colorado, regulating the location, height, bulk and size of buildings and other structures within the territorial jurisdiction of Logan County; regulating the percentage of lot which may be occupied; the size of lots, courts and other open space, the density and distribution of population, and the location and use of land for trade, industry, recreation, or other uses; dividing said areas of zoning jurisdiction into districts; and providing for the amending and enforcing of this resolution and penalties for its violation.

#### 1.2 Short Title

This resolution and map shall be known as the Logan County Zoning Resolution.

## SECTION 2

### PURPOSE AND AUTHORITY

#### 2.1 General Purpose:

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

#### 2.2 Authority:

The Logan County Zoning Resolution is authorized by Article 2, Chapter 106, of the Colorado Revised Statutes, 1963, as amended and is hereby declared to be in accordance with all provisions of these Statutes.

#### 2.3 Zoning Map and Boundaries of Zone Districts:

- A. The zone symbols and the boundaries of zone districts are shown on the accompanying map and are made a part hereof, being designated as the “Logan County Zone Map.” Said map and all the notations, references and other information shown thereon, are as much a part of these regulations as if the matters and information set forth by said map were fully described herein.
- B. Boundaries. In determining the boundaries of zone districts shown on the map, the following rules shall apply.
  - (1) Unless otherwise indicated, the zone boundaries are the centerlines of streets, roads, highways, alleys, railroad rights-of-way, and channelized waterways, or such lines extended;
  - (2) In un-subdivided property, zone boundaries shall be determined by use of scale on the map. A legal description acceptable to the Planning Commission shall be made available if a controversy arises concerning zone district boundaries.
  - (3) Where a district boundary is shown by a specific dimension as being located at any given distance from any right-of-way line, such specific dimension shall govern.

#### 2.4 Vacations:

Whenever any street, alley, or other public way is vacated by official action of the Board of County Commissioners, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

2.5 Applicability:

Except as hereinafter provided:

- A. No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the District in which it is located.
- B. No part of a lot, open area, or off-street parking area designated for any use or uses or structure or structures for the purpose of complying with the provisions of these regulations shall be designated as a part of a lot similarly required for another use or uses or structure.

2.6 Zoning Districts:

In order to carry out the purposes of this Resolution, Logan County is hereby divided into the following districts:

EP - Environmental Protection

A - Agricultural

RE - Residential Estate

RS - Residential Suburban

RM - Residential – Multiple Family

CH - Commercial Highway

CC - Commercial Center

I - Industrial



## SECTION 3

### ZONING DISTRICT REGULATIONS

#### 3.1 Use Schedules for Zoning Districts

The following schedule of permitted uses and of basic location and bulk regulations for the various districts are hereby adopted and declared to be part of this Resolution, and may be amended in the same manner as any other part of this Resolution. In each zoning district, any use category not expressly permitted shall be deemed excluded. If a question arises as to whether a specific use does or does not come within the following expressed use category any person may apply to the board of zoning adjustment for a determination as to whether a specific use is expressly permitted.

**RESOLUTION  
NO. 2010-23**

**A RESOLUTION AMENDING THE LOGAN COUNTY, COLORADO, ZONING RESOLUTION ADOPTED BY RESOLUTION ON OCTOBER 10, 1973, PURSUANT TO C.R.S. 30-28-112.**

**WHEREAS**, the Board of Commissioners is empowered to regulate land use in Logan County outside the jurisdictional limits of any incorporated city, and

**WHEREAS**, a Public Hearing required by §30-28-112, Colorado Revised Statutes, was held to review the Logan County, Colorado, Zoning Resolution, an amendment for the 1990 Logan County Zoning Resolution on April 20, 2010, at the Logan County Courthouse, Sterling, Colorado and the Board of County Commissioners concurred with the Logan County Planning Commission approved and certified language of amendment on April 27, 2010. Such change would amend the 1990 Zoning Resolution by amending Section 3.1 — Use Schedules for Zoning District by adding the following use:

Zoning Use Permit (ZUP). The intent of the ZUP is to provide an administrative permitting process that assures notification to the local government in areas where there is a need to know what is going on at the site but not so severe as to require a Conditional or Special Use Permit.

A ZUP shall be required for the following in an Agricultural District:

1. Riding stables for horses limited to no more than two (2) horses per acre used exclusively for the care and keeping thereof.
2. Kennel, Boarding: Any place, area, building or structure where dogs are boarded, housed, cared for, fed or trained by other than the owner to a maximum of four (4) dogs.
3. Manufactured home for an employee and their family based upon the principle use as a farm at or above forty (40) acres in size with no space offered for rent.
4. Manufactured home for a farm family as temporary living quarters while a site constructed home under the review of the building official with a building permit is constructed. The manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official. In the case of a ZUP permit for temporary living quarters as established herein, the ZUP expires 365 days after issuance in all cases, but may be renewed under exceptional circumstances. If expired and not renewed, the temporarily placed manufactured home must be removed from the property.
5. Temporary Ready Mix Concrete and Asphalt Plants [one year or less] with no more than two (2) permits for the same site.
6. For the purpose of obtaining a Federal Alcohol, Tobacco and Firearms Permit authorizing commerce in firearms and ammunition within the scope of the Code of Federal Regulation 27 C.F.R. 478.47.

A ZUP shall be required for the following in an Commercial Highway District:

1. For the purpose of obtaining a Federal Alcohol, Tobacco and Firearms Permit authorizing commerce in firearms and ammunition within the scope of the Code of Federal Regulation 27 C.F.R. 478.47.

**NOW, THEREFORE, BE IT RESOLVED** by the County Commissioners of Logan County that the Logan County Zoning Resolution adopted on October 10, 1973, is hereby amended through the addition of language in Section 3.1 — Use Schedules for Zoning District by adding the following use:

Zoning Use Permit (ZUP). The intent of the ZUP is to provide an administrative permitting process that assures notification to the local government in areas where there is a need to know what is going on at the site but not so severe as to require a Conditional or Special Use Permit.

\* A ZUP shall be required for the following in an Agricultural District:

1. Riding stables for horses limited to no more than two (2) horses per acre used exclusively for the care and keeping thereof.
2. Kennel, Boarding: Any place, area, building or structure where dogs are boarded, housed, eared for, fed or trained by other than the owner to a maximum of four (4) dogs.
3. Manufactured home for an employee and their family based upon the principle use as a farm at or above forty (40) acres in size with no space offered for rent.
4. Manufactured home for a farm family as temporary living quarters while a site constructed home under the review of the building official with a building permit is constructed. The manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official. In the case of a ZUP permit for temporary living quarters as established herein, the ZUP expires 365 days after issuance in all cases, but may be renewed under exceptional circumstances. If expired and not renewed, the temporarily placed manufactured home must be removed from the property.
5. Temporary Ready Mix. Concrete and Asphalt Plants [one year or less] with no more than two (2) permits for the same site.
6. For the purpose of obtaining a Federal Alcohol, Tobacco and Firearms Permit authorizing commerce in firearms and ammunition within the scope of the Code of Federal Regulation 27 C.F.R. 478.47.

A ZUP shall be required for the following in an Commercial Highway District:

1. For the purpose of obtaining a Federal Alcohol, Tobacco and Firearms Permit authorizing commerce in firearms and ammunition within the scope of the Code of Federal Regulation 27 C.F.R. 478.47. as certified to this Board by the Logan County Planning Commission on the 20<sup>th</sup> day of April, 2010, is hereby adopted as the revised Logan County Zoning Resolution for Logan County, Colorado.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the County Commissioners of Logan County that the fee charged for the ZUP shall be \$30.00.

DONE on Tuesday, this 4<sup>th</sup> day of May, 2010.

LOGAN COUNTY BOARD OF COMMISSIONERS LOGAN  
COUNTY,

Debra L. Zwirn (Aye) (Nay)  
Debra L. Zwirn

James Edwards (Aye) (Nay)  
James Edwards

Jack H. McLavey (Aye) (Nay)  
Jack H. McLavey

COLORADO

## ATWOOD ZONING PLAN

### SECTION 3.3

#### **PURPOSE**

This Zoning Plan for the Outlying Community of Atwood constitutes specific codes for decision-makers. It follows the Atwood Area Plan which is a statement of community values, ideals and aspirations about the best management of the natural and built environments. It recognizes that the town site of Atwood was platted and recorded on July 29, 1885. The Zoning Plan and its associated Zoning Map establishes policies and programs to address the many issues facing the Outlying Community of Atwood, Colorado. The Zoning Plan is the tool for managing community change to achieve the desired quality of life as defined by the citizens of this Outlying Community.

#### **“AA” ATWOOD AGRICULTURAL DISTRICT**

##### **Sections:**

- 3.301 Purpose and Intent**
- 3.302 Permitted Uses**
- 3.303 Conditional Uses**
- 3.304 Zoning Use Permit**
- 3.305 Lot Size Requirements**
- 3.306 Yard Requirements**
- 3.307 Parking Requirements**
- 3.308 Sign Regulations**
- 3.309 Supplemental Development Standards**

**3.301 PURPOSE AND INTENT.** *Atwood Agricultural (AA).* The purpose of this land use category is to provide for a full range of agricultural activities on land used for agricultural purposes, including processing and sale of agricultural products, and at the same time offer protection to land used for agricultural purposes from the depreciating effect of objectionable, hazardous, incompatible and unsightly uses. This land use category is also intended to protect watersheds and water supplies; to protect forest and scenic areas; to conserve fish and wildlife habitat; to promote forestry; and to prevent and/or discourage untimely scattering of rural residential, suburban residential and/or denser urban development.

**3.302 PERMITTED USES.** The following uses and structures, *and no others*, are permitted in the “AA” District.

1. All agricultural uses including farm dwellings and accessory buildings.
2. Agricultural Machine Shop/ Repair Services.
3. Cemeteries
4. Churches
5. Custom Meat Cutters’ offices and equipment.
6. Farm Supply Sales.
7. Gas and Oil exploration and operations, wellhead stations, well separators, tank batteries or other similar above ground facilities used for distribution, transmission or temporary storage of oil or natural gas. Temporary on-site storage of oil and gas field-related equipment and supplies, but not a junk yard.

8. Irrigation/Pump/Well Repair Service. Temporary on-site storage of piping and pump field-related equipment and supplies, but not a junk yard.
9. Public Parks and Recreation Areas subject to the supervision or regulation by any agency of the State or County.
10. Seed and Fertilizer Sales.
11. Utility substations, pumping stations.
12. Water Reservoirs.
13. Grain Elevators, Equipment and Storage
14. Schools, public or private, primary, intermediate, and secondary.
15. Public facilities operated by a public agency.
16. Towers for wind powered generators are authorized provided they are situated on a lot/property so that the distance from the tower to the property lines, in all directions, is at least equal to the height of the tower.

### **3.303 CONDITIONAL USES.**

1. Water and sewage treatment plants.
2. Riding Stables keeping more than two (2) horses per acre used exclusively for the care and keeping thereof and Horse workout facilities/arenas.
3. Dog Kennels in excess of four (4) dogs.
4. State approved clay, sand and gravel quarries.
5. A commercial or retail business, including a cereal malt beverage establishment or private club.
6. Feed lots as licensed by the State.

**3.304 ZONING USE PERMIT (ZUP).** The intent of the ZUP is to provide an administrative permitting process that assures notification to the local government in areas where there is a need to know and monitor the proposed land use at the site but not necessarily require more in depth planning approvals such as those involved with a Conditional or Special Use Permit. The Zoning Use Permit shall not be construed to create a property right use and is not transferable to other persons or entities. A Zoning Use Permit shall be required for the following:

1. Riding stables for horses limited to no more than two (2) horses per acre and used exclusively for the care and keeping thereof.
2. Kennel, Boarding: Any place, area, building or structure where dogs are boarded, housed, cared for, fed or trained by other than the owner, up to a maximum of four (4) dogs.
3. Manufactured home for a family member(s) [immediate family with no more than five dwelling units per well or twenty-four people per well] or employee located on land having a principle use as a farm of thirty-five (35) or more acres in size, with no space offered for rent to other persons.
4. Site plan approval is required to assure proper siting of development in relation to adjacent on and off site developments.
5. Manufactured home for an Atwood Agricultural family as temporary living quarters for the family while a home is being constructed under the review of the building official and a building permit issued. The manufactured home may be "park set" for a foundation. The temporarily placed manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official for the newly constructed home. The ZUP permit expires 365 days after issuance in all cases, but may be renewed in exceptional circumstances. If expired and not

renewed, the temporarily placed manufactured home must be removed from the property.

6. Temporary Ready Mix Concrete and Asphalt Plants [one year or less] with no more than two (2) permits granted for the same site on property within the boundaries of Atwood, Colorado.

### **3.305 LOT SIZE REQUIREMENTS.**

1. Minimum area:
  - (A) 35 Acre Minimum Lot Size
  - (B) Other Permitted Uses: Residential Uses

### **3.306 YARD REQUIREMENTS.**

1. Front Yard:
  - (A) Farm related buildings: 45 feet from the edge of public road easements for buildings.
  - (B) Other permitted uses: 20 feet from the edge of public road easements. Twenty (20') feet front yard setback (corner lots shall have two (2) front yard setbacks). The vision clearance area as defined herein shall be free of buildings and all other obstructions.
2. Side Yard:
  - (A) Farm related buildings 30 feet.
  - (B) All other permitted uses: 10 feet.
3. Rear Yard:
  - (A) Farm related buildings: 30 feet.
  - (B) All other permitted uses: Twenty (20') feet rear yard setbacks for garages where vehicle access to the garage is straight off of the alleyway. In the absence of an alley or direct vehicle access to an accessory structure or garage, the rear yard setback shall be at least ten (10') feet.
4. Separation of Structures: There shall be ten (10') feet of separation between structures on the lot. Structures include primary and accessory structures.

Note: All setbacks are to the exterior wall of the structure.

### **3.307 PARKING REQUIREMENTS.**

1. Farm related buildings: None.
2. All other uses shall conform to the requirements of Section 7.2.

### **3.308 SIGN REGULATIONS.** See Section 7.1.

### **3.309 SUPPLEMENTAL DEVELOPMENT STANDARDS.** See Section 7

## **“RRA” RURAL RESIDENTIAL ATWOOD DISTRICT**

### **Sections:**

- 3.310 Purpose and Intent**
- 3.311 Permitted Uses**
- 3.312 Conditional Uses**
- 3.313 Zoning Use Permit**
- 3.314 Lot Size Requirements**
- 3.315 Yard Requirements**
- 3.316 Parking Requirements**
- 3.317 Sign Regulations**
- 3.318 Supplemental Development Standards**

**3.310 PURPOSE AND INTENT.** *Rural Residential Atwood (RRA).* The category of Rural Residential Atwood permits single family development on lots of two (2) units per acre. Larger lot sizes may be appropriate to address environmental concerns (such as flood plain, high water or poor soil quality). Residents in these areas are able to keep their own domestic animals (animal husbandry) with certain limitations and keeping of pets (but not a kennel operation). Development will be served by septic systems, wells, and other services planned and approved by Logan County, the State, the Northeast Colorado Environmental Department or their representatives.

**3.311 PERMITTED USES.** The following uses and structures, and *no others* are permitted in the “RRA” Districts.

1. Single family dwellings - detached.
2. Separate living accommodations for family members to include a kitchen are authorized within the primary dwelling. Accessory buildings constructed on the same lot to accommodate immediate family as defined, is authorized for living accommodations. Such living accommodations shall comply with residential building codes, require permits, and shall be inspected and certified by the Building Official as meeting the minimum residential standards.
3. Vegetable and flower gardens, trees, shrubs and lawns, and non-commercial orchards and other landscaping as it relates to residential use.
4. Public Parks and Recreation Areas.
5. Churches and Cemeteries
6. Schools, public or private, primary, intermediate and secondary
7. Non-commercial animal husbandry provided such activities are accessory to the residential use and no persons are employed on the premises. Limitations on animal husbandry are:
  - (A) Horses: There shall be no more than two (2) horses per acre used exclusively for the care and keeping thereof; or
  - (B) Beef Cattle and Cows: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof; or
  - (C) Swine, Sheep or Goats: There shall be no more than four (4) such animals per acre of land used exclusively for the care and keeping thereof; or

- (D) 4-H Market Animal Project: There shall be no more than two (2) such animals per lot for the care and keeping thereof in the category of beef, goats, sheep or swine; or
  - (E) Poultry, Rabbits, and other small animals: There shall be no more than twenty-five (25) such animals on the premises.
  - (F) Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health or safety of any person or property.
  - (G) Permitted animals and fowl other than household pets shall not be kept within a dwelling or within one hundred (100) feet of any dwelling.
  - (H) Permitted animals and fowl shall be kept in properly maintained housing, caging, or corrals.
  - (I) The slaughter of any permitted animal or fowl is permitted only where intended for consumption by the resident family.
- 8. Accessory buildings customarily incident to the above permitted uses.
  - 9. Home Occupations as defined herein.
  - 10. Towers for wind powered generators are authorized provided they are so situated on a lot/property so that the distance from the tower to the property lines, in all directions, is at least equal to the height of the tower.

**3.312 CONDITIONAL USES:** The following uses and structures may be permitted only after they have been reviewed and approved as required by Section 5.1.

- 1. Licensed Group Home or Licensed Day Care Centers licensed by the State, and preschools.

**3.313 ZONING USE PERMIT (ZUP).** The intent of the ZUP is to provide an administrative permitting process that assures notification to the local government in areas where there is a need to know and monitor the proposed land use at the site but not necessarily require more in depth planning approvals such as those involved with a Conditional or Special Use Permit. The Zoning Use Permit shall not be construed to create a property right use and is not transferable to other persons or entities. A Zoning Use Permit shall be required for the following:

- 1. Manufactured home for a Rural Residential Atwood family as temporary living quarters for the family while a home is being constructed under the review of the building official and a building permit issued. The manufactured home may be “park set” for a foundation. The temporarily placed manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official for the newly constructed home. The ZUP permit expires 365 days after issuance in all cases, but may be renewed in exceptional circumstances. If expired and not renewed, the temporarily placed manufactured home must be removed from the property.

- 2. Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.

- (A) Electric and telephone substations
- (B) Gas regulator stations
- (C) Police and Fire Stations
- (D) Water Towers

**3.314 LOT SIZE REQUIREMENTS:** Subject to the Environmental Code and FEMA Flood Regulations, and Subdivision Regulations for Rural Residential Atwood, the minimum lot size shall be one-half (1/2) acre. This requirement applies to new “RRA” development on or after



the date of adoption of this Section. Developed residential lots existing before the adoption of this Section which do not meet the minimum lot size may continue unabated, and lot size will not trigger the legal non-conforming use requirement of review. Any use and its associated improvements existing prior to adoption of this zoning category that is not allowed in the “RRA” is considered legal non-conforming and may not be expanded without approval of the Board of Adjustment.

No lot or parcel of land shall be divided or reduced in area or dimensions so as to cause any required yard or required open space of 40% to be reduced below the amount existing at the time of the adoption of this resolution.

**3.315 YARD REQUIREMENTS:** The following minimum yard requirements shall apply in all “RRA”: Districts.

1. **Front Yard:**

- (A) Twenty (20') foot front yard setback.
- (B) Corner lots shall have two (2) front yard setbacks. The vision clearance area as defined herein shall be free of buildings and all other obstructions.
- (C) The following structures may project into a minimum front or rear yard, but not more than four (4') feet.
  - 1. Chimneys and fireplace structures, provided they are not wider than ten (10') feet.
  - 2. Eaves, sills, cornices, and similar architectural features.
  - 3. Stairways, balconies, and awnings.

2. **Side Yard:**

- (A) Ten (10') foot side yard setback.
- (B) All other permitted uses: 10 feet.
- (C) The following structures may project into a minimum side yard, but not more than two (2') feet.
  - 1. Chimneys and fireplace structures provided they are not wider than ten (10') feet.
  - 2. Eaves, sills, cornices and similar architectural features.
  - 3. Balconies, and awnings.

3. **Rear Yard:**

- (A) Ten (10') foot rear yard setbacks.
- (B) Twenty (20') rear yard setbacks for garages where vehicle access to the garage is directly off of the alleyway. In the absence of an alley or direct vehicle access to an accessory structure or garage, the rear yard setback shall be ten (10') feet.

4. **Separation of Structures:** There shall be at least ten (10') feet of separation from structures on the lot, including primary and accessory structures.

Note: All setbacks are to the exterior wall of the structure.

**3.316 PARKING REQUIREMENTS:** All uses shall conform to the requirements of Section 7.2.

**3.317 SIGN REQUIREMENTS:** See Section 7.1.

**3.318 SUPPLEMENTAL DEVELOPMENT STANDARDS:** See Section 7.

## **“RSA” RURAL SUBURBAN ATWOOD DISTRICT**

### **Sections:**

- 3.320 Purpose and Intent**
- 3.321 Permitted Uses**
- 3.322 Conditional Uses**
- 3.323 Zoning Use Permits**
- 3.324 Lot Requirements**
- 3.325 Yard Requirements**
- 3.327 Parking Requirements**
- 3.328 Sign Regulations**
- 3.329 Supplemental Development Standards**

**3.320 PURPOSE AND INTENT.** *Rural Suburban Atwood (RSA).* The category of Rural Suburban Atwood permits single family development on lots of two (2) units per acre. Larger lot sizes may be appropriate to address environmental concerns (such as flood plain, high water or poor soil quality). This category of residential use is similar to “RRA” with the exception that the keeping of animals is limited to pets. Development will be served by septic systems, wells, and other services planned and approved by Logan County, the State, the Northeast Colorado Environmental Department or their representatives.

**3.321 PERMITTED USES.** The following uses and structures, *and no others*, are permitted in the “RSA” District.

1. Single Family Dwelling - Detached.
2. Separate living accommodations for family members to include a kitchen are authorized within the primary dwelling. Accessory buildings constructed on the same lot to accommodate immediate family, as defined, is authorized for living accommodations. Such living accommodations shall comply with residential building codes, require permits, and shall be inspected and certified by the Building Official as meeting the minimum residential standards.
3. Vegetable and flower gardens, trees, shrubs and lawns, and non-commercial orchards and other landscaping as it relates to residential use.
4. Church or similar place of worship.
5. Public parks, playgrounds and recreation areas and related buildings operated by a public agency.
6. Schools, public or private, primary, intermediate and secondary.
7. Customary accessory uses and structures located on the same lot with the principle use.
8. Home Occupations as defined herein.
9. Towers for wind powered generators are authorized provided they are so situated on a lot/property so that the distance from the tower to the property lines, in all directions, is at least equal to the height of the tower.

**3.322 CONDITIONAL USES.** The following uses and structures may be permitted only after they have been reviewed and approved as required by Section 5.1.

1. Public libraries, museums or similar public buildings.

2. Licensed Group Home or Licensed Day Care Centers licensed by the State, and preschools.
3. Nursing Homes and Homes for the Aged approved and licensed by the State of Colorado.

**3.323 ZONING USE PERMIT (ZUP).** The intent of the ZUP is to provide an administrative permitting process that assures notification to the local government in areas where there is a need to know and monitor the proposed land use at the site but not necessarily require more in depth planning approvals such as those involved with a Conditional or Special Use Permit. The Zoning Use Permit shall not be construed to create a property right use and is not transferable to other persons or entities. A Zoning Use Permit shall be required for the following:

1. Manufactured home for a Rural Suburban Atwood family as temporary living quarters for the family while a home is being constructed under the review of the building official and a building permit issued. The manufactured home may be “park set” for a foundation. The temporarily placed manufactured home must be removed within thirty (30) days of the issuance of a Certificate of Occupancy by the building official for the newly constructed home. The ZUP permit expires 365 days after issuance in all cases, but may be renewed in exceptional circumstances. If expired and not renewed, the temporarily placed manufactured home must be removed from the property.

2. Public utility uses, as follows, provided that the location is approved by the Planning Commission and provided that there is a landscape or screen plan.

- (A) Electric and telephone substations
- (B) Gas regulator stations
- (C) Police and Fire Stations
- (D) Water Towers

**3.324 LOT SIZE REQUIREMENTS.** Subject to the Environmental Code and FEMA Flood Regulations, and Subdivision Regulations for Rural Suburban Atwood, the minimum lot size shall be one-half (1/2) acre. This requirement applies to new “RSA” development on and after the date of adoption of this Section. Developed residential lots existing before the adoption of this Section which do not meet the minimum lot size may continue unabated, and lot size will not trigger the legal non-conforming use requirement of review. Any use and its associated improvements existing prior to adoption of this zoning category that is not allowed in the “RSA” is considered legal non-conforming and may not be expanded without approval of the Board of Adjustment.

No lot or parcel of land shall be divided or reduced in area or dimensions so as to cause any required yard or required open space of 40% to be reduced below the amount existing at the time of the adoption of this resolution.

**3.325 YARD REQUIREMENTS.** The following minimum yard requirements shall apply in all “RRA”: Districts.

1. Front Yard:
  - (A) Twenty (20’) foot front yard setback.
  - (B) Corner lots shall have two (2) front yard setbacks. The vision clearance area as defined herein shall be free of buildings and all other obstructions.
  - (C) The following structures may project into a minimum front or rear yard, but not more than four (4’) feet.

1. Chimneys and fireplace structures provided they are not wider than ten (10') feet.
  2. Eaves, sills, cornices, and similar architectural features.
  3. Stairways, balconies, and awnings.
2. Side Yard:
  - (A) Ten (10') foot side yard setback.
  - (B) All other permitted uses: 10 feet.
  - (C) The following structures may project into a minimum side yard, but not more than two (2') feet.
    1. Chimneys and fireplace structures provided they are not wider than ten (10') feet.
    2. Eaves, sills, cornices and similar architectural features.
    3. Balconies, and awnings.
3. Rear Yard:
  - (A) Ten (10') foot rear yard setbacks.
  - (B) Twenty (20') rear yard setbacks for garages where vehicle access to the garage is directly off of the alleyway. In the absence of an alley or direct vehicle access to an accessory structure or garage the rear yard setback shall be ten (10') feet.
4. Separation of Structures: There shall be at least ten (10') feet of separation from structures on the lot, including primary and accessory structures.

Note: All setbacks are to the exterior wall of the structure.

**3.326 PARKING REQUIREMENTS.** See Section 7.2.

**3.327 SIGN REGULATIONS.** See Section 7.1.

**3.338 SUPPLEMENTAL DEVELOPMENT STANDARDS.** See Section 7.

## **ACCESSORY USE-HOME OCCUPATION - ATWOOD**

### **Sections:**

- 3.330 Purpose and Intent**
- 3.331 Application Procedures**
- 3.332 Public Notice**
- 3.333 Uses Requiring Accessory Use Permits**
- 3.334 Transfer of Permits**
- 3.335 Flammable Liquids and Gases, Storage Thereof**
- 3.336 Home Occupation Code**
- 3.337 Enforcement Procedures**
- 3.338 Supplemental Development Standards**

**3.330 PURPOSE AND INTENT.** The purpose of this section is to provide a method of control over certain types of land uses which, while not requiring the full review process of the conditional use permits, do require a review procedure which allows for determination of their appropriateness within the neighborhood for which they are proposed, and for public comment. The general purpose of this section is not intended to disrupt, change or otherwise modify the integrity of residential neighborhoods or residential zoning, but to allow, in certain circumstances and under specified conditions, the operation of home businesses when the operator is not opposed by the other residents or persons who may be affected.

**3.331 APPLICATION PROCEDURE.** The property owner or authorized agent shall apply for an Accessory Use Permit (AUP) under the guidelines provided by the Planning & Zoning Department. The application for an AUP will be reviewed, within ten (10) working days from the submittal of the application by the administration staff. The staff review shall consist of the County Planner, and County Code Enforcement Officer. Appeals from the administrative action of the staff by the applicant, by residents, or by any person aggrieved by their action, shall be filed with the Logan County Board of Adjustment. No activity which requires an AUP shall be conducted prior to issuance of the permit.

**3.332 PUBLIC NOTICE.** The applicant for a home business/occupation permit shall procure sign(s) announcing the pending application and proposed *Moderate Impact Home Business/Occupation*. Signs shall be obtained from the office of Planning & Zoning, and the applicant shall display said sign(s) in the following manner:

1. Sign(s) shall be posted upon the subject property for a period of seven (7) consecutive days. This seven (7) day period shall coincide with the ten (10) working day administrative review period.
2. Sign(s) shall be posted in a prominent manner and in full view of passing motorists and pedestrians.
3. Sign(s) shall be displayed along the front and side lot frontage abutting any street(s). (Interior lots shall display only one (1) sign; corner lots shall display two (2) signs.)
4. Sign(s) posted shall be maintained by the applicant to remain visible and readable until the conclusion of any appeal heard by the Logan County Board of Adjustment.
5. Failure to post and maintain the sign(s) as required above shall result in a postponement of the administrative review or withdrawal of the application until such time full compliance with the posting procedure is achieved.

**3.333 USES REQUIRING ACCESSORY USE PERMITS (AUP).** Moderate impact home business/occupations shall require an AUP in all residential zoned districts.

**3.334 TRANSFER OF PERMITS.** AUP's shall not be transferable in any manner. A permit shall not be passed from owner to owner, location to location, or use to use, and shall not run with the land.

**3.335 FLAMMABLE LIQUIDS AND GASES, STORAGE OF.** The storage of flammable liquids and gases shall comply with the State of Colorado Fire Prevention Code.

**3.336 HOME OCCUPATION CODE.** The purpose of the home business/occupation provisions is to allow only home business/occupations that are compatible with the residential neighborhood in which they are located.

**DEFINITIONS.**

*Home business/occupation:* An accessory use of a dwelling unit or accessory building involving the manufacture, provision, or sale of goods and/or services, which is carried on by members of the immediate family residing on the premises or one employee as identified herein. Home business/occupations shall not include garage sales and yard sales or home parties, which are held for the purposes of sale or distribution of goods or services. However, if the collective total of all such sales and/or parties exceeds four at any one location in any calendar year such sales and/or parties shall be considered a home business/occupation.

1. This regulation separates home business/occupations into two different and distinct categories as follows:

(A) **Low Impact Home Business/Occupation.**

This type of home business/occupation has little, if any effect on the existing neighborhood. Typically, this type of home business/occupation is an office use where the resident occupant conducts no business other than by telephone, mail, facsimile, or computer modem; where customers are not typically received on the premises; where no deliveries are accepted on a regular basis; and where an office is needed for the purposes of sending and receiving mail, telephone calls, maintaining records, and other similar functions.

A "low impact home business/occupation" is a home business/occupation operated in such a manner that the average neighbor would be unaware of its existence. *Examples of this type of home business/occupation include*, but are not limited to; artists, sculptors, authors, composers, house-cleaners, home made items for sale off-site, telecommuters, telephone solicitor, tutoring (five maximum), office facility for a minister, rabbis, priest, salesman, sales representative, internet or manufacturer's representative, provided that no direct sales are made in person on the premises. An AUP is not required for a "Low Impact Home Business/Occupation.

(B) **Moderate Impact Home Business/Occupation.**

*This type of home business/occupation has some type of impact on the existing neighborhood.* Typically, this type of home business/occupation is an office

use where the resident occupant conducts business with customers on-site; where equipment, other than office equipment, exist to conduct the home business/occupation; and where a company vehicle and/or trailer exist.

A “moderate impact home business/occupation” is a home business/occupation operated in such a manner that the average neighbor would be aware of its existence due to traffic, noise, or equipment. *Examples of this type of home business/occupation include*, but are not limited to, contractor’s office, family care home (less than 24 hour care is given; for only one child or two or more children who are siblings from the same family household at any one time) financial planning, music instruction (limited to one student at a time except for occasional groups), pet grooming (five maximum – no kennel or stables), single chair barber/beauty salon, swimming pool cleaning, a small business involving the manufacture, provision, or sale of goods and/or services with limited personnel, etc.

PERMIT REQUIREMENTS. Home business/occupations complying with the criteria established in this regulation and defined as “low impact occupations” shall be permitted by right with no AUP required. “Moderate impact occupations” shall commence operation only after the receipt of an AUP from the Planning & Zoning Department of the County.

COMPLIANCE CRITERIA for MODERATE IMPACT HOME BUSINESS/OCCUPATIONS. The “Moderate Impact home business/occupation” permit shall be authorized only if all of the following criteria are complied with:

1. No storage or overnight parking of more than one service or company truck, bus or other vehicles with a manufacturer’s rating of more than five (5) tons. The following types of vehicles are expressly prohibited at all times:
  - (A) All commercial tow vehicles or vehicle carriers;
  - (B) Dump or trash hauler trucks;
  - (C) Flat bed or stake bed trucks;
  - (D) Trucks or buses used in interstate or intrastate commerce;
  - (E) Vans with a capacity greater than one ton, used for other than a private passenger vehicle/RV; and
  - (F) School or church buses or vans greater than one ton in carrying capacity.
2. Not more than one trailer shall be allowed as long as the trailer is attached to the service or company vehicle and is used for the transportation of equipment. The trailer shall not be allowed if disconnected from the service or company vehicle unless it is stored in a garage or behind an approved fence enclosure. The trailer shall not be parked or stored in the street, and shall not be parked or stored with trash, rubbish, or other nuisance materials.
3. Temporary or permanent outside storage or equipment or materials shall not be allowed unless placed behind an approved fence enclosure.
4. Use of an accessory structure on this property for storage or any other purposes of conducting the business/occupation is allowed only if consistent with the business of the Home Business Occupation.
5. Only three employees or three independent contractor personnel is permitted to report to the premises for job assignment or to work at the premises. Only three employees



shall be allowed at the premises, while functioning as employees, other than immediate family members who reside on the premises.

6. There shall be no product display visible from the street or any the outside areas. A small sign mounted flush to the wall not exceeding five (5) square feet is authorized to advertise the home business/occupation.
7. Commodities shall not be sold upon the premises, except those prepared on the premises. Retail businesses are not allowed.
8. The home business/occupation shall not create a hazard to persons or property, or any offensive conditions such as excessive noise, vibrations, dust, electrical interference, odor, or any other form of pollution of any nature.
9. There shall be no mechanical, electrical, or chemical equipment or any form of apparatus utilized which interferes with or substantially disrupts the integrity or the character of the neighborhood.
10. Any delivery that pertains to the business shall not have an adverse impact on the neighborhood traffic. Carriers such as Federal Express, UPS or similar type carriers shall not be deemed to have an adverse impact.
11. Home Occupations-Added Parking Requirements - Three (3) spaces in addition to those required for dwelling purposes may be located behind the front building line in the side or rear yard.

#### **RENEWAL OF HOME BUSINESS/OCCUPATION ACCESSORY USE PERMIT.**

Home business/occupations permits shall not require renewal provided that there have not been any violations of the provisions of this regulation. Should violations occur or continue to occur Logan County reserves the right to revoke the AUP as previously stated.

**3.337 ENFORCEMENT PROCEDURES.** Any home business/occupation permitted by the Logan County for Atwood, Colorado under the AUP provisions shall only be valid for the applicant, business/occupation and residence for which the permit is issued and is not transferable. A home business/occupation accessory use permit shall be revoked in the event of any non-compliance with or continued violation(s) of any provisions of this regulation.

1. Any person feeling aggrieved by a decision of the Code Enforcement Officer may appeal that decision to the Logan County Board of Adjustment.
2. The decision of the Logan County Board of Adjustment may be appealed to the courts, as provided by law, provided, however, that such appeal is made prior to twenty (20) days following the date of notification of the Board's decision.

**3.338 VIOLATIONS.** Any person operating or continuing to operate a home business/occupation in violation of the provisions of this Section shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than One Hundred Dollars (\$100.00). Each day in which a violation hereof occurs shall constitute a separate offense.

### **3.34 SUPPLEMENTAL DEVELOPMENT STANDARDS ATWOOD.**

#### **Sections:**

**3.341 Accessory Use Permit (AUP)** - The intent of the AUP is to provide an administrative permitting process that assures notification to the local government in areas where there is a need to know what is going on at the site but not so severe as to require a Conditional or Special Use Permit. The AUP shall not be considered a property right use and is not transferable to other persons or entities. The administrative cost shall be \$15.00 for the permit to cover processing. An additional purchase fee will apply for the sign(s) to be posted as required.

**3.342 Clarification of Ambiguity.** - If ambiguity or uncertainties exist concerning the appropriate classification of a particular use within the meaning and intent of this Zoning Regulation, or with respect to matters of height, yard requirements, area requirements, or district boundaries, as set forth herein and as they pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern.

**3.343 Zoning Use Permit (ZUP)** - The intent of the ZUP is to provide an administrative permitting process that assures notification to the local government in areas where there is a need to know what is going on at the site but not so severe as to require a Conditional or Special Use Permit. The Zoning Use Permit shall not be considered a property right use and is not transferable to other persons or entities. The administrative cost shall be \$15.00 for the permit, to cover processing and notification to affected agencies.

## **DEFINITIONS – ATWOOD ZONING PLAN**

**Home Occupation** - The term “Home Occupation” shall mean any occupation conducted entirely within the dwelling unit or accessory building and carried on only by persons residing in the dwelling unit, with up to three employees, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is no display nor stocking trade or commodities sold except those which are produced on the premises.

**Junk Yard** - A parcel of land used for the storage, keeping for sale, or abandonment of junk, including used metal, wood, building materials, household appliances, vehicles, machinery, or parts thereof.

**Park Set** – Refers to a term of setting a “HUD” single-wide manufactured home on temporary blocks with approved tie-downs per the manufacture guidelines with skirting [§24-32-3104 Colorado Revised Standards].

**Riding Stables** - Structures in which saddle horses are kept, maintained and/or boarded, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings shall be considered uses accessory to the use of the premises for a riding stable.

**Usable Open Space** - Land or water which is free of buildings, structures and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Usable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.

**Vision Clearance Area** - A triangular area on a corner lot, which is formed by a line between the points eighty-five (85') feet from the intersection of the centerline of the road easements. The vision of clearance area shall contain no temporary or permanent obstructions in the excess of two (2') feet in height. Street trees may be permitted provided such trees are pruned at least eight (8') feet above the surrounding grade. At the intersections of major or arterial streets, or roads, the vision clearance area is created by points one hundred (100') feet from the intersection of the centerlines of the road easements.

**APPROVAL**. This is to certify that the Zoning Regulation and District Zoning Map referred to in Section I of this Zoning Regulation shall include Section 3.3, Atwood Zoning Plan and it was duly approved and certified by the Planning Commission on this 9<sup>th</sup> day of October, 2007

Dave Whitney  
(Chairman)

Jim Neblett  
(Secretary)

## SECTION 4

### NONCONFORMING USES AND BUILDINGS

(See April 4, 1979 Resolution, Page )

#### 4.1 Nonconformance:

Certain uses of land and buildings may be found to be in existence at the time of the passage of this Resolution, which do not meet the requirements of this Resolution. It is the intent of this Resolution to allow the continuance of such nonconforming use. However, the owner of each nonconforming use must register the use of such property at the Logan County Department of Planning and Zoning. The burden of proof as to whether the use existed prior to the adoption of this Resolution is the responsibility of the applicant. Every five years, after registration of the nonconforming use, a questionnaire from the Board of County Commissioners will be sent to the nonconforming use registrant for the purpose of verifying that the use is still operating and in existence on the property. Failure to register or to reply to the questionnaire may be used as prima facie evidence of abandonment.

#### 4.2 Expansion or Enlargement:

- A. A nonconforming building to be extended or enlarged shall conform with the provisions of this Resolution.
- B. A nonconforming activity may be extended throughout any part of a building which was arranged or designed for such activity at the enactment of this Resolution.

#### 4.3 Repairs and Maintenance:

The following changes or alterations may be made to a nonconforming building or to a conforming building housing a nonconforming use:

- A. Maintenance repairs that are needed to maintain the good condition of a building, except that if a building has been officially condemned, it may not be restored under this provision.
- B. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use.

#### 4.4 Restoration or Replacement:

- A. If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent of the cost of reconstructing the entire activity, it shall be restored only if such use complies with the requirements of this ordinance.
- B. If a nonconforming building is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed

seventy-five percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

- C. Where a conforming building devoted to a nonconforming activity is damaged less than fifty percent of the cost of reconstructing the entire structure or where a nonconforming building is damaged less than seventy-five percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and is completed within eighteen (18) months from the date of partial destruction.
- D. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any building or activity devoted to a nonconforming use.

4.5 Discontinuance:

Whenever a nonconforming use has been discontinued for a period of twelve (12) months it shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this resolution.

4.6 Nonconforming Lots:

(This section was repealed June 6, 1979, See June 6, 1979 Resolution, Page )

4.7 Change in Nonconforming Use:

No nonconforming use of a building or lot may be changed to another nonconforming use. A nonconforming use of a building or lot may be changed to a conforming use.

4.8 Construction Prior to Resolution Passage:

Nothing herein shall require any change in plans, construction, or designated use of a building or structure for which approval of the County Commissioners has been obtained prior to the effective date of this Resolution and construction of which shall have been diligently prosecuted within three (3) months following the date of such approval.

4.9 Special Exceptions to Provisions on Expansion of Nonconforming Uses:

The Board of Adjustment may authorize, upon appeal in specific cases, an exception permitting an increase in either or both the land area or the floor area of a structure or structures occupied by a nonconforming use, subject to terms and conditions fixed by the Board. Every exception authorized hereunder shall be personal to the applicant therefore and shall not be transferrable, shall run with the land only after the construction of an authorized structure or structures and only for the life of such structure or structures. No exception shall be authorized hereunder unless the Board shall find that all the following conditions exist:

- A. That the use is a nonconforming use as defined by this Resolution, is in full compliance with all requirements of this Resolution applicable to nonconforming uses;
- B. That, owing to exceptional and extraordinary circumstances, literal endorsement of the provisions of this Resolution regarding nonconforming uses will result in unnecessary hardship;
- C. That the exception will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
- D. That the exception will not alter the essential character of the district in which is located that property for which the exception is sought.
- E. That the exception will not weaken the general purposes of this Resolution or the regulations established herein for the specific district;
- F. That the exception will be in harmony with the spirit and purposes of this Resolution;
- G. That the exception will not adversely affect the public health, safety, or welfare.

#### 4.10 Termination of Certain Non-Conforming Uses:

The following non-conforming uses shall be terminated within twelve (12) years from the date of the passage of this Resolution, in any districts, unless they are allowed in the district by conditional or special use permit and said permit has been issued:

- A. Extractive Land Use
- B. Sanitary Landfills
- C. Sewage Treatment Plant
- D. Agricultural Food Processing for Human Consumption
- E. Auto Salvage and Wrecking
- F. Drive-In Theaters
- G. Automobile or Motorcycle Race Track or Course
- H. Automobile Parking Lots
- I. Camping Areas
- J. Electrical Transmission Lines of Sixty-Nine KV or more
- K. Feed lots (Livestock Confinement Areas)

The twelve (12) year period is designated as an amortization period during which the market value of the property and use can be amortized. The owner of the property or use shall have ten (10) years from the date of the passage of this Resolution in which to submit an appeal to the County Commissioners that said twelve (12) year period is an inadequate period of time to amortize their non-conforming use, and in setting forth his grounds therefore.

## SECTION 5

### CONDITIONAL AND SPECIAL USES ALLOWED BY PERMIT ONLY

#### 5.1 Conditional and Special Uses Allowed by Permit Only:

The purpose of conditional and special use permits is first to recognize that there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case and second, to allow review of such uses so that the county is assured that these uses are compatible with their locations and surrounding land uses and will further the purposes of this Resolution. Conditional and special uses as designated under Section 3, Zoning District Regulations, may be allowed only following review and recommendation by the County Planning Commission and written permission by the Board of County Commissioners, as follows:

- A. Conditional Uses shall be permitted by the County commissioners provided that prior to the granting of such permission the County Commissioners shall have notified the County Planning Commission requesting their review and recommendation on the conditional use. The basis of Planning Commission review and the granting of permission for conditional uses by the Board of County Commissioners shall be, among other considerations, that: such use complies with and meets all the conditions and safeguards indicated for that particular use under this section, and under Sections 3 and 7 of this Resolution. Upon satisfactory demonstration and that all such conditions have been met, the County commissioners shall grant permission for a Conditional Use, subject to additional conditions as may be imposed by the County Commissioners in order to comply with the purposes and intent of this Resolution.
- B. Special Uses may be granted or denied at the discretion of the Board of County Commissioners, provided that prior to their action, the Board of County Commissioners shall have notified the County Planning Commission requesting their review and recommendation on the special use. The basis of Planning Commission review and granting or denial of any special use by the Board of County Commissioners shall be, among other considerations that: the special use shall be in conformance with standards and requirements regarding special uses as set forth under this section and under appropriate provisions of Sections 3 and 7 of this Resolution. In granting permission for a special use, the County Commissioners may impose additional conditions in order to comply with the purposes and intent of this Resolution.

(See November 3, 1983 Resolution, Page )

- C. OIL & GAS SPECIAL USE. No oil or gas drilling or production facilities shall be constructed, erected, occupied or operated until a Special Use Permit has been issued by the Logan County Board of County Commissioners or a designated officer of the County. No permit shall be issued unless the proposed application is in full accordance with this resolution, except in those instances where a Variance has been granted by the Logan County Board of Adjustment.

An approved State of Colorado Oil and Gas Conservation Commission Permit is required before Logan County will issue an Oil and Gas Special Use Permit. The approved OGCC form 2 will serve as the application for Logan County's Oil and Gas Special Use Permit. The applicant shall furnish evidence that the surface owner or surface tenant has been notified of the location(s) of the proposed drilling or production activity.

5.2 Procedure for Conditional or Special Use Permits:

- A. Application for a conditional or special use permit shall be submitted in writing to the County Commissioners along with such evidence as may be necessary to demonstrate compliance with the conditions and requirements set forth for the particular use according to this Resolution.
- B. The County Commissioners shall study and review the application and accompanying evidence before taking action of the application. In addition, before ruling on the application, they shall:
  - 1. Submit a copy of the application and accompanying data to the County Planning Commission for study and review.
  - 2. Hold a public hearing on the application as indicated in Section 5.4 below.
- C. The County Commissioners' study of the application shall include consideration of all the following:
  - 1. Information submitted by or for the applicant;
  - 2. Information submitted for the Public Hearing;
  - 3. Comments by the County Planning Commission, and any additional qualified opinions.
- D. The County Commissioners shall rule on the application as follows:
  - 1. In the case of a conditional use application, such application shall be granted upon the conditions as indicated in Section 5.1 A, above.
  - 2. In the case of a special use application, such application may be granted or denied, as indicated in Section 5.1 B, above.

5.3 Planning Commission Review:

As a part of the review and recommendation process of the County Planning Commission, the applicant for any conditional or special use shall post his property with a sign notifying the general public of the time and place of a meeting before the Planning Commission at which said property shall be reviewed for a conditional or special use. The sign shall be posted on the property at least fourteen (14) days prior to the scheduled meeting date, and shall be of a size three (3) feet by four (4) feet, posted four (4) feet above natural grade, with lettering not less than two (2) inches in size. Said sign shall be placed in conspicuous location visible from the public right-of-way.



#### 5.4 Public Notice and Hearing:

Before granting a conditional use or special use permit, the Board of County Commissioners shall hold a public hearing on the matter, and notice of such hearing shall be published at the expense of the application in a newspaper of general circulation within Logan County at least fourteen (14) days prior to the hearing date. In addition, written notice of the hearing shall be mailed at least fourteen (14) days prior to the hearing date to the applicant and to owners of properties adjacent to the property in questions. Failure to mail such a notice shall not affect the validity of any hearing or determination of the Board of County Commissioners. The applicant shall furnish at least fourteen (14) days prior to the anticipated date of the public hearing a list of the owners of properties adjacent to the property in question. The applicant shall also pay an application fee which will serve to help defray the costs of processing and administering this Section. The fee shall be as established in the Logan County Fee Schedule. Payment of the fee shall be made to Logan County at the time of filing of the application for conditional or special use Permits.

#### 5.5 Regulation of Conditional Uses:

##### A. Planned Unit Development (PUD).

All Planned Unit Developments shall conform to the regulations set forth in Section 6 of this Resolution.

##### B. All other conditional uses allowed by permit only shall conform to the regulations as set forth in Section 3, for the District in which they have been permitted. In addition, such uses shall conform to any supplementary regulations such as those designed for particular uses under Section 7 of this Resolution.

#### 5.6 Regulations of Special Uses:

All special uses allowed by permit only shall conform to the regulations as set forth in Section 3 for the District in which they have been permitted. In addition, such uses shall conform to any supplementary regulations such as those designated for particular uses under Section 7 of this Resolution.

(See August 31, 1983 Resolution, Page )

#### 5.7 Fees for Conditional Use Permits:

Permit fees shall be paid at the time of the granting of the permit and prior to its receipt by the permittee. The fee shall be as established in the Logan County Fee Schedule. The permit shall be in force for ninety-nine (99) years. Permits may be renewed for the same period of time or less, without further notice, hearing or posting of the property involved provided, however, that the operation of the conditional use has complied with all the terms and conditions of the original permit. A renewal of the permit shall be considered to be a new permit with respect to fees.

5.8 Fees for Special Use Permits:

Permit fees shall be paid at the time of the granting of the permit. The initial fee shall be as established in the Logan County Fee Schedule, and the permit shall be in force for ninety-nine (99) years. At one (1) year intervals, beginning one (1) year from the date of issuance, there will be inspections to insure compliance with permit conditions. A letter, indicating compliance or non-compliance, will be sent to the permittee after each inspection. If the permittee is found not to be in compliance, then the inspection letter will outline the problem(s), and suggest possible mitigation measures. The permit may be renewed without further notice, hearing or posting of the property involved provided that the operation of the special use has complied with the terms and conditions of the original permit. Renewal fee is as established in the Logan County Fee Schedule. Renewed permits will be in force for ninety-nine (99) years.

Special Use Permits issued prior to the adoption of this amendment will come into compliance with this amendment at their current renewal date.

(See November 15, 1978 Resolution, Page )

5.9 Periodic Review of Conditional and Special Use Permit Conditions:

The County Commissioners or their designated representative shall review the compliance of the permittee with the conditions set up for each conditional or special use permit prior to its renewal. However, this shall not preclude the County Commissioners or their designated representative from reviewing at any time the compliance of the permittee with the conditions set up for each conditional or special use permit. Noncompliance with the permit conditions shall constitute grounds for the revocation of the permit by the County commissioners.

5.10 Period of Permit Adjustment:

The period of time for which a permit can be issued may be adjusted by the County Commissioners when a specific completion time for the use can be established. A relative adjustment in fees for the permit may also be determined by the County Commissioners.

5.11 Performance Bonds Required:

A. Mining, Sand and Gravel, and Other Extractive Operations.

Before any Conditional or Special Use Permit shall be issued for a mining, sand and gravel, or other extractive operation, the applicant shall furnish evidence of a bank commitment of credit in favor of Logan County, or bond or a certified check, in an amount calculated by the County Commissioners to secure the site restorations (as required in Section 7.3 of the Resolutions) in a workmanlike manner, and in accordance with specifications and construction schedule established or approved by the appropriate engineer. Such commitment, bond, or check shall be payable to and held by the County Commissioners of Logan County.

(See November 3, 1983 Resolution, Page )

- B. The County Commissioners may require a performance bond for any Conditional or Special Use Permit if, in their opinion, such bond would be required to insure compliance with conditions of the Permit.
- C. The County shall require two separate performance bonds to be in effect before issuing any Special Use Permit for oil and/or gas drilling operations within the County. One bond shall be a “drilling site” performance bond, the purpose of which is to minimize soil erosion and restoration of the surface at the drilling site, including all access routes from public roads to the drilling site. Said bond will be issued to require that upon cessation of drilling a well that is not producing, the surface will be restored to its original condition, to include removal of all drilling equipment, materials, pits, excavations, drilling mud, plugging of holes and reseeded of vegetation, if necessary.

The other performance bond is for the benefit of Logan County and its taxpayers, and the purpose of which is to protect the County from damages to its roads, bridges, culverts, signs and other County property caused by drilling rigs or other oil and gas field equipment.

- D. Both the “drilling site” performance bond and the performance bond required for protection of the County shall be obtained by the lessee of the drilling site. Insofar as the “drilling site” bond is concerned, the lessee shall have in effect a \$10,000.00 performance bond for each drill site. The lessee needs to have only one performance bond in effect for the protection of the County regardless of the number of drill sites. The amount of this bond shall be in the sum of \$50,000.00. All bonds must be issued by a bonding company authorized to do business in the State of Colorado. No Special Use Permit and no drilling rig or other heavy equipment shall be moved on County roads until both of such bonds, in proper form, have been delivered to the Office of Planning and Zoning for the County.
- E. The “drilling site” bond shall remain in force and effect for each site until all drilling operations have ceased at such site, and the drilling equipment removed, and the surface owner(s), and the duly authorized representative of the Soil Conservation District in which the drill site is located execute a release, in which event the County shall authorize the bonding company to terminate and release such bond.

No overweight or oversized vehicle, such as a drilling rig, shall be moved on any County road until a performance bond for the protection of the County has been delivered to the County Office of Planning and Zoning. At the time of delivery of such bond, the County shall be informed of the route to be used by the drilling rig and other equipment. After completion of withdrawal from further drilling activities, the County shall be informed of the route intended to be used for the removal of such equipment. The County shall have a reasonable time after such notification, not to exceed fifteen days, however, in which to inspect the County roads, bridges and other property. If there are no damages to County property, the County shall release the bond, unless the lessee intends to undertake additional

drilling activity within the County, in which event the lessee may choose to continue such bond in effect. No bond shall be release in the event of damage to County property until the repairs have been mad, or the County, in its sole discretion, determines that adequate arrangements for repairs have been made.

5.12 Detailed Findings of Fact:

The Board shall make detailed findings of fact and shall state its reasons in acting upon an application for a Special or Conditional Use Permit.

5.13 Disclaimer:

Approval by the Board of a Conditional or Special Use Permit shall not be construed as an endorsement of the manner of operation but simply as a finding that the use, if performed in a manner described by the applicant, would be in conformity with this Resolution.

## RESOLUTION

WHEREAS, in 1983 the Logan County Commissioners amended the Zoning Resolution of Logan County, Colorado, and by said amendment did require by Paragraph 5.11 (C) that no special use permit for oil and/or gas drilling operations would be granted unless there was both a “drilling site” performance bond and a bond to protect the county for any damages to its roads or other public property; and

WHEREAS, the District Court of Douglas County, Colorado, recently ruled that counties do not have authority to impose such restrictions for drilling of oil or gas; and

WHEREAS, the county has been informed litigation is pending in other counties concerning the legality of similar requirements other counties have attempted to impose on oil and gas exploration and production; and

WHEREAS, the county does not want to be involved in any litigation until this matter has been finally resolved by a court of higher jurisdiction; and

WHEREAS, it is the opinion of the Board of County Commissioners that it would be in the best interest of all parties if a moratorium were declared on the bonding requirements.

THEREFORE, BE IT RESOLVED that Paragraph 5.11 of the Logan County Zoning Resolution insofar as it requires bond shall not now be enforced. All oil and gas drillers, however, must still obtain a Special Use Permit before such operations can commence as is required by the Zoning Resolution.

This moratorium on the bonding requirements is effective immediately and shall continue until further resolution by the Board of County Commissioners of Logan County Colorado.

Adopted this 5<sup>th</sup> day of February, 1986.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF LOGAN  
AND STATE OF COLORADO

By: Elda M. Lousberg (Aye) (Nay)  
Elda M. Lousberg

By: Tyson W. Phillips (Aye) (Nay)  
Tyson W. Phillips

By: Bernard M. Lavey (Aye) (Nay)  
Bernard McLavey

I, Charlene Craddock, the County Clerk and Recorder in and for the County of Logan, State of Colorado, do hereby certify that the foregoing resolution was adopted by The Board of County Commissioners of the County of Logan, State of Colorado, in its regular session assembled this 5<sup>th</sup> day of February, 1986.

Charlene Craddock (Seal)  
County Clerk and Recorder

## SECTION 6

### PLANNED UNIT DEVELOPMENT

#### 6.1 Purpose:

Permission for Planned Unit Development (PUD) may be granted in the districts in which PUD is listed as a use in this Resolution. Such PUD, in addition to serving the purpose of this Resolution described in Section 2, is intended to provide flexibility in the development of large sites, and to promote the unified development and use of such sites with regard to the unique natural assets and character of the County.

The PUD, by allowing greater flexibility, will be able to accommodate imaginative ideas in development and site design without being restricted to customary “standard” regulations. It is intended to promote a greater facility for open space, more functional use of land and placement of structures in appropriate relationships to each other, to open space and common facilities.

#### 6.2 Authorization:

Planned Unit Developments are authorized by Article 6, Chapter 106 of the Colorado Revised statutes 1963, the “Planned Unit Development Act of 1972.”

#### 6.3 Permitted Uses:

A Planned Unit Development can include the uses allowed by right, condition or special permit as set forth in the district in which PUD’s are permitted. In addition, to indicate the general type of character or permitted uses, a PUD may include the following uses or activities, separate or in combination, subject to density and design standards as set forth in this Section 6.

Single, two, and multi-family residences

Sale or rental of commercial goods or services

Recreational facilities

Offices

Convention facilities

Eating and drinking places in connection with recreational uses

Public offices, utilities, and facilities pertinent to the primary uses for which the PUD is intended

Lodging places, including motels, hotels, lodges, dormitories

Schools

Churches

Commercial Uses – service oriented and complementary to the needs of the Planned Unit Development

Industrial Uses – development as an industrial park

A minimum of five (5) acres shall be needed for a property or properties to be considered as a Planned Unit Development.

#### 6.4 General Standards for the PUD:

The following general standards shall be observed regarding planning, design, and construction of the PUD:

- A. The PUD shall be consistent with the intent of the Comprehensive Plan and the policies therein, providing a Comprehensive Plan for the County is in existence.
- B. The PUD shall be designed in a manner such that wherever possible it protects the environmental assets of the area including considerations of elements such as plants and wildlife, streams and storm drainage courses and scenic vistas.
- C. The planned unit's relationship to its surroundings shall be considered in order to avoid adverse effects to the development caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy.
- D. The PUD design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a detailed soil engineering report on the suitability of the area for the intended use and the necessary precautions needed to bring the area to a state of structural soundness before permission for a PUD shall be granted.
- E. Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space.

Setbacks and lot widths shall be as required by the Planning Commission to provide adequate access and fire protection and to insure proper ventilation, light and air between buildings.

#### 6.5 Requirements Regarding Site:

The following requirements shall be observed regarding the site of the PUD:

- A. The developer shall provide within the PUD both public water and sewer facilities. The sewage system shall consist of a central collection system and secondary sewage treatment and disinfection facilities as approved by the Colorado Department of Health and the local health authority. As a temporary measure until such facilities become available, the developers shall provide within the PUD both potable water and sewage treatment facilities which meet standards of the Colorado Department of Health and the local health authority. Such temporary measures shall be subject to the approval of the county Commissioners as to the length of time such measures can be in effect.
- B. The developer shall provide within the PUD a storm drainage system of sufficient capacity, as will carry off all predictable surface run-off within the PUD area.



- C. Planned open spaces within the PUD, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

Such conveyances or dedications shall not be accepted for maintenance by the action of the approval of the PUD by the County Planning Commission and the Board of County Commissioners. The dedication of any lands for public use of any nature shall be accepted for maintenance only by specific action of the Board of County Commissioners.

In the event that the applicant provides for and establishes an organization for the ownership and maintenance of the common open space, it shall be subject to the following:

1. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the plan, the County commissioners may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty(30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the county Commissioners may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said thirty (30) days or any extension thereof, the county, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the County shall, upon its initiative or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned unit development, to be held by the Planning Board at which hearing such organization or the residents, of the planned unit development shall show cause why such maintenance by the County or municipality shall not, at the election of the county, continue for a succeeding year. If the board designated by the County shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the County shall cease to maintain said common open space at the end of said year. If the Planning Board shall determine such organization is not ready

and able to maintain said common open space in a reasonable condition, the County may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

2. The cost of such maintenance by the County shall be paid by the owners of properties within the planned unit development that have a right of enjoyment of the common open space, and any unpaid assessments shall become a tax lien on said properties.

The County Commissioners shall file a notice of such lien in the office of the county clerk and recorder, upon the properties affected by such lien within the planned unit development, and shall certify such unpaid assessments to the Board of County Commissioners and county treasurer for collection, enforcement, and remittance in the manner provided by law for the collection, enforcement, and remittance of general property taxes.

#### 6.6 Requirements Regarding Density and Design:

- A. The following requirements shall be observed in regard to the specified densities and uses in the PUD:

1. Open Space. A minimum of twenty-five percent (25%) of the total PUD area shall be devoted to open-air recreation or other useable open space (public or quasi-public.) "Useable open space" shall be defined as open area designed and developed for use by the occupants of the development or by others for uses including, but no limited to, recreation, courts, gardens, parks and walkways. The term shall not include space devoted to streets and parking and loading areas.
2. Residential Density. The overall average density of the total area within the PUD shall not exceed twelve (12) dwelling units per acre.
3. Density of Other Uses. Density of other uses shall be subject to the approval of the County Commissioners, but in no case shall such approval be given for a density that will allow the building area coverage to exceed thirty-five (35) percent of the gross acreage of the lot.

- B. The maximum height of buildings shall be thirty-five (35) feet for single family dwellings and for all other structures as may be approved by the County Commissioners in relation to the following characteristics of the proposed building:

1. its geographical location;
2. adverse visual effects to adjacent sites or other areas in Logan County;
3. potential problems for adjacent sites caused by shadows, loss of air circulation, or closing of view;

4. influence on the general vicinity, with regard to extreme contrast, vistas and open space;
5. uses within the proposed building;
6. fire prevention measures.

C. Off-street parking space requirements shall be provided in the PUD according to Section 7.2 of this Resolution. However, in the case of outdoor or mixed facilities and combinations of any permitted uses, the County Commissioners shall determine the off-street parking space requirements which will make reasonably adequate provision for the highest expected volume of users. Such determination may be based upon the following:

- a. the designed capacity of such facilities.
- b. an overall plan for concentration or concentrations of parking with appropriate consideration of designed landscaping and relation to the surroundings.
- c. trade-off, or alternating use of parking area(s) by uses occurring during different hours, seasons, or days.
- d. demonstration of sufficient parking facilities must be made to satisfy other needs or uses as may be developed in the PUD. Also, the Planning Commission shall be consulted on any additional parking requirements which, in their opinion, may be needed to satisfy the parking demand for any use developed in the PUD.

D. Circulation:

Circulation shall be determined by review of each Planned Unit. The Planned Unit must have an adequate internal street circulation system. Public streets must serve all Planned Units provided, however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or loading berths or service courts.

E. Signs:

Signs shall be permitted in the PUD only in accordance with Section 7.1 of this Resolution.

6.7 Procedure:

The following procedure shall be observed when a planned unit development proposal is submitted for consideration.

A. Pre-Application Conference

A pre-application conference shall be held with the Planning Commission in order for the applicant to become acquainted with planned unit procedures and related County requirements.

B. Formal Application

An application for approval of a planned unit may be filed by a person having an interest in the property to be included in the planned unit. The application will be made on a form provided by the County and must include a consent by the owners of all property to be included in the planned unit. The application must be accompanied by a site plan and a written statement.

1. Site Plan – A complete site plan showing the major details of the proposed planned unit prepared at a scale of not less than 1" = 100" shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information:
  - a. the existing topography of the land at two (2) foot contour intervals.
  - b. proposed land uses.
  - c. the location of all existing and proposed building, structures, utility systems, and improvements.
  - d. the maximum height of all buildings.
  - e. the density and type of dwellings.
  - f. the internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
  - g. the location, height, and size of proposed signs, lighting and advertising devices.
  - h. areas which are to be conveyed, dedicated or reserved as general open space, common park area, including public parks and recreational areas, and as sites for schools or other public building.
  - i. areas subject to a 100-year flood.
  - j. a general landscape plan.
  - k. the proportion of land to be left in a natural condition as major open space, stated in terms of acreage or square footage, as well as the ratio of open space in areas to be developed stated on a square feet per unit basis.
2. Written Statement – The written statement to be submitted with the planned unit application must contain the following information:
  - a. a statement of the present ownership and a legal description of all the land included in the planned unit;

- b. an explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to describe the objectives;
  - c. a development schedule indicating the approximate date when construction of the approximate date when construction of the planned unit or stages of the planned unit can be expected to begin and be completed;
  - d. a description of the proposed method of providing ongoing (permanent) maintenance of all non-private building, facilities, areas and thoroughfares;
  - e. a written statement by a licensed engineer(s) which shall describe and/or provide evidence of:
    - (1) a water source with adequate and dependable capacity to service the proposed development;
    - (2) the proposed method(s) of sewage treatment and the location of plant and outfall;
    - (3) the soil, geological, and ground water conditions of the site;
    - (4) the manner in which storm drainage shall be handled.
  - f. copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the planned unit and any of its common park areas; and,
  - g. a list of the owners of properties located within three hundred (300) feet of the property lines of the land included in the planned unit, and their addresses from available County records.
- 3. The applicant may submit any other information or exhibits he deems pertinent that will aid in evaluating his proposed planned unit.
  - 4. The Planning Commission may require such additional material and information as it may deem necessary for proper review of the PUD application.

#### 6.8 Review and Approval Schedule:

Procedure to be followed by the Board of County Commissioners and the Planning Commission with respect to review and approval of a Planned Unit Development shall be the same as governing petitions for a subdivision as set forth in the subdivision regulations of Logan County, except that the following additional standards and requirements shall apply:

- A. The Planning Commission shall review the preliminary development plan to determine that it complies with the PUD regulations and subdivision regulations.

- B. The Planning Commission and Board of County Commissioners shall hold a joint public hearing at which all interested parties may present testimony and evidence pertinent to the proposed PUD.
- C. Within five (5) days after the public hearing, the Planning Commission shall forward a written report to the Board of County Commissioners recommending that the plan be approved, disapproved, or approved with modifications. No action shall constitute approval.
- D. Within thirty-five (35) days after the receipt of the written report from the Planning Commission, unless a longer period is mutually agreed upon, the Board of County Commissioners will either approve or disapprove the application. No action shall constitute approval.
- E. If the Plan is approved, the PUD applicant(s) shall be notified that their application for a PUD has been granted for the Preliminary Plan.
- F. Within eighteen (18) months following approval of the preliminary plan, the applicant shall file with the Planning Commission a final development plan. The Planning commission may authorize the submission of the final development plan in stages. Upon approval of the final plan or portion thereof the plan and all accessory documents shall be filed with the County Clerk as a matter of public record. If the applicant has not submitted such plan within the period provided, the Planning Commission can and shall initiate proceedings to revoke the PUD's preliminary plan approval. The zoning regulations applicable before approval of the preliminary plan shall then be in effect.
- G. The final development plan as approved by the Planning Commission shall be binding and shall not be changed during the construction of the PUD except upon application to the appropriate agency under the following procedures:
  - 1. Minor changes in locations, siting, bulk of structures, height or character of building may be authorized by the Planning Commission if required by circumstances not foreseen at the time the final plan was approved.
  - 2. All other changes in use, any rearrangement in lots, or changes in the provision of open space must be made by the Board of County Commissioners under the procedures authorized by this Resolution for amendment of the zoning map.

#### 6.9 Failure to Meet Development Schedule:

If the applicant has not begun construction on the PUD within one year from the approval of the final development plan or otherwise has failed to meet the approved development schedule, the Planning Commission can and shall initiate proceedings to remove the PUD's final plan approval. The zoning regulations applicable before approval of the preliminary plan shall then be in effect. The Planning commission may extend the development schedule for good cause shown by the applicant.

6.10 Zoning Review:

At least once every 24 months following the approval of a Planned Unit, the Planning Commission will review all building permits which have been issued for the Planned Unit and shall examine the construction which has taken place on the site. If they find that the rate of construction has not met the approved development program or if there is found to be violations of any of the provisions of this chapter or the terms or conditions of Planned Unit approval, there shall be forwarded a report of this information to the Board of County Commissioners. The Board of County Commissioners shall hold a hearing on the report of violations submitted by the Planning Commission having first given notice to the Planned Unit applicant and all owners of abutting property. Upon review of the alleged violations, the Board of County Commissioners may, if it is deemed necessary, require the appropriate action be taken to remedy the violations, amend or modify the Planned Unit, or revoke approval of the Planned Unit.

6.11 Completion of Planned Unit:

- A. The Building Inspector shall issue a certificate for the planned unit certifying the completion of the planned unit, and shall file a copy of the certificate in the Building Inspector's office and one copy in the County Clerk's office.
- B. After completion, the use of land and the construction, modification, or alteration of any buildings within the planned unit will be governed by the approved site plan.

6.12 Variance:

The Board of County Commissioners may grant variances from the provisions of this zoning resolution where it can be demonstrated that the foregoing provisions create an undue hardship; that there are unique physical circumstances or conditions involved which are peculiar to the affected property; that a variance, if granted, will not alter the essential character of the area, or substantially or permanently impair the appropriate use of development of adjacent property. In granting any variance, the Board of county Commissioners may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Resolution.

6.13 Conformance with Subdivision Regulations:

Any area proposed as a PUD shall be subject to the requirements for review and approval under the subdivision regulations. Such subdivision review procedures may be carried out concurrently with overall or staged review of the PUD as outlined in this Section. A preliminary and final plat must be submitted and processed through the procedure specified in the subdivision regulations.

6.14 Subdivision Resale:

- A. A planned unit may be subdivided for purposes of sale or lease.
- B. An application for approval of the subdivision or re-subdivision must be made if the subdivision or re-subdivision will create a new plat line. The procedures applicable to the initial approval of a planned unit are also applicable to the approval of a subdivision of a planned unit.
- C. The subdivision or re-subdivision may be approved if it does not increase the dwelling unit density of the planned unit and if the planned unit, following the subdivision or re-subdivisions, is in compliance with the standards for planned units provided in this article.

6.15 Fees for PUD Application:

- A. Logan County will not incur any expenses for PUD review, inspection, advertising, posting, filing fees or any other expenses incidental to a PUD application or its development. Such costs shall be borne by the applicant who shall also pay the appropriate subdivision fees.



## SECTION 7

### SUPPLEMENTARY REGULATIONS

#### 7.1 SIGN REGULATIONS

(See November 3, 1982 Resolution, Page )

##### A. Application:

These rules are applicable to all areas of Logan County, Colorado. Construction and placement of sign adjacent to County Roads shall not be visible from the main traveled ways of the Colorado State Highway System. Permits for off-premise advertising devices adjacent to State, Federal, or Interstate Highway Systems are administered by the State of Colorado Department of Highways.

##### B. General Sign Requirements:

1. Signs to be located on public property require specific approval of the governing body. Temporary signs or banners on or over public property will be authorized for a period not to exceed ten (10) days.
2. Signs shall be located so as not to conflict with the clear and obvious appearance of public devices controlling public traffic, or obstruct a driver's vision at intersections.
3. Illumination of a sign shall be allowed when the lighting is of low intensity or brilliance and does not cause glare or impair the vision of the driver of any motor vehicle. Signs with flashing lights, beacons, or other distracting devices that cause glare, are a visual hazard of public nuisance, are prohibited.
4. All signs shall observe the setbacks in the district in which it is displayed.
5. Signs and sign structures shall be maintained at all times in a state of good repair with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot rust, or loosening. Signs shall be able to safely withstand the maximum wind pressure for the area in which they are located. The County will have the authority to order the repair, alteration or removal of a sign or structure which constitutes a hazard to life or property. In the event that such a sign has not been removed, altered, or repaired within thirty (30) days after written notification from the County, the County shall have the authority to remove said sign or structure at the expense of the owner of the premises on which the sign is located.

6. Advertising devices, whether on-premise or off-premise, will not be allowed over or on State Highway right-of-way.
7. The owner of any advertising device in Logan County, Colorado shall save and hold harmless the county from any and all liability, direct or indirect, arising from damages or injuries caused by the erection or maintenance of any advertising device within this county and further shall indemnify the County from all expenses resulting therefrom.

C. Uses by Right – All Districts:

1. Signs for the identification of public buildings;
2. One sign of a temporary nature located on a property for the purpose of advertising said property for sale, lease, or rent. Such signs shall be no larger than six (6) square feet each in size, shall be no higher than eight (8) feet above natural grade, and shall not be lighted at night;
3. Signs located on a property, posting said property for warnings or prohibitions on hunting, fishing, or trespassing. Such signs shall be no larger than one (1) square foot each in size, and shall be no higher than eight (8) feet above natural grade, and shall be spaced a minimum of three hundred (300) feet apart; and
4. Signs located on property for the purpose of identifying the occupants, the address and its use. Such signs shall be no larger than two (2) square feet in size, shall be no higher than eighth (8) feet, and shall be spaced a minimum of three hundred (300) feet apart; and
5. Roadside market signs advertising produce grown and sold on the property on which they are located. Such signs shall not remain continuously erected more than six (6) months of every calendar year, shall be a maximum height of eight (8) feet above natural grade, and shall be limited to two (2) to a property.

D. On-Premise Identification Signs:

On-premise identification signs may be permitted along streets and highways in the commercial and business districts provided that such signs are in accordance with the following standards, and further provided that any such signs which, in the opinion of the County Zoning Administrator, might create a hazard are only allowed after special approval of the county Planning Commission.

1. Wall mounted signs shall be a maximum of one hundred (100) square feet in size, shall not be attached to the roof of the structure, shall be lighted by an indirect light source, and shall be limited to a maximum of two (2) such signs per use advertised.

2. Pedestal mounted signs shall be a maximum of fifty (50) square feet in size for one face not to exceed one hundred (100) square feet for the total sign and shall be a maximum of twenty-five (25) feet in height. Said signs shall be limited to two per use on a property.
3. Hanging signs shall be a maximum of ten (10) square feet on a face, not to exceed a maximum of twenty (20) square feet for the total sign, and shall be limited to one per use on a property. Hanging signs shall project a maximum of five (5) feet from the building into a street, alley or other public space provided that such signs do not come closer than two (2) feet from the plumbline of the curbline; clearance below such signs shall be a minimum of nine (9) feet. Refer to paragraph B. 6.

(See August 31, 1983 Resolution, Page )

E. Off-Premise Signs:

Off-premise advertising devices in areas zoned Commercial or Industrial adjacent to the State Highway System must obtain a State sign permit. Applications for a State Sign Permit may be obtained from the Division of Highways, P.O. Box 850, Greeley, CO 80631, or the local office of the Department of Highways.

F. Sign Permits:

Prior to the construction of any sign over two (2) square feet in size that is not of a temporary nature, an Outdoor Advertising Structure Permit shall be obtained from the County Zoning Administrator. Said permit shall be for a one (1) year term. Permit for all or any portion of a year shall be considered a permit for a full year. Said permit shall be renewed annually on or before June 30, provided that such renewal would not be adverse to the public health, safety or welfare. If the Zoning Administrator judges any sign to be in poor repair, not properly located, public hazard or nuisance, said sign may be removed by the Zoning Administrator. The costs of the removal shall be borne by the owner of the premises on which the sign is located. Permits shall be clearly visible and firmly attached to the lower one-fourth of the sign and located four (4) feet above ground level. The fee for said Outdoor Advertising Structure Permit shall be as established in the Logan County Fee Schedule. The renewal fee for each Outdoor Advertising Structure Permit shall be as established in the Logan County Fee Schedule.

Along with the application for an Outdoor Advertising Structure Permit, the applicant shall include a legal description of the location of the sign and construction drawings for the placement of the sign.

Any sign over two (2) square feet in area which does not have a current Outdoor Advertising Structure Permit and is located so as to constitute a hazard or public nuisance, or is structurally unsound or detrimental to the general public health or welfare, may be removed at any time by the Zoning Administrator. All signs existing at the time of the adoption of this Resolution must be issued permits for

the first year (or part of) only, unless they are, upon applications for permits shall be made annually.

## 7.2 Off-Street Parking:

No building shall be erected, enlarged to the extent of increasing floor area by as much as fifty (50) percent, or changed in use unless there is provided on the lot space for the parking of automobiles or trucks in accordance with the following minimum requirements:

- A. There shall be a minimum of two (2) parking spaces per single family dwelling unit.
- B. There shall be a minimum of one and one-half (1.5) parking spaces per multiple family dwelling unit.
- C. The following are the minimum requirements for parking spaces to be maintained in connection with the structures and uses indicated below:

Bowling alley: Four (4) parking spaces for each alley, plus one additional space for every four (4) employees.

- 1. Business, professional or public office building, banks and lending institutions: Three (3) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000.)
- 2. Church: One (1) parking space for each six (6) seats in the main auditorium. Twenty-two inches of undivided seating shall constitute one seat.
- 3. Civic, youth, social and fraternal organizations: One (1) parking space for every four (4) members or one (1) space for every 100 square feet of gross floor area, whichever is greater.
- 4. Community Center, library, or museum: One (1) parking space for every two (2) employees plus one (1) parking space for each one thousand (1,000) square feet of gross floor area.
- 5. Elementary and junior high schools: One (1) parking space for every staff and faculty member or one (1) parking space for every eight (8) seats in the main auditorium, whichever is greater.
- 6. High schools, colleges and universities: One (1) parking space for every ten (10) students plus one (1) parking space for every staff and faculty member plus sufficient off-street space for safe and convenient loading and unloading of students.

7. Hospital, sanitarium, nursing home, home for the aged or similar institutions: One (1) parking space for each three (3) beds.
8. Hotels, motels, lodges and inns: One (1) space per unit plus one (1) space for each two hundred (200) square feet of commercial floor area contain therein.
9. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: One (1) parking space for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
10. Markets, grocery stores, retail bakeries, and delicatessens: One (1) parking space for every one hundred (100) square feet of space dedicated exclusively for the sale and display of such merchandise, plus one (1) parking space for every two (2) employees.
11. Medical and dental clinics: Two (2) parking spaces per doctor engaged at the clinics, plus one (1) additional space for every two (2) employees.
12. Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors and individual funeral service rooms.
13. Restaurant, night club, café or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.
14. Retail store or personal service establishment: One (1) parking space for each four hundred (400) square feet of floor area, plus one (1) parking space for every two (2) employees.
15. Rooming house, lodging house, fraternity or sorority: One (1) parking space for each two (2) beds.
16. Sports arena, stadium or gymnasium (except school): One (1) parking space for each five (5) seats or seating spaces.
17. Theater or auditorium (except school): One (1) parking space for each five (5) seats or bench seating spaces.

D. Outdoor or mixed facilities and combinations of any permitted uses shall have sufficient number of spaces that will, in the determination of the Commissioners, make reasonable and adequate provision for the highest expected volume of users. Such determinations may be based on the following:

1. The designed capacity of the facilities;
2. A plan for concentration or concentrations of parking with appropriate consideration of designed landscaping and relation to the surroundings.
3. Recommendation of the Planning Board.

7.3 Supplementary Regulations for Certain Uses by Right, Condition and Special Uses allowed by Permit Only:

The following regulations shall apply to certain uses by right, condition, or special uses allowed by permit only, as indicated in Section 3 of this Resolution.

A. Extractive Land Use – Rock crusher, concrete mixing plants, asphalt mixing plants, sand and gravel pits, subject to the following provisions:

1. When the application for an Extractive Land Use Permit is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show any improvements thereon and to a distance of three hundred (300) feet in all directions from the subject area.
2. Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land and what rehabilitation of the land is planned.
3. No excavation or processing of excavated materials shall be permitted nearer than thirty (30) feet to the boundary of adjacent property nor nearer than one hundred twenty-five (125) feet to any existing residence, unless by written agreement the owner or owners of such adjacent property consent to a lesser distance and the Board of County Commissioners approves such lesser distance. The Board may set a greater distance than above mentioned, when in their opinion it is justified.
4. The Board of County commissioners shall specify the degree of slopes of banks on all excavations, the depth of and the distance from any public structure when excavations are made in or near stream beds. When excavations are near or adjacent to irrigation canals or ditches the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks.
5. Sand and gravel shall be excavated in such a manner so as to assure the convenient restoration of the land and to hold to a minimum any adverse affects to adjacent land as a result of piling or storing the overburden material.
6. After the excavation has been filled the operator shall spread evenly a layer of topsoil to a depth at least equal to the depth before the excavation took

place. Said topsoil shall be capable of at least supporting the original vegetation. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.

7. An excavation operation shall maintain haulage roads within the premises covered by the permit and such roads shall be kept in a reasonably dust-free condition when said dust would be injurious to bordering premises. The board shall specify the conditions in each instance to insure this requirement.
8. Rock crushers, concrete and asphalt mixing plants may be permitted providing the Board finds that the following facts prevail:
  - a. The use is accessory to the sand and gravel operation, and;
  - b. In the finished product the operator uses the product of the sand and gravel pit on which the operation is proposed. The Board may set out additional conditions under which these operations may be permitted and the said conditions may vary by location due to abutting land uses.
9. The Board of County Commissioners shall have the power and authority to provide for a method of indemnifying the county, such as the posting of a bond to insure the full compliance with all of the terms and conditions of the permit and the rules and regulations of the Board of County Commissioners pertaining to extraction and processing.
10. The operator shall furnish evidence that he is insured to the extent of not less than \$50,000.00 against liability for any negligent act or omission arising from the operation or maintenance of an excavation and all activities connected with or incident thereto.

B. Sanitary Landfills – Subject to the Following Provisions:

1. If the excavated materials from the property are not being solely used on the property for cover for the landfill operation, then the Sanitary Landfill Permit applicant shall also apply for an Extractive Land Use Permit.
2. When the application for a Sanitary Landfill Permit is filed, the applicant shall provide a plan showing the land proposed for landfill. This plan shall show any improvements on the land to a distance of three hundred (300) feet in all directions from the subject property.
3. Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the landfill. This plan must include the contemplated re-use of the land and what rehabilitation of the land is planned.
4. No excavation or processing of excavated materials shall be permitted nearer than thirty (30) feet to the boundary of adjacent property not nearer

than one hundred twenty-five (125) feet to any existing residence, unless by written agreement the owner or owners of such adjacent property consent to a lesser distance and the Board of County Commissioners approves such lesser distance. The Board may set a greater distance than above mentions, when in their opinion it is justified.

5. The Board of County Commissioners shall specify the degree of slopes of banks for all excavations, the depth of and the distance from public structures when excavations are made in or near stream beds. When excavations are near or adjacent to irrigation canals or ditches the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks.
6. Storing of fill materials shall be in such a manner so as to hold to a minimum any adverse affects to adjacent land.
7. After the excavation has been filled the operator shall spread evenly a layer of topsoil to a depth at least equal to the depth before the excavation took place. Said topsoil shall be capable of supporting the original vegetation. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.
8. A sanitary landfill operation maintain haulage roads within the premises covered by the permit and such roads shall be kept in a reasonable, dust-free condition when said dust would be injurious to bordering premises. The Board shall specify the conditions in each instance to insure this requirement.
9. The Board of County Commissioners shall have the power and authority to provide for a method of indemnifying the county, such as the posting of a bond, to insure the full compliance with all of the terms and conditions of the permit and the rules and regulations of the Board of County Commissioners pertaining to extraction and sanitary landfill.
10. The operator shall furnish evidence that he is insured to the extent of not less than \$50,000.00 against liability for any negligent act or omission arising from the operation or maintenance of the sanitary land fill and all activities connected with or incident thereto.

C. Sewage Treatment Plant Subject to the Following Provisions:

1. Any sewage treatment facility to be constructed for the purpose of processing domestic, industrial, or municipal sewage or wastewater effluent shall require a permit except septic systems. This requirement for a permit shall include but not necessarily be limited to lagoons and primary, secondary and tertiary treatment facilities, regardless of the specific process involved.



2. A statement shall be required from an engineer registered to practice in Colorado, stating that the sewage treatment plant will not be susceptible to a one hundred (100) year flood.
3. When the application for a sewage treatment plant permit is filed, the applicant shall provide a plan for the land proposed for the plant site. This plan shall show the contours intervals, any improvements thereon and to a distance of three hundred (300) feet in all directions from the subject property.
4. When the plant site is near or adjacent to irrigation ditches or canals the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks.

D. Agricultural Food Processing for Human Consumption Subject to the Following Provisions:

1. An explanation shall be made in writing of methods to be used to minimize smoke, odors, noise, dust, and similar environmental problems which might result from the operation of the proposed use and in accordance with requirements of Section 7.4 of this Resolution.
2. There are side yards of not less than fifty (50) feet and a rear yard of not less than fifty (50) feet.
3. The area shall include adequate off-street parking for automobiles as well as trucks and shall be designed to provide adequate truck maneuvering space for both loaded and unloaded trucks.

E. Auto Salvage and Wrecking Subject to the Following Provisions:

1. The use shall be enclosed by an approved fence of at least eight (8) feet in height which shall help to obstruct the view from public rights-of-way.
2. There shall be side yards of not less than fifty (50) feet.
3. Auto salvage and wrecking areas shall be subject to the additional regulations for industrial uses as set forth in this Section 7.4.
4. Sufficient off-street parking and loading areas shall be provided to accommodate the expected volume of automobiles and trucks for that use.

F. Drive-In Theaters Subject to the Following Provisions:

1. The use shall be enclosed by an approved fence of at least eight (8) feet in height which helps to obstruct the view of the drive-in theater from public rights-of-way.
2. Adequate ingress and egress from the drive-in theater shall be provided in order that traffic shall not be a nuisance or hazard.

G. Automobile or Motorcycle Race Track or Course Subject to the Following Provisions:

1. Provisions shall be made for adequate off-street parking to handle the anticipated volume of traffic for the use.
2. Use of a building or structure (temporary or permanent) for restaurant or “coffee shop” purposes shall be permitted during the days of the race only. Structures used for such purposes shall be subject to all regulations of the local health authority.

H. Automobile Parking Lots Subject to the Following Provisions:

1. All parking stalls shall be a full ten (10) feet in width and twenty (20) feet in length.
2. The property shall be graded for proper drainage and must be surfaced with an all-weather surfacing and be maintained in usable condition.
3. No portion of any entrance or exit driveway leading from or to a public street, highway or alley shall be closer than thirty-five (35) feet to an intersection of two or more public streets, alleys or highways. The intersection point shall be determined by the crossing of two rights-of-way. No two driveways shall be within thirty (30) feet of one another.
4. No portion of any parking space shall be closer than five (5) feet to any right-of-way line.
5. One (1) set of plans of the proposed use shall be provided by the applicant upon application for the permit. Such plans shall be at a scale of at least one (1) inch equals one hundred (100) feet and shall show all proposed improvements to the property including but not limited to; drainage, structures, curbs; lighting, and parking space layout.

I. Camping Areas Subject to the Following Provisions:

1. The applicant shall submit a site plan of the camping area which shall show all improvements to be constructed within the area. Such plan shall be of a

scale of at least one (1) inch equals fifty (50) feet, and shall include, but not be limited to drainage methods, access drives, camping spaces, and sewer, water and power systems.

2. Commercial facilities, such as a service building, included or proposed as part of the camping area, shall be principally devoted to serving the users of said area.
3. The area devoted to each camper space designed for tent camping shall be adequate to accommodate the following facilities and meet spatial requirements. Each space shall be provided with a fireplace or fire circle, an anchored picnic table and a well-drained, reasonable level ten site; the minimum on-center distance between tent sites shall be thirty-five feet; each space shall provide a graveled off-street parking space; adequate traffic barriers shall be provided to confine vehicles to driveways and parking spaces.
4. The area devoted to each camper space designed for travel trailers and/or camper vehicles shall be adequate to accommodate the following facilities and meet spatial requirements: each space shall be provided with a graveled off-street vehicle and trailer parking space the length and width to accommodate the type of camper or trailer for which the space is intended to be occupied; fireplaces or fire circles and anchored picnic tables shall be installed in sufficient quantities and in convenient locations to satisfy occupants' need for such facilities; adequate traffic barriers shall be provided to confine vehicles and trailers to driveways and parking spaces. The minimum on-center distance between campers or trailers shall be thirty-five (35) feet.
5. A water supply that is in compliance with the drinking standards of the Colorado Department of Health shall be provided in the camping area. The water supply shall be capable of supplying fifty (50) gallons per day for each camping space lacking individual water connections and one hundred (100) gallons per space per day for each space provided with individual connections. Each travel trailer or camper parking area shall be provided with one (1) or more easily accessible watering station for filling trailer water storage tanks. Each tent camping area shall be provided with one (1) individual watering station for each four (4) camping spaces.
6. Each travel trailer parking area shall be provided with a sanitary station for the disposal of wastes from trailers and camper holding tanks in the ratio of at least one (1) sanitary station for every one hundred (100) trailer or camper parking spaces or fractional part thereof. Sanitary stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any trailer or camper space by a distance of at least fifty (50) feet.

7. Sanitary facilities shall include for men; a minimum of one flush toilet, one urinal, one shower stall, and one lavatory for each fifteen (15) spaces or fractional number thereof. Sanitary facilities for women shall include a minimum of one lavatory and one shower for each fifteen (15) spaces or fractional number thereof, as well as one flush toilet for each ten (10) spaces or fractional number thereof.
8. A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided. Such service building(s) shall be conveniently located within a radius of approximately three hundred (300) feet of the spaces to be served.
9. A trash collection facility shall be provided sufficient to satisfy the needs of the peak usage of the camping area. Such trash collection facility shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any trailer or camper parking space by a distance of at least fifty (50) feet.
10. The principal business of the camping area shall be to supply parking spaces for travel trailers, camper vehicles and/or tent camping whose occupants are engaged in recreational activities such as fishing, hunting, hiking, boating or camping. Travel trailers and camper vehicles accommodated shall not exceed forty (40) feet in length and eight (8) feet in width. The terms of accommodation for any travel trailer or camper vehicle within the camping area shall be limited to three (3) months.
11. The Camping Area Permit shall be conspicuously posted in the office of, or on the premises of, the camping area at all times.

J. Electrical Transmission Lines of Sixty-Nine KV or More, Subject to the Following Provisions:

1. That the construction of such transmission lines does not cause water pollution and/or create erosion or soil problems.
2. That no undue amount of vegetation shall be disturbed or destroyed during the construction of the transmission lines.
3. There shall be every attempt made that such use does not destroy visual amenities. Upon the discretion of the Board of County Commissioners, a written explanation may be required indicating methods to prevent destruction or deterioration of visual amenities.
4. Every attempt shall be made to vary the width configuration of the edge, and alignment of the transmission's right-of-way or easement when passing through vegetated areas so as to minimize the visual impact of the use.

5. The width of the transmission line right-of-way shall be at least equal to twice the height of the towers on which the transmission line is strung.

K. Feed Lots (Livestock Confinement Areas) Subject to the Following Provisions:

1. Every feedlot operator shall take all preventative measures to avoid the pollution of the waters of Logan County due to surface runoff waters or discharges from within feedlots or stockyard enclosures, or from manure or sludge storage areas appurtenant thereto.
2. To the extent necessary, minimum preventative measures shall include the construction of sealed collection and retention ponds; provision for adequate drainage to prevent the collection of surface waters within enclosures or upon appurtenant areas; the use of mechanical means for scraping, cleaning and grading all areas which could contribute to water pollution; the disposal of animal excrements and other wastes, and the diversion of surface runoff or drainage waters prior to contact with contaminating areas or substances.
3. The applicant shall follow the "Rules and Guidelines for Water Pollution Control at Livestock Confinement Areas" as issued by the Colorado Department of Health, Water Pollution Control Commission, and shall present written evidence of their acceptance of the plans for the proposed livestock confinement area to the Board of County Commissioners prior to the granting of the Livestock Confinement Area Permit by the Board.

(See October 19, 1977 Resolution, Page )

4. The standard setback for all feedlot or livestock confinement areas shall be 300 feet. However, that setback requirement may be altered by the County Planning Commission and County Commissioners. That determination will be based on any relevant factors, including, but not limited to: the size of the proposed operation; the number of animals to be confined; future expansion plans of the operation, drainage characteristics and problems; method of waste disposal; odor potential, and proximity to any incorporated unit of government, platted subdivision or surrounding residential units.

L. Any Conditional or Special Uses as Allowed in the Various Districts Under Section 3 of this Resolution are Subject to the following General Provisions.

1. That such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property on which such use is located.
2. That upon the discretion of the County Commissioners, a written explanation may be required indicating methods to be used to minimize

smoke, odors, dust, and similar environmental problems which might result from the operation of the proposed use.

#### 7.4 Industrial Performance Standards:

(See April 7, 1976 Resolution, Page )

All industrial, commercial and extractive resource businesses whether established as a use by right, condition or special permit shall comply with the following standards to provide that these uses do not create any danger to safety in surrounding areas, do not cause water pollution and do not create offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property in which such uses are located, nor shall be operated in any manner so as to constitute a public nuisance or hazard.

- A. Emission of Heat, Glare, Radiation and Fumes – Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the property on which the use is located. Such emissions shall not violate the regulations and standards of the Federal Air Pollution Control Authority.
- B. Outdoor Storage and Waste Disposal
  - 1. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground without proper safeguards.
  - 2. No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces.
  - 3. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
  - 4. In addition to these regulations all storage of flammable, explosive or dangerous materials shall be subject to all applicable State Laws concerning such.
- C. Water Pollution – No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the Building Inspector, the Colorado Department of Health and the local health authority and in compliance with the laws of the Environmental Protection Agency before operation of the facilities may begin.

All percolation tests or ground water resource tests as may be required by the Colorado Department of Health and the local health authority must be met before operation of the facilities may begin.

7.5 Additional Height and Area Regulations:

- A. Public, semi-public, or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height no exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy five (75) feet, provided that the front yard depth shall be thirty (30) percent in excess of those specified in these Regulations, and further, provided that the side yards of an interior lot shall be twenty (20) feet and the side yard on the corner lot shall be equal to the front yard requirements as stated hereinabove.
- B. Chimney, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks water towers, ornamental towers, spires, wireless towers, grain elevators, or other necessary mechanical appurtenances, are exempt from the height regulations as herein contained for each district.

(See November 12, 1980 Resolution, Page )

- C. Radio, television and all other towers, except for those towers otherwise described in the Regulations, may exceed the height regulations of the district in which they are located, provided they are so situated on a lot so that the distance from the tower to the property lines, in all directions, is at least equal to the height of the Tower.
- D. Electric substations and gas regulator stations may exceed the height requirements for the district in which they are located provided that for each additional one (1) foot of height an additional one (1) foot of front, rear, and side yard shall be required.
- E. Country clubs and golf courses shall locate any buildings and structures incidental to the use not less than three hundred (300) feet from the nearest residence.
- F. There shall be a setback in each district of fifty (50) feet from the centerline of irrigation ditches or canals. For the purposes of this Resolution of irrigation ditch or canal shall be defined as being capable of passing a minimum of twenty (20) cubic feet per second.
- G. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as part of the main building for the purposes of determining side and rear yards.
- H. No accessory building shall be built upon a lot until the construction of the main building has been actually commenced and no accessory building shall be used for dwelling purposes except in those districts in which the use "living quarters for hired personnel" is specifically stated as an allowable use. The Zoning Inspector

shall inspect any accessory building to be used for dwelling purposes in order to make a determination of its fitness for occupy.

- I. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt course, cornices and ornamental features which are not to exceed two (2) feet, and except for structures specifically built to produce shade such as trellises and pergolas.
- J. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
- K. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than five (5) feet and where the same are so placed as not to obstruct light and ventilation.
- L. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding then (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed four (4) feet.
- M. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard provided these projections be at least two (2) feet from the adjacent side lot line.
- N. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.
- O. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract I located.
- P. In the event that a lot is to be occupied by a group of two or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one main building on the lot provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one story buildings, thirty (30) feet for two story building, and forty (40) feet for three or four story buildings.
- Q. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least thirty (30) feet for two story buildings, and forty (40) feet for three or four story buildings.



- R. Where lots have double frontage, the required front yards shall be provided on both street.
- S. The required side yard on the street side of a corner lot shall be one-half (½) the required front yard on such street, provided that no adjacent structures front on the same street, in which case the entire required front yard must be provided, except that the building width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.

(See July 13, 1981 Resolution, Page )

- T. Measurements made to determine the location of proposed construction of buildings or structures for compliance with the County setback requirements will be made from the edge of the roadway or the edge of the roadway right-of-way (easements, property lines, road dedications, etc.) This requirement will be implemented for all construction of buildings or structures, not otherwise provided for in the Logan County Zoning Resolution.

(See July 13, 1981 Resolution, Page )

- U. The minimum depth for the installation of all utility lines shall be thirty-six (36) inches unless otherwise approved by the Board of County Commissioners.

As a result of the October 10, 1977, public hearing regarding the regulations of mobile home park permits, the following proposed amendments to the Logan County Zoning Resolution have been adopted.

(See November 30, 1977 Resolution, Page )

(See August 31, 1983 Resolution, Page )

#### 7.6 Mobile Home Park Regulations:

- A. It shall be unlawful for any person to maintain or operate a Mobile Home Park without having first obtained a Special Use Permit therefore, except that the maintenance or operation of a Mobile Home Park which is in existence on the effective date of this Resolution may be continued under a temporary permit for such period of time and under such conditions as are specified in Section B.
  - 1. Although these regulations require that both a Special Use Permit hearing and review and a Mobile Home Park hearing and review be conducted for the approval of Mobile Home Park, the two hearing and review meetings may be conducted simultaneously or one immediately preceding the other.
  - 2. The fee for transfer of a Special Use Permit to operate a Mobile Home Park shall be as established in the Logan County Fee Schedule.

- B. A temporary permit, upon written request, shall be issued by the Board of County commissioners for each Mobile Home Park in existence upon the effective date of this Resolution which will permit said park to be maintained and operated for a period of not longer than one year following the effective date of this Resolution without being subject to the health and sanitation provisions of this Section; except, however, that operation of said park may continue longer than one year if, in the opinion of the Colorado Department of Health and the local health authority, no health hazard exists and said continued operation is approved by the Board of County Commissioners.
1. If the continued operation of a nonconforming Mobile Home Park is not so approved, the person maintaining or operating a Mobile Home Park shall have filed an application for a Special Use Permit with the Board of County Commissioners in conformity with this Section within 30 days following expiration of the first one year period.
  2. That plans and specifications accompanying the application for a Special Use Permit comply with all provisions of this Resolution and all other applicable resolutions and statutes.
  3. The annual fee for a Mobile Home Park temporary permit shall be as established in the Logan County Fee Schedule.
- C. All applications for a Special Use Permit to operate a Mobile Home Park shall be filed by the owner or his agent with the Board of County commissioners and all Special Use Permits shall be issued by the Board of County Commissioners. The following data shall accompany all applications for Special Use Permits filed with the Board of County Commissioners:
1. The name and address of the applicant;
  2. The location and legal description of the Mobile Home Park;
  3. a complete plan of the park in conformity with the requirements of this Section;
  4. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the Mobile Home Park;
  5. A topographic map showing two (2) foot contour intervals;
  6. Such further information as may be requested by the Board of County Commissioners to enable it to determine if the proposed park will comply with legal requirements.
- D. The application for a Special Use Permit to operate a Mobile Home Park shall be filed in triplicate. The Board of county Commissioners, in the acceptance or rejection of such Special Use Permit application, shall be guided by the findings and recommendations of the Logan County Planning Commission, the Colorado Department of Health, and the local health authority. It shall be the duty of the Planning Commission to review the application for a Special Use Permit, the proposed plans and specifications in accord with the requirements in Paragraph "G" below. The Planning commission shall submit its findings and recommendations

to the Board of County Commissioners within 60 days after the application for a Special Use Permit. Failure to submit such findings and recommendations within the allotted time shall constitute Planning Commission approval of the plans. The local health authority shall also submit his findings within said 60-day period. If the proposed Mobile Home Park will, when constructed or altered in accordance with such plan and specifications, be in compliance with all provisions of this Resolution and all other applicable resolutions and statutes, the Board of County Commissioners shall approve the application, and upon completion of the park according to the plans shall issue the Special Use Permit.

- E. Application for renewal or transfer of an annual Special Use Permit to operate a Mobile Home Park shall be made in writing by the owner or his agent to the Board of County Commissioners and the Board of County Commissioners shall issue a certificate renewing or transferring such Special Use Permit for a period not to exceed one year provided, however, that payment of the annual Special use Permit fee is made at the time of issuance and it is the opinion of the Colorado Department of Health and the local health authority that no health hazard exists.
- F. The Planning commission, in its review of the application for a Special Use Permit to operate a Mobile Home Park not previously permitted and including any application for transfer of a Special Use Permit shall base its review on the following design requirements:
  - 1. The Mobile Home Park shall have access to a public street or highway.
  - 2. The Mobile Home Park shall be located on a well-drained site, graded for rapid drainage and free from stagnant pools of water.
  - 3. The plan shall show entrances and exits to the park, driveways and walkways, and the design and arrangement of all mobile home spaces.
  - 4. All Mobile home spaces shall abut upon a driveway of not less than 30 feet in width which shall have unobstructed access to a public street or highway or private roadway.
  - 5. All driveways shall be graveled or hard surfaces.
  - 6. All roads or streets, whether public or private, shall be hard surfaced and constructed to County specifications.
  - 7. Each mobile home space shall be provided with an electrical outlet supplying at least 110 volts and shall comply with the State Electrical Code.
  - 8. An adequate supply of pure water shall be supplied by pipes to all buildings and to each mobile home space. Each mobile home space shall be provided with a cold water tap at least four inches above the ground provided that the tap may be below ground level for prevention of freezing if in the opinion

of the Colorado Department of Health and local health authority that no health hazard exists.

9. In Mobile Home Parks, waste from showers, bath tubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings shall be discharged into a public sewer system in compliance with applicable regulations or into other such system as may be approved by the Colorado Department of Health and the local health authority.
  10. In Mobile Home Parks each mobile home space shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bath tub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the waste into a public sewer system as may be approved by the Colorado Department of Health and the local health authority.
  11. There shall be a minimum distance of fifty (50) feet from any mobile home space to the boundary of the park. This yard area shall be landscaped so as to create a buffer zone.
  12. A complete landscaping plan shall be submitted which shall show existing trees and shrubs which are to be maintained and new trees and shrubs which are to be planted. The plan shall include the size and type of planting proposed and their spacing.
  13. The Planning Commission shall recommend to the County Commissioners on distances between mobile home spaces. In general the design of the Mobile Home Park shall be subject to the review procedures of a Planned Unit Development as set forth in Section 6 of this Resolution. The Planning Commission and the County Commissioners may aid their decisions on design by criteria set forth in the "Mobile Home County Developers Guide," a U.S. Department of Housing and Development (HUD) guide.
- G. In all Mobile Home Parks, metal or plastic garbage cans in good condition with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than three hundred (300) feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. Garbage and trash collection stations shall be screened from other activities by visual barriers such as fences, walls, or natural growth.
- H. Each Mobile Home Park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number or so located within the park as to satisfy applicable reasonable regulations of the County Sheriff. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

- I. In Mobile Home Parks it shall be the duty of the owner or operator to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
1. The name and address of each mobile home occupant, and age of minor occupants;
  2. The name and address of the owner of each mobile home and motor vehicle by which it is towed.
  3. The make, model, year and license number of each mobile home and motor vehicle;
  4. The state, territory and county issuing such licenses;
  5. The date of arrival and of departure of each mobile home;
  6. The register shall be available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.
- J. The owner, operator, or a duly authorized attendant or caretaker shall be in charge at all times to keep the Mobile Home Park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the permittee, for the violation of any provision of this Resolution to which the permittee is subject.
- K. The Board of County Commissioners may revoke any Special Use Permit to maintain and operate a Mobile Home Park, when the owner or operator has been found guilty by a court of competent jurisdiction of violating any provision of this Resolution.
- L. The Special Use Permit or temporary permit to operate a Mobile Home Park shall be posted in a conspicuous place on the premises at all times.

## FLOOD DAMAGE PREVENTION REGULATIONS

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## **ARTICLE I - TITLE AND PURPOSE**

### **SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, and pursuant to Colorado Revised Statutes Section 30-28-113(1)(a)(VI), delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of County Commissioners of Logan County, Colorado, hereby adopts the following floodplain management regulations:

### **SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of Logan County are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

### **SECTION C. STATEMENT OF PURPOSE**

It is the purpose of these Regulations to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is located in a flood hazard area.

#### **SECTION D. METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish their intended purposes, these regulations use the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.



## ARTICLE II - DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give the regulations their most reasonable application.

**100-YEAR FLOOD** - A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

**100-YEAR FLOODPLAIN** - The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

**500-YEAR FLOOD** - A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

**500-YEAR FLOODPLAIN** - The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

**ADDITION** - Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

**ALLUVIAL FAN FLOODING** - A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

**AREA OF SHALLOW FLOODING** - A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**BASE FLOOD ELEVATION (BFE)** - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**BASEMENT** - Any area of a building having its floor sub-grade (below ground level) on all sides.

**CHANNEL** - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

**CHANNELIZATION** - The artificial creation, enlargement or realignment of a stream channel.

**CODE OF FEDERAL REGULATIONS (CFR)** - The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

**COMMUNITY** - Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

**CONDITIONAL LETTER OF MAP REVISION (CLOMR)** - FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**CRITICAL FACILITY** – A structure or related infrastructure, but not the land on which it is situated, as specified in Article 5, Section H, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Article 5, Section H.

**DEVELOPMENT** - Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DFIRM DATABASE** - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

**DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)** - FEMA digital floodplain map. These digital maps serve as “regulatory floodplain maps” for insurance and floodplain management purposes.

**ELEVATED BUILDING** - A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION-**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEDERAL REGISTER** - The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

**FEMA** - Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

**FLOOD OR FLOODING** - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

**FLOOD INSURANCE RATE MAP (FIRM)** – An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

**FLOODPLAIN OR FLOOD-PRONE AREA** - Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

**FLOODPLAIN ADMINISTRATOR** - The Logan County official designated by title to administer and enforce the floodplain management regulations.

**FLOODPLAIN DEVELOPMENT PERMIT** – A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such

construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and these floodplain management regulations.

**FLOODPLAIN MANAGEMENT** - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** - Zoning regulations, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD CONTROL STRUCTURE** - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOODPROOFING** - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY (REGULATORY FLOODWAY)** - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**FREEBOARD** - The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

**FUNCTIONALLY DEPENDENT USE** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or;
  - b. Directly by the Secretary of the Interior in states without approved programs.

**LETTER OF MAP REVISION (LOMR)** - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

**LETTER OF MAP REVISION BASED ON FILL (LOMR-F)** – FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**LEVEE** – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

**LEVEE SYSTEM** - A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

**MANUFACTURED HOME** - A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION** - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** - For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**MATERIAL SAFETY DATA SHEET (MSDS)** – A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

**NATIONAL FLOOD INSURANCE PROGRAM (NFIP)** – FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

**NEW CONSTRUCTION** - Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**NO-RISE CERTIFICATION** – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

**PHYSICAL MAP REVISION (PMR)** - FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

**RECREATIONAL VEHICLE** - means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**SPECIAL FLOOD HAZARD AREA** – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

**START OF CONSTRUCTION** - The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**THRESHOLD PLANNING QUANTITY (TPQ)** – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

**VARIANCE** - A grant of relief to a person from the requirements of these regulations when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b) (5), (c) (4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.



## **ARTICLE III - GENERAL PROVISIONS**

### **SECTION A. LANDS TO WHICH THESE REGULATIONS APPLY**

These regulations shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Logan County, Colorado.

### **SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA**

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Logan County, Colorado and Incorporated Areas," dated May 16, 2016 with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of these regulations. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of these regulations and may be supplemented by studies designated and approved by the Logan County Planning and Zoning Department. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

### **SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT**

A Floodplain Development Permit shall be required to ensure conformance with the provisions of these regulations.

### **SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of these regulations and other applicable regulations. Nothing herein shall prevent the Logan County Planning and Zoning Department from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

### **SECTION E. ABROGATION AND GREATER RESTRICTIONS**

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## **SECTION F. INTERPRETATION**

In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

## **SECTION G. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

These regulations do not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the Community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

## **SECTION H. SEVERABILITY**

These regulations and the various parts thereof are hereby declared to be severable. Should any section of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

## **ARTICLE IV - ADMINISTRATION**

### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Planning and Zoning Administrator is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of these regulations and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of these regulations, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any flood proofing certificate required by Article 4, Section C.
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of these regulations.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of these regulations, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is

demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

### **SECTION C. PERMIT PROCEDURES**

Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section B.

Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

#### **SECTION D. VARIANCE PROCEDURES**

1. The Board of Adjustment, as established by Logan County, shall hear and render judgment on requests for variances from the requirements of these regulations.
2. The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations.
3. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Upon consideration of the factors noted above and the intent of these regulations, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations as stated in Article 1, Section C.

7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
8. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
9. Prerequisites for granting variances:
  - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - b. Variances shall only be issued upon:
    - i. Showing a good and sufficient cause;
    - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
10. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
  - a. The criteria outlined in Article 4, Section D (1)-(9) are met, and
  - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

#### **SECTION E. PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these regulations and other applicable regulations. Violation of the provisions of these regulations by failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with conditions) shall result in the withholding of building permits and may result in the filing of legal action in a court of competent jurisdiction. Nothing herein contained shall prevent Logan County from taking such other lawful action as is necessary to prevent or remedy any violation.

## **ARTICLE V – PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **SECTION A. GENERAL STANDARDS**

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### **SECTION B. SPECIFIC STANDARDS**

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(7), or (iii) Article 5, Section G, the following provisions are required:

1. RESIDENTIAL CONSTRUCTION

New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

## 2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Article 5, Section H, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Article 4, Section C.

## 3. ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

## 4. MANUFACTURED HOMES

All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an



existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

## 5. RECREATIONAL VEHICLES

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of Article 4, Section C, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

## **SECTION C. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the Special Flood Hazard Area established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

### 1. RESIDENTIAL CONSTRUCTION

All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

## 2. NONRESIDENTIAL CONSTRUCTION

With the exception of Critical Facilities, outlined in Article 5, Section H, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

## **SECTION D. FLOODWAYS**

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Article 2). Located within Special Flood Hazard Area established in Article 3, Section B, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.
2. If Article 5, Section D (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance

Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

#### **SECTION E. ALTERATION OF A WATERCOURSE**

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable Federal, State and Logan County floodplain requirements and regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section D of this Article.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

#### **SECTION F. PROPERTIES REMOVED FROM THE FLOODPLAIN BY FILL**

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

##### **1. RESIDENTIAL CONSTRUCTION**

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

##### **2. NONRESIDENTIAL CONSTRUCTION**

The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air

conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

## **SECTION G. STANDARDS FOR SUBDIVISION PROPOSALS**

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of these regulations.
3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B of these regulations.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

## **SECTION H. STANDARDS FOR CRITICAL FACILITIES**

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

### **1. CLASSIFICATION OF CRITICAL FACILITIES**

It is the responsibility of the Logan County Planning and Zoning Department to identify and confirm that specific structures in Logan County meet the following criteria:

Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

- a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
- iii. Designated emergency shelters;
- iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- v. Public utility plant facilities for generation and distribution ( hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- vi. Air Transportation lifelines: airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Logan County Planning and Zoning Department that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Logan County Planning and Zoning Department on an as-needed basis upon request.

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

These facilities may include:

- i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- iii. Refineries;
- iv. Hazardous waste storage and disposal sites; and
- v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation these regulations, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

- c. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- i. Elder care ( nursing homes);
- ii. Congregate care serving 12 or more individuals ( day care and assisted living);
- iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

- d. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Logan County Planning and Zoning Department that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with these regulations, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Logan County Planning and Zoning Department on an as-needed basis upon request.

## 2. PROTECTION FOR CRITICAL FACILITIES

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of these regulations, protection shall include one of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation of the lowest floor or flood proofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

## 3. INGRESS AND EGRESS FOR NEW CRITICAL FACILITIES

New Critical Facilities shall, when practicable as determined by the Logan County Planning and Zoning Department, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

## 7.8 AREA AROUND AIRPORTS – REGULATIONS

### A. Purpose and Intent: The purpose and intent of these regulations shall be to:

1. Minimize the danger to public health and safety or to property in areas around airports.
2. Avoid danger to public safety and health or to property due to aircraft crashes, traffic congestion, air pollution, water pollution, and noise.
3. Facilitate the orderly development of areas around airports by establishing requirements that must be met before such development will be permitted.
4. Bring the Logan County Zoning Resolution into conformance with Federal Aviation Regulations, Part 77, entitled “Objects Affecting Navigable Airspace.”

### B. Definitions:

1. “Airport” means any proposed or existing municipal or county airport or airport under the jurisdiction of an airport authority.
2. “Airport Height Zones” are imaginary surfaces designed by the Federal Aviation Administration to control the height of objects, both natural and man-made, which may affect navigable airspace around an airport (as defined in F.A.R., Part 77, Subsections 77.23 and 77.25.)
3. “Development” means any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

### C. Application:

1. These regulations shall apply to development within appropriate airport height zones around airports in unincorporated Logan County. This includes, but is not limited to Crosson Field as graphically displayed in the approved Airport Layout Plan (A.L.P.)

### D. Airport Height Zones:

1. These are hereby established imaginary surfaces for the purposes of limiting height within the airport height zones around unincorporated Logan County airports. Such height limitations are established according to the provisions of F.A.A. (as displayed for Crosson Field in the A.L.P., Exhibit 2.)
2. An area located in more than one of the following zones is limited by the more restrictive zone.



3. No development shall occur and no structure shall be erected, altered or maintained and no tree shall be allowed to grow or be maintained above the following imaginary surfaces:
  - a. Utility Runway Visual Approach Zones – Slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline, with a lateral width of 1,250 feet.
  - b. Utility Runway Non-Precision Instrument Approach Zone – Slopes upward twenty (20) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending a horizontal distance of 5,000 feet along the extended runway centerline, with a lateral width of 1,500 feet.
  - c. Runway Larger Than Utility visual Approach Zone – Slopes upward twenty (20) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline, with a lateral width of 3,500 feet.
  - d. Runway Larger Than Utility With a Visibility Minimum Greater than  $\frac{3}{4}$  Miles Non-Precision Instrument Approach Zone – Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, with a lateral width of 3,500 feet.
  - e. Runway Larger Than Utility With a Visibility Minimum As Low As  $\frac{3}{4}$  Mile Non-Precision Instrument Approach Zone – Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, with a lateral width of 4,000 feet.

## 7.7 REGULATIONS FOR PREEXISTING LOTS

(See June 6, 1979 Resolution, Page )

Where an individual lot was platted prior to the adoption date (October 10, 1973) of this Resolution, in a recorded subdivision approved by the Board of County Commissioners, or in a recorded plat of an unincorporated town, or in the area known as Desert Village (located in the Northeast Quarter (NE $\frac{1}{4}$ )

of Section 33, Township 8 North, Range 53 West,) and has less area and/or width than is required by Section 3, 2.1, “Minimum Lot Size” and Section 3, 2.4, “Minimum Lot Width” of this Resolution, such lots may be occupied according to the permitted uses provided for the district in which the lot is located, if building setback requirements of Front – 30 feet, Back – 20 feet, and

Side – 10 feet are met, or if setback requirements contained in recorded deed covenants for the lot are met. In addition, the owner and developer of any lot in Logan County must comply with the applicable regulations of the State of Colorado concerning sewer and water requirements.

## SECTION 8

### USES NOT ITEMIZED

(Repealed, See April 4, 1979 Resolution, Page )

- 8.1 Upon application or on its own initiative, the Board of County Commissioners may, by resolution, add to the uses listed for a zoning district any other similar use which conforms to the conditions set forth in the following special findings:
- A. Such use is appropriate to the physiographic and general environmental character of the District to which it is added.
  - B. Such use does not create any more hazard to or alteration of the natural environment than the minimum amount normally resulting from the other uses permitted in the District to which it is added.
  - C. Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses permitted in the District to which it is added.
  - D. Such use is compatible to the uses existing and permitted in the District to which it is added.
- 8.2 When any use has been added to the list of permitted uses in any District in accordance with this Section, such use shall be deemed to be listed in the appropriate section of those District regulations, and shall be added thereto in the published text of this Resolution at the first convenient opportunity, with a notation indicating that the addition was made in accordance with this Section.

## SECTION 9

### ADMINISTRATION

#### 9.1 Enforcement:

This Resolution hereby establishes and shall be enforced by an officer appointed by the County to be known as the “Zoning Administrator.”

ADOPTED 12/29/98 RESOLUTION NO. 98-64

#### 9.15 Junk and Weed Control

To control the open air accumulation of junk, rubbish, garbage, weeds, brush and abandoned vehicles, equipment and structures on individual properties and adjacent alleys or rights-of-way in Logan County by the authority of Title 30, Article 15, Section 401 (1) (a) (1) of the C.R.S.

- A. Applicability – These Regulations apply to all zone districts in unincorporated Logan County except industrial tracts of ten (10) or more acres in the Industrial (I) zone district and agricultural land in the Agricultural (A) Zone District, which is currently in agricultural use, as defined in 11 Colorado Revised Statutes (1998) 39-1-102 as amended. Land lying idle for more than twelve (12) consecutive months is not considered “agricultural land currently in agricultural use” for purposes of these Regulations. The Regulations do not apply to operating junkyards with a valid special use permit.
- B. Accumulation of Junk – Prohibition – It is unlawful for any person, firm or corporation to cause or permit junk, scrap metal, scrap lumber, weeds, brush, waste paper products, discarded building materials, furniture or furnishing, or any unused, abandoned vehicle, vehicles, abandoned or derelict mobile homes or trailers or abandoned parts, machinery or machinery parts, or other waste material, to be left or accumulated in or upon any yard, garden, lawn, outbuilding or premises in the County, unless in connection with an agriculture or business enterprise lawfully situated and licensed for the business of collecting waste material. It is unlawful to permit any accumulation of any waste material in or upon any yard, lawn, garden outbuilding or premises in the County if the waste material constitutes a fire hazard or hazard to the safety of persons or property or an unsanitary condition unless otherwise specified herein. Composting is an exception and not prohibited.
- C. Time of Accumulation – Garbage, junk and abandoned vehicles or equipment of any kind will not be allowed to accumulate on private property or on adjacent alleys or rights-of-way in Logan County for a period of time longer than thirty (30) days unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public.
- D. Time to Correct - Any person, firm or corporation with accumulations of garbage, junk and abandoned vehicles or equipment of any kind existing at the time of passage of these

Regulations will have a total of thirty (30) days to remove and properly dispose of these articles from the property unless provided otherwise herein. This time may be reduced to three days if the accumulation presents an immediate danger to health or safety of the public.

- E. Rubbish and Garbage Containers – Rubbish and garbage containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Rubbish containers shall be of a kind suitable to contain all trash and garbage collected and shall have a tight-fitting lid. Collection of garbage in plastic garbage bags of twenty (20) gallon capacity or larger is allowed, provided it is kept in a secure area, during the thirty-day accumulation period prior to collection by a licensed waste hauler for disposal at the County landfill.
- F. Abandoned Structures – Abandoned structures are to be boarded up or otherwise secured from entry for public health and safety reasons. Abandoned and unused structures that are deteriorating to the extent that they constitute a safety hazard are to be torn down and all component materials disposed of in accordance with all applicable state and/or federal regulations. A structure becomes a safety hazard when structurally it is no longer sound and economically infeasible to rehabilitate for reuse of any kind allowed in a particular zone district.
- G. Cutting of Weeds - It shall be the duty of each and every person, corporation or association owning any lot(s,) parcel(s,) and tract(s) of real property, one acre or less, within the County, to cut to a height not to exceed six inches (6”) from the ground level to the point where cut, all weeds, weed brush and rubbish, and to remove same, together with all rubbish of any kind, from his, it’s or their said lot(s,) parcel(s,) and tract(s) of real property; and also from any adjacent alley behind and from the side walk right-of-way area in front of the lot(s,) parcel(s,) and tract(s) of real property. Right-of-ways along state highways and county roads are not included except for traditional adjacent mowing distances. Composting by definition is specifically exempt from this regulation.
- H. Inoperable Vehicles – A maximum of one (1) expired license, unregistered or inoperative vehicle or parts thereof are allowed in RE, RS and RM zone districts for personal use. A maximum of three (3) expired license, unregistered or inoperative vehicles or parts thereof are allowed in the AG, EP, I CH, and CC districts unless otherwise allowed by special permit. Vehicles in excess of these numbers are not allowed unless they are stored in a private garage or storage shed. A vehicle shall be deemed inoperative if it is missing any major operating component such as tires, wheels, engine, or transmission.
- I. Screening of Inoperable Vehicles – In all districts where inoperative vehicles or parts thereof may be allowed in excess of the above requirements, they shall be fully screened to prevent such vehicles from being viewed from a public road or area. Vehicles having been repaired at gasoline stations or auto repair shops shall not remain unattended longer than thirty (30) days after repairs are completed unless vehicles are fully screened.
- J. Auto Salvage – Junkyards desiring to locate adjacent to a state highway or interstate highway must obtain a state permit as per 43-1-501, 502 and 503 of the C.R.S. in addition to a Special Use permit as described in 7.3 F.

- K. Inspections and Notice – Authorized County personnel are empowered to examine or cause to be examined every premise suspected to contain an unlawful accumulation of such junk, waste material and weeds and if it is found to give the person responsible for the junk waste material and weeds, or the owner or occupant of the premises upon which found, a written notice stating that an unlawful accumulation of junk, waste material, or weeds has been found upon the premises and directing the person to whom the notice is addressed to eliminate the violation within a reasonable time specified in the notice, generally thirty (30) days. The time provided should be commensurate with the work required to be done to correct the unlawful condition. Proper service of this notice shall be personal service upon the person responsible for the unlawful accumulation, or the owner, authorized property management agent, or the occupant of the premises. Alternatively, the service may be made to the person by registered or certified mail and return receipt requested.
- L. Process – Junk and weed control complaints shall be investigated based on a written, signed complaint only. The only exception is if there is an emergency, which poses an immediate danger to public safety. It is anticipated that these situations will be very rare. A form for filing these complaints will be provided to the complaining party by the Planning Department. The person filing the written complaint will be informed that this form is likely to become part of the public record if the violation is not corrected by the owner of the property and County or District Court becomes the remedy.
- M. Violations – Failure of any person to carry out the work required to be done by this notice within the time specified by the notice shall constitute a misdemeanor, and any person, firm or corporation who violates the provisions of this section shall, upon the conviction thereof, be fined. The fine shall be not more than one hundred dollars (\$100.00) or imprisonment for a period of not more than ten (10) days or both. Each day that a violation continues to exist shall be considered a separate offence.
- N. Depositing Junk or Waste on Another's Property – It is unlawful for any person to discard or abandon any of the waste material, garbage, brush, abandoned vehicles, or equipment upon the premises owned or occupied by another person without the consent of the owner and the waste material so deposited without consent shall be deemed to have been discarded and abandoned if it remains upon the premises for a period exceeding ten (10) days. Discarding and abandonment of any waste material shall be deemed to be permission by the owner thereof to the County to remove and dispose of the waste material as provided by law for discarded, abandoned and unclaimed property, and the County and its officers and agents may summarily remove the waste material and dispose of the waste material.
- O. County Abatement – In the event of failure of any owner of lot(s), parcel(s) and tracts(s) of real property to dispose of garbage, junk, abandoned vehicles, farm and heavy equipment of any kind or to remove abandoned structures or weeds, brush or rubbish as set forth, herein, at any time and in any manner prescribed herein, the proper officials of the County are given power and authority to notify the owner that if the owner fails to comply with these Regulations on or before thirty (30) days from the date of the notice that the property officials of the County shall forthwith remove or cut any such junk, rubbish, abandoned vehicles, structures, weeds or brush and the entire cost thereof, plus five percent (5%) for inspection and expense will be assessed against said lot(s), parcel(s) and tracts(s) of real property as are in violation of these Regulations. The proper officials of the County,

after such removal, shall forthwith file with the County Treasurer a statement showing the amount to be assessed against any such lot(s,) parcel(s,) and tracts(s) of real property in payment of said inspection, removal and related expense.

- P. Notice of Assessment – The County Treasurer shall send by registered mail a notice to the owner of any such lot(s,) parcel(s,) and tracts(s) of real property that assessment has been made against the lot(s,) parcel(s,) and tracts(s,) for the cost of inspection, removal and related expense for failure to comply with these Regulations. The owner may file objections to these assessments within ten (10) days from the date the notice is received; objections shall be filed with the County Treasurer. The County Treasurer shall cause the objections to be presented to the Board of County Commissioners for review at their next regular meeting following the date the objections are filed with the Clerk. The Planning Administrator shall issue notice to the owner of the date of review hearing by certified mail. Failure of the owner to file objections shall result in the assessments to become a permanent lien on the lot(s,) parcel(s,) and tracts(s) of real property. In the event the Board of Logan County Commissioners determines the assessments to be proper, the County Clerk, on or before thirty (30) days after the assessment hearing, shall certify to the Logan County Treasurer the assessment which is to be levied on the lot(s,) parcel(s,) and tracts(s) and shall collect the same as general taxes, and that five percent (5%) will be added to all costs of collection.
- Q. Hearing on Assessment – At the time designated in the notice, the Board of County Commissioners shall hear objections to the amount assessed to be levied against any lot(s,) parcel(s,) and tracts(s) of real property and shall determine the assessment against the real property as shall be deemed just and proper. If the owner of any such lot(s,) parcel(s,) and tracts(s) fails to pay the amount so assessed within thirty (30) days, said assessment, together with ten percent (10%) added for the cost of collection, shall be certified by the County Clerk to the Logan County Treasurer, who shall collect all the assessments in the same manner that general taxes are collected, and the assessment shall be lien in the several amounts assessed against the lot(s) or real property until paid, and shall have priority over all other liens except general taxes and prior special assessments. All moneys received by the County Clerk under these Regulations shall be placed in the general fund of the County.
- R. Nonexclusivity of Assessments – The fact that assessments have been made against the real property as provided in these Regulations for cutting and removing garbage, weeds, brush, junk, abandoned vehicles, farm and heavy equipment, structures, and the like shall not prevent the owner from being fined as provided in Section L, but the fine may be imposed on those being found guilty under the provisions of these Regulations, whether an assessment has or has not been made in accordance with the provisions of these Regulations.

## 9.2 Permits:

### A. Zoning Permits:

No building shall be erected, occupied, moved, or structurally altered until a permit therefore has been issued by the Zoning Administrator, and no permit shall be issued unless the proposal is in full accordance with this Resolution, except in those instances where a

variance has been granted by the Board of Adjustment. However, no zoning permits shall be required for accessory structures which are erected, occupied, moved, or structurally altered when the value of the building or cost of the alteration is less than five hundred (\$500) dollars. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures.

No utility of any type shall be constructed in any location in Logan County; not shall any utility be installed, "hooked up," or provide service to any structure until a permit has been issued by the Zoning Administrator; and no permit shall be issued unless the proposal is in full accordance with this Resolution, except in those instances where a variance has been granted by the Board of Adjustment. All applications for permits shall be accompanied by a map or drawing as may be applicable showing the location of the proposed utility or utility installation.

(See April 7, 1976 Resolution, Page )

No oil and gas drilling and/or production facilities shall be constructed, erected, occupied or operated until a zoning permit has been issued by the Zoning Administrator, and no permit shall be issued unless the proposal is in full accordance with this Resolution, except in those instances where a variance has been granted by the Board of Adjustment. All applications for permits shall be accompanied by a map or drawing showing the location of all structures and drilling and/or production sites in relation to the lot. All applications for permits shall also be accompanied by evidence that the surface owner and/or surface tenant of the proposed drilling and/or production lease has been notified of the exact location(s) of the proposed drilling and/or production activity by the drilling and/or production firm.

9.3 Certificate of Occupancy:

No new building except accessory structures shall hereinafter be occupied or used without a Certificate of Occupancy which has been issued by the Zoning Administrator. Such Certificate shall be issued within five (5) days after the Zoning Administrator has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Resolution.

9.4 Fees:

The schedule of fees for zoning permits is available at the office of the Zoning Administrator.

9.5 Records:

All zoning permits, application records, records of inspection, and certificate-of-occupancy records shall be kept on file in the office of the Zoning Administrator and shall be available for inspection by the public.

9.6 Board of Adjustment:



A. Establishment:

A Board of Adjustment is hereby established, which shall consist of members and associate members, all of whom shall be appointed by the County Commissioners. All further reference to the Board of Adjustment in this Section shall hereafter be made to “the Board.”

B. Membership:

The Board shall consist of five members who shall be appointed according to appropriate State statutes.

C. Officers:

The Board shall operate according to appropriate State statutes.

D. Appeals to the Board of Adjustment:

Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a zoning permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provision of the Zoning Resolution. Appeals to the Board of Adjustment may also be taken by any officer, department, board or bureau of the County affected by the granting or refusal of a zoning permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the Zoning Resolution. Such appeal must be made within sixty (60) days after the occurrence of such grievance or decision which is the subject of the appeal.

Upon appeals, the Board of Adjustment shall have the following powers:

1. Appeals from Decisions of Administrative Officials.

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of the zoning resolution.

2. Interpretation.

To hear and decide requests for interpretation of this Resolution, including any uncertainty as to boundary location, or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this Resolution.

3. Adjustment of Boundaries.

Where a lot is divided by a zoning district boundary line, the Board of Adjustment may on a one time basis adjust the boundary line for a distance of twenty-five (25) feet.

4. Variances.

To authorize upon appeal in specific cases variance from the terms of this Resolution, where, by reason of exceptional narrowness, shallowness or slope of a specific piece of property at the time of the enactment of this Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantial impairing of the intent and purposes of this Resolution.

5. The concurring vote of all five members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or agency or to decide in favor of the appellant.

E. General Duties of the Board:

1. To meet at the call of the Chairman, by his request, or by the request of the Zoning Administrator, or by any party wishing to appeal the decision of the same.
2. To adopt any rules necessary to transact the Board's business or to expedite its functions or powers to long as they are not inconsistent with the provisions of this Resolution.
3. To keep minutes of the proceedings of each meeting, which shall be filed in the office of the Board, who may designate the Zoning Administrator to keep such files, and which shall be of public record.
4. To permit the public to attend and to be heard at all of its meetings.
5. To notify in writing the Zoning Administrator, the owner involved, and the Planning Commission of all decisions made, resolutions passed, hearings scheduled, or permits authorized.
6. To publish notice of, or cause to be published, (or to cause the property to be posted at least fourteen (14) days prior to) the date of public hearings for variances to this Resolution as provided by law.

F. Procedure:

The Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and applicable Zoning Regulations of the County of Logan.

1. All appeals to the Board shall be in writing. Every appeal shall indicate what provisions of this Resolution are involved, what relief from these provisions is being sought, and the grounds upon which such an appeal is being sought, as required above.

2. The fee for the petition for a variance shall be as established in the Logan County Fee Schedule. This fee, plus any supporting materials requested by the Board for evaluation of the petition for a variance shall be submitted before a date for a hearing on the petition shall be set. A minimum of twenty-five (25) days shall have elapsed between the petition submission date and the scheduled date of the hearing.
3. Notice of the hearing date shall be published at the expense of the applicant, in a newspaper of general circulation in the County at least fourteen (14) days prior to the scheduled hearing date. In addition, written notice of the public hearing shall be delivered or mailed, first-class postage prepaid, at least fourteen (14) days prior to the public hearing to landowners within three hundred (300) feet of the subject property as well as to the property owner. Failure to mail such notice to every property owner shall not affect the validity of any proceeding before the said Board of Adjustment. The above notices shall state the name of the petitioner(s), the description of the property involved a statement of the nature of the request, and the time and place of the meeting.
4. At least fourteen (14) days prior to any public hearing at which a variance to this Resolution is to be considered, the property owner shall post a sign upon the premises where such variance is requested stating the time, place and nature of the variance requested. Prior to the public meeting, a copy of the requested appeal shall be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board prior to the public hearing date of the requested variance.

G. Appeals from the Board:

Any further appeal from the decision of the Board may be made to the courts, as provided by law, provided, however, that such appeal is made prior to twenty (20) days following the date of the notification of the Board's decision.

## SECTION 10

### VIOLATIONS AND PENALTIES

#### 10.1 Violation and Penalty:

Failure to comply with all of the provisions of this Resolution, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor and upon conviction is punishable by a fine of not more than one hundred dollars (\$100) or imprisonment for a period of not more than ten (10) days or both. Each day that such violation continues to exist shall be considered a separate offense.

In case any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used, in violation of any provision of this Resolution, or any amendment thereof, the County Commissioners of Logan County, the District Attorney in and for Logan County, or any owner of real estate within Logan County, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

#### 10.2 Notification

Whenever the county Zoning Administrator shall find a violation of any of the provisions of the Resolution, he shall notify the person responsible for the violation in writing and shall order the necessary correction within a period of ten (10) days, or within a reasonable time, at the discretion of the County Zoning Administrator.

If, in the judgment of the county Zoning Administrator, irreparable harm may be caused or the public health, safety and welfare is endangered by a violation of any of the provisions of this Resolution, notice shall not be required.

#### 10.3 Complaints:

Any person aggrieved by a violation or apparent violation of the provisions of this Resolution may file a written complaint with the County Zoning Administrator who shall investigate such complaint and if such violation is found to exist, the County Zoning Administrator shall proceed under Section 10.1 and 10.2 herein.

## SECTION 11

### AMENDMENTS

#### 11.1 Amendments to this Resolution:

The Board of County commissioners, from time to time, may amend this Resolution but such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval, or suggestions of the Logan County Planning Commission. Before finally adopting any such amendment, the Board of County Commissioners shall hold a public hearing thereon, at least fourteen (14) days notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in Logan County.

#### 11.2 Amendments to Change the Zoning Classification of an Area:

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

- A. That the petitioner has shown substantial evidence that the area in question possesses geological, physiological or other environmental conditions compatible with and warranting similar district characteristic of the district for which application is being made.

#### 11.3 Amendments to the Official Zoning Map:

- A. A complete petition for amendment shall be officially submitted and received at a County Planning Commission meeting. A hearing on the petition shall be placed on the agenda of the next County Planning Commission meeting, provided that a minimum of twenty-five (25) days has elapsed between the petition submission date and the scheduled date of the hearing.
- B. The submission for the petition shall be considered to be complete when the necessary application fees have been paid and the data to be used in support of the petition have been submitted. Until the submission is complete no action shall be taken on the petition.
- C. Notice of the hearing date shall be published at the expense of the applicant, in a newspaper of general circulation in the County at least fourteen (14) days prior to the scheduled hearing date. In addition, written notice of the public hearing shall be delivered or mailed, first-class postage prepaid, at least fourteen (14) days prior to the public hearing to landowners within three hundred (300) feet of the subject property as well as to the property owner(s.) Failure to mail such notice to every property owner shall not affect the validity of any proceeding before the said Planning Commission. The above notices shall state the name of the petitioner(s,) the description of the property involved, a statement of the nature of the request, and the time and place of the meeting.
- D. The County Planning Commission shall only recommend for approval those amendments which the Commission finds to be developed in accordance with the intent, standards and criteria specified in these regulations.

- E. Within five (5) days after review of the petition for an amendment at a public meeting, the County Planning Commission shall send written notification to the Board of County Commissioners of its action. The County Planning Commission may retain the petitioner's supporting materials for an additional thirty (30) days when substantial revisions or additional materials are required.
- F. The Board of County Commissioners shall act on the petition for amendment referred to them by the county Planning Commission within thirty-five (35) days of receipt of the transmittal from the County Planning Commission.

11.4 Amendment Fee for Map Amendments:

For proposed amendments to the Official Zoning Map a fee of twenty-five (25) dollars shall be charged to the petitioner to cover the costs of processing.

11.5 Data to be submitted:

Prior to any consideration for amendment to the Official Zoning Map, the petitioner shall file the following data with the Planning Commission at least ten (10) days prior to the scheduled date of Planning Commission review.

- A. A legal description of the property.
- B. Proposed method of water supply and sewage disposal.
- C. Other such site plans or drawings to show a demonstrated need for zoning change.
- D. A list of all property owners within three hundred (300) feet of the subject property.
- E. The following additional data may be required to accompany the petition for any zone change.
  - 1. A site plan showing location of structures, number of dwelling units per structure, existing contours at intervals of two (2) feet, location of wooded areas to be retained, location of off-street parking spaces, location of common areas and their proposed usage.
  - 2. Evidence of availability of public water and sewer facilities. Such evidence shall be in the form of a written commitment by a municipal or quasi-municipal agency stating that such service will be available to the property.
  - 3. In the event of a private water and sewer system, a written engineering report shall be submitted assuring availability of water and sewer service and written approval by the Colorado Department of Health and the local health authority.
  - 4. When a private water and sewer system is proposed a surety bond in the amount of one hundred twenty-five percent (125%) of the estimated cost of such system shall

be made in favor of the Board of County Commissioners and presented at the public hearing concerning the Zoning Change. Such bond will be held until construction of said systems are complete and approved the Colorado Department of Health and local health authority. In lieu of a surety bond, the Board of County commissioners may authorize other such proof of financing or security which will satisfy construction guarantees.

5. A certified survey by a registered land surveyor or professional engineer.

## SECTION 12

### DEFINITIONS

#### 12.1 Rules of Language Construction:

For the purpose of this Resolution and when not inconsistent with the context:

- A. Words used in the present tense include the future.
- B. Words in the singular include the plural.
- C. Words in the plural include the singular.
- D. The masculine includes the feminine.
- E. The word “shall” is mandatory and not directory.
- F. The word “may” is permissive.
- G. The particular controls the general.

#### 12.2 Interpretation:

Certain words and phrases are defined; and certain provisions shall be interpreted as herein set out, when not inconsistent with the contest. The word “building” includes the word “structure;” the word “person” includes a “firm,” “associates,” “corporation,” “partnership,” and “natural person;” the word “used” includes the words “occupied,” “arranged,” “designed,” or “intended to be used;” the word “construct” includes the word “erect,” “reconstruct,” “alter,” “move in,” and “move upon.”

#### 12.3 Definitions:

1. Accessory Buildings and Uses: A use naturally and normally incidental to a use by right, and complying with all of the following conditions:
  - A. Is clearly incidental and customary to and commonly associated with the operation of the use by right;
  - B. Is operated and maintained under the same ownership as the use by right;
  - C. Includes only those structures or structural features consistent with the use by rights;
  - D. Includes residential occupancy only by owners and employees employed on the premises and the immediate families of such owners or employees;



- E. The gross land area utilized by all accessory uses of all uses by right on the same property shall not exceed ten percent (10%) of the gross land area utilized by all the uses by right;
  - F. May include home occupations, as defined.
2. Alley – A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
  3. Area, Minimum Lot – The total area within the property lines of the lot, excluding adjacent streets.
  4. Auto Salvage and Wrecking – An open or enclosed area on which inoperative vehicles, machinery or related materials of any type are stored or dismantled. Auto salvage and wrecking areas shall for purposes of this Resolution, be considered industrial uses.
  5. Basements – A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a janitor employed on the premises.
  6. Boarding and Rooming House – A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals, are provided for three or more persons but not exceeding twenty persons, provided such persons are not members of the owner or operator's immediate family.
  7. Building – Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and not including advertising sign boards or fences.
  8. Building Height – The vertical distance as measured from the average finished grade at the building to the highest point of the roof surface exclusive of ventilators, pipes, spires, cupolas, or other appurtenances.
  9. Building Inspector – The Building Inspector of Logan County, Colorado.
  10. Commission – Shall mean the Logan County Planning Commission.
  11. County – By County is meant Logan County, Colorado.
  12. County Commissioners – Shall mean the Board of County Commissioners of Logan County, Colorado.
  13. Conditional Use – A use allowed in the indicated zoning district only with permission by the County Commissioners. Permission for a conditional use shall

be granted upon satisfactory demonstration that all pertinent conditions and requirements in this Resolution regarding that particular use will be observed.

14. Disinfection – A method of treating sewage in compliance with at least the following minimum standards:
  - A. That chlorine is used for a minimum contact time of fifteen minutes, and
  - B. That the chlorine residual remaining after the contact period is not less than 0.5 mg/liter.
  - C. Any method or combination of methods reducing the organisms pathogenic to man.
15. District – A section or sections of Logan County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and intensity of use are uniform.
16. Domestic Animals – Animals confined primarily for the purpose of pleasure rather than monetary gain.
17. Dwelling Unit – Any structure or part thereof, designed to be occupied as the living quarters of a single family or housekeeping unit.
18. Dwelling, Single Family – A building having accommodations for and occupied exclusively by one family.
19. Dwelling, Two Family – A building having accommodations for and occupied exclusively by two families.
20. Dwelling, Multiple-Family - A building occupied by two or more families living independently of each other, but not including motels or hotels.

(See April 7, 1976 Resolution, Page )

21. Extractive Resources – Extractive resources include surface and sub-surface minerals and non-minerals. This definition includes but is not limited to sand, gravel, coal, oil, and natural gas.
22. Family – A family is any number of persons living and cooking together on the premises as a single dwelling unit, but it shall not include a group or more than three individuals not related by blood or marriage.
23. Feed Lot – (Livestock Confinement Area) – A place where cattle, calves, sheep, swine, horses, mules, goats, fowl, and other animals are corralled, penned, tethered, or otherwise caused to remain in pens or corrals and where feeding is other than grazing.

24. Grade – Grade (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are within twenty-five (25) feet of a sidewalk, said grade shall be measured at the sidewalk.
25. Gross Leasable Area – The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
26. Home Occupation – Any use conducted principally within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises, and provided such use does not occupy more than twenty-five (25) percent of the total floor space of the dwelling unit.
27. Hospital – Any building or portion thereof used for the accommodation and medical care of sick, injured, or infirm persons, but not including sanitariums, clinics, rest homes and convalescent homes.
28. Hotels and Motels – Any buildings or portion thereof containing six or more guest rooms used, designed to be used, let or hired out for occupancy by persons on more or less a temporary basis.
29. Irrigation Ditch or Canal – A channel providing at least twenty (20) cubic feet per second of flow.
30. Kennel – Any lot or premises on which four or more animals at least four months of age, are harbored, and for which economic gain is expected.
31. Lodge – A hotel designed primarily to be used and occupied on a seasonal basis.
32. Mobile Home – Any vehicle or similar portable structure originally constructed to have no foundation other than wheels, jacks, or skirtings and so designed or constructed to permit occupancy as living or sleeping quarters and shall have been issued a manufacturers statement of origin.
33. Mobile Home Park – A mobile home park shall be defined as follows:
  - A. Any tract of land on which three (3) or more mobile homes are parked.
  - B. Any tract of land used commercially for parking space for one or more transient mobile homes.
  - C. Trailer sales areas shall not be considered mobile home parks.

- D. The use or occupancy of three (3) or fewer mobile homes on a farm or ranch by persons employed on or owning the farm or ranch shall not be considered a mobile home park.
34. Mobile Home Space – A plot of ground within a mobile home park designed for the accommodation of one mobile home.
35. Modular or Manufactured Home – Any portable structure originally constructed to have no foundation other than facilities for placement or erection or the structure on site so designed or constructed to permit permanent occupancy as living quarter. (Also see “dwelling unit.”)
36. Nonconforming Building – A building or portion thereof, legally built prior to the effective date of this Resolution or any amendment thereto, which does not conform with the regulations of the district in which it is located.
37. Nonconforming Use – Land or building lawfully occupied prior to the effective date of this Resolution or any amendment thereto, by a use which does not conform with the regulations of the district in which it is located.
38. Off-Street Parking Space – The space required to park one passenger vehicle which space shall be not less than two hundred (200) square feet in area, exclusive of access drives.
39. Permit – A document issued by Logan County, Colorado, granting permission to perform an act or service which is regulated by the County.
40. Planned Unit Development (PUD) – Development of land in a manner which allows, in conformance with Section 6 of this Resolution, the following: variety of uses, in addition to those ordinarily allowed by right or by condition in the designated district, for which land may be developed in order to allow for uniqueness and overall flexibility of development in special instances as may be approved by the County Commissioners.
41. Planning Commission – Shall mean the Logan County Planning Commission.
42. Plat, Preliminary – The preliminary map or maps of a proposed subdivision, drawn and submitted in accordance with the requirements of these regulations.
43. Plat – A “plat” as used in these regulations shall be a map of certain described land prepared as an instrument for recording of real estate interests with the Logan County Clerk and Recorder.
44. Primary Sewage Treatment – Removal of solids through a sedimentation process.
45. Property Line – Also lot line, the boundaries of a legally described land parcel.

46. Public Hearing – A legally advertised meeting held by the Planning Commission or County Commissioners at which time citizens' opinions may be voiced concerning the subject of the hearing.
47. Road – See Street
48. Resolution - Shall mean the Logan County Zoning Resolution.
49. Resort Mobile Home and/or Tent Camping Park – Any plot of ground which has been planned, improved, or used for the placement of three (3) or more mobile homes for human habitation; and which furthermore meets all of the following conditions:
- A. The principal business of the park is to supply parking spaces for mobile homes and/or tent camping whose occupants are engaged in recreational activities such as fishing, hunting, boating, or camping.
  - B. Mobile homes accommodated do not exceed forty (40) feet in length.
  - C. Mobile Homes may be accommodated for no longer than three (3) consecutive months.
50. Right-of-Way – The entire dedicated tract or strip of land that is to be used by the public for circulation and service.
51. Sign Face – One-half (1/2) the potential or actual display surface of an outdoor advertising structure and the whole display surface of advertising structures mounted parallel with a building.
52. Secondary Sewage Treatment – A method of sewage treatment in which a minimum of 85 percent of the biochemical oxygen – consuming material is removed. (Also see disinfection.)
53. Set-Back – The distance extending across the full width or depth of the lot between the designated lot line and the nearest line or point of the building.
54. Special Use – A use allowed in the indicated zoning district only with permission by the County Commissioners. Permission for a special use may be granted or denied in accordance with the basic purposes and intent of this Resolution.
55. Street – Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way for the movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way.

56. Use by Right – A use which is listed as a use permitted by right in any given zone district in this Resolution. Uses permitted by right are not required to show need for their location.
57. Useable Open Space – (public or quasi-public.) Open area designed and developed for uses including, but not limited to, recreation, courts, gardens, parks, and walkways. The term shall not include space devoted to streets and parking and loading areas.
58. Width of Lot – The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest.
59. Wildlife Preserves – A property where sanctuary is provided for non-domesticated animals through protective restrictions.
60. Yard – An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
61. Yard – Front – A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the front lot line and the front of the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies, or open porch.
62. Yard - Rear – A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
63. Yards – Side – a yard between the main building and the sideline of the lot being the minimum horizontal distance between the building and the side yard line and extending from the front lot line to the rear yard line.

## SECTION 13

### SEPARABILITY CLAUSE

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

SECTION 14  
INTERPRETATION

14.1 Interpretation:

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

14.2 Conflict:

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



## SECTION 15

### REPEALS

All Zoning Resolutions of Logan County are hereby repealed. The repeal of any of the above-mention Resolutions does not revive any other Resolution or portion thereof repealed by said Resolution. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any Resolution repealed hereby for an offense committed prior to the repeal.

SECTION 16

ENACTMENT CLAUSE

Upon approval and adoption by the Board of County Commissioners of Logan County, a certified copy of this Resolution and of the Official Zoning Map shall be filed, according to law, in the office of the county Clerk and Recorder of the county of Logan. This Resolution shall become of full force and effect as of the date of its adoption, this being the 10<sup>th</sup> day of October, 1973.

Attest:

/s/ Mary Graves  
County Clerk and Recorder

of County Commissioners of Logan County:

Board

George H. Moore

/s/

C.N. "Bill" Williams

/s/

James R. Leh

/s/