Originally adopted by the
Board of
County Commissioners
of Jefferson County, Colorado
on May 6, 1946

This edition published on January 18, 2022
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INTRODUCTION TO THE ZONING RESOLUTION  
OF  
JEFFERSON COUNTY, COLORADO

Zoning provides for the orderly growth of communities through the designation of areas for each type of development such as residential, agricultural, commercial and industrial. All four types of activity are essential to the economy of an area, and yet it is not desirable for the enterprises which produce odors, noise, dust or smoke to be located in the midst of a heavily populated residential district. Zoning allows ample area for all activities while maintaining property values through the designation of specific areas for each.

The Jefferson County Planning Commission recognizes that community development is not a static matter. Therefore, in 1945, they undertook a complete revision of the Zoning Resolution and Map which was adopted in 1941. In cooperation with the Tri-County Planning Commission, the Jefferson County Planning Commission worked for eighteen months to rezone the County in a manner which recognized the changes which were occurring and to protect the owners of property in the County. The work was completed in the Spring of 1946; and on May 6, 1946, the Board of County Commissioners adopted the revised Zoning Resolution and Maps. To meet changing conditions, the Zoning Resolution of May 6, 1946, was amended on such numerous occasions as to require the adoption of a revised Zoning Resolution on June 2, 1958. The Zoning Resolution of June 2, 1958 has since been amended on the following dates.

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† April 1, 2014, expiration of a temporary amendment CC13-371

* On March 26, 2013, the Jefferson County Commissioners adopted revisions to the Zoning Resolution that significantly consolidated zone districts and reformatted uses and lot and building standards into charts. Because of the extent of changes, the following districts will not retain past amendment dates. The date of each chapter will start with "orig. 3-26-13."
Section 1 - Administrative Provisions

A. Purpose

This Zoning Resolution is enacted for the purpose of establishing land use regulations, procedures and restrictions for the promotion of the health, safety and welfare of the present and future inhabitants of Jefferson County. (orig. 5-6-46; am. 4-20-10; am. 5-21-19)

B. When Effective

This Zoning Resolution shall be in effect from and after its passage. (orig. 5-6-46)

C. Repeal

The Zoning Resolution is passed and adopted February 3, 1941, and all other Resolutions in conflict with the provisions of this Zoning Resolution are hereby repealed. (orig. 5-6-46; am. 12-17-02)

D. Validity

Should any section, clause, sentence or part of this Zoning Resolution be adjudged by any Court or competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the Zoning Resolution as a whole or any part thereof, other than the part so declared to be invalid. (orig. 5-6-46)

E. Violation and Penalty

1. Any person, firm partnership, joint venture, association or corporation violating any regulation of this Zoning Resolution shall be subject to the penalties provided in C.R.S. § 30-28-124 and 30-28-124.5. (orig. 5-6-46; am. 12-17-02; am 6-27-06; am. 10-13-09)

2. In case of a violation of this Zoning Resolution, the Board of County Commissioners, the County Attorney, or any owner of real estate in the zoned area may institute injunction proceedings to halt such violation. (orig. 5-6-46; am. 12-17-02)

F. Interpretation

1. In interpreting and applying the provisions of this Zoning Resolution, they shall be held to be the minimum requirements for the promotion of the health, safety and welfare. It is not intended by this Zoning Resolution to interfere with or abrogate or annul any easements, covenants or agreements between parties; provided however, that wherever this Zoning Resolution imposes a greater restriction upon the use of buildings or land or upon the location or height of buildings or structures or required larger open spaces about buildings than are imposed or required by other laws, resolutions or by easements, covenants or agreements between parties, the provisions of this Zoning Resolution shall govern. If there is a conflict between sections in this Zoning Resolution that were adopted at different times, the most recent amendment applies. (orig. 5-6-46; am. 12-17-02; am. 4-20-10)

2. When the term “Director of Planning and Zoning” is used in this Zoning Resolution it shall mean the Jefferson County Director of Planning and Zoning or his/her appointed designee. (orig. 3-3-15)

G. Zoning Maps

1. Adoption and Recording

The computer generated Zoning Maps, which together with this Zoning Resolution constitute the Zoning Plan of Jefferson County, as amended, are hereby declared to be the official Jefferson County Zoning Maps. The zone districts set forth on the Zoning Maps are hereby and herewith adopted and approved, except that in the case of a conflict between the zone district depicted on the Jefferson County Zoning Maps and the zone district adopted at a hearing pertaining to a particular parcel of property or shown in other official documents of Jefferson County, the latter shall control. Planning and Zoning shall maintain on file true and correct copies of all official Jefferson County Zoning Maps. This version of the zoning maps, as of the date of adoption, will be recorded with the Clerk and Recorder’s Office. (orig. 5-6-46; am. 11-14-55; am. 8-2-60; am. 7-10-79; am. 8-18-92; am. 3-28-00; am. 12-17-02; am. 4-27-04)

2. Zone District Designations

   a. Zone District Classification

      The zone district for any piece of property within the unincorporated area of the County is shown on the appropriate zoning map by a letter and/or number symbol corresponding to the appropriate zone
b. Subject to Platting (S.T.P.) or Subject to Conditions (S.T.C.)

(1) Where the zone district classification symbol is followed by the symbol "S.T.P.," the zone district shown thereon was approved by a Rezoning resolution subject to platting. No building permits will be issued until such time as said condition has been fulfilled. Said condition of platting is fulfilled upon the recordation of a plat approved by the Board of County Commissioners or upon the recordation of a Platting Exemption Agreement after approval of the exemption by the Board of County Commissioners. (orig. 7-10-79)

(2) Where the zone district classification symbol is followed by the symbol "S.T.C.," the zone district shown thereon was approved by a Rezoning resolution subject to conditions. No building permits will be issued until such time as said condition has been fulfilled. The Director of Planning and Zoning is hereby empowered to determine whether said condition(s) has (have) been fulfilled. Upon an adverse decision of said Director of Planning and Zoning, the aggrieved party may appeal the decision to the Board of Adjustment for review pursuant to the provisions of Board of Adjustment Section of this Zoning Resolution. (orig. 7-10-79; am. 12-17-02; am. 3-26-13; am. 3-3-15)

c. Rezoning Case Number

(1) The Rezoning case number, if any, shall appear on the map following the zone district classification symbol and any S.T.P. or S.T.C. designation. (orig. 7-10-79; am. 12-17-02)

(2) If no Rezoning case number appears following the zone district classification symbol, the zone district shown for that property is the original zoning on said property according to the official documents of Jefferson County. (orig. 7-10-79; am. 8-18-92)

3. Amendment of Zoning Maps

It shall be the responsibility of the Director of Planning and Zoning to keep, revise, and maintain the Jefferson County Zoning Maps. Revision shall be made upon the receipt of a certification of a zone district classification change from the Clerk to the Board of County Commissioners or upon determination by the Director of Planning and Zoning that there is an error in the official zoning maps, based on the official documents of Jefferson County. The Director of Planning and Zoning shall also revise said maps upon receipt of a certification by the County Clerk and Recorder that an approved Subdivision Plat or Platting Exemption Agreement has been recorded covering the subject property. The S.T.P. designation shall be removed upon such certification. The S.T.C. designation shall be removed upon certification of fulfillment of the condition(s) by the Director of Planning and Zoning. (orig. 7-10-79; am. 8-18-92; am. 12-17-02; am. 3-3-15)

4. Geologic Hazard (G-H) and Floodplain (F-P) Overlay Zone District Maps

The special floodplain study maps showing the boundaries of the various Floodplain Overlay Zone Districts as they have been adopted or as they may be adopted in connection with each Rezoning case which places all or a portion of the 100-year floodplain of any stream within the Flood Plain Overlay Zone District, and the special series maps showing the boundaries of the various Geologic Hazard Overlay Zone Districts, are hereby declared to be a part of the Zoning Plan of Jefferson County and are the official Zoning Maps of Jefferson County for purposes of the delineation of the aforementioned zone district boundaries. (orig. 7-10-79)

H. Applicability to Government Facilities

1. The uses and the lot and building standard provisions of this Resolution shall not apply to buildings, facilities or uses owned or operated by the government of the United States, unless a federal law or regulation requires such buildings, facilities or uses to comply with local zoning regulations. If a federal law or regulation requires such buildings, facilities or uses to comply with local zoning regulations, then that buildings, facilities or uses shall be reviewed pursuant to the Location and Extent process of this Resolution. (orig. 9-16-85; am. 4-20-10; am. 5-21-19)

2. The uses and the lot and building standard provisions of any recorded plat or exemption, and this Resolution, shall not apply to buildings, facilities or uses owned or operated by the State of Colorado or any political subdivision thereof, by a public utility (whether publicly or privately owned), or by the Jefferson County R-1 School District School (regular or charter), provided: (orig. 5-21-19)
a. No state or federal law, statute or regulation requires such buildings, facilities or uses to comply with local zoning regulations. (orig. 9-16-85)

b. Such buildings, facilities or uses have been reviewed pursuant to the provisions of Section 30-28-110(1), Section 22-32-124(1) or Section 22-32-124(1.5) C.R.S. or as amended. The review specified in this provision shall be accomplished by going through the County’s Location and Extent process. (orig. 9-16-85; am. 3-26-13; am. 5-21-19)

c. Such buildings, facilities or uses provide or fulfill a governmental (nonproprietary) function which the governmental owner/operator is legally authorized to provide. (orig. 9-16-85; am. 12-17-02)

d. Such building, facility or use has all applicable permits including but not limited to building, fence, sign, land disturbance, floodplain, telecommunication and miscellaneous permits required by this Resolution, unless such permits are not required by State Statute. (orig. 4-20-10; am. 5-21-19)

3. Subsequent Private Use

a. Where subsequent private use of buildings or facilities originally erected and used in compliance with the Location and Extent process, or previous Site Approval process, is substantially the same in nature as the prior governmental use, such subsequent use shall be considered a legal nonconforming use and shall be administered pursuant to the provisions of the Nonconforming Buildings, Structures, and Uses Section of this Resolution. (orig. 9-16-85; am. 3-26-13; am. 5-21-19)

b. The subsequent private use of buildings or facilities shall be governed by the underlying zoning. (orig. 5-21-19)

4. For purposes of Location and Extent, “lot and building standards” shall include architecture, landscaping, lighting, parking, signs and telecommunications design standards. (orig. 5-21-19)

I. Minor Variations

1. Minor variation(s) from strict application of the provisions of a zoning requirement may be allowed at the discretion of the Director of Planning and Zoning in order to facilitate the reasonable and expeditious processing of a development application. A minor variation may be granted for both onsite and offsite requirements for the following: Plats, Exemptions, Vacations, Minor Adjustments, Residential Structure Exclusions, Land Disturbance Permits, Floodplain Permits, Oil and Gas Production Drilling, and Site Development Plans. A minor variation may be granted for the offsite requirements of the following: Zonings, Special Uses or Site Approvals. Such variations shall be allowed only after a finding by the Director of Planning and Zoning that: (orig. 1-17-84; am. 6-14-88; am. 12-17-02; am. 5-20-08; am. 4-20-10; am. 12-21-10)

a. Such variation(s) does not constitute a substantial change to the permitted land use(s); and that (orig. 1-17-84)

b. No substantial detriment to the public good nor harm to the general purpose and intent of this Zoning Resolution will be caused thereby. (orig. 1-17-84)

2. Such variation(s) shall not constitute grounds for disapproval by the Board of County Commissioners of any Plat, Exemption, Rezoning or Special Use, unless the Board specifically finds that such variation(s) constitutes a substantial change in the permitted land use(s) or causes a substantial detriment to the public good or harm to the general purpose and intent of this Zoning Resolution. (orig. 1-17-84; am. 4-20-10)
Section 2 - General Provisions and Regulations

(Orig. 7-28-58; am. 2-6-84; am 7-1-03)

A. Amendment of Underlying Zones

Any amendment to any underlying conventional zone district, including the Planned Development Zone District, shall in no way supersede or except any existing or subsequently adopted overlay district. (Orig. 6-15-76)

B. Modification of Lots or Structures

No lot, or any structure thereon, shall be modified in any way which will not conform to the applicable zone district regulations, except:

1. Where the Board of Adjustment, within its authority, grants a variance; or (orig. 7-28-58)
2. Where the Director of Planning and Zoning grants an administrative exception; or (orig.7-17-18)
3. Where a portion of property has been acquired by an authorized public entity. (Orig. 7-28-58; am. 9-6-77)

C. Structures Per Lot

1. Every building shall be constructed and located on a single lot or combination of lots that have been merged, and no lot shall have more than 1 main building, except as otherwise provided by this Zoning Resolution. (Orig. 7-28-58; am. 9-6-77; am. 3-26-13)
2. One or more main non-residential or multi-family structures per lot are allowed pursuant to the requirements of the Land Development Regulation or the Policies and Procedures Manual. (Orig. 3-8-82; am. 6-14-88; am. 12-17-02)
3. Delineation of building envelopes is not required for accessory buildings, provided that all easements and applicable setbacks are observed. (Orig. 6-14-88)
4. No structure shall be placed on a zone district line where such line crosses any portion of a property except where both zone districts would allow the use, and where both zone districts have the same setback limitations. (Orig. 7-1-03)

D. Permit Requirements

1. Building Permit
   a. It shall be unlawful for any person, firm or corporation to erect, construct, reconstruct or structurally alter any building or other structure without first obtaining both of the following: (Orig. 5-6-46; am. 12-26-62; am. 9-6-77; am. 8-6-80; am. 5-3-94)
      (1) Zoning approval from Planning and Zoning including payment of a nonrefundable processing fee in an amount established by the Board of County Commissioners. (Orig. 5-3-94; am. 5-25-04; am. 5-20-08)
      (2) A Building Permit from Building Safety. (Orig. 5-3-94; am. 5-25-04)
   b. A Building Permit shall not be issued unless the lot or parcel is a proper division of land in accordance with Section 30-28-101(10) et. seq. C.R.S., as amended, unless it is the result of a process that has been exempted from the term “subdivision” and “subdivided land” by the Board of County Commissioners. (Orig. 4-20-10)
   c. A Building Permit shall not be issued unless the plans and the use conform to this Zoning Resolution and are approved by Planning and Zoning and Building Safety. (Orig. 5-6-46; am. 12-26-62; am. 9-6-77; am. 5-25-04; am. 5-20-08)
   d. A Building Permit shall not be issued for properties with the following situations:
      (1) Multiple, unmerged lots or parcels are utilized in order to meet minimum zoning requirements for lot size or the Public Health requirements at the time of permit application; (Orig. 6-15-04; am. 10-13-09; reloc. and am. 7-17-18)
      (2) Underlying setback(s) cannot be met from interior property line(s) and multiple lots are utilized as part of permit process; (Orig. 6-15-04; reloc. 7-17-18)
(3) A well is located on a separate lot or parcel where multiple lots or parcels are required to meet minimum zoning requirements at the time of permit application; (orig. 6-15-04; reloc. 7-17-18)

(4) An accessory structure proposed on an adjoining lot where the primary structure is located on a separate lot; or (orig. 6-15-04, am. 10-25-05; reloc. 7-17-18)

(5) An Onsite Wastewater Treatment System is located on a separate lot or parcel where multiple lots or parcels are used in combination to meet minimum zoning requirements at the time of permit application. (orig. 6-15-04; am. 10-25-05; reloc. 7-17-18)

e. Any building, structure or use which is not in compliance with the plans or use approved by Planning and Zoning shall constitute a violation of this Zoning Resolution. (orig. 6 14 88; am. 5-25-04; am. 5-20-08)

f. The owner, at the time of issuance of the Building Permit, and the person to whom the permit is issued shall be responsible for compliance with all setback requirements set forth in this Zoning Resolution for the building or structure covered by the permit. (orig. 9-6-77)

g. Effective January 1, 2019, Improvement Survey Plat/Improvement Location Certificate Requirements: (orig. 7-17-18)

   (1) An Improvement Survey Plat (ISP) shall be required as a submittal item for Building Permits for the following conditions: (orig. 7-17-18)

       (a) Lot size is less than 8,000 square feet in Plains areas or 1 acre in Mountain areas; or (orig. 7-17-18)

       (b) Proposed setbacks of 5 feet or less in Plains areas, or 10 feet or less in Mountain areas; or (orig. 7-17-18)

       (c) The proposed setback is less than 3 feet in Plains areas or 5 feet in Mountain areas from the required minimum setback for the applicable zone district; or (orig. 7-17-18)

       (d) Reduced setbacks for the proposed structure were approved by either the Director of Planning and Zoning, or the Board of Adjustment. (orig. 7-17-18)

   (2) For properties where the legal description is either (i) portions of platted lots, (ii) metes and bounds legal descriptions, or (iii) aliquot legal descriptions, a Land Survey Plat (LSP) shall be required as a submittal item. (orig. 7-17-18)

   (3) For all other conditions, an Improvement Location Certificate (ILC) shall be required as a submittal item for a Building Permit. (orig. 7-17-18)

   (4) The ILC/ILP/LSP must show the structure(s) on adjacent properties when the zone district specifies a minimum separation between buildings. (orig. 7-17-18)

h. Verification of Setbacks Requirements (orig. 7-17-18):

   (1) Effective January 1, 2019, a Setback Verification Form, certified by a registered surveyor, licensed in the State of Colorado, shall be submitted to Planning & Zoning upon completion of concrete/foundation form placement, and prior to placing the foundation for Building Permits under the following conditions: (orig. 7-17-18)

       (a) Where a planned setback for a detached accessory structure is less than 3 feet in the Plains areas or 5 feet in Mountain areas from the required setback for the applicable zone district; or (orig. 7-17-18)

       (b) Where a planned setback for an addition to a primary structure is less than 3 feet in the Plains areas or 5 feet in Mountain areas from the required setback for the applicable zone district; or (orig. 7-17-18)

       (c) Reduced setbacks for the proposed structure were approved by either the Director of Planning and Zoning, or the Board of Adjustment. (orig. 7-17-18)
(2) For Building Permits for new primary structures where a setback verification form is not required, and where a proposed setback is less than 3 feet in the Plains area or 5 feet in the Mountain areas from the required minimum setback for the applicable zone district, prior to the rough framing inspection, an Improvement Location Certificate, certified by a registered surveyor, licensed in the State of Colorado, shall be submitted to Planning & Zoning to verify that the required setbacks are being met. (orig. 7-17-18)

i. Fire Protection: A written statement from the appropriate fire protection district, indicating that the property, for which the Building Permit is applied for, is within the boundaries of the fire protection district. If the property is not located within a fire protection district, a written statement from a local government indicating that they will provide service to the property shall be required. (orig. 1-18-22)

j. Access Standards: Before any Building Permit for a new dwelling, commercial building, industrial building, or other main building, or to replace an existing dwelling, commercial building, industrial building, or other main building, or for additional space of 400 square feet or more, measured cumulatively, may be issued, the applicant must meet the access requirements listed below. These access standards shall be deemed to be general standards that supersede conflicting provisions in any Official Development Plan. (orig. 9-6-77; am. 12-5-95; am. 12-17-02; am. 5-20-08, am. 4-20-10)

(1) Right of Access: Evidence must be submitted demonstrating that the applicant has a right of access to a county, state or city maintained street/road. If the applicant’s property does not have direct access to a county, state or city maintained street/road, then the offsite portion of the access that connects to the county, state or city maintained street/road must be in conformance with one or more of the following: (orig. 12-5-95; am. 12-17-02; am. 7-1-03; am. 10-25-05; am. 5-20-08; am. 4-20-10)

(a) Right-of-way that has been dedicated and accepted by the county, the state or a city, but is not maintained by the county, the state or a city. (orig. 4-20-10)

(b) Right-of-way that has been dedicated to the county or the public, but has not been accepted by the county, and is not maintained by the county, the state or a city. (orig. 4-20-10)

(c) A recorded easement that gives the applicant a right of use. Planning and Zoning will review the access information provided by the applicant and information of public record, to determine the apparent right to use the access easement. Planning and Zoning is not making a legal determination as to the right of the use, only a determination that the access is sufficient for the issuance of a building permit. (orig. 4-20-10)

(d) A declared access from a recorded court decree that gives the applicant a right of use. (orig. 4-20-10)

(e) An existing access across privately owned property that has been declared a “road of record” by the Director of Planning and Zoning. The Director of Planning and Zoning’s determination of a “road of record” is a determination of an apparent right to use the access for the purpose of issuing the building permit, not a legal determination as to the right of use. The Director of Planning and Zoning may declare an access a “road of record” if it meets the following criteria: (orig. 4-20-10; am. 3-3-15)

(e-1) The access serving the parcel has been used for at least twenty (20) consecutive years. (orig. 4-20-10)

(e-2) The access does not cross property owned by a public entity or other entity over which prescriptive rights cannot be established. (orig. 4-20-10)

(e-3) The applicant has made a reasonable attempt to obtain an access easement or other acceptable legal right to use the access road and has been unsuccessful. (orig. 4-20-10)

(f) Any access right that is not identified above but is deemed sufficient by the County Attorney’s Office for the purpose of issuing a building permit. An example of when this provision may be used would be when an access crosses property that is owned by a public entity or other entity over which prescriptive rights cannot be established, and a letter of authorization for such access road is provided by such entity. (orig. 4-20-10)
(2) Right of Access Width: The right of access width must comply with the roadway standards of the Transportation Design and Construction Manual, or an alternative standard as approved by the fire protection district. (orig. 12-5-95; am. 12-17-02; am. 7-1-03; am. 10-25-05, am. 4-20-10; am. 11-24-15; am. 7-17-18)

(3) Physical Location of Access: The physical location of the access must closely align with the described limits of the right of access. If the right of access is based on a centerline description, then the centerline of the physical access shall be located along the centerline description. The evaluation of the physical location of the access shall be completed to a point where the street/road connects to a county, state or city maintained street/road. Planning and Zoning will review the physical location of the access based on documents provided by the applicant, information of public record and with the use of cartographic information. If necessary to locate and clarify access, a survey may be required. Planning and Zoning is not making a legal determination as to the location of the street/road with respect to the right of access. The provisions of this section do not apply if the right of access is a "road of record". The provisions of this section may be determined not to apply to an alternate right of access approved by the County Attorney’s Office. (orig. 4-20-10)

(4) Physical Standard of Access: The physical access must comply with the standards of the Transportation Design and Construction Manual. The evaluation of the physical access shall be completed to on-site and off-site to a point where the street/road or driveway connects to a county, state or city maintained street/road. The Transportation Design and Construction Manual standards for streets/roads and driveways is established based on the existing and potential use of the access system and does allow for alternate standards to be approved by the appropriate fire protection district. The fire protection district may require additional improvements such as fire sprinklers and cisterns as a condition of their approval of an alternate standard. If improvements are required based on this evaluation, then the following shall apply: (orig. 12-5-95; am. 6-18-02; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 4-20-10; am. 11-24-15)

(a) Design and construction compliance, through the appropriate county process, shall be required for those portions of the access that are located within county right-of-way, public right-of-way or on land under the control of the person or entity seeking the Building Permit, and for any additional requirements that the fire protection district may have as a condition for their approval of an alternate access standard. A Stop Work Order for a building permit may be issued for failure to construct the improvements required by this section in accordance with the approved plans. (orig. 12-5-95; am. 12-17-02; am. 10-25-05; am. 4-20-10)

(b) When design and construction compliance would involve construction on land that is not under the control of the person or entity for whom a Building Permit is sought, and is not located within county or public right-of-way, then the applicant shall submit a written advisory statement from the local fire protection district describing whether such portion of the private street/road and/or driveway is deemed acceptable for emergency vehicle use. If access is not deemed acceptable for emergency vehicle use by the Fire Protection District, the letter shall identify the improvements that the Fire Protection District believes are necessary for the access to be acceptable for emergency vehicle use. (orig. 5-20-08; am. 10-13-09; am. 4-20-10)

Should the Fire District deem the access not acceptable for emergency vehicle use, the applicant may choose to either: (orig. 5-20-08)

(b-1) Arrange to correct all access deficiencies and obtain a new advisory statement from the Fire Protection District stating that the access is acceptable for emergency vehicle use, or (orig. 5-20-08)

(b-2) Sign an affidavit of understanding, on a form provided by Planning and Zoning, stating that the applicant is aware that emergency services may be nonexistent, diminished, or slowed for the site and agreeing to indemnify, defend, save and hold the County, its agents and employees harmless from any claims, demands and liability resulting from or arising out of the construction, installation and use of the structures, devices or improvements by the Owner(s), their heirs, successors and
assigns. If the applicant chooses this option, then both the affidavit of understanding and the statement from the Fire Protection District shall be recorded with the Jefferson County Clerk and Recorder. (orig. 5-20-08; am. 4-20-10)

(5) Previous Review of Access: If the property for which the building permit is sought has gone through an approved Rezoning, Special Use, Plat, Exemption, Minor Adjustment, Site Development Plan, Grading Permit, or Notice of Intent subsequent to April 20, 2010, then the access verification that occurred during that process shall be deemed sufficient for the building permit process, unless the access being proposed for the building permit is not consistent with what was previously reviewed or the access standards of this section have been revised subsequent to the approval of the application. For Rezoning and Special Use applications, if the provisions of the Physical Standard of Access were not reviewed during the process, then those provisions must be satisfied prior to the issuance of the building permit. (orig. 4-20-10)

2. Fence Permit
   a. It shall be unlawful for any person, firm or corporation to erect or construct a fence above 42 inches in height without first obtaining a permit from Planning and Zoning. The permit shall be valid for one year, all work must be completed within this time frame or a new or renewal permit will be required. (orig. 8-6-80; am. 5-25-04; am. 5-20-08; am. 3-26-13)
   b. A nonrefundable processing fee in an amount established by the Board of County Commissioners will be charged for each permit issued. (orig. 8-6-80; am. 5 3 94)
   c. A noise barrier fence, maximum of 8 feet in height, may be constructed adjacent to right-of-way for an arterial or higher class street or road. (orig. 7-1-03; am. 7-17-18)
   d. It shall be unlawful for any person, firm or corporation to erect or construct a gate, regardless of height, across access that serves a parcel or parcels, a tract or tracts, or a lot or lots without first obtaining a permit from Planning and Zoning and approval from the appropriate Fire Protection District. The permit shall be valid for one year, all work must be completed within this time frame or a new or a renewal permit will be required. (orig. 11-24-15)
   e. Fences on corner lots must comply with vision clearance triangle requirements. (orig. 7-17-18)
   f. Fences more than 42 inches in height shall be permitted within the side-to-street setback, provided such fence is set back to the edge of the sidewalk, or at least 10 feet from the flowline of adjacent streets if no sidewalk exists. (orig. 7-17-18)
   g. Within the front setback, fences over 42 inches in height must be set back to the edge of the sidewalk, or at least 10 feet from the flowline of adjacent streets if no sidewalk exists, when the zoning allows such fences in the front setback. (orig. 7-17-18)
   h. Fences over 42 inches in height must maintain a 25’x25’ sight triangle for all driveways, both on-site and off-site, which is measured from the edge of driveway and the flowline of street/road. (orig. 7-17-18)

3. Miscellaneous Zoning Permit
   a. It shall be unlawful for any person, firm or corporation to erect, construct, reconstruct, structurally alter any building or structure, and/or commence any of the following activities without first obtaining a Miscellaneous Zoning Permit. The permit shall be valid for one year, all work must be completed within this time frame or a new or renewal permit will be required. Planning and Zoning may request documentation to ensure compliance with the regulations. (orig. 5-3-94; am. 3-28-00; am. 5-25-04; am. 5-20-08; am. 3-26-13)
      (1) Any structure not requiring a Building Permit, including but not limited to mini structures, entry features, gazebos, retaining walls over 36 inches in height, decks less than 30 inches in height, sheds, chicken coops, and beehives. (orig. 5-3-94; am 3-28-00; am. 12-17-02; am. 3-26-13)
      (2) Recreation facilities, including but not limited to tennis courts, swimming pools, playgrounds, and golf courses. (orig. 5-3-94; am. 7-17-18)
      (3) Broadcasting and receiving devices, including but not limited to private satellite dishes over 18 inches in diameter, television and/or radio towers, cellular towers, antenna, and ham radio towers. (orig. 5-3-94; am. 3-28-00; am. 12-17-02)
(4) Temporary structures not requiring a Building Permit, including but not limited to construction/sales and/or security trailers, temporary buildings and/or facilities, and mobile homes. (orig. 5-3-94)

(5) Temporary uses and/or structures, including but not limited to fireworks stands, Christmas tree sale lots, parking lot sales and seasonal produce and/or flower stands. (orig. 5-3-94; am. 3-28-00)

(6) Home occupations as outlined in the Home Occupations Section of this Zoning Resolution. (orig. 5-3-94; am. 3-26-13)

(7) Group living facility for more than 3 unrelated persons. (orig. 5-25-04)

b. A Miscellaneous Zoning Permit shall not be issued unless the plans and the use conform to the provisions of this Zoning Resolution. (orig. 5-3-94)

c. The owner, at the time of issuance of a Miscellaneous Zoning Permit, and the person to whom the permit is issued shall be responsible for compliance with all the requirements set forth in this Zoning Resolution for the building, structure and/or activity covered by the permit. (orig. 5-3-94; am. 12-17-02)

4. Short-Term Rental Permit

a. It shall be unlawful for any person, firm or corporation to operate a short-term rental without obtaining an approved Short-Term Rental Permit. In addition, the following criteria must be met before the issuance of a Short-Term Rental Permit: (orig. 1-1-12)

(1) The property owner shall notify each adjacent property owner in writing by certified mail of the name and contact information for the 24-hour local primary and secondary contacts. If such local contacts change, the property owner shall notify the adjacent property owners and the Jefferson County Planning and Zoning Division of the new local contacts’ information in writing by certified mail within five (5) business days of the change in local contacts. (orig. 1-1-12)

(2) The dwelling shall be equipped with operable smoke alarms, fire extinguishers and carbon monoxide alarms. An operable carbon monoxide alarm shall be installed within fifteen (15) feet of the entrance to each room used for sleeping purposes. The smoke alarms shall be installed pursuant to the current International Building Code as adopted by the Jefferson County Division of Building Safety. (orig. 1-1-12)

(3) The proposed short-term rental shall provide a minimum of one (1) off street parking spaces, plus one (1) additional space per sleeping room. (orig. 1-1-12)

(4) Proof of adequate water and sewer. (orig. 1-1-12)

(5) Legal access in conformance with the access requirements of this Zoning Resolution. (orig. 1-1-12)

(6) Proof of Fire Protection. (orig. 1-1-12)

(a) Outdoor fires using wood or charcoal for fuel are always prohibited. (orig. 1-1-12)

(7) The property owner shall provide a current sales tax license for the short-term rental issued by the Colorado Department of Revenue. (orig. 1-1-12)

b. A permit for a short-term rental shall be obtained within thirty (30) days following review by the Board of Adjustment for approval or renewal of a special exception to allow a short-term rental of a single-family dwelling. The review of the Short-Term Rental Permit application will include but is not limited to: failure to comply with any conditions set by the Board of Adjustment on approval of the special exception for short-term rentals, complaints received by the Sheriff’s Office for noise or improper parking, any active zoning violations or other impacts that cause the short-term rental to become incompatible with the surrounding land uses. (orig. 1-1-12)

c. The owner at the time of issuance of a short-term rental permit and the person to whom the permit is issued shall be responsible for compliance with all the requirements set forth in this Zoning Resolution for the building, structure and/or activity covered by the permit. (orig. 1-1-12)

d. Once the short-term rental permit has been issued, the owner shall provide all rental dates to the Jefferson County Planning & Zoning Division. In turn, Planning & Zoning shall provide this
information to the Jefferson County Assessor and the Colorado Department of Revenue. This report shall be filed quarterly. (orig. 1-1-12)

e. The property owner shall post the 24-hour local contact information as well as the Short-Term Renter Good Neighbor Brochure as created by the Planning and Zoning Division at a prominent location within the structure. In addition, the property owner shall provide each renter with a copy of the brochure at the time of occupancy. (orig. 1-1-12)

f. The County may revoke a Short-Term Rental Permit at any time for failure to comply with the provisions of this Zoning Resolution concerning short-term rentals and/or confirmed violation(s) of any federal, state, or local law, ordinance, or regulation. The decision of the County to revoke a Short-Term Rental Permit may be appealed to the Board of Adjustment. No short-term rental of the subject property may occur while an appeal is pending. (orig. 1-1-12)

5. Setback Criteria from Streets/Roads: Setbacks shall be measured from the private access easements, easements associated with public street/road templates set forth in the Jefferson County Transportation Design and Construction Manual or flow line/edge of pavement of public and private streets or roads, except where Planning and Zoning finds that the private access easement functions as a shared driveway, based upon criteria including the following: (orig. 3-15-82; am. 12-17-02; am. 5-20-08; am. 10-13-09; am. 3-3-15; am. 11-24-15; am. 7-17-18)
   a. Estimated current or projected average daily traffic (ADT); (orig. 3-15-82; am.10-13-09)
   b. Design and topography; (orig. 3-15-82)
   c. Providing connection between thoroughfares. (orig. 3-15-82)
   d. Number of properties served by the easement. (orig. 7-17-18)
In the event the private access easement is determined to be functionally equivalent to a shared driveway, a minimum setback from the access easement of five (5) feet shall apply. (orig. 7-17-18)

6. General Setback Criteria:
   a. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, and fireplaces may protrude 24 inches into the setback. Underground counterforts and window wells may protrude into setbacks. (am. 7-17-18)
   b. The placement of improvements on any such zoned property may be further restricted by plat notes approved by the Board of County Commissioners in conjunction with an approved Plat, Exemption from Platting, or other process subject to the Land Development Regulations. (reloc. 7-17-18)

E. Zone District Boundaries
For purposes of determining zone district boundaries after vacation of a right of way dedicated or deeded to the County, the zoning applicable to the property abutting on either side of the right of way shall, after vacation, be deemed to extend to the centerline of such vacated right of way. (orig. 9-6-77)

F. Street/Road Setbacks
For purposes of measuring front, side and rear setbacks, all measurements shall be measured from the future right of way line when the street or road is designated on the “County Major Thoroughfare Plan”. (orig. 7-28-58; am. 9-6-77; am. 12-17-02; am. 10-13-09)

G. Front Yard
1. On a through lot, the front yard requirements of the applicable zone district shall apply to each lot line fronting on a street. (orig. 5-6-46; am. 9-6-77)
2. Regardless of the location of, or the direction that any structure faces and regardless of where the main entryway into the structure is located, the front lot line of a lot shall be as indicated on the subdivision plat or if not shown on a Subdivision Plat, it shall be determined by the main route of access into the property. (orig. 7-28-58; am. 9-6-77; am. 12-17-02)
3. Every part of the required front yard shall be open and unobstructed from its lowest point to the sky, except for landscaping and fencing not prohibited by the appropriate Section of this Zoning Resolution; and except for entry features with a minimum 14-foot height clearance. (orig. 5-6-46; am. 12-26-62; am. 9-6-77; am. 8-6-80; am. 12-17-02; am 7-17-18)
H. Side Yard

Every part of the required side yard shall be open and unobstructed from its lowest point to the sky, except for landscaping, accessories such as clothes lines, swing sets up to 8 feet in height and fencing not prohibited by the appropriate Section of this Zoning Resolution. (orig. 5-6-46; am. 9-6-77; am. 8-6-80; am. 12-17-02)

I. Rear Yard

Every part of the required rear yard shall be open and unobstructed from its lowest point to the sky, except for landscaping and accessories such as clothes lines, swing sets up to 8 feet in height and fencing not prohibited by the appropriate Section of this Zoning Resolution. (orig. 5-6-46; am. 9-6-77; am. 8-6-80; am. 12-17-02)

J. Rubbish

The outdoor storage of rubbish is prohibited unless expressly allowed by the applicable zone district. (orig. 5-20-08)

K. Height Regulation

1. The height limitations established for each zone district shall apply to flagpoles; and radio, television, or microwave towers (including antennas), except as otherwise provided within this section. Noncommercial antenna installations for home use of radio or television are excluded. (orig. 6-14-88; am. 6-7-94; am. 12-17-02; am. 4-20-10)

2. The height limitations established for any zone district, except Planned Development, shall not apply to chimneys, stacks, water towers, grain elevators, silos, elevators, monuments, dome spires, belfries, hangars and accessory symbols of government, religious, fraternal, and civic organizations when attached to the respective building. (orig. 5-6-46; am. 9-6-77; am. 6 14 88; am. 4-20-10)

L. Dangerous and/or Wild Animals

1. Notwithstanding any other provision of this Zoning Resolution and except as provided in paragraphs L.2. and L.3. below, no person shall own, possess, harbor, maintain or keep any of the following species of animals, other than wildlife in existing natural habitat, on any property within any zone district (other than as specified in the Agricultural-Two (A-2) and Agricultural Thirty-Five (A-35) Zone Districts) in the unincorporated area of Jefferson County. The restrictions within this section apply to the A-2 and A-35 Zone Districts, when the property is at least 10 acres in size, and the keeping of dangerous and wild animals is done in accordance with an approved Special Use. (orig. 8-1-78; am. 3-28-00; am. 12-17-02; am. 3-26-13)

   a. Poisonous reptiles, species of nonpoisonous snakes which ordinarily grow to more than 6 feet in length when mature, and lizards belonging to the family Varanidae; (orig. 8-1-78)

   b. Crocodilians; (orig. 8-1-78)

   c. All species of non-human mammals except the following: (orig. 8-1-78)

      (1) Domestic cat (Felis catus); (orig. 8-1-78)
      (2) Chinchilla (Chinchilla laniger); (orig. 8-1-78)
      (3) Domestic dog (Canis familiaris); (orig. 8-1-78)
      (4) Domestic ferret (Mustela putoris furo); (orig. 8-1-78)
      (5) Mongolian gerbil (Meriones unguicularis); (orig. 8-1-78)
      (6) Guinea pig (Cavia porcellus); (orig. 8-1-78)
      (7) Hamster (Mesocricetus auratus); (orig. 8-1-78)
      (8) Domestic laboratory mouse (Mus domesticus); (orig. 8-1-78)
      (9) Domestic rabbit (Oryctolagus cuniculus); (orig. 8-1-78)
      (10) Domestic laboratory rat (Rattus rattus albino strain); (orig. 8-1-78)
      (11) Squirrel monkey (Saimiri seinrous); (orig. 8-1-78)
      (12) Owl monkey (Aotus trivirgatus); (orig. 8-1-78)
      (13) Woolly monkey (Lagothrix lagothrica); (orig. 8-1-78)
2. For any property zoned Agricultural-Two (A-2) and Agricultural Thirty-Five (A-35), the owner thereof shall receive Special Use approval in order to be permitted to own, possess, harbor, maintain or keep any one or more animals of the species listed in paragraph L.1. above, where the ownership, possession, harboring, maintenance or keeping of such animal(s) is necessary to a use which is otherwise in compliance with the applicable zone district regulations and is specifically for one of the following purposes: (orig. 8-1-78; am. 12-17-02; am. 3-26-13)
   a. To be used for scientific research or for production of scientific or commercial supplies or as breeding stock in connection with a business or other commercial operation or research facility established as a use upon the premises; or (orig. 8-1-78)
   b. To be used for purposes of public commercial exhibition, whether as a profit or nonprofit operation, such as a permanent zoological gardens or a temporary or traveling menagerie, circus, rodeo or livestock show. (orig. 8-1-78)

3. For any property zoned Agricultural-Two (A-2) and Agricultural Thirty-Five (A-35), the owner thereof shall receive Special Use approval in order to be permitted to own, possess, harbor, maintain or keep any one or more animals of the species prohibited under paragraph L.1. above, where the applicant demonstrates a special interest and competency in caring for such an animal or animals, and where the applicant demonstrates to the satisfaction of the Planning Commission and the Board of County Commissioners that the health, safety and welfare of humans and domestic animals in the area and of the general public is adequately safeguarded. (orig. 8-1-78; am. 12-17-02; am. 3-26-13)

4. The application for a Special Use under paragraphs: L.2. and L.3. above, shall be made to the Planning Commission. If approved by the Planning Commission, the application shall proceed to the Board of County Commissioners, which must also approve the application for the Special Use to be permitted. (orig. 8-1-78; am. 12-17-02)

5. One criterion relevant to the determination of whether to approve the Special Use shall be the agreement by the applicant that proposed facilities for the keeping of such animal(s) will be constructed and maintained in accordance with the requirements of the Colorado Division of Wildlife. (orig. 8-1-78)

As a condition of the continued validity of any Special Use granted under paragraphs L.2 and L.3 above, the applicant must at all times ensure that adequate safeguards for the health and security of both the animal(s) and humans and domestic animals in its (their) vicinity are provided, and must at all times be in compliance with all rules and regulations of the Colorado Division of Wildlife, including permit requirements; and, in addition, the applicant must at all times keep the animal(s) securely locked in the facilities approved by the Colorado Division of Wildlife which provide such adequate safeguards. (orig. 8-1-78)

M. Sexually Oriented Businesses

1. No person may operate or cause to be operated a sexually oriented business within 1,000 feet of any of the following, whether the use or zone district listed below is unincorporated Jefferson County, an adjacent county, or within an incorporated municipality. (orig. 7-8-97)
   a. A Religious Assembly. (orig. 7-8-97; am. 3-26-13)
   b. A school meeting all requirements of the compulsory education laws of the state. (orig. 7-8-97)
   c. The boundary of any zone district in which one of the primary uses is residential. (orig. 7-8-97)
   d. A dwelling unit (single or multiple). (orig. 7-8-97)
   e. A public park. (orig. 7-8-97)
   f. A licensed childcare center. (orig. 7-8-97)
   g. An establishment holding a liquor license. (orig. 7-8-97)
2. No person may operate or cause to be operated a sexually oriented business within 1,000 feet of another sexually oriented business. (orig. 7-8-97)

3. No person may cause or permit the operation, establishment, or maintenance of more than one sexually oriented business within the same building or structure or portion thereof, such as in a shopping center. A sexually oriented business may include one or more types of sexually oriented business provided it has one address and is operated as a single business entity that has one sales tax license number. (orig. 7-8-97)

4. For the purposes of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, streets, or political boundaries, from the closest exterior structural wall of each business. (orig. 7-8-97)

5. For purposes of this section, the distance between any sexually oriented business and any Religious Assembly, school, child care center, public park, establishment holding a liquor license, dwelling unit (single or multiple) or residential zone district shall be measured in a straight line, without regard to intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which the sexually oriented business is located to the nearest property line of the premises of a Religious Assembly, school, child care center, an establishment holding a liquor license, or dwelling unit (single or multiple), or the nearest boundary of an affected public park or residential zone district, whichever is closest. (orig. 7-8-97; am. 3-26-13)

6. If two or more sexually oriented businesses are within 1,000 feet of one another and are otherwise in a permissible location, the sexually oriented business which was first established and continually operating at its particular location will be deemed to be in compliance with this Zoning Resolution and the later established business(es) will be deemed to be in violation of this Zoning Resolution. (orig. 7-8-97; am. 12-17-02)

7. A sexually oriented business lawfully operating is not rendered in violation of this Zoning Resolution by the subsequent location of a Religious Assembly, school, childcare center, dwelling unit (single or multiple), public park, establishment holding a liquor license, or residential zone district within 1,000 feet of the sexually oriented business. (orig. 7-8-97; 12-17-02; am. 3-26-13)

8. All sexually oriented business shall blacken their windows or arrange the business so that the interior of the business and its stock in trade cannot be viewed from the exterior of the business. (orig. 7-8-97)

N. Bars and Taverns

1. No establishment holding a liquor license may operate within 1000 feet of a sexually oriented business. (orig. 7-8-97)

2. For purposes of this section, the distance between any sexually oriented business and any establishment holding a liquor license shall be measured in a straight line, without regard to intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which the sexually oriented business is located to the nearest property line of the premises of an establishment holding a liquor license. (orig. 7-8-97)

O. Rural Cluster

Permitted uses, lot and building standards, and general requirements for specific zone districts may differ from the standards specified in this Zoning Resolution for applications undergoing a rural cluster land division. When the regulations of the rural cluster process, as contained in the Land Development Regulation, conflict with any provision of this Zoning Resolution, the provision of the rural cluster process shall control. (orig. 10-13-98; am. 12-17-02)

P. Marijuana

1. Private Marijuana Clubs are prohibited in all zone districts as principal or accessory uses, regardless of whether any such use is operated for profit or not for profit. (orig. 4-14-14)

2. Cultivation or processing of marijuana is only allowed in an enclosed, locked structure located on a residential property which constitutes the primary residence of the cultivator/processor, and only for personal use of the cultivator/processor. No more than 6 plants may be grown on each residential property for each registered medical marijuana patient or adult age 21 or older, and in no case may more than 12 plants be grown on a residential property. Nothing in this section shall be construed to prohibit the
cultivation or processing of medical marijuana by a primary caregiver for his or her patients, provided that
any such primary caregiver does not exceed the limitations on number of plants set forth in this section
and is growing the plants in accordance with applicable provisions of Article XVIII, Section 14 of the
Colorado Constitution; C.R.S. § 25-1.5-106, as amended; and any applicable rules promulgated under
state law. (orig. 4-14-14)
Section 3 - Notification

A. Intent and Purpose
The purpose of this section is to specify the notification requirements and procedures for various applications. The notification requirements are intended to keep property owners and registered associations informed of proposed development activities in Jefferson County. (orig. 10-25-05; am. 10-13-09)

B. Application
1. Specific notification requirements for various applications are identified in the table below. These notification requirements include Community Mailing, Sign Posting and Newspaper Publication. If an application type is not listed below, then the notification requirements for that application are either listed in that application’s process requirements or notification is not required. Reference the criteria section below for a description of the levels described in the notification table. (orig. 10-13-09; am 4-20-10; am. 8-27-13; am 3-29-16; am. 07-17-18; am. 5-21-19)

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Community Meeting</th>
<th>1st Referral</th>
<th>Prior to Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Community Mailing</td>
<td>Sign Posting</td>
<td>Community Mailing</td>
</tr>
<tr>
<td>Rezoning</td>
<td>Level 1</td>
<td>Level 1</td>
<td>Level 1</td>
</tr>
<tr>
<td>Special Use</td>
<td>Level 1</td>
<td>Level 1</td>
<td>Level 1</td>
</tr>
<tr>
<td>Location and Extent**</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Site Development Plan</td>
<td>N/A</td>
<td>N/A</td>
<td>Level 2</td>
</tr>
<tr>
<td>Grading Permit</td>
<td>N/A</td>
<td>N/A</td>
<td>Level 2</td>
</tr>
<tr>
<td>Floodplain Development Permit***</td>
<td>N/A</td>
<td>N/A</td>
<td>Level 2</td>
</tr>
<tr>
<td>Administrative Exception</td>
<td>N/A</td>
<td>N/A</td>
<td>Level 2</td>
</tr>
<tr>
<td>Variance &amp; Special Exceptions (BOA)</td>
<td>N/A</td>
<td>N/A</td>
<td>Level 2</td>
</tr>
</tbody>
</table>

* The applicant shall reimburse the County for postage and materials. (orig. 5-21-19)

** The typical notification is Level 1 as indicated, however, for linear projects, such as utility extensions, Planning and Zoning may change the Community Mailing to Level 2, and only require sign posting at locations where the linear project crosses streets/roads. (orig. 5-21-19)

Planning and Zoning may reduce the notification area if the proposed Location and Extent is on a parcel greater than 10 acres, and the impacted area is expected to be limited to a specific, smaller project area. For example, a fence being proposed along one side of a large Open Space property, the notification could be limited to those properties on the affected side of the Open Space project. (orig. 5-21-19)

*** Notification requirements are only applied to Floodplain Development Permits that include an alteration of a watercourse. (orig. 8-27-13)

2. If any one of the following occurs during the hearing process, the applicant will be required to provide additional notification in accordance with the “Prior to Hearing” notification requirements in the table above. (orig. 12-21-10)
   a. The application has been continued, but a hearing date has not been specified in the continuance. (orig. 12-21-10)
   b. The application has been in the hearing process for more than 6 months without a final determination. Under this circumstance, the additional notification will serve to reset the clock for an additional 6 months. (orig. 12-21-10)
   c. The application is remanded back to the Planning Commission by the Board of County Commissioners. (orig. 12-21-10)
   d. The application needs to return to hearing in order to effect a change to the application. This provision will not apply if the change is determined to be a non-substantial change as discussed below, however the notification described in the provision below still apply. (orig. 12-21-10)

3. If an application has been approved in a public hearing and needs to return to hearing to effect a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed to hearing without notification in
accordance with this section; provided, however any notification specifically required by the Colorado Revised Statutes is still completed for such hearing. (orig. 4-20-10; am. 12-21-10)

C. Criteria

1. Community Mailing: Community mailing requirements fall into two (2) levels.
   a. Level 1 requires notices to be sent to property owners and registered associations within a specified radius based on whether the proposed development is in the Mountains or Plains as defined in the Definition Section of this Regulation. (orig. 10-13-09; am 4-20-10)
      
      (1) The following table shows the Notification Radius of the Mountains and Plains. The notification area will be measured from the exterior boundary of the proposed development. (orig. 10-25-05; am. 10-13-09)

      | Registered Associations | Mountains          | Plains          |
      |-------------------------|-------------------|-----------------|
      | Individual Property     | Two (2) miles     | One (1) mile    |
      | Owners                  | 1,320 feet (1/4 mile) | 500 feet |

   b. Level 2 requires notices to be sent to adjoining property owners and those property owners immediately across from the property along an adjoining right-of-way of major collector street/road or lower as identified in the Major Thoroughfare Plan. For this Regulation adjoining will mean a property that shares any length of common boundary with the applicant’s property. In addition, if it is determined that the proposed development is on property that is located within a property owners’ association, or other similar entity, then notice will also be sent to that entity. The Case Manager may require additional notices to be sent if in the opinion of the Case Manager the development activity may have impacts to other properties. (orig. 10-13-09; am 07-17-18)

2. Sign Posting: Sign posting requirements fall into two (2) levels:
   a. Level 1 requires a minimum of one (1) sign to be posted on each boundary of the property having frontage on either a public or private street/road. The provision for posting along public streets/roads shall not apply to freeways, unless the freeway has a frontage road on which the requirements will apply. For this Regulation, freeways shall be identified as I-70, US-285, SH-58, C-470, and US-6 east of its intersection with I-70. If the frontage on a public or private street/road is greater than 500 feet, then additional sign(s) will be required in accordance with the table below. The maximum number of signs required to be posted along public or private streets/roads shall be six (6). If the number of signs calculated for posting exceeds six (6), then the required signs will be spaced along the street/road frontage as deemed appropriate by the Case Manager. If the property does not have any street/road frontage at the time of posting, then a minimum of one (1) sign must be posted on the property at the location most visible to the general public. If the Case Manager determines that the signs required to be posted on the property would not be readily seen by the general public, then he/she may require the posting of off-site signs, in the number and location deemed appropriate. (orig. 10-13-09; am 4-20-10; am 07-17-18)

<table>
<thead>
<tr>
<th>Sign requirements for frontage along public or private streets/roads</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of Frontage (feet)</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>0 to 500</td>
</tr>
<tr>
<td>501 to 1000</td>
</tr>
<tr>
<td>1001 to 1500</td>
</tr>
<tr>
<td>1501 to 2000</td>
</tr>
<tr>
<td>2001 to 2500</td>
</tr>
<tr>
<td>Greater than 2500</td>
</tr>
</tbody>
</table>

   b. Level 2 requires one (1) sign to be posted on the property at a location most visible to the general public. If the Case Manager determines that the sign required to be posted on the property would not be readily seen by the general public, then he/she may require the posting of off-site signs, in the number and location deemed appropriate. (orig. 10-13-09; am 4-20-10)

3. Newspaper Publication: Newspaper publication is a notification requirement where notice of a hearing is published in one publication of a newspaper of general circulation in the County. (orig. 10-13-09)

D. Procedure

1. Community Mailings: Notification letters shall be mailed in accordance with the following:
   a. Community Mailings at the time of 1st Referral shall be mailed at the time the case is sent out on the 1st Referral. (orig. 10-13-09; am 4-20-10; am. 07-17-18)
b. Community Mailings prior to a Community Meeting or hearing shall be mailed at least 14 calendar
days prior to the Community Meeting or the first scheduled hearing. (orig. 10-13-09; am. 07-17-18)

c. General Requirements:
   (1) The Case Manager shall notify registered associations and/or individual property owners that
       are required to be notified. (orig. 4-4-06; am 07-17-18)

2. Sign Posting: Sign posting shall be completed in accordance with the following requirements.
   a. Sign posting at the time of 1st Referral: The sign(s) will be given to the applicant when the case is
      sent out on the 1st Referral. It is the applicant’s responsibility to post the sign(s) on the property
      within 4 calendar days from the date on which the application was sent out on the 1st Referral. The
      applicant shall take every reasonable effort to keep the sign(s) posted on the property until a
      determination has been made on the application. The signs shall be removed from the property within
      7 calendar days after the final determination. (orig. 10-13-09; am. 4-20-10; am. 12-21-10)
   b. Sign posting at the time of Community Meeting or hearing:
      (1) Community Meeting: The sign(s) will be given to the applicant approximately 19 calendar days
          prior to the Community Meeting. It is the applicant’s responsibility to post the sign(s) on the
          property a minimum of 14 calendar days prior to the meeting. The applicant shall take every
          reasonable effort to keep the sign(s) posted on the property until the Community Meeting has
          been completed. The signs shall be removed from the property within 7 calendar days after the
          Community Meeting. (orig. 10-13-09; am. 12-21-10)
      (2) Hearing: The sign(s) will be given to the applicant approximately 19 calendar days prior to the
          first scheduled hearing. It is the applicant’s responsibility to post the sign(s) on the property a
          minimum of 14 calendar days prior to the first hearing. The applicant shall keep the sign(s)
          posted on the property until 7 days after the application is approved, conditionally approved or
          denied at the final hearing for the application. (orig. 10-13-09; am. 12-21-10; am 07-17-18)
   c. General Requirements:
      (1) The Case Manager shall provide the applicant:
         (a) A map indicating where the signs shall be posted; (orig. 10-13-09)
         (b) the completed signs; (orig. 10-13-09)
         (c) instructions on how to post the signs; and (orig. 10-13-09)
         (d) a blank posting affidavit form. (orig. 10-13-09)
      (2) The applicant shall:
         (a) Post the sign(s) on the property in accordance to the location map and instructions; and
             (orig. 10-13-09)
         (b) Return the completed posting affidavit and a photograph(s) of the posted sign(s) to the
             Case Manager indicating that the sign(s) were posted upon the subject property in
             accordance with the requirements. (orig. 10-13-09; am 07-17-18)

3. Newspaper Publication: Planning and Zoning shall publish notice of the hearing before the Board of
   County Commissioners in one publication of a newspaper of general circulation in the County. The notice
   shall be published at least 14 calendar days prior to the Board of County Commissioners Hearing. (orig.
   10-13-09)
Section 4 - Pre-Application Review Process

A. Intent and Purpose
The Pre-Application Review Process was created to provide applicants with a quick review of development proposals based on very limited information. The review by Staff is intended to provide the type of information that will assist an applicant in making key decisions about the development proposal prior to making application. The Pre-Application Review Process will also assist the applicant in gaining a more thorough understanding of the County’s process and issues relative to the land use request. (orig. 2-22-00, am. 10-25-05; am. 4-20-10)

B. Application
The Pre-Application Review Process is optional and may be used before applying for any process. (orig. 2-22-00, am. 10-25-05)

C. Procedure
1. The applicant must submit a complete Pre-Application package to Planning and Zoning. Planning and Zoning will schedule a date and time for the Pre Application Review Meeting. (orig. 2-22-00; a.m. 4-27-04, am. 10-25-05; am. 5-20-08)
2. Staff will send the information submitted by the applicant to a select few referral agencies in order to obtain the type of information that will be of most benefit to the applicant. (orig. 4-20-10)
3. The Pre-Application Review Meeting will begin with a description by the applicant of what is being requested. The Case Manager and other county staff will present their comments and findings, as well as request any additional information that may be required. Issues that need to be resolved prior to application submittal will also be identified. (orig. 2-22-00, am. 10-25-05)
4. After the Pre-Application Meeting, Staff will provide written comments outlining the key issues that must be addressed as a part of the application submittal. (orig. 2-22-00, am. 10-25-05; am. 4-20-10)

D. Submittal Requirements
The following shall be the minimum information required in order to schedule the Pre-Application Meeting. The number of copies of each document that will need to be submitted for review is identified in the Pre-Application Guide available in Planning and Zoning. (am. 4-20-10)

1. Cover Letter: The cover letter shall include the name, address and phone number of the property owner(s), the applicant(s) or any appointed representative. The letter should include a clear, concise description of the proposal, including the proposed uses. It should also address following key items related to the proposed development: (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 4-20-10)
   a. Access (orig. 4-20-10)
   b. Water (orig. 4-20-10)
   c. Sanitation (orig. 4-20-10)
2. Vicinity Map: The vicinity map showing the location of the property involved in the request. (orig. 2-22-00; am. 10-25-05)
3. Site Plan: A site plan drawn to scale, including the following information: (orig. 2-22-02; am. 10-25-05; am. 4-4-06; am. 4-20-10)
   a. Scale (orig. 4-20-10)
   b. North Arrow (orig. 4-20-10)
   c. Existing and proposed lot lines (orig. 4-20-10)
   d. Streets/Roads: The proposed and existing streets/roads (orig. 4-20-10)
   e. Access Points: Location of existing and proposed access points (orig. 4-20-10)
   f. Structures: Location and size of existing structures (orig. 4-20-10)
   g. Use Areas: Proposed use areas if the proposal is for a multi-use Planned Development rezoning.
h. Any additional information that may aid in the review of the proposal. (orig. 4-20-10)

4. Written Restrictions: Written restrictions if the proposal is for a Planned Development rezoning (orig. 12-17-02; am. 10-25-05; am. 4-20-10)

5. Proof of Ownership: A copy of the deed which the owner holds for the property or a current title commitment or policy. (orig. 7-11-95; am. 10-25-05; am. 4-20-10)

6. Owner Acknowledgement: Written verification from the property owner indicating they are aware of the pre-application submittal. If this verification is not provided by the applicant, the owner of the property will be informed of the pre-application by certified mail. (orig. 07-17-18)

7. Proof of Access: Information shall be submitted for review that is intended to prove access for the proposed development in accordance with the Submittal Requirements Section. (orig. 2-22-00; am. 10-25-05; am. 4-20-10)

8. Additional Documentation: The applicant should provide any additional information that they believe would aid in the review of the Pre-Application, such as proof of water, proof of sewer and proof of fire protection. (orig. 2-22-00; am. 10-25-05; am. 4-20-10)
Section 5 - Community Meeting Process

A. Intent and Purpose
The purpose of the Community Meeting is to inform the public of a possible land use change. The Community Meeting will provide the applicant the opportunity to answer any community concerns and solicit input about the proposal to achieve the best possible results. (orig. 2-22-00; am. 10-25-05)

B. Application
The Community Meeting requirement shall apply to Rezoning and Special Use applications. (orig. 2-22-00; am. 10-25-05)

C. Procedure
1. The Community Meeting must occur prior to formal submittal of the application and after the Pre-Application Review Meeting, if one was held. (orig. 10-25-05)

2. The applicant shall arrange the date, time and location for the Community Meeting. The applicant shall coordinate with the Case Manager at least 21 calendar days prior to the Community Meeting. Community Meetings shall be scheduled for Monday through Thursday evenings, and shall start no earlier than 5:30pm and no later than 7:00pm. Community Meetings shall be held at a location that is coordinated with the Case Manager. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-21-19)

3. Notification is required in accordance with the Notification Section. (orig. 10-25-05; am. 4-4-06; am. 10-13-09)

4. Community Meeting: The applicant shall present their request to the attendees at the Community Meeting, and the applicant shall facilitate the meeting. The Case Manager may attend the Community Meeting and may provide information to the attendees regarding County regulations. The applicant may desire to revise the application to respond to expressed concerns, prior to formal submittal. (orig. 2-22-00; am. 12-17-02; am. 10-25-05)

5. If a formal application has not been submitted within 1 year of the Community Meeting, the applicant will be required to hold a new Community Meeting prior to making the application. (orig. 5-21-19)

6. If a Community Meeting is canceled because of inclement weather or another circumstance, then the applicant will be required to hold a new Community Meeting prior to making the application. (orig. 5-21-19)

D. Community Meeting Waiver
A written request to waive the Community Meeting requirement may be submitted to the Director of Planning and Zoning. The request to waive the Community Meeting requirement must include the reason(s) why relief from this requirement should be granted. Waiver requests may be approved at the discretion of the Director of Planning and Zoning prior to formal submittal of the Rezoning or Special Use application. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)
Section 6 - Rezoning and Special Use Process

(Orig. 5-21-19)

A. Intent and Purpose
This process was created to move projects through the review and approval process as quickly as possible. The process outlines time frames and expectations that provide the applicant with a clear understanding of the steps involved prior to being scheduled for hearing before the Planning Commission and the Board of County Commissioners. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. (Orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 12-21-10)

B. Application
1. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (Orig. 5-20-08)
2. The following procedure, requirements and criteria shall apply to Rezoning applications. (Orig. 10-25-05)
3. Notification is required in accordance with the Notification Section. (Orig. 10-13-09)

C. Procedure
If the applicant complies with all given time frames, submits a complete application and complies with all requirements of the regulation, the estimated time to reach the public hearing phase of the process is 106 calendar days from the date of the 1st Referral. (Orig. 10-25-05; am. 4-4-06; am. 5-20-08; am. 10-13-09; am. 07-17-18)

<table>
<thead>
<tr>
<th>Process Steps</th>
<th>Processing Time Frames</th>
</tr>
</thead>
<tbody>
<tr>
<td>Optional Pre-Application Review Process or Meeting with Staff</td>
<td>Prior to Process</td>
</tr>
<tr>
<td>Community Meeting</td>
<td></td>
</tr>
<tr>
<td>Steps prior to 1st Referral</td>
<td></td>
</tr>
<tr>
<td>Sufficiency Review and Referral Distribution or deficiency response</td>
<td>7 calendar days</td>
</tr>
<tr>
<td>Resubmittal Sufficiency Review (if necessary)</td>
<td>5 calendar days</td>
</tr>
<tr>
<td>Process from 1st Referral to Public Hearings</td>
<td></td>
</tr>
<tr>
<td>1st Referral and Staff Response</td>
<td>28 calendar days (21 day referral, 7 days for Staff response)</td>
</tr>
<tr>
<td>Applicant’s Response to 1st Referral</td>
<td>Varies - 21 calendar days used for example timeframe</td>
</tr>
<tr>
<td>Sufficiency Review and Referral Distribution</td>
<td>5 calendar days</td>
</tr>
<tr>
<td>2nd Referral and Staff Response</td>
<td>21 calendar days (14 day referral, 7 days for Staff response)</td>
</tr>
<tr>
<td>Applicant submits Hearing Documents</td>
<td>10 calendar days</td>
</tr>
<tr>
<td>Hearing Preparation</td>
<td>21 calendar days</td>
</tr>
<tr>
<td>Public Hearings and Post Hearing Review</td>
<td></td>
</tr>
<tr>
<td>Planning Commission Hearing</td>
<td>Time varies based on PC and BCC actions; and applicant meeting approval conditions</td>
</tr>
<tr>
<td>Board of County Commissioners Hearing</td>
<td></td>
</tr>
<tr>
<td>Post Hearing Review</td>
<td></td>
</tr>
</tbody>
</table>

Note: Details regarding these processing timeframes are listed below.

Prior to submitting a development application, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the pre-application provision of this section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the rezoning process and will help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the development proposal. (Orig. 10-13-09; Am. 07-17-18)
Community Meeting: The applicant shall hold a Community Meeting, pursuant to the Community Meeting Process, prior to submittal of the formal application and following the Pre-Application Review Meeting, if one was held. (orig. 2-22-00; am. 10-25-05)

Steps Prior to 1st Referral

1. Sufficiency Review and Referral Distribution (1st Referral):
   - The applicant shall electronically submit all documents as identified in the Submittal Requirements Section of this Regulation for review by Staff. (5-20-08; am. 07-17-18)
   - The Case Manager shall have 7 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 07-17-18)
   - Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 07-17-18)
   - Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09; reloc. 07-17-18)

2. Formal Application:
   - The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 5-20-08; am. 10-13-09)
   - The Case Manager shall have 5 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 4-4-06; am. 5-20-08; am. 07-17-18)

Process from 1st Referral to Public Hearings

3. 1st Referral and Staff Response:
   - The referral agencies shall have 21 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08)
   - The Case Manager shall have 7 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Hearing Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 07-17-18)
   - If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Hearing Documents phase of the process. Under this circumstance, the application will be able to get to the hearing phase earlier than the date(s) tentatively scheduled at the time of the 1st Referral. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 07-17-18)

4. Applicant’s Response to 1st Referral:
   - For the application to be processed in accordance with the example timeframe in the table above, the applicant shall have 21 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. The applicant will be deemed to have consented to later hearing dates, than the tentatively scheduled hearing dates, if the resubmittal is not received within the 21 calendar day period. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 07-17-18)
   - Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his or her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10; am. 07-17-18)

5. Sufficiency Review and Referral Distribution (2nd Referral):
   - The Case Manager shall have 5 calendar days to review the submittal and either send the application out
on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. All resubmittal documents shall be submitted as a complete package and not sent in a fragmentary manner. (orig. 07-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 07-17-18)

6. 2nd Referral and Staff Response:

   The referral agencies shall have 14 calendar days to respond in writing to the 2nd Referral. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08; am. 07-17-18)

   The Case Manager shall have 7 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Hearing Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 07-17-18)

   If the applicant has not consented to later hearing dates based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled hearings, the applicant shall submit the Hearing Documents as requested by the Case Manager in accordance with the Hearing Documents phase of the process. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)

7. Applicant’s Response to 2nd Referral:

   The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 07-17-18)

8. Additional Referrals and Responses:

   For the 3rd Referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2nd Referral) process, the 2nd Referral and Staff Response process and the Applicant’s Response to 2nd Referral process. (orig. 5-20-08; am. 07-17-18)

   The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08; am. 07-17-18)

9. Submittal of Hearing Documents:

   The applicant shall electronically submit the Hearing Documents as identified in the Case Manager response to the last referral. (orig. 5-20-08; am. 9-27-11; am. 07-17-18)

   If the applicant has not consented to later hearing dates based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the Hearing Documents for the tentatively scheduled hearings. The applicant will be deemed to have consented to later hearing dates if the Hearing Documents are not received within the 10 calendar day period. (orig. 2-22-00; am. 10-25-05; am. 5-20-08)

   The applicant shall have a maximum of 180 calendar days to respond to the referral comments or to submit the Hearing Documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fee and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 10-13-09; am. 12-21-10; am. 07-17-18)

10. Hearings Scheduled:

   a. Planning Commission Hearing: If the applicant has consented to later hearing dates based on the time frames of this Regulation, the Planning Commission hearing will be scheduled for the first available hearing date after 21 calendar days from the submittal of the Hearing Documents. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)

   b. Board of County Commissioners Hearing: The Board of County Commissioners hearing is typically
scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing; however, Staff may choose an alternative hearing date to accommodate case processing and scheduling needs. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 07-17-18)

11. Hearing Preparation

a. Revisions to Documents Prior to Hearing: To ensure completeness and to allow adequate public review, no substantial revisions or additions, except in response to a Staff request or those specifically requested by the Planning Commission or the Board of County Commissioners, may be made to any application or supporting documents within 21 calendar days prior to any hearing. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)

b. Notification: Notification of the scheduled hearings is required in accordance with the notification provisions of this section. (orig. 10-13-09)

Public Hearings and Post Hearing Review

12. Planning Commission Hearing: The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and shall recommend approval, conditional approval, or denial of the request to the Board of County Commissioners. The Planning Commission may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)

13. Board of County Commissioners Hearing: The Board of County Commissioners shall review the request, Staff report, and the Planning Commission recommendation, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Board of County Commissioners may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 2-22-00; am. 10-25-05; am. 5-20-08; am. 12-21-10)

14. Post Hearing Review

a. Official Development Plan (ODP) or Special Use Document (SUD): The applicant shall have 28 days after Board of County Commissioner's approval to submit a 'clean' copy of the approved red-marked ODP or SUD, and to pay the recordation fees. The Case Manager will have 7 days to review the submitted document. If the revisions have been made in accordance with the approval conditions, the Case Manager will affirm and record the document(s), as appropriate. If the submitted documents are not in conformance with the approved red-marked ODP or SUD, the red-marked document shall be recorded by the Case Manager. (orig. 5-21-19)

b. Standard Zone District: The Board of County Commissioners resolution shall be recorded within 7 calendar days after approval. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)

c. If an application needs to return to hearing for a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed directly to a hearing before the Board of County Commissioners without a hearing before the Planning Commission. (orig. 4-20-10; am. 12-21-10)

15. Rehearing of Rezoning and Special Use Cases

a. Upon denial of a Rezoning application by the Board of County Commissioners, the applicant may petition the Board within 1 year of the Board's decision, requesting a rehearing of its application if there is a substantial change. Said petition shall be comprehensive in delineating all proposed changes. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-6-82; am. 12-17-02; am. 10-25-05)

b. The Board of County Commissioners at its sole discretion may grant a petition for rehearing where it determines that a substantial change is being proposed that could significantly affect one or more of the reasons for denial of the original case. The Board may deny the petition solely upon the contents of the petition or when deemed advisable by the Board upon the petition and evidence presented. Discussion of such petition may occur at a regularly scheduled Board of County Commissioners briefing. Public testimony will not be allowed during such meeting. (orig. 7-21-81; am. 12-6-82; am. 7-1-03)

c. If the Board of County Commissioners grants a rehearing petition, Planning and Zoning Staff will
d. After conducting the rehearing, the Board of County Commissioners shall approve, conditionally approve or deny the Rezoning application as amended based upon the evidence submitted at the rehearing together with the relevant evidence received at the prior hearings on said application. (orig. 7-21-81; am. 10-25-05)

e. No petition for rehearing may be granted where the decision of the Board of County Commissioners on the Rezoning application has been appealed or contested in any court of law or during the pendency of said court action. (orig. 7-21-81; am. 12-17-02; am. 10-25-05)

D. **Criteria for Decisions for Rezoning and Special Use Applications**

In reviewing proposed Rezoning and Special Use Applications, the Planning Commission and the Board of County Commissioners may consider the following criteria: (orig. 7-1-03; am. 5-21-19)

1. The compatibility with existing and allowable land uses in the surrounding area. (orig. 7-1-03; am. 5-21-19)
2. The degree of conformance with applicable land use plans. (orig. 7-1-03; am. 5-21-19)
3. The ability to mitigate negative impacts upon the surrounding area. (orig. 5-21-19)
4. The availability of infrastructure and services. (orig. 5-21-19)
5. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area. (orig. 7-1-03)

E. **Criteria for Rezoning Open Space within the Planned Development Zone District**

1. Except as set forth in paragraph b. below, requests to rezone all or any portion of a property designated in the Planned Development Zone District as open space, conservation, preservation, or other similar term to a classification that would permit development may be granted only if the applicant shows to the satisfaction of the Board of County Commissioners that the open space designation is not warranted because: (orig. 8-31-93)

   a. The property has none of the following features: (orig. 8-31-93)
      
      (1) Significant or desirable wildlife habitat or migration routes. (orig. 8-31-93)
      (2) Rare or unusual vegetation or ecosystems. (orig. 8-31-93)
      (3) Remarkable geologic features such as rock outcrops or formations. (orig. 8-31-93)
      (4) Historic resources. (orig. 8-31-93)
      (5) Significant views or view corridors. (orig. 8-31-93)
      (6) Riparian and/or wetland areas. (orig. 8-31-93)
      (7) Bodies of water, except those constructed for utilitarian purposes which are no longer needed for that purpose and which were not intended also to provide wildlife habitat. (orig. 8-31-93)
      (8) Trail corridors, such as existing trails, trail easements, or trail connections shown on an ODP. (orig. 8-31-93)

   b. The open space area was not set aside as an integral part of the overall development, rather than designated as “open space” because future development was unknown or unplanned at the time of zoning to Planned Development. (orig. 8-31-93)

   c. The property is not being used for active or passive recreation by the surrounding community. (orig. 8-31-93)

   d. The open space was not designated as the result of a density transfer or other adjustment to allow a higher density elsewhere. (orig. 8-31-93)

   e. The open space was not part of a Rural Cluster development. (orig. 7-1-03)
2. Property not eligible for Rezoning under the Open Space Rezoning criteria may only be rezoned where all of the following exist. (orig. 8-31-93; am. 12-17-02)
   a. The Rezoning request includes additional land in the same vicinity which land would replace the lost open space value set forth above with land that is superior in open space quality. (orig. 8-31-93)
   b. The applicant has given notice of the Rezoning request by first class mail, return receipt requested, to property owners, registered associations, the Colorado State Division of Wildlife, local park and recreation district, and other referral agencies, as determined by Planning and Zoning. This provision does not supersede notice requirements set forth elsewhere in this Zoning Resolution. (orig. 8-31-93; am. 4-27-04; am. 5-20-08)

3. Nothing set forth above shall require the Board of County Commissioners to grant a Rezoning request which meets the criteria set forth above where the Board of County Commissioners determines that such request is not in the best interests of the present and future inhabitants of Jefferson County or is not in conformance with the Rezoning criteria set forth elsewhere in this Zoning Resolution. (orig. 8-31-93)

F. Limitations upon Rezoning Applications

1. Non-contiguous properties may not be rezoned to Planned Development within a single rezoning application. For the purposes of Rezoning Applications, contiguous shall be defined as a common or shared boundary or tract wide enough to provide sufficient access in accordance with the access requirements in the General Provisions Section. Properties on opposite sides of local, collector or arterial streets/roads shall not be considered contiguous. The Director of Planning and Zoning may allow non-contiguous parcels to be processed as a single Planned Development Application if in his or her opinion the processing of a single application would be appropriate. If the Director of Planning and Zoning makes such a determination, the applicant(s) will be required to pay the standard application fee for each non-contiguous parcel. (orig. 5-20-08; am. 10-13-09; am. 12-21-10)

2. The boundary of the area subject to Rezoning may not be drawn to result in contiguous property under the same ownership that does not conform to the zone district standards applicable to said contiguous parcel. (orig. 9-11-90; am. 10-25-05)

3. Except as provided in the "Rehearings of Rezoning Cases" portion of this section, no Rezoning application shall be accepted for a Rezoning to the same zone district for the same parcel of ground or portion thereof for which a previous application has been denied by the Board of County Commissioners within 1 year prior to the date of filing of said application. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 10-25-05)

4. A Rezoning application shall not be accepted for any lot, parcel, tract of land or portion thereof where a court action brought by the applicant is pending against the County contesting the existing zoning or any previous Rezoning decision of the Board of County Commissioners thereon. (orig. 7-24-72; am. 7-21-81; am. 7-1-03; am. 10-25-05)

5. A Rezoning application shall not be accepted by Planning and Zoning as long as there is a pending application for Rezoning or Special Use of said premises before the Planning Commission or the Board of County Commissioners. However, nothing herein shall prevent amendment of a pending application before the Planning Commission or the Board of County Commissioners by the applicant, except amendment to a new zone district or Special Use that is more restrictive than the original request will require that the pending application be withdrawn and a new application be submitted in accordance with the "Rezoning Procedures," portion of this section. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

G. County-Initiated Rezoning

The Planning Commission and/or the Board of County Commissioners may, at any time, direct Planning and Zoning to initiate Rezoning for any parcel or parcels of land within the unincorporated area of Jefferson County. Notwithstanding any provisions of this section to the contrary, County Initiated Rezoning procedures shall be only in accordance with the provisions of Section 30-28-116, C.R.S. 1973, or as amended. (orig. 12-17-74; am. 7-21-81; am. 12-17-02; am. 4-27-04; am. 5-20-08)

H. Limitations upon Special Use Applications

1. The lot, parcel, or boundary area subject to the Special Use must conform to the minimum lot and building standards of the underlying zone district. (orig. 9-11-90; am. 10-25-05, am. 10-13-09; reloc. 07-17-18)

2. Except as provided in the "Rehearings of Rezonzons and Special Use Cases" portion of this section, no Special Use application shall be accepted for the same Special Use for the same parcel of ground or
3. A Special Use application shall not be accepted for any lot, parcel, tract of land or portion thereof where a court action brought by the applicant is pending against the County contesting the existing zoning or any previous Special Use decision of the Board of County Commissioners thereon. (orig. 7-24-72; am. 7-21-81; am. 7-1-03; am. 10-25-05; reloc. 07-17-18)

4. A Special Use application shall not be accepted by Planning and Zoning as long as there is a pending application for Rezoning or Special Use of said premises before the Planning Commission or the Board of County Commissioners. However, nothing herein shall prevent amendment of a pending application before the Planning Commission or the Board of County Commissioners by the applicant, except amendment to a new zone district or Special Use that is more restrictive than the original request will require that the pending application be withdrawn and a new application be submitted in accordance with the "Special Use Procedures," portion of this section. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08; reloc. 07-17-18)
Section 7 - Site Development Plan Process

A. Intent and Purpose

The Site Development Plan process was established to provide an administrative evaluation procedure for industrial, commercial, multi-family, mobile home park, recreational and institutional developments. The development must comply with Plat and/or Exemption from Platting restrictions, zoning conditions, the Land Development Regulation and the Zoning Resolution. This process is not the site development plan referenced in State Statutes related to Location & Extent. (orig. 7-23-02; am. 12-17-02; am. 4-20-10; am. 3-26-13; am. 12-13-16; am. 07-17-18; am. 5-21-19)

The process outlines time frames and expectations, providing the applicant with a clear understanding of the steps involved prior to the final decision on the application. The Director of Planning and Zoning may waive the time frames included in this process depending on the Planning and Zoning staffing levels and complexity of the application. (orig. 7-23-02; am. 12-17-02; am. 5-20-08; am. 4-20-10; am. 12-21-10)

B. Application

1. Compliance with this process shall be required for industrial, commercial, multi-family, mobile home park, recreational and institutional uses in the following situations. (orig. 7-23-02; am. 7-12-05; am. 4-20-10; am. 3-26-13)
   a. Prior to the issuance of a permit to construct a new building that is 200 square feet Gross Floor Area or larger in size. (orig. 7-23-02; am. 7-12-05; am. 4-20-10, am. 12-13-16; am. 07-17-18; am. 5-21-19)
   b. Prior to the issuance of a tenant finish or other permit where proposed vehicular trips would require site improvements. (orig. 07-17-18; am. 5-21-19)
   c. Prior to the issuance of any permit to construct an addition of 25% or greater to any existing building. (orig. 7-23-02; am. 7-12-05; am. 4-20-10; am. 12-13-16)
   d. Prior to the issuance of any building permit to construct an addition of 2,500 square feet Gross Floor Area or greater even if the addition is less than 25% of an existing building. (orig. 4-20-10; am. 12-13-16)
   e. Subsequent to any changes from a residential use or residential zoning to an industrial, commercial or institutional use or zone regardless of whether there are existing or proposed buildings. (orig. 7-23-05; am. 7-12-05; 4-20-10; am. 12-13-16)
   f. Prior to the creation of any additional multi-family units within an existing building. This does not include adding a caretaker’s unit to an existing commercial building. (orig. 4-20-10, am. 12-13-16)
   g. Prior to the issuance of a tenant finish where additional floor space will be created within an existing building, such as a second floor being added to the interior air space of an existing one story building. (orig. 12-13-16; am. 5-21-19)
   h. Prior to the issuance of the first permit for a mobile home in a new mobile home park or when more than 50% of the existing mobile home spaces have been modified. (orig. 3-26-13)
   i. The Director of Planning and Zoning may waive or conditionally waive, all or a part of, the Site Development Plan process, if his/her opinion there would be no public benefit in completing the process, and if the following are met: (orig. 12-13-16)
      1. There will be no material impact to adjacent or adjoining properties as a result of the waiver. (orig. 12-13-16; am. 07-17-18)
      2. Any public improvements that may be required could be obtained through another County process. (orig. 12-13-16; am. 07-17-18)
      3. The County does not have a comprehensive development plan, in accordance with C.R.S. § 29-20-105, that would require the review of a site plan. (orig. 12-13-16; am. 07-17-18)
      4. State and Federal regulations do not require the process or prohibit the requirement. (orig. 12-13-16)
The decision on a request for a waiver of all or part of the Site Development Plan process by the Director of Planning and Zoning may be appealed to the Board of County Commissioners. The request for appeal shall be in writing within 30 days of the decision and shall state the specific reasons and evidence why the Director of Planning and Zoning’s decision should be overturned. The appeal shall be submitted to the Planning and Zoning Case Manager. (orig. 12-13-16)

2. This process shall not be applicable to:
   a. Residential land uses, except for multi-family. (orig. 7-23-02; am. 4-20-10; am. 12-21-10)
   b. Any property that had a site plan reviewed and approved as part of an approved Plat, Site Approval, or Exemption from Platting after 1978 and prior to the adoption of the Site Development Plan process (July 23, 2003), if proposed for development as originally approved. (orig. 7-23-02; am. 4-27-04; am. 4-20-10)
   c. Planned Developments for Mining. (orig. 7-23-02)
   d. Government facilities. (orig. 7-11-07; am. 4-20-10)
   e. Any property that has an approved Location and Extent or previous Site Approval Process, so long as the development is in conformance with the approved plans. (orig. 5-21-19)

3. A Site Development Plan may include the following types of development activities if a Site Adjustment/Dedication Plat is submitted and all other applicable requirements are met. The development activities and limitations described below can only be waived or modified by direct action of the Board of County Commissioners in a public hearing. A Site Adjustment/Dedication will be required if any of the items 1-8 below are proposed with a Site Development Plan, unless the Director of Planning and Zoning determines that a Site Adjustment/Dedication Plat is not required. The authority of the Director of Planning and Zoning, described in the Alternative Standards/Requirements section of this Regulation, shall not extend to the development activities and limitations set forth below (orig. 12-13-16; am. 07-17-18):
   a. Superlots: The creation of additional non-residential lots within a superlot as described in the Lot and Tract Standards Section of the Land Development Regulation, where the applicant can demonstrate compliance with the following limitations: (orig. 12-13-16; am. 07-17-18)
      (1) The superlot was previously platted in accordance with the Land Development Regulation. (orig. 12-13-16)
      (2) The impervious area and Gross Leasable Area (GLA) proposed in the Site Adjustment/Dedication Plat plus any impervious area and GLA approved in any prior developments within the same superlot does not exceed the maximums for the superlot as set forth on the Plat. (orig. 12-13-16)
      (3) Public water and sewer service are available. (orig. 12-13-16)
   b. Adjustments to property lines and the elimination of interior property lines involving any combination of lots, parcels or tracts, which does not increase the number of existing legal building sites and does not increase the number of lots, parcels or tracts, except as allowed within this section. (orig. 12-13-16)
   c. Adjustments to previously established building envelopes related to location and configuration, provided the new building envelope complies with all the requirements of the Land Development Regulation and this Resolution. (orig. 4-20-10; am. 12-13-16)
   d. Adjustments to previously established non-buildable areas and non-disturbance areas related to size, location and configuration. (orig. 12-13-16)
   e. Creation of non-buildable tracts. (orig. 12-13-16)
   f. Changes to or elimination of notes, restrictions, and certificates that do not adversely affect traffic safety, visual impact, wildlife, drainage, soil erosion, wildfire hazard, noise, or the provision of open space. If these items are affected, it will need to be demonstrated that the effect can be adequately mitigated. (orig. 12-13-16)
   g. Dedications of easements or right-of-way. (orig. 12-13-16)
   h. Vacations of easements. (orig. 12-13-16)
   i. All Site Adjustment/Dedication Plats must comply the following limitations.
(1) The request does not conflict with any County regulations unless relief is granted through an adopted County process. (orig. 12-13-16)

(2) The request does not create any additional lots, unless specifically authorized within this section. (orig. 12-13-16)

(3) The exterior boundary must be comprised of property lines that have been properly subdivided. (orig. 12-13-16)

(4) If served by well and/or on-site wastewater treatment system (OWTS), the resulting property boundaries or building sites must meet all State Engineer and Public Health requirements for issuance of a well permit and approval of an individual sewage disposal system. (orig. 12-13-16)

(5) A reconfiguration of a non-residential development or development with non-residential uses may include alterations to the existing streets or roads system. (orig. 12-13-16)

j. The format of the Site Adjustment/Dedication Plat shall comply with the Final Plat provisions for format, survey, certificates and notes as set forth in the Land Development Regulation and in accordance with County procedures. (orig. 12-13-16)

4. The Site Development Plan Process is allowed on either platted or unplatted property, provided that the property is a proper division of land. (orig. 4-20-10)

5. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-20-08)

6. Notification is required in accordance with the Notification Section. (orig. 10-16-09; am. 4-20-10)

7. The following procedure and requirements shall apply to Site Development Plan applications. (am. 5-20-08)

C. Procedure

The following is an example of the typical processing steps and timeframes for the development application. It is recommended that the applicant contact other agencies regarding their timelines for easements, etc., prior to formal application. (orig. 10-25-05; am. 5-20-08; am. 3-3-15; am. 12-13-16; am. 07-17-18)

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</table>

Note: Details regarding these processing timeframes are listed below.

Prior to submitting a development application, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the Pre-Application Process Section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the process and will help to establish the specific submittal requirements. The specific submittal requirements can also be established by
obtaining an appointment with Staff to discuss the development proposal. (orig. 10-13-09; am. 12-21-10; am. 07-17-18)

If an applicant is going to request relief from a standard in the Regulations, then a request for relief of the standard may be submitted for consideration. In order to avoid processing delays, it is recommended that a request for relief from a standard be submitted early in the development process. Requests for relief of a standard are subject to different specific processing timeframes, which may add to the length to the processing of the development application. (orig. 7-23-02; am. 10-25-05; am. 12-13-16; am. 07-17-18)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09)

**Steps Prior to 1st Referral**

1. Sufficiency Review and Referral Distribution (1st Referral):
   
   The applicant shall electronically submit all documents as identified in the Submittal Requirements Section of this Regulation as a complete package, and not in a fragmentary manner for review by the Case Manager. (orig. 5-20-08; am. 10-13-09; am. 07-17-18)

   The Case Manager shall have 7 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 5-20-08; am. 07-17-18)

   Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 07-17-18)

2. 1st Referral and Staff Response:

   The referral agencies shall have 21 calendar days to respond in writing to the application. (orig. 5-20-08; am. 12-13-16)

   The Case Manager shall have 7 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. The response from the Case Manager will include an opinion as to whether the case should proceed to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08; am. 07-17-18)

3. Applicant’s Response to 1st Referral:

   For the application to be processed in accordance with the example timeframe in the table above, the applicant shall have 21 calendar days to address in writing any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. (orig. 5-20-08; am. 07-17-18)

   Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am 5-20-08; am. 12-21-10; am. 07-17-18)

4. Sufficiency Review and Referral Distribution (2nd Referral):

   The applicant shall electronically submit the documents for the 2nd Referral. All documents shall be submitted as a complete package and not sent in a fragmentary manner. (orig. 07-17-18)

   The Case Manager shall have 5 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 12-13-16; am. 07-17-18)

   Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 07-17-18)

5. 2nd Referral and Staff Response:
The referral agencies shall have 14 calendar days to respond in writing to the 2nd referral. (orig. 5-20-08; am. 12-13-16; am. 07-17-18)

The Case Manager shall have 7 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether the case should proceed to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08; am. 07-17-18)

6. Applicant’s Response to 2nd Referral:
   The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 07-17-18)

7. Additional Referrals and Responses:
   For the 3rd Referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2nd Referral) process, the 2nd Referral and Staff Response process and the Applicant’s Response to 2nd Referral process. (orig. 10-25-05; am. 5-20-08; am. 12-21-10; am. 12-13-16; am. 07-17-18)

8. Submittal of Final Documents:
   The applicant shall electronically submit the Final Documents as identified in the Case Manager response to the last referral. All documents shall be submitted as a complete package and not sent in a fragmentary manner. (orig. 5-20-08; am. 12-13-16; am. 07-17-18)

**Determination, Decision and Recordation**

9. Determination
   This part of the process shall be completed in approximately 10 calendar days. (orig. 07-17-18)
   The Case Manager shall review the Final Documents and either prepare the decision memorandum or respond to the applicant explaining any deficiencies in the Final Documents. If the Case Manager identifies deficiencies in the Final Documents, then upon resubmittal of the documents the timeframe for this portion of the process will reset to be approximately 10 days. (orig. 10-25-05; am. 5-20-08; am. 12-13-16; am. 07-17-18)
   Resubmittal of Final Documents (if required): The Case Manager shall review the Final Documents and either prepare the decision memorandum or respond to the applicant explaining any deficiencies in the Final Documents. (orig. 07-17-18)

10. Decision
   The Director of Planning and Zoning shall review the request and Staff recommendation and approve, approve with conditions, or deny the application. The Director of Planning and Zoning may ask for additional documents before deciding. Upon approval by the Director of Planning and Zoning, the Case Manager shall record the approved Site Adjustment/Dedication Plat (if applicable). (orig. 10-25-05; am. 5-20-08; am. 4-20-10; am. 3-3-15, am. 12-13-16; am. 07-17-18)

11. Recordation
   If the Site Development Plan includes a development agreement or an improvements agreement, upon approval by the Director of Planning and Zoning, the Chairman of the Board of County Commissioners shall be authorized to sign the agreement and record the agreement in the public records. (orig. 12-13-16; am. 07-17-18)

**D. Appeal of Denial**

An appeal of a denial of a Site Development Plan shall be made to the Board of Adjustment in writing within 30 calendar days of the denial, otherwise Planning and Zoning will consider the decision on the application final. (orig. 7-23-02; am. 4-27-04; am. 5-20-08; am. 07-17-18)

**E. Limitations**

1. The applicant shall obtain building permits within 2 years of Site Development Plan approval, or the approval shall be rescinded. The Director of Planning and Zoning may extend the 2-year period, by an
additional 1 year if in his/her opinion, the delay in construction is for a good cause and no regulations
have changes which would substantially impact the site. Multiple extensions may be requested. (orig. 7-
23-02; am. 5-20-08; am. 4-20-10; am. 12-13-16; am. 07-17-18)

2. In the case of a denied application or a denial of an appeal, a new application shall be required to process
a Site Development Plan on the same property. In the case of a successful appeal, the approved site plan
shall be deemed approved. (orig. 07-17-18)

F. Minor Revisions to a previously approved Site Development Plan and supporting documents
The Director of Planning and Zoning may approve minor revisions to the approved Site Plan and supporting
documents, so long as such revisions are consistent with the overall intent of the Zoning Resolution, the Land
Development Regulation, Plat and Exemption From Platting restrictions, and zoning conditions, and do not
result in adverse impacts that were not considered at the time of the original Site Development Plan approval
(e.g. changes to quantities, landscaping, lighting, architecture, or parking). If the Director of Planning and
Zoning determines that a proposed revision is not minor, then the applicant will be required to file a new Site
Development Plan application with the required fees and documents. (orig. 7-23-02; am. 12-17-02; am. 4-27-
04; am. 5-20-08; am. 3-3-15; am. 12-13-16; am. 07-17-18)

1. Required documents:
   a. Cover letter explaining the changes and the reasons for the changes. (orig. 12-13-16)
   b. Revised plans/exhibits impacted by the changes. (orig. 12-13-16)
   c. Application fee. (orig. 12-13-16)

2. Process:
   a. Notification Level 2 shall be required.
   b. If referral agencies need to be notified, the referral period shall be 7 calendar days.
   c. A Determination on the request is made by the Director of Planning and Zoning. (am. 07-17-18)

G. Plan Format
1. All plans listed in this section shall be 24x36 inches with the long dimension being horizontal. The Plans
shall include the following information in the format described. (orig. orig. 7-23-02; am. 4-20-10)
   a. An information block shall be in the lower right-hand corner or along the right hand margin of the
   sheet and shall include the following information: (orig. 7-23-02)
      (1) Sheet title (i.e. Site Development Plan, Landscape Plan, etc.) (orig. 7-23-02; am. 7-1-03)
      (2) Name of the proposed project (orig. 7-23-02)
      (3) Name, address, and telephone number of the applicant if different than the owner (orig. 7-23-
      02)
      (4) Name, address, and telephone number of the preparer if different than the applicant (orig. 7-23-
      02)
      (5) Name, address, and telephone number of the owner (orig. 7-23-02)
      (6) Date of plan preparation, and revision dates (orig. 7-23-02)
      (7) Sheet page number (i.e., 1 of 3, 2 of 3, etc.) (orig. 7-23-02)
   b. The Planning and Zoning assigned case number shall be located in the upper right corner of each
   sheet. (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 4-4-06; am. 4-20-10)
   c. A graphic and written scale. (orig. 7-23-02; am. 4-4-06; am. 4-20-10)
   d. A North Arrow. The graphic should be oriented with north to the top of the page, unless otherwise
   approved by Planning and Zoning. (orig. 7-23-02; am. 4-4-06; am. 4-20-10)

2. The Site Development Plan shall include the following:
   a. A neat and legible drawing of the proposed site layout showing the required information at a scale of
   one (1) inch to 50 feet or larger, or as approved by Planning and Zoning. The drawing shall include
   the following information: (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 5-20-08; am. 4-20-10)
(1) The size, location, and type of all existing and proposed easements or other rights-of-way. (orig. 7-23-02)

(2) Fully-dimensional property lines and all non-buildable areas, if previously defined, and building footprints, and setbacks of all proposed and existing structures which are to be retained on the site. (orig. 7-23-02; am. 12-17-02; am. 4-4-06)

(3) Location, dimensions and names of proposed, platted and existing adjoining streets, and internal streets showing edge of right-of-way and pavement or face of curb, centerline, radii, and curb return radii. A note shall be placed on the Site Plan indicating whether the proposed streets are to be public or private. (orig. 7-23-02; 4-4-06)

(4) Driveways and intersections adjacent to, or across the street from the subject property. (orig. 2-22-02; am. 12-17-02; am. 10-25-05)

(5) Approximate proposed and existing street grades. (orig. 2-22-00; am. 12-17-02; am. 10-25-05)

(6) Location of existing and proposed access points. (orig. 2-22-00; am. 10-25-05)

(7) Location and dimensions of bicycle/pedestrian/equestrian paths, walkways, and trails shall be shown. (orig. 7-23-02)

(8) Location and placement of all signage and freestanding walls. (orig. 7-23-02; am. 12-17-02; am. 7-1-03)

(9) The location of all existing and proposed fire hydrants or cisterns. (orig. 7-23-02)

(10) The location and size of existing/proposed wells and on-site wastewater treatment systems. (orig. 2-22-00; am. 10-25-05; am. 12-13-16)

(11) Location and type of existing and proposed easements and utility lines. (orig. 2-22-00; am. 10-25-05)

(12) Existing and proposed surfacing of all traveled areas, on-site and within 100 feet off-site. (orig. 7-23-02)

(13) Existing floodplain limits (if applicable). (orig. 7-23-02; am. 10-25-05)

(14) Location of any known hazardous areas, or a note stating that no known hazardous areas exist. (orig. 2-22-02; am. 12-17-02; am. 10-25-05)

b. The title shall be comprised of a main title and a subtitle. The main title should be a large bold text, while the subtitle is a non-bold smaller text. The following formats shall be used, unless otherwise approved by Planning and Zoning: (orig. 7-1-03; am. 4-20-10)

(1) For parcels within a recorded Plat or Exemption from Platting: (orig. 7-1-03; am 4-20-10)

   (Plat or Exemption Title) Lot(s) ___
   Site Development Plan
   Located in the ___ ¼ of Sec ___, T___S, R___W of the 6th Principal Meridian, County of Jefferson, State of Colorado

(2) For parcels not located in a recorded Plat or Exemption from Platting: (orig. 7-1-03; am 4-20-10)

   Site Development Plan – (Project Name)
   Located in the ___ ¼ of Sec ___, T___S, R___W, of the 6th Principal Meridian, County of Jefferson, State of Colorado

c. A vicinity map showing adequate information for the reviewer to easily locate the project. The vicinity map need not be scalable; however, it must be legible and located within the upper left-hand corner of the site plan. (orig. 7-23-02; am. 7-1-03)

d. The complete legal description of the parcel shall be located immediately below the vicinity map on the left side of the document. If the Site Development Plan is only affecting a small portion of the overall ownership of a property, then Planning and Zoning may allow the legal description to be confined to a use area or a lease area within the larger parcel. (orig. 7-1-03; am. 4-20-10)

e. A note section shall be located below the legal description and shall include any standard Site Development Plan notes as well as any notes listed on a previous Plat or Exemption document that must be satisfied prior to the issuance of building permits. The notes section shall contain a purpose
statement that discusses what is to be constructed, any right-of-way being dedicated, any easements being dedicated or vacated, and any lot line changes, such as mergers, new lots created from a superlot plat or lot line adjustments. (orig. 7-1-03; am. 4-20-10, am. 12-13-16)

f. The following Approval Certificate shall be placed on the first page: (orig. 7-23-02; am. 4-20-10; am. 3-3-15; am. 12-13-16)

<table>
<thead>
<tr>
<th>APPROVAL CERTIFICATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>This site plan has been reviewed and found to be complete, and in accordance with Jefferson County regulations and is hereby approved by the County.</td>
</tr>
</tbody>
</table>

Jefferson County Director of Planning and Zoning Date

(1) All individuals shall sign their names as shown on the deed of ownership. Corporate ownership or interest shall be shown by the official signature of the necessary officers of the Corporation. The full name of the corporation shall be shown above their signatures and the seal affixed. All partners of a general partnership must sign the certification. All general partners of a limited partnership and all members of a limited liability company must sign the certification unless the limited partnership agreement or operating agreement, respectively, authorize otherwise. (orig. 10-25-05; am. 07-17-18)

(2) The owner’s signature(s) shall be acknowledged utilizing the forms provided in 12-55-208 C.R.S. with the Notary Seal affixed as near as practicable to the acknowledgement. (orig. 10-25-05)

(3) With the approval of the County Attorney’s Office, the certification or acknowledgment may be modified based on unique situations provided such modification protects the interests of Jefferson County. (orig. 10-25-05; am. 07-17-18)

OWNERSHIP CERTIFICATE:

_____________________________________, as owner(s) of the land affected by this Site Development Plan, accept and approve all conditions set forth herein.

(Name of owner)___________________________
(if company, LLC, other organization “By _ (title of whomever is authorized to sign) (Name of organization)_.

By:

____________________________________________________________
(Name of Authorized signatory, title)

COUNTY OF )
) ss:
STATE OF )

The foregoing instrument was acknowledged before me this _______ day of _____________ 20 ____, by *(name-printed) .

SEAL WITNESS my hand and official seal.

NOTARY PUBLIC

My Commission expires: 20 ____________________

(4) If a Site Adjustment/Dedication Plat is completed, the certificate and notes required by the Final Plat process may need to be added to the Site Development Plan document, as deemed necessary by Planning Staff. (orig. 12-13-16)

g. The following Site Data Table shall be placed on the Site Development Plan: (orig. 7-23-02; am. 10-25-05; am. 12-13-16)

<table>
<thead>
<tr>
<th>Site Data</th>
<th>(square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total area of the property</td>
<td></td>
</tr>
<tr>
<td>Add area for scope of work if it is not the entire site.</td>
<td></td>
</tr>
<tr>
<td>Total multi-family units</td>
<td></td>
</tr>
<tr>
<td>Building coverage</td>
<td></td>
</tr>
<tr>
<td>Parking lot coverage</td>
<td></td>
</tr>
</tbody>
</table>
3. The requirements for the Landscape Plan, Architectural Elevations, Parking Plan, and Lighting Plan are found under the applicable sections of this Resolution. (orig. 12-13-16)

<table>
<thead>
<tr>
<th>Landscaped area coverage (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of parking spaces required</td>
</tr>
<tr>
<td>Number of parking spaces provided</td>
</tr>
<tr>
<td>Existing and proposed gross floor area of all buildings and structures, shown per use (e.g. retail, office, etc.) (square feet)</td>
</tr>
</tbody>
</table>
Section 8 - Location and Extent Process

A. Intent and Purpose

1. This process was created to establish a review procedure for the location and extent of public buildings, facilities or uses as provided by Section 30-28-110, Section 22-32-124(1), and Section 22-32-124(1.5)(a) et seq. of the Colorado Revised Statutes. (orig. 5-21-19)

2. If this process is complied with, the permitted uses and the lot and building standard provisions of this Resolution shall not apply to said buildings, facilities or uses. The standards used for the development of the property shall be those identified in the final approved Location and Extent documents. (orig. 5-21-19)

3. In lieu of the completion of a Site Development Plan, the construction of onsite and/or offsite improvements related to the Location and Extent can be accomplished through a Land Disturbance or other applicable permit. Such permit shall include the improvements identified in the Location and Extent documents, such as access improvements, landscaping, lighting, architecture and parking. (orig. 7-11-06; am. 4-20-10; am. 12-21-10; am. 3-26-13; reloc. & am. 5-21-19)

B. Application

1. Public School: This process must be completed by the school on behalf of the Board of Education prior to the following: (orig. 5-21-19)
   a. The acquisition of land or the contracting to purchase land. (orig. 5-21-19)
   b. The construction of a structure/building. (orig. 5-21-19)

2. Charter School: This process must be completed by a Charter School prior to the following: (orig. 5-21-19)
   a. The contracting for a facility. (orig. 5-21-19)
   b. The construction of a structure/building. (orig. 5-21-19)
   c. Pursuant to State Statute, the Planning Commission directs Planning & Zoning staff to request site development plans for all proposed Charter Schools. (orig. 5-21-19)

3. Other Public Entities: This process must be completed by the government of the State of Colorado or any political subdivision thereof, and by any public utility (whether publicly or privately owned), prior to the following: (orig. 5-21-19)
   a. The authorization or construction of any road, park, or other public way, ground or space, public building or structure, or public utility. (orig. 5-21-19)
   b. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale or lease of or acquisition of land for any road, park, or other public way, ground, place, property, or structure. (orig. 5-21-19)

4. Special Considerations:
   a. If the location and extent of any road, park, or other public way, ground or space, public building or structure, or public utility, whether publicly or privately owned, has already been reviewed and approved by the Planning Commission at a public hearing through a different process (i.e. subdivision, rezoning, Comprehensive Plan update, or similar process), a separate Location and Extent application shall not be required. (orig. 5-21-19)
   b. Based on the approval of this regulation, the Planning Commission will take no action on the activities listed below. Per State Statute, taking no action is deemed approval by the Planning Commission. (orig. 5-21-19)
      (1) Minor routine extensions of utilities. (orig. 5-21-19)
      (2) Maintenance of existing roadways or facilities, or the replacement of an existing facility with improvements that substantially match the original improvements. (orig. 5-21-19)
      (3) The sale, lease, or acquisition of any property or structure approved by the Board of County Commissioners. (orig. 5-21-19)
(4) The construction or maintenance of roadways identified in the Major Thoroughfare Plan. (orig. 5-21-19)

(5) Land acquisitions for schools, if such acquisition has been reviewed through a land development process. (orig. 5-21-19)

(6) Utilities and telecommunications facilities in public rights-of-way, so long as the height of such improvements is no more than 10% greater than that allowed by the underlying zoning. (orig. 5-21-19)

(7) Any other proposal that the Director of Planning and Zoning deems to be minor in nature and is not anticipated to generate negative impacts to the health, safety and welfare of the community, and thus would not likely generate significant public interest. (orig. 5-21-19)

5. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-21-19)

6. Notification is required in accordance with the Notification Section. (orig. 5-21-19)

7. The following procedure, requirements and criteria shall apply to Location and Extent applications. (orig. 5-21-19)

C. Procedure

The submittal requirements for this process are identified above in the Submittal Requirements Section of this Resolution, however, not all listed documents are required for each application. Prior to applying, it is recommended that the applicant contact Planning and Zoning to establish the specific submittal requirements. (orig. 5-21-19)

Steps Prior to Referral

1. Sufficiency Review, Referral Distribution and Hearing Scheduling:

   The applicant shall electronically submit all documents for review by Staff. Pursuant to State Statute, the Case Manager will be prepared to schedule the application for a hearing before the Planning Commission so that the hearing occurs within thirty days of the Official Submission date. The Official Submission date will be when the required submittal documents are submitted, and the required fees are paid. (orig. 5-21-19)

   Within 3 calendar days of a submittal or resubmittal, the Case Manager will review the application. If the application is deemed complete, the Case Manager will send the application out on referral. If the application is deemed incomplete due to deficiencies in submittal documents, the Case Manager will respond to the applicant explaining any deficiencies in the submittal documents and request that they acknowledge in writing that the application will be revised, and that the Official Submission date has not yet been established. Upon resubmittal of documents to address staff’s concern, a new Official Submittal date will be established. If the applicant is not willing to delay the Official Submission date, then the Case Manager will send the case out on referral and schedule the case for the Planning Commission Hearing. (orig. 5-21-19)

   Notification is required at the time of the Referral in accordance with the Notification Section. (orig. 5-21-19)

Referral

2. Referral and Staff Response:

   Due to the requirement for the application to be heard by the Planning Commission within thirty days of the Official Submission date, this procedure does not establish a length for the referral period. Typically, the referral agencies will have at least 7 calendar days to review the application and provide comments. The Case Manager will establish the referral end-date when the referral is sent out. (orig. 5-21-19)

3. Forwarding Referral Comments: After the end of the referral period, the Case Manager will provide the applicant with a Staff response inclusive of referral agency responses. The Case Manager will also indicate the Staff position on the application moving forward to the Planning Commission Hearing. Based on the complexity of the application, the Staff concerns and the referral agency comments, Staff may recommend that the applicant request that the Planning Commission Hearing be continued so that the concerns and comments can be adequately addressed. (orig. 5-21-19)

Applicant’s Response to Referral
4. The applicant is encouraged to work with the referral agencies and Staff on any outstanding issues prior to the Planning Commission Hearing. If the applicant chooses to request a continuance of the Planning Commission Hearing to address the concerns and comments, then the request needs to be made in writing prior to the hearing or it needs to be requested verbally at the hearing. (orig. 5-21-19)

**Planning Commission Hearing**

5. The following actions will be taken by the Planning Commission based on the type of entity applying for the Location and Extent Review: (orig. 5-21-19)

   a. Public Schools: The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and either approve the request or provide comment on the proposed site location and/or the proposed site plan to the School District. If the Planning Commission is not satisfied with the response from the School District related to their comments, then they may request a public hearing before the Board of Education. If requested by the Planning Commission, the Board of Education shall promptly schedule said public hearing, publish at least one notice and provide written notification of the hearing to the Planning Commission. (orig. 5-21-19)

   b. Charter Schools: The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and either approve the request or provide comment on the proposed site location and/or the proposed site plan to the governing body of the charter school. If the Planning Commission is not satisfied with the response from the governing body of the charter school related to their comments, then they may request a public hearing before the Board of Education. If requested by the Planning Commission, the Board of Education hearing shall be within 30 days of the request by the Planning Commission. (orig. 5-21-19)

   c. Other Public Entities: The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Planning Commission may continue the request to a future date if the applicant agrees to the continuance either in writing or at the public hearing. A continuance shall be to a date certain. (orig. 5-21-19)

**Final Approvals**

6. If the Planning Commission does not approve the application, then the applicant has the following options to gain approval of their project: (orig. 5-21-19)

   a. Public School: After the Planning Commission provides comments or attends a hearing before the Board of Education to voice their concerns about a project, the Board of Education has authority to finally determine the location of public schools within the district and construct necessary buildings and structures. (orig. 5-21-19)

   b. Charter School: After the Planning Commission provides comments or attends a hearing before the Board of Education to voice their concerns about a project, the charter school may proceed with its site plan unless prohibited from doing so by school board resolution. (orig. 5-21-19)

   c. Other Public Entities: If the Planning Commission denies the application or places a condition of approval on the application that the applicant does not support, the applicant may choose to amend and resubmit the application for a new Location and Extent process, or they may request approval of the project from their governing body or board in accordance with State Statutes, generally as follows: (orig. 5-21-19)

      1) If the public way, ground, space, building, structure, or utility falls within the province of the Board of County Commissioners, then the board has the power to overrule such disapproval by a vote of not less than a majority of its entire membership. The Board shall review the request, Staff report, and the Planning Commission decision, receive testimony and evidence on the application, and shall uphold or overrule such disapproval by the Planning Commission. (orig. 5-21-19)

      2) If the public way, ground, space, building, structure, or utility does not fall within the province of the Board of County Commissioners, disapproval may be overruled by the body or official having jurisdiction by a vote of not less than a majority of its entire membership or by said official. (orig. 5-21-19)
(3) If a utility is owned by an entity other than a political subdivision, then the disapproval by the Planning Commission can be overruled by the Public Utilities Commission by a vote of not less than a majority of its entire membership. (orig. 5-21-19)

D. Criteria for decisions in Location and Extent cases

1. The Planning Commission, in reviewing Location and Extent applications may consider the following criteria: (orig. 5-21-19)
   a. The compatibility with the existing and allowable land uses in the surrounding area. (orig. 5-21-19)
   b. The degree of conformance with applicable land use plans. (orig. 5-21-19)
   c. The ability to mitigate negative impacts upon the surrounding area. (orig. 5-21-19)
   d. The availability of infrastructure and services. (orig. 5-21-19)
   e. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area. (orig. 5-21-19)
Section 9 - Submittal Requirements

A. Intent and Purpose

The purpose of this section is to provide applicants with a clear description of the documents that will be required to be submitted for specific development processes. This section differentiates between documents that must be submitted as a part of the development application, those documents that must be submitted prior to hearing or determination, and those documents that need to be submitted after hearing or determination. This section also identifies required submittal documents and additional documents that are required based on the specific circumstances of the proposed development. (orig. 4-20-10)

B. Requirements

1. The tables within this section identify the submittal requirements for each specified application type. Each document is listed as either a required document (R) or an additional document (A). A required document is a document that is required to be submitted for a specific application. An additional document is a document that can be required by the Case Manager based on the specific circumstances of the application. (orig. 4-20-10)

2. Any submittal documents that have been submitted and approved as a part of a previous development application will not have to be resubmitted if the previous documents are applicable to the property being developed and are in compliance with current County regulations. In addition, the circumstances related to the development have to be consistent to the circumstances of the previous application during which the documents were originally submitted. (orig. 4-20-10)

3. The Case Manager, the Planning Commission or the Board of County Commissioners may require the applicant to submit additional documents, not listed in the tables below, in response to unique circumstances or based upon information received from referral agencies or other sources. (orig. 4-20-10)

4. An applicant should review the submittal requirements with Planning and Zoning prior to applying. A review of the submittal requirements can be accomplished by meeting with Staff and discussing the proposed application, or by going through the Pre-Application Review Process. (orig. 4-20-10)

5. The Director of Planning and Zoning may waive required submittal documents if he/she determines that the information would not materially aid in reviewing the application. (orig. 10-25-05; am. 5-20-08; am. 4-20-10; am. 12-21-10; am. 9-27-11; am. 12-13-16)

6. All documents submitted for a referral process must be submitted electronically. The applicant is responsible for any postage requirements during the application process. (orig. 4-20-10; am. 12-13-16)

7. The submittal requirements for the Pre-Application Review Process are listed in the Pre-Application Review Process Section of this Regulation. (orig. 4-20-10)

8. The submittal of notification documents is required in accordance with the Notification Section of this Regulation. (orig. 4-20-10)

9. The table below identifies the documents that are to be submitted as a part of the development application. (orig. 4-20-10; am. 9-27-11; am. 4-30-13; am. 8-27-13; am. 9-24-13; am 11-24-15; am. 12-13-16; 5-21-19)
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Reference the section below for further information related to each submittal document.

10. The table below identifies documents that are required during the processing of the application, prior to hearing or determination, and recordation (if applicable). In addition to the documents listed below, the Case Manager will require the submittal of any of the documents from the table above that were either not submitted by the applicant or may require revisions based on review by the Case Manager or referral agencies. (orig. 4-20-10; am. 8-27-13; am. 9-24-13; am. 12-13-16; am. 5-21-19)
C. Submittal Requirement Definitions

1. Application Form: A fully completed and executed application on the form provided by Planning and Zoning. (orig. 7-21-81; am. 7-11-95; am. 4-27-04; am. 10-25-05)

   Location and Extent: If the owner of the property does not qualify for the Location and Extent process, then the qualifying entity must sign the application form. (orig. 5-21-19)

2. Application and Referral Agency Fees:
   a. Application Fee: Application Fee as specified by the Board of County Commissioners. The fee shall be made payable to the Jefferson County Treasurer. (orig. 2-22-00; am. 12-17-02; a.m. 4-27-04; am. 10-25-05; am. 4-20-10)
   b. Referral Agency Fees: Review fees charged by a referral agency shall be made payable to the reviewing agency based on current rates and paid at the time of application. The fee amounts can be obtained by contacting Planning and Zoning. (orig. 9-12-83; am. 7-11-95; am. 10-25-05; am. 4-20-10)

3. Cover Letter: The cover letter shall include the name, address and phone number of both the property owner(s) and any appointed representative. The cover letter must provide a clear, concise description of the proposal and should include a graphic depiction of the proposal as necessary for clarification purposes. (orig. 2-22-00; am 12-17-02; am. 10-25-05; am. 4-20-10; am. 12-21-10)

   Location and Extent: The cover letter shall include a brief written synopsis of the proposed building, facility or use. (orig. 5-21-19)

4. Proof of Ownership: A copy of a current deed, title commitment or title policy showing that the person signing as the owner on the application is indeed the fee owner of the property. (orig. 7-11-95 am. 10-25-05; am. 4-20-10)

5. Title Insurance Commitment: A copy of recent title insurance commitment or policy issued by a company authorized to transact title insurance business in Colorado. The legal description on the commitment shall exactly match the legal description of the proposed development. The commitment or policy shall indicate the names and addresses of all current surface owners, mortgagees or lien holders; and any mineral estate owners or lessees of mineral owners. The names submitted shall be listed as they appear on the
relevant title documents and instruments that have been recorded with the County Clerk and Recorder. Copies of the documents listed in said commitment or policy shall be submitted for review. Any easement listed in said commitment must be shown and labeled on the survey document. If an easement is within a proposed Jefferson County right-of-way dedication, subordination (consent to street dedication) will be needed from the easement holder. The applicant may be required to have the commitment updated to remove any unacceptable liens or encumbrances. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10; am. 12-13-16)

6. Survey: A survey may be required if the legal description on a deed is not adequate to determine the size and shape of the parcel in question, or if there appears to be conflicts with adjoining deeds or surveys. In addition, a survey may be required in order to establish the location of the physical improvements in relation to parcel boundaries. The format of the survey shall comply with the Final Plat provisions for format and survey as set forth in the Land Development Regulation. Any documents of record that are referenced on the survey document shall also be submitted with the survey document. (orig. 7-23-02; am. 7-1-03; am. 10-25-05; am. 4-20-10; am. 12-21-10; am. 12-13-16)

7. Access: Prior to acceptance of a Formal Application, Planning and Zoning must verify that all the access locations that will be utilized to serve the proposed development meet the criteria listed below. The Director of Planning and Zoning may allow the formal application to be accepted without meeting the criteria below, if in his/her opinion the circumstances related to proving access should be finalized during the processing of the development application. (orig. 4-20-10; am. 12-21-10; reloc. 12-13-16)
   a. Evidence must be submitted demonstrating that the applicant has right of access in accordance with the Access Standards of the General Provisions and Regulations Section of the Zoning Resolution and the following: (orig. 4-20-10; am. 3-26-13; reloc. 12-13-16; reloc 7-17-18)
      (1) The provision for “road of record” may only be considered for applications that do not increase upon the number of existing building sites. (orig. 4-20-10; am. 12-21-10; reloc. and am. 12-13-16)
      (2) If a development is proposing to create or authorize additional lots or building sites, then the right of access must be shown to be transferable to the future owners within the development. (orig. 4-20-10; reloc. 12-13-16)
   b. The required width of the access right must also be in accordance with the Access Standards of the General Provisions and Regulations of the Zoning Resolution, unless a variance or a minor variation has been granted. In cases where a variance or a minor variation is being considered, the evaluation will include a review of the physical location and the physical standards of the access. (orig. 4-20-10; am. 3-26-13; reloc. 12-13-16)

Note 1: The physical location of an existing access and the physical standards of an existing access, shall be described as a part of this proof of access review, however, the resolution of any issues that arise related to the physical location or standards will be resolved at the time of processing the application. (orig. 4-20-10; am. 12-13-16)

Note 2: If the location of the access for the development changes from that originally verified, as described above, then additional access information may be required by the Case Manager. (orig. 2-22-00; am. 10-25-05; am. 4-20-10; am. 3-26-13; am. 11-24-15; am. 12-13-16)

Note 3: As a part of the review of the development application, the applicant will have to prove that the physical location and physical standards of the existing access are in conformance with the Access Standards of the General Provisions and Regulations Section of the Zoning Resolution, the requirements of the Land Development Regulation and the Transportation Design and Construction Manual. The review of the physical location and physical standards of the existing access may lead to the requirement for the right of access and width of the access to be re-evaluated and for additional rights to be obtained by the applicant. (orig. 2-22-00; am. 10-25-05; am. 4-20-10; am. 3-26-13; am. 11-24-15; am. 12-13-16)

8. Legal Description: The legal description of the property designated as a lot, block or tract on a recorded plat or aliquot description or a metes and bounds description. Copies of all documents called for or referred to in the legal description must be submitted. (orig. 9-11-90; am. 5-5-92; am. 7-1-03; am. 10-25-05; am. 12-21-10)

Rezoning and Special Use: If an application includes only a portion of the property, a legal description of the portion of the property going through the process is required. If there is an existing hazard overlay district on the property, a legal description or a graphic describing the location of such hazard overlay
district shall be provided. The Director of Planning and Zoning may waive the submittal of the legal
description or graphic for the hazard overlay district if the Director of Planning and Zoning finds that such
information would not materially aid in the rezoning process. (orig. 9-11-90; am. 5-5-92; am. 7-1-03; am.
10-25-05; am. 12-21-10; am. 3-3-15; am. 12-13-16)

9. Official Development Plan (ODP): The main component of an ODP is the written restrictions that identify
the uses and standards for the subject property. A graphic may also be required by Planning and Zoning
to show the configuration of use areas and other features. The typical format for the ODP (with a graphic)
is a 24" X 36" size document; however, a smaller format (PD-Lite) may be allowed at the discretion of
Planning and Zoning. (orig. 5-20-08; am. 4-20-10; am. 9-27-11; am. 07-17-18)
   a. Written Restrictions: The written restrictions serve to establish the specific regulations and
requirements for the lot or parcel. The written restrictions shall list permitted and accessory uses,
and may include specific standards for signs, fences, lighting, parking, buildings, lots, architecture,
open space and landscaping. The written restrictions may also address general provisions dealing
with matters specific to the property, for example (without limitation) animals, pollution control, or
hours of operation. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)
   b. Graphic: When required, the graphic shall depict the layout of the parcel and proposed use areas
and may show other features such as the location of existing buildings, buildable and non-buildable
areas, hazard areas, flood plains, and/or other relevant physical features of the property. (orig. 5-20-
08; am. 9-27-11; am. 07-17-18)

10. Special Use Plan: The main component of a Special Use Plan is the written restrictions that identify
the uses and standards for the subject property. A graphic may also be required by Planning and Zoning
to show the configuration of use areas and other features. The typical format for the Special Use Plan (with
a graphic) is a 24" X 36" size document; however, a smaller format (SU-Lite) may be allowed at the
discretion of Planning and Zoning. (orig. 5-20-08; am. 4-20-10; am. 9-27-11; am. 07-17-18)
   a. Written Restrictions: The written restrictions serve to establish the specific regulations and
requirements for the lot or parcel. The written restrictions shall list permitted and accessory uses,
and may also include specific standards for signs, fences, lighting, parking, buildings, lots,
arboriculture, open space and landscaping. The written restrictions may also address general
provisions dealing with matters specific to the property, for example (without limitation) animals,
pollution control, or hours of operation. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)
   b. Graphic: When required, graphic shall depict the layout of the parcel and proposed use areas, and
may show other features such as the location of existing buildings, buildable and non-buildable
areas, hazard areas, flood plains, and/or other relevant physical features of the property. (orig. 5-20-
08; am. 9-27-11)

11. Site Plan: A Site Plan prepared in accordance with the Plan Format Section of the Site Development Plan
provisions. (orig. 2-22-00; am. 10-25-05; am. 4-4-06; am. 4-20-10; 12-13-16)
   Location and Extent: The Site Plan shall include the following (as applicable): (orig. 5-21-19)
   a. Scale. (orig. 5-21-19)
   b. North Arrow. (orig. 5-21-19)
   c. Date Prepared. (orig. 5-21-19)
   d. Streets: The proposed and existing exterior street/road pavement widths and the right-of-way width,
if available. (orig. 5-21-19)
   e. Driveways and Intersections: Driveways and intersections adjoining or across the street/road from
the subject property. (orig. 5-21-19)
   f. Access Points: Location and grade of existing and proposed access points. (orig. 5-21-19)
   g. Buildings, Facilities, Uses and Impervious Surfaces: Location and size of proposed buildings,
facilities, uses, and impervious surfaces. (orig. 5-21-19)
   h. Dimensions: Lot dimensions, area and entire site acreage. (orig. 5-21-19)
   i. Floodplain: Location of the floodplain. (orig. 5-21-19)
   j. Parking, Fences, Pedestrian Circulation, Landscaping: Location and area of coverage of parking,
fences, pedestrian circulation and landscaping. (orig. 5-21-19)
12. Site Adjustment/Dedication Plat: A Site Adjustment/Dedication Plat prepared in accordance with the specific requirements located within the Site Development Plan provisions and in accordance with the Final Plat Section of the Land Development Regulation. (orig. 12-13-16)

13. Architectural Elevations: Architectural Elevations prepared in accordance with the provisions in the Architecture Section. (orig. 10-25-05; am. 4-4-06; am. 12-13-16)

Location and Extent: Although the Architecture Section of this Resolution does not need to be followed, it should be used as a guide for assuring that building architecture meets the intent of the Architecture Section of this Resolution. Separate Architectural Elevations may not be required if the proposed elevations are shown on the Location and Extent Site Plan. (orig. 5-21-19)

14. Lighting Plan: Lighting Plan prepared in accordance with the provisions in the Lighting Section. (orig. 10-25-05; am. 4-4-06; am. 12-13-16)

Location and Extent: Although the Lighting Section of this Resolution does not need to be followed, it should be used as a guide for assuring that lighting meets the intent of the Lighting Section of this Resolution. A separate Lighting Plan may not be required if the proposed lighting is shown on the Location and Extent Site Plan. (orig. 5-21-19)

15. Parking Plan: Parking Plan prepared in accordance with the provisions in the Off-Street Parking and Loading Section. (orig. 10-25-05; am. 4-4-06; am. 12-13-16)

16. Landscape Plan: Required when necessary to ensure that developments comply zoning documents, or to ensure compliance with the Landscaping Section of this Resolution. The areas to be landscaped may include common areas, greenbelts, traffic islands, buffer areas and streetscapes. The plan shall include, but not be limited to, species, general location of plantings, type of ground cover, berm, walls, fences and bodies of water and water courses. The intents and purposes of such features shall be indicated on the plan. The Landscaping Plan shall be prepared in accordance with the provisions in the Landscaping Section. (orig. 2-22-00; am. 12-17-02; am. 10-25-95; am. 4-4-06; am. 4-20-10; am. 12-13-16)

Location and Extent: Although the Landscaping Section of this Resolution does not need to be followed, it should be used as a guide for assuring that landscaping meets the intent of the Landscaping Section of this Resolution. A separate Landscape Plan may not be required if the proposed landscaping is shown on the Location and Extent Site Plan or on another document that is substituted for the Site Plan. (orig. 5-21-19)

17. Visual Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan or when a proposed development has the potential to significantly impact view corridors, such as mountain backdrops, ridgelines, scenic vistas, historic sites or other areas of visual significance. The analysis shall determine the impacts of a proposal upon view corridors. The preparation of the plan may use methods such as photo mockups or simulations, view corridor mapping, modeling or other techniques, and should indicate how the surrounding land uses and associated viewer groups will be affected by different placement locations. The plan should include views from public areas as well as from private residences; and should include recommended mitigation measures such as height limitations, building clustering or massing, camouflage, screening, blending measures, or designated areas of open space. (orig. 4-20-10)

18. Slope Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan or when topographical constraints would result in development that requires significant cut and fill activities or presents adverse impacts to health, safety and welfare. The analysis shall include a scaled site plan based upon a topographic contour map with contour intervals of not less than 5 feet. Areas of between 0-20%, 20%-30% and greater than 30% slope shall be indicated. The plan shall include the location of existing and proposed building footprints and other development, proposed roads, sidewalks, rock outcroppings, ridges, tree stands, water courses or other geographical features. (orig. 4-20-10)

19. Vegetation Preservation Plan: Required when necessary to ensure developments comply with zoning documents or when there is vegetation onsite that would meet the preservation criteria of the Landscaping Section of this Resolution. The plan must be prepared by a registered landscape architect or forester. The plan shall consist of a scaled site plan and indicate vegetation to be preserved, proposed grading activities, and measures to be taken to protect existing vegetation. (orig. 4-20-10)

20. Market Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan and/or to justify that a proposal for a commercial use when the community
plan does not recommend a commercial use. The analysis is required to justify that the market area can support the proposed development. This could include a map of the market area, demonstration of the level of demand for the subject land use, analysis of the economic base of the market area, growth projections, demographics of the surrounding market, including income and education, and the potential impact on surrounding businesses. (orig. 4-20-10)

21. Water Supply Information: Submit information on the proposed water supply in accordance with the Water Supply Section of the Land Development Regulation.

   If a structure or use is proposed that does not require a permanent water supply system, then a letter verifying that the structure is unoccupied, and no water will be extended may be submitted and reviewed by Staff for adequacy to meet this requirement. (orig. 7-11-07; am. 4-20-10; am. 4-30-13, am. 12-13-16)

22. Wastewater Information: Submit information on the proposed wastewater disposal in accordance with the Wastewater Section of the Land Development Regulation.

   If a structure or use is proposed that does not require wastewater disposal, then a letter verifying that the structure is unoccupied, and no sanitation will be provided may be submitted and reviewed by Staff for adequacy to meet this requirement. (orig. 4-20-10; am. 4-30-13; am. 12-13-16)

23. Fire Protection Proof: A written statement from the appropriate fire district, indicating that they serve the referenced property. If the property is not located within a fire protection district, a contract with a district or a municipality indicating that they will provide service to the property shall be required. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10)

24. Forest Management Plan: Forest Management Plan(s) prepared in accordance with the Fire Protection Section for all developments located within the boundary of the Wildfire Hazard Overlay District. (orig. 4-20-10)

25. Construction Plans: When the provisions of any applicable County regulation or plan require improvements associated with a development application, those improvements will be incorporated into the Civil Construction Plans. The construction plans shall be comprised of the following applicable plans: (orig. 10-25-05; am. 4-4-06; am. 4-20-10)

   a. Circulation Improvement Plans prepared in accordance with the Jefferson County Transportation Design and Construction Manual and the Circulation Section of the Land Development Regulation. The plans shall include any design elements required to address necessary improvements identified in a Transportation Analysis or Study. (orig. 4-20-10; am. 11-24-15; am. 12-13-16)

   b. Trail construction plans, as required by the Transportation Design and Construction Manual and the Trails Section of the Land Development Regulation. (orig. 4-20-10; am. 11-24-15)

   c. Grading, Erosion and Sediment Control Plans prepared in accordance with the Grading, Erosion and Sediment Control Section of the Land Development Regulation and the Land Disturbance Section of this Resolution. (orig. 10-25-05; am. 4-4-06; am. 4-20-10)

   d. Fire protection measures as required by the Fire Protection Section of the Land Development Regulation shall be incorporated into the plans listed below, as appropriate. (orig. 4-20-10)

   e. Geologic and Geotechnical Plans prepared in accordance with the Geologic and Geotechnical Section of the Land Development Regulation and in conformance with the requirements of the Geologic and Geotechnical Report, unless waived by the County Engineering Geologist. (orig. 4-20-10)

   f. Floodplain mitigation measures as required by the Floodplain Section of the Land Development Regulation shall be incorporated into the plans listed below, as appropriate. (orig. 7-23-02; am. 10-25-05; am. 4-20-10)

   g. Water Supply System Plans prepared in accordance with the Water Supply Section of the Land Development Regulation. (orig. 4-20-10)

   h. Wastewater Collection Plan(s) prepared in accordance with the Wastewater Section of the Land Development Regulation. (orig. 4-20-10)

   i. Groundwater Collection Plans as required by the Subsurface Groundwater Collection Systems Section of the Land Development Regulation. (orig. 4-20-10)

26. Exhibit A: When the provisions of any applicable County regulation or plan require improvements associated or fees with a development application, then a detailed list of those improvements and fees
will need to be provided. The detailed improvement/fee list will be divided into different sections, as applicable, for the different types of improvements or fees associated with the project. The different categories that may be included are public improvements, landscape improvements, cash in-lieu of construction and fees as described in the Development Agreements, Warranties and Guarantees Section of the Land Development Regulation. The Exhibit A may either be submitted with the initial application or at the time of resubmittal after the 1st Referral. (orig. 4-20-10; am. 9-24-13)

27. Transportation Information: Detailed Transportation Information will be required during the development process in accordance with the following provisions, unless it was submitted with a previous process and the information related to transportation has not changed. In addition, the submittal of an analysis or a study may be required by the underlying zoning regardless of the number of vehicular trips being generated. (orig. 7-11-95; am. 3-13-99; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 4-20-10; am. 11-24-15)

a. Transportation Analysis: A Transportation Analysis may be required by Planning and Zoning to determine the amount and/or distribution of traffic generated from a proposed development. A transportation analysis is a computation of the traffic that is generated by a proposed development that is expected to generate less than 1000 average daily trips. The analysis should address any onsite and offsite improvements that may be necessary to mitigate traffic impacts from the proposed development. Required improvements may include the addition of turning lanes, and bicycle/pedestrian facilities, including any other improvements which may be suggested by the analysis. (orig. 4-20-10; am. 11-24-15)

b. Minor Transportation Study: A Minor Transportation Study is required when a proposed development is expected to generate 1000 average daily trips or more, and the traffic impacts are localized as determined by Planning and Zoning. The study should address any onsite and offsite improvements that may be necessary to mitigate traffic impacts from the proposed development. Required improvements may include the addition of traffic signals, turning lanes and bicycle/pedestrian facilities, including any other improvements which may be suggested by the study. (orig. 4-20-10’ am. 11-24-15)

c. Major Transportation Study: A Major Transportation Study is required when a proposed development is expected to generate 1000 average daily trips or more, and the traffic impacts are regional as determined by Planning and Zoning. The study should address any onsite and offsite improvements that may be necessary to mitigate traffic impacts from the proposed development. Required improvements may include the widening of existing streets; the addition of new intersections or interchanges; and the addition of traffic signals, turning lanes and bicycle/pedestrian facilities, including any other improvements which may be suggested by the study. (orig. 4-20-10; am. 11-24-15)

d. Updated Analysis/Study: Updated information may be required when there is a proposed alteration to the traffic patterns of a development that previously required an analysis or a study. Planning and Zoning may require either a new transportation analysis or study or an amendment to the analysis or study on file as a part of the previous development. (orig. 4-20-10; am. 11-24-15)

28. Deeds/Easements/Agreements: Deeds/Easements/Agreements for off-site improvements and dedications that may arise due to the requirements of the development application. (orig. 7-28-02; am. 4-20-10)

29. Phase I Drainage Report and Plan: A Phase I Drainage Report and Plan prepared in accordance with the Storm Drainage Design and Technical Criteria, if the property is traversed by a major drainageway which is to be modified in any way. If Planning and Zoning determines that the Phase I Drainage Report and Plan would not materially aid in the review of the application, the submittal may be deferred to a subsequent development process. (orig. 5-12-87; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 4-20-10)

30. Phase III Drainage Report and Plan: A Phase III Drainage Report and Plan prepared in accordance with the Storm Drainage Design and Technical Criteria. (orig. 4-20-10)

31. Geologic and Geotechnical Report: If the property is located within the Designated Dipping Bedrock Overlay District, the Geo-Hazard Overlay District or in an area of known geologic hazards, a Geologic and Geotechnical Report must be submitted in accordance with the Geologic and Geotechnical Section of the Land Development Regulation. The County Engineering Geologist may defer the submittal of the report to a subsequent development process or to the building permit process, if he/she determines that
the information required for the subsequent process or building permit will sufficiently provide recommendations for foundation design, floor slab, pavement design and site grading. For example, a rezoning for a residential development in the Designated Dipping Bedrock Overlay District may have the report requirements deferred to the subsequent plating process since the characteristics of the geology and the methods of mitigation are consistent for that hazard. (orig. 7-23-02; am. 12-17-02; am. 10-25-05: am. 4-20-10)

Site Development Plan: A proposal for a Site Development Plan, regardless of whether it is in the hazard areas listed above, must include a Design Level Geotechnical Report as described in the Geologic and Geotechnical Section of the Land Development Regulation. (orig. 4-20-10)

Rezoning: A rezoning, application located in the Geo-Hazard Overlay District or in an area of known geologic hazards, will be required to submit detailed hazard mitigation plans, along with the Geologic and Geotechnical Report, unless the hazard area is set aside as an area that will not be disturbed. (orig. 4-20-10)

32. Radiation Assessment/Report/Plan: The proposed development shall evaluate and mitigate naturally occurring and man-made radiation hazards through the following: (reloc. 7-12-05; am. 4-4-06, am. 12-13-16)
   a. A radon mitigation system shall be required for new residential construction in accordance with the International Residential Code to address the health hazard associated with radiation from radon gas. (orig. 12-13-16)
   b. During the evaluation of the Environmental Questionnaire/Assessment, if radiation not associated with radon gas is identified as a potential hazard, a Radiation Assessment (and potentially a Report/Plan) will be required. (orig. 4-20-10; am 12-13-16; am. 07-17-18)

33. Sensory Impact Assessment/Report/Plan: Sensory Impact Assessment/Report/Plan prepared in accordance with the Sensory Impact Section of the Land Development Regulation. (orig. 5-21-19)

34. Environmental Questionnaire/Assessment: An Environmental Questionnaire/Assessment in accordance with the Environmental Assessment Section of the Land Development Regulation. (orig. 10-25-05; am. 4-20-10)

35. Floodplain Study: A Floodplain Study prepared in accordance with the Floodplain Overlay District Section of the Zoning Resolution. (org. 8-27-13)

36. Mylar: The Mylar shall: (orig. 4-20-10)
   a. Reflect all corrections as indicated on the red-marked print. (orig. 4-20-10)
   b. Be a minimum of 0.003 inches in thickness, black line and have a matte finish on both sides. Sepia Mylars are not acceptable for recording. (orig. 4-20-10)
   c. Not have any erasures. (orig. 4-20-10)
   d. Be signed in fine tip, black permanent ink by: (orig. 4-20-10)
      1. the fee simple owners and the holders of deeds of trust (if applicable), with signatures notarized. (orig. 4-20-10)
      2. the developer’s attorney or the developer’s title company (if applicable). (orig. 4-20-10)
   e. Have the appropriate seals affixed. No seals shall be placed within the margins. (orig. 4-20-10)

Rezoning (Planned Development) and Special Use: The Planning and Zoning Division will determine if the Official Development Plan or Special Use Document will need to be submitted on a Mylar. (orig. 9-27-11)

37. Improvements Agreement: The executed Improvements Agreement with the attached Exhibit A is required if there are improvements associated with the proposed development and the applicant would like to postpone the submittal of the performance guarantee. By entering into an improvement agreement, an applicant may begin site construction without submitting a performance guarantee for the improvements, with the understanding that the construction will need to be completed or a performance guarantee submitted prior to sale or issuance of a building permit. The Improvements Agreement shall: (orig. 7-23-02; am. 7-1-03; am. 6-21-05; am. 7-12-05; am. 10-25-05; am. 4-20-10)
   a. Match the County standard template unless alterations have been approved by the County Attorney’s Office. There are different templates for an original improvement agreement and an amended
38. Performance Guarantees shall be administered in compliance with the Development Agreements, Warranties and Guarantees Section of the Land Development Regulation. (orig. 7-23-02; am. 7-1-03; am. 6-21-05; am. 7-12-05; am. 10-25-05; am. 4-20-10)

39. Executed Deeds/Easements/Agreements: Any deeds, easements or agreements that were required based on the processing of the development shall be properly executed and submitted so that the recording of these documents can be coordinated with the recording of the final development documents. (orig. 4-20-10; am. 9-27-11)

If any interest (fee simple, easement or otherwise) in a street, road, tract, parcel or strip of land is to be dedicated to the County, the property owner shall indemnify the County from any and all damages, claims, losses, injuries and expenses (including attorneys’ fees) related to or arising out of the presence of hazardous materials, whether known or unknown, including, without limitation, any cleanup costs for such hazardous materials. Such indemnification shall be in a form acceptable to the County Attorney’s Office. (orig. 4-20-10)

40. Final Documents: All final plans related but not limited to site development, construction, drainage and landscaping shall be submitted in accordance with the correspondence from the Case Manager and shall be properly executed and sealed. (orig. 4-20-10)

41. Recording Fees: Recording fees shall be those currently charged by and made payable to the Jefferson County Clerk and Recorder. (orig. 4-25-05)

42. Fees-in-Lieu of Land Dedication: If the applicant is proposing to satisfy a portion, or all, of the park or school land dedication requirements through the payment of fees, then the fees must be paid prior to approval of the final development documents. (orig. 4-20-10; am. 9-27-11; am. 12-13-16)

Site Development Plan: Only applicable when the Site Development Plan is creating multi-family units. (orig. 12-13-16)

43. Mineral Estate Owner Notification Form: A completed and executed Mineral Estate Owner Notification Form must be provided to the Case Manager. The Case Manager will provide the blank form for the applicant to use to satisfy this requirement. (orig. 10-25-05; am. 4-20-10)

44. Cash-In-Lieu of Construction: If the County has agreed to take cash payment for a portion or all of the improvements required for a development, the cash payment shall be made prior to recordation of the final development documents, unless the County has agreed to incorporate the payment into the requirements of the Improvements Agreement. (orig. 4-20-10; am. 9-27-11)

45. Title Insurance Commitment (updated): The title insurance commitment should have an effective date within 45 days of the approval date of the final development documents. (orig. 4-20-10; am. 9-27-11; am. 12-13-16)

46. Statement of Authority: If the applicant is an entity (as defined in Section 38-30-172, C.R.S.), it must complete and record a statement of authority document identifying one or more persons that have authority to act on behalf of the entity for conveying, encumbering or otherwise affecting title to real property, pursuant to Section 38-30-172, C.R.S. (orig. 07-17-18)
Section 10 - Enforcement and Administrative Exceptions

A. Compliance

It shall be unlawful for any person, firm, corporation or other entity to use, or cause to be used, any land within the unincorporated areas of Jefferson County except as permitted by this Zoning Resolution. If a use is not listed within the “Permitted Uses” of a zone district, then the use is not allowed. (orig. 9-6-77; am. 3-28-00; am. 12-17-02)

B. Enforcement

1. No oversight or error on the part of the Director of Planning and Zoning, his/her appointed designee's, assistants, or any official or employee of the County shall legalize, authorize, or excuse the violation of any of the provisions of this Zoning Resolution. (orig. 5-6-46; am. 9-6-77; am. 6-14-88; am. 12-17-02; am. 3-3-15)

2. It shall be the duty of the Director of Planning and Zoning to interpret and enforce all regulations and requirements contained in this Zoning Resolution and in Special Exceptions, Variances, Special Uses, County-approved landscape plans, and Official Development Plans unless that duty has been expressly delegated to another office. (orig. 9-6-77; am. 6-1-93, am. 8-17-99; am. 12-17-02; am. 3-3-15)

3. Enforcement Process
   a. Violation of any regulation or provision of this Zoning Resolution shall be subject to the penalties and procedures provided in C.R.S. § 30-28-124 and 30-28-124.5. (orig. 7-17-18)
   b. The County accepts complaints concerning properties within the unincorporated areas of the County. All complaints are independently investigated by a County Zoning Inspector, who determines whether the complaint is founded and if a zoning violation notice should be issued. (orig. 7-17-18)
   c. Once a complaint has been accepted by Planning and Zoning, the Zoning Inspector will attempt to complete an inspection and any other necessary investigation to determine if a violation is present. If the County is unable to verify a violation exists on the property, the complaint will be closed. (orig. 7-17-18)
   d. Upon verification of a violation, the County will give written notice to the violator to correct the violation within 10 days after the date of the notice. The notice will be delivered to the property owner, tenant, contractor, or other responsible party either by U.S. Mail or other means. (orig. 7-17-18)
   e. An inspection of the property will occur after the 10-day correction period listed on the notice. If the violation on the property has been abated, the violation case will be closed. If the violator fails to correct the violation within the 10-day period or within any extension period granted by the County, the County may issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of the charge to the violator. (orig. 7-17-18)
   f. The above procedure related to inspection and notice may not apply to actions seeking injunctive relief. (orig. 7-17-18)

4. Cease and Desist Order (orig. 12-14-04)
   a. If the Director of Planning and Zoning determines that a violation of this Zoning Resolution exists, the Director of Planning and Zoning may issue a cease and desist order. (orig. 12-14-04; am. 3-3-15)
   b. The cease and desist order shall be in writing and served on the owner of the property involved or the owner’s agent or the person committing the violation. All cease and desist orders shall be served upon such person by personal service or certified or registered mail, return receipt requested. (orig. 12-14-04)
   c. The cease and desist order shall set forth with particularity the provisions of the Zoning Resolution being violated, the facts that constitute the violation and the time by which the violation must be terminated or corrected. An immediate order to cease the violation may be issued but in no case shall a correction period of longer than 30 calendar days be granted unless the Director of Planning and Zoning approves a longer time period. (orig. 12-14-04; am. 3-3-15)
   d. Unless provided otherwise in the cease and desist order or granted in writing by the Director of Planning and Zoning, all cease and desist orders are effective upon service. (orig. 12-14-04; am. 3-
e. Failure to comply with a cease and desist order issued pursuant to this section shall be considered a violation of this Zoning Resolution. (orig. 12-14-04)

f. All appeals of cease and desist orders must be filed in accordance with the Board of Adjustment Section of this Zoning Resolution and applicable law. If an appeal of a cease and desist order is filed, the effect of the order shall be stayed until affirmed or modified in accordance with the Board of Adjustment Section of this Zoning Resolution. (orig. 12-14-04; am. 3-26-13)

5. Enforcement Measures for Mining Operations (orig. 6-1-93)

a. Periodic inspections of mining operations, made by personnel from the County and other agencies with enforcement responsibilities concerning regulation of any aspect of the mining operation, shall be allowed by the operator. Such inspectors shall comply with all state and federal safety and health regulations. Any violation of the provision and terms of the Board of Adjustment's resolution authorizing a Special Exception, and/or any violation of the provisions and terms of the Board of County Commissioner's resolution authorizing a Special Use within the M C District, and/or any violation of the provisions and terms of the Official Development Plan (ODP) within the Planned Development District is a violation of this Zoning Resolution. In addition to all other remedies as provided by law, this may result in the issuance of a notice of zoning violation. Any attempt to modify conditions of the existing Special Exception shall be in accordance with the Mineral Conservation District Section of this Zoning Resolution. (orig. 2-20-80; am. 6-1-93; am. 12-17-02; am. 3-26-13)

b. Annual Report

The operator shall prepare an annual report for any previously approved Special Exception and, unless waived by the Board of County Commissioners, a Special Use or Planned Development for mining, which shall include the following: (orig. 2-20-80; am. 6-1-93)

(1) Operations: A report identifying days of operation and identifying all days on which the detonation of blasting material within 250 feet of the ground surface has occurred. (orig. 2-20-80)

(2) Reclamation: A progress report on reclamation identifying areas being reclaimed, areas in which reclamation is complete, and the success or failure of all reclamation efforts to date. A copy of the mined land reclamation annual report shall satisfy this requirement. (orig. 2-20-80; am. 6-1-93)

(3) Seismic and Noise Monitoring: A report on the seismic and noise monitoring of the operation, if required. (orig. 2-20-80; am. 6-1-93)

(4) Air Quality Data: A report on air quality monitoring, if required. (orig. 2-20-80; am. 6-1-93)

(5) Production and Transportation: A report on transportation activities which is a summary of how material was transported off site, including truck and/or rail trips, as appropriate. This report will demonstrate how actual transportation compares to the traffic study as originally presented to the Board of Adjustment and/or the Board of County Commissioners. New traffic studies may be required of operators when routes and methods of transportation to major markets undergo substantial changes that will result in negative impacts on areas not considered during the hearings approving the mining use. The operator should mark documents which they believe to be confidential. Information marked "confidential," which may be precluded from disclosure under 24-72-204, C.R.S., as amended, may not be available to the public until the mining operation is terminated unless the operator gives a written consent to the release of all or any part of the information. (orig. 2-20-80; am. 6-1-93; am. 7-17-18)

(6) Hydrologic Data: A report on hydrologic data, which identifies any impact of the operation on surface and ground water as addressed in the Official Development Plan and/or Special Exception, and/or Special Use. (orig. 2-20-80; am. 6-1-93)

(7) Community Relations Summary: A report on any community relations activities that have occurred during the past year. (orig. 6-1-93)

(8) Other: Any other data required by the Board of County Commissioners at the time the Special Use or Official Development Plan was approved. (orig. 6-1-93)
(9) Violation of any standard in the Official Development Plan, and/or Special Use, and/or Special Exception that has been brought to the attention of the operator shall be identified and measures taken to prevent reoccurrence shall be provided. (orig. 6-1-93)

c. Mining Operation Review

The Director of Planning and Zoning shall review the annual report for all mining operations and determine compliance with the conditions and restrictions of the resolution granting the Special Exception or Special Use or the conditions and restrictions of the Official Development Plan. Notification will be provided, in writing, to the operator of such determination. (orig. 6-1-93; am. 12-17-02; am. 3-3-15)

d. Community Analysis

During the period of the mining operation, the operator shall designate a staff person (and phone number) who shall be available to meet with citizens and County officials concerning problems and address these issues on behalf of the operator. (orig. 6-1-93)

6. Enforcement Measures for Landscaping (orig. 8-17-99)

a. Periodic inspections of landscaping made by personnel from the County shall be allowed by the landowner. (orig. 8-17-99; am. 12-17-02)

b. Landscaped areas shall comply with and be maintained in accordance with this Zoning Resolution, unless the Board of Adjustment has, by resolution, authorized a Special Exception of this Zoning Resolution. In addition, if a Landscape Plan has been approved as a part of a development application, then the landscaped areas shall be maintained in accordance with the approved plan. All aspects of the approved Landscape Plan, such as landscaping, fencing, signage, etc., shall be enforceable even if the standards are more stringent than the requirements of this resolution. (orig. 8-17-99; am. 12-17-02; am. 4-20-10)

c. Owners shall cut, or cause to be cut, all weeds growing on their property and remove or cause the removal of the cut weeds to a legal refuse disposal site. (orig. 7-6-04)

d. Any deviation from the provisions and terms of a Board of Adjustment’s resolution authorizing a Special Exception to landscaping requirements, or any deviation from the County-approved landscape plan(s) is a violation of this Zoning Resolution. In addition to all other remedies as provided by law, this may result in the issuance of a notice of zoning violation. (orig. 8-17-99; am. 12-17-02)

7. Enforcement Measures for Defensible Space and Associated Fuel Break Thinning (orig. 6-18-02)

a. Periodic inspections of defensible space and associated fuel break thinning made by personnel from the County shall be allowed by the landowner. (orig. 6-18-02)

b. Defensible space and associated fuel break thinning shall comply with and be maintained in accordance with this Zoning Resolution and Colorado State University’s Cooperative Extension Quick Guide Series FIRE 2012-1 unless the Board of Adjustment has, by resolution, authorized a Special Exception to this Zoning Resolution and Colorado State University’s Cooperative Extension Quick Guide Series FIRE 2012-1. (orig. 6-18-02; am. 12-17-02; am. 7-17-18)

c. Any deviation from the provisions and terms of a Board of Adjustment’s resolution authorizing a Special Exception to defensible space and associated fuel break thinning plans is a violation of this Zoning Resolution. In addition to all other remedies as provided by law, this may result in the issuance of a notice of zoning violation. (orig. 6-18-02; am. 12-17-02)

8. Enforcement Measures for Floodplain Overlay District

a. Suspension and Revocation of Permit: The County may suspend or revoke a permit for violation of any provision of the floodplain regulations, violation of the permit or misrepresentations by permit holder, his agents or his employees or independent contractors under contract with the permitting. The decision of the County to suspend or revoke a permit may be appealed to the Board of Adjustment. No work shall be performed while an appeal is pending except as authorized by the County. (orig. 8-27-13)

b. Court Action: Nothing in the floodplain regulations shall be construed to prevent the County Attorney, at the County Attorney’s discretion, from filing a court action based upon a violation or potential violation of the floodplain regulations. (orig. 8-27-13)
c. Right of Entry: As necessary, the County may enter the premises to inspect or perform any duty imposed by the floodplain regulations. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. (orig. 8-27-13)

d. Stop Work Orders: When any work is being done which is not in compliance with an approved permit and/or the provisions of the floodplain regulations or any other applicable law, rule or regulation, the County can order the work stopped by serving written notice on any persons engaged in doing or causing such work to be done. Such person shall immediately stop such work until authorized by the County to proceed with the work or until approval to proceed has been obtained from the Board of Adjustment or other legal process. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation. The notice shall not be removed until the violation has been vacated or authorization to remove the notice has been issued. Failure to comply with any Stop Work Order is a violation of the Zoning Resolution and the County may proceed with Court Action and/or the actions listed below: (orig. 8-27-13)

e. The County may contact the U.S. Army Corps of Engineers to notify them about any violation of Section 404 of the Clean Water Act. (orig. 8-27-13)

f. The County may contact the Colorado Parks and Wildlife to determine and/or notify them about any violation to the Endangered Species Act. (orig. 8-27-13)

g. The County may issue a declaration of violation, under Section 1316 of the National Flood Insurance Act of 1968 to the Federal Emergency Management Agency to deny flood insurance on the property in violation. The effects of having a Section 1316 violation are non-availability of flood insurance for any buildings, possible reduction of market value, risk of damage without compensation, possible mortgage foreclosure, and denial of disaster assistance for repair of structural damage. (orig. 8-27-13)

C. Administrative Exceptions

1. The Director of Planning and Zoning may permit certain Administrative Exceptions to the requirements for lot area, front, side and rear setbacks, building height, sign height and sign face area. Said Administrative Exceptions shall be for the purpose of relieving difficulties or hardships due to narrowness, shallowness, shape or topographic condition of a specific piece of property, or to provide limited flexibility to lot standards when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Zoning Resolution will be caused thereby. (orig. 9-6-77; am. 12-12-78; am. 11-6-79; am. 1-17-84; am. 12-5-95; am. 12-17-02; am. 7-12-05; am. 3-3-15)

2. The Director of Planning and Zoning may permit Administrative Exceptions to any zoning requirement other than the separation and occupancy limitations of group homes in order to provide reasonable accommodations for a disability where necessary to afford the resident(s) an equal opportunity to use and enjoy a dwelling. (orig. 3-29-16)

3. The Director of Planning and Zoning may permit certain Administrative Exceptions for temporary uses, temporary living quarters, home occupations, and minor modifications. Said Administrative Exceptions shall be reviewed based on the criteria outlined in each of those subsections found within this section of the Zoning Resolution. (orig. 3-26-13; am. 3-3-15)

4. Administrative Exceptions may be permitted only after a site inspection has been made by the County and it has been determined by the County that no substantial detriment will be caused to the general public welfare or local community character. The decision for an Administrative Exception for a disability will not be made solely based on an evaluation of community character. If granted, Administrative Exceptions shall be issued in writing. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-29-16)

5. Notification Criteria: Notification is required in accordance with the notification provisions of the Administrative Provisions Section of the Zoning Resolution. (orig. 3-26-13; am. 3-3-15; am. 3-29-16)

a. Those notified will have 14 calendar days to reply in writing before a decision is rendered. (orig. 3-26-13; am. 3-29-16; am. 7-17-18)

6. The Director of Planning and Zoning may revoke any Administrative Exception granted under this section by issuing a Zoning Violation Notice if, in the Director of Planning and Zoning’s opinion, the use is not in compliance with the intent and purpose for which the Administrative Exception was granted, if the conditions of approval of the Administrative Exception or requirements of the Zoning Resolution have not been satisfied. (orig. 12-12-78; am. 6-14-88; am. 12-17-02; am. 3-3-15, am. 3-29-16)
7. Verification of Setbacks Requirements: A Setback Verification Form, as described in the General Provisions Section of this Zoning Resolution is required for any building or structure allowed by an Administrative Exception. (orig. 12-12-78; am. 12-17-02; am. 3-3-15, am. 3-29-16; am. 7-17-18)

   a. The Director of Planning and Zoning shall have the ability to waive the requirement for a Setback Verification Form if the applicant is seeking an accommodation of a disability. This waiver may be granted if it is the Director of Planning and Zoning’s opinion that the information from the survey would not aid in the review or enforcement of the Administrative Exception granted for such disability. (orig. 3-29-16; am. 7-17-18)

8. Administrative Exceptions shall only be permitted when the request falls within the parameters set forth below: (orig. 9-6-77; am. 12-12-78)

   a. Lot Area

      Under the following conditions, the Director of Planning and Zoning may permit the following Administrative Exceptions to the lot area requirement of any zone district. (orig. 5-6-46; am. 9-6-77; am. 11-6-79; am. 12-17-02; am. 3-3-15)

      (1) If a lot, platted and recorded ON or BEFORE April 1, 1946, has less lot area than current minimums require, the Director of Planning and Zoning may permit the use of such lot as though the area conforms to minimum requirements, provided that: (orig. 5-6-46; am. 9-6-77; am. 11-6-79; am. 12-17-02; am. 3-3-15)

         (a) Current setback and height regulations shall be complied with for any new construction or structural alteration; and (orig. 9-6-77)

         (b) Current use regulations shall be complied with for any new construction or structural alteration. (orig. 9-6-77)

         (c) The applicant shall present the Director of Planning and Zoning with a written statement from owners of immediately adjacent lots indicating their position as to the Administrative Exception requested, or the County shall notify all owners of adjacent lots in writing. Those owners will have 10 calendar days to reply in writing before a decision is rendered. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

      (2) If a lot was platted and recorded AFTER April 1946; OR IF the property is unplatted with a metes and bounds legal description, and such parcel has less lot area than the current minimum required, the Director of Planning and Zoning may permit the use of such parcel, provided that: (orig. 9-6-77; am. 11-6-79; am. 12-17-02; am. 3-3-15)

         (a) All current setback and height regulations shall be complied with; and (orig. 9-6-77)

         (b) Current use regulations shall be complied with for any new construction or structural alteration; and (orig. 9-6-77)

         (c) The area is not less than 75 percent of the minimum required. (orig. 9-6-77; am. 11-6-79; am. 7-1-03)

         (d) The applicant shall present the Director of Planning and Zoning with a written statement from owners of immediately adjacent lots indicating their position as to the Administrative Exception requested, or the County shall notify all owners of adjacent lots in writing. Those owners will have 10 calendar days to reply in writing before a decision is rendered. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

   b. Front, Side and Rear Setbacks and Building Heights

      Under the following conditions, the Director of Planning and Zoning may permit, in writing, certain Administrative Exceptions to setback, building height, area requirements, and vertical height disturbances in any zone district as set forth below. (orig. 9-6-77; am. 12-12-78; am. 1-17-84; am. 12-17-02; am. 7-12-05; am. 3-3-15; am. 7-17-18)

      (1) Site Plan Submittal Requirements

         (a) All requests for Administrative Exceptions for setbacks shall include an Improvement Survey Plat (ISP). (orig. 7-17-18)

         (b) The location of any proposed structures shall be clearly shown on a copy of the ISP, with the requested setbacks labeled. (orig. 7-17-18)
(2) Front Yard Setback
   (a) A front yard setback of up to 75 percent of the minimum required. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-26-13)
   (b) Administrative Exceptions to setbacks on corner lots cannot be granted by the Director of Planning and Zoning in the area required for vision clearance at corners and railroad crossings unless it is specifically found by the County that no potential traffic problem is created because of diminished sight distances. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

(3) Side Yard Setbacks
   (a) A side yard setback up to 75 percent of the minimum required. (orig. 5-6-46; am. 9-6-77; am. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-26-13)
   (b) Chimneys, open fire escapes or stairways to extend not more than 5 feet into a required side yard if they can be so situated as not to unreasonably obstruct light and ventilation of an existing dwelling or other main building on an adjoining lot. (orig. 5-6-46; am. 9-6-77)
   (c) Administrative Exceptions to side setbacks on corner lots cannot be granted by the Director of Planning and Zoning in the area required for vision clearance at corners and railroad crossings unless it is specifically found by the County that no potential traffic problem is created because of diminished sight distance. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-3-15)

(4) Rear Yard Setback
   (a) A rear yard setback of up to 75 percent of the minimum required. (orig. 12-12-78; am. 1-17-84; am. 12-17-02; am. 3-26-13)
   (b) Chimneys, open fire escapes or stairways to extend not more than 5 feet into the required rear yard if such rear yard abuts on an alley which is not less than 16 feet in width. (orig. 5-6-46; am. 9-6-77)

(5) Building Height
   (a) The maximum height of a building may be increased by 5 feet over the allowable maximum. (orig. 1-17-84; am. 12-17-02; am. 3-26-13)
   (b) Administrative Exceptions shall not be granted for both setback and building height requirements on a given lot. (orig. 1-17-84; am. 7-12-05)

(6) Vertical Height Disturbance for Private Roads and Driveways
   The maximum height of a vertical cut or fill slope may be increased by 5 feet over the allowable maximum upon approval by the Director of Planning and Zoning. In determining whether to approve or disapprove the request, the Director of Planning and Zoning shall consider all technical evaluations, relevant factors, standards specified in other sections, and whether the applicant has adequately addressed the provisions of The Board of Adjustment Section of this Zoning Resolution (orig. 11-12-02; am. 12-17-02; am. 3-26-13)

c. Accommodation of a Disability
   The Director of Planning and Zoning, after consultation with the County Attorney’s Office, may permit, in writing, certain Administrative Exceptions modifying any requirement of this Zoning Resolution other than the separation requirements and occupancy limitations of group homes, in order to provide a reasonable accommodation for a disability where necessary to afford the resident(s) an equal opportunity to use and enjoy a dwelling. The reasonable accommodation shall not authorize a use listed as a Special Use in the underlying zone district. The reasonable accommodation shall be subject to the following restrictions: (orig. 3-29-16; am. 7-17-18)
   (1) The Director of Planning and Zoning shall require the submission of evidence of disability and evidence establishing that an accommodation is reasonably necessary. (orig. 3-29-16)
   (2) The requested accommodation shall not exceed the minimum reasonably necessary to accommodate the disability. (orig. 3-29-16)
   (3) The requested accommodation shall not impose an undue financial or administrative burden on the County. (orig. 3-29-16)
(4) The requested accommodation shall not create a fundamental alteration in the County's land use and zoning plans. (orig. 3-29-16)

(5) The accommodation may be granted on a temporary basis. (orig. 3-29-16)

In the event that an Administrative Exception to accommodate a disability is granted, the Director of Planning and Zoning may require an affidavit be recorded with the Clerk and Recorder, with owner acknowledgement, to provide notice of the Administrative Exception. (orig. 3-29-16)

The Director of Planning and Zoning shall review all pertinent information pertaining to the request and render a decision in writing. Such determination may be appealed to the Board of Adjustment as outlined in the Board of Adjustment Section of this Zoning Resolution. (orig. 3-29-16)

9. Temporary Uses:

Upon written request by the property owner or his/her representative, submission of a plot plan and proof of property ownership, the Director of Planning and Zoning may permit in any zone district a temporary use (excluding firework stands), including but not limited to: greenhouses, seasonal sales, temporary structures and those uses not covered by the Special Events Section of this Zoning Resolution provided the use is permitted in that zone district: (orig. 12-17-02; am. 12-14-04; am. 3-3-15)

   a. In making a decision, the Director of Planning and Zoning shall evaluate parking, location of structures and buildings, access, adequacy of road system, hours of operation, length of operation, dust, noise and vibration beyond the property boundaries and any other items deemed necessary. (orig. 12-17-02; am. 3-3-15)

   b. The property owner or his/her representative must reapply for the temporary uses on an annual basis. A maximum of 5 total years, beginning from the date that the first exception was granted, shall be allowed. (orig. 12-17-02; am. 12-14-04)

10. Temporary Living Quarters

   a. Upon written request by the property owner or his/her representative, submission of a plot plan and proof of property ownership, the Director of Planning and Zoning may permit in any zone district the temporary occupation, for residential purposes, of a temporary living quarter. Temporary living quarters may be permitted only in circumstances where a permanent dwelling is being constructed on the same property. Such approval may be granted only when the following requirements have been met. (orig. 6-14-88; am. 12-17-02; am. 3-3-15)

      (1) An affidavit has been submitted stating that the occupant of the temporary living quarters will be the property owner, contractor or builder. (orig. 6-14-88; am. 12-17-02)

      (2) A Building Permit has been obtained for the permanent dwelling. (orig. 6-14-88)

      (3) A permit for an Individual Sewage Disposal System or other sewage disposal facility, approved by Public Health, exists for such temporary living quarters. (orig. 6-14-88; am. 12-17-02; am. 10-25-05; am. 4-20-10)

      (4) A well permit has been obtained or public water supply exists for such temporary living quarters. (orig. 6-14-88; am. 12-17-02)

      (5) Any other restrictions as may be deemed necessary by the Director of Planning and Zoning. (orig. 6-14-88; am. 12-17-02; am. 3-3-15)

   b. The approval may be granted only to the true fee owners of the property on which the permanent home is to be constructed. Only 1 temporary living quarter may be permitted on the property and may be occupied by either the true fee owner or the contractor or builder, as approved by the Administrative Exception. (orig. 6-14-88; am. 12-17-02)

   c. The approval may be granted for a period of up to 1 year and may be renewed for up to 6 months. Any extension beyond the maximum period must be granted by the Board of Adjustment. (orig. 6-14-88; am. 12-17-02)

   d. A temporary living quarter permitted as an Administrative Exception by the Director of Planning and Zoning must be removed from the property prior to the expiration of the permit or within 60 days after a certificate of occupancy is issued, whichever date occurs first. (orig. 7-22-97; am. 12-17-02; am. 3-3-15)
11. Home Occupations

Under the following conditions, the Director of Planning and Zoning may permit, in writing, certain Administrative Exceptions to home occupations for hair, nail or similar beauty salon or barber shop, mail order businesses and large day-care homes. (orig. 7-1-03 am. 7-12-05; am. 3-3-15)

a. Such home occupation shall be approved initially for a period of up to one year and may be renewable for periods of greater duration after complete resubmittal thereon through the Administrative Exception process. (orig. 7-1-03)

b. The Administrative Exception shall establish restrictions on location, access, water and sewer facilities, parking and any other reasonable stipulations deemed necessary for the protection of the health, safety and welfare of the citizens of Jefferson County. (orig. 7-1-03; am. 7-12-05)

c. In approving or denying such home occupations, the Director of Planning and Zoning shall consider all uses incidental to such home occupations, including retail sale of commodities, if any. (orig. 7-1-03; am. 3-3-15)

d. Such home occupation shall be approved only if it would not have a detrimental impact on the public good and would not substantially impair the intent and purpose of this Zoning Resolution. (orig. 7-1-03)

12. Minor Modifications

The Director of Planning and Zoning may permit minor modifications within any given zone district to provide limited flexibility when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Zoning Resolution will be caused thereby. (orig. 7-12-05; am. 3-3-15)

a. Upon written request by the property owner or his/her representative, submission of supporting documentation and proof of property ownership, the Director of Planning and Zoning may permit in any zone district such modification(s) only after a finding that: (orig. 7-12-05; am. 3-3-15)

(1) Such modification does not constitute a substantial change to the intent of the underlying zoning on the subject property. (orig. 7-12-05)

(2) The modification will comply with the minimum zoning lot and building standard requirement of the underlying zone district. (orig. 7-12-05)

(3) Review of pertinent records, files and documentation has been completed showing that such modification will not contradict or invalidate approval previously granted by a decision making body. (orig. 7-12-05)

(4) The modification will not be incompatible with existing or surrounding uses adjacent to the proposal. (orig. 7-12-05)

(5) The modification will not increase the density allowed in the underlying zone district. (orig. 7-12-05)

(6) The modification will not create adverse impact to adjacent properties such as dust, noise, vibration, odor or visual impacts. (orig. 7-12-05)

(7) The modification will not result in undue traffic congestion or traffic hazards. (orig. 7-12-05)

(8) The modification will be adequately landscaped and screened, if applicable. (orig. 7-12-05)

b. Review and Approval

(1) The Director of Planning and Zoning shall review all pertinent information pertaining to the request and render a decision in writing. Such determination may be appealed to the Board of Adjustment as outlined in the Board of Adjustment Section of this Zoning Resolution. (orig. 7-12-05; am. 3-26-13; am. 3-3-15)

(2) The following information may be required as part of the Minor Modification review process as determined by the Director of Planning and Zoning to adequately review the proposed modification(s): (orig. 7-12-05; am. 3-3-15)

(a) Application Form: A fully completed and executed application form. (orig. 7-12-05)

(b) Referral fees as required by reviewing agencies. (orig. 7-12-05)
(c) Site Plan: A neat and legible drawing of the proposed site layout showing the required information at a scale of 1 inch to 50 feet or larger, or another scale as required by these regulations or as approved by Planning and Zoning which allows for maximum clarity of the proposal. (orig. 7-12-05; am. 5-20-08)

(d) Survey: A survey shall be provided for one of the following: for metes and bounds properties, portions of lots or multiple lots, a survey including a legal description in compliance with the requirements of Part I of the Land Development Regulation. (orig. 7-12-05)

(e) Landscape Plan. (orig. 7-12-05)

(f) Architectural Elevations. (orig. 7-12-05)

(g) Grading and Erosion Control Plan. (orig. 7-12-05)

(h) Civil Construction Plans. (orig. 7-12-05)

(i) Parking Plan: A parking plan (which may be combined with the civil construction plans.) (orig. 7-12-05)

(j) Supporting Documents such as: Proof of Ownership, Proof of Water and Sewer, Proof of Access, Fire Protection, Geotechnical Report, Floodplain Overlay Zone District Report, Deeds, Performance Guarantees. (orig. 7-12-05)

(k) Additional Documentation: Other reports, studies, or plans and evidence of compliance with Plat or Exemption from Platting restrictions as deemed necessary by Planning and Zoning to address issues unique to the application. (7-12-05; am. 5-20-08)

(3) Upon an affirmative decision, a Site Development Plan, Grading Permit, Floodplain Permit, Building Permit, or Miscellaneous Permit may be required prior to commencement of the approved modification. (orig. 7-12-05)

(4) The Director of Planning and Zoning may revoke any Minor Modification granted under this section by issuing a Zoning Violation Notice if, in the Director of Planning and Zoning's opinion, the use is not in compliance with the intent and purpose for which the Minor Modification was granted. (orig. 7-12-05; am. 3-3-15)

(5) If the appropriate development permit(s), has not been issued for the modification or, if no permit is necessary, if the approved modification is not commenced within 12 months of approval, the approved modification shall become void, unless a six month extension is requested and approved by the Director of Planning and Zoning at least 30 days prior to the 12 month expiration date. Only one such extension shall be granted. (orig. 7-12-05; am. 3-3-15)

13. Review and Referral

Upon review of any request for an Administrative Exception, the Director of Planning and Zoning may refer the request to the Board of Adjustment if, in the Director of Planning and Zoning's opinion, circumstances are such that a public hearing is warranted, or if there is adequate need to satisfy adjoining property owners' concerns or objections. (orig. 12-12-78; am. 6-14-88; am. 12-17-02; am. 3-3-15)

14 Application Fee

Accompanying each application for an Administrative Exception shall be a nonrefundable processing fee in an amount established by the Board of County Commissioners. (orig. 12-12-78; am. 1-17-84; am. 5-3-94)

D. Floodplain Authority of the Director of Planning and Zoning

The Director of Planning and Zoning may grant a Floodplain Development Permit for those uses allowed in the underlying zone districts subject to the restrictions and conditions of the Floodplain Overlay District Section of this Zoning Resolution. The Director of Planning and Zoning shall decide on Floodplain Development permits pursuant to the Policies and Procedures Manual. (orig. 5-31-88; am. 12-17-02; am. 3-26-13; am. 3-3-15; am 7-17-18)
Section 11 - Board of Adjustment

A. Rules of Procedure

1. Calendar of Cases – Notice of Hearing
   a. Not less than 14 days' notice of the time and place of a Board of Adjustment hearing shall be given by posting a sign in a prominent place on the property which is the subject of such application or appeal. (orig. 5-6-46; am. 12-17-02; am. 7-17-18)
   b. Notification Criteria: Notification is required in accordance with the Notification Section of the Administrative Section of the Zoning Resolution. (orig. 3-26-13; am. 3-3-15; am. 7-17-18)

2. Application
   a. Upon written request by the applicant, a case can be continued or held inactive prior to public hearing for a period not exceeding 60 calendar days. After this time, the application shall be considered withdrawn. (orig. 7-1-03)
   b. No application that has been dismissed or denied can be entertained in a case in which the applicant, by filing new plans, has obtained a new decision from the Director of Planning and Zoning, unless the new plans materially change the aspects of the case. (orig. 5-6-46; am. 3-28-00 am. 12-17-02; am. 3-3-15)

3. Submittal Requirements
   a. Site Plan Submittal Requirements
      (1) All requests for Variances for setbacks shall include an Improvement Survey Plat (ISP). (orig. 7-17-18)
      (2) The location of any proposed structure(s) shall be clearly shown on a copy of the ISP, with the requested setbacks labeled. (orig. 7-17-18)

4. Application Fees
   Accompanying each application for an Appeal, Special Exception, or Variance shall be a nonrefundable processing fee in an amount established by the Board of County Commissioners. (orig. 8-7-74; am. 5-21-79; am. 5-3-94)

B. Powers

The word "Board" when used in this section shall be construed to mean the Board of Adjustment.

The Board shall have the following powers: (orig. 5-6-46)

1. Appeals
   To hear and decide upon Appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in enforcement of this Zoning Resolution. (orig. 5-6-46; am. 12-6-71; am. 12-17-02)

   Appeals to the Board of Adjustment may be taken by any person aggrieved by the inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the Zoning Resolution. Appeals to the Board of Adjustment may be taken by any officer, department, or board of the County affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the Zoning Resolution. Appeals shall be taken within 30 days of the decision in question by filing with the Director of Planning and Zoning and the Board of Adjustment a Notice of Appeal specifying the grounds for appeal (orig. 4-4-17)

2. Special Exceptions
   To hear and decide requests for Special Exceptions or for interpretations of the Zoning Maps or for decisions upon other special questions upon which the Board is authorized by this section to pass. (orig. 5-6-46; am. 12-6-71)

   a. To interpret the Zoning Maps to carry out the intent and purpose of the Zoning Maps where the street
or highway layout on the ground varies from the street or highway layout shown on the Zoning Map. (orig. 5-6-46; am. 12-6-71)

b. Mining and attendant operations, previously approved by the Board of Adjustment, shall henceforth be administered and enforced pursuant to the Definitions Section of this Zoning Resolution. There shall be no Special Exceptions approved by the Board of Adjustment to allow mining in the M C Zone District subsequent to June 1, 1993, the effective date of this Zoning Resolution. (orig. 6-1-93; am. 12-17-02)

c. To permit in any zone district temporary buildings and/or temporary uses when the provisions of Administrative Exception Section for temporary buildings and uses cannot be met, as follows: (orig. 5-6-46; am. 12-6-71; am. 1-17-84; am. 7-17-18)

1. A building for temporary purposes if such use is authorized by the zoning on the property, or; (orig. 1-17-84)

2. A temporary use of land and/or associated temporary buildings for any purpose or use which is clearly incidental to the development of the property. (orig. 5-6-46; am. 12-6-71; am. 1-17-84)

3. When requesting a construction trailer or where a substantial need for security personnel on the property has been shown, the following requirements must be met: (orig. 8-7-74; am. 12-17-02; am. 10-25-05)

a. A plan for the provision of water and sanitation, approved by Public Health, exists for such temporary structure. (orig. 12-6-71; am. 12-17-02; am. 10-25-05; am. 10-13-09; am. 7-17-18)

b. Any restrictions as may be deemed necessary by the Board of Adjustment. (orig. 12-6-71; am. 10-25-05)

4. Such Special Exception, if issued, will be valid for a period of 1 year and thereafter may be renewed annually after a complete rehearing by the Board of Adjustment. A maximum of 5 total years, beginning from the date that the first Special Exception was granted, shall be allowed. (orig. 5-6-46; am. 12-6-71; am. 1-17-84)

NOTE: If an applicant has been granted a Special Exception for a temporary use of land and/or building for 5 years or more, at time of adoption of this change, the Board of Adjustment may not grant a renewal for a Special Exception for more than 1 additional year. (orig. 1-17-84)

5. The Board shall, at the time of approval thereof, establish restrictions on location, access, heights, setbacks, water and sewer facilities, public improvements, and any other reasonable stipulations deemed necessary for the protection of the health, safety and welfare of the citizens of Jefferson County. (orig. 5-6-46; am. 12-6-71; am 1-17-84)

d. To permit home occupations which do not meet the provisions of the Home Occupations Section of this Zoning Resolution, subject to the following limitations: (orig. 11-15-65; am. 12-6-71; am. 6-23-81; am. 7-11-07)

1. The Board shall not permit any home occupation specifically excluded in the Home Occupations Section of this Zoning Resolution. (orig. 6-23-81; am. 7-11-07)

2. Such home occupation shall be approved initially for a period of up to one year and may be renewable for periods of greater duration after complete rehearing thereon by the Board of Adjustment. (orig. 6-23-81)

3. The Board shall, at the time of approval thereof, establish restrictions on location, access, water and sewer facilities and any other reasonable stipulations deemed necessary for the protection of the health, safety, and welfare of the citizens of Jefferson County. (orig. 6-23-81)

4. In approval or denial of home occupations herein, the Board of Adjustment shall give consideration to all incidental uses in connection therewith concerning the extent of retail sale of commodities, if any. (orig. 11-15-65; am. 12-6-71)

5. Such home occupation shall be conducted by the inhabitants of the residential property and shall terminate automatically upon any conveyance of possession or termination of lease or rental agreement. (orig. 11-15-65; am. 12-6-71; am. 6-23-81)
(6) Such home occupation shall be approved only if it is compatible with the general spirit and intent of this Zoning Resolution and to promote the general welfare. (orig. 11-15-65; am. 12-6-71; am. 12-17-02)

(7) The impact of the home occupation shall not adversely affect the character of the surrounding area. (orig. 7-1-03)

(8) Signs: Signage shall be in accordance with the Signs Section of the Zoning Resolution. (orig. 7-1-03; am. 7-17-18)

(9) Maximum number of employees: one. (orig. 7-1-03)

e. To permit the short-term rental of a single-family dwelling subject to the following criteria: (orig. 1-1-12)

(1) The Board of Adjustment may permit a short-term rental within the R-1, RR, MR-1, SR-1, SR-2, SR-5, A-1, A-2 or A-35 zone districts or a comparable Planned Development zone district. (orig. 1-1-12)

(a) The Board of Adjustment, in reviewing and making its decision upon such applications shall consider the impacts of the proposed use upon property in the surrounding area, including but not limited to: (orig. 1-1-12)

(a-1) Traffic impacts, volume of trips, safety and access; (orig. 1-1-12)

(a-2) Fire hazards; (orig. 1-1-12)

(a-3) Visual and aesthetic impact, including bulk and scale of buildings as they relate to the uses on surrounding properties; (orig. 1-1-12)

(a-4) Noise; (orig. 1-1-12)

(a-5) Drainage, erosion, and flood hazards; (orig. 1-1-12)

(a-6) Community character; (orig. 1-1-12)

(a-7) Adequate water and sewage disposal availability; (orig. 1-1-12)

(a-8) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area; (orig. 1-1-12)

(a-9) The compatibility of the short-term rental with the existing and allowable land uses in the surrounding area; and (orig. 1-1-12)

(a-10) The effect upon health, safety and welfare of the residents in the surrounding area. (orig. 1-1-12)

(b) Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed use upon the surrounding area, the Board of Adjustment may condition the decision to approve the Special Exception application upon implementation of such methods or techniques. (orig. 1-1-12)

(2) Limitations upon Short-term Rental Special Exception Applications (orig. 1-1-12)

(a) The lot, parcel, or boundary area subject to the Special Exception must conform to: (orig. 1-1-12)

(a-1) A minimum lot size of one acre, and (orig. 1-1-12)

(a-2) Building standards of the underlying zone district. (orig. 1-1-12)

(b) The proposed short-term rental shall provide a minimum of one (1) off-street parking spaces, plus one (1) additional off-street parking space per bedroom room. For example, a five-bedroom residence must have six off-street parking spaces to meet this criterion. (orig. 1-1-12; am. 7-17-18)

(c) The property owner shall comply with any defensible space requirements as set forth in the Wildfire Hazard Overlay District. (orig. 1-1-12)

(d) Valid water and sanitation must be provided either by an appropriate water and sanitation district or by a valid well permit and individual sewage disposal system (ISDS) permit specific to the property. (orig. 1-1-12)
(e) The lot, parcel, or boundary area subject to the Special Exception shall take legal access from a County maintained right-of-way or a private road that meets the minimum standard for private roads and driveways or non-maintained County right-of-way as set forth in the Jefferson County Transportation Design and Construction manual. (orig. 1-1-12; am. 11-24-15)

(f) The short-term rental shall offer overnight accommodations in the primary single-family dwelling in existence on the property, not in an accessory dwelling unit. The entire property including accessory uses in the corresponding zone district may be utilized by the guests of the short-term rental. (orig. 1-1-12)

(g) The property owner may not, at the time of application for the Special Exception, be the subject of an ongoing zoning violation other than the short-term rental of a single-family dwelling. (orig. 1-1-12)

(h) No substantial detriment to the intent of the Zoning Resolution will be caused.

(3) Such Special Exception, if granted, will be valid for a period of six months and thereafter may be renewed annually after a complete rehearing by the Board of Adjustment to determine that the use complies with the intent and purpose for which the Special Exception was granted. (orig. 1-1-12)

(4) Upon an affirmative decision, the applicant shall submit a request for a Short-term Rental Permit including documentation that all requirements of the Special Exception granted pursuant to this section have been fulfilled. (orig. 1-1-12)

f. To hear and decide requests for Commercial Energy Conversion Systems (ECS) and Non-commercial Wind Energy Conversion Systems (WECS) in accordance with the provisions of the Alternate Energy Sources Section of this Resolution. (orig. 5-21-19, am 06-29-21)

g. To hear and decide upon wildfire mitigation site plans submitted as a request for a Special Exception for any property located within the Wildfire Hazard (WH) Overlay Zone District, provided that the following conditions and restrictions are met by the applicant; and the Board of Adjustment determines, based on the evidence submitted and restrictions imposed, that the wildfire mitigation site plan for the subject property will lead to a reasonable reduction in the dangers from the wildfire hazard. (orig. 1-27-76; am. 12-5-95; am. 7-11-07; reloc. 01-18-22)

(1) It shall be the sole responsibility of the applicant to supply the Board of Adjustment with the following data and documentation: (orig. 1-27-76; reloc. 01-18-22)

(a) A written report consisting of the following: (orig. 12-5-95; reloc. 01-18-22)

(a-1) A narrative description of the physical characteristics of the site, including topography, major landforms, and aspect/orientation. (orig. 12-5-95; reloc. 01-18-22)

(a-2) A description of the major existing plant communities and timber types, including assessment of age, condition presence of disease, timber stand densities, and types and quantities of ladder fuels, if present. (orig. 12-5-95; reloc. 01-18-22)

(a-3) A general description of the type and location of wildfire hazards and existing land uses within 1/4 mile of the site. (orig. 12-5-95; reloc. 01-18-22)

(a-4) An evaluation of the site based on the analysis of the characteristics, as outlined above, to define areas of low, moderate, and high wildfire hazards, including fire chimneys and saddles. (orig. 12-5-95; reloc. 01-18-22)

(a-5) An evaluation of the existing land uses in relation to the on-site wildfire hazards and adjoining land uses and wildfire hazards. (orig. 12-5-95; reloc. 01-18-22)

(b) A site plan depicting the following: (orig. 1-27-76; reloc. 01-18-22)

(b-1) The location of the subject wildfire hazard(s) based on an assessment of the written report. (orig. 1-27-76; am. 12-5-95; reloc. 01-18-22)

(b-2) The location of the existing land uses and/or structures, including roads and driveways, and other relevant infrastructure improvements. (orig. 12-5-95; reloc. 01-18-22)
3. Variances

To authorize Variances from the strict application of lot and building standards of this Zoning Resolution, so as to relieve difficulties or hardships where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Zoning Resolution or amendment thereof, or by reason of exceptional topographic condition or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation adopted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property; provided however, that such relief may be granted only without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Resolution and the Zoning Maps. (orig. 5-6-46; am. 12-6-71; am. 12-17-02; am. 7-17-18)

a. Parking

(b-3) The location of the surrounding land use(s), roadways, and other relevant infrastructure within 1/4 mile of the site. (orig. 1-27-76; am. 12-5-95; reloc. 01-18-22)

(b-4) The location of the surrounding wildfire hazard(s) within 1/4 mile of the site. (orig. 1-27-76 am. 12-5-95; reloc. 01-18-22)

(c) A detailed wildfire mitigation report describing the following: (orig. 12-5-95; reloc. 01-18-22)

(c-1) The techniques and/or strategies to be used to mitigate wildfire within the project area. The techniques and/or strategies should be directly related to identified wildfire hazards within the project area and should include those site and building factors which contribute to the risks associated with wildfire. Examples of contributing factors are: marginal water supplies and delivery systems, either on site or off site; the capabilities and response times of the local fire protection district; the presence of "heat traps" such as decks and roof overhangs; fuel sources, and topography. Examples of building design and technology based mitigation strategies are: fire resistive construction techniques and materials; irrigated lawns or groundcovers around the structure; fire department approved suppression systems; monitored suppression systems and/or monitored smoke detection/alarm systems. (orig. 12-5-95; reloc. 01-18-22)

(c-2) A detailed assessment describing the projected effect of the mitigation procedures on subject wildfire hazard(s) and surrounding land use(s). (orig. 12-5-95; reloc. 01-18-22)

(d) Any additional material required by the Board of Adjustment. (orig. 1-27-76; am. 12-5-95; reloc. 01-18-22)

(2) Preparation

All wildfire reports and items described above shall be prepared and supervised by a graduate forester with a minimum of 2 years wildfire fighting experience in the Rocky Mountain Area. (orig. 1-27-76; am. 12-5-95; reloc. 01-18-22)

(3) Evaluation

The wildfire assessment and any related documentation shall be evaluated as to accuracy and adequacy by the Colorado State Forest Service or other review entities as deemed qualified by the Director of Planning and Zoning. (orig. 12-5-95; am. 12-17-02; am. 3-3-15; reloc. 01-18-22)

(4) Completion

Any wildfire hazard mitigation work approved by the Board of Adjustment as part of the wildfire hazard mitigation site plan, or for mitigation work for which the Board of Adjustment requires special implementation plans, shall be inspected and the results certified as to compliance with the plans submitted or additional restrictions imposed within time limits established by the Board of Adjustment. Inspections and certifications shall be conducted by the Colorado State Forest Service or other entities as deemed qualified by the Board of Adjustment. (orig. 12-5-95; reloc. 01-18-22)
(1) Where it is found by the Board of Adjustment, upon application thereto, that the parking demand engendered by the different uses, included in any joint arrangements to provide parking stalls required herein, occurs at definite different times of day, as in the case of a theater generating demand for parking after normal daytime business hours and a store generating demand for parking during such daytime hours and in such similar cases, the Board may reduce the total number of parking stalls to be jointly provided. (orig. 12-9-57; am. 8-6-80)

(2) In a case where any public or private off street parking facility, to be opened for public use free of charge or at reasonable rates, is planned or in process of development and where the Board of Adjustment has reasonable assurance that such development will be carried to completion and will, when completed, relieve the parking demand in an area within 500 feet thereof, the Board may establish a reasonable time period within which such area shall be provided with the required space of all or any portion of such development. The provisions of paragraph 3 above may be applied by the Board of Adjustment. (orig. 12-9-57; am. 8-6-80)

(3) In a case where it is clearly shown by the applicant, to the satisfaction of the Board of Adjustment, that the provision of the amount of the space required herein for parking stalls, because of the particular nature of a proposed use, would be unnecessary, particularly difficult or create unnecessary hardship, the Board of Adjustment may reduce such requirements. (orig. 12-9-57; am. 8-6-80)

b. To hear and decide requests for Variances from the requirements of the Flood Plain (F P) Overlay Zone District, and to hear and decide Appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Director of Planning and Zoning in the enforcement or administration of the Flood Plain Overlay Zone District. (orig. 5-31-88; am. 12-17-02; am. 3-3-15)

(1) In ruling upon such Appeals and Variance requests, the Board shall consider all technical evaluations, relevant factors, standards specified in other sections of this Zoning Resolution, and the following: (orig. 5-31-88; am. 12-17-02)

(a) The danger that materials may be swept onto other lands to the injury of others. (orig. 5-31-88)

(b) The danger to life and property due to flooding or erosion damage. (orig. 5-31-88)

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners. (orig. 5-31-88)

(d) The importance of the services provided by the proposed facility to the County. (orig. 5-31-88)

(e) The necessity to the facility of a waterfront location, where applicable. (orig. 5-31-88)

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage. (orig. 5-31-88)

(g) The compatibility of the proposed use with the existing and anticipated development. (orig. 5-31-88)

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area. (orig. 5-31-88)

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles. (orig. 5-31-88)

(j) 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. (orig. 5-31-88)

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges. (orig. 5-31-88)

(2) The Board may grant a Variance provided that the following conditions are met. (orig. 5-31-88)

(a) Generally, Variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (a) through (f) of paragraph D.3.d.(1) have been fully considered. As the lot size increases beyond the one
half acre, the technical justification required for issuing the Variance increases. (orig. 5-31-88; am. 12-17-02)

(b) Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places or the State Inventory of Historic Places 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. (orig. 5-31-88; am. 8-27-13)

(c) Variances shall not be issued within any designated floodway (high hazard area) if any increase in flood levels during the base flood discharge would result. (orig. 5-31-88)

(d) Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief. (orig. 5-31-88)

(e) Variances shall only be issued upon the following. (orig. 5-31-88)
   
   (e-1) A showing of good and sufficient cause. (orig. 5-31-88)
   
   (e-2) A determination that failure to grant the Variance would result in exceptional hardship to the applicant. (orig. 5-31-88)
   
   (e-3) 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 as identified in paragraph D.3.d.(1) or conflict with other sections of this Zoning Resolution. (orig. 5-31-88; am. 12-17-02)

(f) Any applicant to whom a Variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (orig. 5-31-88)

(3) Upon consideration of the factors of paragraph D.3.d.(1) and the purposes of this Zoning Resolution, the Board may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Zoning Resolution. (orig. 5-31-88; am. 12-17-02)

(4) The Director of Planning and Zoning shall maintain the records of all Appeal actions, including technical information, and report any Variances to the Federal Emergency Management Agency. (orig. 5-31-88; am. 12-17-02; am. 3-3-15)

c. To hear and decide requests for Variances from the requirements of the Mountain Ground Water Overlay District, and to hear and decide Appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Director of Planning and Zoning in the enforcement or administration of the Mountain Ground Water Overlay District. (orig. 7-11-07; am. 3-3-15)

(1) In ruling upon such Appeals and Variance requests, the Board shall consider all technical evaluations, relevant factors, standards specified in other sections of this Zoning Resolution, and the following:

   (a) The proposed land use and well yield for the lot/parcel is sufficient to support the proposed development. (orig. 7-11-07)

   (b) The compatibility of the proposed use with the existing and anticipated development. (orig. 7-11-07)

(2) It shall be the responsibility of the applicant to supply the Board of Adjustment with the requested data and documentation. (orig. 7-11-07)

(3) The Board may grant a Variance provided that the following conditions are met. (orig. 7-11-07)

   (a) Variances may be granted for new construction and substantial improvements to be erected on a lot/parcel providing items (a) and (b) of paragraph D.3.e.(1) have been fully considered. (orig. 7-11-07)

   (b) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section. (orig. 7-11-07)
(c) Variances shall only be granted upon the following.

   (c-1) A showing of good and sufficient cause, supported by technical data or additional material requested by the Board. (orig. 7-11-07)

   (c-2) A determination that failure to grant the Variance would result in exceptional hardship to the applicant. (orig. 7-11-07)

(4) Upon consideration of the factors of paragraph D.3.e.(1), and the purposes of this Zoning Resolution, the Board may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Zoning Resolution. (orig. 7-11-07)

d. To permit in any Geologic Hazard (G H) Overlay Zone District specially excepted uses enabled by the Geologic Hazard Overlay District Section of this Zoning Resolution, more particularly those uses permitted in the underlying zone district, provided that the following conditions and restrictions are met by the applicant, and the Board of Adjustment determines, based on the evidence submitted and restrictions imposed, that the use will not significantly increase the danger from the geologic hazard to the public health and property. (orig. 1-20-76; am. 12-17-02, am. 7-11-07)

(1) It shall be the sole responsibility of the applicant to supply the Board of Adjustment with the following data and documentation: (orig. 1-20-76)

   (a) All pertinent data submitted to the Board of County Commissioners relative to the zoning of the subject property to G H Overlay Zone District. (orig. 1-20-76)

   (b) A site plan depicting:

      (b-1) The location of the subject geologic hazard(s). (orig. 1-20-76)

      (b-2) The location of the proposed land use(s). (orig. 1-20-76)

      (b-3) The location of the surrounding land uses(s). (orig. 1-20-76)

      (b-4) The location of the surrounding geologic hazard(s). (orig. 1-20-76)

   (c) A written report on the area depicted in the site plan, including:

      (c-1) Description of subject geologic hazard(s) and proposed land use(s). (orig. 1-20-76)

      (c-2) Description of surrounding geologic hazard(s) and surrounding land use(s); (orig. 1-20-76)

      (c-3) The effects of the subject geologic hazard(s) on the proposed use(s) and surrounding land use(s). (orig. 1-20-76)

      (c-4) The effects of the proposed use(s) on the subject geologic hazard(s) and surrounding geologic hazard(s). (orig. 1-20-76)

   (d) Any additional material required by the Board of Adjustment relating to special design criteria for any proposed land use(s). (orig. 1-20-76)

(2) Geologic Hazard Abatement:

   In addition to the data and documentation required in paragraphs D.3.f.(1)(b) through (d) above, an applicant who proposes to abate the geologic hazard shall further submit: (orig. 1-20-76; am. 12-17-02; am. 7-11-07)

   (a) A detailed report of the proposed method of abating the geologic hazard. (orig. 1-20-76)

   (b) An addendum to the site plan, written report, and additional material required by paragraphs D.3.f.(1)(b) through (d) above, which shall state the projected effect of:

      (b-1) Abatement procedures on subject geologic hazard(s), surrounding geologic hazard(s) and surrounding land use(s). (orig. 1-20-76)

      (b-2) Abated geologic hazard(s) on proposed land use(s), surrounding land use(s) and surrounding geologic hazard(s). (orig. 1-20-76)

   (c) Any geologic hazard abatement procedures required by the Board of Adjustment shall be inspected and the results certified by a professional geologist qualified in the field of engineering geology as following the plans submitted or additional restrictions imposed by
the Board of Adjustment within time limits established by the Board of Adjustment. (orig. 1-20-76; am. 6-15-76)

(3) All geologic reports and items in paragraphs D.3.f.(1)(c), D.3.f.(1)(d), D.3.f.(2)(a) and D.3.f.(2)(b) above, shall be prepared by a professional geologist qualified in the field of engineering geology and all engineering reports and items in paragraphs D.3.e.(1)(b), D.3.f.(1)(d), D.3.f.(2)(a) and D.3.f.(2)(b) above, shall be prepared by a registered professional engineer (as defined by C.R.S., 1974, 12 25 103, or as amended) qualified in the appropriate field(s). (orig. 1-20-76; am. 6-15-76; am. 12-17-02; am. 7-11-07)

(4) Any building for which the Board of Adjustment requires special engineering criteria shall be inspected and construction certified by a registered professional engineer as to compliance with plans submitted or additional restrictions imposed by the Board of Adjustment within time limits established by the Board of Adjustment. (orig. 1-20-76; am. 12-17-02)

4. To hear and decide requests for variances from the requirements of the cut/fill vertical disturbance area for private roads and driveways that do not meet the provisions of the Land Disturbance Section of this Zoning Resolution. In ruling upon such Variance requests, the Board shall consider any technical evaluations presented, and all relevant factors, and standards including the following: (orig. 11-12-02; am. 12-17-02; am. 7-11-07)
   a. The visibility of the disturbance from off-site properties. (orig. 11-12-02)
   b. The ability to revegetate the disturbance area. (orig. 11-12-02)
   c. The ability to effectively address erosion control and drainage issues (orig. 11-12-02)
   d. The technical reports that slope stability has been adequately addressed. (orig. 11-12-02)
   e. The availability of alternate building sites or fewer building sites (orig. 11-12-02)
   f. Compliance with the provisions of the Land Disturbance Section of this Zoning Resolution. (orig. 11-12-02; am. 12-17-02; am. 7-11-07)
   g. Whether the variance request presents the most appropriate means of minimizing the disturbance area, or whether alternate methods (e.g., selecting a different route or incorporating retaining walls) would be preferable. (orig. 11-12-02)

5. No relief, variance or exception shall be granted which shall effectively change a land use on a permanent basis. (orig. 12-6-71; am. 1-27-76)

6. No relief, variance or exception shall be granted from a provision of the Land Development Regulation. (orig. 12-6-71; am. 1-27-76; am. 12-17-02)

7. No relief, variance or exception shall be granted in circumstances which are self-imposed by the applicant. (orig. 12-6-71; am. 1-27-76; am. 12-17-02)

8. No Variance shall be granted based solely on economic hardship. (orig. 12-17-02)

9. Affected state and public agencies shall be requested to comment on applications made pursuant to the above paragraphs D.1. through D.3., prior to consideration by the Board of Adjustment. (orig. 7-13-76; am. 12-17-02)
Section 12 - Lighting

A. Intent and Purpose
To provide clear regulations for lighting consistent with industry standards and practices, available
technologies, and lighting sciences to minimize glare, excess brightness, harsh intensity, light trespass, and
misdirection of lights and to protect nighttime public safety, security, privacy, productivity, and movement of
vehicles and persons. (orig. 7-23-02)

B. General Provisions
1. Regulation
   a. Nothing in this section is intended to preclude compliance with the specific zone district regulations,
      other regulations within this Zoning Resolution or with County, State and Federal regulations as they
      may exist. Where Federal, State or County requirements conflict with the provisions of this section,
      the more restrictive standard shall apply. (orig. 7-23-02)
   b. Nothing in this section is intended to prevent the use of any design, material or method of installation
      not specifically proscribed by this section provided any such alternate has been approved by the
      County. An alternate may be approved if the proposed design, material or method provides
      approximate equivalence (or is superior) to the specific requirements of this section and complies
      with the intent of this section. (orig. 7-23-02)

2. Applicability
   a. All exterior luminaires newly designed, constructed, erected, or otherwise placed into operation and
      any alterations, rehabilitation, relocation or renovation to more than 75 percent of existing luminaires
      commenced after September 1, 2002, shall be in conformance with the requirements of this section.
      (orig. 7-23-02; am. 12-17-02; am. 9-15-09)
   b. Parking lot additions/expansions over fifty percent (50%). (orig. 9-15-09)
   c. Luminaires pre-existing and legally installed and operative before September 1, 2002, are exempt
      from the requirements of this section for the life of the luminaires. (orig. 7-23-02; am. 12-17-02)

C. Prohibitions
The installation, illumination or maintenance of any of the following shall be prohibited in all zone districts
unless they have been approved by a permit issued pursuant to the Special Events section of this Zoning
Resolution. (orig. 7-23-02; am. 12-17-02; am. 3-26-13)
1. Strobe lights. (orig. 7-23-02)
2. Search lights. (orig. 7-23-02)
3. Lasers and other high intensity beams. (orig. 7-23-02)
4. Blinking, flashing, flickering, rotating, pulsing or changing intensity lights. (orig. 7-23-02)
5. Any incident or reflected light that may be confused with or construed as a traffic control device, except
   as authorized by the State, Federal, or County government. (orig. 7-23-02)
6. Exposed neon as a light source. (orig. 9-15-09, am. 7-17-18)

D. Exemptions
The following shall be exempt from the requirements of this section: (orig. 7-23-02)
1. Holiday lights (decorations), clearly incidental and customary and commonly associated with any national,
   local or religious holiday provided that such lights shall be illuminated for a period of not more than 60
   consecutive days nor more than 60 days in any one year. Holiday lights may be of any type, number,
   area, height, location, illumination or animation, except that they shall not produce incident or reflected
   light that may be confused with or construed as a traffic control device. (orig. 7-23-02)
2. Any lighting required by the FAA for air traffic control, navigation, and warning purposes. (orig. 7-23-02)
3. Emergency lighting as required by law enforcement or emergency services personnel to protect life or property provided such lighting is temporary and is discontinued immediately upon abatement of the emergency necessitating said lighting. (orig. 7-23-02)

4. Street or road lighting. (orig. 7-23-02; am. 12-17-02)

5. Construction lighting provided such lighting is temporary and is discontinued immediately upon completion of the construction work. (orig. 7-23-02)

6. Traffic control signals and devices. (orig. 7-23-02)

7. Vehicular lights. (orig. 7-23-02)

E. Standards

1. The following lamps shall be full cut-off fixtures, unless otherwise specified in this section: (orig. 7-23-02; am. 9-15-09)

<table>
<thead>
<tr>
<th>AREA</th>
<th>LAMPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td>All lamps over 1,750 lumens (approximately equivalent to a 100-watt incandescent bulb).</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>All lamps</td>
</tr>
</tbody>
</table>

Plains

<table>
<thead>
<tr>
<th>LAMPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>All lamps over 2,800 lumens (approximately equivalent to a 200-watt incandescent bulb).</td>
</tr>
</tbody>
</table>

Shielding shall not be required for lamps which accent entranceways, art, water features/fountains, landscaping, sculptures, statuary and other similar objects provided the light is concealed and narrowly focused on the object of interest. This exception does not include pathway lighting, bollards, or other pedestrian or trail circulation illumination. (orig. 7-23-02; am. 12-17-02; am. 9-15-09; am. 7-17-18)

2. Luminaires and their supporting structure shall be wholly confined to the property. (orig. 7-23-02; am. 12-17-02)

3. Pole heights in mountain areas shall not be greater than 14 feet. In the plains, a pole-mounted luminaire shall not be greater than 20 feet in height. (orig. 7-23-02; am. 12-17-02; am. 7-17-18)

4. All pole lights for public sports shall be sited in a way that minimizes the impacts to the surrounding residential properties, faced internal to site and downcast. (orig. 9-15-09)

5. Maximum illumination levels resulting from on-site lighting shall not exceed the following as measured on the property line: (orig. 7-23-02; am. 7-12-05; am. 9-15-09; am. 7-17-18)

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM ILLUMINATION LEVEL (foot-candies)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, Industrial, Institutional adjacent to Similar Uses</td>
<td>No Limit No Limit</td>
</tr>
<tr>
<td>Commercial, Industrial, Institutional Uses adjacent to Residential, Active Recreational, Agricultural Uses</td>
<td>0.2 0.3</td>
</tr>
</tbody>
</table>
6. All illuminated signage or illuminated outdoor advertising devices shall comply with the requirements of this section in addition to the requirements of the Signs Section of this Zoning Resolution. (orig. 7-23-02; am. 12-17-02; am. 9-15-09; am. 7-17-18)

7. All lighting installations proposed for special events shall comply with the requirements of this section, and any additional provisions established pursuant to the requirements of the Special Events section of this Zoning Resolution and the conditions of the Special Event Permit (if issued). (orig. 7-23-02; am. 12-17-02; am. 3-26-13)

8. All outdoor lighting shall be installed with an on/off switch. (orig. 7-23-02)

9. Bollards or similar light fixtures shall not exceed 4 feet in height and shall be used with the intention of illuminating landscape features or pedestrian walkways. (orig. 9-15-09)

10. Pole-mounted light fixtures in parking and/or loading dock areas shall be placed a minimum of 5 feet outside the parking lot area; or 4 feet behind perimeter tire stop locations; or mounted on pedestals at least 30 inches in height above the parking lot surface; or protected by other means as deemed appropriate by Planning and Zoning. (orig. 9-15-09)

11. All luminaires and light fixtures associated with canopies, including but not limited to fuel islands, seasonal outdoor sales areas, shopping malls, theaters, bank drive-thrus, and hotels shall be full cut-off. All light emitted from the canopy shall be substantially confined to the ground directly beneath the perimeter of the canopy. No lighting of any kind, except as permitted by the signage section of this Zoning Resolution, shall be allowed on the top or sides of a canopy. (orig. 9-15-09)

12. Lighting Plan:
   a. A lighting plan certified by a lighting designer, lighting engineer, or licensed electrical contractor, shall show all the following: (orig. 7-23-02; reloc. 12-13-16; am. 7-17-18)
      (1) The location and height of all existing and proposed building and ground-mounted luminaries; (orig. 7-23-02; reloc. 12-13-16)

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM ILLUMINATION LEVEL (foot-candles)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mountains</td>
</tr>
<tr>
<td>Commercial, Industrial, Institutional</td>
<td>8</td>
</tr>
<tr>
<td>Multifamily Residential</td>
<td>5</td>
</tr>
<tr>
<td>Recreational</td>
<td>3</td>
</tr>
<tr>
<td>Luminaires and light fixtures associated with canopies</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>USE</th>
<th>AVERAGE ILLUMINATION LEVEL (foot-candles)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mountains</td>
</tr>
<tr>
<td>Commercial, Industrial, Institutional</td>
<td>2</td>
</tr>
<tr>
<td>Multifamily Residential</td>
<td>2</td>
</tr>
<tr>
<td>Active Recreational</td>
<td>2</td>
</tr>
</tbody>
</table>
(2) Photometric data indicating all the following items: the maximum foot-candles at all property lines, the location of the highest calculated foot-candles, and the average foot-candles in parking lot(s); (orig. 7-23-02; reloc. 12-13-16; am. 7-17-18)

(3) A description of all proposed luminaries, including lamp type, the manufacturer, lamp wattage, lumen output per lamp, mounting or support device, and shielding (manufacturer's catalog cuts and drawings may be submitted); (orig. 7-23-02; reloc. 12-13-16)

(4) Any additional information as may be required by Planning and Zoning to determine compliance with County regulations or to support the Illuminating Engineering Society of North America's recommended practices. Exceptions to the Illuminating Engineering Society of North America's recommended practices can be made by the County where necessary for safety purposes; (orig. 7-23-02; am. 4-27-04; am. 5-20-08; reloc. 12-13-16)

(5) All calculations and results, including all sources and assumptions; and (orig. 7-23-02; reloc. 12-13-16)

(6) A statement of certification addressing accountability for the content and accuracy of the submitted lighting plan and the installation of the lights according to the approved lighting plan. It is the responsibility of the owner to ensure compliance to all standards in effect. (orig. 7-23-02; reloc. 12-13-16)

F. Measurements

1. Illumination shall be measured in foot-candles. All on-site illumination readings shall be measured with a meter sensor in a horizontal position at ground level. (orig. 7-23-02)

2. All foot-candles in this section are initial horizontal levels. (orig. 7-23-02)

3. All foot-candle measurements shall include the sum of all on-site lighting installations, including all illuminated signs, illuminated outdoor advertising devices, building-mounted lights, and any light spillage from inside buildings. (orig. 7-23-02)

4. Pole-mounted luminaire heights shall be measured from finished grade to the top of the luminaire. Where a pole is located on a berm, the berm height shall be included in the height of the luminaire. (orig. 7-23-02)
Section 13 - Architecture

A. Intent and Purpose

These regulations are intended to provide minimum building design requirements for commercial, industrial and institutional development. Jefferson County has a natural environment of outstanding visual quality that contributes to a high quality of life and to property values. These standards exist to ensure buildings integrate with the natural environment, to protect and enhance land and property, to maintain the values created in the community, and to promote the health, safety and general welfare of the community. (orig. 7-23-02; am. 12-17-02)

B. General Provisions

1. Applicability: This section shall regulate the exterior design of buildings and structures and the design of streetscape associated with all new buildings developed for commercial, industrial and institutional uses. It shall also regulate the exterior design of buildings and structures and the design of streetscape for building additions with a commercial, industrial and institutional use which cumulatively equal or are larger than 25 percent of the size of the building as it existed on the date of adoption of this amendment to this Zoning Resolution. (orig. 7-23-02; am. 12-17-02; am. 12-13-16)

2. New structures or additions, expansions, alterations (other than maintenance) or enlargements made after May 26, 2009, larger than 25 percent (cumulative) of the original building size for commercial, industrial, and institutional uses shall be required to receive Site Development Plan approval. Such additions, expansions, alterations or enlargements shall require that the existing property be brought up to the architectural standards herein. (orig. 12-17-02; am. 9-15-09; am. 12-13-16; am 7-17-18)

3. Exemptions: The requirements of this section shall not apply to single-family residential or agricultural uses. (orig. 7-23-02)

4. Graphics throughout this section are meant to aid in the understanding of the written regulation and do not reflect all situations allowed by the written regulations. Should conflicts exist between the graphics and the text, the text shall govern. (orig. 9-15-09)

C. General Standards

1. Architectural Elevations:
   a. The architectural elevations shall include all the following:
      (1) Scale (scale shall be at least one-eighth inch equals one foot); (orig. 7-23-02; reloc. 12-13-16)
      (2) Building elevations of all sides of proposed buildings with proposed and existing grades; (orig. 7-23-02; reloc. 12-13-16)
      (3) Building materials and colors of exterior walls, roofs, doors, and windows; (orig. 7-23-02; reloc. 12-13-16)
      (4) Changes in building plane; (orig. 7-23-02; reloc. 12-13-16)
      (5) Building heights; (orig. 7-23-02; reloc. 12-13-16)
      (6) Location and screening of mechanical equipment; (orig. 7-23-02; reloc. 12-13-16)
      (7) A note indicating the reflectivity or opacity of mirror glass for buildings in the Mountains; and (orig. 7-23-02; reloc. 12-13-16)
      (8) Colored renderings and material boards (upon request by Planning and Zoning). (orig. 7-23-02; am. 4-27-04; am. 5-20-08; reloc. 12-13-16)
      (9) Colored 3D renderings (upon request by Planning and Zoning). (orig. 7-17-18)

C. Similar Themes and Elements within Developments and Surrounding Areas

1. All main and accessory buildings, structures, and streetscapes shall maintain a similar style and design of architectural theme including, but not limited to, building materials, colors, forms, roof style and detailing. (orig. 7-23-02; am. 12-17-02; am. 9-15-09)

D. Exterior Building Materials and Colors
1. The use of exterior wall finish materials that either resemble or are the natural materials of brick, stone, slate, stucco, wood, textured block, textured concrete or colored concrete is required. Alternative materials can be utilized upon approval by Planning and Zoning when their use promotes design innovation. (orig. 7-23-02; am. 12-17-02; am. 3-3-15; am. 7-17-18)

2. Building exteriors shall incorporate materials and colors, similar to the character of the surrounding landscape and architecture, that improves upon existing community character. Exterior building material colors shall be low-reflectance, subtle, neutral or earth-tone in color. (orig. 7-23-02; am. 12-17-02; am. 9-15-09)

3. The color and intensity of color of all building materials is subject to final county approval. In general, subdued colors typical of the muted native grasses, woods, rocks, and soil of the high Colorado foothills and Jefferson County’s natural setting are to be used as the predominate colors. Soft browns, ambers, muted greens and gold, buffs, terra cotta, and taupes are examples of earth and rock colors that are indigenous to this general area. Accent and trim colors must complement and enhance the effect of predominate building colors. (orig. 9-15-09)

4. Buildings with over 25,000 square feet of Gross Floor Area (GFA) shall utilize more massive materials, such as stone or brick or darker colors on the lower portion of the building. (orig. 7-23-02; am. 9-15-09)

5. In the mountains, mirror glass may not exceed a reflectivity or opacity level of greater than 30 percent. (orig. 7-23-02)

E. Facade Treatment

1. Side and rear walls of all buildings shall utilize similar building materials and architectural treatments as the front of the building resulting in 360-degree architecture. All facades adjacent to a street or residential development must include fenestration similar to the front of the building (orig. 7-23-02; am. 9-15-09)

2. Entrances (excluding service doors) into buildings shall be easily identified through building design including the use of recessed or projected entryways, higher rooflines or changes in building massing. (orig. 7-23-02; am. 9-15-09)

3. Exterior walls shall include a variety of architectural features, materials and colors. (orig. 7-23-02; am. 9-15-09)

4. In the plains, exterior walls over 50 feet in length shall feature changes in surface plane at no less than 50 feet intervals. In the mountains, exterior walls over 36 feet in length shall feature changes in surface plane at no less than 36 feet intervals. A surface plane change must continue horizontally for at least 12 inches and must project or recess at least 12 inches from the average surface plane for the entire building.
A surface plane change may project or recess six (6) inches only if there is a change in both color and material (orig. 7-23-02; am. 9-15-09)

5. Buildings over 35 feet in height shall continue the surface plane change vertically for 75 percent of the overall wall height. Buildings 35 feet or less in height shall continue the surface plane change vertically for the entire wall height. Pitched roofs do not count in the overall height of the building for this requirement. (orig. 9-15-09)

F. Building Scale and Massing
1. Elements of building massing shall relate to the size and scale of adjacent buildings. (orig. 9-15-09)

2. Buildings over 35 feet in height shall have their visual mass reduced by a variation in horizontal façade through the use of porches, balconies, rooftop patios, pitched roofs, or other architectural features. (orig. 7-23-02; am. 9-15-09)
G. Roof Treatments
1. All buildings must feature either a sloped roof or parapets screening a flat roof. (orig. 7-23-02)
2. A flat roof, if specified, shall be screened with parapets on all sides of the building. Parapets shall be at least 12 inches in height and be on all facades of the building. (orig. 7-23-02)
3. Sloped roofs or canopies shall be covered with high quality roofing materials such as clay tiles, slate, concrete tiles, standing seam metal, wood/faux wood shake, or asphalt shingles. Metal roofs shall have a matte finish to reduce glare (orig. 9-15-09)
4. A roof plane change must occur at least every 50 feet in the mountains and at least every 100 feet in the plains. Changes include but are not limited to dormers that extend to, or above the ridgeline of the roof, parapet with height variation, roof pitch or angle change, or a minimum 12-inch variation in height. (orig. 9-15-09; am. 7-17-18)

H. Screening of Accessory Equipment
1. Ground level mechanical or electrical equipment shall be buried, integrated into the building, or screened with architectural walls or fencing taller than the mechanical or electrical equipment being screened. Materials for the building, wall, or fence shall be similar to the building materials used and shall be compatible with the overall site and building design. (orig. 7-23-02; am. 9-15-09)
2. Mechanical and electrical equipment shall not be sited on the roof of a building unless the equipment can be screened with walls twelve (12) inches taller than the equipment being screened. The screening of
roof top mechanical and electrical equipment shall be designed to complement the architectural elements of the building and shall be clustered when feasible. (orig. 7-23-02; am. 9-15-09)

3. Solar panels located on a pitched roof are not required to be screened. (orig. 9-15-09)

4. Loading, service, open storage and trash areas shall be screened from residences and public roads, trails and parks in accordance with the overall site design. (orig. 7-23-02; am. 9-15-09)

5. Trash containers shall be architecturally consistent with the main building, or screened by a wooden fence or architecturally consistent masonry wall. The trash enclosure must be a minimum of six (6) feet high, but of sufficient height to effectively screen the trash receptacles. (orig. 12-17-02; am. 7-1-03; am. 9-15-09; am. 7-17-18)
A. Intent and Purpose
To provide regulations for parking consistent with industry standards and practices, available technologies, and traffic engineering to protect public security, privacy, and welfare, to provide adequate and accessible parking facilities, to ensure the safe movement of vehicles, emergency personnel and pedestrians, and to provide for the parking, and loading and unloading of vehicles. (orig. 7-23-02; am. 7-17-18)

B. General Provisions
1. Regulation
   a. Nothing in this section is intended to prevent compliance with the specific zone district regulations, other regulations within this Zoning Resolution (e.g. landscaping, lighting, land disturbance) or with State, Federal, or County regulations (e.g. drainage, variances, waivers) as they may exist. Where Federal, State or County requirements conflict with the provisions of this section, the more restrictive standard shall apply. While this section is intended to comply with State and Federal regulations, it is recommended that the user reference and comply with non-County regulations as they may exist. (orig. 7-23-02; am. 10-12-04)
   b. Nothing in this section is intended to prevent the use of any design, material or method of installation not specifically proscribed by this section provided any such alternate has been approved by the County. An alternate may be approved if the proposed design, material or method provides equivalence (or is superior) to the specific requirements of this section and complies with the intent of this section. (orig. 7-23-02)

2. Applicability
   a. This section shall apply to new buildings constructed, to additions to existing buildings, to new uses established, or to changes of use that would result in additional parking spaces being required. (orig. 7-23-02)
   b. In all cases, the number of parking spaces required to meet the needs of both the existing and proposed buildings or uses shall be provided. (orig. 7-23-02)

C. General Standards
1. No Certificate of Occupancy shall be issued for commercial, industrial, and institutional buildings requiring Site Development Plan approval, until the parking facility (including parking spaces, loading areas, and maneuvering lanes but not including landscaping) or that portion of the parking facility related to the Certificate of Occupancy is complete and has been approved by the County. (orig. 7-23-02; am. 12-17-02)
2. Automobile parking spaces shall be located on the same site as the principal use unless remote parking has been approved pursuant to this section by the Director of Planning and Zoning. (orig. 7-23-02; am. 12-17-02; am. 3-3-15)
3. Parking Plan:
   a. At the time of Site Development Plan, a parking plan (which may be combined with the civil construction plans) shall show all the following: (orig. 7-23-02; reloc. 12-13-16; am. 7-17-18)
      (1) The location, size, area, dimensions and configuration of all proposed off-street parking and loading bays, access drives, maneuvering lanes, medians, pedestrian areas, curb cuts, easements, and accessible ramps and spaces; (orig. 7-23-02; reloc. 12-13-16)
      (2) The direction of traffic circulation and the location, size, type, and height of all proposed Parking Lot Signs, and the material, color, line width, and pattern of all surface markings; (orig. 7-23-02; reloc. 12-13-16; am. 7-17-18)
      (3) The percent grade of the parking lot surface and the direction of drainage flow as indicated by arrows; (orig. 7-23-02; reloc. 12-13-16)
(4) The material and construction drawings of the parking surface, including cross-sections; and
   (orig. 7-23-02; reloc. 12-13-16)

(5) The location of any off-site or remote parking spaces or areas and a complete parking plan for
   these areas together with evidence that indicates these areas are to be used for parking for the
   proposed use. (orig. 7-23-02; reloc. 12-13-16)

b. At the time of Building Permit for a change of occupancy, a parking plan shall show:
   (1) The location, size, area, dimensions and configuration of all existing and proposed off-street
       parking and loading bays. (orig. 7-17-18)

D. Number of Parking Spaces Required

1. Automobile Parking Spaces

   a. Each use permitted shall provide the minimum number of automobile parking spaces indicated in the
      table below. If a proposed use is not listed in the Required Automobile Parking Spaces Table,
      Planning and Zoning shall calculate the required number of parking spaces by applying the
      requirement for the use listed which is most like the proposed use, or shall require the applicant to
      submit to special review in accordance to the requirements of part D.1.c. of this section. Public
      agencies may submit to special review for all uses. (orig. 7-23-02; am. 4-27-04; am. 4-4-06; am. 5-
      20-08; am. 7-17-18)

Required Automobile Parking Spaces

<table>
<thead>
<tr>
<th>Residential</th>
<th>Use</th>
<th>Minimum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>Single-family, Two-family,</td>
<td>2.0 per Dwelling Unit if on-street parking is</td>
</tr>
<tr>
<td></td>
<td>or Duplex,</td>
<td>available adjacent to the lot.</td>
</tr>
<tr>
<td></td>
<td>Multi-family, Townhomes,</td>
<td>One-bedroom 1.25 spaces per unit, Two-</td>
</tr>
<tr>
<td></td>
<td>Condominiums, Apartments</td>
<td>bedroom 2 spaces per unit, 3-bedroom or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>larger 2.5 spaces per unit. An additional .25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>spaces per unit for guest parking.</td>
</tr>
<tr>
<td></td>
<td>Home Occupation</td>
<td>1.0 per Dwelling Unit</td>
</tr>
<tr>
<td></td>
<td>Group Living Facility</td>
<td>2.0 per Dwelling Unit and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.0 per staff per shift and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.25 per bed</td>
</tr>
<tr>
<td></td>
<td>Trailer Park Office</td>
<td>3.25 per 1,000 s.f. GFA</td>
</tr>
<tr>
<td></td>
<td>Mobile Homes, Travel Trailers</td>
<td>1.0 per Dwelling Unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Institutional</th>
<th>Use</th>
<th>Minimum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>School</td>
<td>Elementary/Junior</td>
<td>3.0 per classroom</td>
</tr>
<tr>
<td></td>
<td>Senior</td>
<td>5.0 per classroom</td>
</tr>
<tr>
<td></td>
<td>College, Trade, Professional</td>
<td>Special Review</td>
</tr>
<tr>
<td></td>
<td>Professional, Vocational</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Daycare, Preschool, Nursery</td>
<td>3.0 per 1,000 s.f. GFA</td>
</tr>
<tr>
<td></td>
<td>Library, Museum</td>
<td>3.25 per 1,000 s.f. GFA</td>
</tr>
<tr>
<td></td>
<td>Hospital</td>
<td>1.75 per Bed</td>
</tr>
<tr>
<td></td>
<td>Convalescent/Nursing Home</td>
<td>0.25 per Bed</td>
</tr>
<tr>
<td></td>
<td>Religious Assembly</td>
<td>Houses of Worship, Funeral Home, Mortuary,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mausoleum</td>
</tr>
<tr>
<td></td>
<td>Correction Facility</td>
<td>Special Review</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recreational</th>
<th>Use</th>
<th>Minimum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Uses</td>
<td>Golf Course</td>
<td>8.0 per Hole</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(this includes associated uses such as restaurant, office, club house, driving range, maintenance shop, etc.)</td>
</tr>
<tr>
<td></td>
<td>Driving Range</td>
<td>1.0 per tee</td>
</tr>
<tr>
<td></td>
<td>Boarding Stable</td>
<td>0.5 per stable</td>
</tr>
<tr>
<td></td>
<td>Miniature Golf</td>
<td>2.0 per hole</td>
</tr>
<tr>
<td></td>
<td>Spectator Sport Facility</td>
<td>20.0 per field or diamond or 0.25 per seat,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>whichever is larger</td>
</tr>
<tr>
<td></td>
<td>Campground</td>
<td>1 per camp site</td>
</tr>
<tr>
<td></td>
<td>Passive Recreational</td>
<td>Special Review</td>
</tr>
</tbody>
</table>

Institutional Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Spaces Required</th>
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</thead>
<tbody>
<tr>
<td>Library, Museum</td>
<td>3.25 per 1,000 s.f. GFA</td>
</tr>
<tr>
<td>Hospital</td>
<td>1.75 per Bed</td>
</tr>
<tr>
<td>Convalescent/Nursing Home</td>
<td>0.25 per Bed</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>Houses of Worship, Funeral Home, Mortuary, Mausoleum</td>
</tr>
<tr>
<td>Correction Facility</td>
<td>Special Review</td>
</tr>
</tbody>
</table>

Recreational Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Uses</td>
<td>Golf Course</td>
</tr>
<tr>
<td></td>
<td>Driving Range</td>
</tr>
<tr>
<td></td>
<td>Boarding Stable</td>
</tr>
<tr>
<td></td>
<td>Miniature Golf</td>
</tr>
<tr>
<td></td>
<td>Spectator Sport Facility</td>
</tr>
<tr>
<td></td>
<td>Campground</td>
</tr>
<tr>
<td></td>
<td>Passive Recreational</td>
</tr>
<tr>
<td>Uses (hiking/equestrian/bicycle trails, picnic areas)</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Playground, Park, Active Recreational Uses (fields, diamonds, etc.)</td>
<td></td>
</tr>
<tr>
<td>Tennis Court, Swimming Pool 1.0 per 1,000 s.f. GFA</td>
<td></td>
</tr>
</tbody>
</table>

### Special Events
- Carnivals, Festivals, Flea Markets Special Review

### Commercial

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Medical/Dental Clinics 5.0 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Government Office, Business or Professional Office 4.0 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Convention Facility 5.5 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Veterinarian 5.5 per 1,000 GFA</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td></td>
</tr>
<tr>
<td>General Retail 4.0 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Auto Sales, Building Materials, Furniture 2.5 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Wholesale</td>
<td></td>
</tr>
<tr>
<td>4.0 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Fast Food, Drive-in, Brew Pub 15.0 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Carry-Out, Specialty, Sit-down, All Other 10.0 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Craft Brewery 1.0 per 3 occupancy rating of tasting room, and 1.5 per 1,000 s.f. GFA of brewery space</td>
<td></td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel, Bed &amp; Breakfast 1.0 Sleeping Room and 75% of spaces for other associated uses (e.g. restaurants, offices)</td>
<td></td>
</tr>
<tr>
<td>Indoor Commercial Recreational Facilities</td>
<td></td>
</tr>
<tr>
<td>Tennis/Racquet Club 0.75 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Firing Range 1.5 per firing stall</td>
<td></td>
</tr>
<tr>
<td>Bowling Center 4.25 per Lane</td>
<td></td>
</tr>
<tr>
<td>Roller/Ice Rink 4.0 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Recreation Center, Health Club 1.0 per 6 occupancy rating</td>
<td></td>
</tr>
<tr>
<td>Event Center 1.0 per 3 occupancy rating</td>
<td></td>
</tr>
<tr>
<td>Banks</td>
<td></td>
</tr>
<tr>
<td>4 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Service establishment</td>
<td></td>
</tr>
<tr>
<td>Barber, Beauty Salon, Dry Cleaners 4 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Vehicle Facilities</td>
<td></td>
</tr>
<tr>
<td>Gas Station, Service Station, Vehicle Repair 5.5 per 1,000 s.f. GFA</td>
<td></td>
</tr>
<tr>
<td>Theater</td>
<td></td>
</tr>
<tr>
<td>Live or Movie 0.5 per Fixed Seat</td>
<td></td>
</tr>
</tbody>
</table>

### Industrial

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouses</td>
<td>0.5 per 1,000 s.f. GFA</td>
</tr>
<tr>
<td>Storage</td>
<td>5.5 per 1,000 s.f. GFA of office, minimum of 5 spaces</td>
</tr>
<tr>
<td>Manufacturing, Fabrication Processing, 1.50 per 1,000 s.f. GFA</td>
<td></td>
</tr>
</tbody>
</table>

b. Multiple use developments or buildings: The total number of automobile parking spaces required shall be the sum of each individual use requirement unless Shared Parking has been approved by the Director of Planning and Zoning pursuant to the provisions in this section. (orig. 7-23-02; am. 12-17-02; am. 3-3-15)

c. Special Review: Where the automobile parking requirements are to be determined by special review, this review shall consist of a study conducted by the applicant indicating all the following items. After reviewing the study, a minimum parking requirement shall be established and approved by the Director of Planning and Zoning. (orig. 7-23-02; am. 12-17-02; am. 3-3-15)

1. Existing parking facilities, services, or opportunities on site and in the surrounding area. (orig. 7-23-02)
2. Estimates of parking of the proposed use including peak parking, turn-over, and any other parking characteristics of the proposed use. The study shall document the source of data used and assumptions made to develop the parking requirements. (orig. 7-23-02)
3. The availability and feasibility of mitigating parking impacts, if any. (orig. 7-23-02)
(4) The degree of conformance of the proposed parking to the intent and purpose of this section. 
(orig. 7-23-02)

2. Bicycle Parking Spaces and Design Standards: At the time of Site Development Plan, a minimum of five (5) bicycle parking spaces will be required. The total number of required automobile parking spaces may be reduced by 1, not to exceed a total of five (5), for each five (5) bicycle parking spaces provided. Bicycle parking shall be located within a reasonable distance from the primary entrance to the building served. The bike parking shall be visible from the entrance and shall have security lighting. (orig. 7-17-18)

3. Accessible Parking Spaces: The minimum number of required accessible spaces shall be as indicated in the Required Accessible Spaces Table. (orig. 7-23-02; am. 4-4-06)

<table>
<thead>
<tr>
<th>Number of Spaces in Lot</th>
<th>Min. Accessible Spaces Required</th>
<th>Min. Van-Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>76-100</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>101-150</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>151-200</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>201-300</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>301-400</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>401-500</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>501-1000</td>
<td>2 percent of total</td>
<td>1 per 8 accessible spaces</td>
</tr>
<tr>
<td>1001 and over</td>
<td>20 plus</td>
<td></td>
</tr>
</tbody>
</table>
<pre><code>                                |
</code></pre>

4. Loading Bays: All commercial and industrial uses shall refer to the Recommended Loading Bay Spaces Table for the recommended number of loading bay spaces. For the purposes of this section, loading bays relate to areas for the loading and unloading of goods rather than people. (orig. 7-23-02; am. 4-4-06)

<table>
<thead>
<tr>
<th>GFA (s.f.)</th>
<th>Min. Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 25,000</td>
<td>1</td>
</tr>
<tr>
<td>≥25,000 and &lt; 40,000</td>
<td>2</td>
</tr>
<tr>
<td>≥40,000 and &lt;100,000</td>
<td>3</td>
</tr>
<tr>
<td>≥100,000 and &lt;160,000</td>
<td>4</td>
</tr>
<tr>
<td>≥160,000 and &lt;240,000</td>
<td>5</td>
</tr>
<tr>
<td>≥240,000 and &lt;320,000</td>
<td>6</td>
</tr>
<tr>
<td>≥320,000 and &lt;400,000</td>
<td>7</td>
</tr>
<tr>
<td>For each additional 90,000 s.f. or portion thereof over 400,000</td>
<td>1</td>
</tr>
</tbody>
</table>

5. Pump spaces and interior service spaces for gasoline stations and vehicle repair operations may be counted as an automobile parking space when calculating overall automobile parking requirements but in no case shall stacking areas contribute to satisfying the overall automobile parking requirements. (orig. 7-23-02)

6. If the calculation of the required number of parking or loading spaces results in a fraction of a space, the parking or loading requirements shall be rounded up to the next whole number. (orig. 7-23-02)

E. Parking Lot Design Standards

1. Setbacks: All parking spaces and loading areas shall be located outside of required open space, buffer or landscaped areas. Parking spaces shall be located at least 6 feet from any building, structure, or property line. Loading areas shall be located at least 6 feet from any property line. (orig. 7-23-02)

2. Automobile Parking Space Dimensions: The minimum width of automobile parking spaces shall be 9 feet. The minimum length of all automobile parking spaces shall be 18 feet except that the minimum length of a parking space which is adjacent to a landscaped area may be reduced by 2 feet provided suitable ground cover is placed behind the curb a minimum distance of 2 feet. (orig. 7-23-02)

3. Accessible Spaces: Car-accessible spaces shall contain at least a 5-foot access aisle adjacent to the space while van-accessible spaces shall have at least an 8-foot access aisle. Accessible spaces shall be
located on the shortest accessible route of travel to an accessible facility entrance. Curb ramps or blended transitions shall connect the access aisle to the pedestrian access route. Accessible spaces shall be a minimum of 8 feet in width, 18 feet in depth. Van-accessible parking spaces, the access aisle, and the vehicular route to and from the van-accessible space shall contain a minimum 98-inch high clearance. (orig. 7-23-02; am. 12-17-02; am. 9-15-09; am. 7-17-18)

4. Sidewalk: Each parking facility requiring Site Development Plan approval and serving more than 8 vehicles shall have a sidewalk or other paved access, no less than 6 feet wide separating the parking area and the primary building, structure or use. A sidewalk connection shall be provided, where feasible, from an existing or proposed sidewalk adjacent to the subject property to the primary building onsite. Perpendicular directional curb ramps and detectable warning surfaces (truncated domes) should be installed or upgraded at locations where a curb ramp, landing, or blended transition connects to a street or parking lot. (orig. 7-23-02; am. 9-15-09; am 7-17-18)

5. Loading Bays: Loading bays for goods shall be a minimum of 35 feet in length, 12 feet in width and 15 feet in height. The loading bay shall not occupy or intrude onto any emergency access or fire lane. (orig. 7-23-02)

6. Circulation: A traffic connection between non-residential parking lots and/or driveways on adjacent properties shall be provided for the purpose of enhanced traffic connectivity and circulation between individual projects where feasible. (orig. 9-15-09)

7. Maneuvering Lane Standards: Minimum maneuvering lane standards are shown in the Maneuvering Lane Standards Table except that if maneuvering lanes provide emergency access to buildings, then the minimum maneuvering lane width shall be increased to 25 feet regardless of the parking angle. (orig. 7-23-02; am. 4-4-06)

<table>
<thead>
<tr>
<th>Maneuvering Lane Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Angle (degrees)</td>
</tr>
<tr>
<td>One Way</td>
</tr>
<tr>
<td>30</td>
</tr>
<tr>
<td>45</td>
</tr>
<tr>
<td>50</td>
</tr>
<tr>
<td>55</td>
</tr>
<tr>
<td>60</td>
</tr>
<tr>
<td>65</td>
</tr>
<tr>
<td>70</td>
</tr>
<tr>
<td>75</td>
</tr>
<tr>
<td>90</td>
</tr>
</tbody>
</table>

8. Surface requirements for parking facilities requiring Site Development Plan approval shall be as follows:
   a. All parking and loading facilities in the Plains shall be concrete, asphalt, or permeable pavers and all facilities in the Mountains servicing uses with more than 150 vehicle trips per 24 hours shall be
surfaced with concrete, asphalt, permeable pavers, or other dust control method approved by the County. (orig. 7-23-02; am. 9-15-09)

b. The minimum cross section for an impervious surface under any conditions shall be 2½ inches of hot bituminous pavement and 4 inches of aggregate base course (Class VI) on 6 inches compacted sub-grade or 4 inches of non-reinforced Portland Cement concrete pavement on compacted sub-grade. An equivalent full depth section over compacted sub-grade may also be used with the approval of the Planning Engineer. (orig. 7-23-02)

c. Permeable paver installation shall conform to the manufacturer’s installation requirements and be approved by Planning and Zoning. (orig. 9-15-09)

9. Curb and Gutter: Commercial and industrial uses which require Site Development Plan approval and contain a parking facility with an impervious surface shall require curb and gutter as follows:

a. Raised curb shall be required for the perimeter of the parking lot and for all islands within the parking lot. (orig. 7-23-02)

b. Raised curbs shall be concrete. (orig. 7-23-02)

c. The curb may have slots cut in the perimeter of the curb, or curb stops may be used to allow stormwater runoff to flow into an island that is designed to accept stormwater. (orig. 9-15-09)

10. Drainage: All parking and loading facilities shall be designed, graded and provided with storm drainage facilities that comply with the most recent Storm Water and Drainage Criteria Manual except that sheet drainage shall not exceed 200 feet in the direction of flow. Parking areas wider than 42 feet shall contain some mechanism for concentrated flow of drainage, such as swales or underdrains. Drainage from snow storage, driplines, subdrains, and sheet flow from areas other than parking shall be diverted away from and shall not cross parking areas. (orig. 7-23-02)

11. Illumination: Lighting used to illuminate parking and loading areas shall comply with the Lighting Section of this Zoning Resolution. Lighting poles in parking areas shall be placed a minimum of 5 feet outside the parking lot area or 5 feet behind perimeter tire stop locations; or mounted on pedestals at least 30 inches high above the parking lot surface; or protected by other acceptable means. (orig. 7-23-02; am. 12-17-02; am. 9-15-09)

12. Grading: All grading activity shall comply with the Land Disturbance Section of this Zoning Resolution. The maximum grade within parking lots, excluding maneuvering lanes, shall be 6 percent in any direction, except for passive recreational uses where the maximum grade may be 8 percent. (orig. 7-23-02; am. 12-17-02; am. 10-12-04; am. 9-15-09)

13. Landscaping: Landscaping for parking facilities shall comply with the Landscaping Section of this Zoning Resolution. (orig. 7-23-02; am. 12-17-02; am. 9-15-09)

14. Vision Clearance Triangle: Parking signage, structures, landscaping and the location of parking spaces shall be designed to comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 7-23-02; am. 7-1-03)

15. Parking Space Delineation

a. Surface Markings: All paved parking areas shall be marked by painted lines striped at least 18 feet long and 4 inches wide to establish vehicular and pedestrian movement and to define parking spaces. All accessible spaces shall be designated by a standard diagram centered on the ground of each parking space as specified below. (orig. 7-23-02)
b. Signage: All accessible spaces shall be designated by a sign mounted on a post centered at the head of each space a minimum of 60” above the surface as indicated below. All Parking Lot signs, excluding those required for accessible spaces, shall comply with the Signs Section of this Zoning Resolution. (orig. 7-23-02; am. 12-17-02; am. 9-15-09; am. 7-17-18)

15. No portion of a parking space or loading area shall extend into any street right-of-way or other public way. (orig. 7-23-02)

16. Except for single-family or duplex residential uses, head-in or back-out parking onto any public right-of-way, high-volume traffic lane or over a sidewalk shall not be permitted. (orig. 7-23-02)

F. Remote Parking

1. The Director of Planning and Zoning may approve locating the required automobile parking for a use on a remote site provided all the following conditions are satisfied: (orig. 7-23-02; am. 12-17-02; am. 3-3-15)
   a. Both the primary use and related off-site parking are in a zone district which allows the primary use. (orig. 7-23-02)
   b. The remote parking site is located within 300 feet of the primary use it serves, except for valet parking facilities. (orig. 7-23-02)
   c. On-site parking has been maximized. (orig. 7-23-02)
   d. All required accessible parking and loading spaces have been provided on-site. (orig. 7-23-02)
   e. Submission of a written agreement between the record owners guaranteeing the use and operation of remote parking areas for the life of the principal use. (orig. 7-23-02)

G. Shared Parking

1. The Director of Planning and Zoning may approve the reduction of required automobile parking spaces for mixed-use developments under the following conditions: (orig. 7-23-02; am. 12-17-02; am. 3-3-15)
   a. The applicant has submitted a study that clearly demonstrates the feasibility of shared parking. This study shall indicate overall peak parking demand, traffic loads and impacts for each of the buildings, structures or uses including the characteristics (size, tenant mix), the days and hours of operation, the differences in projected peak parking demand per building, structure or use, the anticipated rate of parking turnover, and total vehicle movements for the parking facility as a whole. (orig. 7-23-02)
   b. The proposed building, structures or uses are on the same site or a remote parking plan has been approved by the Director of Planning and Zoning. (orig. 7-23-02; am. 12-17-02; am. 3-3-15)
   c. Automobile parking space requirements have not been reduced by more than 50 percent of the total of all proposed uses. (orig. 7-23-02)
   d. The impact of the shared parking is consistent with the intent and purpose of the zone district. (orig. 7-23-02)
   e. Submission of a written agreement between the record owners and affected tenants guaranteeing
the use and operation of shared parking areas for the life of the principal use. (orig. 7-23-02)

2. Where multiple uses share the same off street parking facilities, reduced total demand for parking spaces may result due to differences in parking demand for each use during the day. The following schedule of shared parking is provided indicating how shared parking for certain uses can be used to reduce the total parking required for shared parking facilities. (orig. 7-17-18)

<table>
<thead>
<tr>
<th>Use</th>
<th>Weekday Midnight to 7AM</th>
<th>Weekday 7AM to 6PM</th>
<th>Weekday 6PM to Midnight</th>
<th>Weekend Midnight to 7AM</th>
<th>Weekend 7AM to 6PM</th>
<th>Weekend 6PM to Midnight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library/Museum</td>
<td>0%</td>
<td>30%</td>
<td>75%</td>
<td>0%</td>
<td>100%</td>
<td>80%</td>
</tr>
<tr>
<td>Hotel</td>
<td>100%</td>
<td>65%</td>
<td>100%</td>
<td>100%</td>
<td>65%</td>
<td>100%</td>
</tr>
<tr>
<td>Convention Facility</td>
<td>0%</td>
<td>100%</td>
<td>50%</td>
<td>0%</td>
<td>100%</td>
<td>50%</td>
</tr>
<tr>
<td>Office/Industrial</td>
<td>5%</td>
<td>100%</td>
<td>5%</td>
<td>0%</td>
<td>50%</td>
<td>5%</td>
</tr>
<tr>
<td>Medical Office</td>
<td>5%</td>
<td>100%</td>
<td>30%</td>
<td>0%</td>
<td>100%</td>
<td>5%</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>0%</td>
<td>30%</td>
<td>50%</td>
<td>0%</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>Residential</td>
<td>100%</td>
<td>50%</td>
<td>90%</td>
<td>100%</td>
<td>75%</td>
<td>75%</td>
</tr>
<tr>
<td>Restaurant (sit down)</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
<td>25%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant (fast food)</td>
<td>50%</td>
<td>100%</td>
<td>80%</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Service Establishment</td>
<td>0%</td>
<td>100%</td>
<td>80%</td>
<td>0%</td>
<td>100%</td>
<td>60%</td>
</tr>
<tr>
<td>Entertainment Facility</td>
<td>5%</td>
<td>25%</td>
<td>100%</td>
<td>50%</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>Retail</td>
<td>0%</td>
<td>75%</td>
<td>80%</td>
<td>0%</td>
<td>100%</td>
<td>60%</td>
</tr>
</tbody>
</table>

H. Stacking

1. Vehicle Stacking: For Shopping or Recreation Centers, Discount Stores, Banks, and Medical Clinics and similar uses, the minimum required length of an on-site exit aisle between the parking lot and the public street or right-of-way shall be 20 feet or as indicated in the Required Exit Stacking Table. A stacking distance less than 125 feet may be permitted with the approval of the Planning Engineer. Required stacking distances shall be measured from the edge of the first maneuvering lane and may be distributed among accesses serving the site. (orig. 7-23-02; am.12-17-02; am. 4-4-06)
<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Min. Stacking Distance Required (feet)</th>
<th>Measured From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-up Bank Teller Lane</td>
<td>80 per window</td>
<td>Teller Window</td>
</tr>
<tr>
<td>Drive-up Bank ATM</td>
<td>60</td>
<td>ATM Window</td>
</tr>
<tr>
<td>Drive-up Restaurant</td>
<td>120 per window (min. 80 feet between the order box and pick-up windows)</td>
<td>Order Window</td>
</tr>
<tr>
<td>Drive-up Liquor Store</td>
<td>60 per window</td>
<td>Service Window</td>
</tr>
<tr>
<td>Drive-up Cleaners</td>
<td>60 per window</td>
<td>Service Window</td>
</tr>
<tr>
<td>Drive-in Theatre</td>
<td>20 per 15 percent of total parking spaces</td>
<td>Theatre Entrance</td>
</tr>
<tr>
<td>Automatic Car Wash</td>
<td>100 per wash line</td>
<td>Car Wash Entrance</td>
</tr>
<tr>
<td>Self-service Car Wash</td>
<td>60 per wash line</td>
<td>Car Wash Entrance</td>
</tr>
<tr>
<td>Service Station</td>
<td>60 per pump area</td>
<td>Center of Pump Island</td>
</tr>
<tr>
<td>Hospital Emergency Entrance</td>
<td>20 per 1 percent of total parking spaces</td>
<td>Emergency Entrance</td>
</tr>
</tbody>
</table>

2. Drive-up Areas: The minimum required length of an on-site maneuvering lane within a parking lot to a drive-up window or drive-through service shall be determined by Planning Engineering based on a traffic study submitted by the applicant unless otherwise indicated in the Required Stacking Table. (orig. 7-23-02; am. 4-4-06)
I. **Use of Parking Spaces And Loading Areas**

1. Parking spaces and loading areas shall not be used for the sale or display of merchandise or materials, storage or repair of vehicles or equipment, for trash containment areas, or for shopping cart storage unless otherwise permitted by this Zoning Resolution and approved by Planning and Zoning. (orig. 7-23-02; am. 4-27-04; am. 5-20-08)

2. Loading areas shall not be used as parking spaces. (orig. 7-23-02)

J. **Maintenance**

1. All required parking facilities shall be maintained for the duration of the use or building requiring such facilities. (orig. 7-23-02)

2. Parking facilities shall be maintained in good condition, free of weeds, dust, trash and debris, and major surfacing defects. (orig. 7-23-02)
Section 15 - Landscaping

A. Intent and Purpose

To provide clear regulations for landscaping design, installation and maintenance consistent with landscape and nursery standards and practices, available technologies, and horticultural sciences in an effort to:

1. Buffer, separate, or screen conflicting land uses to mitigate adverse impacts from noise, odor, or lighting. (orig. 7-23-02)

2. Promote stormwater runoff reduction and absorption of small storm flows by encouraging site designs that use landscaping as a stormwater feature. (orig. 9-15-09)

3. Provide a minimum amount of Common Useable Area and Communal Amenities for the enjoyment of the residents of new residential developments. (orig. 9-24-13)

4. Promote safety and privacy of residents and businesses. (orig. 7-23-02)

5. Conserve native vegetative resources and preserve and protect native ecosystems and habitats, existing trees, and trees of historic or other significant value. (orig. 7-23-02)

6. Complement the natural landscape and retain the aesthetic and ecological integrity of a mountain or plains environment. (orig. 7-23-02)

7. Require landscaping appropriate to the land use, terrain, local climate, elevation and character of the area. (orig. 7-23-02)

8. Reduce erosion, storm water runoff, and air pollution. (orig. 7-23-02)

9. Ensure the continued maintenance of approved or existing landscaping in all residential, commercial and industrial zone districts. (orig. 7-23-02; am. 7-6-04)

10. Promote wildfire-safe environments. (orig. 7-23-02)

B. General Provisions

1. Regulation

a. Nothing in this section precludes compliance with the specific zone district regulations, other regulations within this Zoning Resolution or other County regulations, or with State and Federal regulations as they may exist. Where Federal, State or County requirements conflict with the provisions of this section, the more restrictive standard shall apply. Where it is difficult to discern the more restrictive standard, the standard that is more local in application shall apply. (orig. 7-23-02)

b. The provisions of this section are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this section provided any such alternate has been approved by the Director of Planning and Zoning. An alternate may be approved if the proposed design, material or method is equal to or better than the specific requirements of this section and complies with the intent of this section. (orig. 7-23-02; am. 12-17-02; am. 12-21-10)

c. A Landscape Architect, licensed in the State of Colorado, must prepare the landscape and tree preservation plan. (orig. 9-15-09)

2. Procedures

a. Site Development Plan applications shall be accepted, reviewed and processed pursuant to the Site Development Plan process outlined in the Administrative Provisions Section of this Zoning Resolution. (orig. 7-23-02; am. 3-26-13)

b. Commercial, office, industrial, and institutional shall submit a landscaping plan pursuant to the provisions of the Site Development Plan process. Landscaping plans for single-family residential, multi-family and duplex developments shall be required for common areas only, both internal to and around the perimeter of the subdivision, but not for individual lots. (orig. 7-23-02; am. 12-17-02)

3. Applicability

a. All landscaping newly designed, constructed, erected, or otherwise installed on or after September 1, 2002 for commercial, office, industrial, institutional and proposals for common areas of single-
family, multi-family and duplex proposals shall be in conformance with the requirements of this section. The requirements of this section do not apply to individual single-family lots. (orig. 7-23-02; am. 12-17-02; am. 9-15-09)

b. Any alterations, rehabilitation, or renovations to existing landscaping commenced after September 1, 2002 shall be in conformance with the requirements of this section except where an existing landscaping plan has been approved on the site. Where existing landscaping has been approved through a County process, additional landscaping shall be compatible with the previously approved landscaping and is not required to comply with any regulations which may be inconsistent to the existing landscaping. (orig. 7-23-02)

c. Buildings and structures lawfully existing as of the date of adoption of this regulation (September 1, 2002) may be modernized, altered, expanded, or repaired without providing or modifying the landscaping providing there is no cumulative increase in floor area in such building or structure beyond 25% of the size of the building as it existed on September 1, 2002. (orig. 7-23-02; am. 12-13-16)

d. Landscaping shall not be required for additions, expansions, alterations or enlargements of an existing parking facility where the number of additional cumulative spaces required is less than 50 percent of the number of automobile parking spaces required at original construction. Where interior landscaping is proposed, it shall be consistent with the existing landscaping or, if it exists, the pre-approved landscape plan. (orig. 7-23-02)

e. The maintenance provisions of this section shall apply to all landscaping that has been approved by the County and for which there is an approved landscape plan on record. (orig. 7-23-02; am. 7-6-04)

f. The accumulation of weeds on property including behind alleys and the sidewalk areas in front of such properties shall not occur on residential lots, parcels and tracts. Properties zoned Agricultural-One, Agricultural-Two, Agricultural-Thirty Five, Mountain Residential-One, Mountain Residential-Two, Mountain Residential-Three, Suburban Residential-One, Suburban Residential-Two, or Suburban Residential-Five shall be excluded from this provision, if such properties are over 1 acre in size or over an elevation of 6400 feet. (orig. 7-6-04)

g. Undeveloped vacant properties zoned for nonresidential development shall not allow for the accumulation of weeds on the property. (orig. 7-6-04)

h. Landscaping areas that are also stormwater structures shall be inspected and maintained as required in the Permanent Stormwater Quality Structure Maintenance Section of this Zoning Resolution. (orig. 9-15-09)

C. Prohibitions

The installation and maintenance of the following shall be prohibited in Jefferson County:

1. All plants identified as noxious weeds by Jefferson County, the State of Colorado or the Federal government; (orig. 7-23-02; am. 9-15-09; am. 7-17-18)

2. For maintenance reasons, within 30 feet of any street or road: Silver Maple (Acer saccharinum), Narrow-leaf Cottonwood (Populus angustifolia), Plains Cottonwood (Populus sargentii), Eastern Cottonwood (Populus deltoides), Lombardy Poplar (Populus nigra 'Italica'), tree-form Willow (Salix). (orig. 7-23-02)

D. Exemptions

The following shall be exempt from the requirements of this section and shall not count toward the calculation of landscaped area unless it meets the intent and purpose of this section and has been approved by the Director of Planning and Zoning. (orig. 7-23-02; am. 12-17-02; am. 12-21-10)

1. Areas used for farming or ranching. (orig. 7-23-02)

2. Areas governed by a conservation easement established for the purpose of preserving natural areas. (orig. 7-23-02)

3. Areas designed to remain in a natural state, including areas required to be thinned by County regulations or procedures. (orig. 7-23-02; am. 7-17-18)

E. General Standards

1. Design
a. Landscape materials shall be selected, sited, and planted to produce a hardy and drought-resistant landscaped area. Selection shall include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, elevation, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site, and on adjacent sites. (orig. 7-23-02)

b. Landscaping shall be designed to incorporate water conserving materials and techniques through the application of xeriscape landscaping principles. Xeriscape landscaping principles do not include or allow artificial turf or plants, mulched or gravel (including crushed rock, etc) beds or areas without landscape plant material, bare ground, weed infested surfaces or any landscaping that does not comply with the standards of this section. Xeriscape landscaping principles shall include all of the following:

   (1) Grouping plants with similar water and sunlight requirements together. (orig. 7-23-02)
   (2) Limiting the application of turf to appropriate high-use areas with high visibility and functional needs. (orig. 7-23-02)
   (3) Use of low-water demanding plants and turf where suitable. (orig. 7-23-02)
   (4) Use of automatic irrigation systems, designed and operated to conserve water. (orig. 7-23-02)
   (5) Incorporation of soil amendments, where appropriate. (orig. 7-23-02)
   (6) Use of mulches. (orig. 7-23-02)
   (7) Planting appropriate materials suited to the soil and climate. (orig. 7-23-02)

c. All planted areas shall receive mulch. (orig. 9-15-09)

d. Landscaped areas that are designed for stormwater management should refer to the Jefferson County Storm Drainage and Technical Criteria. (orig. 9-15-09)

e. The minimum horizontal distance between trees and the following items shall be as follows, unless otherwise stated in this section: (orig. 7-23-02; am. 9-15-09; am. 12-13-16)

<table>
<thead>
<tr>
<th>Item</th>
<th>Distance from Tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streetlight</td>
<td>30 feet</td>
</tr>
<tr>
<td>Water Mains</td>
<td>9 feet</td>
</tr>
<tr>
<td>Gas Lines</td>
<td>No trees permitted within easement</td>
</tr>
<tr>
<td>Ditch Flowline</td>
<td>3 feet</td>
</tr>
</tbody>
</table>

f. All areas disturbed by construction but intended for development as part of a later phase shall be revegetated with a mix of perennial grasses and native wildflowers to emulate a natural appearance appropriate for site conditions. (orig. 7-23-02)

g. All landscaping areas shall comply with the vision clearance triangle requirements as specified in Transportation Design and Construction Manual. (orig. 7-23-02; am. 7-1-03; am. 5-26-09; am. 12-13-16)

h. Trees and any other landscape materials in accordance with approved landscaped plans within 5 feet of back of curb shall not cause sight distance problems with vehicles entering the adjoining street from driveways or nearby intersections. In case of future disputes regarding sight distance, the County's sight distance table in the Transportation Design and Construction Manual shall be used to determine the outcome. (orig. 12-13-16)

i. Trees may be formally massed to produce a steady, discernible rhythm or row or may be clustered to provide groups of trees. (orig. 7-23-02)

j. Ground cover, turf, or native grass shall be used to cover the landscaped area between trees and/or shrubs. (orig. 7-23-02)

k. All irrigated landscaping adjacent to streets in the Dipping Bedrock Overlay District shall contain perimeter drains. (orig. 7-23-02)

l. All medians greater than 4 feet in width shall be landscaped and landscaping material shall be limited
to the following: (orig. 7-23-02)

<table>
<thead>
<tr>
<th>Width of Median</th>
<th>Landscaping Material Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 feet or less</td>
<td>Hardscapes (no more than 25 percent of the median area)</td>
</tr>
<tr>
<td></td>
<td>Shrubs under 36 inches in height</td>
</tr>
<tr>
<td></td>
<td>Turf</td>
</tr>
<tr>
<td></td>
<td>Native Grass</td>
</tr>
<tr>
<td></td>
<td>Ground Cover</td>
</tr>
<tr>
<td>More than 10 feet</td>
<td>Trees (one tree per 30 linear feet is required)</td>
</tr>
<tr>
<td></td>
<td>Shrubs</td>
</tr>
<tr>
<td></td>
<td>Hardscapes (no more than 25 percent of the median area)</td>
</tr>
<tr>
<td></td>
<td>Turf</td>
</tr>
<tr>
<td></td>
<td>Native Grass</td>
</tr>
<tr>
<td></td>
<td>Ground Cover</td>
</tr>
</tbody>
</table>

2. **Installation**

Plant materials shall be installed to current nursery standards and sound horticultural practices, including any support devices required, in a manner designed to encourage quick establishment and healthy growth. (orig. 7-23-02)

3. **Plant Selection**

a. In mountain landscapes, a minimum of 60% of the total number of required trees shall be evergreen. (orig. 9-15-09)

b. In plains landscapes, a minimum of 20% of the total number of required trees shall be evergreen. (orig. 9-15-09)

c. In all landscapes, a minimum of the 20% of the total number of required shrubs shall be coniferous evergreen. (orig. 9-15-09)

4. **Plant Sizes**

a. The following minimum sizes shall be required at the time of installation: (orig. 7-23-02; am. 12-14-04; am. 5-26-09; am. 7-17-18)

<table>
<thead>
<tr>
<th>Type</th>
<th>Size (measured 4 feet above finished grade)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deciduous Trees (balled &amp; burlapped)</td>
<td>2&quot; caliper (shade trees)</td>
</tr>
<tr>
<td></td>
<td>1½&quot; caliper (ornamental trees)</td>
</tr>
<tr>
<td></td>
<td>2 ¼ &quot; caliper (where adjacent to designated arterial or higher street classification)</td>
</tr>
<tr>
<td>Coniferous Trees (balled &amp; burlapped)</td>
<td>6'0&quot; high</td>
</tr>
<tr>
<td>Ground Cover, Perennials, Ornamental Grasses</td>
<td>1 gallon</td>
</tr>
<tr>
<td>Shrubs and Ornamental Grasses</td>
<td>5 gallon</td>
</tr>
</tbody>
</table>

b. Species diversity for trees shall be required as specified below: (orig. 7-23-02)

<table>
<thead>
<tr>
<th>No. of Trees</th>
<th>Maximum % of any One Species</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mountains</td>
</tr>
<tr>
<td>Less than 10</td>
<td>none</td>
</tr>
<tr>
<td>10 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>
5. Preservation:
   a. The following shall be preserved and protected where practicable, unless preservation or protection conflicts with floodplain, dipping bedrock, wildfire regulations or other County, State or Federal requirements. All tree preservation plans are to show all existing trees as described in (1) through (5) below: (orig. 7-23-02; am. 12-17-02; am. 9-15-09)
      (1) Healthy trees over 6" in caliper in the Plains and 8" in caliper in the Mountains, measured 4.5 feet above finished grade. (orig. 7-23-02)
      (2) Trees associated with a historic event, place, person or which are unusual, rare or significant as determined by the County or Forest Service. (orig. 7-23-02)
      (3) Vegetation, not including trees, over 8 feet in height. (orig. 7-23-02)
      (4) Mature clusters or stands of healthy trees or shrubs. (orig. 7-23-02)
      (5) Riparian, wetland and critical wildlife areas. (orig. 7-23-02)
   b. Each existing preserved tree meeting the above criteria shall count triple towards meeting the tree quantity requirements of this section, except for any tree requirements related to parking lot or perimeter landscape vegetation. (orig. 7-23-02; am. 9-15-09)
   c. Any tree meeting the preservation and protection criteria above which cannot be protected or preserved shall be replaced with 3 trees meeting the size and quality standards in this section. (orig. 7-23-02)
   d. Prior to commencement of and during any construction activity (except for utility line installation), a temporary barrier shall be erected at the dripline around existing trees that are slated for protection. Fences around the trunk are not acceptable. This barrier shall consist of bright plastic fencing a minimum of 4 feet in height, secured with metal t-posts. A tree protection detail and applicable protection notes must be included on the landscape plan for all trees qualifying for preservation. (orig. 7-23-02; am. 9-15-09)

6. Inspection
   a. The landowner shall request an inspection by Planning and Zoning upon installation of all landscape improvements (final inspection). The inspection shall occur in conditions with little to no accumulated snow on the subject property. (orig. 7-23-02; am. 7-6-04; am. 5-20-08; am. 9-15-09)
   b. The landscaping and all site work shall be completed in accordance with the approved landscape plan for the project. (orig. 7-23-02)
   c. In the event that native seed has not germinated, a second inspection will be required, and will be scheduled at the discretion of Planning and Zoning. (orig. 9-15-09)
   d. All re-inspections shall be subject to the applicable re-inspection fee. (orig. 9-15-09)

7. Security
   a. Prior to approval of the Site Development Plan, the landowner shall submit an improvement security in an amount necessary to ensure compliance with the standards in this section and the approved landscape plan. (orig. 7-23-02)
   b. The amount of the security shall be 100 percent of the cost of the landscaping material plus a contingency amount equivalent to 10 percent of the total cost. The cost of all landscaping material shall be based on the County’s price list. All items shown on the approved landscape plan shall be secured to ensure installation, including but not limited to all proposed soft and hardscape items, and barriers for existing trees slated for protection. (orig. 7-23-02; am. 12-17-02)
   c. The security shall be in the form of cash escrow or an irrevocable letter of credit payable to the Board of County Commissioners of Jefferson County. (orig. 7-23-02)
   d. The security shall be released only after final inspections have been made and all landscaping has been accepted by the County, either for the entire site or for a phase of construction. (orig. 7-23-02)

8. Landscape Plan requirements:
a. The landscape plan shall be prepared by a landscape architect and shall include all of the following:

(1) Scale (scale shall be at least 1:20 or larger for sites of 2 acres or less and at least 1:50 for sites greater than 2 acres in size); (orig. 7-23-02; reloc. 12-13-16)

(2) The proposed site grading topographic contours at a minimum of 2-foot intervals (in steep terrain, larger intervals may be required) or other appropriate interval as approved by Planning and Zoning and necessary spot elevations; (orig. 7-23-02; am. 12-17-02; am. 4-27-04; am. 5-20-08; reloc. 12-13-16)

(3) Plant legend, shown on each sheet, including botanical and common plant names, plant sizes and quantities of all trees, shrubs, and ground covers proposed and slated for preservation; (orig. 7-23-02; reloc. 12-13-16)

(4) Seed mixes, application rates, and quantities; (orig. 7-23-02; reloc. 12-13-16)

(5) The location and size of all landscaped areas within the site, vision clearance triangles, lot boundaries, trees and vegetation (proposed and to be preserved), significant existing physical site features (e.g. watercourses, rock outcroppings), property lines and easement locations, utilities (e.g. water, sewer, telephone, power, cable), location of new pole lights, existing and proposed buildings and structures, existing and proposed driveways, roads, walkways (including grades), plazas, buildings, playground equipment, parking areas, landscape amenities (e.g. fences, walls, planters, benches, signs), areas to be paved, graveled or covered by decks, retaining walls, detention ponds, drainageways or swales, areas to be revegetated, proposed plants to a scale at maturity, soil amendments, existing vegetation and its condition, 100-year floodplain, all areas on and off-site, including within the adjacent rights-of-way, that will be disturbed by construction activity. (orig. 7-23-02; reloc. 12-13-16; am. 12-17-19)

(6) Planting and construction details (where applicable) as well as plan notes to assist in clarifying design intent; (orig. 7-23-02; reloc. 12-13-16)

(7) Easement(s) for any off-site landscaping proposed; and (orig. 7-23-02; reloc. 12-13-16)

(8) A phasing plan for multi-phased projects identifying the separate phases, revegetation, stabilization and erosion control between phases, and the landscaping associated with each phase. (orig. 7-23-02; reloc. 12-13-16)

F. Specific Standards

1. Landscaping shall be required for all common areas internal to and around the perimeter of any single-family or duplex development, for any multi-family development, and for commercial, industrial, and institutional uses as follows: (orig. 7-23-02; am. 12-17-02; am. 12-14-04; am. 9-15-09)

2. The total required minimum landscaped area (includes perimeter, parking, and internal landscaped areas) is as follows, unless already specified in an approved Official Development Plan. (orig. 7-23-02; am. 9-24-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Use / Zone District</th>
<th>Percent (%) of Total Site Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family uses</td>
<td>35%</td>
</tr>
<tr>
<td>Mixed Use Zone District (Neighborhood Commercial Level)</td>
<td>15%</td>
</tr>
<tr>
<td>Mixed Use Zone District (Large Scale Commercial Level)</td>
<td>25%</td>
</tr>
<tr>
<td>Heavy Industrial uses</td>
<td>10%</td>
</tr>
<tr>
<td>Commercial, Office, Light Industrial and Institutional</td>
<td>15%</td>
</tr>
</tbody>
</table>
3. The total required minimum plant counts shall be indicated below as trees and shrubs per linear feet or square feet. These requirements are used to determine the exact number of trees and shrubs required, not the exact location of the planting. Trees and shrubs may be planted in a linear, clustered, or in other appropriate patterns. It shall be the discretion of the landscape architect and staff to determine the most appropriate layout for the landscaping. (orig. 9-15-09)

4. In order to provide a minimum amount of Common Useable Area and Communal Amenities for the shared use of all residents, all residential developments of greater than 25 lots/units shall provide the following: (orig. 9-24-13)
   a. A minimum of 250 square feet of Common Useable Area per each residential unit. Within the Mixed Use Neighborhood Commercial (MU-N) and Large Scale Commercial (MU-LS) zone districts, this requirement shall be 75% of the total minimum landscaped area. Common Useable Area will be credited toward the minimum landscaped area requirement. (orig. 9-24-13)
   b. A minimum of 35 square feet per residential unit of the Common Useable Area shall consist of a Communal Amenity. Within the Mixed Use Neighborhood Commercial (MU-N) and Large Scale Commercial (MU-LS) zone districts, 35% of the Common Useable Area shall consist of Communal Amenities. (orig. 9-24-13)
      (1) When clubhouses, indoor recreational facilities or similar structural amenities are proposed, each square foot shall be credited 2 times the required square footage. (orig. 9-24-13)
      (2) Within the Mixed Use Neighborhood Commercial (MU-N) or Mixed Use Large Scale Commercial (MU-LS) Zone Districts, public plazas shall be credited two times the minimum requirements of this section when the plaza contains at least 3 of the following: (orig. 9-24-13)
         (a) Within at least one permanent sitting space per every 250 feet of plaza or public space area. (orig. 9-24-13)
         (b) A mixture of areas that provide shade through canopies, canopy trees, awnings, arcades, etc. (orig. 9-24-13)
         (c) A water feature or piece of public art. (orig. 9-24-13)
         (d) Permanent outdoor dining areas. (orig. 9-24-13)
         (e) Use of decorative pavers and pervious pavement treatment for hardscape areas. (orig. 9-24-13)
         (f) Similar amenities as approved by Planning and Zoning. (orig. 9-24-13)

5. Landscape Areas contain perimeter areas, parking areas, and internal areas. The following graphic depicts each type of landscaped area outlined in this section, the graphic is not inclusive of all possible landscaping situations and is not to scale. (orig. 9-15-09)
a. Perimeter Areas

(1) Street/Road Perimeter Areas: Landscaped areas adjacent to streets/roads shall be in accordance with the classifications and widths shown in the table below. These landscaped strips shall be wholly contained within the site unless otherwise approved by Planning and Zoning (orig. 7-23-02; am. 7-1-03; am. 7-6-04; am. 5-20-08; am 9-15-09; am. 11-24-15; am. 7-17-18)

<table>
<thead>
<tr>
<th>Right of Way Type</th>
<th>Landscape Strip Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway</td>
<td>30 feet</td>
</tr>
<tr>
<td>Major Collector/Arterial/Parkway</td>
<td>20 feet</td>
</tr>
<tr>
<td>Collector</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

(a) Landscape planting requirements shall be calculated at 1 tree per every 30 linear feet of perimeter landscaped area and 5 shrubs per 1,000 square feet of the total perimeter landscaped area. Landscaping may be installed in a linear, cluster, or other appropriate pattern. (orig. 7-23-02; am. 9-15-09; am. 7-17-18)

(b) Along the south side of east-west streets, evergreens shall be a minimum of 15 feet from the back of the curb or edge of the street/road. (orig. 7-23-02; am. 7-17-18)

(2) Non-residential, Multi-family Residential and Single Family Residential uses are considered dissimilar uses. Perimeter Areas: uses (including parking facilities) proposed adjacent to existing or entitled dissimilar uses shall require the installation of a 10-foot wide landscaped screen which visually obscures or obstructs the dissimilar uses. This requirement is not required on both properties, so long as the buffer exists on one property. The landscaped screen shall meet the following requirements: (orig. 7-23-02; am. 12-17-02; am. 9-15-09; am. 7-17-18)

(a) No less than 75% of the total required plant materials shall be evergreen. (orig. 9-15-09)

(b) There shall be at least one tree per 30 linear feet and installed in a manner that best screens the proposed use from the adjacent residential uses. (orig. 9-15-09)

(c) There shall be at least 5 shrubs per 500 square feet of landscape screen area that will grow to at least 4 feet in height, planted in a manner that best screens the proposed use. The intent of the shrubs is to mitigate headlight glare from drives and parking areas. (orig. 9-15-09; am. 7-17-18)
(d) Ground cover plants, native grass or turf must fully cover the remainder of the landscaped area except under trees where mulch may be used. (orig. 9-15-09)

(e) A 6 foot high closed masonry or wood wall, fence, or berm may be substituted for the shrub vegetation, but the trees and ground cover are still required. (orig. 9-15-09)

(3) Commercial, Office, Industrial, and Institutional Perimeter Areas: There is no buffer requirement between commercial, office, industrial and institutional uses adjacent to similar uses. Adjacent landscape areas shall follow the internal landscaping requirements. (orig. 5-26-09; am. 9-15-09)

(4) Turf areas shall comprise no more than 75 percent of the total perimeter landscaped area in the plains and 20 percent in the mountains. (orig. 7-23-02; am. 12-17-02)

b. Parking Lot Areas

(1) Perimeter Parking Areas: The landscaped area within six (6) feet of the back of curb to the parking area. Landscaping shall be provided within and around the perimeter of all parking lots except adjacent to buildings on the site.

(a) Planting requirements shall be calculated at 1 tree and 5 shrubs per 500 square feet of the total perimeter parking area. Plantings may be installed in a linear, cluster, or other appropriate pattern. (orig. 7-23-02; am. 9-15-09; am 7-17-18)

(b) If overlaps exist between the Parking Lot Perimeter Area and the Non-residential and Multi-family Residential Adjacent to Single Family Residential Perimeter Area, the parking perimeter vegetation is required in addition to any required perimeter vegetation. (orig. 7-23-02; am. 9-15-09)

(c) If overlaps exist between the Parking Lot perimeter area and another perimeter area, the Perimeter Parking Lot Area landscaping requirement shall be used for the portion of the perimeter area that overlaps. (orig. 9-15-09)

(2) Internal Parking Areas: For the purposes of this section, internal landscaped areas of a parking lot shall be defined as landscape islands or landscape strips. (orig. 9-15-09)

(a) The minimum landscaped area, internal to the parking lot, shall be no less than 5 percent (5%) of the total impervious parking lot area. (orig. 7-23-02; am. 12-17-02; am. 9-15-09)

(b) Planting requirements shall be calculated at a minimum of 1 tree and 5 shrubs per 500 square feet of landscaped area internal to the parking lot. The plantings may be installed in a linear or clustered fashion that maximizes shade and parking lot screening. (orig. 7-23-02; am. 9-15-09; am.7-17-18)

(c) For parking areas with 50 impervious designated parking spaces or more that are over parked by 110% or higher by the minimum parking standards, the minimum landscape area internal to the parking lot shall be no less than ten percent (10%) of the total impervious parking lot area. (orig. 9-15-09)

(d) A planted landscape island is required at the end of all parking rows and for every fifteen (15) parking spaces in a row. The landscaped island must be a minimum of 80 square feet and at least 4 feet in width. All islands shall include at least 1 shade tree and shall meet the overall planting requirements for internal parking lot areas. (orig. 9-15-09; am. 7-17-18)

(e) Landscaped islands may be two (2) feet shorter than the parking space. (orig. 9-15-09)

(f) Landscaped islands may be sumped to allow stormwater to flow into the island. Sumped islands will typically include raised curbs, with curb cuts for stormwater flow. Sumped islands may also be permitted without raised curbs, but will require raised wheel stops. (orig. 7-23-02; am. 9-15-09; am. 7-17-18)
c. Internal Areas
   (1) Internal landscaping is the remaining landscape area after the perimeter landscape areas and parking landscape areas have been subtracted from the percent of the total site area that is required to be landscaped. Landscaped areas in excess of the required minimum landscaped area do not need to meet the planting requirements below. (orig. 9-15-09; am. 7-17-18)
   (2) Planting requirements shall be calculated at 1 tree and 5 shrubs per 1,000 square feet of the total internal area. Plantings may be installed in a linear, cluster, or other appropriate pattern (orig. 7-23-02, am. 9-15-09)
   (3) Except for sports fields and other similar uses, turf areas shall comprise no more than 75 percent of the total internal landscaped area in the Plains and 10 percent in the Mountains (except for multi-family in the mountains, which shall be 75 percent). Gravel or rock shall not comprise more than 25 percent of the landscaped area. (orig. 7-23-02; am. 12-17-02)

5. Detention/Retention Ponds
   a. No trees shall be planted below the water surface elevation. (orig. 7-23-02)
   b. The applicant shall demonstrate that any vegetation proposed within the detention pond does not impede access for maintenance purposes. (orig. 7-23-02)
   c. The area used for detention or retention ponds shall not count towards the required landscaping area, unless the planting requirements for this area are installed in other locations on the site. (orig. 7-17-18)

6. Stormwater Features
   a. Refer to the Jefferson County Drainage and Technical Criteria for guidelines on designing landscaped stormwater features that are designed to absorb small storm flows of the Water Quality Capture Volume. These structures include, but are not limited to: grass buffers, grass swales, block and porous pavers, porous landscape detention. (orig. 9-15-09)

G. Measurements
   1. Spacing for plant placement shall be measured from the centerline of the tree or shrub. (orig. 7-23-02)
   2. Unless otherwise specified in this section, trunk caliper (the diameter of the tree trunk) shall be measured four feet above grade. (orig. 7-23-02; am. 7-17-18)

H. Maintenance
   1. Maintenance of required landscaping, including irrigation systems, fences, walls, sidewalks and other landscape structures where they exist, is the ongoing responsibility of the landowner. Where irrigation systems, landscaping or sidewalks exist or are proposed to be installed within County rights-of-way, maintenance shall be the responsibility of the applicable Homeowner Association (or equivalent) or adjoining landowner unless otherwise agreed to by the County. The County shall have the right to remove any irrigation systems, landscaping, or sidewalks within rights-of-way. (orig. 8-17-99; am. 7-23-02)
2. Plant materials in required landscaped areas shall be continuously maintained in a healthy, growing and orderly condition. This shall include proper pruning, mowing of turf areas, fertilization, the regular application of appropriate quantities of water, and the regular treatment and repair of all diseased or insect ridden materials. All unhealthy, damaged, destroyed, irreparable, removed, or dead plant materials shall be replaced within one (1) growing season (where a growing season is defined as the period between April 15 and October 15) with plant materials of similar variety. In all cases, the replacement plant material shall preserve the intent and purpose of the original plant material and shall comply with the requirements of this Zoning Resolution. (orig. 8-17-99; am. 7-23-02)

3. Structures in required landscaped areas, such as irrigation systems, fences, walls, sidewalks and other landscape elements, shall be continuously maintained in a structurally sound and orderly condition. All damaged, destroyed, irreparable, or removed landscape structures shall be replaced within one (1) year with similar structures. In all cases, the replacement structure shall preserve the intent and purpose of the original structure and shall comply with the requirements of this Zoning Resolution. (orig. 8-17-99; am. 7-23-02)

4. Required landscaped areas shall be kept free of trash, litter, weeds, pests, and other such elements not part of the approved landscaping plan. (orig. 8-17-99; am. 7-23-02)

5. Existing landscaping within residentially zoned lots, parcels and tracts shall be kept in an orderly condition and free of trash, litter, weeds and pests. (orig. 7-6-04)
Section 16: Land Disturbance

A. Purpose

The purpose of this section is to:

1. Enhance the quality of water in the County’s drainageways and surface waters; (orig. 10-12-04)
2. Protect life, property and the environment from loss, injury and damage by stormwater runoff, erosion, sediment transport, ponding, flooding, landslides, accelerated soil creep, settlement and subsidence, excessive dust, and other potential hazards caused by grading, construction activities, and denuded soils; (orig. 10-12-04)
3. Allow a temporary land use for land disturbance activities; and (orig. 8-25-86; am. 9-24-91; am. 3-23-99; am. 10-12-04)
4. Establish performance standards to:
   a. Define grading, drainage, erosion and sediment control, and waste disposal requirements; (orig. 10-12-04)
   b. Ensure mitigation of adverse impacts; and (orig. 10-12-04)
   c. Ensure the reclamation of disturbed land. (orig. 10-12-04)

B. General Provisions

1. Performance Standards

All land disturbance activities must conform to the performance standards as detailed in this section. These standards apply whether or not a Grading Permit or Notice of Intent is required. (orig. 10-12-04)

2. Activities Requiring a Grading Permit or Notice of Intent

It shall be unlawful for any person, firm or corporation to do or authorize any land disturbance in the unincorporated area of Jefferson County without first obtaining a Grading Permit from the County or submitting a Notice of Intent to the County to authorize temporary land disturbance activities unless specifically exempted by this section. The applicant, the landowner, and the contractor are responsible if a land disturbance activity is undertaken in contravention of the performance standards, or if a land disturbance activity is undertaken beyond the scope of the Grading Permit or Notice of Intent without County approval. Land disturbance activities must be completed in compliance with the approved plans. (orig. 8-25-86; am. 9-24-91; 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04)

   a. Land disturbance activities that require a Grading Permit include the following: (orig. 10-12-04)
      (1) A Grading Permit is required if one of the following apply:
              (a) The disturbed area is greater than or equal to 0.5 acre and the National Resources Conservation Service (NRCS) soil erodibility (K factor) is equal to or greater than 0.23. If the K factor is not mapped, the default K factor will be 0.23. The applicant may provide site specific soil data and evaluated K factor from a qualified professional that will be reviewed by Jefferson County staff. (orig. 6-1-19)
              (b) The disturbed area is greater than or equal to 0.5 acres and a perennial or intermittent stream (or similar) as classified by the United States Geological Survey (USGS) National Hydrography Dataset (NHD) is within 100 feet of the disturbed area. (orig. 6-1-19)
              (c) The disturbed area is greater than or equal to 0.5 acre and is within 100 feet of the Floodplain Overlay District boundaries. (orig. 6-1-19)
              (d) The disturbed area is greater than or equal to 0.5 acre and is within the Geologic Hazard Overlay District. (orig. 6-1-19)
              (e) The disturbed area is equal to or greater than 1 acre. (orig. 6-1-19)

   b. Land Disturbance activities that require a Notice of Intent to be submitted with, or in advance of, a Building Permit application include the following: (orig. 10-12-04; am. 6-1-19)
3. Activities exempt from the Requirement for a Grading Permit

Land disturbance activities that are exempt from Grading Permit requirements shall comply with the specific requirements, if any, listed in the applicable exemption provision below. In addition, land disturbance associated with activities listed within this exemption section must still be in compliance with the performance standards set forth in this section, unless specifically stated otherwise. The landowner and the contractor are responsible if land disturbance activity is undertaken in contravention of these performance standards. The following land disturbance activities are permissible without obtaining a Grading Permit: (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 10-12-04; am. 4-20-10; am. 6-1-19)

a. Projects which involve less than 0.5 acres of disturbed area. Individual lots in subdivision developments under the same ownership, involving less than 0.5 acres of disturbed area, shall not be considered separate projects if they are contiguous or within 0.25 mile of each other. Any series of related projects or connected projects on one site, which together exceed the 0.5 acre limitation shall be considered a single project and shall be required to obtain a Grading Permit. (orig. 9-24-91; am. 12-17-02; am. 10-12-04; am. 7-12-05; am. 11-24-15; am. 6-1-19)

b. Land disturbance work being done pursuant to and in conformance with an approved grading plan in conjunction with an approved recorded Plat, Site Development Plan, Minor Adjustment or Exemption from Plating. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 4-27-04; am. 10-12-04)

c. Tillage of agricultural land is exempt from all permit requirements. Agricultural uses of land zoned agricultural, other than tillage, which disturb greater than 0.5 acres is exempt from the filing requirements, provided a conservation plan for the proposed grading activities using the United States Department of Agriculture Soil Conservation Service standards is approved by the Jefferson Conservation District. A copy of the conservation plan shall be submitted to Planning and Zoning prior to the commencement of grading activities. The County shall enforce the conditions of the conservation plan under the enforcement provisions of this section. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 11-24-15; am. 6-1-19)

d. Trenching incidental to the construction, maintenance and installation of approved underground pipelines, electrical or communication facilities, and drilling or excavation for approved wells or post holes if the total area of land disturbance is less than one acre. Construction activities associated with the installation of the onsite wastewater treatment system shall not be exempt. Construction of access required to complete the trenching or for future maintenance shall not be exempt. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 10-12-04; am. 4-20-10; am.11-20-12; am. 11-24-15)

e. Land disturbance for utility installation or maintenance within a County owned or County maintained Right-of-Way if the total area of land disturbance is less than one acre. These activities require a County Right-of-Way and Construction Permit. (orig. 8-8-95; am. 10-12-04; am.11-20-12)

f. Land disturbance or excavations in accordance with plans incorporated in a mining permit, reclamation plan or sanitary landfill approved by the County. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 10-12-04)

g. County capital improvement or County maintenance projects within Right-of-Way or County airport runways if the total area of land disturbance is less than one acre. (orig. 12-17-02; am. 10-12-04; am.11-20-12)

h. Maintenance and cleaning of existing ditches, lakes, ponds, storm sewer system, and water storage reservoirs with a total area of land disturbance is less than one acre. (orig. 8-25-86; am. 10-12-04; am. 6-1-19)

i. Land disturbance for culvert installation or maintenance within a County owned, public ROW or County maintained Right-of-Way if the total area of land disturbance is less than one acre and the
j. Maintenance and resurfacing of existing streets/roads, runways, sidewalks/trail systems, parking lots/loading areas, and railroad beds. (orig. 9-24-91; am. 10-12-04)

k. Performance of emergency work necessary to prevent or mitigate an immediate threat to life or property when an urgent necessity arises. The person performing such emergency work shall notify Planning and Zoning promptly of the problem and work required. If the emergency work would not otherwise be exempt from a Grading Permit, a Grading Permit shall be obtained as soon as possible. (orig. 8-25-86; am. 9-24-91, 8-8-95; am. 4-27-04; am. 10-12-04; am. 5-20-08)

l. Enlargements to parking areas less than 0.5 acre larger than the original area of existing parking facilities for commercial, industrial and institutional uses. Stormwater detention and water quality must be provided for in accordance with the Storm Drainage Design and Technical Criteria Manual. (orig. 4-27-04; am. 10-12-04; am. 11-24-15; am. 6-1-19)

m. Land disturbance for natural surface trails that are less than one acre are exempt. Land disturbance over one acre associated with the construction of natural surface trails shall follow the procedure outlined below prior to commencement of any trail construction. The land disturbance associated with the construction of natural surface trails shall conform with the performance standards of this section and the current Jefferson County Natural Surface Trail Guide. (orig. 4-20-10; am.11-20-12; am. 11-24-15; am. 7-17-18)

(1) Plans are submitted showing the location and overall scope of the trail construction project, including a description of the proposed construction phasing. (orig. 4-20-10; am. 7-17-18)

(2) A detailed construction schedule is provided for each phase of the construction project. (orig. 4-20-10)

(3) The applicant proposes a construction guide that includes typical construction procedures that will be used during the construction of trails, including erosion and sediment control measures. (orig. 4-20-10)

(4) Planning and Zoning has reviewed the construction guide and has determined that the construction procedures will be sufficient to assure compliance with the grading performance standards of this section, and state or county erosion and sediment control standards. (orig. 4-20-10)

(5) The applicant shall stake the proposed trail alignment and shall coordinate a site visit with County Staff to review the alignment. If Staff identifies areas where trail alignment should be adjusted to assure conformance with the performance standards and the construction guide, then a new plan showing the new alignment shall be submitted. (orig. 4-20-10)

(6) The applicant agrees to implement the construction procedures identified within the guide and agrees that the county has the authority to inspect and require field alterations if the typical construction procedures identified in the guide are not being properly implemented. The applicant also agrees that failure to implement the construction standards of the guide or the field alterations directed by Planning and Zoning may result in the issuance of a zoning violation in accordance with this Resolution; and may result in the exemption from the grading permit requirements being revoked for future phases of the trail construction project. (orig. 4-20-10)

(7) The applicant submits the standard Grading Permit fee to cover the cost of the review and approval of the construction guide, and the inspection of each phase of the construction process. (orig. 4-20-10)

The procedures outlined in this section shall not apply to trail construction in special flood hazard areas that have been identified as a part of the Jefferson County Floodplain Overlay District. The appropriate floodplain development permit and grading permit will be required for construction activities occurring within special flood hazard areas. (orig. 4-20-10; am. 6-1-19)

n. Any work within State or Federal lands including Rights-of-Way and/or permanent easements held by said agencies. This exemption does not relieve these entities from completing a floodplain development permit in accordance with the Floodplain Overlay District Section of this regulation. (orig. 7-17-18)

o. Onsite disturbance through the Land Disturbance Permit may not be required for properties that are
covered by a separate Municipal Separate Storm Sewer System (MS-4) permit through the State of Colorado, as determined by Planning & Zoning. (reloc. and am. 5-21-19)

4. Exemptions, Waivers, Variances and/or Exclusions
   Any exclusions, exemptions, waivers, and variances included in the regulatory mechanism must comply with the terms and conditions of the MS4 Permit (COR090000). (orig. 6-1-19)

5. Denial of other Permits
   Building Permits or Certificate of Occupancy shall not be issued while an unresolved grading or floodplain violation is ongoing on the subject property or within a common plan of development. (orig. 8-25-86; am. 9-24-91, am. 8-8-95; am. 12-17-02; am. 7-17-18; am. 6-1-19)

6. Permission of other Agencies or Owners
   The issuance of a Grading Permit or the submission of a Notice of Intent shall not relieve the applicant of the responsibility for securing other permits or approvals required by any other division or agency of Jefferson County or other public agency or for obtaining any easements or authorization for removing or transporting earth materials on property not owned by the applicant. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04)

7. Construction and Permits
   For construction within County Right-of-Way, the Grading Permit or Notice of Intent must be accompanied by an Access Permit or a Right-of-Way Use and Construction Permit in accordance with plans approved by the County. For construction outside of County Right-of-Way, the Grading Permit or Notice of Intent must be accompanied by a Right-of-Way Use and Construction Permit in accordance with the Plans approved by the County. The applicant shall obtain applicable permits from the County prior to commencing field work. All other applicable requirements shall be followed including the Transportation Design and Construction Manual. (orig. 8-8-95; am. 12-17-02; am. 10-12-04; am. 11-24-15; am. 7-17-18)

8. Liability
   Neither the issuance of a Grading Permit nor the submission of a Notice of Intent under the provisions of this section nor compliance with the provisions hereof or with any conditions imposed in this section shall relieve the applicant from responsibility for damage to any person or property or impose any liability upon the County for damage to any person or property. (orig. 8-25-86; am. 12-17-02; am. 10-12-04)

9. Restricted Activities
   a. No blasting, processing, crushing, or off-site hauling or other similar treatment of a commercial mineral deposit may occur in the permit area. (orig. 9-24-91; am. 10-12-04)
   b. Any activity to construct any street/road to be dedicated to the County shall be undertaken pursuant to the Land Development Regulation and the Transportation Design and Construction Manual and in accordance with plans approved by the County. (orig. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)
   c. No Grading Permit shall be issued for any land disturbance activity which exceeds the minimal amount of grading necessary for the uses legally allowed at the time of permit application. Land disturbance activities for uses that require rezoning are unlawful. (orig. 8-8-95; am. 3-23-99; am. 10-12-04)
   d. When there is a grading plan approved in conjunction with a Plat, Site Development Plan, Minor Adjustment or an Exemption from Platting, it shall be unlawful to grade in a manner that is not consistent with the approved grading plan. (orig. 8-8-95; am. 3-23-99; am. 10-12-04; am. 7-17-18)
   e. Any construction or development activity in a drainage easement or tract must either be in compliance with the original approved drainage report or comply with the Storm Drainage Design and Technical Criteria. (orig. 10-12-04)

10. Grading Concurrent with Platting
   a. When a property is in a platting process, grading activities may commence prior to Plat approval by the Board of County Commissioners provided all of the following conditions are satisfied: (orig. 3-23-99; am. 10-12-04)
      1. The zoning is final and recorded. (orig. 3-23-99)
(2) The subdivision proposal has received Planning Commission approval or a recommendation of approval by the Planning Commission. (orig. 3-23-99; am. 10-12-04)

(3) The grading and sediment and erosion control plans have received staff approval, either through the Final or Preliminary and Final Plat process. The grading plans shall not include permanent facilities such as curb, gutter, sidewalk, asphalt, etc. The installation of drainage facilities is allowed as approved by Planning and Zoning. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)

(4) The Final Plat application has been received and accepted as complete by staff or the Planning Commission has recommended approval of the Preliminary and Final Plat. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)

(5) Grading within a Floodplain Overlay District may be permitted if a Floodplain Development Permit has been issued. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15; am. 7-17-18)

(6) No waivers or alternative standards/requirements or variances related to grading requirements are being requested or are necessary in conjunction with the Final or Preliminary and Final Plat application. (orig. 3-23-99; am. 10-12-04; am. 11-24-15)

(7) The applicant has submitted a letter to the County indicating a request to commence land disturbance activities prior to Final or Preliminary and Final Plat approval and acknowledging that grading prior to Platting is done at their own risk, that grading changes may be required upon Final or Preliminary and Final Plat approval, and that the County shall not be held responsible for changes emanating from or costs associated with any changes that may be required as a result of Final or Preliminary and Final Plat approval. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)

(8) A Performance Guarantee has been accepted by the County in accordance with the Land Development Regulation. (orig. 10-12-04)

b. When grading activities are authorized prior to Plat approval by the Board of County Commissioners, the grading shall comply with the Land Development Regulation and with any previously approved grading plans. (orig. 3-23-99; am. 12-17-02; am. 10-12-04; am. 11-24-15)

c. Any land disturbance activity permitted pursuant to this section may be subject to additional requirements or alterations depending on approval conditions imposed by the Board of County Commissioners during the Plat review. (orig. 3-23-99; am. 10-12-04)

11. Grading Concurrent with the Processing of a Site Development Plan or Minor Adjustment

a. When a property is in a Site Development Plan or Minor Adjustment process, grading activities may commence prior to approval by Planning and Zoning provided all of the following conditions are satisfied: (orig. 11-24-15; am. 7-17-18)

(1) The zoning is final and recorded. (orig. 11-24-15)

(2) The grading and sediment and erosion control plans have received staff approval. The grading plans shall not include permanent facilities such as curb, gutter, sidewalk, asphalt, etc. The installation of drainage facilities is allowed as approved by Planning and Zoning. (orig. 11-24-15)

(3) Grading within a floodplain overlay district may be permitted if a Floodplain Permit has been issued. (orig. 11-24-15; am. 7-17-18)

(4) No alternate standards/requirements or variances related to grading requirements are being requested or are necessary in conjunction with the Minor Adjustment or Site Development Plan application. (orig. 11-24-15)

(5) The applicant has submitted a letter to the County indicating a request to commence land disturbance activities prior to Minor Adjustment or Site Development Plan approval and acknowledging that grading prior to approval is done at their own risk, that grading changes may be required upon Minor Adjustment or Site Development Plan approval, and that the County shall not be held responsible for changes emanating from or costs associated with any changes that may be required as a result of Minor Adjustment or Site Development Plan approval. (orig. 11-24-15)
C. Submittal Requirements
The following submittal documents are required for Land Disturbance Permit Applications. (orig. 8-25-86; am. 7-17-18; am. 6-1-19)

1. An application form signed by the fee simple owner of the property or by the lessee, licensee or easement holder if the activity is to be undertaken pursuant to that interest. Grading Permit, Notice of Intent, and Natural Surface Trail application forms are available from Planning and Zoning. (orig. 10-12-04; am. 5-20-08; am. 6-1-19)

2. A cover letter describing the proposed activities. Not Required for Notice of Intent Applications. (orig. 10-12-04; am. 5-20-08; am. 6-1-19)

3. A nonrefundable application fee in an amount established by the Board of County Commissioners. (orig. 8-25-86; am. 9-24-91; am. 5-3-94)

4. Proof of Access in accordance with the Access Standards in the General Provisions and Regulations Section of this Zoning Resolution. (orig. 6-1-19)

5. A grading, erosion and sediment control plan in accordance with the Plans and Specifications of this Section. (orig. 8-25-86; am. 6-1-19)

6. A geologic and/or soils investigation report in accordance with the Plans and Specifications of this Section is required if there are any geological hazards including highly erodible soils or commercial mineral deposits within or immediately adjacent to the grading site or when the final cut or fill slopes are proposed to be steeper than 2H:1V. (orig. 8-25-86; am. 9-24-91, 8-8-95; am. 12-17-02; am. 10-12-04; am. 6-1-19)

7. A drainage report or drainage letter in conformance with the requirements of the Storm Drainage Design and Technical Criteria. (orig. 10-12-04; am. 11-24-15; am. 6-1-19; am. 12-17-19)

8. Construction plans, details and supporting calculations for retaining walls, if applicable, in accordance with the Performance Standards of this Section. For Notice of Intent Applications, the applicant will need to apply for a separate miscellaneous permit for retaining walls greater than 36 inches high. (orig. 10-12-04; am. 6-1-19)

9. Drainage Easements may be required to be dedicated to the County for all permanent control measures. The applicant shall provide a legal description and exhibit (signed and stamped by a Professional Land Surveyor) when applicable. Not Required for Notice of Intent Applications. (orig. 12-17-19)

10. A quantity and cost estimate (Exhibit A) for all of the work associated with the project. Reference the example Exhibit a on the Planning and Zoning website. Not Required for Notice of Intent Applications. (orig. 10-12-04; am. 7-12-05; am. 7-17-18; am. 6-1-19; am. 12-17-19)

Note: An improvements security may be required in accordance with the Security requirements of this Section. The typical improvement security will be a letter of credit or cash escrow. If required the improvement security will need to be submitted prior to approval of the Land Disturbance application. (orig. 10-12-04; am. 7-17-18; am. 6-1-19; 12-17-19)

11. A completed N-1 Form stating that the proposed construction and grading are in conformance with the Land Disturbance requirements of this Section and, if applicable, the approved overall grading plan for the subdivision. Only Required for Notice of Intent Applications. (orig. 6-1-19)

Note: A completed N-2 Form is required prior to issuance of a Certificate of Occupancy. (orig. 6-1-19)

D. Procedures
1. Notice of Intent Procedures: A Notice of Intent (NOI) shall be submitted with, or in advance of, a building permit application for a primary structure that depicts the phased grading, erosion and sediment control measures for that lot/parcel. If applicable, the NOI shall state that the project will be in conformance with
the approved construction documents with that subdivision. A completed Form Letter N-1 stating that the proposed construction and grading are in conformance with the approved overall grading plan and Land Disturbance Performance Standards shall be submitted to Planning & Zoning prior to issuance of the Building Permit. Form Letter N-1 shall be completed by a Colorado registered professional engineer. (orig. 6-1-19)

2. Grading Permit Procedures: If the applicant complies with all given time frames, submits a complete Grading Permit application and complies with all requirements of this regulation, the estimated time to reach the Determination Phase of the process is 60 calendar days from the date of the 1st referral, depending on the amount of disturbance for the proposed grading activity. (orig. 5-20-08; am. 7-17-18; am. 6-1-19)

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If an applicant is going to request relief from a standard in the Regulations, then a request for relief of the standard may be submitted for consideration. In order to avoid processing delays, it is recommended that a request for relief from a standard be submitted early in the development process. Requests for relief of a standard are subject to different specific processing timeframes, which may add to the length to the processing of the development application. (orig. 5-20-08; am. 7-17-18; am. 6-1-19)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 6-1-19)

Proof of Access: The Director of Planning and Zoning may allow the 1st Referral to be sent without meeting the access criteria proof of access requirements, if in his/her opinion the circumstances related to proving access should be finalized during the processing of the application. (orig. 4-20-10; am. 12-21-10; am. 6-1-19)

**Steps Prior to 1st Referral**

a. Sufficiency Review and Referral Distribution (1st Referral):

The applicant shall electronically submit all the applicable documents identified Submittal Requirements of this Section as a complete package, and not in a fragmentary manner for review by the Case Manager.

The Case Manager shall have 5 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

**Process from 1st Referral to Determination**

b. 1st Referral and Staff Response:
The referral agencies shall have 14 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08; am. 7-17-18; am. 6-1-19)

The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. The response from the Case Manager will include an opinion as to whether the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08; am. 7-17-18)

c. Applicant’s Response to 1st Referral:

For the application to be processed in accordance with the example timeframe in the table above, the applicant shall have 14 Calendar days to address in writing any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. (orig. 5-20-08; am. 7-17-18)

Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 7-17-18)

d. Sufficiency Review and Referral Distribution (2nd Referral):

The Case Manager shall have 5 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. All resubmittal documents shall be submitted as a complete package, and not sent in a fragmentary manner. (orig. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

e. 2nd Referral and Staff Response:

The referral agencies shall have 7 calendar days to respond in writing to the 2nd referral. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08; am. 7-17-18)

The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

f. Applicant’s Response to 2nd Referral Comments:

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10; am. 7-17-18)

g. Additional Referrals and Responses:

For the 3rd Referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2nd Referral) process, the 2nd Referral and Staff Response process and the Applicant’s Response to 2nd Referral process. (orig. 5-20-08; am. 7-17-18)

Submittal of Final Documents:

The final documents shall be comprised of the stamped and signed grading plans and other final documents as identified by the Case Manager. In addition to submitting the final documents electronically, the applicant shall submit hard copies of the plans as specified in the case managers response to the last referral. (orig. 5-20-08; am. 6-1-19)
h. Determination:
The Case Manager shall have 5 calendar days to review the Final Documents and shall approve, conditionally approve or deny the application. An application shall be approved if it is complete in form, has all required information, includes appropriate control measure for all stages of construction, including final stabilization, the control measures meet the requirements of the MS4 Permit and the provisions of this section. Otherwise, it shall be denied. Any approval or denial shall be in writing with the reasons for denial specifically identified. Annotations on the plans shall be considered sufficient detail of the reasons for denial. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04; am. 6-1-19).

i. Request for Reconsideration:
If an application is denied or conditionally approved, the applicant may request in writing, within 21 calendar days after the decision, a reconsideration of the decision by Planning and Zoning. The request for reconsideration shall state specific reasons or changes for the reconsideration. Planning and Zoning shall act upon the request for reconsideration within 10 working days of its receipt. Failure to act shall constitute denial of the request for reconsideration. No appeal to the Board of Adjustment shall be permitted unless a request for reconsideration was previously filed and denied. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 5-20-08)

j. Appeals:
If Planning and Zoning denies the request for reconsideration, the applicant may submit a written appeal to the Board of Adjustment. The appeal must be received by the secretary of the Board of Adjustment within 30 calendar days of the date of denial. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 4-27-04; am. 10-12-04; am. 12-14-04; am. 5-20-08)

k. Permit Limitations:
The permit shall be limited to work shown on the approved plans. Such plans shall contain guidelines, conditions, and/or restrictions as are necessary to comply with the performance standards. At any time during the plan review or in the event unforeseen conditions arise during completion of the project, the County may require revision of the plans as necessary to ensure compliance with the performance standards. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 5-20-08)

l. Amendments:
Modifications to the approved plans are subject to an Administrative Review process. Modifications shall comply with the Plans and Specifications requirements and the performance standards as outlined in this Section, unless relief is granted through the appropriate process. (orig. 8-25-86; am. 3-23-99; am. 10-12-04; am. 7-17-18; am. 6-1-19)

o. Validity:
The approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this section or of any other applicable laws, rules or regulations and shall not prevent the County from thereafter requiring the correction of errors in said plans and specifications or from preventing work being carried on thereunder in violation of this section or any other applicable law, rule or regulation. The issuance of a Grading Permit prior to any Plat approval shall in no way bind the Planning Commission or the Board of County Commissioners in the approval or denial of a Plat application, and the applicant's grading activities are at the applicant's risk. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04)

2. Grading Permit Inspections
   a. Upon approval by Planning and Zoning, the approved plans will be referred to an Engineering Inspector for permit issuance. (orig. 10-12-04; am. 5-20-08; am. 4-20-10; am. 7-17-18)
   b. The County may inspect the site and perform any necessary tests from time to time to ensure compliance with the permit conditions. (orig. 7-17-18).
   c. Final inspections shall confirm that the completed structural and/or non-structural water quality control measure operates in accordance with the approved plans. (orig. 6-1-19)
   d. All applicable development sites must have operational permanent water quality control measures at the completion of the site. In the case where permanent water quality control measures are part
of future phasing, the permittee must have a mechanism to ensure that all control measures will be implemented, regardless of completion of future phases or site ownership. In such cases, temporary water quality control measures must be implemented as feasible and maintained until removed or modified. All temporary water quality control measure must meet one of the design standards in the MS4 Permit. For the purpose of this section, completion of a site or phase shall be determined by the issuance of a certificate of occupancy, use of the completed site area according to the site plan, payment marking the completion of a site control measure, the nature of the selected control measure or equivalent determination of completion as appropriate to the nature of the site. (orig. 6-1-19)

e. Time Limits: The work associated with the permit shall be completed within 2 years of the date of permit issuance, unless an extension has been granted by Transportation and Engineering. A request for an extension shall be submitted in writing no later than 10 calendar days prior to the expiration of the permit. Transportation and Engineering may grant an extension to the permit up to 1 year. Additional extensions may be granted by Transportation and Engineering to allow the establishment of permanent erosion and sediment control measures. (orig. 8-25-86; am. 9-24-91; am. 8-8-94; am. 3-23-99; am. 12-17-02; am. 10-12-04: am. 5-20-08; am. 10-13-09; am. 7-17-18)

E. Plans and Specifications

1. Grading, Erosion and Sediment Control Plan

   The proposed grading, erosion and sediment control plan and specifications shall demonstrate compliance with the performance standards and shall be prepared on sheets 24 inches by 36 inches, or as otherwise approved by Planning and Zoning, and stamped and signed by a Colorado registered professional engineer. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18; am. 6-1-19)

   For graded areas between 0.5 and one acre, the County may waive the requirement for a topographic map and the requirement that the grading plans be prepared, stamped and signed by a Colorado registered professional engineer, where the applicant demonstrates an engineered grading plan and/or topographic map is not necessary to comply with the performance standards set forth herein. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18; am. 6-1-19)

   The grading, erosion and sediment control plan shall include the following unless waived or exempted by Planning and Zoning herein. (orig. 8-25-86; am. 9-24-91; am. 10-12-04; am. 7-17-18; am. 6-1-19)

   a. A map which shows the items listed below. Acceptable map scales are 1 inch to 10, 20, 30, 40, 50, 60 or 100 feet. (orig. 8-25-86; am. 9-24-91; am. 10-12-04)

      (1) A vicinity map (not to scale) indicating the location of the site relative to the principal roads, lakes or dams, and watercourses in the area. (orig. 8-25-86; am. 9-24-91)

      (2) A title block which includes the title of the Grading Plan, purpose and nature of the grading project and, if applicable, states the use of earth material to be removed from the site. The name of the engineer who prepared the plans should also be included in the title block. (orig. 8-25-86; am. 9-24-91)

      (3) The complete site boundary and locations of any easements and Rights-of-Way traversing and adjacent to the property, appropriately labeled and dimensioned. (orig. 8-25-86)

      (4) The location of existing roads, buildings, wells, pipelines, watercourses and other structures, facilities and features of the sites, and the location of all improvements on adjacent land within 50 feet of the site's boundary. (orig. 8-25-86)

      (5) The location and nature of known or suspected highly erodible soils or geologic hazard areas. (orig. 8-25-86; am. 9-24-91)

      (6) A topographic map which shows the affected area. The map shall show affected areas outside the permit boundaries, such as drainages. Contour lines shall be at 5-foot intervals or at an interval of greater detail if necessary to accurately show topographic features and drainage patterns, and the configuration of the ground before and after grading. Contours shall be accurate to within one-half (1/2) contour interval and elevations shall be based on United States Geologic Survey (USGS) sea level datum. Except for access permits, USGS quad maps shall not be accepted as evidence for topographic contours. (orig. 8-25-86; am. 9-24-91; am. 3-23-99; am. 10-12-04)

      (7) The location, extent and finished surface slopes of all final cut and fill lines. (orig. 8-25-86)
(8) The 100-year flood plain boundaries. (orig. 8-25-86)

(9) The location of any existing or proposed flood control facilities, wells or Onsite Wastewater Treatment System in the vicinity of the permit area. Temporary access to the well and Onsite Wastewater Treatment System shall be depicted. (orig. 8-25-86; am. 9-24-91; am. 7-17-18; am. 6-1-19)

(10) The location where any earth materials and topsoil will be stockpiled. Include estimated stockpile volume. If the stockpile will reach into adjacent properties, approval from the property owner shall be required. (orig. 8-25-86; am. 9-24-91; am. 7-17-18)

(11) The north arrow, the scale, and the date. (orig. 8-25-86)

(12) The general location and character of vegetative cover on the site and the location of all major rock outcrops. (orig. 8-25-86; am. 9-24-91)

b. Typical cross sections (not less than two) of all existing and proposed graded areas taken at intervals not exceeding 200 feet and at locations of maximum cuts and fills where such cuts and/or fills exceed 10 feet in height. (orig. 8-25-86; am. 9-24-91)

c. A table of the volume of cut, volume of fill, volume of material to be exported offsite, K factor of the disturbed area, the total area of land disturbance, the existing impervious area and the proposed impervious area. This table shall be on page 1 of the plan set. (orig. 8-25-86; am. 9-24-91; am. 6-1-19)

d. The projected schedule of operations, including the following dates: (orig. 8-25-86)

(1) Commencement of work, including days and hours of operation. (orig. 8-25-86; am. 9-24-91)

(2) Start and finish of rough grading. (orig. 8-25-86)

(c) Completion of work in any watercourse. (orig. 8-25-86)

(d) Completion of grading, erosion and sediment control Best Management Practices (BMP’s). (orig. 8-25-86; am. 10-12-04; am. 6-1-19)

(e) Maintenance schedule for grading, erosion and sediment control BMP’s. (orig. 9-24-91; am. 10-12-04; am. 6-1-19)

(f) Completion of any required landscaping. (orig. 8-25-86)

e. The proposed grading, erosion and sediment control plan shall include permanent and, if applicable, temporary erosion and sediment control BMP’s. The plans shall identify all structural and non-structural control measures for the applicable construction activities. The plan must contain installation and implementation specifications or a reference to the document with installation and implementation specifications for all structural control measures. A narrative description of non-structural control measures must be included in the plan. Revegetation plans shall include the seed mixture(s) including species and variety, type of seedbed preparation and method of seeding, seeding rates, seeding dates, type and application rates of fertilizer and mulch, and irrigation facilities and methods if applicable. Seed mix shall be based on the Jefferson Conservation District recommendations and/or a Planning and Zoning approved alternative. Seeding alone is not erosion control until vegetation is established. Seeding shall be combined with applicable erosion control structural BMP’s until vegetation is established. (orig. 9-24-91; am. 10-12-04; am. 7-12-05; am. 7-17-18; am. 6-1-19)

(f) At a minimum, initial and final construction phases are required for all grading, erosion and sediment control plans. (orig. 7-17-18)

(g) Clearly and legibly show BMPs on the plan and include standard notes and associated details for the BMPs shown on said plan. (orig. 7-17-18; am. 6-1-19)

(h) If a Grading Permit Application requires an Improvement Security, a detailed improvements list is required. If the Grading Permit Application does not require an Improvement Security, the quantity of each erosion and sediment control BMP shall be listed on the plans. (orig. 6-1-19; am. 12-17-19)

2. Soil/Geologic Investigation Report

If a soils and/or geologic investigation report is required by the County, it shall be prepared and signed by a qualified professional geologist or Colorado registered professional engineer. The report shall contain all the following as they may be applicable to the subject site: (orig. 8-25-86; am. 9-24-91; am. 8-8-95;
a. A site map showing the topographic features of the site and locations of all soil borings and test excavations. (orig. 8-25-86)
b. A classification of the soil types, laboratory test data, and consequent evaluation regarding the distribution and nature of existing soils. (orig. 8-25-86; am. 9-24-91)
c. A description of the geology of the site and adjacent areas when pertinent to the site. (orig. 8-25-86)
d. A suitably scaled map and cross sections showing all identified areas of historic or potential instability within and adjacent to the permit area. An evaluation of the stability of natural slopes and any proposed cut and fill slopes. (orig. 8-25-86; am. 9-24-91)
e. A description of known or inferred groundwater or excessive moisture conditions. (orig. 8-25-86; am. 9-24-91)
f. A description of the soil and geologic investigative techniques employed. (orig. 8-25-86)
g. A log for each soil boring and test excavation showing elevation at ground level and the depth of each soil or rock strata. (orig. 8-25-86)
h. Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill. (orig. 8-25-86)
i. Recommendations regarding drainage and erosion control (this is optional information in the soil/geologic investigation report). (orig. 8-25-86)
j. Recommendations for mitigation of geologic hazards. (orig. 8-25-86)
k. The time of year the field work was done and a list of references and other supportive data. (orig. 8-25-86)
l. Design of retaining walls included in the grading and/or sediment control plans. (orig. 9-24-91)

3. Materials Handling Plan
   The proposed materials handling plan shall include BMP’s for controlling waste and spill prevention and containment. (orig. 10-12-04)

F. Performance Standards for All Land Disturbance Activities

1. Control measures must prevent pollution or degradation of state waters. Control measures must also be appropriate for the specific construction activity, the applicable pollutant sources, and phase of construction. Appropriate control measures must be implemented prior to the start of construction activity, must control potential pollutants during each phase of construction, and must be continued through final stabilization. Appropriate structural control measures must be maintained in operational condition. (orig. 6-1-19)
   a. Land disturbance and storage of soils. (orig. 6-1-19)
   b. Vehicle tracking. (orig. 6-1-19)
   c. Loading and unloading operations. (orig. 6-1-19)
   d. Outdoor storage of construction site materials, building materials, fertilizers, and chemicals
   e. Bulk storage of materials. (orig. 6-1-19)
   f. Vehicle and equipment maintenance and fueling. (orig. 6-1-19)
   g. Significant dust or particulate generating processes. (orig. 6-1-19)
   h. Routine maintenance activities involving fertilizers, pesticides, detergents, fuels, solvents, and oils. (orig. 6-1-19)
   i. Concrete truck/equipment washing, including the concrete truck chute and associated fixtures and
3. No Impedance to Natural Water Flow
   a. No work shall be done which may obstruct, impede or interfere with the flow of storm water in overland flows, natural drainageways, unimproved channels or watercourses, or improved ditches, channels or canals in such a manner as to cause flooding that adversely impacts adjacent and downstream properties. Any activity taking place in an area zoned Floodplain Overlay District shall meet the requirements of the Floodplain Overlay District section of this Zoning Resolution. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 7-17-18)
   b. Construction equipment shall be kept out of watercourses except when necessary to perform work on the approved plans. Where in-channel work is designated on approved plans, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel, including bed and banks, shall be stabilized immediately after in-channel work is completed. (orig. 9-24-91; am. 6-1-19)
   c. Where a drainageway will be crossed by construction vehicles regularly during construction, a temporary crossing shall be provided. A permit may be required from the U.S. Army Corps of Engineers and the Environmental Protection Agency prior to any disturbance in waters of the United States or federally regulated wetlands. (orig. 9-24-91; am. 12-17-02; am. 10-12-04)

4. Excavation
   Excavations shall be constructed and/or protected so that they are stable and do not endanger life or property. (orig. 8-25-86; am. 9-24-91)

5. Excavation Slope
   a. The slope of cut surfaces of permanent excavations shall not be steeper than 2 horizontal to 1 vertical (approximately 25 degrees). Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. The County may require the excavation to be made with a cut face flatter in slope than 2 horizontal to 1 vertical (2H:1V) if soils/geologic information submitted shows that flatter slopes are necessary for stability, adequate revegetation or maintenance. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)
   b. The slope of cut surfaces which are 5 feet in height or less and are in competent bedrock may be steeper than 2H:1V, but shall be no steeper than 1 1/2H:1V. Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. (orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)

6. Fill Placement
   Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Proper drainage and other appropriate measures shall be taken to ensure continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances. (orig. 8-25-86)

7. Fill Compaction
   The County will require fills to be compacted to a minimum of 90 percent of maximum density as determined by ASTM D1557 unless prior approval by the County has been granted. ASTM D698 may be used for clays with a high plasticity index. The standard for fill compaction shall not apply to fills of less than 50 cubic yards which are placed on natural terrain with a slope flatter than 5H:1V, are less than 5 feet in depth, are not intended to support structures, and do not obstruct a drainage course. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18)

8. Ground Preparation for Fill Placement
The ground surface shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials. (orig. 8-25-86)

9. Fill Slopes
The slope of all permanent fills shall not be steeper than 2H:1V. Steeper slopes may be permitted for grading permits with the approval of the County, provided it can be adequately demonstrated in a soils/geologic report that such slopes are stable and will not undergo accelerated erosion. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)

10. Driveways and Private Streets/Roads
a. All street, road and driveway construction shall meet the Transportation Design and Construction Manual standards. (orig. 12-17-02; am. 10-12-04; am. 11-24-15)

b. For private streets/roads and driveways including turnarounds the maximum allowable vertical disturbance from the toe of fill to the top of cut measured perpendicular to the existing contours shall be 25 feet in vertical height. Planning and Zoning may approve vertical disturbance heights greater than 25 feet for grading permits where it is determined that slopes shall be sufficiently stabilized and restored to be congruent with surrounding conditions to the maximum extent practicable and the alignment of the driveway has been placed in the optimal location to allow for minimal disturbance. (am. 7-17-18; am. 6-1-19)

Relief for grading permits will also be considered if the applicant demonstrates that the proposed grading plan results in less overall land disturbance and that the relief is necessary to comply with the Preservation of Existing Terrain and Vegetation and Impact Mitigation Standards below. In determining whether to approve or disapprove the request, all technical evaluations, relevant factors, standards specified in other sections, and whether the applicant has adequately addressed the provisions of this Zoning Resolution shall be considered. (orig. 8-8-95; am. 11-12-02; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 3-26-13; am. 11-24-15; am. 7-17-18; am. 6-1-19)

(1) Parking areas adjacent to building structures and drainage facilities not a part of the streets/roads will not be considered as vertical disturbance. (reloc. 7-17-18)

c. Widths (including shoulders) of driveways and private streets/roads shall conform to the Transportation Design and Construction Manual. (orig. 8-8-95; am. 11-12-02; am. 11-24-15)

11. Protection of Adjacent Structures
Foundations or flatwork which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. (orig. 8-25-86)

12. Setbacks
a. Setbacks for all grading, erosion and sediment control activities shall be at least 7 feet from property boundaries and at least 25 feet from off-site occupied structures. Planning and Zoning may waive setback requirements for grading permits provided it can be adequately demonstrated that activities occurring within setback limitations will not adversely affect adjacent property or structures. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 4-27-04; am. 5-20-08; am. 6-1-19)

b. Grading for streets/roads and driveways is exempt from setback requirements if it can be adequately demonstrated that grading activities will not adversely affect adjacent properties or structures in terms of, but not limited to, runoff and slope stability. (orig. 9-24-91; am. 7-17-18)

13. Stormwater
Any required drainage and infiltration structures and devices shall be designed and constructed in accordance with standards and criteria established in the Storm Drainage Design and Technical Criteria and as listed below. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 10-12-04; am. 7-17-18; am. 6-1-19)

a. Drainage Structures and Devices: All drainage facilities shall be designed to carry surface and subsurface water to the nearest adequate street, storm drain, and natural watercourse or other juncture. (orig. 8-25-86)

b. Water Accumulation: All finished areas shall be graded and drained such that water will not pond or accumulate except where the end use is a pond, reservoir infiltration area or structure or detention basin. Drainage shall be affected in such a manner that it will not cause erosion or endanger the
The following shall apply to the control of erosion and sediment from land disturbance activities.

**Erosion and Sediment Control**

a. To the maximum extent practicable and in conformance with D.1.a.(4), above, implementation of the erosion and sediment control plan shall precede grading activities. The site may be temporarily stabilized with erosion control practices such as seeding and covering with erosion control blankets.

b. Upon completion of land disturbance activities, disturbed areas, except for rock cuts and fills, shall be stabilized by adequate vegetative cover consisting of at least 70% of pre-existing vegetation conditions or other permanent soil erosion control measures which prevent accelerated erosion.

(1) Cuts and fills accomplished for all roads, driveways and other vehicular access shall be stabilized with adequate vegetative cover or other permanent soil erosion control measures which prevent accelerated erosion, unless the cut is in competent bedrock.

(2) No project shall cause accelerated or increased off-site erosion.

c. To the maximum extent practicable, sediment caused by accelerated soil erosion shall be removed from runoff water before leaving the site.

d. All land disturbing activities shall be designed, constructed, and phased in such a manner as to minimize the exposure of disturbed areas and to prevent accelerated soil erosion to the maximum extent practicable.

e. Cut and fill slopes shall be stabilized, and surface water damage to cut and fill slopes shall be prevented.

f. Fugitive dust emissions shall be controlled using the best available control technology as defined by the Colorado Department of Public Health and Environment as of the date of permit issuance.

g. All temporary and permanent soil erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended function in accordance with the details in the approved grading plans.

h. All topsoil, where physically practicable, shall be salvaged and no topsoil shall be removed from the site except as set forth in the approved plans. Topsoil and overburden shall be segregated and stockpiled separately. Topsoil and overburden shall be redistributed within the graded area after rough grading to provide a suitable base for areas which will be seeded and planted. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water.

i. Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before land disturbance except into drainage facilities whose design has been specifically approved by the County prior to the permit approval.

j. The landowner and/or contractor shall take reasonable precautions to ensure that vehicles do not track or spill earth materials on to streets/roads and shall immediately remove such materials if this occurs.

k. Should an increase in sediment discharge occur or become imminent, the landowner and/or contractor shall immediately take all necessary steps to control such discharge. The landowner and/or contractor shall take prompt action to resolve emergency problems.
1. Permanent or temporary soil stabilization measures shall be applied to disturbed areas within 14 days after final grade is reached on any portion of the site. Soil stockpiles shall be permanently or temporarily stabilized within 14 days if the stockpile is not being actively utilized for construction purposes. Soil stabilization measures shall be applied within 14 days to disturbed areas which may not be at final grade, but will be left dormant for longer than 60 days. (orig. 9-24-91; am. 7-17-18)

15. Geologic, Floodplain, Wildfire, and Dipping Bedrock Hazards

Any activity taking place in an area zoned Geologic Hazard Overlay District or Floodplain Overlay District, or Wildfire Hazard Overlay District, or Dipping Bedrock Overlay District shall meet the requirements of the appropriate sections of this Zoning Resolution. Land disturbance activities shall not create or aggravate unstable slopes, rockfall, landslide, or subsidence hazards or increase the risk of wildfire, flooding, or dipping bedrock hazards. (orig. 8-8-95; am. 3-23-99; am. 10-12-04)

16. Preservation of Existing Terrain and Vegetation and Impact Mitigation

a. Grading for cut and fill slopes shall not result in a staircase effect, except that retaining walls are permitted per paragraph "e." below. The edges of graded areas shall blend into the surrounding natural terrain/topography and contour of the land. (orig. 8-8-95; am. 11-12-02)

b. The proposed grading shall occur in such a manner that it avoids, to the extent practicable, all rock outcroppings, existing trees over 6 inches in caliper, vegetation over 8 feet in height, and riparian, wetland and critical wildlife areas. If from the original documentation and/or field investigation it appears that a less impactive alternative exists, the County may require the grading plan to be revised. (orig. 8-8-95; am. 12-17-02)

c. Excess material shall be graded in a manner which is similar to the natural topography and shall not be cast over the side of cut or fill slopes. (orig. 8-8-95; am. 11-12-02)

d. Cut slopes that are in rock and are intended to be left exposed shall be graded to obtain a natural looking appearance, to the extent possible, in form to blend with surrounding terrain. (orig. 8-8-95; am. 11-12-02; am. 10-12-04)

e. Retaining walls shall not exceed a maximum height of twelve (12) feet and shall be faced with stone or constructed with textured earth colored material that is identified in the grading plan. If a series of retaining walls is required, the horizontal distance between walls shall be a minimum of 4 feet. The minimum distance between walls shall be increased to 6 feet if either wall exceeds 8 feet in height. Retaining walls greater than 36 inches in height shall be constructed in accordance with the design prepared by a Colorado registered professional engineer. The design may require consultation with a geotechnical engineer, shall consider such factors as expansive soils, steep slopes and vehicles or structures near the walls, and shall include the following: (orig. 8-8-95; am. 11-12-02; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 7-17-18)

(1) Construction plans indicating how the proposed wall height will vary along its length. (orig. 10-12-04)

(2) Details with elevations showing top and bottom of wall for critical points along the wall length. (orig. 10-12-04)

(3) Supporting calculations that demonstrate an adequate factor of safety for bearing capacity, overturning, sliding, and internal stability, including surcharge loads due to sloping backfill, adjacent vehicles and structures. (orig. 10-12-04)

f. The site shall be designed to use existing topography and existing vegetation to screen site disturbance. (orig. 8-8-95; am. 10-12-04)

g. Revegetation plans shall be similar to existing vegetation and feature the prominent use of plants which are indigenous to the area or as approved by the County. Seeding methods such as hydroseeding, drilling, seeding and raking in, or other seeding method may be required when necessary to quickly and effectively establish a groundcover for areas where other types of seeding may be ineffective. (orig. 8-8-95; am. 11-12-02; am. 10-12-04)

h. Any permanent erosion control and drainage improvements that are installed, as a result of land disturbance activities shall be designed to complement and blend with the natural topography of the land. (orig. 8-8-95; am. 10-12-04)

i. Where possible, turnouts shall be provided with the narrowest permissible road to minimize the
extent of land disturbance. (orig. 11-12-02; am. 10-12-04)

17. Materials handling BMP’s are required. At a minimum, BMP’s shall include controlling waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, as applicable. In addition, spill prevention and containment BMP’s for construction materials, waste and fuel shall be provided, as applicable. (orig. 10-12-04)

18. Maximum allowable height of a temporary stockpile is 50 feet measured from existing grade. The setback of the stockpile measured from the abutting property line to the edge of the stockpile is 1.6 multiplied by the height of the stockpile. The edge of the stockpile shall be no closer than the grading setback (7 feet from the abutting property line). The slope shall not exceed 3H:1V unless otherwise approved by Planning and Zoning for grading permits based on existing site conditions and topographic constraints. The temporary stockpile shall remain in place no longer than two years unless otherwise approved by Planning and Zoning for grading permits based on site conditions and construction duration. (orig. 11-24-15; am. 7-17-18; am. 6-1-19)

G. Improvement Security

1. As a condition for the issuance of a Grading Permit, the County may require an improvement security in an amount necessary to ensure compliance with the performance standards in the event of default on the part of the applicant or of denial of the case by the Board of County Commissioners. Grading Permits associated with a single family attached, detached or duplex residential structures with an active building permit will not require an improvement security. Grading Permits that include improvements in the Right-Of-Way or which may affect Right-Of-Way excluding driveway culverts and grading in Right-Of-Way will require an improvement security. (orig. 8-25-85; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 7-1-03; am. 10-12-04; am. 10-13-09; am. 6-1-19; am. 12-17-19)
   a. Except for rough grading, the amount of the security shall be 100 percent of the cost of all grading erosion and sediment control items plus 100% of the cost of the work required for public streets/roads and for private streets/roads. The amount of security for rough grading shall be 25 percent of the total cost of rough grading for all lands within the mountains and 10 percent for all lands within plains of the County. A contingency amount equivalent to 10 percent of the total cost of all work shall be added to the security amount. (orig. 3-23-99; am. 12-17-02; am. 7-17-18)
   b. The improvement security shall be in the form of cash escrow or a letter of credit. (am. 3-23-99)
   c. The improvement security shall remain in effect until final inspections have been made, where required, and all grading work has been accepted by the County. Final acceptance of warranted Public Improvements shall conform to the Jefferson County Land Development Regulation. Upon final acceptance of improvements or warranted Public Improvements, securities will be released. (orig. 8-25-85; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 5-20-08)

2. Any letter of credit or deposit required pursuant to this section shall be payable to the Board of County Commissioners of Jefferson County and shall be for a minimum of 2 year. (orig. 8-25-86; am. 8-8-95; am. 10-12-04; am. 5-20-08)

H. Permit Completion and Closeout

1. Notice of Intent
   a. A completed Form Letter N-2 stating that the final construction and grading are in conformance with the approved overall grading plan and Notice of Intent shall be submitted to Planning & Zoning prior to issuance of the Certificate of Occupancy. Form Letter N-2 shall be completed by a Colorado registered professional engineer. (orig. 6-1-19)

2. Grading Permit
   a. The conditions of approval as specified in the approval letter and/or approved plan set. (orig. 8-25-86; am. 6-1-19)
   b. Jefferson County staff confirms that the completed control measure operates in accordance with the approved site plan. (orig. 6-1-19)
   c. The Certificate of Occupancy for residential structures will be issued once the Grading Permit certification is accepted and the Grading Permit is closed by Jefferson County staff. (orig. 6-1-19)

I. Release of Security for Grading Permits
1. Upon completion of the following, the improvement and/or maintenance securities will be released, and/or a Certificate of Compliance will be issued. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 7-17-18; am. 6-1-19)
   a. Applicable provisions of this section. (orig. 8-25-86)
   b. The conditions of approval of the Grading Permit. (orig. 8-25-86; am. 6-1-19)
   c. Final stabilization of the site, which can include established vegetation, that will prevent accelerated erosion and other erosion control measures, where required. A uniform vegetative cover with a density of at least 70 percent of pre-disturbance levels shall be considered adequate vegetative cover for erosion control measures. (orig. 8-25-86; am. 9-24-91; am. 12-17-02; am. 7-1-03; am. 10-12-04)
   d. Receipt of proof of compaction, where the compaction standard applies. Compaction tests shall be taken under the direct supervision of a geotechnical engineer. The geotechnical engineer or his designated representative shall observe grading activities on a full-time basis and shall take sufficient compaction test to enable the engineer to determine that the site is ready for the intended uses and shall so state on the compaction report. Compaction reports shall be signed and sealed and dated by a Colorado registered professional engineer. Compaction reports shall include the moisture density curves, location of test sites, soil types(s), density results, type of test and if a failing test, retesting of the site. The engineer shall provide a complete set of all test and observations and a report stating that the grading activities have been completed in substantial conformance with the approved grading plan, the requirements of this section, and the Land Development Regulation. (orig. 9-24-91; am. 3-23-99; am. 10-12-04)

2. An as-built plan is required by the County for the following:
   a. Land disturbance activities that occur in a Floodplain Overlay District.
   b. Large fills (greater than 1000 cubic yards).
   c. Retaining walls as designated on the approved plans.
   d. The construction deviates from the approved plans.
   e. Permanent non-structural and structural water quality control measures including dimensions, volume calculations and overall compliance with approved plans.
   f. Other activities as required by Performance Guarantee and Warranty Section of the Land Development Regulation. orig. 9-24-91; am. 8-8-95; am. 12-17-02; am. 10-12-04; am. 7-17-18)

3. Upon completion and acceptance of all items listed on the list of improvements and associated costs, the project performance guarantee may be reduced to the amount shown on the Exhibit A for adequate revegetation and temporary erosion and sediment control. Revegetation means that a density of at least 70 percent of the pre-disturbance levels or equivalent permanent methods have been employed. (orig. 12-17-02; am. 10-12-04)

4. However, upon failure to complete the work, failure to comply with all of the terms of the permit or failure of the erosion and sediment control measures to function properly, the County may perform the required work or cause it to be done and collect from the permittee or surety all costs incurred, including administrative and inspection costs. Any unused portion of a deposit shall be refunded to the permittee after deduction by the County of the cost of the work. (orig. 8-25-86; am. 10-12-04; am. 7-17-18)

J. Enforcement

1. Inspections

   The County may inspect the site and perform any necessary tests from time to time to ensure compliance with the permit conditions. (orig. 9-24-91; am. 8-8-95; am. 3-23-99)

2. Suspension and Revocation of Permit

   The County may suspend, limit or revoke a permit for violation of any provision of this section, violation of the permit or misrepresentations by permit holder, his agents or his employees or independent contractors under contract with the permittee for a Notice of Intent or Grading Permit for an individual lot or within a common plan of development. The decision of the County to suspend, limit or revoke a permit may be appealed to the Board of Adjustment. No work shall be performed while an appeal is pending except as authorized by the County. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 12-17-02; am. 6-1-19)
a. The escalation process for enforcement actions includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (criminal process), fines associated with the illicit discharge violation and/or using the performance guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19)

b. The escalation process for chronic and recalcitrant violators of control measure requirements includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (criminal process), fines associated with the illicit discharge violation and/or using the performance guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19)

3. Court Action
   Nothing in this section shall be construed to prevent the Attorney’s Office, at their discretion, from filing a court action based upon a violation or potential violation of this section. (orig. 3-2-99)

4. Right of Entry
   Whenever necessary to enforce the provisions of this section the County can enter the premises at all reasonable times to perform any duty imposed by this section. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. If a Land Disturbance Permit is suspended or revoked, or if a Stop Work Order has been issued, the County shall have the right to enter the site to complete the work allowed under the grading permit. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 7-17-18)

5. Stop Work Orders
   When any work is being performed which is not in compliance with an approved permit and/or the provisions of this section or any other applicable law, rule or regulation, the County can order the work stopped by serving written notice on any personnel engaged in performing the work. Such person shall immediately stop such work until authorized by the County to proceed. If there are no persons present on the premises, the notice may be posted in a conspicuous place and the notice shall state the nature of the violation. The notice shall not be removed until the violation has been vacated or authorization to remove the notice has been issued. Failure to comply with any Stop Work Order is a violation of the Zoning Resolution, the Grading Permit and/or the Notice of Intent. (orig. 8-25-86; am. 9-24-91; am. 8-8-95; am. 3-23-99; am. 12-17-02; am. 10-12-04; am. 7-17-18)

6. Violations of Other Regulations
   Violations of this section may also cause violations of other State and/or Federal regulations and result in additional fines and penalties. (am. 10-12-04)
Section 17 - Permanent Stormwater Quality Maintenance

(orig. 7-11-06; am. 4-20-10; am. 6-1-19)

A. Purpose

The purpose of this section is to the extent practicable:

1. Protect and restore the water quality in the County’s drainageways and surface waters. (orig. 7-11-06; am. 6-1-19)

2. Protect life, property, and the environment from loss, injury, and damage by structural and non-structural stormwater quality control measures that are not maintained or functioning. (orig. 7-11-06; am. 6-1-19)

3. Establish procedures to ensure long-term function and maintenance of structural and non-structural stormwater control measures structures. (orig. 7-11-06; am. 6-1-19)

B. General Provisions

1. Applicability

This section applies to all stormwater quality structures in Unincorporated Jefferson County approved after January 1, 2007. Applicable development sites that require structural and/or non-structural control measures include those that meet the requirements of the Storm Drainage Design and Technical Criteria, including development sites that disturb one acre or greater. (orig. 7-11-06; am 3-26-13; am. 6-1-19)

2. Maintenance Activities

Owners of structural and non-structural stormwater quality control measures must maintain the structural and non-structural control measures to function as designed. All maintenance activities must conform to approved plans. (orig. 7-11-06; am. 6-1-19)

3. Denial of Other Permits

No building permit will be issued by the County for any parcel of land or portion thereof which is in violation of this section and which violation is not corrected or approved for correction by the County. (orig. 7-11-06)

4. Liability

This section shall not relieve the owner from responsibility for damage to any person or property or impose any liability upon the County for damage to any person or property. (orig. 7-11-06; am 3-26-13)

5. Exemptions, Waivers, Variances and or Exclusions

Any exclusions, exemptions, waivers, and variances included in the regulatory mechanism must comply with the terms and conditions of the MS4 Permit (COR090000). (orig. 6-1-19)

C. Inspection Procedure

1. The County will inspect all stormwater quality control measures approved after January 1, 2007 and verify that they are functioning as designed in accordance with the Jefferson County Storm Drainage Design and Technical Criteria. Required function and maintenance will be determined by comparing the field conditions with the approved design and maintenance plan. (orig. 7-11-06; am. 6-1-19)

2. The County will send the owner an inspection summary. The owner must complete any maintenance noted in the inspection summary within the stated amount of time, not to exceed 30 days. (orig. 7-11-06; am. 11-24-15)

D. Enforcement

Non-compliance with the provisions in this section may result in a zoning violation enforcement procedure. (orig. 7-11-06)

1. Enforcement Response

a. The escalation process for enforcement actions includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (criminal process), fines associated with the illicit discharge violation and/or using the performance
guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19)

b. The escalation process for chronic and recalcitrant violators of control measure requirements includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (criminal process), fines associated with the illicit discharge violation and/or using the performance guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19)

2. Court Action

Nothing in this section shall be construed to prevent the County from instituting an injunctive proceeding to halt such violation of this section. (orig. 7-11-06)

3. Right of Entry

Whenever necessary to enforce the provisions of this section the County can enter the property at all reasonable times to perform any duty imposed by this section. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. (orig. 7-11-06)

4. Violations of Other Regulations

Violations of this section may also cause violations of other State and/or Federal regulations and result in additional fines and penalties. (orig. 7-11-06)
Section 18 - Alternate Energy Resources

A. Intent and Purpose

This section is intended to establish regulations for the location, design, and appearance of alternate energy sources and energy conversion systems, to promote the research and development of sustainable alternative energy sources, and to encourage the preservation of the environment by using alternate energy sources. (orig. 4-20-10; am. 5-21-19)

B. Application

1. Energy Conversion Systems (ECS) requirements:

   a. Scope: ECS includes, but is not limited to, Wind Energy Conversion Systems (WECS) and Solar Energy Conversion Systems (SECS). (orig. 4-20-10; am. 5-21-19; am. 06-29-21)

   b. Definitions: For the purpose of this regulation the following definitions shall apply: (orig. 4-20-10; am. 06-29-21)

      (1) Non-commercial ECS: This ECS shall only serve the principal and accessory uses of the property and shall not be designed with the intention of generating excess energy that can be sold to neighboring properties or to the public utility. However, this provision shall not be interpreted to prohibit the sale of excess energy generated from the system back to the public utility. (orig. 4-20-10; am. 7-17-18; am. 5-21-19)

      (2) Commercial ECS: This ECS shall have the primary purpose of research and development of ECS technology, or the generation of electrical power for sale, resale, or off-site use. (orig. 4-20-10; am. 5-21-19)

   c. New ECS: New ECS and associated equipment shall be subject to these regulations. (orig. 4-20-10; am. 5-21-19; am. 06-29-21)

   d. Preexisting ECS: Preexisting ECS, for which a permit has been properly issued prior to April 20, 2010, shall not be required to meet the requirements of this section. Changes, alterations, modifications and additions to pre-existing systems not specifically allowed by previous permits shall meet the applicable requirements of this section. (orig. 4-20-10; am. 5-21-19; am. 06-29-21)

   e. Abandoned ECS: ECS shall be considered abandoned if the use is discontinued (no energy production) for a period of more than 12 consecutive months unless a plan has been submitted and approved by Planning and Zoning outlining steps and a schedule for returning the system to service. The owner of such system shall remove the same within 30 calendar days and revegetate the site within one (1) year of receipt of notice from Jefferson County notifying the owner of such abandonment. (orig. 4-20-10; am 3-3-15; am. 5-21-19; am. 06-29-21)

   f. Permits: It shall be unlawful for any person, firm, or corporation to erect, construct, change, alter, modify or add ECS or an accessory structure without first obtaining a permit from Planning and Zoning. (orig. 4-20-10; am. 06-29-21)

   g. Compliance with other Regulations: Nothing in this section precludes compliance with the specific zone district regulations, other regulations within this Zoning Resolution or other County regulations, or with State and Federal standards and regulations as they may exist. If such State and Federal standards and regulations are changed, then the owners of the ECS facility governed by this section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling State or Federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the ECS facility at the owner's expense. (orig. 4-20-10; am. 06-29-21)

   h. Alternatives: The provisions of this section are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this section provided any such alternate has
been approved by Planning and Zoning. An alternate may be approved if the proposed design, material or method is equal to or better than the specific requirements of this section and complies with the intent of this section and such modifications are consistent with the overall intent of the Zoning Resolution, the Land Development Regulation, Plat and Exemption From Platting restrictions, Site Development Plan, and zoning conditions, and do not result in adverse impacts that were not previously considered. (orig. 4-20-10; am. 12-21-10; am. 3-26-13; am 3-3-15; am. 5-21-19; am. 06-29-21)

i. Maintenance: All Wind Energy Conversion System (WECS) shall be maintained so that they continue to comply with manufacturer's specifications regarding noise decibels as well as being at or below decibel levels in the Jefferson County Noise Abatement Policy. (orig. 06-29-21)

j. Access to WECS: All WECS shall be secured to prevent unauthorized access. This may be accomplished through fencing with a locking gate, limiting tower climbing apparatus to no lower than 12 feet above the ground, or other means that ensures the facility cannot be climbed. (orig. 06-29-21)

2. The table below, along with the additional listed criteria, shall be used in determining if an ECS permit is allowed in a specific Zone District. (am. 5-21-19)

a. ECS in Planned Developments will be reviewed and compared to the most similar standard zone district. (orig. 5-21-19)

b. A proposal for an ECS in a zone district that is blank in the table below will require a rezoning prior to the issuance of the ECS permit. Under the scenario where a rezoning is approved by the Board of County Commissioner, a Special Exception from the Board of Adjustment will not be required prior to the issuance of the ECS permit (orig. 5-21-19)

ALTERNATIVE ENERGY SYSTEMS TABLE (Table AES-1)

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Non-commercial WECS</th>
<th>Commercial WECS</th>
<th>Non-commercial SECS</th>
<th>Commercial SECS</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Residential Zone Districts</td>
<td>SE</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RC-1</td>
<td>SE</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-1</td>
<td>SE</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-2</td>
<td>SE</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I-1</td>
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<td>P</td>
<td>SE</td>
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<td>SE</td>
</tr>
<tr>
<td>M-C</td>
<td>SE</td>
<td>SE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted (Use by Right– administrative review of alternative energy permit)  
SE = Special Exception from Board of Adjustment required

3. A permit for non-commercial ECS, and/or associated equipment as allowed in Table AES-1, may be issued by Planning and Zoning provided the information set forth in the application conforms to the requirements of this section. (orig. 4-20-10; am 3-3-15; am. 5-21-19)

a. A permit is not required for flush-mounted non-commercial SECS on residential and commercial structures. (orig. 7-17-18; reloc. 5-21-19)
4. A permit for commercial ECS, and/or associated equipment as allowed in Table AES-1, may be issued by Planning and Zoning provided the information set forth in the application conforms to the requirements of this section and the Board of Adjustment has approved a Special Exception authorizing the commercial ECS facility. (orig. 4-20-10; am 3-3-15; am 5-21-19)

5. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-21-19)

6. The following procedure and requirements shall apply to ECS applications. (orig. 5-21-19)

C. Procedures

1. ECS Permit applications shall be accepted, reviewed and processed pursuant to the Miscellaneous Permit process outlined in the General Provisions and Regulations section of this Zoning Resolution, except as modified here. (orig. 4-20-10; am. 3-26-13)

2. All ECS applications shall include, in addition to other requirements, the following: (orig. 4-20-10; am. 5-21-19; am. 06-29-21)

   a. A site plan that shows all existing property boundaries, structures and the shape, size, height, and location of all existing and proposed ECS structures, warning signs, fencing, and access restrictions. (orig. 4-20-10; am. 3-26-13; am. 7-17-18; am. 5-21-19)

   b. At the request of the County: (orig. 4-20-10, am. 06-29-21)

      (1) A description of any proposed ECS including elevations generally depicting all proposed structures, platforms, finish materials and colors, accessory equipment and height above grade. (orig. 4-20-10)

      (2) A landscaping and/or visual mitigation plan (to scale) detailing how mitigation of visual impacts will be accomplished. This may include, but is not limited to, a visual study containing a view shed map depicting where within a three-mile radius any portion of the proposed facility could be seen, and cross-sectional views and photographic simulations showing the appearance of the proposed facility and accessory structures from up to five points within the view shed, such points to be mutually agreed upon by Planning and Zoning and applicant. (orig.4-20-10; am. 3-26-13; am 3-3-15; am. 7-17-18)

      (3) An Erosion and Sediment Control Plan in accordance with the Land Disturbance Section (Plans and Specifications) of the Zoning Resolution. (orig. 4-20-10, am. 06-29-21)

      (4) A performance guarantee, in an amount acceptable to Planning and Zoning and in a form acceptable to the County Attorney's Office, to ensure the landscaping, screening, erosion, and revegetation plans are completed. (orig.4-20-10)

      (5) Proof of legal access is required for all commercial ECS. (orig. 5-21-19; am. 06-29-21)

   c. For all applications that will proceed to the Board of Adjustment, the following additional requirements shall be provided:

      (1) A narrative description of the request and reasons for the Special Exception. (orig. 06-29-21)

      (2) A site plan showing the location of the proposed ECS in relation to lot lines and any other improvements on the property and for WECS the distance to adjacent residences or buildings housing animals shall be included. (orig. 06-29-21)

      (3) A graphic showing the size, height, shape and technical specifications of the ECS. (orig. 06-29-21)

      (4) If the request is for height above 50 feet, correspondence from the Colorado Division of Parks and Wildlife (DPW) and/or the United States Fish and Wildlife Service (USFWS) shall be submitted regarding impacts to wildlife. (orig. 06-29-21)
A visibility analysis of the ECS and proposed mitigation techniques, such as color and/or reflectivity. (orig.06-29-21)

If the Special Exception request involves a WECS, information from the manufacturer's documentation which shall include the make, model, picture and manufacturer’s specification, including specifications of electromagnetic shielding, filtering, or construction design so as to not cause electrical, radio frequency, television, and other communication signal interference, and noise decibels produced by the system. Noise decibels for a turbine within or adjacent to a residential zone district shall not exceed the decibels allowed by the Jefferson County Noise Abatement Policy for sound from non-vehicular sources located in a residential zone. (orig. 4-20-10, am. 06-29-21)

Location and proximity of any designated historical resources or districts on or adjacent to the proposal. (orig. 06-29-21)

Proposals for Commercial WECS shall include a decommissioning plan which details the anticipated life of the project, when and how the facility is to be decommissioned, and an estimated cost of decommissioning. (orig. 4-20-10; reloc. 5-21-19)

Commercial WECS shall provide a report addressing the minimization, or mitigation of interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by the proposed WECS including letters of notification of all communication providers within a two-mile radius of the proposed project. Additionally, a map of sufficient scale identifying the location of such communications facilities within a two-mile radius of the proposed project shall be provided for review and verification. (orig. 4-20-10; reloc. 5-21-19)

Commercial WECS shall provide a report by a licensed professional engineer demonstrating compliance with applicable structural standards and the general structural capacity of the proposed facility. (orig. 4-20-10; reloc. 5-21-19)

Copies of all FCC or FAA notifications/permits as required. (orig. 4-20-10; reloc. 5-21-19)

D. Specific Standards

1. Non-commercial Energy Conversion Systems (ECS)
   a. A Board of Adjustment Special Exception is required for all Non-commercial WECS. The Board of Adjustment, in reviewing and making its decision upon such applications shall consider the impacts of the proposed use upon property in the surrounding area, including but not limited to: (orig. 5-21-19; am 06-29-21)
      (1) Justification for height of a WECS through competent information, such as anemometer data or National Renewable Energy Laboratory mapping, that the proposed site provides sufficient wind potential to justify a taller system; (orig. 06-29-21)
      (2) The visibility of the WECS from off-site properties; (orig. 06-29-21)
      (3) The noise impacts of the WECS to off-site properties; (orig. 06-29-21)
      (4) The effect of the proposed facility on wildlife; (orig. 06-29-21)
      (5) The effect on the health, safety, and welfare of the residents of the surrounding areas; (orig. 06-29-21)
      (6) All public testimony including registered associations, as applicable, or property owner positions; (orig. 06-29-21).
      (7) The ability to mitigate other negative impacts of the proposed WECS; and (orig. 06-29-21);
      (8) The Board of Adjustment shall require that all Non-commercial WECS will be operated in
b. Wind Energy Conversion Systems (WECS) Performance Standards: (orig. 4-20-10)

(1) The height of the building mounted WECS shall not exceed the maximum height permitted in the zone district. (orig. 4-20-10; am 7-17-18)

(2) Free standing non-commercial WECS, where permitted, shall not exceed the maximum height provided in the table below: (orig. 4-20-10; am 7-17-18)

HEIGHT, SETBACK AND LOCATION REQUIREMENTS TABLE

<table>
<thead>
<tr>
<th>PROPERTY SIZE</th>
<th>MAXIMUM HEIGHT</th>
<th>SETBACKS</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>87,120 s.f. (2 acres) or less</td>
<td>50 feet</td>
<td>Zone District</td>
<td>Back yard or side yard</td>
</tr>
<tr>
<td>87,121 s.f. (2 acres) to 217,800 s.f. (5 acres)</td>
<td>60 feet</td>
<td>standard zone district setback for towers less than or equal to zone district height allowance. All others a 1:1 ratio</td>
<td>Any Location</td>
</tr>
<tr>
<td>217,801 s.f. (5 acres) to 435,600 s.f. (10 acres)</td>
<td>80 feet</td>
<td>standard zone district setback for towers less than or equal to zone district height allowance. All others a 1:1 ratio</td>
<td>Any Location</td>
</tr>
<tr>
<td>Greater than 435,600 s.f. (10 acres)</td>
<td>100 feet</td>
<td>standard zone district setback for towers less than or equal to zone district height allowance. All others a 1:1 ratio</td>
<td>Any Location</td>
</tr>
</tbody>
</table>

(3) Building mounted non-commercial WECS shall be placed on a structure that either meets the minimum setback requirements of the zone district, has gone through a process to legalize the existing setbacks, or has been established as being legal non-conforming in regards to the setbacks of the structure (orig. 4-20-10; am. 3-26-13)

(4) Maximum height is the vertical distance from any part of the structure, including blades, to the finished grade level. (orig. 06-29-21)

(5) Free standing non-commercial WECS shall be constructed of a monopole or guyed tower, and shall meet the minimum setback for the primary structure, or shall be setback 1:1 times the height of the tower, whichever is greater. The foregoing setbacks also apply to existing above ground utility lines or facilities that exceed 20 feet in height unless a letter of no objection is obtained from the utility or easement holder. (orig. 4-20-10; am. 3-26-13; am. 7-17-18, am. 06-29-21)

(6) Non-commercial WECS shall be painted a subdued earth-tone, gray, or other non-obtrusive color to mute the visual impact of the system. (orig. 4-20-10; am. 7-17-18, am 06-29-21)

c. Solar Energy Conversion Systems (SECS) Performance standards:

(1) The height of the building mounted SECS shall extend no further than 5 feet above the structure to which it is mounted, or exceed the maximum height permitted in the zone district, whichever is lower. (orig. 4-20-10; am. 3-26-13)

(2) Free standing non-commercial SECS, where permitted, shall not exceed 12 feet in height. (orig. 4-20-10)
(3) Building mounted non-commercial SECS shall be placed on a structure that either meets the minimum setback requirements of the zone district, has gone through a process to legalize the existing setbacks, or has been established as being legal non-conforming in regards to the setbacks of the structure. (orig. 4-20-10; am 3-26-13)

(4) Free standing non-commercial SECS shall meet the minimum setback for an accessory structure. (orig. 4-20-10; am. 3-26-13)

(5) Non-commercial SECS shall be painted, where possible, a subdued earth-tone, or gray to mute the visual impact of the system. (orig. 4-20-10; am 7-17-18)

2. Commercial Energy Conversion Systems (ECS)

a. A Board of Adjustment Special Exception is required for all commercial ECS and the associated equipment. The Board of Adjustment, in reviewing and making its decision upon such applications may consider the impacts of the proposed use upon property in the surrounding area, including but not limited to: (orig. 5-21-19)

   (1) Visual and aesthetic impact, including the scale of the facility as it relates to the uses on surrounding properties; (orig. 5-21-19)

   (2) Noise; (orig. 5-21-19)

   (3) Community character; (orig. 5-21-19)

   (4) The compatibility of the ECS with the existing and allowable land uses in the surrounding area; (orig. 5-21-19)

   (5) The effect upon health, safety and welfare of the residents in the surrounding area; (orig. 5-21-19)

   (6) The effect of the proposed facility on wildlife; (orig. 5-21-19)

   (7) The ability to mitigate negative impacts upon the surrounding area; and (orig. 5-21-19)

   (8) The Board of Adjustment shall require that all Commercial ECS will be operated in accordance with the applicable Performance Standards as set forth in Alternate Energy Resources section of the Zoning Resolution in effect at the time of the application upon approval of a Special Exception except where a Variance for those standards has been approved. (orig. 06-29-21)

b. Wind Energy Conversion Systems (WECS) Performance Standards:

   (1) The subject lot, tract, or parcel where a commercial tower is proposed must meet the current minimum lot size requirement of the zone district in which it is to be erected. (orig. 4-20-10; am. 5-21-19)

   (2) Freestanding towers shall meet the minimum setback for a primary structure, or shall be setback 1:1 to the total height of the tower, whichever is greater. (orig. 4-20-10; am. 3-26-13; am 7-17-18; am 5-21-19)

   (3) All setbacks shall be measured from the base of the tower. (orig. 4-20-10; am. 5-21-19)

   (4) All free-standing towers shall be constructed in a monopole design of tubular steel, or equivalent material, and shall be self-supporting without the use of guy wires or other similar features. (orig. 4-20-10; am. 5-21-19)

   (5) All towers shall be white, gray, or another non-obtrusive color demonstrated to minimize visibility unless otherwise required by FAA regulations. The rotor blades may be black in order to facilitate deicing. (orig. 4-20-10; am. 5-21-19)
(6) All turbines shall be equipped with redundant braking systems. This includes both aerodynamic (including variable pitch) overspeed controls and mechanical brakes. (orig. 4-20-10; am. 5-21-19)

(7) Rotor blades or airfoils must maintain at least a 25-foot clearance between their lowest point and the ground unless the proposed design follows the best management practices for safety. (orig. 4-20-10; am. 3-26-13; am. 5-21-19)

(8) No tower shall have light, reflectors, flashers, daytime strobes, steady nighttime red lights, or other illuminating device affixed to it unless required by FAA or FCC. Security lighting is allowed at the tower base. (orig. 4-20-10; am. 5-21-19)

(9) No signs shall be placed on towers. (orig. 4-20-10; am. 7-17-18; am. 5-21-19)

(10) Cautionary signs in conformance with the Signs section of this Resolution shall be posted on the site to warn of high voltage and no trespassing. (orig. 4-20-10; am. 7-17-18; am. 5-21-19)

(11) The specific proposed tower support structure shall be engineered, constructed, installed and maintained to withstand the normal wind and vertical loads, plus safety loads, for the specific proposed location and for the specific wind load size, in force at the time of application. (orig. 4-20-10; am. 5-21-19)

(12) The tower support structure shall be electrically grounded per the International Electrical Code in force at time of application, and consistent with normal engineering practices. (orig. 4-20-10; am. 5-21-19)

c. Solar Energy Conversion Systems (SECS) Performance Standards:

(1) The subject lot, tract, or parcel where a commercial array is proposed must meet the current minimum lot size requirement of the zone district in which it is to be erected. (orig. 4-20-10; am. 5-21-19)

(2) The setback for a free-standing arrays shall meet the minimum setback for the primary structure. (orig. 4-20-10; am. 3-26-13; am. 5-21-19)

(3) All setbacks shall be measured from the panel. (orig. 4-20-10; am. 5-21-19)

(4) The height of the building mounted arrays shall extend no further than 5 feet above the structure to which it is mounted, or exceed the maximum height permitted in the zone district, whichever is lower. (orig. 4-20-10; am. 3-26-13; am. 5-21-19)

(5) Free standing commercial arrays shall not exceed the maximum height of 25 feet. (orig. 4-20-10; am. 5-21-19)

(6) The height shall be measured from the average natural ground level adjacent the base of the array to the highest point of the array. (orig. 4-20-10; am. 5-21-19)

(7) Cautionary signs in conformance with the Signs section of this Resolution shall be posted on the site to warn of high voltage and no trespassing. (orig. 4-20-10; am. 5-21-19)
Section 19 – Accessory Uses

A. In Any District

Subject to the restrictions of the Zoning Resolution, a use, equipment or item customarily incidental to an existing permitted use on a lot shall also be permitted when located on the same lot as the existing permitted use. (orig. 6-6-50; am. 5-20-08)

1. The long-term renting of rooms for not more than 5 persons in any private dwelling. (orig. 6-6-50; am. 7-17-18)

2. A communal dining room or other services customary to an assisted living facility. (orig. 6-6-50; am. 12-17-02)

3. Buildings housing technical offices, laboratories, medical offices, pharmacies, radiological facilities, medical and surgical suppliers, housing for personnel employed on the premises, and other similar uses may be located on the grounds of any hospital or sanitarium. (orig. 12-26-62)

B. Agricultural and Residential Districts

1. Lots with legal non-conforming residential structures in Commercial-One zone districts shall be allowed one mini-structure for storage purposes. (orig. 7-17-18)

2. Swimming pools, play sets over 8 feet in height, tennis courts, gazebos, hot tubs, decks over 12 inches above grade, and other similar outside private recreational facilities shall conform to the setback requirements for a dwelling or accessory building (whichever is less) in the applicable district. (orig. 6-14-88; am. 12-17-02)

3. Enclosure fences immediately surrounding tennis courts, batting cages, etc. shall not exceed 12 feet in height and must meet setback requirements. (reloc. 7-17-18; am. 7-17-18)

4. No more than a cumulative total of 200 square feet of mini-structures per lot shall be used for storage purposes in residential zones with the exception of the Agricultural-One, Agricultural-Two and Agricultural Thirty-Five Districts. Mini-structures shall meet the minimum separation requirements as specified in the Building Code. (orig. 6-14-88; am. 12-17-02; am. 7-17-18)

   a. Mini-structures which house livestock that is not subject to the urban agriculture requirements of this Section, shall meet all setback requirements of the underlying zone district. (orig. 6-14-88; am. 12-17-02, am. 9-13-16)

   b. All other mini-structures which do not house livestock and are less than 9 feet tall at the peak do not need to meet side or rear setback requirements if screened from neighbors' view by a minimum 5 foot high closed fence that is at least three times as long as the mini-structure being screened, or equivalent vegetation. (orig. 6-14-88; am. 12-17-02, am. 9-13-16; am. 7-17-18)

   c. Mini-structures used for Urban Agriculture shall be in compliance with the Urban Agriculture provisions of this Section. (orig. 9-13-16)

5. Shipping containers used for storage must meet the following criteria: (orig. 7-17-18)

   a. The container is located on an agriculturally zoned property that meets the minimum lot size and setbacks of the zone district; or (orig. 7-17-18)

   b. The container has a wood, brick, or similar appearing exterior and a pitched roof. (orig. 7-17-18)

6. Accessory uses in all residential zone districts cannot exceed the square footage of the primary use (residence) to which they are subordinate (excluding barns in the agricultural zone districts). Accessory use square footage includes attached and detached garages, sheds, ADUs, and all uses listed as Accessory uses in the applicable Zone District. Primary use square footage shall include all habitable
area within the primary residence, including unfinished basements and fully enclosed porches. Covered porches and decks shall not count towards either primary or accessory square footage. (orig. 12-17-02; am. 5-20-08; am. 7-17-18)

7. The footprint of an accessory structure may not exceed 75% of the footprint of the primary structure. The footprint shall include attached garages and fully enclosed porches, but shall not include decks or porches, even if covered. (orig. 7-17-18)

8. Non-commercial type vehicles shall be considered accessory to residential uses. However, such vehicles must be licensed and operable or stored within a structure. (orig. 12-17-02; am. 4-4-06)

C. Urban Agriculture

1. Chickens & Ducks

To provide for the keeping of domestic chickens and ducks on single family detached, two-family dwelling, or duplex residential lots. The maximum combined total number which may be kept shall be 6. Roosters are not permitted. (orig. 3-26-13; am. 09-13-16)

a. Conditions and Requirements

(1) A Miscellaneous Permit must be obtained from Planning and Zoning for the keeping of domestic chickens and/or ducks. For this use, the miscellaneous permit shall only be applicable to the current owner or lessee and does not run with the property. (orig. 3-26-13; am. 09-13-16)

(a) Chicken and duck coop enclosures must be predator resistant. (orig. 3-26-13; am. 09-13-16)

(b) Coops and runs may not be located within the front yard. (orig. 3-26-13)

(c) Adjacent lots and any registered HOA applicable to the property shall be notified in writing of the use. (orig. 3-26-13; am. 09-13-16)

(d) If the request is from a lessee, the property owner shall give permission in writing prior to the application and must sign the permit application. (orig. 3-26-13)

(2) Applications shall be referred to Jefferson County Animal Control for comment. (orig. 3-26-13)

(3) The County may revoke the Miscellaneous Permit at any time for failure to comply with the provisions of this Zoning Resolution concerning the keeping of chickens and ducks and/or confirmed violation(s) of any federal, state, or local law, ordinance, or regulation. (orig. 3-26-13; am. 09-13-16)

(4) Some districts already allow chickens, ducks, and other poultry. In those districts, these standards do not apply. If expanded uses are desired as allowed by zoning, i.e. keeping turkeys, the standards in the underlying district will apply. (orig. 3-26-13; am. 09-13-16)

b. Lot and Building Standards

(1) Coops and runs shall meet all setback requirements of the underlying zone district, unless they meet the following conditions:

(a) No openings of the coop structure shall be allowed that exceed the height of the screening on sides of the coop which are adjacent to other property boundaries; and (orig. 3-26-13)

(b) The coops and enclosure are screened from neighbors’ view by a minimum 5 foot high solid, closed fence. (orig. 3-26-13)

(2) Minimum setback from inhabitable structures shall be 10 feet. (orig. 09-13-16)
(3) Coops and runs shall meet the following lot and building standards:

<table>
<thead>
<tr>
<th>Chickens &amp; Ducks</th>
<th>Height of structure</th>
<th>Minimum lot size</th>
<th>Maximum Size of Enclosure</th>
<th>Minimum Sq ft per animal inside the coop</th>
<th>Minimum Sq ft per animal outside the coop</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8 ft</td>
<td>4000 sf</td>
<td>200 sf</td>
<td>2 sf</td>
<td>6 sf</td>
</tr>
</tbody>
</table>

*(orig. 3-26-13; am. 09-13-16)*

c. Specific Exclusions and Limitations

(1) Exclusions – Unless allowed by the underlying zone district, in no event shall any of the following be kept:

(a) Roosters. *(orig. 3-26-13)*

(b) Other types of fowl, waterfowl, or birds, such as turkeys, geese, pigeons, etc. *(orig. 3-26-13; am. 09-13-16)*

(2) On-site Slaughtering of the chickens and ducks is prohibited. *(orig. 3-26-13; am. 09-13-16)*

(3) The capture, keeping, and/or release of migratory birds as defined by the State of Colorado Parks & Wildlife is subject to the regulations and permitting requirements of the State of Colorado Parks & Wildlife and the U.S. Fish & Wildlife Service. *(orig. 09-13-16)*

2. Honey Bees

To provide for the keeping of bees on single family detached, Two-family dwelling or duplex residential lots. *(orig. 3-26-13)*

a. Conditions and Requirements

(1) A Miscellaneous Permit must be obtained from Planning and Zoning for the keeping of bees. For this use, the miscellaneous permit shall only be applicable to the current owner or lessee and does not run with the property. *(orig. 3-26-13)*

(a) Size and location of hive meeting applicable setbacks of zone district. *(orig. 3-26-13)*

(b) Hives may not be located within the front yard. *(orig. 3-26-13)*

(c) Bees are to be kept for personal use. *(orig. 3-26-13)*

(d) Adjacent lots and any registered HOA shall be notified in writing of the use. *(orig. 3-26-13)*

(e) If the request is from a lessee, permission from the property owner must be obtained in writing prior to the application. *(orig. 3-26-13)*

(2) The County may revoke the Miscellaneous Permit at any time for failure to comply with the provisions of this Zoning Resolution concerning the keeping of bees and/or confirmed violation(s) of any federal, state, or local law, ordinance, or regulation. *(orig. 3-26-13)*

(3) Some agricultural districts already allow bees. In those districts, these standards may be followed for the keeping of bees. If expanded uses are desired as allowed by zoning, the standards in the underlying district will apply. *(orig. 3-26-13)*

b. Lot and Building Standards
(1) Hives shall meet all setback requirements, unless they are screened from neighbors’ view by a minimum 5 foot high closed fence. (orig. 3-26-13)

(2) Two hives shall be permitted on lots with a minimum of 4,000 square feet. One additional hive shall be permitted for each 4,000 square feet of lot area exceeding 4,000 square feet. (orig. 3-26-13)

D. Accessory Dwelling Units

1. The intent of this section is to provide for one additional residence on a single family detached lot that is accessory to the primary residence, so that it enhances the residential neighborhoods and helps citizens to meet their housing needs. Since the unit is accessory to the primary unit, the access to the accessory dwelling unit shall utilize the same driveway as the primary unit. Additionally, if either the primary residence or accessory dwelling unit is rented, these units should be long-term rentals. (orig. 12-9-14; am. 7-17-18)

2. Planning & Zoning may permit an accessory dwelling unit (ADU) in all agricultural and residential zone districts, including comparable Planned Development zone districts. The accessory dwelling unit may be built either at the same time as the primary single family detached residence on the lot, after the primary residence has been constructed, or by converting an existing qualifying dwelling into an ADU by building a larger primary dwelling. The accessory dwelling unit may only be allowed as an accessory use to a single family detached residence. The accessory dwelling unit may be attached or detached. (orig. 12-5-06, am. 12-9-14; am. 7-17-18)

   a. Requirements

      Requirements are items that must be met with the application. Relief will not be granted for these items.

      (1) Valid water and sanitation shall be provided either by an appropriate water and sanitation district or by a valid well permit and septic permit specific to both the primary and the proposed accessory dwelling unit. If the property is served by a well, the applicant needs to provide a letter from the Colorado Division of Water Resources that states the existing well permit can accommodate the accessory dwelling unit. Minimum lot sizes required by Jefferson County Public Health that differ from this regulation shall be met or relief must be granted from Public Health. (orig. 12-5-06, am 12-9-14)

      (2) The accessory dwelling unit shall not be sold separately from the primary dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision is authorized in accordance with the Jefferson County Land Development Regulation. (orig. 12-9-14)

      (3) A document will be recorded in the Jefferson County real property records that indicates a second dwelling on the property was permitted through the Accessory Dwelling Unit Regulations in the Jefferson County Zoning Resolution. In the event the County fails to record a notice in the real property records or there is a defect in any such recording for any reason, these Accessory Dwelling Unit Regulations shall still apply to the property with the second dwelling unit. (orig. 12-9-14)

      (4) If the access to the property is from a state highway, the Colorado Department of Transportation shall receive notice of the proposal. (orig. 12-9-14)

   b. Lot and Building Standards

      If the Lot and Building Standards cannot be met, the applicant may request relief through the administrative exception process or a variance. (orig. 12-9-14)
(1) The owner of the property, as reflected in the title records, shall occupy one of the dwelling units. Proof of residency may be demonstrated by providing voter registration, vehicle registration or other similar documentation. The owner must occupy the property as their primary residence. The Director of Planning and Zoning may waive this requirement for temporary absences provided the owner has occupied the primary or accessory dwelling unit for a minimum of two years. (orig. 12-9-14; am. 3-3-15)

(2) The minimum lot sizes and maximum unit sizes are outlined in Table 1 below. The maximum square footage is based upon the total square feet in the primary unit, including basements, but does not include attached or detached garages. Detached units include units above a detached garage or other outbuilding. (orig. 12-5-06; am 12-9-14)

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>Attached Unit</th>
<th>Detached Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum lot size of underlying zone district</td>
<td>1 acre</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Unit Size2</th>
<th>Attached Unit</th>
<th>Detached Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1200 sf or 40% of primary unit1</td>
<td>1200 sf or 40% of primary unit1</td>
<td>800 sf or 40% of primary unit1</td>
</tr>
</tbody>
</table>

1Whichever is less.

2 In addition to these size limitations, the accessory dwelling unit shall also be subject to the total size limitation on all accessory structures outlined in the Agricultural and Residential Districts portion of the Accessory Uses section.

* Detached accessory dwelling units are not permitted on lots less than 7,500 sf.

(3) No more than three (3) people shall occupy the accessory dwelling unit. This number does not increase the number of unrelated individuals that are allowed to live on the property. (orig. 12-9-14)

(4) If the accessory dwelling unit is detached, the structure must meet the minimum accessory structure setback requirements in the applicable zone district, unless relief was previously granted, for an existing accessory building. (orig. 12-5-06; am. 12-9-14)

(5) Windows of the accessory dwelling unit which face an adjoining residential property shall be designed to protect the privacy of neighbors unless fencing or landscaping is provided which adequately accomplishes the same purpose. This standard is not required if primary structure setbacks are met for the accessory dwelling unit. (orig.12-9-14)

(6) The proposed accessory dwelling unit shall be compatible with the architectural style of the primary dwelling. The design shall be similar to the design of the primary unit by use of similar exterior wall materials, window types, door and window trims, roofing materials, soffits, fascia and roof pitch. (orig. 12-5-06, am. 12-9-14)

(7) For detached accessory dwelling units on lots greater than 1 acre in the mountains, the detached accessory dwelling units shall either: (am. 7-17-18)

(a) be located so that there is no more than 100 ft of separation between the accessory dwelling unit and the primary structure; or (orig. 12-9-14; am. 7-17-18)

(b) demonstrate to the satisfaction of Planning and Zoning that impacts of the accessory dwelling unit to the following site features have been minimized: meadows, slopes greater
than 30%, wildlife areas, ridgelines, view corridors, and wildfire hazard areas. (orig. 12-9-14; am. 3-3-15)

(8) Heights for all accessory dwelling units must meet the height limitations for accessory structures in the underlying zone district. (orig. 12-9-14)

(9) If the accessory dwelling unit’s primary entrance is not the same as that for the primary dwelling unit, it shall be less visible from the street view of the primary dwelling than the main entrance of the primary dwelling unit and the accessory dwelling unit’s stairways may not be constructed on the front of the primary dwelling unit. (orig. 12-9-14)

(10) One (1) additional off-street parking space shall be provided for each bedroom in the ADU (orig. 12-5-06, am. 12-9-14; am. 7-17-18)

(11) No more than one (1) accessory dwelling unit shall be allowed on a property. (orig. 12-5-06)

(12) The access to the accessory dwelling unit shall utilize the same driveway as the primary unit. (orig. 7-17-18)

c. Process

(1) A building permit for the accessory dwelling unit must be obtained. The criteria above will be evaluated by Planning and Zoning staff when the building permit for the accessory dwelling unit is submitted. (orig. 12-9-14)

(2) Additional permits may be required prior to issuance of the building permit. (orig. 12-5-06, am. 12-9-14)

(3) Upon complete submittal of an application for an accessory dwelling unit, notice will be sent to adjoining lots. If the proposed accessory dwelling unit is located within a property owner’s association, or other similar entity registered with the County, then notice will also be sent to that entity. (orig. 12-9-14)

E. Commercial And Industrial Districts

1. In a commercial or industrial district, a use accessory to an authorized use shall be permitted. The parking of vehicles for clients, patients, patrons or customers within a front, side or rear yard of a building within Commercial-One, Commercial-Two, Restricted Commercial-One, Restricted Commercial, Industrial-One, Industrial-Two District, Industrial-Three, or Industrial-Four Zone Districts, with or without charge, and in connection with any use permitted in such, shall be deemed an accessory use. A use specified as an Industrial-Two Zone District use shall not be permitted as an accessory use in Industrial-One, Industrial-Three, nor Industrial-Four Zone Districts. (orig. 5-6-46; am. 6-6-50; am. 6-2-58; am. 11-15-65; am. 12-17-02)

2. In all commercial or industrial districts, outdoor vending machines shall be permitted. (orig. 7-17-18)

F. Above Ground Storage of Flammable Liquids And Gases

No above ground storage of flammable liquids or gases in excess of 1,000 gallons shall be permitted in any district other than the Industrial-One District or the Industrial-Two District, unless approved by the Board of Adjustment or approved in conjunction with oil and gas operations as a Special Use or under the provisions of the Drilling and Production of Oil and Gas Section of this Zoning Resolution. (orig. 5-6-46; am. 11-14-55; am. 6-2-58; am. 11-15-65; am. 12-17-02)

G. Temporary Construction/Sales Facilities

Upon written request from the property owner or his/her representative, submission of a plot plan and proof of ownership, the Director of Planning and Zoning may permit temporary use of construction/sales facilities, trailers, modular structures and/or accompanying security fences for a period not to exceed 2 years on any one request, providing the developer complies with the following: (orig. 7-12-05; am. 3-3-15)
1. The temporary structure must be located within a recorded Final Plat, Exemption from Plat or Site Development Plan. If the temporary structure is to be moved, a new request must be submitted to the Director of Planning and Zoning, prior to its relocation. (orig. 7-12-05; am. 3-3-15)

2. Temporary security fencing around the construction yard for protection of materials being used during development shall not exceed 6 feet in height and may have an additional 3 strands of barbed wire on top, not to exceed a total height of 8 feet. (orig. 7-12-05)

3. Provisions for water and sanitation must be acceptable to Public Health and written confirmation submitted to the Director of Planning and Zoning prior to any use of the temporary facility. (orig. 7-12-05; am. 12-21-10; am. 3-3-15)

4. The temporary construction/sales facility may not be used as living quarters and may be used only during normal business hours. (orig. 7-12-05)

5. The temporary construction/sales facility and/or accompanying security fence must be removed from the area upon completion of the construction/sales phases of the project or prior to the expiration of the temporary use permit. (orig. 7-12-05)

6. The temporary structure shall be located on the subject property to which it is accessory. If the temporary structure is to be moved, a new request must be submitted to the Director of Planning and Zoning, prior to its relocation. (orig. 7-12-05; am. 3-3-15)
Section 20 - Nonconforming Buildings, Structures and Uses  
(Orig. 5-6-46; am. 9-6-77; am. 5-11-93; am. 2-06-18)

A. Use Regulations

1. Except as provided below, any building, structure, sign or use existing and lawful at the time of the adoption of this Zoning Resolution or in the case of an amendment to this Zoning Resolution, at the time of such amendment, shall be deemed a legal nonconforming use and may be continued, even though such building, structure, sign or use does not conform to the provision of this Zoning Resolution or such amendment. (Orig. 5-11-93; am. 12-17-02; am. 2-06-18)

2. If a legal nonconforming use is discontinued for a period of 180 days or more, any future use of said land, building, sign or structure shall conform with the provisions of this Zoning Resolution. If there are no antennas on a legal nonconforming telecommunications tower or if a legal nonconforming telecommunications tower has been abandoned for a period of 180 days or more, the tower and any abandoned legal nonconforming accessory buildings, structures, signs or equipment must be removed within 180 days from the expiration of said 180 day period or it must be brought into conformity with this Zoning Resolution. (Orig. 5-6-46; am. 2-14-56; am. 9-6-77; am. 5-11-93; am. 10-15-02; am. 12-17-02; am. 2-06-18)

3. A legal nonconforming use shall not be changed to a different nonconforming use. (9-6-77; am. 5-11-93)

4. A legal nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. (Orig. 5-6-46; am. 5-11-93; am. 12-17-02)

5. A legal nonconforming use shall not be extended, expanded or enlarged. Extension, expansion or enlargement shall include, but is not limited to the following. (Orig. 5-6-46; am. 9-6-77; am. 5-11-93)
   a. For Buildings (Orig. 9-6-77)
      (1) An increase in floor area in which the legal nonconforming use is conducted, provided, however, that a nonconforming use may be extended throughout any part of a building that was manifestly designed or arranged for such use on the effective date of this Zoning Resolution. (Orig. 9-6-77; am. 5-11-93; am. 12-17-02)
      (2) Additions or extensions may be made to a building or structure that is legal nonconforming as to height, area or setback regulations provided said addition and the use of said addition conforms to all the requirements for the district in which it is located. (Orig. 5-11-93)
   b. For Land (including mining operations) (Orig. 9-6-77)
      (1) Any increase in the land area used for any legal nonconforming use or any relocation of said legal nonconforming use to a different area. (Orig. 9-6-77; am. 5-11-93)
      (2) Any new or increase in area of any accessory use in support of any legal nonconforming use. (Orig. 5-11-93)
   c. For Telecommunications Towers (5-11-93)
      An increase in the number of antennas located on a tower, or an increase in the height or weight bearing capacity of the tower beyond that necessary to conform to safety regulations adopted by the County, State or Federal government, except that the following shall be allowed: (Orig. 5-11-93)
      (1) Existing antennas may be maintained or replaced with another antenna intended to provide the same service. (Orig. 5-11-93)
      (2) New antennas may be added to a tower where the tower and antennas do not exceed 200 feet in height above the base of the towers, and the new antenna does not exceed 25 feet in length and 8 inches in diameter. (Orig. 5-11-93)
d. For Signs or Sign Elements (orig. 2-06-18)

(1) If a legal nonconforming Sign Structure does not display any message for a period of 180 days, it shall be removed or brought into conformance with this Zoning Resolution. (orig. 2-06-18)

(2) If a legal nonconforming Sign Structure is removed for any reason other than routine repair and maintenance, it shall not be replaced unless the replacement Sign conforms to this Zoning Resolution. (orig. 2-06-18)

(3) Legal nonconforming Signs that are a danger to the public safety due to damage or wear shall be removed and shall not be replaced unless the replacement Sign conforms to this Zoning Resolution. (orig. 2-06-18)

B. Alterations And Repairs

1. Maintenance, repairs or alterations to legal nonconforming Signs and telecommunication towers may be performed that are necessary to maintain the Signs and tower in good condition and repair. The weight bearing capacity and wind loading capacity of a tower may only be increased to the extent necessary to maintain the tower in conformance with state or national standards for weight bearing capacity and wind loading capacity for the number of antennas otherwise allowed on the tower as set forth in this section. (orig. 5-11-93; am. 2-06-18)

2. Restoration of Damaged Buildings, Signs and Structures

A legal nonconforming building, Signs or structure, including a telecommunications tower, which is damaged, intentionally removed, or partially destroyed by fire, flood, wind, earthquake, snow, ice or other calamity or the public enemy, to the extent of not more than 50 percent of its appraised market value at that time, may be restored and the same use or occupancy resumed, provided that such restoration is started within a period of 1 year from the date of damage and is diligently pursued to completion. Notwithstanding the foregoing, television and radio stations and land mobile operators shall be entitled to repair, reconstruct or rebuild their towers, but only to the minimal extent necessary to resume broadcasting and to fulfill the requirements of their FCC license. The site may not be used as a permanent telecommunications site for more than one year from the date of damage unless zoning or Special Use approval is obtained, or the user is actively engaged in the Rezoning or Special Use approval process. (orig. 5-11-93; am. 12-17-02; am. 2-06-18)

C. County Acquired Property

If the County shall hereafter acquire title to any property as a result of a tax delinquency sale, the use of such property shall thereafter be in conformity with this Zoning Resolution. (orig. 5-6-46; am. 2-14-56; am. 3-9-76; am. 12-17-02)

D. Legalization of Certain Nonconforming Uses
An existing nonconforming use that could be allowed under currently applicable zoning as a special use may be legalized and made conforming by approval through the Special Use process. As part of that process, the County may consider expansion of such use if consistent with the applicable zoning. (orig. 5-21-13)
Section 21 - Home Occupations

A. Intent and Purpose

1. To provide for the operation of commercial activities on lots, parcels or tracts of land used for residential purposes under certain conditions. Such commercial activities shall be defined as "home occupations". (orig. 6-23-81)

2. Contained in this section is a listing of permitted home occupations along with conditions, exclusions, limitations and regulations regarding such home occupations. (orig. 6-23-81)

B. Permitted Home Occupations

The following home occupations are permitted providing the requirements and conditions of paragraph "C" below are met: (orig. 6-23-81; am. 12-17-02)

1. Craft work, such as the making of pottery and jewelry. (orig. 6-23-81)

2. Garment work, such as tailoring, dressmaking, millinery work, ironing and garment repair. (orig. 6-23-81)

3. Office facilities for sales representatives, professional consultants and professional services that may have customers or clients who visit. (orig. 6-23-81; am. 7-17-18)

4. Repair services for small electronic, electrical and mechanical appliances. (orig. 6-23-81)

5. Tutoring, music lessons, dance lessons and similar specialized tutorial or instructional endeavors provided no more than 1 student is present at a time. (orig. 6-23-81)

6. Artistic endeavors, such as art studios, portrait studios, photography studios, writing and lithography. (orig. 6-23-81)

7. Garage sales, not to exceed 3 sales per calendar year and which shall not be held for more than 4 consecutive days per sale. (orig. 6-23-81)

8. State licensed or certified small day-care home. (orig. 6-14-88; am. 7-12-05; am. 10-25-05)

C. Conditions and Requirements

Home occupations shall be operated subject to the following: (orig. 6-23-81)

1. A miscellaneous Permit must be obtained from Planning and Zoning. (orig. 3-26-13)

2. Such home occupation shall be in conformance with other existing laws and regulations of the County. (orig. 6-23-81; am. 12-17-02)

3. Such home occupation shall be conducted entirely within a lot, parcel or tract of land and carried on by the inhabitants living there. The home occupation is limited to the use of 1 additional employee beyond those living on the subject property. (orig. 6-23-81; am. 7-1-03)

4. Such home occupation shall be clearly secondary to the use of the lot, parcel or tract of land for residential purposes and shall not change the character thereof. (orig. 6-23-81)

5. The total area used for such home occupations shall not exceed 25 percent or no more than 800 square feet of floor area per lot, parcel or tract of land and shall be limited to the main residential structure, except for state licensed or certified day-care homes which may utilize outdoor play areas. (orig. 6-23-81; am. 6-14-88; am. 7-1-03)

6. Signs: Signage shall be in accordance with the Sign Section of the Zoning Resolution. (orig. 6-23-81; am. 12-17-02; am. 7-1-03; am. 9-29-15; am. 7-17-18)
7. All incidental storage of stock, supplies or products shall be contained within the total area used for the home occupation. (orig. 6-23-81; am. 12-17-02)

8. There shall be no exterior storage on the lot, parcel or tract of land of material or equipment used as a part of the home occupation. (orig. 6-23-81)

9. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable beyond any boundary line of the lot, parcel or tract of land due to the conduct of the home occupation. (6-23-81)

10. The home occupation may increase vehicular traffic flow and customer parking by no more than 2 additional vehicles at a time, except for state licensed or certified day-care homes. (orig. 6-23-81; am. 6-14-88; am. 7-1-03)

D. Specific Exclusions and Limitations

1. Exclusions - In no event shall any of the following occupations, activities, or facilities be permitted as a home occupation: (orig. 6-23-81; am. 7-17-18)
   a. Body or mechanical repair, modification, or painting of motor vehicles and repair of internal combustion engines. (orig. 6-23-81)
   b. Animal hospital or kennel. (orig. 6-23-81)
   c. Medical/dental facilities other than office consultation services. (orig. 6-23-81)
   d. Restaurant. (orig. 6-23-81)
   e. Tattoo shops/parlors. (orig. 7-17-18)
   f. Retail sales, other than ancillary to a permitted Home Occupation. (orig. 7-17-18)

2. Limitations – There shall be no more than 2 home occupations operated on a residential property. This provision shall not apply to multi-family lots, parcels or tracts, where a maximum of one home occupation per unit may be allowed. (orig. 6-23-81; am. 7-17-18)

E. Administrative Exception

The following home occupations may be allowed upon approval of an Administrative Exception as set forth in the Enforcement and Administrative Exceptions section of this Zoning Resolution: (orig. 7-1-03)

1. State licensed or certified hair, nail or similar beauty salon or barber shop. (orig. 7-1-03; am. 7-17-18)
2. State licensed or certified acupuncture, chiropractor and therapeutic massage business. (orig. 7-17-18)
3. Mail-order business. (orig. 7-1-03)
4. State licensed or certified large day-care homes. (orig. 10-25-05; am. 7-17-18)

F. Board of Adjustment

Home occupations, except those specifically excluded above, which do not meet the provisions of this section may be allowed upon approval of the Board of Adjustment under conditions set forth in the Board of Adjustment section of this Zoning Resolution. (orig. 6-23-81; am. 12-17-02)

G. Exempted Home Occupations

Home offices for telecommuting and similar uses with no customer, client, or coworker visits shall be exempted from requiring a Home Occupation permit. (orig. 7-17-18)
Section 22 - Special Events

(orig. 3-28-00; am. 2-13-01; am. 4-20-10; am 2-8-11)

A. Intent and Purpose

This section is intended to provide for the orderly control of special events by establishing appropriate permit requirements and regulations in an effort to provide for the temporary use of land in all zone districts for special events and to ensure that no special event occurs which would have a significant negative effect on adjacent and nearby property owners, residents and businesses or which would be unsafe given prevailing site conditions, traffic and circulation patterns, land use characteristics and the nature of the proposed use. (orig. 2-13-01; am. 12-17-02)

B. General Provisions

1. Special events shall occur or operate in compliance with the provisions of this section and all applicable provisions and regulations of Jefferson County, and applicable State and Federal statutes and regulations. (orig. 2-13-01)

2. Issuance of a Special Event Permit shall not relieve the landowner or applicant of the responsibility for securing other permits or approvals required by Planning and Zoning, the Division of Building and Safety, Jefferson County Public Health, the Fire District or any other agency of Jefferson County or other public agency. (orig. 2-13-01; am. 12-17-02; am. 4-20-10; am. 2-08-11)

3. All special events requiring permits as set forth in this section shall be approved by the Director of Planning and Zoning. (orig. 2-13-01; am. 12-17-02; am 3-3-15)

4. The maximum cumulative number of days per year that special events may occur on a residential or agricultural property shall not exceed 4. (orig. 2-13-01; am. 7-17-18)

5. The maximum cumulative number of days per year that special events may occur on a commercial, industrial, or institutional property shall not exceed 30. (orig. 7-17-18)

6. No special event on commercial or industrial property shall include overnight accommodations not otherwise permitted by the underlying zoning. (orig. 7-17-18)

C. Special Events Not Permitted

1. The following special events are prohibited throughout the County: (orig. 2-13-01)
   a. Solicitation on or near public rights-of-way such that vehicles traveling upon the street/road or highway are disrupted. (orig. 2-13-01; am. 12-17-02)
   b. Any event involving a Private Marijuana Club. Additionally, no event may be held on a residential property involving the distribution of marijuana or marijuana products where a fee is charged for the marijuana or marijuana products or for admission to the property. (orig. 4-14-14)

D. Exempted Special Events

The following special events are exempt from the requirements of this section: (orig. 2-13-01)

1. Funeral processions. (orig. 2-13-01)

2. Residential gatherings customarily incidental to a residentially zoned property. (orig. 2-13-01; am. 2-08-11)

3. Events which have received a permit or approval by some other government entity (e.g., Jefferson County Open Space, Denver Parks, special districts) and which are contained entirely on the property owned or leased by the approving entity. (orig. 2-13-01)
4. Events contained entirely within a building and are associated with or interconnected with the property's permitted use(s). (i.e. Religious gatherings and functions, sale promotions, holiday parties at places of employment.) (orig. 10-25-05; am. 3-26-13)

5. Emergency events including but not limited to responses to natural disasters, or other responses to health and safety emergencies that cannot meet the application deadlines specified in this section or which occur without advance knowledge. (orig. 2-13-01)

6. Farmer’s markets if wholly contained on site. (orig. 7-17-18)

7. Events that may affect a public right-of-way, but are customarily incidental to the allowed use of a property. (orig. 5-21-19)

E. Special Events Not Requiring A Permit

Temporary or seasonal special events similar to or operated in conjunction with the permitted use are permitted without a Special Event Permit in all zone districts and Planned Developments provided all of the following are satisfied: (orig. 2-13-01)

1. The event does not operate between the hours of 10:00 p.m. of one day and 8:00 a.m. of the next day. (orig. 2-13-01)

2. The event is located entirely on private property with the permission of the landowner. (orig. 2-13-01)

3. All parking for the event is contained on-site or on nearby private property with the permission of the landowner. (orig. 2-13-01)

4. No on- or off-site grading or topographic alteration is required. (orig. 2-13-01)

5. No undue traffic congestion or traffic accident potential is generated. (orig. 2-13-01)

6. No food service offered for public consumption or for sale. (orig. 2-13-01)

7. Adequate water, sanitation, and refuse collection is provided. (orig. 2-13-01)

8. No noise, dust, smoke, glare, light trespass or other form of environmental or visual pollution is generated which would have a significant negative effect on adjacent and nearby property owners, residents and businesses. (orig. 2-13-01)

F. Special Events Requiring A Permit

1. Special Event Permit Required: The following special events shall require a Special Event Permit. (orig. 2-13-01)
   a. Temporary events not wholly contained within a building or structure including, but not limited to, "Parade of Homes" type events, carnivals, circuses, festivals, concerts, revivals, parades, road races, and other similar activities. (orig. 2-13-01)
   b. Any special event affecting or within a public right-of-way. (orig. 2-13-01)
   c. Any special event that does not satisfy any or all of the criteria listed in paragraph “E” of this section. (orig. 2-13-01; am. 12-17-02)
   d. Any special event for a use not allowed in the zone district. (orig. 5-21-19)

2. Application: At least 90 calendar days prior to the requested start date of the proposed special event requiring a permit, a Special Event Permit Application shall be submitted to Planning and Zoning and shall include the following information: (orig. 2-13-01; am. 12-17-02; am. 2-08-11; am 3-3-15; am. 7-17-18; am. 5-21-19)
a. A written description indicating: the type of event, the event sponsor(s), the location of the event or event route, a list of all roads affected, the duration of the event, the hours of operation, the expected water requirements (including the source and supply of water), the number of employees/volunteers, the number and location of toilets, the anticipated attendance, food or alcoholic beverages to be served, temporary structures or fences proposed, the anticipated parking needs complete with data indicating how the demand was calculated and how the need is to be addressed, the surface material of the parking area, a method/plan for handling traffic in conformance with the Manual on Uniform Traffic Control Devices and the Colorado Supplement, a statement of expected impacts to the subject land and surrounding properties, how adverse impacts on surrounding properties will be minimized including a response to each of the performance standards established in this section. (orig. 2-13-01; am. 5-21-19)

b. A site plan (drawn to scale, showing all of the following in relation to existing and proposed buildings, parking areas, streets/roads and property lines on the proposed site and on abutting properties): the location of the event or the event route, the location of proposed structures (including restrooms, storage bins, trash receptacles, temporary buildings, etc.), the location of traffic controls proposed (including road barriers, detour signs, traffic control lights, traffic personnel, etc. all of which shall be paid for and provided by the applicant), access to/from the site, parking areas (showing access, number of parking spaces, parking barriers, surfacing, etc.), activity areas (e.g. parking area, alcoholic beverage area, children’s play area, games area, seating, etc.). (orig. 2-13-01)

c. Written confirmation from the property owner(s) agreeing to the use of their property or right-of-way for the special event or a copy of the lease agreement. (orig. 2-13-01; am. 12-17-02)

d. A nonrefundable processing fee in an amount established by the Board of County Commissioners. (orig. 2-13-01; am. 2-08-11)

e. Evidence of availability of and access to water and sanitation services, if the event is to be served by public water and sewer. If portable toilets are proposed, evidence of a maintenance contract specifying the servicing and removal of all toilets. (orig. 2-13-01)

f. Evidence of a refuse contract for the collection and disposal of rubbish, specifying frequency of collection and final collection terms or such other description of refuse disposal approved by the Director of Planning and Zoning. (orig. 2-13-01; am. 12-17-02; am 3-3-15)

g. Evidence of insurance for events proposed on County property or public rights-of-way. This insurance shall include general liability covering claims that might arise from the event including participant and spectator liability in a minimum amount of $1,000,000 per occurrence, with the County named as an additional insured. Block parties are exempt from the insurance requirements. Evidence of insurance may be submitted prior to issuance of the Special Event Permit rather than with the submission of the application. (orig. 2-13-01)

h. An application may be accepted 45 calendar days prior to the requested start date of the proposed special event requiring a permit if written confirmation of approval of the event is provided from: (orig. 5-21-19)

(1) Colorado Department of Transportation for events affecting CDOT Right-of-way. (orig. 7-17-18)

(2) Local fire protection district. (orig. 7-17-18)

(3) Jefferson County Sheriff’s Office. (orig. 7-17-18)

i. A plan for providing public notification along the route of races involving complete or partial closure of roads/streets. (orig. 7-17-18)

j. Any additional information deemed necessary by Planning and Zoning. (orig. 2-13-01; am. 12-17-02; am 3-3-15; am. 5-21-19)

3. Application Review: The Special Event Permit Application shall be referred to any other County or non-County agency, registered association or official whose consideration is deemed essential to a full and
complete assessment. In reviewing the application, the following shall be considered by Planning and Zoning. (orig. 2-13-01; am. 2-08-11; am 3-3-15; am. 7-17-18; 5-21-19)

a. The adequacy of the site plan. (orig. 2-13-01)

b. The adequacy of the size and shape of the site to accommodate the special event proposed. (orig. 2-13-01)

c. The adequacy of the surrounding street/road network to serve the kind and quantity of traffic anticipated by the proposed special event including the adequacy of the proposed traffic controls. (orig. 2-13-01)

d. The ability of local fire protection to service the event. (orig. 2-13-01; am. 2-08-11)

e. The ability of law enforcement to service the event. (am. 2-08-11)

f. Noise, light, dust, odor, or any other impact from the special event to surrounding properties and uses. (orig. 2-13-01)

g. The preservation of the public health, safety or welfare of surrounding properties and uses. (orig. 2-13-01; am. 12-17-02)

h. Compliance with other requirements of this section. (orig. 2-13-01; am. 2-08-11)

i. The adequacy of the public notification plans. (orig. 7-17-18)

4. Action on Application: The Director of Planning and Zoning may take the following action: (orig. 2-13-01; am. 12-17-02: am. 2-08-11; am 3-3-15; am 7-17-18)

a. Issue the permit: if the proposed special event conforms in all respects with the applicable provisions, requirements and standards of this section or if it can be made to conform with the imposition of conditions. (orig. 2-13-01; am. 12-17-02)

b. Deny the permit: if the proposed special event fails to conform with any of the provisions, requirements or standards of this section. If denied, the Director of Planning and Zoning shall specify the reasons therefore, in writing, citing specific requirements, provisions and standards contained in this section or in other applicable provisions of this Zoning Resolution or other applicable regulatory documents that were not met. (orig. 2-13-01; am. 3-3-15)

5. Appeals: Any decision of the Director of Planning and Zoning with respect to a Special Event Permit Application may be appealed, within 30 calendar days of such decision to the Board of Adjustment. (orig. 2-13-01; am. 12-17-02; am. 12-14-04, am. 2-08-11; am 3-3-15)

6. Enforcement (orig. 2-13-01)

a. Inspections: The County may enter and inspect the special event site from time to time to ensure compliance with the Special Event Permit conditions and to enforce the provisions of this section. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. (orig. 2-13-01)

b. Suspension and Revocation of Permit: The Director of Planning and Zoning may suspend or revoke a Special Event Permit for violation of any provision of this section or any other applicable law, rule or regulation, for violation of the Permit conditions, or for any misrepresentation by the applicant, his agents or his employees or independent contractors under contract with the applicant. The decision of the Director of Planning and Zoning to suspend or revoke a Special Event Permit may be appealed to the Board of Adjustment. No event shall occur while a suspension or revocation appeal is pending except as authorized by the Director of Planning and Zoning. Failure to comply with this section or with the Special Event Permit conditions is a violation of this Zoning Resolution. (orig. 2-13-01; am. 12-17-02; am. 2-08-11; am 3-3-15)

G. Special Event Performance Standards
All special events shall comply with the following standards: (orig. 2-13-01)

1. Cessation of the Event: Within 24 hours of cessation of the event, the site shall be returned to its previous condition (including the removal of all buildings and structures, trash, debris, signage, attention-attracting devices or other evidence of the special event). (orig. 2-13-01)

2. Grading: Any necessary grading or topographic alterations shall conform to the requirements of the Land Disturbance Section of this Zoning Resolution including the issuance of a Land Disturbance Permit, if required. (orig. 2-13-01; am. 12-17-02; am. 10-12-04; am. 2-08-11)

3. Traffic Circulation: The special event shall not cause undue traffic congestion or accident potential as determined by Transportation and Engineering. (orig. 2-13-01; am. 12-17-02; am. 4-20-10)

4. Sewer, Potable Water, Refuse and other Nuisances: Management of sewage, potable water, refuse and other nuisances shall conform to the requirements of Jefferson County Public Health. (orig. 2-13-01; am. 12-17-02; am. 4-20-10)

5. Food Service: Management of food service shall conform to the requirements of Jefferson County Public Health. (orig. 2-13-01; am. 12-17-02; am. 4-20-10)

6. Signage: All proposed signage shall comply with the requirements of the Signs Section of this Zoning Resolution. (orig. 2-13-01; am. 12-17-02; am. 2-08-11, am. 9-29-15)

7. Structures and Fences: Temporary structures and fences shall be permitted for special events. All proposed structures and fences shall comply with the requirements of the General Provisions & Regulations Section of this Zoning Resolution and with the height, setback, and fencing requirements of the underlying zone district except that no structure shall be erected, placed or maintained within 10 feet of any right-of-way (unless the right-of-way has been closed as part of the Special Event) and a Miscellaneous Permit is not required for any structure or fence proposed in conjunction with a special event. Conformance to the regulations related to structures or fences shall be reviewed simultaneously with the Special Event Permit Application. (orig. 2-13-01; am. 12-17-02; am. 2-08-11)

8. Lighting: All proposed lighting shall comply with the requirements of the Lighting Section of this Zoning Resolution. Conformance to the regulations related to lighting shall be reviewed simultaneously with the Special Event Permit Application. (orig. 2-13-01; am. 12-17-02; am. 2-08-11)

9. Vision Clearance Triangle: The special event shall comply with the vision clearance triangle requirements of the underlying zone district of the site. (orig. 2-13-01; am. 7-1-03)

10. Other Conditions: The Director of Planning and Zoning may establish any permit conditions deemed necessary to minimize potential adverse impacts on nearby properties or uses, including but not limited to the following: (orig. 2-13-01; am. 12-17-02; am. 2-08-11; am 3-3-15)

   a. Modifications or restrictions on the hours and frequency of operation, duration of the event(s), size of the activity or other operational characteristics. (orig. 2-13-01)

   b. Limitations on the location, number, and type of signs and other attention-attracting devices. (orig. 2-13-01)

   c. Requirement of temporary arrangements for parking and traffic circulation. (orig. 2-13-01)

   d. Requirements for screening or buffering. (orig. 2-13-01)

   e. Requirements for County inspections. (orig. 2-13-01)

   f. Requirements for public notice along the route of races involving complete or partial closure of roads/streets. (orig. 7-17-18)

   g. Guarantees in the form of a Letter of Credit or cash for the total estimated cost (as provided by the applicant) plus 10% of any site restoration related to any on-site land disturbance, for...
the dismantling and removal of all structures, and for all clean-up following the special event. (orig. 2-13-01; am. am. 2-08-11)

h. Provision of any extraordinary services including but not limited to traffic control devices, security personnel, food service requirements, potable water requirements, refuse disposal, or any equipment required to protect the public health, safety, and welfare. (orig. 2-13-01)
Section 23 - Signs

(orig. 2-10-58; am. 7-20-81; am. 2-6-84; am. 2-13-01; am. 4-20-10; am. 2-06-18)

A. Intent and Purpose

1. This section is intended to provide for the orderly control of Signs, to permit the use of Signs necessary for adequate identification, direction, and notification as may be required by law in order to promote the health, safety and welfare of the citizens of Jefferson County, to preserve the right of free speech and expression, to minimize distractions to motorists, bicyclists and pedestrians, and to protect aesthetic qualities by preventing visual clutter, protecting scenic views and preserving the County's character. (orig. 7-20-81; am. 9-29-15; am. 2-06-18)

2. Contained in this section are the requirements for Signs which are allowed in various zone districts. These include details pertaining to the size, shape, height, location, setbacks and construction of Signs. (orig. 7-20-81; am. 2-06-18)

B. General

1. No Sign shall be erected, maintained, or modified unless it is in full compliance with the regulations for the zone district in which it is located and all applicable provisions and regulations of this Zoning Resolution, Colorado State Statutes and Federal regulations. (orig. 7-20-81; am. 2-06-18)

2. No Sign shall be placed in the right-of-way of any public street/road or highway except as specified in the Jefferson County Right-of-Way Sign Policy and Procedure as amended and as specifically provided for in this section of this Zoning Resolution. (orig. 2-10-58; am. 7-20-81; am. 7-23-02; am. 12-17-02; am. 9-15-09; am. 2-06-18)

3. Signs requiring permits are only allowed as an accessory use, and cannot be constructed on property that does not have a primary use. Signs not requiring permits are allowed as described below. (orig. 2-06-18)

4. Signs located in the Vision Clearance Triangle shall comply with the Vision Clearance Triangle provisions and/or Sight Distance provisions of the Transportation Design and Construction Manual. (orig. 7-20-81; am. 12-17-02; am. 7-1-03; am. 9-29-15; am. 2-06-18)

5. A non-commercial message may be substituted, in whole or in part, for the message on any Sign that is not on public property or right-of-way, other than a Cautionary Sign. The substitution Sign must be of similar material and quality as the Sign it is replacing, unless the substitution Sign falls within the Banner Sign exception of Section D.6 below, and may be made without any additional or permitting. (orig. 2-06-18)

6. Sign Permits

a. No Sign, except for those not subject to Sign Permits listed below, shall be erected or modified without first obtaining a Sign Permit from Planning and Zoning. The Sign Permit shall be valid for one year, and all work must be completed within this time frame or a new or renewal Sign Permit will be required. (orig. 7-20-81; am. 9-29-15; am. 2-06-18)

b. The location and placement of Signs requiring a Sign Permit may be reviewed and approved as part of a Site Development Plan Process; however, a Sign Permit is still required prior to the installation of such Signs. (orig. 7-20-81; am. 6-14-88; am. 7-23-02; am. 12-17-02; am. 3-26-13; am. 3-3-15; am. 9-29-15; am. 2-06-18)

c. Prior to construction or modification of a Sign requiring a Sign Permit, an application for a Sign Permit for such Sign shall be filed with Planning and Zoning and shall include the following: (orig. 7-20-81; am. 7-23-02; am. 12-17-02; am. 9-29-15; am. 2-06-18)

(1) Application. (orig. 7-20-81; am. 5-3-94, am. 9-29-15)
(2) Plot plan drawn to scale showing property boundaries of the lot, parcel or tract with all existing structures, Vision Clearance Triangles and location of the proposed Sign. All existing Signs on the site must be included on the plot plan. (orig. 7-20-81; am. 9-15-09; am. 2-06-18)

(3) Elevation drawing, picture, or rendering of the Sign and/or building wall showing the height, area, dimensions and materials of the proposed Sign. See requirements below for sign area measurement. (orig. 7-23-02; am. 04-04-06; am. 9-15-09; am. 2-06-18)

(4) A nonrefundable processing fee in an amount established by the Board of County Commissioners. (orig. 7-20-81; am. 5-3-94; am. 9-29-15)

7. Nonconforming Uses: Nonconforming Signs shall be subject to the procedures and requirements in the Nonconforming Buildings, Structures, and Uses Section of this Zoning Resolution. (orig. 2-06-18)

8. Signs shall be maintained in good condition at all times. Signs shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust-resistant metals. Banners and banner flags shall not be torn or in disrepair.

C. Prohibited Signs

The following types of Signs are expressly prohibited in all districts unless specifically permitted in a Planned Development (PD) District. (orig. 7-20-81; am. 11-19-91; am. 2-13-01; am. 9-29-15; am. 2-06-18)

1. Balloons or similar types of "lighter than air" objects tethered to the ground or wall by lines or other method. (orig. 7-20-81; am. 7-23-02; am. 04-04-06; am.10-25-11; am. 9-29-15)

2. Search lights. (orig. 7-20-81)

3. Signs consisting of any flashing, blinking, rotating, moving, or otherwise animated parts or lighting except those Signs that meet the Electronic Message Centers regulations outlined below. (orig. 7-20-81; am. 9-29-15; am. 2-06-18)

4. Billboards, Off-Premise signs, and Pole Signs. (orig. 11-19-91; am. 7-23-02; am. 12-17-02; am 04-04-06; am. 9-29-15; am. 2-06-18)

5. Roof Signs. (orig. 7-23-02)

6. Signs that emit any sound (except drive thru Signs described below), smoke, or odor. (orig. 2-06-18)

7. Signs that are structurally unsafe or are a health or safety hazard. (orig. 2-06-18)

8. Signs that impair the visibility of traffic movement, or distract or contain an element that distracts, the attention of driver in a manner likely to lead to unsafe driving conditions. (orig. 2-06-18)

D. Signs Not Requiring Permits

1. Temporary Ground Signs: Six (6) Temporary Ground Signs shall be allowed on each property. Temporary Ground Signs shall not be erected for more than 6 months within a consecutive 12- month period. Temporary Signs shall not be illuminated in any way. (orig. 9-29-15; am. 2-06-18)

   a. All Zone Districts: Temporary Ground Signs shall not extend outside the property line, shall not exceed 42 inches in height and shall not be more than 8 square feet per Sign Face in area, except as provided in Section D.1.b below. (orig. 9-29-15; am. 2-06-18)

   b. Agricultural Zone Districts: Properties meeting the minimum lot size requirements of the Agricultural Zone District shall be allowed Temporary Ground Signs of up to 32 square feet in lieu of the 8 square foot Temporary Ground Signs described above. Temporary Ground Signs more than 8 square feet shall be set back 10 feet from the property line and shall not exceed 10 feet in height. (orig. 9-29-15; am. 2-06-18)
2. Signs or tablets, not to exceed 2 square feet, when cut into any Masonry surface or inlaid to be part of the building or when constructed of bronze or other incombustible material. (orig. 7-20-81; am. 9-29-15)

3. Window Signs: Window Signs that do not exceed twenty-five percent (25%) of the Window Sign Area in which they are displayed. Window Signs do not count against the overall allowed square footage of signage on the site, but Window Signs total maximum square footage cannot exceed the overall Sign area square footage allowed on site. (orig. 7-20-81; am. 7-23-02; am. 9-29-15; am. 2-06-18)

4. Bus Bench Signs: Signs that are part of a bus bench in unincorporated Jefferson County which bus bench shall be reviewed approved and authorized pursuant the Jefferson County Policies and Procedures, as amended. (orig. 7-23-02; am. 12-17-02; am. 12-10-09)

5. Temporary Banner Signs: Banner Signs shall be allowed for up to six months, on non-residential uses and shall be limited to a total of one (1) Banner Sign per business, organization, or tenant, not to exceed 50 square feet per Sign. Banners Signs shall be securely mounted to a wall, structure or duly permitted Sign. (orig. 10-25-11; am. 9-29-15; am. 2-06-18)

6. Portable or Wheeled Signs: Portable or Wheeled Signs shall be allowed on non-residential uses and shall be limited to a total of one (1) Portable or Wheeled Signs per business, organization, or tenant, not to exceed 12 square feet per Sign Face, with a maximum height of 6 feet. The Portable or Wheeled Signs shall not inhibit pedestrian access or circulation, and placement of such Signs shall allow a minimum of 30 inches of clearance around the device to ensure uninhibited pedestrian access or circulation. (orig. 10-25-11; am. 2-06-18)

7. Flags: The total area of flags shall not exceed 30 square feet and shall be affixed to permanent flagpoles or flagpoles that are mounted to buildings. Flags cannot exceed the height permitted in the zone district. (orig. 2-06-18)

8. Drive Thru Signs: Ground Signs located in parking lot drive thru aisles that are no larger than 50 square feet and oriented toward the drive thru. A maximum of two are permitted per drive aisle. (orig. 2-06-18)

9. Parking Lot Signs: Signs located interior to parking lot boundaries that are no larger than 5 square feet, no taller than 42 inches, except as otherwise required pursuant to federal law or regulation. Parking Lot Signs shall be limited to a total of one (1) sign per 15 parking spaces, and shall be limited to one (1) sign every fifty (50) feet, except as otherwise required pursuant to federal law or regulation. (orig. 2-06-18)

10. Cautionary Signs: Cautionary Signs shall be no more than 5 square feet per Sign. Free-standing Cautionary Signs shall be no taller than 42 inches. Cautionary Signs may also be located on a wall or fence and shall not exceed the height of the wall or fence on which it is placed. Signs shall be limited to one (1) Sign every one-hundred (100) feet on the property lines or on any fence or other permitted structures that lies within the property lines. Cautionary Signs serve a compelling government interest because they promote the safety and welfare of pedestrians and motorists by alerting people to danger which reduces accidents and other injuries. (orig. 2-06-18)

11. Wall Signs in residential zone districts up to 4 square feet. Such Signs may not be illuminated. (orig. 2-06-18)

12. Projecting Signs on agricultural, commercial, or industrial zoned properties less than 10 square feet. One Sign allowed per tenant. (orig. 2-06-18)

E. Specific Zone District Sign Regulations Requiring a Permit

1. Residential Zone Districts (CD-LR, CD-MR, ground floor residential in MU, Residential, M-H, Mountain Residential, Suburban Residential) (orig. 7-20-81; am. 7-23-02; am. 11-4-03, am. 04-04-06, am. 9-29-15)

   a. Entry Feature Signs: Signs located on an entry feature. These Signs shall be reviewed as part of
the miscellaneous permit for the entry feature. Multiple Signs per entry feature are allowed, provided the total Sign square footage does not exceed 50 square feet. The Signs can be illuminated either by a concealed light source or Internal Illumination (orig. 04-04-06; reloc. 2-06-18; am. 5-21-19)

b. No other Signs requiring permits are allowed in Residential Zone Districts (orig. 2-06-18).

2. Agricultural and Conservation Zone Districts (orig. 7-20-81; am. 7-23-02, 04-04-06 am. 9-29-15)

a. Maximum Number of Signs Requiring a Permit per Lot: One Single-Faced Ground Sign or one Double-Faced Ground Sign for each lot line adjacent to a street and any combination of other authorized Signs subject to Total Sign Area Per Lot requirements. (orig. 7-20-81; am. 7-23-02; am. 5-20-08; am. 9-29-15; am. 2-06-18)

b. Total Sign Area Per Lot: 200 square feet. (orig. 7-20-81; am. 7-23-02)

c. Setback from lot lines: 10 feet (am.04-04-06)

d. Sign Characteristics Table (orig. 7-20-81; am. 7-23-02; am. 9-29-15; am. 2-06-18)

<table>
<thead>
<tr>
<th>Type</th>
<th>Maximum Sign Area (subject to Total Sign Area per Lot)</th>
<th>Maximum Sign Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Signs</td>
<td>50 s.f.</td>
<td>Wall height to which Sign is attached.</td>
</tr>
<tr>
<td>Ground Signs</td>
<td>50 s.f. per face in area</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

3. Commercial, Industrial and Mineral Conservation Zone Districts (including: CD-O/LI, CD-RS, CD-RM, CD-MU, MU (other than ground floor residential)) (orig. 7-20-81; am. 7-23-02; am. 04-04-06; am. 9-29-15)

a. Maximum Number of Signs Requiring a Permit per Lot (orig. 7-20-81; am. 7-23-02; am. 04-04-06; am. 2-06-18)

(1) Entry Feature Signs: Entry Feature Signs located at the entry to commercial developments from Public Rights of Way that are no larger than 50 square feet and no taller than 12 feet. Two (2) Single-Faced Ground Signs, or one (1) Double-Faced Ground Sign is allowed per primary access. The Signs can be illuminated either by a concealed light source or Internal Illumination. (orig. 7-20-81; am. 7-23-02; am. 04-04-06; am. 9-29-15; am. 2-06-18)

(2) Single and Multi-Tenant Buildings: One Single-Faced Ground Sign or one Double-Faced Ground Sign per lot adjacent to a street. Any number of Wall or Projecting Signs subject to the Sign area limitations outlined in this Section. (orig. 7-23-02; am 04-04-06; am. 9-29-15; am. 2-06-18)

(3) Accessory Buildings (including but not limited to garden centers, car washes, fuel pumping canopies): Three (3) Wall Signs. (orig. 7-23-02; am. 2-06-18)

b. Setback: 8 feet. For setbacks on lot lines not adjacent to a street, the setback may be 5 feet. (orig. 7-20-81; am. 7-23-02; am. 04-04-06)

c. Materials: Ground Sign material shall be similar to the architecture and materials of the building. (orig. 9-15-09)

d. Single Tenant Sign Characteristics Table (orig. 7-20-81; am. 7-23-02, am. 9-29-15; am. 2-06-18)

<table>
<thead>
<tr>
<th>Type</th>
<th>Maximum Sign Area (subject to Total Sign Area per Lot)</th>
<th>Maximum Sign Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Signs</td>
<td>1 square foot of total Sign area per linear foot of Building Frontage not to exceed 350 square feet</td>
<td>Wall height to which Sign is attached.</td>
</tr>
</tbody>
</table>
No individual Sign shall exceed 150 square feet. Each building will be allowed to have a minimum of 100 square feet of total Sign area regardless of the amount of Building Frontage. However, if the building does not have 100 linear feet of Building Frontage the maximum individual Sign size shall not exceed 50 square feet or 1 square foot of Sign per linear feet of Building Frontage, whichever is greater.

<table>
<thead>
<tr>
<th>Accessory Building Wall Signs</th>
<th>50 s.f. total Sign area</th>
<th>Wall height to which Sign is attached.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Signs</td>
<td>50 s.f. per Sign Face</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

*The longest building wall containing a customer entrance will determine building frontage.

e. Multi-Tenant Sign Characteristics Table (orig. 7-20-81; am. 7-23-02; am. 9-29-15; am. 2-06-18)

<table>
<thead>
<tr>
<th>Type</th>
<th>Maximum Sign Area (subject to Total Sign Area per Lot)</th>
<th>Maximum Sign Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Signs</td>
<td>1 square foot of total Sign area per linear foot of tenant Building Frontage* not to exceed 350 square feet total. No individual Sign shall exceed 150 square feet. Each tenant will be allowed a minimum of 50 square feet of total Sign area regardless of tenant Building Frontage. Tenants that do not have Building Frontage will be allowed 1 Wall Sign not to exceed 50 square feet. The area of this Sign will not be deducted from the total allowable Sign area.</td>
<td>Wall height to which Sign is attached.</td>
</tr>
<tr>
<td>Accessory Building Wall Signs</td>
<td>50 s.f. total Sign area</td>
<td>Wall height to which Sign is attached.</td>
</tr>
<tr>
<td>Ground Signs</td>
<td>50 s.f. per Sign Face</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

*The longest building wall containing a customer entrance will determine tenant building frontage.

4. Planned Development (P-D) Zone Districts: Sign regulations for Planned Development Zone Districts shall be as stated in the Official Development Plan for the particular Planned Development. (orig. 7-20-81; am. 12-17-02)

F. Sign Area Measurement

1. Area to be Measured: The area of a Sign shall be measured in conformance with the regulations as herein set forth; provided that the Sign Structure or bracing of the Sign shall be omitted from measurement unless such Sign Structure or bracing is made a part of the message or face of the Sign. (orig. 7-20-81; am. 9-29-15)

2. Sign area is calculated as the area that encloses the limits of text and graphics of a Sign, together with any frame or material or color forming, integral part of the display or used to differentiate the Sign's message from the background which it is placed. The area excludes the structure upon which the Sign is placed unless the structure is an integral part of the display, or used to differentiate it from the background. The area includes any open areas contained within the outer limits of the display face of a Sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open area is enclosed by a frame or border or not. (orig. 2-06-18)

3. Signs with Backing: The area of all Signs with Backing or a background, material or otherwise, that is part of the overall Sign display shall be measured by determining the sum of the areas of such square, rectangle, triangle, portion of a circle or any combination thereof, which creates the smallest single continuous perimeter enclosing the extreme limits of the Display Surface or face of the Sign, including
all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support. (orig. 7-20-81)

4. Signs without Backing: The area of all Signs without Backing or a background, material or otherwise, that is part of the overall Sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle, or any combination thereof, which creates the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the Sign having no backing. (orig. 7-20-81)

5. Total Sign Area per Lot Measurement:
   a. Only a Single-Face of a Ground Sign is considered. (orig. 2-06-18)
   b. For a Double-Faced Ground Sign, the total area of the largest face shall determine the Total Sign Area of the Sign (orig. 9-29-15; reloc. 2-06-18)

6. Sign Face Measurement:
   a. Standard formulas for common regular geometric shapes must be used. All display faces of a Sign must be included. (orig. 2-06-18)
   b. For irregularly shaped Signs, area is measured as the area within the smallest eight-sided right-angled polygon that encloses all of the text, graphics and framing of the Sign. (orig. 2-06-18)
   c. Sign Face Area must include spaces between separate letters of a Sign. (orig. 2-06-18)
   d. The base of a Ground Sign should not be included in Sign Face Area measurement. (orig. 2-06-18)

7. Sign Height Measurement:
   a. Wall Signs may not exceed the height of the wall to which Sign is attached. Wall shall be understood as the highest vertical point before the wall becomes the roof. Signs may not be displayed as extensions of the roof structure. (orig. 2-06-18)
   b. Ground Sign height shall be measured by the average Grade on either side of the Sign to the highest point on the Sign. Ground Signs may not exceed 12 feet in height. (orig. 2-06-18)

8. Building Frontage Measurement (Wall Signs): The longest wall on a building that has an entrance on it will be the wall that is used for determining frontage. Only one wall is used in determining frontage for an entire building, or the tenant of a building. (orig. 2-06-18)

G. Sign Illumination
1. Except as otherwise provided herein, Signs may be illuminated. However, such illumination shall be either by a downcast, concealed light source or Internal Illumination and shall comply with the requirements of the Lighting Section of this Zoning Resolution. All lighted Signs must have stationary and steady lighting and lights must be shielded so that light source is not visible beyond the property boundaries. (orig. 7-20-81; am. 7-23-02, am. 04-04-06; am. 9-15-09; am. 2-06-18)
   a. Maximum illumination levels shall not exceed 0.3 foot candles as measured in front of the Sign, 50 feet away, for all Sign types. (orig. 2-06-18)
   b. For residential parcels, there shall be no internally illuminated signs, except for an allowance for address numbers to be illuminated with no light spill past the walls of the residence (orig. 2-06-18)

2. Internally Illuminated Signs: Only the Sign Copy may be illuminated. The Sign must be displayed on a semi-opaque material; transparent or clear materials are not allowed so that the internal light source is not visible. (orig. 2-06-18)

3. Externally Illuminated Signs: Light source must be steady and stationary and tilted toward the Sign face no more than 5 feet away. (orig. 2-06-18)

4. Halo Illumination Signs: Light source must not be visible and the Sign must not be displayed on a reflective surface. (orig. 2-06-18)

H. Electronic Message Centers

1. Design Requirements: (orig. 2-06-18)
   a. Electronic Message Centers ("EMCs") are permitted on Ground Signs which enclose the electronic message center component on all sides. (orig. 2-06-18)
   b. EMCs are permitted to be both Single- and Double-Faced. (orig. 2-06-18)

2. Operational Requirements (orig. 2-06-18):
   a. The EMC shall contain static messages only; (orig. 2-06-18)
   b. Shall display messages for a period of not less than thirty (30) seconds (multiple EMCS, if used on the same Sign, shall be synchronized to change messages at the same time); (orig. 2-06-18)
   c. Shall not use transitions or frame effects between messages; (orig. 2-06-18);
   d. Shall conform to the Illumination Requirements set forth below; and (orig. 2-06-18)

3. Illumination Requirements (orig. 2-06-18):
   a. EMC Illumination Limits: The difference between the off and solid-white measurements shall not exceed 0.3 foot-candles, as measured in front of the Sign, 50 feet away. (orig. 2-06-18).
   b. Dimming Capabilities. All EMCS shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements. (orig. 2-06-18)

4. Location Requirements (orig. 2-06-18):
   a. EMCs must meet setbacks of 8 feet from property lines. (orig. 2-06-18)
   b. No EMCS are permitted on scenic byways as defined by Colorado State law. (orig. 2-06-18)

I. Variances
1. The Board of Adjustment will have the power to hear appeals and grant variances to the provisions of this Section. An Administrative Exception will not be permitted for the granting of relief from the requirements outlined in this Section. (orig. 2-06-18)
Section 24 - Telecommunication Uses

A. Intent and Purpose

This section is intended to ensure the provision of transmitted telecommunication services while promoting public safety, security, and general welfare. The specific intent is to provide clear regulations governing the allowance, design, installation and maintenance of telecommunications facilities consistent with federal and state statutes and regulations. (orig. 6-29-04)

B. General Provisions

1. Applicability
   a. New towers, other antenna support structures, antennas and associated equipment. All new towers or antennas in Jefferson County shall be subject to these regulations, except as provided in Section B.1.c. (orig. 6-29-04)
   b. Preexisting Towers or Antennas: Preexisting towers and preexisting antennas, for which a permit has been properly issued prior to date of enactment of this resolution, shall not be required to meet the requirements of this section. Changes, alterations, modifications and additions to pre-existing telecommunication facilities not specifically allowed by previous zoning or telecommunications permit shall meet the applicable requirements of this section. (orig. 6-29-04)

2. Exemptions:
   (1) Fixed Wireless: Fixed wireless facilities, as defined by the Federal Communications Commission, shall be allowed in all zone districts. Fixed wireless facilities may be mounted on a residence without a telecommunications permit if service is provided to that residence but must otherwise comply with "Highest Design Standards". (orig. 6-29-04)
   (2) OTARD. Over the air reception devices (OTARD), as defined by the Federal Communications Commission, shall not be required to meet the requirements of this section. (orig. 6-29-04)
   (3) High Voltage Electrical Transmission Towers: Personal Wireless Service (PWS) facilities may be located on existing high voltage electrical transmission towers in any zone district at any height so long as no portion of the PWS facility exceeds the existing height of the utility tower. Such installations and associated equipment shall comply with all telecommunications permit requirements, shall paint antennas to match the structure (usually flat medium gray) and shall screen all accessory equipment. (orig. 6-29-04)
   (4) Government Facilities: The use of property owned by the government of the United States, State of Colorado or any political subdivision thereof for telecommunications purposes shall comply with the General Provisions Section of this Zoning Resolution, "Applicability to Government Facilities". For the purposes of this section, "government facilities" shall be construed to include Special Districts. (orig. 6-29-04; am. 4-4-06)
   (5) Amateur radio facilities that comply with Section C.2.b(2) and C.2.b(3)(a), “Permitted Uses for Amateur Radio”, shall be exempt from Telecommunications Permit requirements. (orig. 6-29-04)
   (6) Section 6409(a) requests: Consistent with FCC regulations enacted in furtherance of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. § 1455, the collocation, removal, or replacement of transmission equipment on existing approved towers or base stations is allowed, with a Telecommunications Permit, so long as the modification meets the following:
     (a) Size restrictions (orig 4-8-15):

<table>
<thead>
<tr>
<th>In ROW or building mounted.</th>
<th>Not in ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height Increase (from constructed and approved height prior to February 22, 2012, if built prior to that) greater of: 10 feet or 10%</td>
<td>greater of: 20 feet or 10%</td>
</tr>
</tbody>
</table>
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| Protrusion (from original approved and constructed support structure) | Up to 6 feet | Greater of 20 feet or the width of the tower structure at the level of the protrusion |

(b) Does not defeat existing concealment techniques. (orig. 4-8-15)

(c) Complies with all applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety. (orig. 4-8-15)

(d) Complies with conditions associated with the prior approval, except to the extent that any noncompliance is consistent with the size restrictions set forth above and the other thresholds contained in § 1.40001 of Subpart CC of 47 C.F.R. Part 1. (orig. 4-8-15)

2. Regulation

a. Nothing in this section precludes compliance with the specific zone district regulations, other regulations within this Zoning Resolution or other County regulations, or with State and Federal standards and regulations as they may exist. Except as otherwise provided in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, where Federal, State or County requirements conflict with the provisions of this section, the more restrictive standard shall apply. If such State and Federal standards and regulations are changed, then the owners of the telecommunication facility governed by this section shall bring such telecommunication facility into compliance with such revised standards and regulations within the time period mandated by the controlling State or Federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the telecommunication facility at the owner's expense. (orig. 6-29-04; am. 4-8-15)

b. The provisions of this section are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this section provided any such alternate has been approved by the Director of Planning and Zoning. An alternate may be approved if the proposed design, material or method is equal to or better than the specific requirements of this section and complies with the intent of this section and such modifications are consistent with the overall intent of the Zoning Resolution, the Land Development Regulation, Plat and Exemption From Platting restrictions, Site Development Plan, and zoning conditions, and do not result in adverse impacts that were not previously considered. (orig. 6-29-04; am. 12-21-10)

3. Procedures

a. Administrative Review

General: The following provisions shall govern the issuance of administrative approval of Telecommunications Permits for towers, antennas and associated facilities and equipment. (orig. 6-29-04)

(1) The following uses may be approved by the Director of Planning and Zoning after conducting an administrative review: (orig. 6-29-04; am. 3-3-15)

(a) Placement of any PWS tower, antenna, or associated equipment used in connection with said tower or antenna, in any industrial or heavy commercial zone districts, as indicated in Table 7-1. (orig. 6-29-04)

(b) Placement of any PWS tower, antenna, or associated equipment in a zone district other than industrial or heavy commercial as allowed in Table 7-1 that is in conformance with requirements for Highest Design Standards for allowed uses. (orig. 6-29-04)

(c) Placement of any tower, antenna or associated equipment in connection with said tower or antenna on any property with an approved Planned Development, approved Special Use or zone district allowance to the extent telecommunication uses are allowed by such approved Planned Development or Special Use. (orig. 6-29-04)

(d) Collocation, removal, or replacement of transmission equipment on existing approved towers or base stations pursuant to Section 6409(a) of the Middle Class Tax Relief and
Job Creation Act of 2012, codified at 47 U.S.C. § 1455. (orig. 4-8-15)

(2) Each applicant for administrative review shall apply to the Director of Planning and Zoning providing the information set forth in this Regulation and a nonrefundable fee as established by resolution of the Board of County Commissioners. (orig. 6-29-04; am. 3-3-15)

(3) The Director of Planning and Zoning shall review the application for Telecommunications Permit and determine if the proposed use(s) complies with this Regulation. (orig. 6-29-04; am. 3-3-15)

(4) The Director of Planning and Zoning shall respond to each such application within 30 calendar days after receiving a complete application by approving, conditionally approving, or denying the application, or requesting additional information necessary to evaluate the application. (orig. 6-29-04; am. 3-3-15)

(5) Applicants may appeal a denial of a Telecommunications Permit in accordance with the Board of Adjustment section of this Zoning Resolution. (orig. 6-29-04; am. 3-26-13)

b. Telecommunications Permits

(1) Telecommunications Permit applications shall be accepted, reviewed and processed pursuant to the Miscellaneous Permit process outlined in the General Provisions and Regulations section of this Zoning Resolution, except as modified here. (orig. 6-29-04; am. 4-20-10; am. 3-26-13)

(2) Telecommunications Permit Requirements:

(a) It shall be unlawful for any person, firm, or corporation to erect, construct, change, alter, modify or add to a telecommunications tower, other antenna support structure, antenna or accessory structure without first obtaining a permit from Planning and Zoning. (orig. 6-29-04; 5-20-08)

(b) The permit application shall include, in addition to other requirements, the following: (orig. 6-7-94; am. 6-29-04)

(b-1) A site plan that shows the shape, size, and location of all existing and proposed transmission structures, guy wire anchors, warning signs, fencing, and access restrictions. (orig. 6-7-94; am. 6-29-04; am. 4-20-10)

(b-2) The number, type and size of antenna that can be accommodated. (orig. 6-7-94; am. 6-29-04)

(b-3) A report by a licensed professional engineer demonstrating compliance with applicable structural standards and the general structural capacity of the proposed facility. (orig. 6-7-94; am. 6-29-04)

(b-3-a) The specific proposed antenna support structure shall be engineered, constructed, installed and maintained to withstand the normal wind and vertical loads, plus safety loads, for the specific proposed location and for the specific wind load size, as defined and specified in TIA/ EIA RS-222 in force at the time of application. (orig. 6-29-04)

(b-3-b) The proposed antenna support structure shall be electrically grounded per the International Electrical Code in force at time of application, and consistent with normal radio engineering practices. (orig. 6-29-04)

(b-4) A fee in an amount established by the Board of County Commissioners will be charged for each permit application. (orig. 6-7-94; a.m. 6-29-04)

(b-5) A report that includes the following, if applicable, and if requested by the County: (orig. 6-7-94; a.m. 6-29-04)

(b-5-a) A description of any proposed telecommunications facility including elevations depicting all proposed antennas, platforms, finish materials and colors, accessory equipment and height above grade. (orig. 5-11-93; am. 6-7-94; am. 6-29-04; am. 4-20-10)

(b-5-b) A landscaping and/or visual mitigation plan (to scale) acceptable to the Director of Planning and Zoning, detailing how screening from the public view will be accomplished. This may include, but is not limited to, a visual study containing a view shed map depicting where within a three mile
radius any portion of the proposed facility could be seen, and cross sectional views and photographic simulations showing the appearance of the proposed tower and accessory structures from up to five points within the view shed, such points to be mutually agreed upon by Planning and Zoning and applicant. This provision shall not apply to the granting of telecommunications permits for amateur radio facilities. (orig.6-7-94; am. 12-17-02; am. 6-29-04; am. 5-20-08; am. 3-3-15)

(b-5-c) An erosion control and revegetation plan. (orig. 6-7-94; am. 6-29-04)

(b-5-d) A performance guarantee, in an amount acceptable to Planning and Zoning and in a form acceptable to the County Attorney's Office, to ensure the landscaping, screening, erosion, and revegetation plans are completed. (orig.6-7-94; am. 6-29-04; am. 5-20-08)

(b-6) The Board of County Commissioners, the Planning Commission and/or Planning and Zoning staff may require the applicant for a telecommunication tower or other telecommunication facility to submit funds in escrow to pay for expert review of technical submissions by the applicant. This review may include expert review of engineering reports/data and, in the case of telecommunication towers, financial data concerning the costs of modifying existing towers and ameliorating interference, to the extent allowed by state and federal regulation and statute. The applicant shall be required to reimburse the county for all costs of expert review, regardless of whether escrow was required or the amount of funds required to be submitted in escrow. This provision shall not apply to the granting of telecommunications permits for amateur radio facilities. (orig. 6-7-94; am. 6-29-04; am. 5-20-08)

(b-7) Inventory of Existing Sites. Each applicant for a telecommunication facility shall provide to Planning and Zoning a narrative and map description of the applicant's/provider exists and then currently proposed telecommunications facilities within the County. This shall include the physical location and general description of the site (e.g. 50' monopole camouflaged as a pine tree at 123 Main St.). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding the future location of facilities within the County. This provision shall not apply to the granting of telecommunications permits for amateur radio facilities. (orig. 6-29-04;am. 5-20-08)

(b-8) Calculations, maps or such other information as is necessary to demonstrate that the cumulative effect of proposed sources of NIER when added to existing NIER sources will comply with the standard set forth in FCC OET Bulletin No. 65 and ANSI C95.1 or any revision thereto, or any other adopted County standard.

a. Any facility that will operate at less than 1000 watts of radio frequency effective radiated power per antenna or otherwise determined by FCC definition to be categorically excluded from having to determine compliance with RF exposure standards is exempt from this requirement unless its NIER emission, when added to existing ambient NIER sources, will exceed the levels set forth in the above standard. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

b. For free-standing Personal Wireless Facilities, a statement from a Colorado Licensed Engineer may be submitted certifying that the site will operate in compliance with RF exposure standards in lieu of the calculations, maps and other information identified above. (orig. 5-21-19)

(b-9) Upon completion of construction, the applicant shall submit to the County an “as-built” plan prepared by a licensed Engineer in the State of Colorado. Such plans shall include a complete survey of the location of the telecommunication facility and accessory equipment; elevation drawings of the number, type, size, and dimensions of the antennas and support structures; and photographic evidence of compliance with the approved finished materials and colors. (orig. 4-20-10)
(3) Decision. The Director of Planning and Zoning shall review the telecommunications permit application and determine if the proposed use complies with this ordinance. The Director of Planning and Zoning shall respond to each such application within 30 calendar days after receiving a complete application by either approving or denying the application, or requesting additional information necessary to evaluate the application. Any decision to deny an application for a telecommunications facility shall be in writing and supported by substantial evidence in a written record. (orig. 6-29-04; am. 3-3-15)

(4) Appeal. In the event an applicant is aggrieved by the determination of the Director of Planning and Zoning, the applicant may appeal to the Board of Adjustment pursuant to the Board of Adjustment Section of this Zoning Resolution. (orig. 6-29-04; am. 4-4-06; am. 3-3-15)

4. Maintenance and Radio Frequency Measurement

a. Removal of Abandoned Antennas and Towers: Any antenna or tower that is not operated for a continuous period of 6 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 30 calendar days of receipt of notice from Jefferson County notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within 30 calendar days shall be grounds to remove the tower or antenna at the owner's expense and any Special Use or Rezoning site plan approving the telecommunications facility shall be deemed to have expired. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (orig. 6-29-04)

b. Nonconforming Uses: Nonconforming telecommunications and associated uses shall be subject to the procedures and requirements of the Non-Conforming Buildings, Structures and Uses Section of this Zoning Resolution. (orig. 6-29-04; am. 4-4-06)

c. Radio Frequency Emissions Standards and Procedures (orig. 6-29-04)

(1) Radio Frequency Emissions Standards and procedures for Amateur Radio: The FCC requires all amateur radio operators to calculate RF emissions to ensure compliance with OET Bulletin 65. If concerns are raised by staff or the community regarding RF emission levels, an amateur radio operator shall produce their calculations as proof of compliance. If an amateur radio site cannot demonstrate that RF emission standards will be met, the County shall require RF measurements. If the results of such measurements indicate emissions are in violation of accepted standards, the County shall notify the FCC and the landowner of the zoning violation and process the offense in accordance with County policy. (orig. 6-29-04)

(2) Radio Frequency Emissions Standards and Procedures for all other Telecommunications Uses:

(a) A new source of Non-ionizing Electromagnetic Radiation Standards (NIER) or increase in NIER from an existing source, when combined with existing sources of NIER, shall not expose the general public to ambient radiation exceeding that defined in FCC OET Bulletin No. 65 and ANSI C95.1; provided, however, that if a federal or local standard is adopted that is more stringent than the standard set forth herein, such other standard shall apply. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(b) Before establishing a new source of NIER or changing an existing NIER source that exceeds 1000 watts of radio frequency effective radiated power per antenna in a way that increases the amount or changes the radiation pattern of NIER, an applicant shall submit the following information. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(b-1) Frequency, antenna gain, azimuth and elevation antenna patterns, power output of transmitter and effective radiated power. (orig. 5-11-93; am. 6-29-04)

(b-2) Type of modulation and class of service. (orig. 5-11-93; am. 6-29-04)

(b-3) Location of the antenna by geographical coordinates, including center of radiation (COR) and height above grade. (orig. 5-11-93; am. 6-29-04)

(b-4) Horizontal and radial distance from the NIER source to the nearest habitable space regularly occupied by persons other than employees of the transmitter, antenna, and/or tower owner, and the points on and off the property with the highest calculated NIER levels from the proposed new source in combination with existing sources (this may be shown in graphic form). The party responsible for the new NIER source shall measure the NIER level at up to 12 sites selected by mutual
agreement of the applicant, the resident community, and Planning and Zoning. (orig. 5-11-93; am. 6-29-04; am. 5-20-08)

(b-5) Ambient NIER levels and calculated cumulative NIER levels after establishment of the proposed new or changed NIER source measured at the locations set forth in the preceding paragraph. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(c) Calculations and measurements of NIER will not be required for any new source of NIER if the facility will either operate at 1000 watts of radio frequency effective radiated power or less or if the total radio frequency power into the antenna is 15 watts or less or is otherwise determined by FCC definition to be categorically excluded from having to determine compliance with RF exposure standards. Calculations and measurements of NIER will be required for any new source of NIER. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(d) Field measurements documenting that facilities covered by this section comply with the applicable standard set forth herein shall be submitted to Planning and Zoning within 90 calendar days after each installation, whether new or modified, becomes operational and is functioning at its maximum approved power. (orig. 5-11-93; am. 10-15-02; am. 6-29-04; am. 5-20-08)

5. Rezoning / Special Use for Telecommunications Uses, General:

a. The following applies to all telecommunications towers and facilities that are not allowed as a use by right. (orig. 5-11-93; am. 6-29-04)

(1) Applications for Special Use or Rezoning for telecommunication facilities shall be subject to the administrative provisions pertaining to Special Uses and Rezoning outlined in the Administrative Provisions section of this Zoning Resolution, except as modified here. (orig. 6-29-04; am. 3-26-13)

(2) Unless otherwise allowed by this Zoning Resolution, all new telecommunications towers, antennas and accessory facilities and any increase in the size of a legal nonconforming telecommunications tower must be submitted for Rezoning to Planned Development or for Special Use approval. (orig. 5-11-93; am. 6-7-94; am. 12-17-02; am. 6-29-04)

(3) Unless in conflict with the Official Development Plan or Special Use approval, additional antennas and equipment may be added to a facility that has received zoning or Special Use approval from the Board of County Commissioners. Existing antennas on an approved facility may be modified and the power output of existing antennas on an approved facility may be increased without a hearing, provided the standards and procedures outlined in ANSI standard C-95.1 or any revisions thereto, County regulations concerning non-ionizing electromagnetic radiation, FCC OET Bulletin No. 65 and Electronics Industries Association (EIA)-RS 222 (F), or the latest revision thereof, are complied with. Following the issuance of an appropriate permit, Planning and Zoning shall then be notified within 14 calendar days of the date when a permitted change in or addition of antennas with an effective radiated power in excess of 1,000 watts occurs. Planning and Zoning may request copies of plans depicting such modification and other evidence necessary to demonstrate that such modification is in compliance with the provisions of this section and with the Official Development Plan or Special Use approval. (orig. 5-11-93; am. 10-15-02; am. 12-17-02; am. 6-29-04; am. 5-20-08)

(4) Any modifications to approved facilities must be consistent with the specifications in TIA/EIA – RS 222 in its current adopted revision. Planning and Zoning must be notified at least 30 calendar days prior to any modification to increase the wind or weight loading capacity, height, or footprint of a tower, and may request copies of plans depicting such modification and other evidence necessary to demonstrate that such modifications are in compliance with the provisions of this section and with the Official Development Plan or Special Use approval. (orig. 5-11-93; am. 6-29-04; am. 5-20-08)

b. Planned Development and Special Use For Telecommunication Facilities: The purpose of the Planned Development and Special Use is to minimize adverse visual effects of towers through careful design, siting, and vegetative screening; to maximize the use of any existing telecommunications facility in order to reduce the total number of towers needed to serve the telecommunications needs of the area; and to site and design towers so that electromagnetic radiation emissions to which the public will be exposed do not exceed safe levels. (orig. 5-11-93; am. 6-29-04)
Application Requirements: All Rezoning and Special Use applications must contain the following materials, however, failure to submit a complete application shall not deprive the Planning Commission or the Board of County Commissioners of jurisdiction to consider the application. These application requirements are not intended to specify criteria for decision. (orig. 5-11-93; am. 6-29-04)

(a) Site plan(s) drawn to scale identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures, including accessory structures; existing and proposed ground-mounted equipment; vehicular parking and access; and uses. (orig. 5-11-93; am. 6-29-04)

(b) A landscape plan drawn to scale generally showing proposed landscaping, including species type, size, spacing, other landscape features, and existing vegetation to be retained, removed or replaced. (orig. 5-11-93; am. 6-29-04)

(c) A report from a qualified individual(s) containing the following, which report shall not limit the tower height or design or the number and type of antennas that shall be permitted unless expressly so stated in the Official Development Plan (ODP) or Special Use approval. (orig. 5-11-93; am. 6-29-04)
   (c-1) A description of the tower and the technical and other reasons for the tower design. (orig. 5-11-93; am. 6-29-04)
   (c-2) Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements and margins in TIA/EIA-RS 222 in its current adopted revision. (orig. 5-11-93; am. 6-29-04)
   (c-3) The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate. (orig. 5-11-93; am. 6-29-04)
   (c-4) Calculations, maps or such other information as is necessary to demonstrate that the cumulative effect of proposed sources of NIER when added to existing NIER sources will comply with the standard set forth in FCC OET Bulletin No. 65 and ANSI C95.1 or any revision thereto, or any other adopted County standard. Any facility that will operate at less than 1000 watts of radio frequency effective radiated power per antenna is exempt from this requirement unless its NIER emission, when added to existing ambient NIER sources, will exceed the levels set forth in the above standard. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(d) A letter of intent stating whether the applicant intends to lease excess space on the tower to other potential users at reasonable rental rates and on reasonable terms. The letter of intent and the Official Development Plan shall be recorded with the County Clerk and Recorder prior to issuance of a Building Permit. The letter shall commit the tower owner and successors in interest to do the following. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)
   (d-1) Respond in a timely, comprehensive manner to a request for information. (orig. 5-11-93; am. 6-29-04)
   (d-2) Negotiate in good faith for shared use by third parties. An owner may negotiate with a party who has received an FCC license or construction permit before doing so with other parties. (orig. 5-11-93; am. 6-29-04)
   (d-3) Allow shared use if an applicant agrees in writing to pay reasonable rental charges or other consideration and to pay all costs of adapting the tower or existing users' equipment to accommodate a shared user without causing cost prohibitive correctable electromagnetic interference to collocated facilities or causing NIER emissions in excess of levels set forth in FCC OET Bulletin No. 65 and ANSI C-95.1 or any revision thereto, and can otherwise agree on reasonable business terms and conditions for shared use of the tower. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)
   (d-4) Make no more than a reasonable charge for shared use based on generally accepted accounting principles. (orig. 5-11-93; am. 6-29-04)

(e) Proof of ownership of the proposed site or authorization to rezone the parcel from the owner of the proposed site. (orig. 5-11-93; am. 6-29-04)
(f) Copies of any easements necessary for access, guy wire anchors or other off-site uses. (orig. 5-11-93; am. 6-29-04)

(g) A visual study containing, at a minimum, a view shed map depicting where within a three-mile radius any portion of the proposed tower could be seen, and a photographic simulation showing the appearance of the proposed tower and accessory structures from up to five points within the view shed. Such points shall be mutually agreed upon by Planning and Zoning and applicant and shall consider topography limiting views. (orig. 5-11-93; am. 12-17-02; am. 6-29-04; am. 5-20-08)

(h) An analysis of the area to be rezoned containing the following. (orig. 5-11-93; am. 6-29-04)
   (h-1) Existing topographical contours based on the best available existing maps. (orig. 5-11-93; am. 6-29-04)
   (h-2) Bodies of water and intermittent or perennial streams. (orig. 5-11-93; am. 6-29-04)
   (h-3) Rock outcroppings and major ridgelines. (orig. 5-11-93; am. 6-29-04)
   (h-4) Major vegetation masses. (orig. 5-11-93; am. 6-29-04)
   (h-5) Existing roads and structures. (orig. 5-11-93; am. 6-29-04)
   (h-6) Existing easements or rights-of-way (e.g., utility, irrigation, access, etc.) on or contiguous to the site. (orig. 5-11-93; am. 6-29-04)
   (h-7) Identified mineral resource areas. (orig. 5-11-93; am. 6-29-04)
   (h-8) Where the area in which construction will occur contains slopes greater than 10 percent, a slope analysis of the area affected by construction depicting locations and direction of slope faces for slopes within the following categories: 0-8 percent, 8-15 percent, 15-22 percent, 22-30 percent, greater than 30 percent. (orig. 5-11-93; am. 6-29-04)
   (h-9) Floodplains, as designated by the Urban Drainage and Flood Control District or other agency, and overlay zoned floodplain (FPS) areas. (orig. 5-11-93; am. 6-29-04)
   (h-10) Areas within the Geologic Hazard (GH) Overlay Zone. (orig. 5-11-93; am. 6-29-04)
   (h-11) Location of other potential hazards such as wildfire, geologic, airport or radiological hazards. (orig. 5-11-93; am. 6-29-04)
   (h-12) Location of special resources such as wildlife, historic structures, and archaeologically significant remains. (orig. 5-11-93; am. 6-29-04)

(i) Elevations of the proposed tower and accessory building generally depicting all proposed antennas, platforms, finish materials, and all other accessory equipment. (orig. 5-11-93; am. 6-29-04)

(j) The County may require the applicant to place funds in escrow to pay for expert review of technical submissions by the applicant, including expert review of engineering data and financial data concerning costs of modifying existing towers and costs of ameliorating interference to the extent allowed by law. Planning and Zoning shall recommend the amount of funds to be deposited based on the nature of the application and the anticipated complexity of review. Selection of the expert(s) shall be within the sole discretion of the County. The applicant shall be required to reimburse the County for all costs of expert review, regardless of whether escrow was required or the amount of funds required to be submitted in escrow. If the applicant fails to pay for the costs of expert review, the County may decline the application. Any escrow funds not utilized for expert review shall be returned to the applicant at the completion of the zoning case. The expert review of technical submissions shall address the following: (orig. 5-20-08)
   (j-1) the accuracy and completeness of submissions; (orig. 6-29-04)
   (j-2) the applicability of analysis techniques and methodologies; (orig. 6-29-04)
   (j-3) the validity of conclusions reached; and (orig. 6-29-04)
(j-4) any specific technical issues designated by the Planning Commission or the Board of County Commissioners. (orig. 6-7-94; am. 6-29-04)

(2) Rezoning Review and Approval Process
   General Criteria:
   (a) In reviewing a proposal under this section, the Planning Commission and the Board of County Commissioners shall consider the compatibility of the proposal with existing and allowed land uses in the surrounding area; the County's Comprehensive Plan including but not limited to the applicable community plan or the General Land Use Plan and the Telecommunications Land Use Plan, according to the priorities set forth in the plans; the Local Government Land Use Control Enabling Act; the provisions of section 30-28-115, C.R.S., as amended, and any other applicable law, adopted public policies or plans, or studies presented as part of the zoning case. The Board has the sole discretion to determine what weight, if any, to give each of these factors. (orig. 5-11-93; am. 12-17-02; am. 6-29-04)
   (b) If the Board of County Commissioners approves a Rezoning to Planned Development pursuant to this section, the Board may impose such conditions on access, accessory structures, landscaping, tower coloring, lighting, design, size and siting as it deems necessary to render the proposal compatible with existing and allowed land uses in the surrounding area, to comply with the policies in the Jefferson County Comprehensive Plan or applicable land use plan, the Telecommunications Land Use Plan, its land use enabling authority, the laws, policies, plans and studies referenced above, except where such conditions are preempted by and conflict with regulations promulgated by the Federal Communications Commission or the Federal Aviation Administration, or where the Board of County Commissioners determines, based on evidence presented at the hearing, that such conditions would contravene sound engineering practices. (orig. 5-11-93; am. 6-29-04)

(3) Special Use Review and Approval Process:
   In reviewing a special use proposal for telecommunications uses, the Board of County Commissioners shall consider the general Special Use criteria outlined in the General Provisions Section of this Zoning Resolution, except as amended by the standards of this section. If the Board of County Commissioners approves a Special Use pursuant to this section, the Board may impose such conditions on access, accessory structures, landscaping, tower coloring, lighting, design, size and siting as it deems necessary to mitigate deficiencies in complying with the Special Use criteria, except where such conditions are preempted by and conflict with regulations promulgated by the Federal Communications Commission or the Federal Aviation Administration, or where the Board of County Commissioners determines, based on evidence presented at the hearing, that such conditions would contravene sound engineering practices. (orig. 5-11-93; am. 6-29-04; am. 4-4-06)

6. General Standards
   a. Federal Requirements: All telecommunication facilities shall meet the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed, then the owners of the telecommunications facility governed by this section shall bring such telecommunications facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. (orig. 6-29-04)
   b. Structural Safety Standards: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the applicable standards for towers that are published by the Telecommunications / Electronic Industries Association, as amended from time to time. (orig. 6-29-04)
   c. Signs: No signs shall be allowed on an antenna or tower, except as required by the FCC or to notify the public of any associated hazard. (orig. 6-29-04)

C. Specific Standards
   1. Personal Wireless Services (PWS)
a. Intent: The purpose and intent of this Regulation is to establish guidelines for the siting of PWS communications towers, antennas, and associated equipment in an effort to: (orig. 6-29-04)

(1) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (orig. 6-29-04)

(2) Protect residential areas from potential visual impacts of towers and antennas; encourage users of towers, antennas and associated structures to configure them in a way that minimizes the visual impact of the towers and antennas through careful design, siting, landscape screening, and effective camouflaging techniques; (orig. 6-29-04)

(3) Encourage the location of facilities in rights of way; (orig. 6-29-04)

(4) Encourage the use of wall mounted panel antennas; encourage roof mounted antennas only when wall mounted antennas will not provide adequate service; (orig. 6-29-04)

(5) Minimize the total number of standard array type towers throughout the community; (orig. 6-29-04)

(6) Encourage the joint use of existing and future tower sites; (orig. 6-29-04)

(7) Provide applicants that meet Highest Design Standards in allowed zone districts with an administrative review process; and (orig. 6-29-04)

(8) Consider the public health and safety related to PWS facilities to the extent allowed by law. (orig. 6-29-04)

In furtherance of this intent, the County shall give due consideration to community plans in Rezoning cases, zoning maps, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas. (orig. 6-29-04)

b. Permitted Uses:

Not Essential Services: PWS facilities shall be regulated and permitted pursuant to this resolution and shall not be regulated or permitted as essential services, public utilities, or private utilities. (orig. 6-29-04)

Personal Wireless Services (PWS) are allowed as shown in the Personal Wireless Services Telecommunications Facilities Table. (orig. 6-29-04; am. 4-4-06; am. 5-21-19)
<table>
<thead>
<tr>
<th>Zone District</th>
<th>Facilities meeting minimum Design Standards</th>
<th>Facilities meeting Highest Design Standards</th>
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<td>Residential</td>
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<tr>
<td>R-3 (Multifamily)</td>
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<td>C-1 (Convenience)</td>
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<th>Zone District</th>
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Rights of Way
Dedicated to Jefferson County, the State of Colorado or the US Government.
(all zone districts)

* = Permitted (Use by Right – administrative review of telecommunications permit)
*<sup>1</sup> = Restricted to “Non-Residential” uses within the zone district, and must be roof or building mounted per the Highest Design Criteria.
*<sup>2</sup> = Restricted to parcels that meet the current minimum lot size of the zone district.
*<sup>3</sup> = May exceed zone district height limitations by 10%.
SU = Special Use
Blank = Rezoning Required

* = Planned Developments – evaluated and approved on a case by case basis.

Facilities under the Highest Design Standards category (unless otherwise restricted) may be freestanding or roof or building mounted, but are held to more stringent design criteria.
(orig. 6-29-04, am. 4-20-10)

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c. Accessory Uses: Applications for Special Use, Rezoning and Telecommunications Permits for PWS facilities under this section shall be subject to the procedures and requirements of the Accessory Uses Section of this Zoning Resolution regarding accessory uses, except as modified in this section.
(orig. 6-29-04; am. 4-4-06)

d. Design Standards
(1) Minimum Design Standards. The guidelines set forth in this section shall constitute the minimum
design standards applicable to the installation of all PWS telecommunication facilities in
applicable zone districts: (orig. 6-29-04)

(a) The design of a telecommunication facility and any accessory equipment shall, to the
extent possible, use materials, colors, textures, screening, and landscaping that will blend
the telecommunication facility to the surrounding natural setting and built environment.
(origin 6-29-04)

(b) If an antenna is installed on a structure other than a tower, the antenna and supporting
electrical and mechanical equipment must be of a flat sheen color that closely matches the
color of the supporting structure so as to make the antenna and related equipment as
visually unobtrusive as possible. (orig. 6-29-04)

(c) PWS telecommunication facilities shall not be artificially lighted, unless required by the FAA
or other applicable governmental authority, or the facility is mounted on a light pole or other
similar structure primarily used for lighting purposes. If lighting is required, such lighting
shall be in accordance with the County’s lighting standards outlined in the Lighting Section
of this Zoning Resolution. (orig. 6-29-04; am. 4-4-06)

(d) No portion of any antenna may extend beyond the property line. (orig. 6-29-04)

(e) PWS facilities shall, where possible, be sited and/or designed to minimize their profile (e.g.,
accessory equipment located behind earthen berms). (orig. 6-29-04)

(f) Highest Design Standards may be required of any telecommunications facility where
findings of particular sensitivity are made (e.g., proximity to historic or aesthetically
significant structures and/or community features, adjacency to residential development).
(origin 6-29-04)

(g) Accessory equipment for a PWS telecommunication facility shall, at a minimum, meet the
following requirements: (orig. 6-29-04)

(g-1) The buildings, shelters, cabinets, and other accessory components shall be
grouped as closely as technically possible; (orig. 6-29-04)

(g-2) Total footprint coverage area of the accessory equipment shall not exceed 400
square feet; (orig. 6-29-04; am. 4-8-15)

(g-3) No accessory equipment or accessory structure shall exceed 12 feet in height;
(origin 6-29-04)

(g-4) Accessory telecommunications equipment such as vaults, equipment rooms, and
equipment enclosures shall be constructed out of non-reflective materials (visible
exterior surfaces only); (orig. 6-29-04)

(g-5) Design, materials and colors of all structures shall be compatible with structures
and vegetation on the same parcel and adjacent parcels, and shall not reduce the
parking requirements and landscaped area for other principal uses on the parcel;
(origin 6-29-04)

(h) Anti-Climbing Design: PWS tower, monopole or other antenna support structure shall be
enclosed by security fencing not less than six feet in height or equipped with an anti-
climbing device or shall otherwise be designed so the facility cannot be climbed. (orig. 6-
29-04)

(i) Landscaping: The following requirements shall govern the landscaping surrounding
freestanding telecommunications facilities that do not meet highest design standards,
provided, however, that the Director of Planning and Zoning may waive such requirements
if the requirements of this section would thereby be better served. (orig. 6-29-04; am. 3-3-
15)

(i-1) Facilities shall be landscaped with a buffer of plant materials appropriate to the site
context that effectively screens the views of the telecommunications facility use
area from property used for residences. (orig. 6-29-04)

(i-2) Existing mature tree growth and natural land forms on the site shall be preserved
to the maximum extent possible. (orig. 6-29-04)
(2) Highest Design Standards: PWS proposals qualify for a Telecommunications Permit if they comply with both the minimum and the highest design standards in an allowed zone district. Proposals that cannot meet Highest Design Standards in zone districts that require it may attempt to either Rezone to Planned Development, or apply for a Special Use if allowed within the zone district.

(a) Facilities qualify as meeting the classification of “Highest Design Standards” if they can be one of the following: (orig. 6-29-04; am 4-20-10)

   (a-1) Concealed: Concealment requires that a facility be completely hidden from view within a structure likely to exist in, and architecturally compatible with an area, such as within a clock tower in a commercial area. (orig. 6-29-04)

   (a-2) Camouflaged: Effective camouflage requires telecommunications facilities be one of the following: (orig. 6-29-04)

      (a-2-a) Disguised so that they appear to be something other than a telecommunications facility, and is at the same time compatible with its surroundings (e.g. a natural looking ponderosa pine in a pine forested area or a properly proportioned silo in an agricultural area). (orig. 6-29-04)

      (a-2-b) Designed so that the facilities silhouette, mass and color are masked in such a way as to be virtually indistinguishable from their background. (orig. 6-29-04)

   (a-3) Considered inherently compatible due to a facility’s minimal size. Antennas will generally be no more than 18” in diameter or diagonal measurement. Antennas and other equipment shall be painted to match the structure to which they are mounted. If the equipment cannot be painted for technical reasons, it should be screened by material that matches the background. If it can be demonstrated that the equipment can neither be screened nor painted, the Director of Planning and Zoning shall have the authority to waive these painting/screening requirements on a case by case basis. (orig. 6-29-04; am. 4-20-10; am. 3-3-15)

(b) Fixed wireless equipment mounted on a residence to service residence(s) are exempt from the single family zoning use exclusion and telecommunications permit requirements, but shall otherwise meet all Highest Design Standard criteria. (orig. 6-29-04)

(c) Compatibility: In every case, design and installation of telecommunications facilities must be compatible with the aesthetics of the surrounding environment (e.g., no faux ponderosas standing in an empty field, no “flagpole” concealment monopoles out of scale with “real” flagpoles.). Siting and design must take full advantage of all screening opportunities to render the facility innocuous, including topography, landscaping, and the preservation of existing tree cover. Design and placement of roof or wall mounted panels must appear integral to the architecture of the building. (orig. 6-29-04)

(d) Maintenance: Such facilities shall be maintained so as to comply with “Highest Design Standards” over time. (orig. 6-29-04)

(e) Examples of facilities which would and would not meet highest design standards are provided for illustrative purposes. Refer to the Telecommunications Land Use Plan for further examples. (orig. 6-29-04)
Unacceptable Siting and Design: lack of screening and architectural integration. (orig. 6-29-04)

Unacceptable Siting and Design: "monopine" incompatible with surroundings. (orig. 6-29-04)
Acceptable Siting and Design: would meet highest design standards. “monopine” left of center effectively camouflaged and compatible with surroundings. (orig. 6-29-04)

Acceptable Siting and Design: would meet highest design standards. Panel antennas innocuous within the context of a high voltage utility tower (antennas highlighted for illustration purposes). (orig. 6-29-04)
Acceptable Siting and Design: would meet highest design standards. Panel antennas effectively camouflaged and integrated into the building’s architecture (antennas highlighted for illustration purposes). (orig. 6-29-04)

Acceptable Siting and Design: would meet highest design standards. Light pole in context with existing light poles, antenna mount in scale and compatible with right of way utilities. (orig. 6-29-04)
Acceptable Siting and Design: would meet highest design standards. Antenna for fixed wireless services compatible by virtue of diminutive scale and minimal visual impact. (orig. 6-29-04)

Acceptable Siting and Design: would meet highest design standards. Panel antennas completely concealed within false boulder. (orig. 6-29-04)

e. Specific Requirements:
The following regulations shall apply to all PWS telecommunications facilities that are allowed by this Zoning Resolution as a permitted use or Special Use. See Table 7-1 and permitted uses in specific zone districts for additional regulations. (orig. 6-7-94; am. 6-29-04)
(1) Roof and/or building mounted PWS telecommunications facilities, (provided the building is not accessory to the antennas): (orig. 6-29-04)

(a) Roof mounted facilities shall be approved only where an applicant demonstrates a wall mounted facility is inadequate to provide service. Such facilities shall be evaluated for approval based upon the following criteria: (orig. 6-29-04)

(a-1) Roof mounted telecommunications panel antennas shall be attached to an elevated penthouse, mechanical appurtenance or other elevated equivalent and painted to match their background or shall be screened in a manner compatible with the building architecture. (orig. 6-29-04)

(a-2) The facility, if allowed, may include up to a maximum of 4 whip antennas, a maximum of 3 inches in diameter, which may extend a maximum of 12 feet above the highest portion of the structure to which they are attached. (orig. 6-7-94; am. 6-29-04)

(a-3) A single telecommunications facility accessory building or equipment cabinet, not to exceed 350 square feet Gross Floor Area (GFA), may be constructed, provided that it is either concealed or camouflaged. (orig. 6-7-94; am. 6-29-04)

(a-4) If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color. (orig. 6-7-94; am. 6-29-04)

(a-5) Telecommunication accessory equipment shall not be sited on the roof of a building unless the equipment can be screened with walls taller than the equipment being screened. The screening of rooftop equipment shall be with architectural elements designed as an integral part of the building. In no case shall accessory equipment be permitted on a sloped roof. (orig. 6-29-04)

(b) Building façade mounted: The maximum protrusion of facilities from the building or structure face to which they are attached shall be 1.5 feet. (orig. 6-29-04)

(2) Freestanding PWS Antenna Support Structure:

(a) Maximum antenna support structure height plus antenna height: The same as that for a building or other structure within the applicable zone district. (orig. 6-7-94; am. 6-29-04)

(b) If the freestanding antenna support structure does not meet highest design standards, the maximum monopole diameter shall be 30 inches at the base tapering to the top, except in the I-1, I-2, I-3, and I-4 Zone Districts. (orig. 6-7-94; am. 6-29-04)

(c) If the freestanding antenna support structure does not meet highest design standards, the minimum setback when located within 250 feet of any property zoned for residential land use shall be twice the tower height or twice the minimum setback for an accessory building within the applicable standard zone district, whichever is greater. (orig. 6-7-94; am. 6-29-04)

(d) If the freestanding antenna support structure does not meet highest design standards, the minimum setback when not located within 250 feet of any property zoned for residential land use shall be the standard setback for a building or structure within the applicable standard zone district. (orig. 6-7-94; am. 6-29-04)

(e) The tower, antennas and accessory structures must be architecturally and visually (color, bulk, size) compatible with surrounding buildings, structures, vegetation, and/or uses in the area or those likely to exist under the underlying zoning. (orig. 6-7-94; am. 6-29-04)

(f) Accessory equipment for a freestanding telecommunication facility shall meet the following requirements: (orig. 6-29-04)
Antennas Mounted on Utility Poles or Light Poles: The equipment cabinet or structure used in association with antennas shall be located in accordance with the following: (orig. 6-29-04)

(f-1) In all cases, facilities must comply with county vision clearance triangle requirements, but shall otherwise be exempt from standard zone district setback requirements. (orig. 6-29-04; am. 5-20-08)

(f-2) Accessory equipment for facilities in the right-of-way may be located: (am. 4-4-06)

   (f-2-a) In a front or side yard provided the cabinet or structure is no greater than 7 feet in height or 200 square feet of gross floor area and the cabinet/structure is located a minimum of 10 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 48 inches and a planted height of at least 36 inches or otherwise screened in a manner consistent with highest design standards. (orig. 6-29-04)

   (f-2-b) In a rear yard, provided the cabinet or structure is no greater than 7 feet in height or 200 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches or otherwise screened in a manner consistent with highest design standards. (orig. 6-29-04)

f. Variances

   (1) Proposals seeking a variance from the Board of Adjustment to exceed the underlying zone district height allowance shall conduct a drive test that demonstrates the requested height is necessary, and why no other sites will work with shorter towers. Drive tests shall start with the proposed height and continue in 5 foot increments until it shows that the height fails to provide adequate coverage. (orig. 6-29-04; am. 5-20-08)

   (2) The Board of Adjustment and/or Planning and Zoning staff may require the applicant for Variance related to a telecommunication tower or other telecommunication facility application to submit funds in escrow to pay for expert review of technical submissions by the applicant, including expert review of engineering reports/data. (orig. 6-29-04; am. 5-20-08)

g. Rezoning Requirements Specific to PWS

PWS Rezoning applications shall be accepted, reviewed and processed pursuant to the Administrative Provisions outlined in the Administrative Provisions section of this Zoning Resolution, Planned Development provisions outlined in the Planned Development Section of this Zoning Resolution, and general telecommunications Rezoning provisions outlined in paragraph 7.3.b of this section, except as modified here. (orig. 6-29-04; am. 4-4-06; am. 3-26-13)

(1) Co-Location: In order to minimize overall visual impact to the community, all PWS telecommunication rezoning proposals for freestanding antenna support structures not conforming with “Highest Design Standards” shall be designed and constructed to permit the facility to accommodate the attachment of 2 additional telecommunication providers on the same freestanding facility. No telecommunication facility owner or operator shall unfairly exclude a telecommunication competitor from using the same facility or location. The following shall be accomplished for PWS rezoning proposals that do not meet Highest Design Standards: (orig. 6-29-04)

   (a) The applicant must provide expert testimony that demonstrates to the satisfaction of the Board of County Commissioners that no existing telecommunications site is available to accommodate the equipment or purpose for which the tower or increase in height is proposed at a reasonable cost or other business terms. The need for structural or equipment modifications shall not alone be sufficient to demonstrate non-availability. Any one or more of the following shall be considered
(a-1) Evidence with reference to EIA-RS 222, in its then current adopted revision, that the structural capacity of existing and approved towers cannot accommodate the planned equipment and cannot be reinforced to accommodate the planned equipment at a reasonable cost, or the owner of the site is unwilling to Rezone if necessary to accommodate a new user. The applicant shall be required to calculate the capacity of existing or approved towers based on information on file with the County or requested from the tower owner, if supplied. (orig. 5-11-93; am. 6-29-04)

(a-2) Evidence that the planned equipment may or will cause objectionable radio frequency interference with other existing or planned equipment on that tower, which cannot be ameliorated at a reasonable cost. (orig. 5-11-93; am. 6-29-04)

(a-3) Evidence that existing or approved towers do not have space to locate the planned equipment where it can function effectively and at the strength of signal required by the FCC. (orig. 5-11-93; am. 6-29-04)

(a-4) Evidence that the addition of the planned equipment to existing or approved towers would result in NIER levels in excess of those permitted by FCC OET Bulletin No. 65 and ANSI C95.1 or any revisions thereto, or any adopted local standard. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(a-5) Evidence that the fees and/or costs for shared use, including the cost to adapt existing facilities to the proposed use, exceed the cost of the proposed tower, or that the parties have not been able to reach agreement on reasonable business terms or other issues associated with locating on the tower. (orig. 5-11-93; am. 6-29-04)

(2) All new structures must be set back from the property line sufficient to prevent all ice-fall materials and debris from tower failure or collapse from falling onto occupied dwellings other than those occupied by the tower owner, and protect the public from NIER in excess of that allowed herein. Where more than one tower is located on a site, the set back between such towers shall be sufficient to prevent multiple failures in the event one tower fails. (orig. 5-11-93; am. 6-29-04)

(3) The tower must be designed to accommodate structurally multiple antennas if recommended by the Telecommunications Land Use Plan. (orig. 5-11-93; am. 12-17-02; am. 6-29-04)

(4) NIER emissions from the tower facility, when operating with maximum power output from all proposed antennas and transmitting facilities, may not exceed the level set forth in this Zoning Resolution. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(5) The written restrictions must state that at such time as there have not been any antennas on a tower or the use of the tower has been abandoned for 6 consecutive months, it will be removed within 180 days of the end of said 6 month period. (orig. 5-11-93; am. 6-29-04)

(6) Satisfaction of the minimum standards set forth above shall not entitle an applicant to approval of the rezoning if the Board of County Commissioners determines that rezoning should not be allowed pursuant to the General criteria for review. (orig. 5-11-93; am. 6-29-04)

(7) Proposals requesting to exceed the underlying zone district height allowance, either by variance or rezoning, shall conduct a drive test that demonstrates the requested height is necessary, and why no other sites will work with shorter towers. Drive tests shall start with the proposed height and continue in 5’ increments until it shows that the height fails to provide adequate coverage. (orig. 6-29-04)

2. Amateur Radio
   a. Intent:
The intent of this Regulation is to establish guidelines for the siting of amateur radio communications towers, antennas, and associated equipment in an effort to: (orig. 6-29-04)

1) Reasonably accommodate amateur radio operations with minimum practicable regulation. (orig. 6-29-04)

2) Encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas through careful design and siting. (orig. 6-29-04)

3) Consider the public health and safety related to amateur radio facilities to the extent allowed by law. (orig. 6-29-04)

b. Permitted Uses:

1) Amateur radio facilities are allowed as an accessory use in all zone districts. (orig. 6-29-04)

2) A Telecommunications Permit is required for all antenna support structures greater than 20 feet tall above ground level and for roof mounted antennas or antenna support structures greater than 10 feet above point of attachment. (orig. 6-29-04)

3) Application for Telecommunications Permit shall include, in addition to other requirements, the following: A report by a registered professional engineer demonstrating compliance with TIA/ EIA RS-222 for the proposed facility and providing the maximum number, type, size, weight and wind load capacity of antenna that can be accommodated. Antennas may be changed, moved, removed, exchanged or added to at any time under an existing permit (i.e. without a new telecommunications permit) provided that the new antenna(s) are equal to or less than the maximum antenna weight and wind load of the permitted antenna(s), as provided for in the engineer’s report. (orig. 6-29-04)

4) Preexisting Towers or Antennas: Towers and antennas existing prior to the date of enactment of this resolution shall not be required to meet the requirements of this section. Changes, alterations, modifications and additions to pre-existing telecommunication facilities shall meet the applicable requirements of this section. (orig. 6-29-04)

c. Design Standards: The guidelines set forth in this section shall apply to the installation of all amateur radio facilities in applicable zone districts. (orig. 6-29-04)

1) The design of an amateur radio facility and any accessory equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facility to the surrounding natural setting and built environment. (orig. 6-29-04)

2) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color so as to make the antenna and related equipment as visually unobtrusive as possible. (orig. 6-29-04)

3) Security Fencing / Anti-Climbing Devices. Antenna support structure shall be enclosed by security fencing not less than six feet in height or equipped with an anti-climbing device or shall otherwise be designed so the facility cannot be climbed. (orig. 6-29-04)

4) Setback and Placement Location Limitations: No antenna or antenna support structure may be located so as to extend, move or swing beyond the plane of the property boundary at any time. Antenna guy wires and their foundations may be placed no closer than 5 feet from any property boundary, but are not otherwise regulated by the setbacks. (orig. 6-29-04)

(a) Setbacks: The standard zone district setback requirements for accessory uses shall apply to all antenna support structures, except facilities over 50 feet in height shall be setback from adjacent property lines equal to the height of the antenna support structure and any associated attachments. For crank up towers, setback allowances shall be determined based upon the fully retracted height of the tower
and attached antennas. (orig. 6-29-04)

(b) Height and Location Requirements: The height of the antenna support structure and attachments shall be no greater than provided in the Amateur Radio Facilities: Height Setback and Location Requirements Table: (orig. 6-29-04; am. 4-4-06)

AMATEUR RADIO FACILITIES:
HEIGHT, SETBACK AND LOCATION REQUIREMENTS TABLE

<table>
<thead>
<tr>
<th>PROPERTY SIZE</th>
<th>MAXIMUM HEIGHT</th>
<th>MAX. HEIGHT W/BONUS</th>
<th>SETBACKS</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>9000 s.f. or less</td>
<td>Zone District Allowance</td>
<td>N.A.</td>
<td>Zone District</td>
<td>Back yard</td>
</tr>
<tr>
<td>9001 s.f. to 21,780 s.f. (1/2 acre)</td>
<td>Zone District Allowance</td>
<td>crank up tower with antennas: 50 feet</td>
<td>Zone district</td>
<td>Back yard</td>
</tr>
<tr>
<td>21,781 s.f. (1/2 acre) to 87,121 s.f. (2 acres)</td>
<td>50 feet</td>
<td>crank up tower with antennas: 65 feet</td>
<td>Zone District</td>
<td>Back yard or side yard</td>
</tr>
<tr>
<td>87,122 s.f. (2 acres) to 217,800 s.f. (5 acres)</td>
<td>50 feet</td>
<td>crank up tower with antennas: 75 feet</td>
<td>standard zone district setback for towers less than or equal to zone district height allowance. All others a 1:1 ratio</td>
<td>Any Location</td>
</tr>
<tr>
<td>217,801 s.f. (5 acres) to 435,600 s.f. (10 acres)</td>
<td>75 feet</td>
<td>crank up tower with antennas: 100 feet</td>
<td>standard zone district setback for towers less than or equal to zone district height allowance. All others a 1:1 ratio</td>
<td>Any location</td>
</tr>
<tr>
<td>Greater than 435,600 s.f. (10 acres)</td>
<td>199 feet</td>
<td>N.A.</td>
<td>standard zone district setback for towers less than or equal to zone district height allowance. All others a 1:1 ratio</td>
<td>Any location</td>
</tr>
</tbody>
</table>

(5) Crank-up Antenna Towers: The use of crank up towers is encouraged to provide enhanced radio capability with minimized neighborhood impact. When employed, the crank up tower shall be kept in its lowest extension whenever it is not being used. (orig. 6-29-04)

(6) Roof, Chimney and Other Structure-mounted Antenna Support Structures: Antenna support structures attached to roofs, chimneys and other structures shall comply with County Building Codes. (orig. 6-29-04)

(7) Co-Location: No commercial uses shall be allowed to co-locate on amateur radio support structures. Amateur radio facilities, however, shall be allowed to co-locate on properly permitted commercial telecommunication facilities. (orig. 6-29-04)

d. Rezoning Requirements

(1) The following applies to all amateur telecommunications towers and facilities that are not allowed as a use by right in a standard zone district. Unless otherwise allowed by this Zoning Resolution, all new amateur telecommunications towers, antennas and accessory facilities and any increase in the size of a legal nonconforming telecommunications tower must be submitted for Rezoning to Planned Development. (orig. 5-11-93; am. 6-29-04)

(2) Applications for Rezonings for amateur facilities under this section shall be subject to the procedures and requirements of this Zoning Resolution, except as modified in Section 7.B.5.a., general provisions for telecommunications use rezonings. (orig. 6-29-04; am. 4-4-06)

3. Broadcast
   a. Intent
   b. Permitted Uses
(1) As provided in standard zone district allowances.

c. Accessory Uses
d. Design Standards
e. Special Use Requirements
f. Rezoning Requirements

(1) Applications for towers intended for transmitters that will broadcast at a power in excess of 1000 watts of radio frequency effective radiated power per antenna must include evidence that the applicant has contacted owners of all existing or approved towers and that the equipment for which the proposed tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower. Applicants for FM radio and high power UHF and VHF television station antennas shall only be required to contact the owners of towers whose height is 200 feet or greater, or whose towers can reasonably satisfy the requirements for height above average terrain (HAAT) and geographic location as set forth in their application and/or grant of construction authority from the FCC. Such evidence shall include the following. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(a) A list of contacts. (orig. 5-11-93; am. 6-29-04)

(b) The antenna specifications including, but not limited, to weight and wind loading requirements; length, width and height; and transmitter space requirements provided to the tower owner(s) or representative(s). (orig. 5-11-93; am. 6-29-04)

(c) Responses from each tower owner or representative setting forth the structural, technological or general business limitations on shared use of the existing tower, a statement as to whether the structural or technological impediment could be eliminated by strengthening the tower or enlarging the transmitter building, whether existing equipment could be protected from electromagnetic interference, and the projected cost of such alterations. Once this information has been submitted to the County, it will be available for use in future applications by other parties. (orig. 5-11-93; am. 6-29-04)

(2) The applicant shall provide expert testimony that demonstrates to the satisfaction of the Board of County Commissioners that no existing telecommunications site is available to accommodate the equipment or purpose for which the tower or increase in height is proposed at a reasonable cost or other business terms. The need for structural or equipment modifications shall not alone be sufficient to demonstrate non-availability. Any one or more of the following shall be considered to demonstrate non-availability. (orig. 5-11-93; am. 6-29-04)

(a) Evidence with reference to EIA-RS 222, in its then current adopted revision, that the structural capacity of existing and approved towers cannot accommodate the planned equipment and cannot be reinforced to accommodate the planned equipment at a reasonable cost, or the owner of the site is unwilling to Rezone if necessary to accommodate a new user. The applicant shall be required to calculate the capacity of existing or approved towers based on information on file with the County or requested from the tower owner, if supplied. (orig. 5-11-93; am. 6-29-04)

(b) Evidence that the planned equipment may or will cause objectionable radio frequency interference with other existing or planned equipment on that tower, which cannot be ameliorated at a reasonable cost. (orig. 5-11-93; am. 6-29-04)

(c) Evidence that existing or approved towers do not have space to locate the planned equipment where it can function effectively and at the strength of signal required by the FCC. (orig. 5-11-93; am. 6-29-04)

(d) Evidence that the addition of the planned equipment to existing or approved towers would result in NIER levels in excess of those permitted by FCC OET Bulletin No. 65 and ANSI C95.1 or any revisions thereto, or any adopted local standard. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(e) Evidence that the fees and/or costs for shared use, including the cost to adapt
existing facilities to the proposed use, exceed the cost of the proposed tower, or that the parties have not been able to reach agreement on reasonable business terms or other issues associated with locating on the tower. (orig. 5-11-93; am. 6-29-04)

(3) All new structures must be set back from the property line sufficient to prevent all ice-fall materials and debris from tower failure or collapse from falling onto occupied dwellings other than those occupied by the tower owner, and protect the public from NIER in excess of that allowed herein. Where more than one tower is located on a site, the setback between such towers shall be sufficient to prevent multiple failures in the event one tower fails. (orig. 5-11-93; am. 6-29-04)

(4) The tower must be designed to accommodate structurally multiple antennas if recommended by the Telecommunications Land Use Plan. (orig. 5-11-93; am. 12-17-02; am. 6-29-04)

(5) NIER emissions from the tower facility, when operating with maximum power output from all proposed antennas and transmitting facilities, may not exceed the level set forth in this Zoning Resolution, as measured in accordance with methods published in FCC OET Bulletin No. 65 or any other applicable federal agency by qualified experts. (orig. 5-11-93; am. 5-10-15-02; am. 6-29-04)

(6) The written restrictions must state that at such time as there have not been any antennas on a tower or the use of the tower has been abandoned for 6 consecutive months, it will be removed within 180 days of the end of said 6 month period. (orig. 5-11-93; am. 6-29-04)

(7) Satisfaction of the minimum standards set forth above shall not entitle an applicant to approval of the rezoning if the Board of County Commissioners determines that Rezoning should not be allowed pursuant to the General Criteria for review. (orig. 5-11-93; am. 6-29-04)

4. 2-Way Commercial, Earth Based Satellite, Other
   a. Intent
   b. Permitted Uses
      (1) As provided in standard zone district allowances.
      (2) Low power telecommunications facilities supporting fire department and sheriff’s office communications needs shall be allowed in rights of way dedicated to the county, provided they comply with highest design standards. (orig. 6-29-04)
   c. Accessory Uses
   d. Design Standards
   e. Special Use Requirements
   f. Rezoning Requirements
      (1) Applications for towers intended for transmitters that will broadcast at a power in excess of 1000 watts of radio frequency effective radiated power per antenna must include evidence that the applicant has contacted owners of all existing or approved towers and that the equipment for which the proposed tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower.

Applicants for FM radio and high power UHF and VHF television station antennas shall only be required to contact the owners of towers whose height is 200 feet or greater, or whose towers can reasonably satisfy the requirements for height above average terrain (HAAT) and geographic location as set forth in their application and/or grant of construction authority from the FCC. Such evidence shall include the following. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(a) A list of contacts. (orig. 5-11-93; am. 6-29-04)
(b) The antenna specifications including, but not limited, to weight and wind loading requirements; length, width and height; and transmitter space requirements
(c) Responses from each tower owner or representative setting forth the structural, technological or general business limitations on shared use of the existing tower, a statement as to whether the structural or technological impediment could be eliminated by strengthening the tower or enlarging the transmitter building, whether existing equipment could be protected from electromagnetic interference, and the projected cost of such alterations. Once this information has been submitted to the County, it will be available for use in future applications by other parties. (orig. 5-11-93; am. 6-29-04)

(2) The applicant shall provide expert testimony that demonstrates to the satisfaction of the Board of County Commissioners that no existing telecommunications site is available to accommodate the equipment or purpose for which the tower or increase in height is proposed at a reasonable cost or other business terms. The need for structural or equipment modifications shall not alone be sufficient to demonstrate non-availability. Any one or more of the following shall be considered to demonstrate non-availability. (orig. 5-11-93; am. 6-29-04)

(a) Evidence with reference to EIA-RS 222, in its then current adopted revision, that the structural capacity of existing and approved towers cannot accommodate the planned equipment and cannot be reinforced to accommodate the planned equipment at a reasonable cost, or the owner of the site is unwilling to Rezone if necessary to accommodate a new user. The applicant shall be required to calculate the capacity of existing or approved towers based on information on file with the County or requested from the tower owner, if supplied. (orig. 5-11-93; am. 6-29-04)

(b) Evidence that the planned equipment may or will cause objectionable radio frequency interference with other existing or planned equipment on that tower, which cannot be ameliorated at a reasonable cost. (orig. 5-11-93; am. 6-29-04)

(c) Evidence that existing or approved towers do not have space to locate the planned equipment where it can function effectively and at the strength of signal required by the FCC. (orig. 5-11-93; am. 6-29-04)

(d) Evidence that the addition of the planned equipment to existing or approved towers would result in NIER levels in excess of those permitted by FCC OET Bulletin No. 65 and ANSI C95.1 or any revisions thereto, or any adopted local standard. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)

(e) Evidence that the fees and/or costs for shared use, including the cost to adapt existing facilities to the proposed use, exceed the cost of the proposed tower, or that the parties have not been able to reach agreement on reasonable business terms or other issues associated with locating on the tower. (orig. 5-11-93; am. 6-29-04)

(3) All new structures must be set back from the property line sufficient to prevent all ice-fall materials and debris from tower failure or collapse from falling onto occupied dwellings other than those occupied by the tower owner, and protect the public from NIER in excess of that allowed herein. Where more than one tower is located on a site, the setback between such towers shall be sufficient to prevent multiple failures in the event one tower fails. (orig. 5-11-93; am. 6-29-04)

(4) The tower must be designed to accommodate structurally multiple antennas if recommended by the Telecommunications Land Use Plan. (orig. 5-11-93; am. 12-17-02; am. 6-29-04)

(5) NIER emissions from the tower facility, when operating with maximum power output from all proposed antennas and transmitting facilities, may not exceed the level set forth in this Zoning Resolution, as measured in accordance with methods published in FCC OET Bulletin No. 65 or any other applicable federal agency by qualified experts. (orig. 5-11-93; am. 10-15-02; am. 6-29-04)
(6) The written restrictions must state that at such time as there have not been any antennas on a tower or the use of the tower has been abandoned for 6 consecutive months, it will be removed within 180 days of the end of said 6 month period. (orig. 5-11-93; am. 6-29-04)

(7) Satisfaction of the minimum standards set forth above shall not entitle an applicant to approval of the rezoning if the Board of County Commissioners determines that Rezoning should not be allowed pursuant to the General Criteria for review. (orig. 5-11-93; am. 6-29-04)
Section 25 – Commercial District
(orig. 3-26-13)

A. Intent and Purpose
1. The Commercial Districts are intended to provide areas for low to high density commercial office, retail, services and activities, where allowed. (orig.3-26-13)
2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific commercial zone district. (orig.3-26-13)
3. The Commercial Zone Districts are divided as follows: (orig.3-26-13)
   a. Restricted Commercial-One
   b. Commercial-One (C-1)
      (1) Convenience Level
      (2) Neighborhood Level
      (3) Community Level
      (4) Regional Level
   c. Commercial-Two (C-2)

B. Permitted Uses (orig. 3-26-13; am. 7-17-18; am. 5-21-19)

<table>
<thead>
<tr>
<th>Uses</th>
<th>RC-1</th>
<th>C-1</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Convenience</td>
<td>Neighborhood</td>
</tr>
<tr>
<td>Medical and dental offices, clinics and small veterinary clinics with no outside facilities.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Business and professional offices</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Laboratory, except those involved in any hazardous process of that emit noxious noise dust, fumes or odor.</td>
<td>X, &lt;5,000 s.f. GLA</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>State licensed day-care center or preschool or nursery</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Grocery Store, Supermarket</td>
<td>X, &lt;10,000 s.f. GLA</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Gas station, service station or car wash.</td>
<td>X (4 fuelling stations max)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Auto repair facility</td>
<td>X (max. 4 bays)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Fuels stores</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience retail shopping facility Including but not limited to drug stores, liquor stores, florists, newsstands, hardware stores, livestock feed stores, auto supply stores, and retail food specialty shops which sell food products not intended to be consumed on the premises, such as butcher shops, candy stores, bakeries, dairy product shops, delicatessens.</td>
<td>X, &lt;5,000 s.f. GLA</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Restaurants, excluding drive-thru and fast food.</td>
<td>X, &lt;4,000 s.f. GLA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specialty Restaurant, no drive –thru.</td>
<td>X, &lt;1,200 s.f. GLA</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Restaurants, including specialty, brew-pub, vintner's, fast food, drive-in, drive-thru, or carry-out</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Uses</td>
<td>RC-1</td>
<td>C-1</td>
<td>C-2</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>------</td>
<td>--------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Convenience</td>
<td>Neighborhood</td>
</tr>
<tr>
<td>Convenience service establishments, including but not limited to:</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>barber and beauty shops, cleaners, shoe repair shops, laundries,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>music lessons.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Vending Machines</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Low intensity specialty goods and services, including but not</td>
<td></td>
<td>X, &lt;5,000</td>
<td>X</td>
</tr>
<tr>
<td>limited to: art gallery, antiques, artisan shops, photo studio,</td>
<td></td>
<td>s.f. GLA</td>
<td></td>
</tr>
<tr>
<td>gift shop, plant store or nursery, taxidermy, furniture store,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>pet store, blue-print, newspaper office, apparel, appliances.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taverns and lounges</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Banks and other financial institutions</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Craft brewery and craft distillery</td>
<td>X &lt;5,000 s.f. GLA</td>
<td>X &lt;10,000 s.f. GLA</td>
<td>X</td>
</tr>
<tr>
<td>Arcades, pool halls, dance and other similar studios.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Fitness Centers, Martial Arts Studios, and other similar uses</td>
<td>X, &lt;4,000 s.f. GLA</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Department stores and/or discount stores</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nightclubs and discotheques</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Entertainment facilities, including but not limited to movie</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>theaters, bowling alleys, skating rinks, pool halls.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building material retail stores</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Building material sales</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recreational facilities, including but not limited to swimming,</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>tennis, health and court sports facilities.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private colleges and schools including: trade, vocational and</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>professional schools and student and faculty housing, when</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>located on the same lot or tract as the school for which the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>housing is being provided.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rental stores, excluding automobiles, campers, trailers and</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>heavy equipment.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor vehicle, recreational vehicle and trailer sales, leasing or</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>rental (new or used).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rental agencies for heavy equipment</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Repair for heavy equipment, recreational vehicles, or trailers.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Auditoriums, conference rooms and Event Centers</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ambulance services</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Shops for custom work to include electrical, plumbing, air</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>conditioning, and similar type shops.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>RC-1</th>
<th>C-1</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Convenience</td>
<td>Neighborhood</td>
<td>Community</td>
</tr>
<tr>
<td>Fabrication and manufacturing of any type set forth in the I-3 Zone District are permitted, except those uses involved in any hazardous process or that emit noxious noise, dust, fumes or odor and provided that no machinery greater than 5 horsepower is utilized and that activities are enclosed.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Wholesale businesses</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Cold-storage plants</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Amusement parks</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Auction house excluding those for animals</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Home for social rehabilitation or adjustment for up to 20 residents plus staff, not located within 750 ft. of a similar type facility.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Temporary shelter for the homeless which is not located within a 750 ft. of another such shelter.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Sexually Oriented Businesses located in accordance with the provision of the General Provisions and Regulations Section of this Zoning Resolution.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Telecommunications Land Uses shall comply with the provisions of the Telecommunication Uses Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Energy Conversion Systems (ECS) land uses shall comply with the Alternative Energy Resources Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Mini-Storage, Mini-Warehousing</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

1 When meeting the design criteria below.

### Accessory Uses (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Uses</th>
<th>RC-1</th>
<th>C-1</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Convenience</td>
<td>Neighborhood</td>
<td>Community</td>
</tr>
<tr>
<td>Construction Trailers during construction only, not to exceed to two years.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Customer and employee parking of operable motor vehicles, either open or covered.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Living Quarters for not more than one family in a commercial building not a dwelling.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail Sale of Permissible Fireworks in a temporary fireworks sales facility provided the facility complies with the requirements of H.4. and obtains a yearly permit from the County.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
D. Special Uses

The following uses shall be permitted only upon review by the Planning Commission and Approval by the Board of County Commissioners:  (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Uses</th>
<th>RC-1</th>
<th>C-1</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Convenience</td>
<td>Neighborhood</td>
<td>Community</td>
</tr>
<tr>
<td>Holding area for motor vehicles (operable or inoperable) removed</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>from public roads and awaiting disposition by proper legal authorities. Such motor vehicles shall be enclosed by a closed fence (one preventing view) at least 8 feet in height.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Assemblies or private clubs</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>A group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oil and gas drilling and production such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified by the Board of County Commissioners in the resolution approving the Special Use.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

E. Lot and Building Standards (orig. 3-26-13; am 7-17-18; am; 5-21-19)

<table>
<thead>
<tr>
<th>Districts</th>
<th>Setbacks – Structural</th>
<th>Setbacks – Gas Pump</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>RC-1</td>
<td>35 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Convenience</td>
<td>35 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>40 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Community</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Regional</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>C-2</td>
<td>50 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

1 Or comparable PD Zone District.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Building Height</th>
<th>Area Required for sub-districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Structural</td>
<td>Roof Mounted Solar</td>
</tr>
<tr>
<td>RC-1</td>
<td>35 ft.</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Convenience</td>
<td>35 ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Neighborhood</td>
<td>46 ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Community</td>
<td>60 ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Regional</td>
<td>80 ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>C-2</td>
<td>50 ft.</td>
<td>N/A</td>
</tr>
</tbody>
</table>
1. **Area Calculations**

   Acreage requirements for all Commercial-One sub-districts may be satisfied by the following: (orig. 3-26-13; am. 7-17-18)

   a. Area of lot or tract, or the total area of two or more contiguous lots or tracts of Commercial-One Zone District or a comparable use area of a Planned Development Zone District. (orig. 3-26-13; am. 7-17-18)

2. **Design Criteria for Mini-Storage**

   1. No outdoor storage shall be permitted. (orig. 7-17-18)

   2. Mini-storage located in C-1 & C-2 zoning shall be designed to emulate other allowed uses in the Commercial zone district and be in context with the built environment. Specific architectural standards in addition to the standard requirements in the Architecture Section of the Zoning Resolution are: (orig. 7-17-18)

      a. New buildings shall be multi-story. (orig. 7-17-18)

      b. Doors to individual storage units may not be visible from abutting public street frontage or residential zone districts. (orig. 7-17-18)

      c. Building colors, trim colors, and doors visible from the outside of the building shall be subdued colors as described in the Architecture Section of the Zoning Resolution. (orig. 7-17-18)

      d. Buildings abutting residential zoning shall feature architecture compatible with the residential character of the abutting neighborhood including, but not limited to materials, colors, roof pitch, and detailing. (orig. 7-17-18)

3. **Enclosure of Activities**

   1. RC-1 – No outdoor storage shall be permitted. Trash containers shall be screened from public view. (orig. 3-26-13)

   2. C-1 - Commercial activities, except restaurants, childcare facilities, plant nurseries, and parking lot sales accessory to a permitted use when located on the same lot, shall take place in a completely enclosed building. (orig. 3-26-13)

   3. C-2 – All activities and outdoor storage shall be adequately screened from surrounding properties and public view. (orig. 3-26-13)

4. **Fences**

   1. Maximum fence height:

      a. RC-1: 6 ft. (orig. 3-26-13)

      b. C-1: 8 ft. (orig. 3-26-13)

      c. C-2: 8 ft. (orig. 3-26-13)

   2. Fence permits are required for any fence over 42 inches in height. (orig. 3-26-13)

   3. No barbed wire shall be permitted as material for a boundary or perimeter fence. However, boundary or perimeter fences may include not more than 4 strands of barbed wire as the top 18 inches or less of the fence, which may be angled inward up to 45 degrees, provided the lowest strand of barbed wire is at least 6 feet above the ground. (orig. 3-26-13)

   4. No electric fence is allowed as a boundary or perimeter fence. (orig. 3-26-13)

   5. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution, except that fences constructed of woven wire or ornamental iron which are 80 percent open may be erected up to a maximum height of 8 feet. (orig. 3-26-13)

   6. Where allowed, accessory outside storage shall be enclosed and concealed by a closed fence (one preventing view) at least 6 feet in height. When abutting a residential zone district, fencing shall be wooden or masonry, or replaced with mature hedge. Such fence shall be constructed and maintained in good condition. As used in this section, accessory outdoor storage shall not include employee or customer
parking lots or merchandise displayed for sale. Accessory outside storage shall not exceed the height of the fence, except for operable vehicles, trailers, and other equipment designed to be towed or lifted as a single component. Where the topography of the land is such that a fence would not prevent view from adjoining property or right-of-way, the Director of Planning and Zoning may waive this requirement. No accessory outdoor storage shall be allowed within a required front setback or within any required landscaping area. (orig.3-26-13; am. 3-3-15)

I. General Requirements

1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig.3-26-13)

2. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution (orig.3-26-13)

3. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig.3-26-13)

4. A temporary fireworks sales facility (i.e., tent rather than the stakes) must be a minimum of 100 feet from the property line of adjacent property located in a residential or agricultural zone district. Accessory storage of fireworks is permitted if fully enclosed in a metal storage container, and must be a minimum of 50 feet from the property line of adjacent property located in a residential or agricultural zone district. (orig.3-26-13)

5. Recreational facilities shall conform to the setback requirements for a main building in this zone district. Enclosure fences immediately surrounding these facilities shall not exceed 12 feet in height. (orig.3-26-13)
Section 26 - Corridor District

A. Intent and Purpose

This district is intended to support the implementation of Corridor Plans. This district provides for a mix of land uses, including residential, office, light industrial, and retail, along transportation corridors. (orig. 2-11-03)

B. Subdistrict Categories

The Corridor District (CD) is divided into the following subdistricts: (orig. 2-11-03)

1. Low Density Residential (CD-LR).
4. Small-Scale Retail (CD-RS).
5. Medium-Scale Retail (CD-RM).

C. Permitted Uses (orig. 3-26-13; am. 7-17-18; 5-21-19)

<table>
<thead>
<tr>
<th>Use</th>
<th>LR</th>
<th>MR</th>
<th>O/LI</th>
<th>RS</th>
<th>RM</th>
<th>MU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Two-family dwelling or duplex</td>
<td></td>
<td>X</td>
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<tr>
<td>Multi-Family Dwelling</td>
<td></td>
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<tr>
<td>Residential use located above a permitted use in O/LI, RS, RM</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>Group Home for up to 8 aged persons not located within 750 ft of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 ft of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 ft of another such group home; or group home for the aged or developmentally disabled persons.</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public park, Class I public recreation facility in conjunction with a residential subdivision</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Water supply reservoir and irrigation canal</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Light Manufacturing, processing, and fabrication of commodities, except those permitted in the Industrial-One, Industrial-Two or Industrial-Four districts. All such manufacturing, processing or fabrication shall be completely enclosed within a legally constructed building.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and development facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business and professional offices</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical and dental offices, clinics, emergency facilities and hospitals.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>LR</th>
<th>MR</th>
<th>O/LI</th>
<th>RS</th>
<th>RM</th>
<th>MU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laboratories except those involved in any hazardous process or that</td>
<td></td>
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</tr>
<tr>
<td>emit noxious noise, dust, fumes or odor.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banks and other financial institutions</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other similar light industrial uses that are not more detrimental</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>to the highest and best use of land permitted above.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Retail shopping facilities</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience service establishments including, but not limited to,</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>barber and beauty shops, cleaners, shoe repair shops and laundries.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Specialty goods and services including, but not limited to, art</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>galleries, plant store or nursery, pet stores, book stores, and</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>drug stores.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>State Licensed daycare center or preschool or nursery.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult day-care center</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Restaurants, including fast food and carry-out facilities.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical supply and drug store</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fitness Center</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment facilities including but not limited to movie theaters, bowling alleys, skating rinks, pool and billiard halls</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grocery store</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department store</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor recreational facilities and limited outdoor recreational</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>facilities in conjunction with indoor recreational facilities.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

1 The combined total square footage of residential, Small-Scale Retail (CD-RS) and Medium-Scale Retail (CD-RM) uses shall not exceed 60% of the total gross floor area.

### D. Accessory Uses (orig. 3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Use</th>
<th>LR</th>
<th>MR</th>
<th>O/LI</th>
<th>RS</th>
<th>RM</th>
<th>MU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private garage</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One mini structure as per the Accessory Uses Section of this</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Zoning Resolution</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Storage sheds as per the Accessory Uses Section of this</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Zoning Resolution</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Private building or kennel for housing dogs, cats and similar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>domestic pets. The maximum total number of dogs, cats and</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>similar domesticated pets, which may be kept, shall be 3. Litters</td>
<td></td>
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<tr>
<td>of domestic pets may be kept until weaned.</td>
<td></td>
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</tr>
<tr>
<td>Home Occupations provided the requirements and conditions of the</td>
<td></td>
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</tr>
<tr>
<td>Board of Adjustment or the Home Occupations Section of</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>this Zoning Resolution are met.</td>
<td></td>
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<tr>
<td>Construction Trailers 2 year maximum</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>Commercial service activities that are accessory to the main</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>use of the building may be conducted provided said use is</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>contained within the main building. Cafeterias, restaurants</td>
<td></td>
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<tr>
<td>without drive-through service, state licensed child or adult day</td>
<td></td>
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<tr>
<td>care, and personal services such as beauty parlors, barber shops,</td>
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<tr>
<td>laundry pick-up stations may be conducted. However, the sum total</td>
<td></td>
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<tr>
<td>of accessory commercial uses shall not exceed 10 percent of the</td>
<td></td>
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<tr>
<td>gross floor area of any single building. The entrance to any</td>
<td></td>
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<tr>
<td>accessory commercial use shall be from inside the building and no</td>
<td></td>
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<tr>
<td>Commercial Signs shall be visible from outside the building. 1</td>
<td></td>
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</tr>
<tr>
<td>Accessory Uses per the Accessory Use Section of the Zoning</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Resolution.</td>
<td></td>
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</tbody>
</table>

1 A commercial accessory use is one which meets all of the following criteria:
   a. Is subordinate to and serves the principal building or principal use.
   b. Is subordinate in area, extent, or purpose to the principal building or principal use served.
   c. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
   d. Is located in the same building as the principal use served. (orig. 3-26-13)
E. **Special Uses** (orig. 3-26-13; am. 7-17-18)

The following uses shall be permitted only upon review by the Planning Commission and approval by the Board of County Commissioners:

<table>
<thead>
<tr>
<th>Use</th>
<th>LR</th>
<th>MR</th>
<th>O/LI</th>
<th>RS</th>
<th>RM</th>
<th>MU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private nonprofit museum</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>A group living facility, other than homes for social rehabilitation,</td>
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<tr>
<td>or a home where up to 6 unrelated individuals are living together, that is occupied by</td>
<td></td>
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<tr>
<td>more than one registered sex offender.</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Group, foster or communal home, residential treatment center,</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>community residential home, home for social rehabilitation,</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>assisted living residence, personal case boarding home,</td>
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<tr>
<td>specialized group facility, receiving home for more than 4 foster</td>
<td></td>
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</tr>
<tr>
<td>home residents, residential child care facility or shelter from domestic violence, licensed</td>
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<tr>
<td>or certified by state if applicable, in which 7 or more residents who are not</td>
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<tr>
<td>legally related live and cook together as a single housekeeper unit, and where such home or</td>
<td></td>
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</tr>
<tr>
<td>shelter is not located within 750 ft of another similar type home or shelter.</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Group home for the aged, group home for the developmentally disabled, group home</td>
<td></td>
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</tr>
<tr>
<td>for the mentally ill persons, licensed or certified by the state if applicable, in</td>
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<tr>
<td>which 9 or more residents who are not legally related live and cook together as a single</td>
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<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>housekeeper unit, and where such home is not located within 750 ft of another similar</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>type home, licensed or certified by the state if applicable.</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>State Licensed day-care center or preschool or nursery</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult day-care center</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class I or II commercial recreational facility</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Gas station, service station, or car wash No more than 3 of these uses shall be located</td>
<td></td>
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</tr>
<tr>
<td>within 3,960 feet (3/4 mile) of an intersection of a freeway and a principal arterial, or</td>
<td></td>
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</tr>
<tr>
<td>minor arterial as designated on the Major Thoroughfare Plan.</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Auto repair facility, max. 4 bays. No more than 2 of these uses shall be located within</td>
<td></td>
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</tr>
<tr>
<td>3,960 feet (3/4 mile) of an intersection of a freeway and a principal arterial as</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>designated on the Major Thoroughfare Plan.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Building materials retail stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Light manufacturing, processing, fabrication of commodities Except those permitted in</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>the Industrial-One, Industrial-Two or Industrial-Four districts. All such manufacturing,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>processing or fabrication shall be completely enclosed within a legally constructed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>building.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Residential Uses if the ground floor is unsuitable for commercial development.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
**F. Lot and Building Standards** (orig. 3-26-13; am. 7-17-18)

### CD-LR

#### Maximum Height

<table>
<thead>
<tr>
<th></th>
<th>Primary structures</th>
<th>Accessory structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td>35 feet</td>
<td>No such building shall exceed the lesser of 25 feet or the height for the primary structure.</td>
</tr>
</tbody>
</table>

#### Minimum Lot Area

<table>
<thead>
<tr>
<th></th>
<th>One Acre</th>
</tr>
</thead>
</table>

#### Minimum Setbacks

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
<th>From centerline of freeway</th>
<th>Adjacent to arterial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>30 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>150 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Other Structure</td>
<td>30 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>150 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

### CD-MR

#### Maximum Density

<table>
<thead>
<tr>
<th></th>
<th>Between Belleview Avenue and Bowles Avenue and between C-470 and the ridge of the Dakota Hogback</th>
<th>12 dwelling units per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All other areas</td>
<td>15 dwelling units per acre</td>
</tr>
</tbody>
</table>

#### Maximum Height

<table>
<thead>
<tr>
<th></th>
<th>Between Belleview Avenue and Bowles Avenue and between C-470 and the ridge of the Dakota Hogback.</th>
<th>24 feet, no accessory structure shall exceed the lesser of 24 feet or the height of the primary structure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All other areas Primary Structures</td>
<td>35 feet</td>
</tr>
<tr>
<td>Accessory structures</td>
<td>Accessory structures: no such building shall exceed the lesser of 20 feet or the height for the primary structure.</td>
<td></td>
</tr>
</tbody>
</table>

#### Minimum Lot Area

<table>
<thead>
<tr>
<th></th>
<th>Single-family dwelling</th>
<th>Two-family dwelling or duplex</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>5,000 s.f.</td>
<td>10,000 s.f.</td>
</tr>
</tbody>
</table>

#### Minimum Setbacks

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Side</th>
<th>Rear</th>
<th>Rear from alley</th>
<th>From common wall/interior lot line</th>
<th>Adjacent to arterial or higher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family</td>
<td>12 ft.</td>
<td>6 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>0 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Two family or duplex</td>
<td>12 ft.</td>
<td>6 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>0 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Garages</td>
<td>18 ft.</td>
<td>6 ft.</td>
<td>18 ft.</td>
<td>6 ft.</td>
<td>0 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Multifamily or principal structure</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>6 ft.</td>
<td>0 ft.</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

### CD-O/LI

#### Maximum Height

<table>
<thead>
<tr>
<th></th>
<th>Hospital</th>
<th>All other structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td>80 ft.</td>
<td>60 ft.</td>
</tr>
</tbody>
</table>

#### Minimum Setbacks

<table>
<thead>
<tr>
<th></th>
<th>From another building</th>
<th>From boundary of Zone District</th>
<th>From common wall/interior lot line</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% of building height</td>
<td>50% of building height</td>
<td>0 ft.</td>
<td></td>
</tr>
</tbody>
</table>
CD-RS

**Maximum Size**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Maximum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office, light industrial, medical facility</td>
<td>None</td>
</tr>
<tr>
<td>All other uses</td>
<td>24,000 s.f. GFA per tenant</td>
</tr>
</tbody>
</table>

**Maximum Height**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures with flat roofs</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Structures with pitched or hipped roofs</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Hospitals and major medical facilities</td>
<td>60 ft.</td>
</tr>
</tbody>
</table>

**Minimum Setbacks**

<table>
<thead>
<tr>
<th></th>
<th>From another building</th>
<th>From boundary of Zone District</th>
<th>From common wall/interior lot line</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% of building height</td>
<td>50% of building height</td>
<td>0 ft.</td>
<td></td>
</tr>
</tbody>
</table>

CD-RM

**Maximum Size**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Maximum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office, light industrial, medical facility</td>
<td>None</td>
</tr>
<tr>
<td>All other uses</td>
<td>185,000 s.f. GFA per tenant</td>
</tr>
</tbody>
</table>

**Maximum Height**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures with flat roofs</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Structures with pitched or hipped roofs</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Hospitals and major medical facilities</td>
<td>60 ft.</td>
</tr>
</tbody>
</table>

**Minimum Setbacks**

<table>
<thead>
<tr>
<th></th>
<th>From another building</th>
<th>From boundary of Zone District</th>
<th>From common wall/interior lot line</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% of building height</td>
<td>50% of building height</td>
<td>0 ft.</td>
<td></td>
</tr>
</tbody>
</table>

CD-MU

**Maximum Size**

<table>
<thead>
<tr>
<th>Usage</th>
<th>Maximum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office, light industrial, medical facility</td>
<td>None</td>
</tr>
<tr>
<td>All other uses</td>
<td>106,000 s.f. GFA per tenant</td>
</tr>
</tbody>
</table>

**Minimum Setbacks**

<table>
<thead>
<tr>
<th></th>
<th>From another building</th>
<th>From boundary of Zone District</th>
<th>From common wall/interior lot line</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% of building height</td>
<td>50% of building height</td>
<td>0 ft.</td>
<td></td>
</tr>
</tbody>
</table>

L. **Enclosures of Activities**

All activities shall be adequately screened from surrounding properties and public view. (orig. 2-11-03; am. 7-17-18)

M. **Fences**

1. The following fence and retaining wall standards shall apply to the Low Density Residential (CD-LR) and Medium Density Residential (CD-MR) subdistricts: (orig. 2-11-03)
   a. Maximum fence height: 6 feet. (orig. 2-11-03)
   b. No fence more than 42 inches in height of any type shall be permitted in the area between the front setback line and the front lot line. (orig. 2-11-03)
   c. No barbed wire or electric fence shall be permitted. (orig. 2-11-03)
d. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig. 2-11-03)

2. The following fence standards shall apply to the Office and Light Industrial (CD-O/LI), Small-Scale Retail (CD-RS), Medium-Scale Retail (CD-RM), and Mixed Use (CD-MU) subdistricts: (orig. 2-11-03)
   a. Maximum fence height: 8 feet. (orig. 2-11-03)
   b. No barbed wire, electric, metal, or chain link fence shall be permitted in these subdistricts. (orig. 2-11-03)
   c. Where allowed, accessory outside storage shall be enclosed and concealed by a closed fence (one preventing view) at least 6 feet in height. When abutting a residential zone district or subdistrict area, such fence shall be wooden or masonry, or replaced with mature hedge. Such fence shall be constructed and maintained in good condition. As used in this Section, accessory outdoor storage shall not include employee or customer parking lots or merchandise except for operable vehicles, trailers, and other equipment designed to be towed or lifted as a single component. Where the topography of the land is such that a fence would not prevent view from adjoining property or right-of-way, the Director of Planning and Zoning may waive this requirement. No accessory outdoor storage shall be allowed within a required front setback or within any required landscaping area. (orig. 2-11-03; am. 3-3-15)

N. General Requirements

   All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig. 2-11-03)
Section 27 - Industrial District

A. Intent and Purpose

1. The Industrial Zone Districts are intended to provide areas for low to heavy industrial development and industrial uses requiring specific designation, where allowed. (orig.3-26-13)

2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific industrial zone district. (orig.3-26-13)

3. The Industrial zone districts are divided as follows: (orig.3-26-13)
   a. Industrial-One (I-1): to provide areas for medium industrial development
   b. Industrial-Two (I-2): to provide areas for heavy industrial development.
   c. Industrial-Three (I-3): to provide areas for light Industrial development.
   d. Industrial-Four (I-4): to provide areas for heavy industrial development and industrial uses requiring specific designation.

B. Permitted Uses (orig. 3-26-13; am 7-17-18)

<table>
<thead>
<tr>
<th>Use</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Manufacturing, processing or fabrication of products. All such manufacturing, processing or fabrication shall be completely enclosed within a legally constructed building.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>All uses allowed in Industrial-Three, plus manufacturing, processing or fabrication of products except those explicitly permitted in the Industrial-Two or Industrial-Four Districts.</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>All uses allowed in Industrial-One &amp; Industrial-Three, plus manufacturing, processing or fabrication of products except those explicitly permitted within the Industrial-Four District. Industrial-Two explicitly allows the following: Abrasives; alcoholic distillation; animal by-products; bone black; brewery; carbon black and lamp black; charcoal; chemicals, heavy or industrial; cinder and cinder block; coal and coke; detergents, soaps and by-products, using animal fat; fermented fruits and vegetable products, manufacture; fertilizers; fungicides; gases, other than nitrogen and oxygen; glass; glue and size; graphite; gypsum and other forms of plaster base; insecticides; insulation, flammable types, or fabrication; matches; meat slaughtering or packing; metals, extraction or smelting; metal ingots, pigs, casting, sheets or bars; oils and fats, animal and vegetable; paints, pigments, enamel, japon, lacquers, putty, varnishes, whitewash and wood filler; paper pulp and cellulose; paraffin; petroleum and petroleum products; portland and similar cements; rubber, processing or reclaiming; sawmill or planing mill; serums, toxins, viruses; sugars and starches; tannery; turpentine; wax and wax products; and wood preserving by creosoting or other pressure impregnation of wood by preservatives.</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>All uses allowed in Industrial-Two, plus manufacturing, processing or fabrication of products; manufacture and storage of explosives (in conformance with setback and other safety requirements of the Building Code, and other applicable codes).</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Foundry</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rock crusher</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage of gasoline and other petroleum products; for the permitted above-ground storage of flammable liquids, see the Accessory Use Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Brick, tile or terra cotta manufacture.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Light or power plant, central station.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Grain drying or poultry feed manufacture, feed mill.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Wholesale sales, mini-warehousing, warehousing or storage of any commodity.</td>
<td>X(^1)</td>
<td>X(^1)</td>
<td>X(^2)</td>
<td>X</td>
</tr>
<tr>
<td>Use</td>
<td>I-1</td>
<td>I-2</td>
<td>I-3</td>
<td>I-4</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Indoor mini-warehousing, self-storage</td>
<td>X¹</td>
<td>X¹</td>
<td>X²</td>
<td>X</td>
</tr>
<tr>
<td>Sale at retail of any commodity manufactured, processed, or fabricated on the premises.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale of retail hardware or equipment, supplies or materials (except commercial explosives) for agriculture, mining, industry, business, transportation, building, and other construction.</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Repair, rental and servicing of any commodity, the manufacture, processing, fabrication or sale of which is permitted.</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Craft breweries, distilleries, and wineries.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Veterinary Hospitals</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Doggy Day Care, Public Kennels, and Canine training facilities</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Railroad facilities, not including shops.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Storage of operable motor vehicle regardless of size</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Storage of boats, trailers, recreational vehicles, and other similar recreation equipment.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Storage of machinery or vehicles not in operating condition, provided that all such properties shall be screened from adjacent streets, or other public ways, by an 8 foot solid fence, to be maintained in a neat and well kept manner.</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Terminals for transportation and public transit vehicles</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Motor vehicle service station, gasoline filing station and car wash.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oil and Gas drilling and production subject to the Drilling and Production of Oil and Gas Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Office used for direct support and as an integral part of a permitted use within this district, when located on the same lot as the use. Temporary office structure will be allowed not to exceed a 5-year period.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>All Office uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Laboratory</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Research and development facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recycling transfer station, Type I.</td>
<td>X³</td>
<td>X³</td>
<td>X³</td>
<td>X</td>
</tr>
<tr>
<td>Indoor Recreation and Sports Training Facilities</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Other similar industrial uses that are not more detrimental to the highest and best use of land in this district than the permitted uses listed above.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Sexually Oriented Businesses located in accordance with the provision of the General Provisions and Regulations Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Telecommunications Land Uses Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Energy Conversion Systems: Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

¹ With the following exceptions: sales, warehousing, storage, or accumulation of junk, including machinery or vehicles not in operating condition, may be permitted only if contained within a building.

² With the following exceptions: No live animals, commercial explosives or above ground bulk storage of flammable liquids or gases may be included.

³ Allowed when completely enclosed within a building. Exception: a recycling transfer station that is not enclosed within a building is permitted when:
   a. The area utilized by containers is less than 200 square feet in size.
b. The facility accepts only recyclable glassware, metal cans, newspaper, small plastic containers, paper, cardboard.
c. The facility utilizes containers which screen the materials from weather and public view.
d. The height of any structure does not exceed 14 feet.

C. Accessory Uses (orig.3-26-13)

<table>
<thead>
<tr>
<th>Use</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caretakers unit accessory to mini-warehouse uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

D. Special Uses

The following uses shall be permitted only upon review by the Planning Commission and approval by the Board of County Commissioners: (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Use</th>
<th>I-1</th>
<th>I-2</th>
<th>I-3</th>
<th>I-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holding area for motor vehicles (operable or inoperable) removed from public roads and awaiting disposition by proper legal authorities. Such motor vehicles shall be enclosed by a closed fence (one preventing view) at least 8 feet in height.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>A group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Cable Television Reception Station</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Trash Transfer Station</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type II Recycling Transfer Station</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Sanitary Landfill</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Junk yards, automobile wrecking, processing yards and other similar uses.</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

E. Lot and Building Standards (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Distincts</th>
<th>Setbacks – Structural</th>
<th>Setbacks – Gas Pump</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Side</td>
</tr>
<tr>
<td>I-1</td>
<td>50 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>I-2</td>
<td>50 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>I-3</td>
<td>50 ft.²</td>
<td>5 ft.</td>
</tr>
<tr>
<td>I-4</td>
<td>50 ft.</td>
<td>5 ft.</td>
</tr>
</tbody>
</table>

¹ Measured from the center of the alley.
² The side setback requirement for a standalone office shall be 20 ft.
³ The rear setback requirement for a standalone office shall be 20 ft.

<table>
<thead>
<tr>
<th>Distincts</th>
<th>Building Height</th>
<th>Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>I-2</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>I-3</td>
<td>None ¹</td>
<td>None</td>
</tr>
<tr>
<td>I-4</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

¹ The height limitation for a standalone office shall be 46 ft.

F. Fencing

1. Maximum height: None. (orig.3-26-13)
2. Fence permits are required for any fence over 42 inches in height. (orig.3-26-13)
3. No barbed wire shall be permitted as material for a boundary or perimeter fence. However, boundary or perimeter fences may include not more than 4 strands of barbed wire as the top 18 inches or less of the
fence, which may be angled inward up to 45 degrees, provided the lowest strand of barbed wire is at least 6 feet above the ground. (orig.3-26-13)

4. No electric fence shall be permitted in this district for a boundary or perimeter fence. (orig.3-26-13)

5. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution, except that fences constructed of woven wire or ornamental iron which are 80 percent open may be erected with no height limitation. (orig.3-26-13)

6. Where allowed, materials stored outside shall be enclosed and concealed by a closed fence (one preventing view) at least 6 feet in height. When abutting a residential zone district fencing shall be wooden, masonry or hedge. Such fence shall be constructed and maintained in good condition. As used in this section, outdoor storage of material shall include by way of example: equipment, vehicles (operable or inoperable), trailers, pipes, construction materials or other items but shall not include employee or customer parking lots or where sample merchandise is necessary for sale. Merchandise shall not exceed the height of the fence, except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component. Where the topography of the land is such that a fence would not prevent view from adjoining property or right-of-way, the Director of Planning and Zoning may waive this requirement. No outdoor storage shall be allowed within a required front setback or within any required landscaping area. (orig.3-26-13; am. 3-3-15)

G. General Requirements

1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig.3-26-13)

2. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution, except as specified in the "Fences" portion of this section. (orig.3-26-13)

3. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig.3-26-13)

4. Every use shall be so operated that the ground vibration inherently or recurrently generated is not perceptible, without instruments, beyond any boundary line of the lot on which the use is located. (orig.3-26-13)

5. 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 lot on which the use is located. (orig.3-26-13)

6. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces. (3-26-13)

7. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects, shall be stored outdoors in closed containers only. (3-26-13)
Section 28 - Mixed Use District

A. Intent and Purpose

1. The intent of this section is to allow for mixed use developments when the subject property can meet any of the following criteria. (orig. 2-26-13)
   a. It is an existing commercial or residential property that will be redeveloped as a mixed-use area. (orig. 2-26-13)
   b. It is an infill site surrounded on at least two sides by existing development. (orig. 2-26-13)
   c. It is identified within the Master Plan as a mixed use area. (orig. 2-26-13)

2. The purpose of the Mixed Use Zone District is to create a flexible approach to land uses and enhance the character of Jefferson County's commercial centers by promoting development that: (orig. 2-26-13)
   a. Allows a mixture of land uses that includes housing, retail, office, commercial services, and civic uses, to create economic and social vitality, and provides market flexibility; (orig. 2-26-13)
   b. Encourages commercial infill and the redevelopment of commercial properties already served by existing infrastructure; (orig. 2-26-13)
   c. Develops commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians, bicyclists, and transit users; (orig. 2-26-13)
   d. Encourages efficient land use by facilitating compact development and minimizing the amount of land that is needed for surface parking; (orig. 2-26-13)
   e. Plans for all modes of travel; (orig. 2-26-13)
   f. Designs buildings to a human scale for aesthetic appeal, pedestrian comfort, and computability with other land uses; (orig. 2-26-13)
   g. Reinforces streets as public places that encourage pedestrians and bicycle use; (orig. 2-26-13)
   h. Maintains the integrity of adjacent neighborhoods. (orig. 2-26-13)

3. Existing structures: Where a structure (legal or legal non-conforming) existed at the time of rezoning of the subject property to any mixed use district, and which would not be allowed by the provisions of this section because of either building placement or orientation, building design, parking placement or design, parking requirements, or site and vehicular assess, such structure may continue to exist and may be enlarged, altered or added to provided that the alteration or addition does not require a Site Development Plan. (orig. 2-11-14)
   a. Any new addition or expansion through the Site Development Plan process shall comply with all provision of this section. (orig. 2-11-14)
   b. Any new modification to existing structures to allow residential, shall be subject to the Site Development Plan process and shall comply with all provision of this section. (2-11-14)

B. Concept Plan

In order to provide more cohesive development and ensure a rezoning application complies with the Intent and Purpose section of this Chapter, at the time of rezoning application or site development plan, staff may request the applicant provide a Concept Plan. This Concept Plan may contain such components as a description of the project, the general site layout, landscaping, street alignments, and proposed uses. (orig. 2-26-13)

C. Sub-District Categories
The Mixed Use Zone District is divided into the following sub-districts. (orig. 2-26-13)

1. **Mixed Use Limited Commercial (MU-L1 and MU-L2)**

The Mixed Use Limited Commercial Sub-Districts are intended to provide for a less intense mix of residential and/or commercial uses. They allow flexibility in development standards to recognize the challenge of developing small scale mixed use buildings or lots that are similar scale to surrounding residential development. MU-L is most appropriate for mixed use developments of less than 5 acres in areas that are located on collector streets or roads. (orig. 2-26-13)

There are two types of MU-L, it is always zoned in combination with an appropriate residential zone district, and shall follow all the provisions of the residential district in addition to allowing additional uses as indicated in the Permitted Uses Section (i.e. MU-L1-R1 generally follows the Residential-One Zone District). All other development standards shall comply with the applicable section of the Jefferson County Zoning Resolution. (orig. 2-26-13)

Types of MU-L:

a. Mixed Use Limited Commercial-One (MU-L1): Allows commercial uses as indicated in the Permitted Uses Section and/or residential uses. (orig. 2-26-13)

b. Mixed Use Limited Commercial-Two (MU-L2): Allows commercial uses as indicated in the Permitted Uses Section, but limits residential uses to no more than 75% of the total gross square footage. (orig. 2-26-13)

2. **Mixed Use Neighborhood Commercial (MU-N)**

The Mixed Use Neighborhood Commercial Sub-District is intended for mixed use developments that are adjacent and/or connected to residential district(s). MU-N is intended for areas of larger commercial square footages such as typical grocery stores, along with higher density multifamily development and greater building heights. It is most appropriate for mixed use developments of between 5 and 50 acres in area and located on arterial streets. Auto-related uses (such as gas stations, auto repair, etc.) should be secondary uses and located at peripheral locations. (orig. 2-26-13)

3. **Mixed Use Large Scale (MU-LS)**

The Mixed Use Large Scale Sub-District is intended for areas where a compatible mix of the most intense land uses occurs. These are areas with commercial uses that serve the local or regional population, are intended to allow higher-wage employment opportunities, with the highest density housing and the greatest building heights. It is most appropriate for mixed use developments of greater than 50 acres in area, and located on arterial roads and/or County and State Highways. (orig. 2-26-13)

### D. Permitted Uses (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Uses</th>
<th>MU-L1</th>
<th>MU-L2</th>
<th>MU-N</th>
<th>MU-LS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential uses, as allowed by the associated residential zone district.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multi-family dwellings</td>
<td>X&lt;sup&gt;1&lt;/sup&gt;</td>
<td>X&lt;sup&gt;1&lt;/sup&gt;</td>
<td>X&lt;sup&gt;2&lt;/sup&gt;</td>
<td>X&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>All uses allowed in the Convenience Level of Commercial-One, except gas stations, car washes, service stations and automobile repair.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Grocery stores</td>
<td>X, up to 10,000 s.f. GFA</td>
<td>X, up to 10,000 s.f. GFA</td>
<td>X, up to 75,000 s.f. GFA</td>
<td>X</td>
</tr>
<tr>
<td>Fast food restaurants</td>
<td>X&lt;sup&gt;4&lt;/sup&gt;</td>
<td>X&lt;sup&gt;4&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>All uses allowed in the Neighborhood Level of Commercial-One. Individual retail businesses, except grocery stores (see above), are limited to 24,000 square feet of gross floor area.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>All uses allowed in the Regional Level of Commercial-One. Entertainment facilities, including but not limited</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
to movie theaters, bowling alleys, skating rinks, and pool halls.

1. No limitation on number of residential units above ground floor commercial.
2. Up to 15 du/ac, additional densities may be allowed as indicated under Design Incentives below.
3. Up to 20 du/ac, additional densities may be allowed as indicated under Design Incentives below.
4. Without drive-thru

1. In all districts, multiple buildings are allowed on the same lot.

2. In MU-N and MU-LS:
   a. Residential is allowed above ground floor commercial.
   b. Residential is also allowed at ground floor as long as it comprises no more than 50 percent of the total ground floor building space per lot, parcel or development.
   c. Night clubs, dance halls, and uses that produce similar noise impacts shall not be located directly below or adjacent to residential units.

E. Accessory Uses (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Uses</th>
<th>MU-L1</th>
<th>MU-L2</th>
<th>MU-N</th>
<th>MU-LS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses as allowed per the Residential-One A (R-1A) Zone District.</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Accessory uses as allowed by the Accessory Uses Section of the Zoning Resolution.</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

F. Lot and Building Standards

Mixed use developments should be livable places. Commercial areas and associated streets should be planned and designed to balance traffic needs with those of pedestrians. The following lot and building standards are intended to encourage creative site and building design to promote a “sense of place” that provides visual interest and human scale. (orig. 2-26-13)

1. Maximum Building Height (orig. 2-26-13)

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>As per associated residential zone district.</td>
<td>None</td>
</tr>
<tr>
<td>As per associated residential zone district.</td>
<td>35' Height may be increased by an additional story for each level that is either residential, parking or a combination, to a maximum height of 60'.</td>
</tr>
<tr>
<td>As per associated residential zone district.</td>
<td>60' Height may be increased by an additional story for each level that is either residential, parking, or a combination, to a maximum height of 100'.</td>
</tr>
</tbody>
</table>

Floors above the second story shall be stepped back a minimum of five feet (5’) for each additional story.

Any portion of a new building located within 75 feet of the property line of an adjacent single family residence shall have a maximum height no greater than the maximum height allowed for the adjacent residences. Where a street separates the buildings, the measurement shall be from the right-of-way line opposite the mixed use zone district.
2. Setbacks and Build-To Requirements

In order to create vibrant streets and enhance the pedestrian experience, all new buildings should be placed close to the street and oriented toward the public realm. Rather than the traditional setback which requires buildings to be pushed away from the public realm, “build-to” requirements are intended to ensure a minimum percentage of the building addresses the street. For the purpose of build-to requirements, there are two different types of streets. (orig. 2-26-13)

a. Primary Streets - are intended to be the primary pedestrian way, and therefore, are the streets that should have the main entrances to buildings, windows facing the street to provide “eyes on the street” for 24-hour safety, and limited or no driveways for vehicular access. Primary streets” should provide the most continuous, safest, and most interesting pedestrian experiences within the area. Therefore, more streetscaping, more heavily articulated facades, shade trees, ornate lighting, and signage are all important elements of “primary streets. Each Mixed Use Development should orient to at least one primary street. (orig. 2-26-13)

b. Secondary streets - while being critical pathways for circulation, both vehicular and pedestrian, tend to focus more on the vehicle by providing the primary vehicular access points into properties and

Any portion of a new building located within 75 feet of the property line of an adjacent single family residence shall have a maximum height no greater than the maximum height allowed for the adjacent residences.
neighborhoods. As such, “secondary streets” tend to contain more curb-cuts and driveway entrances, usually provide the access for loading bays and dumpsters, and tend to have the sides of buildings facing them and fewer building entrances. Secondary streets apply to lots with more than one street frontage and buildings with non-primary street frontage. (orig. 2-26-13)

**Example of Build-To Area**  
This example shows at least 60% of the building length must be within 10 feet of the property line which fronts a Primary Street.

<table>
<thead>
<tr>
<th>Build-To Requirements</th>
<th>Build-To Requirements</th>
<th>Build-To Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU-L</td>
<td>MU-N Build-To</td>
<td>MU-LS Build-To</td>
</tr>
<tr>
<td><strong>Primary Street</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks per associated residential zone district.</td>
<td>At least 60% of the building length must be within 10 feet of property line.</td>
<td>At least 50% of building length must be within 20 feet of property line.</td>
</tr>
<tr>
<td><strong>Secondary Street</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks per associated residential zone district.</td>
<td>At least 30% of building length must be within 20 feet of property line.</td>
<td>At least 30% of building length must be within 20 feet of property line.</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Side</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks per associated residential zone district.</td>
<td>5’ setback No side setback when buildings share a side common wall.</td>
<td>5’ setback No side setback when buildings share a side common wall.</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks per associated residential zone district.</td>
<td>5’ setback</td>
<td>5’ setback</td>
</tr>
</tbody>
</table>
1. For development sites with more than one building, not all buildings must meet the build-to requirement as long as those buildings closest to the street fulfill the requirements set forth in the table above. At least 50% of the primary street frontage shall be occupied by buildings that meet the build-to requirement.

2. For properties meeting the build-to requirement, the width of the street/road perimeter areas landscape strip per the perimeter requirements of the Landscaping Section of the Zoning Resolution may be reduced along the Primary or Secondary Street, but the required number of trees and shrubs still apply.

3. In certain instances, where the provided primary building frontage exceeds the minimum requirement, the required secondary street build-to may be reduced by an equal or lesser amount, subject to approval by Planning and Zoning.

4. Right-of-Way Encroachments: Architectural elements attached to the building façade may encroach into the right-of-way up to 3 feet at the ground floor, and up to 5 feet at upper levels, subject to an approved right-of-way use permit through the Road and Bridge Division. Such encroachments may include window planter boxes, eaves, balconies, projecting wall signs, canopies, and awnings.

### Setbacks for Properties Directly Abutting A Residentially Or Agriculturally Zoned Lot That Contains A Single-Or Two Family Residential Use (orig. 2-26-13)

<table>
<thead>
<tr>
<th></th>
<th>MU-N</th>
<th>MU-LS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>Side</td>
<td>50’</td>
<td>50’</td>
</tr>
<tr>
<td>Rear</td>
<td>50’</td>
<td>50’</td>
</tr>
</tbody>
</table>

“For a development site with more than one building, not all buildings must meet the build-to requirement, as long as those buildings closest to the street fulfill the requirements set forth in the table above.”
G. Building Placement, Design and Orientation

The intent of this subsection is to require buildings and entrances to be oriented to and address the street to the maximum extent practicable to encourage pedestrian access and movement. This provides for convenient, direct and accessible pedestrian routes to and from public sidewalks and transit facilities; provides for safe, pleasant and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops; and promotes the use of pedestrian and transit modes of transportation to retail and commercial facilities. (orig. 2-26-13)

1. Building Orientation

a. Each business with primary street frontage shall have at least one main public entry that faces the primary street or is directly accessed by a sidewalk or plaza within 10 feet of the entrance. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to one of the streets or a single entrance at the corner where the two streets intersect. If this requirement is impractical, unfeasible, or cost prohibitive, exceptions may be granted by Planning and Zoning if it is demonstrated that strict adherence to this requirement would be detrimental to the project and the applicant proposes an alternative which meets the intent of this subsection. (orig. 2-26-13)

b. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access to the entrance from the street, but the entrance may include architectural features such as arcades, anti-chambers, porticos and the like without being in violation of this provision. (orig. 2-26-13)

c. In all districts, for development sites with more than one structure, those buildings that do not directly front a street shall have at least one primary entrance that adjoin a pedestrian walk. The primary entrance should be connected to the street by a walkway that is clearly defined and separated from parking areas. (orig. 2-26-13)

2. Ground Floor Transparency

Long expanses of blank walls facing a street or other public areas detract from the attractiveness of the streetscape, discourage walking, and reduce the perceived safety of pedestrians using those spaces. The standards help enhance the economic vitality of a neighborhood by providing the opportunity for merchants to display goods and advertise their wares to shoppers. By encouraging “window shopping” in mixed use districts the activity on the street is increased along with security. (orig. 2-26-13)

For retail commercial buildings along a Primary Street (including food or drink establishments), a minimum of 50 percent of the distance of the front facade at the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior. This minimum percentage shall be 30% along Secondary Streets. (orig. 2-26-13)

a. Semi-transparent glass and/or spandrel glass may account for as much as 25% of the ground floor transparency requirement. (orig. 2-26-13)

b. Glass display cases may count toward the transparency requirement only if they give the appearance of windows, are at least 18 inches deep, and are maintained with items of interest, including window display graphics. (orig. 2-26-13)

c. For retail uses, windows at the ground floor shall be at least 5 feet high. (orig. 2-26-13)
3. Drive Through Facilities

Any drive-up lane that is visible from a street or public space shall incorporate the following screening elements. (orig. 2-26-13)

a. A screen wall, at least 36 inches in height, with finish materials consistent with or complimentary to the primary building. Such screen wall may count toward the “build to” requirement. (orig. 2-26-13)

b. A landscaped buffer, at least 4 feet in width, between the property line and the screen wall. (orig. 2-26-13)

c. Where there is more than one drive-up lane, structural elements shall be used for further screening. These screening elements shall be compatible with or complimentary to the architectural qualities of the main building including materials, form, scale, and color. (orig. 2-26-13)

d. Drive through facilities should be oriented away from the Primary Street. (orig. 2-26-13)

H. Parking

Streets and developments are more vibrant and interesting to pedestrians if they are lined with buildings and active uses. Surface parking should be located behind buildings, toward the interior of lots, and should be screened from view from adjacent streets. (orig. 2-26-13)

1. Surface Parking Placement: Parking areas, including parking garages, should be located to the rear or side of the building and away from the Primary Street. For development sites with more than one building, parking is not allowed between the building and the street, but is allowed in front of or between permitted buildings interior to the development site. “If this requirement is impractical, unfeasible, or cost prohibitive, exceptions may be granted by Planning and Zoning if it is demonstrated that strict adherence to this requirement would be detrimental to the project and the applicant proposes an alternative which meets the intent of this subsection. (orig. 2-26-13)
2. Parking is allowed in front of the building and the main street when on street parking is utilized. (orig. 2-26-13)

The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to County standards, except that angled parking may be allowed for some streets, as approved by the County. (orig. 2-26-13)

3. Parking lots and drive aisles shall be designed to maximize connectivity between developments and minimize the distances pedestrians must travel between buildings. (orig. 2-26-13)

4. Shared Parking Where multiple uses share the same off street parking facilities, reduced total demand for parking spaces may result due to differences in parking demand for each use during the course of the day. The following schedule of shared parking is provided indicating how shared parking for certain uses can be used to reduce the total parking required for shared parking facilities. (orig. 2-26-13)

<table>
<thead>
<tr>
<th></th>
<th>Weekday</th>
<th></th>
<th>Weekend</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Midnight to 7 AM</td>
<td>7AM to 6PM</td>
<td>6PM to Midnight</td>
<td>Midnight to 7 AM</td>
<td>7AM to 6PM</td>
<td>6PM to Midnight</td>
</tr>
<tr>
<td>Colleges</td>
<td>0%</td>
<td>30%</td>
<td>75%</td>
<td>0%</td>
<td>100%</td>
<td>80%</td>
</tr>
<tr>
<td>Library/Museum</td>
<td>100%</td>
<td>65%</td>
<td>100%</td>
<td>100%</td>
<td>65%</td>
<td>100%</td>
</tr>
<tr>
<td>Hotel</td>
<td>0%</td>
<td>100%</td>
<td>50%</td>
<td>0%</td>
<td>100%</td>
<td>50%</td>
</tr>
<tr>
<td>Convention Facility</td>
<td>5%</td>
<td>100%</td>
<td>5%</td>
<td>0%</td>
<td>50%</td>
<td>5%</td>
</tr>
<tr>
<td>Office/Industrial</td>
<td>5%</td>
<td>100%</td>
<td>30%</td>
<td>0%</td>
<td>100%</td>
<td>5%</td>
</tr>
<tr>
<td>Medical Office</td>
<td>0%</td>
<td>30%</td>
<td>50%</td>
<td>0%</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>100%</td>
<td>50%</td>
<td>90%</td>
<td>100%</td>
<td>75%</td>
<td>75%</td>
</tr>
<tr>
<td>Residential</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
<td>25%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant (sit down)</td>
<td>50%</td>
<td>100%</td>
<td>80%</td>
<td>50%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant (fast food)</td>
<td>0%</td>
<td>100%</td>
<td>80%</td>
<td>0%</td>
<td>100%</td>
<td>60%</td>
</tr>
<tr>
<td>Service Establishment</td>
<td>0%</td>
<td>25%</td>
<td>100%</td>
<td>50%</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>Entertainment Facility</td>
<td>0%</td>
<td>75%</td>
<td>80%</td>
<td>0%</td>
<td>100%</td>
<td>60%</td>
</tr>
</tbody>
</table>

Parking should be located to the rear or side of buildings.
5. Determining the Total Requirements for Shared Parking Facilities: For each applicable general land use category, calculate the number of spaces required for a use if it were the only use (refer to the Parking and Loading Section of the Jefferson County Zoning Resolution). Use those figures for each land use to calculate the number of spaces required for each time period for each use (6 time periods per use). For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six (6) time periods. Select the time period with the highest total parking requirement and use that total as the shared parking requirement. (orig. 2-26-13)

The total number of surface parking spaces provided shall not exceed 125% of the minimum parking required. This does not apply to dedicated parking for residential uses and structured/covered parking. (orig. 2-26-13)

I. Landscaped Area and Common Usable Area

Parks, plazas, squares and other forms of public spaces play an important role in the quality of a place. Landscaped and hardscaped areas contribute to the public realm by providing places for people to gather, relax, and recreate. To provide active recreation areas, create a focal point for the community, save environmental features, and provide incentives for walking, biking and social interaction, all new mixed use developments shall contain the following minimum percentages of landscaped area. (orig. 2-26-13)

1. MU-L – Shall meet the landscaping and open space requirements of the Jefferson County Zoning Resolution. (orig. 2-26-13)
2. MU-N - 15% (orig. 2-26-13)
3. MU-LS – 25% (orig. 2-26-13)

For all development sites, at least 75 percent of the required landscaped area must be common useable area. (orig. 2-26-13)

a. For all development sites, at least 75 percent of the required landscaped area must be common usable area. (orig. 2-26-13)

b. At least 35 percent of the total square footage of the common useable area shall consist of communal amenities. (orig. 2-26-13)

(1) When clubhouses, indoor recreational facilities or similar structural amenities are proposed, each square foot shall be credited 2 times the required square footage. (orig. 2-26-13)

(2) Public plazas shall be credited two times the minimum requirements of this section when the plaza contains at least 3 of the following. (orig. 2-26-13)

(a) At least one permanent sitting space per every 250 feet of plaza or public space area. (orig. 2-26-13)

(b) A mixture of areas that provide shade through canopies, canopy trees, awnings, arcades, etc. (orig. 2-26-13)

(c) A water feature or piece of public art. (orig. 2-26-13)

(d) Permanent outdoor dining areas. (orig. 2-26-13)

(e) Use of decorative pavers and pervious pavement treatment for hardscape areas. (orig. 2-26-13)

(f) Similar amenities as approved by Planning and Zoning. (orig. 2-26-13)

J. Design Incentives

In order to encourage excellent site design and increase sense of place, Planning and Zoning can grant additional incentives when an applicant exceeds the minimum design requirements of this section. As indicated
in the table below, additional design components can gain an applicant increases in density or reductions in required parks fees. Incentives will only be given for design elements that exceed the minimum development standards. In order to apply for these incentives, the applicant may be required to submit a Concept Plan, as well as a letter, to Planning and Zoning which demonstrates how the proposed development utilizes the following design components. (orig. 2-26-13)

<table>
<thead>
<tr>
<th>Points</th>
<th>Density Bonus</th>
<th>Required Parks Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; = 3</td>
<td>25%</td>
<td>15%</td>
</tr>
<tr>
<td>&gt; = 5</td>
<td>50%</td>
<td>30%</td>
</tr>
<tr>
<td>&gt; = 10</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1 Point</th>
<th>2 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installing street furniture: benches, decorative trash receptacles, bicycle racks, etc. One point will be credited for each 3 of these items per Primary Street.</td>
<td>Pedestrian-scaled lighting at a maximum of 100 feet apart along the length of at least one primary street of the development. “Pedestrian-scaled lighting” is typically decorative light posts, between 10-15 feet in height, which provide both illumination and accent to pedestrian corridors.</td>
</tr>
<tr>
<td>Increased required landscaping area by at least 10%</td>
<td>Sidewalks of at least 8 feet in width for the length of at least one primary street. These sidewalks shall include components such as landscape plantings, street trees, street furniture, public art, decorative pedestrian lighting, etc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1 Point</th>
<th>2 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special features such as a sculpture, water feature, or a similar element (except for features or images which are trademarked or in some way related to a specific business, such as a logo).</td>
<td>A combination of entry building frontage elements such as porches, pent roofs, roof overhangs, stoops, or other similar architectural elements defining the front entrance to at least 75% of the buildings along the length of at least one primary street. These elements shall be in addition to what would be required per the Architecture Section of the Jefferson County Zoning Resolution.</td>
</tr>
<tr>
<td>Inclusion of projecting wall signs with a consistent sign design program along at least one street front or pedestrian way.</td>
<td>At least 25% of the parking requirements satisfied by on-street, angled parking. Back out-head in parking is encouraged.</td>
</tr>
<tr>
<td>Permanent and functional outdoor patios or dining areas accounting for at least 10% of the square footage of the total building footprints.</td>
<td>At least 35% of the total parking requirement is met by structured parking.</td>
</tr>
</tbody>
</table>

Additional elements that meet the intent of these design incentives may be approved by Planning and Zoning.
Section 29 - Planned Development District

A. Intent and Purpose

The Planned Development (PD) Zone District is a versatile zoning mechanism allowing for land development of any nature (residential, commercial, conservation, mining, industrial, public or quasi-public, etc.) either as a single use or in combination, through total integrated project planning. (orig. 5-24-65; am. 12-17-79; am. 6-1-93)

B. Permitted Uses

1. The PD Zone District may include uses of any nature (residential, commercial, conservation, mining, industrial, public or quasi-public, etc.), however, the uses and standards for a PD Zone District are limited to those included in the Official Development Plan (ODP). (orig. 6-1-93; am. 5-21-19)

C. Procedure, Plan Submittal, and Consideration

1. All PD District Rezonings shall be filed in accordance with the procedures and limitations contained in the Administrative Provisions Section of this Zoning Resolution. (orig. 6-1-93; am. 7-11-06)

D. PD For Mining:

1. All mining proposals that are outside the Mineral Conservation (M-C) Zone District must submit a PD Zone District application for consideration by the County. (orig. 6-1-93)

2. The applicant may be required to submit such studies as are necessary to determine whether the proposal complies with the applicable portion of the General Land Use Plan, applicable community plan, and the site development policies in the Mineral Extraction Policy Plan. Such studies may include, but are not limited to the following: (orig. 6-1-93; am. 12-17-02)
   a. Visual impact study. (orig. 6-1-93)
   b. Open Space resources study. (orig. 6-1-93)
   c. Air quality study. (orig. 6-1-93)
   d. Noise study. (orig. 6-1-93)
   e. Water quality and quantity study. (orig. 6-1-93)
   f. Wildlife and vegetation study. (orig. 6-1-93)
   g. Geologic report. (orig. 6-1-93)
   h. Traffic impact study. (orig. 6-1-93)
   i. Blasting study. (orig. 6-1-93)
   j. Historic resources, archeological and paleontological study. (orig. 6-1-93)
   k. Fire protection study. (orig. 6-1-93)
   l. Reclamation study. (orig. 6-1-93)
   m. Soil report. (orig. 6-1-93)
   n. Radiation study. (orig. 6-1-93)
   o. Core drilling sample report. (orig. 6-1-93)
3. The Planning Commission and/or the Board of County Commissioners may request studies or reports by independent experts on technical matters on which there has been a conflict in testimony or on which the Planning Commission and/or the Board of County Commissioners, in its discretion, determines there is a need for clarification. (orig. 6-1-93)

   a. The need for and scope of such studies or reports shall be determined solely by the Planning Commission or the Board of County Commissioners with input from the applicant and all interested parties. (orig. 6-1-93)

   b. The Planning Commission and the Board of County Commissioners may seek input from the applicant and the general public to identify appropriate expert(s). If the applicant and concerned citizens are unable to agree on an expert within 30 days of the date on which such input is sought by the Planning Commission and/or the Board of County Commissioners, then the case manager shall assist the Planning Commission or the Board of County Commissioners in selecting an independent expert in the relevant field. (orig. 6-1-93)

   c. The issues to be resolved for the Planning Commission or the Board of County Commissioners shall be listed in writing and transmitted to the independent expert(s) by the case manager. Neither the applicant nor any member of the public shall contact any independent expert retained by the County except in public hearings. (orig. 6-1-93)

   d. Such expert(s) shall be compensated by the County with funds provided by the applicant. The applicant shall make an amount not to exceed $30,000 available to Jefferson County for all such independent review upon the request of the Planning Commission and/or the Board of County Commissioners. The funds may be utilized to compensate for all time spent reviewing the case, formulating and writing an opinion, testifying at hearings, and any other reasonably related time or out-of-pocket expense. Any amount not expended for technical review shall be refunded to the applicant at the completion of the Rezoning process. (orig. 6-1-93; am. 12-17-02)

   e. The results of independent technical review shall be presented at a public hearing. The applicant, citizen opponents, and any other interested party shall have an opportunity to comment on the results of the independent review. The Planning Commission and the Board of County Commissioners, in their discretion, may submit follow-up questions to the experts based on the comments of the applicant and others. (orig. 6-1-93)

4. The substantive requirements and provisions of this section and the Mineral Extraction Policy Plan, as well as any other relevant plans, policies, studies, and factors shall be considered by the Planning Commission and the Board of County Commissioners in determining whether to Rezone to PD for mining and in formulating the PD restrictions if the property is rezoned. In the case of mining pursuant to PD zoning, no Special Exception for mining shall be required from the Board of Adjustment. (orig. 5-24-65; am. 1-13-75; am. 6-20-77; am. 12-17-79; am. 6-1-93; am. 12-17-02)

5. In addition to those conditions otherwise authorized by law, the Planning Commission is authorized to recommend, and the Board of County Commissioners is authorized to impose conditions of approval to implement the site development policies in the Mineral Extraction Policy Plan and any other applicable plan, policy or study. Such conditions may include, but are not limited to, the following. (orig. 6-1-93; am. 12-17-02)

   a. Mine plan restrictions. (orig. 6-1-93)

   b. Site and design criteria for structures. (orig. 6-1-93)

   c. Coloring and siting requirements for machinery, equipment, and structures. (orig. 6-1-93)

   d. Haul road and other internal road specifications, and specifications for on-site conveyance systems. (orig. 6-1-93)

   e. Dust abatement measures. (orig. 6-1-93)

   f. Blasting limitations. (orig. 6-1-93)
g. Monitoring requirements. (orig. 6-1-93)

h. Water quality and quantity protection measures, including drainage and erosion control structures. (orig. 6-1-93)

i. Wildlife habitat protection measures. (orig. 6-1-93)

j. Measures to protect archeological, historic, and significant geologic sites. (orig. 6-1-93)

k. Limitations on hours of operation. (orig. 6-1-93)

l. Limitations on hours of truck hauling, number of truck trips, and haul routes. (orig. 6-1-93)

m. Reclamation provisions to the extent not expressly preempted by the Colorado Mined Land Act. (orig. 6-1-93)

n. Mitigation measures recommended in the studies or reports submitted during the hearings or with the application. (orig. 6-1-93)

o. Restrictions on after uses and specifications for the land contours, landscaping or other visual features required for that use. (orig. 6-1-93)

6. When the ODP designates an after use for which Platting is required under the Land Development Regulations, the property must be Platted prior to the issuance of a Building Permit to construct any structure or building for such use. (orig. 6-1-93; am. 12-17-02)

D. General Requirements

1. A sexually oriented business shall not be located in a PD Zone District unless such use was specifically listed in the ODP prior to July 8, 1997, the effective date of this Resolution, or unless the Permitted Uses set forth in the ODP refer to and incorporate the uses permitted in the C-2, I-1, I-2, I-3, and I-4 Zone Districts of this Zoning Resolution. (orig. 7-8-97; am. 12-17-02; am. 7-11-06)

2. All other general requirements and/or provisions of this Zoning Resolution shall apply to the PD unless otherwise specified in the ODP. (orig. 1-17-84)

E. Use of Land Designated as open space in an ODP that is not owned by the State of Colorado or any political subdivision thereof, or by the Jefferson County R-1 School District School

a. Unless otherwise specified within the ODP, permitted uses in areas designated in the PD Zone District as open space, conservation, preservation, or other similar term, are limited to the following. (orig. 8-31-93)

(1) Passive recreation, defined as activities which use the land with minimal disturbance and which do not utilize structures or permanently installed equipment. (orig. 8-31-93)

(2) Recreational trails for non-motorized use, except that motorized wheelchairs are permitted. (orig. 8-31-93)

(3) Perimeter fence with a maximum height of 42”. (orig. 8-31-93)

(4) Signs 6 square feet or less that are accessory to a permitted open space use. (orig. 8-31-93)

(5) Structures under 250 square feet for restrooms, picnic shelters, maintenance equipment storage or other use accessory to a permitted open space use. (orig. 8-31-93)

(6) Properly managed grazing of horses, cattle, sheep, goats, wildlife or other grazing or browsing animals. (orig. 8-31-93)
(7) Forest management activities designed to promote healthy and aesthetic forests. (orig. 8-31-93)

b. Rezoning shall be required for parking areas, interior fences, access drives, and active recreation which requires permanently installed equipment, structures larger than 250 square feet or any other use not set forth above. (orig. 8-31-93)
Section 30 - Residential District

A. Intent and Purpose

1. The Residential Districts are intended to provide areas for residential development and includes single-family dwellings, two-family dwellings, duplexes, townhomes and multi-family dwellings, where allowed. (orig. 3-26-13)

2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific residential zone district. (3-26-13)

3. The Residential Zone Districts are divided as follows: (orig. 3-26-13)
   a. Residential-One (R-1)
   b. Restricted Residential (RR)
      (1) Restricted Residential Quarter Acre (RR-1/4)
      (2) Restricted Residential One Half Acre (RR-1/2)
      (3) Restricted Residential One Acre (RR-1)
      (4) Restricted Residential Two Acre (RR-2)
      (5) Restricted Residential Five Acre (RR-5)
      (6) Restricted Residential Ten Acre (RR-10)
   c. Residential-One A (R-1A)
   d. Residential-One B (R-1B)
   e. Residential-One C (R-1C)
   f. Residential-Two (R-2)
   g. Residential-Three (R-3)
   h. Residential-Three A (R-3A)
   i. Residential-Four (R-4)

B. Permitted Uses (orig.3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Use</th>
<th>R-1</th>
<th>RR</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3</th>
<th>R-3A</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Two-family dwelling or duplex</td>
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<tr>
<td>Multi-family dwelling or townhome</td>
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<tr>
<td>Multi-family dwelling (20 dwelling units to 50 dwelling units per acre)</td>
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<td>X</td>
</tr>
<tr>
<td>Religious Assemblies and related uses, parish house and/or parsonage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private nonprofit museum</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Parochial or private schools. Not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults.</td>
<td></td>
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<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Colleges; not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults.</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>R-1</th>
<th>RR</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3</th>
<th>R-3A</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>State licensed daycare or large day-care home or preschool or nursery.</td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Group Home for up to 8 aged persons not located within 750 ft of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 ft of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 ft of another such group home or group home for the aged or developmentally disabled persons.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public park, Class I public recreation facilities.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Class II public recreation facility</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Homes for the aged and nursing homes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hospital, nursing homes and clinics but not including institutions exclusively for the mentally disturbed, or for contagious or infectious diseases.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

### Accessory Uses (orig.3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Use</th>
<th>R-1</th>
<th>RR</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3</th>
<th>R-3A</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private garage, mini structure, storage shed</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private greenhouse and nursery, noncommercial conservatory for plants and flowers.</td>
<td>X</td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Private poultry house and pigeon coop with no more than 400 square feet of floor area; private rabbit and chinchilla hut with no more than 100 square feet of floor area.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Private building or kennel for housing dogs, cats and similar domestic pets.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private stable and/or barn for keeping horses, cattle, sheep, goats or other similar domesticated animals. See general requirements below.</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Home Occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupation Section of the Zoning Resolution have been met.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Use

<table>
<thead>
<tr>
<th>Accessory Uses per the Accessory Use Section of the Zoning Resolution.</th>
<th>R-1</th>
<th>RR</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3</th>
<th>R-3A</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial service activities, which are accessory to the main use of the building</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

1. But not including horses, cattle, sheep, goats, chickens, ducks, geese or other fowl. The maximum total number of dogs, cats and similar domestic pets which may be kept shall be 3. Offspring of domestic pets may be kept until weaned.

2. May be conducted, provided said use is contained within the main building. Cafeterias, offices, studios and personal services such as beauty parlors, barber shops, laundry pick-up stations and pharmacies may be conducted. However, the sum total of commercial uses may not exceed more than 10 percent of the floor area of any single building or structure. The entrance to any such accessory business will be from inside the building. Such accessory use is one which:
   a. Is subordinate to and serves the principal building or principal use.
   b. Is subordinate in area, extent, or purpose to the principal building or principal use served.
   c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served.
   d. Is located on the same lot as the principal building or principal use served.

D. Special Uses (3-26-13)

The following uses shall be permitted only upon review by the Planning Commission and approval by Board of County Commissioners: (orig. 3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Use</th>
<th>R-1</th>
<th>RR</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3</th>
<th>R-3A</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Assemblies and related uses, parish house and/or parsonage.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Private nonprofit museum</td>
<td></td>
<td>X</td>
<td>X</td>
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<tr>
<td>Cable Television reception station</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>Water supply reservoir and irrigation canal</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>A group living facility, other than homes for social rehabilitation,</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>or a home where up to 6 unrelated individuals are living together,</td>
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<td>X</td>
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</tr>
<tr>
<td>that is occupied by more than one registered sex offender.</td>
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<td>X</td>
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<tr>
<td>Group, foster or communal home, residential treatment center,</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<td>X</td>
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<tr>
<td>community residential home, home for social rehabilitation,</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>assisted living residence, personal case boarding home,</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>specialized group facility, receiving home for more than 4 foster</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>home residents, residential child care facility or shelter from</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>domestic violence, licensed or certified by state if applicable,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>in which 7 or more residents who are not legally related live and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>cook together as a single housekeeper unit not located within</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>750 ft of another similar type home or shelter.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Use

<table>
<thead>
<tr>
<th>Group home for the aged, group home for the developmentally disabled, group home for the mentally ill persons, licensed or certified by the state if applicable, in which 9 or more residents who are not legally related live and cook together as a single housekeeper unit, where such home is not located within 750 ft of another similar type home, licensed or certified by the state if applicable.</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>State licensed daycare center or preschool or nursery</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parochial or private schools. Not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults. Exceptions listed above shall not preclude home occupations authorized by the Board of Adjustment or the Home Occupations Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Home for social rehabilitation or adjustment for up to 10 residents plus staff, not located within 750 ft of another similar facility.</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil and gas drilling and production subject to the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except where located within a subdivision platted and recorded in the records of the Clerk and Recorder.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Class I or II commercial recreational facility. Class II public recreational facility.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

E. Lot and Building Standards (orig. 3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Districts</th>
<th>Primary Structure/ Garages (attached or detached)</th>
<th>Adjacent to Arterial</th>
<th>All Other Accessory Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>Housing Livestock – 100 ft. All Other Accessory Structure – 50 ft.</td>
</tr>
<tr>
<td>R-1A</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>R-1B</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>R-1C</td>
<td>12 ft. (living space) 20 ft. (garage)</td>
<td>18 ft. (living space) 30 ft. (garage)</td>
<td>30 ft.</td>
</tr>
<tr>
<td>R-2</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>
### Front Setback

<table>
<thead>
<tr>
<th>Districts</th>
<th>Primary Structure/ Garages (attached or detached)</th>
<th>Adjacent to Arterial</th>
<th>All Other Accessory Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-3</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>R-3A</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>R-4</td>
<td>40 ft.</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>RR-1/4</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>RR-1/2</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-1</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-2</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-5</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RR-10</td>
<td>75 ft.</td>
<td>75 ft.</td>
<td>75 ft.</td>
</tr>
</tbody>
</table>

### Side Setback

<table>
<thead>
<tr>
<th>Districts</th>
<th>All Structures</th>
<th>Adjacent to local/collector</th>
<th>Adjacent to arterial</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>15 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>R-1A</td>
<td>5 ft. min (15 ft. total)²</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>R-1B</td>
<td>5 ft.</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>R-1C</td>
<td>5 ft.</td>
<td>15 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>R-2</td>
<td>5 ft. min (15 ft. total)²</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>R-3</td>
<td>5 ft.³</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>R-3A</td>
<td>5 ft.³</td>
<td>20 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>R-4</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-1/4</td>
<td>10 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>RR-1/2</td>
<td>20 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-1</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-2</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-5</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RR-10</td>
<td>50 ft.</td>
<td>75 ft.</td>
<td>75 ft.</td>
</tr>
</tbody>
</table>

¹For a two-family dwelling, no side setback shall be required where there is a common wall shared between buildings on adjacent lots.

²For R-1 and R-1A districts, the minimum side setback is 5 feet, and the total side setback is 15 feet.

³For R-3 and R-3A districts, the minimum side setback is 5 feet.
Each side setback must be a minimum of 5 feet, and both side setbacks added together must equal 15 feet or more.

The minimum side setback for a single-family dwelling, two-family dwelling, duplex, townhome, or multi-family dwelling with 1 story, shall be 5 feet on each side. The minimum side setback for any other main building shall be 10 feet on each side.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Single-Family</th>
<th>Two-Family or Duplex</th>
<th>Townhome</th>
<th>Multi-Family</th>
<th>Other Main Building</th>
<th>Detached Garage or Other Accessory Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>5 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>5 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>R-1A</td>
<td>10 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>10 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>R-1B</td>
<td>10 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>10 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>R-1C</td>
<td>10 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>10 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>R-2</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>5 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>R-3</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>R-3A</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>R-4</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-1/4</td>
<td>20 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>RR-1/2</td>
<td>20 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>RR-1</td>
<td>20 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>RR-2</td>
<td>30 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>RR-5</td>
<td>50 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RR-10</td>
<td>50 ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>
### Districts

<table>
<thead>
<tr>
<th>Districts</th>
<th>Building Separation</th>
<th>Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Between Townhome or Multi-family Groups</td>
<td>From Building on Adjacent Lot</td>
</tr>
<tr>
<td>R-1</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>R-1A</td>
<td>n/a</td>
<td>15 ft.</td>
</tr>
<tr>
<td>R-1B</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>R-1C</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>R-2</td>
<td>n/a</td>
<td>15 ft.</td>
</tr>
<tr>
<td>R-3</td>
<td>25 ft.</td>
<td>n/a</td>
</tr>
<tr>
<td>R-3A</td>
<td>25 ft.</td>
<td>n/a</td>
</tr>
<tr>
<td>R-4</td>
<td>30 ft.²</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-1/4</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-1/2</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-1</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-2</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-5</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-10</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

¹ No such building shall exceed the lesser of the height indicated or the height of the primary structure.

### Lot Size

<table>
<thead>
<tr>
<th>Districts</th>
<th>Single-Family Dwelling</th>
<th>Two-Family Dwelling</th>
<th>Duplex</th>
<th>Townhome</th>
<th>Multi-Family</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>12,500 s.f.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>R-1A</td>
<td>9,000 s.f.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>R-1B</td>
<td>7,500 s.f.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>R-1C</td>
<td>4,500 s.f.</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>R-2</td>
<td>9,000 s.f.</td>
<td>12,500 s.f. min. develop area and 5,000 s.f. min lot area per unit</td>
<td>12,500 s.f.</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>
### Zoning Resolution

#### Amended 7-17-18

<table>
<thead>
<tr>
<th>Districts</th>
<th>Lot Size</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single-Family Dwelling</td>
<td>Two-Family Dwelling</td>
<td>Duplex</td>
<td>Townhome</td>
<td>Multi-Family</td>
</tr>
<tr>
<td>R-3</td>
<td>7,500 s.f.</td>
<td>3,000 s.f. min. develop area and 1,500 s.f. min lot area per unit</td>
<td>9,000 s.f.</td>
<td>12,500 s.f. min. develop area and 2,000 s.f. min lot area per unit</td>
<td>12,500 s.f. min. develop area and 2,000 s.f. min lot area per unit</td>
</tr>
<tr>
<td>R-3A</td>
<td>n/a</td>
<td>4,000 s.f. min. develop area and 2,000 s.f. Min lot area per unit</td>
<td>12,500 s.f.</td>
<td>4,000 s.f. min. develop area and 2,000 s.f. Min lot area per unit</td>
<td>12,500 s.f. min. develop area and 3,000 s.f. min lot area per unit</td>
</tr>
<tr>
<td>R-4</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>1 acre min develop area and 850 s.f. Min lot area per unit</td>
</tr>
<tr>
<td>RR-1/4</td>
<td>¼ acre (10,890 s.f.)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-1/2</td>
<td>½ acre (27,180 s.f.)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-1</td>
<td>1 acre (43,560 s.f.)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-2</td>
<td>2 acres (87,120 s.f.)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-5</td>
<td>5 acres (217,800 s.f.)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>RR-10</td>
<td>10 acres (435,600 s.f.)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

**F. Fences**

1. Maximum fence height: 6 feet. (orig. 3-26-13)
2. No fence more than 42 inches in height of any type shall be permitted within the front setback line and the front lot line. (orig. 3-26-13)
3. No barbed wired or electric fence shall be permitted in this zone district. (orig. 3-26-13)
4. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig. 3-26-13)

**G. General Requirements**

1. Corner lots must comply with the vision clearance triangle requirements. (orig. 3-26-13; am.7-17-18)
2. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig. 3-26-13)

**H. Animals**

1. Manure shall not be allowed to accumulate so as to cause a hazard to the health, safety or welfare of humans and/or animals. The outside storage of manure in piles shall not be permitted within 100 feet of the front lot line and shall conform to the side and rear setback requirements of a dwelling. (orig. 3-26-13)
2. Stallions and bulls shall be kept in a pen, corral or run area enclosed by a 6-foot chain link fence, or material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes. (orig. 3-26-13)
3. Where allowed the keeping of horses, cattle, sheep, goats, or other similar domesticated animals shall be kept in a fenced area. The total number of animals, listed above, is limited as follows. (orig. 3-26-13)

The minimum square footage of open lot area available to the animals, shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal. The total number of such animals that may be kept shall not exceed 4 per 1 acre; except that offspring of animals on the property may be kept until weaned. (orig. 3-26-13; am. 7-17-18)
Section 31 - Mountain Residential District  
(orig. 3-26-13)

A. Intent and Purpose

1. The Mountain Residential Zone District is intended to provide for low to medium density residential development including both single-family and two-family dwellings, where allowed. Certain agricultural uses which are compatible with this development. (orig.3-26-13)

2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific mountain residential zone district. (orig.3-26-13)

3. The Mountain Residential zone districts are divided as follows: (orig.3-26-13)
   a. Mountain Residential-One (MR-1)
   b. Mountain Residential-Two (MR-2)
   c. Mountain Residential-Three (MR-3)

B. Permitted Uses (orig.3-26-13)

<table>
<thead>
<tr>
<th>Uses</th>
<th>MR-1</th>
<th>MR-2</th>
<th>MR-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Two-family dwelling or duplexes</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Group Home for up to 8 aged persons not located within 750 ft of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 ft of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 ft of another such group home or group home for the aged or developmentally disabled persons.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public park, Class I public recreation facilities</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Telecommunication Land Uses shall comply with the provisions of the Telecommunication Uses Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

C. Accessory Uses (orig.3-26-13; am.7-17-18)

<table>
<thead>
<tr>
<th>Uses</th>
<th>MR-1</th>
<th>MR-2</th>
<th>MR-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private garage, mini-structure, storage shed.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private greenhouse and nursery, non-commercial conservatory for plants and flowers.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private poultry house and pigeon coop max. 400 square feet of floor area, private rabbit or chinchilla hut with no more than 100 square feet of floor area.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Private building or kennel for housing dogs, cats and similar domesticated pets.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private stable and/or barn for keeping horses, cattle, sheep, goats or other similar domesticated animals. See general requirements below.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupations Section of this Zoning Resolution are met.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Accessory Uses per the Accessory Use Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

1 But not including horses, cattle, sheep, goats, chickens, ducks, geese or other fowl. The maximum total number of dogs, cats and similar domestic pets which may be kept shall be 3. Offspring of domestic pets may be kept until weaned.
D. Special Uses

The following uses shall be permitted only upon review by the Planning Commission and approval by the Board of County Commissioners: (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Uses</th>
<th>MR-1</th>
<th>MR-2</th>
<th>MR-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Assemblies and related uses, parish house and/or parsonage</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private nonprofit museum</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Cable television reception station</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Water supply reservoir and irrigation canal</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>A group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Group, foster or communal home, residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal case boarding home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility or shelter from domestic violence, licensed or certified by state if applicable, in which 7 or more residents who are not legally related live and cook together as a single housekeeper unit not located within 750 ft of another similar type home or shelter.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Group home for the aged, group home for the developmentally disabled, group home for the mentally ill persons, licensed or certified by the state if applicable, in which 9 or more residents who are not legally related live and cook together as a single housekeeper unit, where such home is not located within 750 ft of another similar type home, licensed or certified by the state if applicable.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parochial and private schools. Not included are private vocational, trade or professional schools, schools of art, music or dance and schools for subnormal or mentally disturbed adults. Exceptions listed above shall not preclude those occupations authorized by the Board of Adjustment or the Home Occupations Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>State licensed day-care center or preschool or nursery.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oil and gas drilling operations. Such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified by the Board of County Commissioners in the resolution approving the Special Use.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Class I or II commercial recreational facility. Class II public recreational facility.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

E. Lot and Building Standards (orig.3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>District</th>
<th>Front Setback</th>
<th>All Other Accessory Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary Structure/All Garages</td>
<td>Housing Livestock – 100 ft.</td>
</tr>
<tr>
<td>MR-1</td>
<td>30 ft.</td>
<td></td>
</tr>
<tr>
<td>MR-2</td>
<td>30 ft.</td>
<td></td>
</tr>
<tr>
<td>MR-3</td>
<td>30 ft.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District</th>
<th>Side Setbacks¹</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Structures</td>
<td>Adjacent to street/road</td>
</tr>
<tr>
<td>MR-1</td>
<td>20ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>MR-2</td>
<td>15ft</td>
<td>30 ft.</td>
</tr>
<tr>
<td>MR-3</td>
<td>15ft</td>
<td>30 ft.</td>
</tr>
</tbody>
</table>

¹ For a two-family dwelling, no side setback shall be required where there is a common wall shared between buildings on adjacent lots.
### District Building Height Lot Size

<table>
<thead>
<tr>
<th>District</th>
<th>Building Height</th>
<th>Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary</td>
<td>Accessory¹</td>
</tr>
<tr>
<td>MR-1</td>
<td>45 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>MR-2</td>
<td>45 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>MR-3</td>
<td>45 ft.</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>

¹ No such building shall exceed the lesser of the height indicated or the height of the primary structure.

### Fences
1. Maximum fence height: 6 feet. (orig.3-26-13)
2. No fence more than 42 inches in height of any type shall be permitted within the front setback line and the front lot line. (orig.3-26-13)
3. No barbed wire or electric fence shall be permitted in this zone district. (orig.3-26-13)
4. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig.3-26-13)

### General Requirements
1. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig.3-26-13)
2. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig.3-26-13)

### Animals
1. Manure shall not be allowed to accumulate so as to cause a hazard to the health, safety or welfare of humans and/or animals. The outside storage of manure in piles shall not be permitted within 100 feet of the front lot line and shall conform to the side and rear setback requirements for a dwelling. (orig.3-26-13)
2. Stallions or bulls shall be kept in a pen, corral or run area enclosed by a 6-foot chain link fence, or material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes. (orig.3-26-13)
3. Where allowed the keeping of horses, cattle, sheep, goats, or other similar domesticated animals shall be kept in a fenced area. The total number of animals, listed above, is limited as follows. (orig.3-26-13)
   - The minimum square footage of open lot area, available to animals, shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal. The total number of such animals that may be kept shall not exceed 4 per 1 acre; except that offspring of animals on the property may be kept until weaned. (orig.3-26-13; am. 7-17-18)
Section 32 - Suburban Residential District

(Orig. 3-26-13)

A. Intent and Purpose

1. The Suburban Residential Districts are intended to provide for low density suburban residential development in any terrain where certain agricultural uses are compatible with residential development. (Orig. 3-26-13)

2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific suburban residential zone district. (Orig. 3-26-13)

3. The Suburban Residential Zone Districts are divided as follows:
   a. Suburban Residential-One (SR-1)
   b. Suburban Residential-Two (SR-2)
   c. Suburban Residential-Five (SR-5)

B. Permitted Uses (Orig. 3-26-13)

<table>
<thead>
<tr>
<th>Use</th>
<th>SR-1</th>
<th>SR-2</th>
<th>SR-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Dwelling</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Group Home for up to 8 aged persons not located within 750 ft of another such group home; state licensed group home for up to 8 developmentally disabled persons not located within 750 ft of another such group home; state licensed group home for up to 8 mentally ill persons not located within 750 ft of another such group home or group home for the aged or developmentally disabled persons.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public park, Class I public recreation facilities.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Water supply reservoir and irrigation canal</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

C. Accessory Uses (Orig. 3-26-13; Am. 7-17-18)

<table>
<thead>
<tr>
<th>Use</th>
<th>SR-1</th>
<th>SR-2</th>
<th>SR-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private garage, mini structure, storage shed.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private greenhouse and nursery, noncommercial conservatory for plants and flowers.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private poultry house and pigeon coop with no more than 400 square feet of floor area; private rabbit and chinchilla hut with no more than 100 square feet of floor area.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private building or kennel for housing dogs, cats and similar domestic pets.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private stable and/or barn for keeping horses, cattle, sheep, goats or other similar domesticated animals. See animal requirements below.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Home Occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupations Section of this Zoning Resolution are met.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Accessory Uses per the Accessory Use Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

1 But not including horses, cattle, sheep, goats, chickens, ducks, geese or other fowl. The maximum total number of dogs, cats and similar domestic pets which may be kept shall be 3. Offspring of domestic pets may be kept until weaned.
### D. Special Uses (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Use</th>
<th>SR-1</th>
<th>SR-2</th>
<th>SR-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Assemblies and related uses, parish house and/or parsonage.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Cable Television reception substation</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private nonprofit museum.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>A group living facility, other than homes for social rehabilitation,</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>or a home where up to 6 unrelated individuals are living together,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>that is occupied by more than one registered sex offender.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group, foster or communal home, residential treatment center,</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>community residential home, home for social rehabilitation,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>assisted living residence, personal case boarding home, specialized</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>group facility, receiving home for more than 4 foster home residents,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>residential child care facility or shelter from domestic violence,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>licensed or certified by state if applicable, in which 7 or more</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>residents who are not legally related live and cook together as</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a single housekeeper unit not located within 750 ft of another</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>similar type home or shelter.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group home for the aged, group home for the developmentally</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>disabled, group home for the mentally ill persons, licensed or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>certified by the state if applicable, in which 9 or more residents</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>who are not legally related live and cook together as a single</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>housekeeper unit, where such home is not located within 750 ft of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>another similar type home, licensed or certified by the state if</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>applicable.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State licensed daycare or large day care home or preschool or nursery.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parochial or private schools. Not included are private vocational,</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>trade or professional schools, schools of art, music or dance and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>schools for subnormal or mentally disturbed adults. Exceptions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>listed above shall not preclude home occupations authorized by the</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Board of Adjustment or the Home Occupations Section of this Zoning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resolution.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oil and gas drilling and production Subject to the Drilling and</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Production of Oil and Gas Section of this Zoning Resolution,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>except where located within a subdivision platted and recorded in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the records of the Clerk and Recorder.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class I or II commercial recreational facility. Class II public</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>recreational facility.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### E. Lot and Building Standards (orig. 3-26-13; am. 7-17-18)

#### Front Setback

<table>
<thead>
<tr>
<th>District</th>
<th>Primary Structure/All Garages</th>
<th>All Other Accessory Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR-1</td>
<td>30 ft.</td>
<td>Housing Livestock – 100 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All Other Accessory Structure – 50 ft.</td>
</tr>
<tr>
<td>SR-2</td>
<td>50 ft.</td>
<td>Housing Livestock – 100 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All Other Accessory structure – 50 ft.</td>
</tr>
<tr>
<td>SR-5</td>
<td>50 ft.</td>
<td>Housing Livestock – 100 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All Other Accessory Structure – 50 ft.</td>
</tr>
</tbody>
</table>

#### Side Setbacks

<table>
<thead>
<tr>
<th>District</th>
<th>All Structures</th>
<th>Adjacent to street/road</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR-1</td>
<td>30ft.</td>
<td>30 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>SR-2</td>
<td>50ft</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>SR-5</td>
<td>50ft</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>District</td>
<td>Building Height</td>
<td>Lot Size</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>----------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Primary</td>
<td>Accessory&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Single Family</td>
</tr>
<tr>
<td>SR-1</td>
<td>35 ft.</td>
<td>25 ft.</td>
<td>1 Acre (43,560 sf.)</td>
</tr>
<tr>
<td>SR-2</td>
<td>35 ft.</td>
<td>25 ft.</td>
<td>2 Acre (87,120 sf.)</td>
</tr>
<tr>
<td>SR-5</td>
<td>35 ft.</td>
<td>25 ft.</td>
<td>4 Acre (174,240 sf.)</td>
</tr>
</tbody>
</table>

<sup>1</sup> No such building shall exceed the lesser of the height indicated or the height of the primary structure.

F. Fences
1. Maximum fence height: 6 feet. (orig.3-26-13)
2. Fences over 42 inches in height are allowed within the front setback. (orig. 3-26-13; am 7-17-18)
3. No barbed wire shall be permitted as material for a boundary or perimeter fence in this district. (orig.3-26-13)
4. No electric fence shall be permitted in this district. (orig.3-26-13)
5. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig.3-26-13)

G. General Requirements
1. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig.3-26-13)
2. No structure may be erected, placed upon, or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig.3-26-13)

H. Animals
1. Manure shall not be allowed to accumulate so as to cause a hazard to the health, safety or welfare of humans and/or animals. The outside storage of manure in piles shall not be permitted within 100 feet of the front lot line and shall conform to the side and rear setback requirements for a dwelling. (orig.3-26-13)
2. Stallions or bulls shall be kept in a pen, corral or run area enclosed by a 6-foot chain link fence, or material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes. (orig.3-26-13)
3. Where allowed the keeping of horses, cattle, sheep, goats, or other similar domesticated animals shall be kept in a fenced area. The total number of animals, listed above, is limited as follows. (orig.3-26-13)
   The minimum square footage of open lot area, available for animals, shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal. The total number of such animals that may be kept shall not exceed 4 per 1 acre; except that offspring of animals on the property may be kept until weaned. (orig.3-26-13; am. 7-17-18)
Section 33 - Agricultural District

(orig. 3-26-13)

A. Intent and Purpose

1. The Agricultural Zone Districts are intended to provide for limited farming, ranching and agriculturally related uses while protecting the surrounding land from any harmful effects. (orig.3-26-13)

2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements for each specific agricultural zone district. (orig.3-26-13)

3. The Agricultural Zone Districts are divided as follows: (orig.3-26-13)
   a. Agricultural-One (A-1)
   b. Agricultural-Two (A-2)
   c. Agricultural-Thirty-Five (A-35)

4. A revision in March, 1972, increased the minimum land area for the Agricultural-One district to 5 acres. (orig.3-26-13)

5. A revision in March, 1972, increased the minimum land area for the Agricultural-Two district to 10 acres. (orig.3-26-13)

B. Permitted Uses (orig. 3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Uses</th>
<th>A-1</th>
<th>A-2</th>
<th>A-35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling, Barn, Stable, Silo, Corral, Pens, and Runs.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>General Farming, including grains, fruit, vegetables, grasses, hay, livestock raising, and the keeping and boarding of horses. See general requirements below.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Poultry hatcheries and farms, fish hatcheries and dairy farms.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Greenhouse and nursery, including both wholesale and retail, provided products sold are raised on the premises.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Forestry farming, including the raising of trees for any purpose.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Fur farm and raising of rabbits, chinchillas and other similar animals.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public Park, Class I public recreation facilities, Class II public recreation facilities are permitted only if the site is in compliance with the current minimum lot size requirement.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary hospital</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Cemetery, mausoleum, mortuary and related uses.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Beekeeping operations</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oil and gas drilling and production subject to the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except where located within a subdivision platted and recorded in the records of the Clerk and Recorder.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Energy Conversion Systems (ECS) land uses shall comply with the provisions of the Alternative Energy Resources Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Water supply reservoir and irrigation canal</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
C. **Accessory Uses** (orig. 3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Uses</th>
<th>A-1</th>
<th>A-2</th>
<th>A-35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory structures including private garage, and storage sheds</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Roadside stand for operation during not more than 6 months in each year for the sale of farm products raised or produced on the premises, provided such stands are located no less than 30 feet distance from any street, highway, or right-of-way line.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Private building and kennels for housing dogs, cats or similar domestic pets. On legal non-conforming lots or parcels smaller than the minimum lot size, the maximum total number of dogs, cats and similar domesticated pets which may be kept shall be 3. Litters of puppies or kittens may be kept until weaned.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Temporary storage of defensible space equipment and debris associated fuel break and forest management thinning in accordance with defensible space, fuel break and forest management programs as specified in this Zoning Resolution and Land Development Regulation.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Home Occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupations Section of this Zoning Resolution are met.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Accessory uses per the Accessory Use Section of the Zoning Resolution.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

D. **Special Uses** (orig. 3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Uses</th>
<th>A-1</th>
<th>A-2</th>
<th>A-35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewage treatment plant</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Religious Assemblies and related uses, rectory, parish house and schools.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Radio, television and microwave transmission and relay towers and equipment; meteorological data collection towers and equipment; low power, micro-cell and repeater telecommunications facilities, including antenna and towers.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Cable television reception station</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>A group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Group, foster or communal home, residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal case boarding home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility or shelter from domestic violence, licensed or certified by state if applicable, in which 7 or more residents who are not legally related live and cook together as a single housekeeper unit not located within 750 ft of another similar type home or shelter.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>State licensed daycare center or preschool or nursery.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Arborist or tree service</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Natural resource transportation and conveyance systems</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public Kennel or cattery</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public riding academy or stable</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Camps, campgrounds, picnic grounds, and lodges or other similar facilities. Specific conditions and limitations for use, including maximum periods of visitor occupancy and types or maximum numbers of occupied vehicles or sites, will be established as terms of the Special Use approval.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Oil and gas drilling and production, where located within a subdivision platted and recorded in the records of the Clerk and Recorder. Such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of the Zoning Resolution, except as modified in the resolution approving the Special Use.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Class I, II, III Commercial Recreational Facilities. Class II public recreational facilities on sites which do not meet the current minimum lot size requirement. Class III public recreational facilities.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>A-1</th>
<th>A-2</th>
<th>A-35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited sawmill operation use in support of defensible space, associated, fuel break, forest insect and disease control, and forest management programs as required under the Zoning Resolution and Land Development Regulations.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Trap, skeet or rifle range</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Recycling transfer station, Type I or Type II: the facility shall only accept trees and slash generated from local efforts associated with regulatory/voluntary defensible space, fuel break and forest management plans, and Pine Beetle control programs.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Dangerous and wild animal ranching, training, sales and exhibition provided that the property is 10 acres or greater and such use is in compliance with the General Provisions and Regulations Section of this Zoning Resolution.</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**E. Lot and Building Standards** (orig. 3-26-13; am. 7-17-18)

<table>
<thead>
<tr>
<th>Districts</th>
<th>Building Height</th>
<th>Lot Size (see a &amp; b below)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>35 ft.</td>
<td>5 Acre (217,800 s.f.)</td>
</tr>
<tr>
<td>A-2</td>
<td>35 ft.</td>
<td>10 Acre (435,600 s.f.)</td>
</tr>
<tr>
<td>A-35</td>
<td>35 ft.</td>
<td>35 Acre (1,524,600 s.f.)</td>
</tr>
</tbody>
</table>

1. Lot Standards
   a. The minimum lot area for any use permitted in this district shall be the lot size stated above unless the lot falls within the provisions set forth in the Non-Conforming Lot Size provision below. (orig.3-26-13; am. 7-17-18)
   b. The minimum lot area for a lot developed through the rural cluster process shall be as set forth in the Land Development Regulation. (orig.3-26-13)

F. Fences

1. Maximum Fence Height: 7 feet. (orig.3-26-13)
2. Fences over 42 inches in height are allowed within the front setback. (orig. 7-17-18)
3. Electric fences are permitted provided the electrical fence device is in compliance with Colorado State Department of Agriculture specifications. No electric fence is allowed as boundary or perimeter fence on lot lines abutting residential zone districts. (orig.3-26-13)

4. On adjacent lots where allowed fence heights differ, the lower height restriction shall govern. (orig.3-26-13)

G. General Requirements

1. Corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig.3-26-13)

2. No structure may be erected placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig.3-26-13)

H. Animals

1. Manure shall not be allowed to accumulate so as to cause a hazard to the health, safety or welfare of humans and/or animals. The outside storage of manure in piles shall not be permitted within 100 feet of the front lot line and 50 feet of the side and rear lot lines. (orig.3-26-13)

2. Stallions shall be kept in a pen, corral or run area enclosed by a 6 foot chain link fence, or material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes. (orig.3-26-13)

3. On legal non-conforming lots or parcels smaller than the minimum lot size, the following is the density per acre limitation for horses, mules, donkeys, sheep, cattle, goats, swine, buffalo, and other large domesticated animals: (orig.3-26-13; am. 7-17-18)
   a. The minimum square footage of open lot area, available to animals, shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal. The total number of such animals that may be kept shall not exceed 4 per 1 acre. (orig.3-26-13; am. 7-17-18)
   b. Offspring of animals on the property may be kept until weaned. (orig.3-26-13)

I. Non-conforming Lot Size

1. Planning and Zoning shall only permit the use of any unplatted Agricultural-One, Agricultural-Two, or Agricultural-Thirty-Five zoned tract or parcel that is less than 5 acres, 10 acres, or 35 acres respectively, provided that all of the following provisions are met. (orig. 9-6-77; am. 11-6-79; am. 6-16-80; am. 7-2-97; am. 12-17-02; am. 3-3-15; reloc. & am. 7-17-18)
   a. The parcel, tract or lot existed in its current configuration prior to March 6, 1972. (orig. 9-6-77; am. 6-16-80; reloc. & am. 7-17-18)
   b. The property is 1 acre in size or greater. (orig. 6-16-80; reloc. 7-17-18)
   c. Use of the property shall conform with current use regulations in effect for the respective Agricultural-One, Agricultural-Two, and Agricultural-Thirty-Five Zone Districts. (orig. 9-6-77; am. 7-2-97; reloc. & am. 7-17-18)
   d. Any new construction or structural alteration shall conform with current setback and height regulations in effect for the respective Agricultural-One, Agricultural-Two, and Agricultural-Thirty-Five Zone Districts. (orig. 9-6-77; am. 7-2-97; reloc. 7-17-18)
   e. Requirements of Public Health for water and sanitation shall be complied with prior to the Building Permit being issued. (orig. 9-6-77; am. 12-17-02; am. 4-20-10; reloc. 7-17-18)
2. Planning and Zoning shall only permit the use of any Agricultural-One, Agricultural-Two, or Agricultural-Thirty-Five zoned lot which was platted without County approval provided that the provisions of paragraphs I.1.a through I.1.e above, are complied with. (orig. 6-16-80; am. 7-2-97; am. 12-17-02; am. 3-26-13; am. 3-3-15; reloc. & am. 7-17-18)

3. Planning and Zoning shall only permit the use of any Agricultural-One, Agricultural-Two, or Agricultural-Thirty-Five zoned lot which was platted with County approval prior to time said lot was zoned, provided that the provisions of paragraphs I.1.b. through I.1.e. above, are complied with. (orig. 6-16-80; am. 7-2-97; am. 12-17-02; am 3-26-13; am. 3-3-15; reloc. & am. 7-17-18)

4. Planning and Zoning shall only permit the use of any zoned lot which was platted with County approval subsequent to the date it was zoned provided that the provisions of paragraphs I.1.c. through I.1.e. above, are complied with. (orig. 6-16-80; am. 7-2-97; am. 12-17-02; am 3-26-13; am. 3-3-15; reloc. & am. 7-17-18)
Section 34 - Mobile Home Park District
(Orig. 8-5-57; Am. 11-4-03; Am. 7-11-06; Am. 5-20-08; Am. 4-20-10)

A. Intent and Purpose

1. The Mobile Home Park District is intended to provide designated areas for residential use of mobile homes within the unincorporated area of Jefferson County. Adequate public utilities such as water and sanitation shall be available to serve these areas. (Orig. 11-4-03; Am. 5-20-08)

2. Contained in this section are the allowed land uses, building, lot and rental space standards (including minimum setbacks) and other general requirements. (Orig. 11-4-03)

B. Permitted Uses (Orig. 3-26-13)

<table>
<thead>
<tr>
<th>Use</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Homes in rental parks</td>
<td>X</td>
</tr>
<tr>
<td>Group Home for up to 8 aged persons not located with 750 of another such group home; state licensed group home for up to 8 developmentally disabled persons not located with 750 of another such group home; state licensed group home for up to 8 mentally ill persons not located with 750 of another such group home or group home for the aged or developmentally disabled persons.</td>
<td>X</td>
</tr>
<tr>
<td>Recreational vehicles in rental parks</td>
<td>X</td>
</tr>
</tbody>
</table>

C. Accessory Uses (Orig. 3-26-13)

<table>
<thead>
<tr>
<th>Use</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laundry facilities</td>
<td>X</td>
</tr>
<tr>
<td>Management offices</td>
<td>X</td>
</tr>
<tr>
<td>Playground and facilities mobile home park residents only</td>
<td>X</td>
</tr>
<tr>
<td>One mini-structure as per the Accessory Uses Section of this Zoning Resolution.</td>
<td>X¹</td>
</tr>
<tr>
<td>Storage shed</td>
<td>X¹</td>
</tr>
<tr>
<td>Home Occupations provided the requirements and conditions of the Board of Adjustment or the Home Occupations Section of this Zoning Resolution are met.</td>
<td>X¹</td>
</tr>
<tr>
<td>Those accessory uses as permitted in the Accessory Uses Section of this Zoning Resolution.</td>
<td>X¹</td>
</tr>
</tbody>
</table>

¹ Accessory uses shall be incidental to the primary use of a Mobile Home

D. Special Uses (Orig. 3-26-13)

<table>
<thead>
<tr>
<th>Use</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil and gas drilling operations. Such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified by the Board of County Commissioners in the resolution approving the Special Use.</td>
<td>X</td>
</tr>
<tr>
<td>A group living facility, other than homes for social rehabilitation, or a home where up to 6 unrelated individuals are living together, that is occupied by more than one registered sex offender.</td>
<td>X</td>
</tr>
<tr>
<td>Group home for the aged, group home for the developmentally disabled, group home for mentally ill persons, licensed or certified by the state if applicable, in which 9 or more residents who are not legally related live and cook together as a single household unit, and where such home is not located within 750 feet of another similar type home.</td>
<td>X</td>
</tr>
</tbody>
</table>
### E. Lot and Building Standards (orig. 3-26-13)

<table>
<thead>
<tr>
<th>Standards</th>
<th>Min. Area/Max Density</th>
<th>Space/Lot Width</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Side to street</th>
<th>Rear Yard</th>
<th>Between Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing MH Space</td>
<td>2400 s.f.</td>
<td>28 ft.</td>
<td>3 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>New MH Space</td>
<td>2400 s.f.</td>
<td>28 ft.</td>
<td>10 ft.</td>
<td>5 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>10 units/ac.</td>
<td>n/a</td>
<td>25 ft.</td>
<td>10 ft.</td>
<td>n/a</td>
<td>10 ft.</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessory Structures</th>
<th>From Property Line</th>
<th>Withins Space</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>50 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>50 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>50 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>10 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>5 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>

1 The provisions of this section shall apply to those parks in existence prior to November 4, 2003, the adoption of this regulation. Any new expansion or enlargement shall be subject to the new MH space standards.

---

**Figure 1.** Distance requirement for Mobile Home Park from public right-of-way. (orig. 3-26-13)

**Figure 2.** Development standards (orig. 3-26-13)
1. Special Exceptions
   a. Playground and recreational facilities, clothes drying equipment, playground equipment and service roads will be permitted within the Mobile Home Park. (orig. 8-5-57; am. 11-4-03; am. 5-20-08)
   b. Provided further, that the park setback area may be included in computing the area of mobile home spaces. (orig. 8-5-57; am. 3-9-59; am. 11-4-03; am. 5-20-08)
   c. Provided further, that if a mobile home park is located with side yard or rear yard abutting commercial or industrial zoned land or a natural topographic barrier, the minimum yard requirement shall be no less than 10 feet. (orig. 8-5-57; am. 11-4-03; am. 5-20-08)

F. Fences
   1. Maximum fence height: 6 feet. (orig. 8-6-80)
   2. Fence permits are required for any fence over 42 inches in height. (orig. 8-6-80)
   3. No barbed wire or electric fence shall be permitted as material for a boundary or perimeter fence in this district. (orig. 8-6-80)
   4. If a new mobile home park is located adjacent to residentially or agriculturally zone land, screening of such park shall occur with solid fencing. Such fencing shall be wooden, masonry or hedge. When abutting a public street/road, fencing shall be provided to screen such parks and shall meet applicable County standards. (orig. 11-4-03; am. 5-20-08)
   5. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 8-6-80; am. 7-1-03)

G. General Requirements
   1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig. 5-10-82)
   2. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (5-10-82)
   3. Location Outside Of Parks
      It shall be unlawful for any person, firm, or corporation to place, keep or maintain any mobile home upon any lot, piece or parcel of ground within the County except where allowed within an applicable zone district and where applicable requirements of the Building Code and Zoning Resolution are met however, this section shall not be construed to prevent the placing, parking or keeping of a recreational vehicle or mobile home within the County for a period of 2 weeks from the time that such recreational vehicle or mobile home first arrives within the County; provided however, that during such time, an adequate water supply and adequate toilets are available at all times, either day or night, to the recreational vehicle or mobile home. This exception is especially intended to provide for guests of citizens, but in no case shall this exception extend beyond the 2 week limitation as herein stated. (orig. 8-5-57; am. 1-4-65; am. 8-30-82; am. 12-17-02; am. 11-4-03; am. 5-20-08)
   4. Remodeling and Additions
      a. All mobile homes shall be skirted with a rigid material. Such skirting must be in place within 30 days after the mobile home is set on the mobile home space. Skirting shall be ventilated in order to ensure proper airflow under the home. Skirting material shall be weatherproof and fire resistant. Skirting shall be provided with doors if needed to permit convenient access to sewer, water and gas connections. (orig. 11-4-03; am. 5-20-08)
      b. All applicable State installation standards shall be met as required for proper installation of the mobile home. (orig. 11-4-03; am. 5-20-08)
      c. No mobile home may be remodeled by additions, lean-tos, or the like, for the purpose of converting same into a residence. The use of temporary awnings and cabanas or other factory built, or permanent additions shall not be considered as such remodeling. (orig. 8-5-57; am. 6-2-58; am. 11-4-03; am. 5-20-08)
d. Except that permits for additions or cabanas shall be by approval of the Director of Planning and Zoning. (orig. 6-2-58; am. 12-17-02; am. 3-3-15)

5. Mobile Home Plan
   a. Every mobile home or mobile home park shall be located on a well-drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home or mobile home park shall be located in any area that is situated so that the drainage from any barnyard, outdoor toilet or other source of waste can be deposited in its location. (orig. 8-5-57; am. 11-4-03; am. 5-20-08)
   b. The mobile home park shall be so arranged that all spaces shall face or abut on a driveway. Such driveways shall be graveled or paved and maintained in good condition and shall abut to an interior road. (orig. 8-5-57; am. 12-17-02; am. 11-4-03; am. 5-20-08)
Section 35 - Conservation District

(Orig. 12-26-62; am. 2-6-84; am. 11-11-96; am. 12-17-02; am. 7-11-06; am. 4-20-10)

A. Intent and Purpose:

1. The Conservation Zone District is intended to provide areas for the conservation of open space and the development of parks and recreational facilities to meet the recreational needs of the County. (Orig. 11-3-81)

2. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for this zone district. (Orig. 11-3-81)

B. Permitted Uses

1. Agricultural uses, provided that no dwellings are located within such areas. (Orig. 12-16-62; am. 4-20-62; am. 11-3-81)

2. Public parks and/or recreation area. (Orig. 12-16-62)

3. Telecommunications Land Uses shall comply with the provisions of the Telecommunications Uses Section of this Zoning Resolution. (Orig. 6-29-04; am. 7-11-06)

C. Accessory Uses

Buildings and structures customarily accessory to the permitted uses; provided that no dwellings are located within such areas except as specifically provided herein. (Orig. 12-26-62; am. 1-4-65)

D. Special Uses

The following uses shall be permitted only upon review by the Planning Commission and approval by the Board of County Commissioners: (Orig. 12-26-62; am. 11-3-81)

1. Riding academy or stable. (Orig. 12-26-62; am. 11-3-81)

2. Golf driving ranges and other similar uses of an open nature. (Orig. 12-26-62)

3. Railroad right-of-way. (Orig. 12-26-62)

4. Residence for caretaker of public area on which it stands. (Orig. 1-4-65)

5. Campground for mounted camper units, camp trailers and tents. This provision shall apply only for campground areas for tourists, climbers and other such individuals involved in similar temporary transient activity. Plans of such areas must be registered with and approved by the County and be subject to all sanitary requirements of Public Health on a continuing basis. This provision shall not be construed to permit mobile homes or trailers, as provided within the Residential-Trailer District. (Orig. 1-4-65; am. 12-17-02; am. 4-20-10)

6. Recreational uses and activities which are open to the public and operated upon property owned by the Federal or State government or by any political subdivision of the State by a private entity authorized by said governmental landowner to operate such facility. (Orig. 11-3-81)

7. Oil and gas drilling operations. Such operations shall conform to the standards contained in the Drilling and Production of Oil and Gas Section of this Zoning Resolution, except as modified by the Board of County Commissioners in the resolution approving the Special Use. (Orig. 10-17-83; am. 12-17-02; am. 7-11-06)

E. Lot and Building Standards

Deviation from the standards established below may be allowed for Special Uses providing adequate justification is presented and approved at time of hearing. (Orig. 11-3-81)

1. Height Limitation
No structure shall exceed 25 feet in height. (orig. 12-26-62)

2. Front Setback

   The minimum front setback for any building, structure or camper unit shall be 100 feet. (orig. 12-26-62; am. 11-3-81)

3. Side Setbacks

   The minimum side setback shall be 50 feet. (orig. 12-26-62; am. 1-4-65; am. 11-3-81)

4. Rear Setback

   The minimum rear setback shall be 50 feet. (orig. 12-26-62; am. 1-4-65; am. 11-3-81)

5. Stream Setback

   No building, structure or camper unit intended for overnight living quarters shall be permitted to be constructed or placed within the floodplain of any stream as determined by the high-water line of a 25-year flood. The term "stream" shall be construed to include channel, marshlands, swamp or any other area subject to inundation. (orig. 1-4-65)

6. Fences

   a. Maximum height: 7 feet, except for enclosure fences immediately surrounding swimming pools, tennis courts and other similar outside private recreational facilities, which shall not exceed 12 feet in height. (orig. 11-3-81)

   b. Fence permits are required for any fence over 42 inches in height. (orig. 11-3-81)

   c. No electric fence shall be permitted for a boundary or perimeter fence. (orig. 11-3-81)

   d. Fences on corner lots must comply with the vision clearance triangle requirements as specified in the Definitions Section of this Zoning Resolution. (orig. 11-3-81; am. 7-1-03)

F. Signs and Outdoor Advertising Devices

   Signs and outdoor advertising devices shall comply with the provisions of the Signs and Outdoor Advertising Devices Section of this Zoning Resolution. (orig. 11-3-81; am. 12-17-02; am. 7-11-06)

G. Lighting

   Lighting shall comply with the provisions of the Lighting Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)

H. Architecture

   Architecture shall comply with the provisions of the Architecture Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)

I. Parking

   Parking shall comply with the provisions of Off-Street Parking and Loading Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)

J. Landscaping and Open Space

   Landscaping and open space shall comply with the provisions of the Landscaping Section of this Zoning Resolution. (orig. 12-17-02; am. 7-11-06)

K. General Requirements
1. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback. (orig. 11-3-81)

2. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. (orig. 11-3-81)

3. Manure shall not be allowed to accumulate so as to cause a hazard to the health, safety or welfare of humans and/or animals. The outside storage of manure in piles shall not be permitted within 100 feet of the front lot line and shall conform to the side and rear setback requirements of a dwelling. (orig. 11-3-81; am. 12-17-02)

4. Stallions and bulls shall be kept in a pen, corral or run area enclosed by a 6 foot chain link fence, or material equal or greater in strength, except when it is necessary to remove them for training, breeding or other similar purposes. (orig. 11-3-81)
Section 36 - Mineral Conservation District
(orig. 3-23-76; am. 2-6-84; am. 7-2-97; am. 12-17-02; am. 7-11-06; am. 4-20-10)

A. Intent and Purpose
1. The Mineral Conservation Zone District (M-C) is intended to provide conservation of a mineral resource. No land shall be rezoned to M-C after June 1, 1993. (orig. 6-1-93)
2. Contained in this section are the allowed land uses and other general requirements specified for this District. (orig. 6-1-93)

B. Permitted Uses
2. Agricultural uses as allowed in the Agricultural-One and Agricultural-Two Zone Districts, public parks and/or recreation areas, provided such use does not include any permanent structures or otherwise permanently preclude the extraction of commercial mineral deposits. (orig. 6-1-93)
3. Oil and gas drilling and production, subject to the Drilling and Production of Oil and Gas Section of this Zoning Resolution. orig. 10-17-83; am. 12-17-02; am. 7-11-06)

C. Special Uses
1. The following uses shall be permitted as an approved special use only upon review by the Planning Commission and approval by the Board of County Commissioners. (orig. 6-1-93)
   a. Mining operations and accessory uses. (orig. 6-1-93)
   b. Inert landfills. (orig. 6-1-93)
   c. Modification to any previously approved Special Exception granted by the Board of Adjustment for mining or attendant operations in the M-C Zone District; however, the Special Use hearing and resolution shall only address the provisions sought to be modified and shall not reopen the entire special exception. (orig. 6-1-93)
2. The Planning Commission in reviewing Special Use applications for the purpose of mining any mineral deposit within the M-C Zone District, and the Board of County Commissioners in making its decision upon such applications, shall consider the following. (orig. 6-1-93)
   a. The consistency of the proposed use and operations with the goals and policies of the Mineral Extraction Policy Plan, authorized by 34-1-304, C.R.S., 1973 or as amended. (orig. 6-1-93; am. 12-17-02)
   b. All provisions of the Administrative Provisions Section of this Zoning Resolution, (Criteria for Decisions in Special Use Cases). (orig. 6-1-93; am. 7-11-06)
3. All Special Use mining operations and Special Exceptions previously approved by the Board of Adjustment shall meet the following minimum standards unless specifically modified by the Board of County Commissioners. (orig. 2-20-80; am. 6-1-93)
   a. Fencing: Safety fencing, as deemed necessary by the Board of County Commissioners, shall surround the entire site of mining operations. Such fencing must surround the entire area of operations and be maintained throughout the life of the mining operation. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)
   b. Roadway Construction and Maintenance: All roadways longer than 100 feet, used for ingress and egress from the public roadway to the area of mining operations, shall be paved to County standards for the local street template and cleaned and maintained to minimize fugitive dust generated by vehicles. Such cleaning will also be accomplished, with approval of the appropriate highway agency, at the point along the public roadway where this ingress/egress road is located. (orig. 2-20-80; am. 12-17-02)
c. Excavation Shape, Setback, and Safety:

(1) The outer limits of excavation must be at least 30 feet from the property line and at least 200 feet from occupied dwellings. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)

(2) Ridges or peaks created by the mining activity shall not be narrower than 30 feet in width at any point. (orig. 1-13-75; am. 2-20-80)

(3) All final slopes created by the mining operations, where a lake is the proposed after use, shall rise at a rate no greater than 1 vertical foot per 3 horizontal feet. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)

d. Water: All water resources used for mining and/or reclamation purposes shall be identified by the applicant and submitted to the State Engineer for review. (orig. 2-20-80; am. 6-1-93)

e. Air Quality: All activities shall meet applicable air quality standards as set by the Colorado Air Quality Control Commission. Any violation of such standards shall be certified to the Board of County Commissioners by said commission or its designated representative. (orig. 2-20-80; am. 6-1-93)

f. Hours of Operation: Hours of operation for open mining activities, maintenance excepted, shall not exceed 6:00 a.m. to 6:00 p.m., Monday through Saturday, for any operation within 1,500 feet of a residence. (orig. 12-6-71; am. 1-13-75; am. 2-20-80)

g. Blasting: All blasting shall be conducted in a manner which will not cause a peak particle velocity on any adjacent or nearby property which exceeds 1/2 inch per second. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)

h. Noise Pollution: In every case, mining and all associated activities and uses must meet County, State of Colorado, and federal regulations regarding noise pollution. Any violation of such regulations shall be certified to the Board of County Commissioners by the responsible administrative agency. (orig. 1-13-75; am. 2-20-80; am. 6-1-93)

i. Monitoring: Monitoring may be required by the Board of County Commissioners for any of the above standards as a condition of the Special Use permit. (orig. 6-1-93)

D. Annual Report

The operator shall prepare an annual report for any previously approved Special Exception and, unless waived by the Board of County Commissioners, for a Special Use which report shall comply with the requirements of the Enforcement and Administrative Provisions Section of this Zoning Resolution. (orig. 6-1-93; am. 7-11-06)
Section 37 - Floodplain Overlay District

(orig. 1-10-75; am. 2-6-84; am. 7-2-97; am. 12-17-02; am. 7-11-06; am. 4-20-10)

A. Intent and Purpose

It is the purpose of this District to promote the public health, safety, and welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed: to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets/roads and bridges located in floodplain or flood-prone areas; to help maintain a stable tax base by providing for the sound use and development in floodplain or flood-prone areas so as to minimize future flood blight areas; to ensure that potential buyers are notified that a property is in a floodplain or flood-prone area; and to ensure that those who occupy the floodplain or flood-prone areas assume responsibility for their actions. (orig. 1-10-75; am. 2-11-80; am. 5-31-88; am. 12-17-02; am. 5-27-03; am 8-27-13)

B. Statutory Authorization

The Legislature of the State of Colorado has in 30-28-111 C.R.S., or as amended, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of County Commissioners does ordain as follows: (orig. 5-27-03)

C. General Provisions

1. Floodplain Overlay District

The Floodplain Overlay District (District) shall overlay that portion of all land located in this District. The regulations of this District shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zone district or other overlay district. When the regulations of this District conflict with any provision of the underlying zone district, the provisions of the District shall control; (orig. 7-11-07)

2. Boundaries

The boundaries of the District were designated through the adoption of certain floodplain and flood-prone maps by the Board of County Commissioners. The adopted maps comprise the area identified as the District. The District boundary and the floodplain maps are on file in Planning and Zoning. Changes to the floodplain maps occur from time to time making it necessary for those changes to be adopted as a part of the District. Revised floodplain or flood-prone maps may be adopted either by the Director of Planning and Zoning or by the Board of County Commissioners, as authorized within this regulation. (am. 8-27-13; am. 3-3-15)

3. Lands to which this District Applies

   a. The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report titled, “The Flood Insurance Study for Jefferson County, Colorado, dated January 15, 2021, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be part of this regulation. This includes Zones A, AE, AH and AO. The following types of maps or processes that depict the SFHA are approved by the FEMA: (orig. 8-27-13; am. 1-14-14; am. 12-8-15; am. 12-17-19; am. 12-8-20)

      (1) Flood Insurance Rate Map (FIRM) (orig. 10-13-09)
      (2) Letters of Map Revision (LOMR) (orig. 10-13-09)
      (3) Letters of Map Amendment (LOMA) (orig. 10-13-09)
      (4) Letters of Map Revision - Based on Fill (LOMR-F) (orig. 10-13-09)

   b. Areas that are in FEMA Zone D and are within 50 feet of the thalweg of a Major Drainageway (tributary area of 130 acres or greater). (orig. 8-27-13; am. 7-17-18)

   c. Jefferson County Designated Floodplain maps. The Jefferson County Designated Floodplain map is based FHADs and/or updated reports that have not gone through FEMA adoption process. (orig. 1-10-13; am. 8-27-13)
d. Jefferson County Designated Flood-prone map. The Jefferson County Designated Flood-prone map is based on a drainageway classified as a perennial stream by the USGS NHD and having a tributary area of 320 acres or greater in the plains and 640 acres in the mountainous area and includes a 50-foot distance from both sides of the thalweg. (orig. 8-27-13; am. 7-17-18)

e. Inadvertent exclusions or inadvertent inclusions for properties within the District may be evaluated by Planning and Zoning based on best available topographic data. Inadvertent exclusions require a Floodplain Development Permit. Inadvertent inclusions do not require a Floodplain Development Permit. (orig. 7-17-18)

f. Emergency work necessary to prevent or mitigate an immediate threat to life or property when an urgent necessity arises is allowed. The person performing such emergency work shall notify Planning and Zoning within 5 calendar days of the work being initiated. An application for a Floodplain Development Permit shall be submitted within 21 calendar days of commencement of work. Any work performed does not indicate final approval of the application. If necessary, modifications to the improvements may be required in accordance with County regulations. (orig. 7-17-18)

4. Findings of Fact
a. The areas of Jefferson County within the District are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. (orig. 5-27-03; am. 8-27-13)

b. These flood losses are caused by the cumulative effect of obstructions in areas which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (orig. 5-27-03; am. 8-27-13)

5. Methods of Reducing Flood Losses: To accomplish its purposes, this District includes methods and provisions for: (orig. 5-27-03; am. 7-17-18)

a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; (orig. 5-27-03)

b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (orig. 5-27-03)

c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; (orig. 5-27-03)

d. Controlling filling, grading, dredging, and other development which may increase flood damage; and, (orig. 5-27-03)

e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (orig. 5-27-03)

6. Warning and Disclaimer of Liability
The degree of flood protection required by this District is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This District does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This District shall not create liability on the part of Jefferson County, any officer or employee thereof, or FEMA for any flood damages that result from reliance on this District or any administrative decision lawfully made there under. (orig. 1-10-75; am. 2-11-80; am. 12-17-02; am. 5-27-03; am. 10-13-09; am. 8-27-13)

D. Applicability
1. No building or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this District and other applicable regulations. (orig. 5-27-03)

2. Abrogation and Greater Restriction: This District is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this District and another district, easement,
covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (orig. 5-27-03)

3. In the interpretation and application of this District, all provisions shall be: (orig. 5-27-03)
   a. Considered as minimum requirements; (orig. 5-27-03)
   b. Liberally construed in favor of the governing body; and, (orig. 5-27-03)
   c. Deemed neither to limit nor repeal any other powers granted under State Statutes. (orig. 5-27-03)

4. A Floodplain Development Permit is not required for maintenance of existing designed stormwater structures. For this provision, maintenance is defined as removing debris/obstructions and/or accumulated sediments from designed stormwater structures to allow for conveyance of designed flows. (orig. 8-27-13; am. 11-24-15)

5. A Floodplain Development Permit is not required for replacement of existing guard rails associated with publicly maintained streets/roads. (orig. 11-24-15)

E. Administration

A Floodplain Development Permit shall be obtained before construction or development begins within any area of this District. Application for a Floodplain Development Permit shall be made in accordance with the requirements of this District. (orig. 5-27-03; am. 8-27-13)

1. The Director of Planning and Zoning is hereby appointed to administer and implement this District by granting or denying development permit applications in accordance with its provisions. (orig. 2-11-80; am. 12-17-02; am. 5-27-03; am. 3-3-15)

2. Duties and Responsibilities of Planning and Zoning shall include, but not be limited to: (orig. 5-31-88; am. 12-17-02; am. 5-27-03; am. 3-3-15; am. 7-17-18)
   a. Review all Floodplain Development Permits to determine that the permit requirements of this District have been satisfied. (orig. 5-27-03)
   b. Review all Floodplain Development Permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required. (orig. 5-27-03)
   c. Review all Floodplain Development Permits to determine if the proposed development is in the regulatory floodway. If in the regulatory floodway, assure that the encroachment provisions of paragraph M. below are met. (orig. 5-27-03; am. 7-17-18; am. 12-17-19)
   d. Use of Best Available Information: When base flood elevation (BFE) data has not been provided, Planning and Zoning shall obtain, review, and reasonably utilize any BFE and floodway data available from any Federal, State, or other best available information source. When BFE data is utilized, all new construction, substantial improvements, or other development shall be administered in accordance with this section. (orig. 5-27-03; am. 8-27-13; am. 3-3-15; am. 7-17-18)
   e. Obtain and record all FEMA Elevation Certificates which must include actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, and whether or not the building contains a basement. (orig. 5-27-03)
   f. For all new or substantially improved floodproofed buildings, verify and record the actual elevation (in relation to mean sea level) to which the building has been floodproofed. Maintain the Floodproofing Certifications required by this section. (orig. 5-27-03; am. 8-27-13)
   g. Maintain for public inspection all records pertaining to the provisions of this District. (orig. 5-27-03)
   h. Interpret Floodplain and Flood-Prone Boundaries: Make interpretations, where needed, as to the exact location of the boundaries of the floodplain or flood-prone boundaries (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided by this section. (orig. 5-27-03)

3. Variance Procedure

The Jefferson County Board of Adjustment shall hear and decide appeals and request for variances from the requirements of this District. Variances from the requirements of this District are subject to the
provisions contained in the Board of Adjustment Section of this Zoning Resolution. (orig. 1-10-75; am. 2-11-80; am. 5-31-88; am. 12-17-02; am. 5-27-03; am. 7-11-06)

F. Procedures

If the applicant complies with all given time frames, submits a complete application and complies with all requirements of this Regulation, the estimated time to reach the Determination Phase of the Major Floodplain Development Permit Application process is 53 to 60 calendar days from the date of the 1st referral and 25 days for the Minor Floodplain Development Permit Application. (orig. 8-27-13; am. 7-17-18)

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**If there is a concurrent application process, the longer process time of the processes will apply.**

If the applicant is going to request relief from a standard, to avoid processing delays, it is recommended that the request for relief be submitted early in the development process. Requests for relief of a standard are subject to different specific processing timeframes, which may add to the length to the processing of the development application. Requests for relief shall be approved prior to approval of the land disturbance permit. (orig. 7-17-18)

**Steps Prior to 1st Referral**

1. Sufficiency Review and Referral Distribution (1st Referral):

   The applicant shall submit electronic copies of all documents as identified in the Plans and Specifications Section for review by Staff. (orig. 8-27-13; am. 7-17-18)

   The Case Manager shall have 5 calendar days to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents (including
the appropriate referral fees). A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18)

Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

2. Formal Application:
   The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 7-17-18)

   The Case Manager shall have 5 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 7-17-18)

Process from 1st Referral to Determination

3. 1st Referral and Staff Response:
   The referral agencies shall have 7, 12 or 19 calendar days to respond in writing to the application, depending on the complexity for the proposed activity. For a Minor Floodplain Development Permit application, the referral process shall be 7 days. For a Major Floodplain Development Permit application, if the referral agencies are all Jefferson County agencies, then the referral shall be 12 calendar days, however, if there are external agencies on the referral matrix, the referral period shall be 19 days. An extension of no more than 30 days may be agreed to by the applicant. (orig. 8-27-13; am. 7-17-18)

   The Case Manager will identify the tentative date for a decision to be made on the application based on the time frames of this process. This date will be set when the application is sent out on the 1st referral. (orig. 8-27-13)

   If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the final documents phase of the process. Under this circumstance, the application will be able to reach the determination phase of the process earlier than the date tentatively scheduled at the time of the 1st referral. (orig. 8-27-13; am. 7-17-18)

4. Applicant’s Response to 1st Referral:
   For the application to be processed in accordance with the example timeframe in the Minor and Major Floodplain Development Permit tables above, the applicant shall have 7 or 14 calendar days to address any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. The applicant will be deemed to have consented a later determination date, than that tentatively scheduled, if the resubmittal is not received within the 7- or 14-calendar day period. (orig. 8-27-13; am. 7-17-18)

   Regardless of the example timeframe, the applicant shall have a maximum of 180 calendar days to respond to the referral comments and resubmit, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 8-27-13; am. 7-17-18)

5. Sufficiency Review and Referral Distribution (2nd Referral):
   The Case Manager shall have 3 calendar days for a Minor Floodplain Development Permit and 5 calendar days for a Major Floodplain Development Permit to review the submittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. A submittal that is not complete in terms of the type of documents required will not be sent out on referral. (orig. 7-17-18)

   Resubmittal Sufficiency Review (if required): The Case Manager shall have 5 calendar days to review the resubmittal and either send the application out on referral or respond to the applicant explaining any deficiencies in the submittal documents. (orig. 7-17-18)

6. 2nd Referral and Staff Response:
For a Minor Floodplain Development Permit application, the referral agencies shall have 5 calendar days to respond in writing to the 2nd referral. For a Major Floodplain Development Permit application, the referral agencies shall have 12 calendar days to respond. An extension of no more than 30 calendar days may be agreed to by the applicant. (am. 5-20-08; am. 7-17-18) (orig. 8-27-13; am. 7-17-18)

The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Final Documents phase or if revised documents should be submitted for a subsequent referral process. (orig. 7-17-18)

If the applicant has not consented to a later determination date based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled Determination, the applicant shall submit the final documents as requested by the Case Manager in accordance with the Final Documents phase of the process. (orig. 8-27-13)

7. Applicant’s Response to 2nd Referral:
The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 8-27-13; am. 7-17-18)

8. Additional Referrals and Responses:
For the 3rd referral, and for any subsequent referrals thereafter, the processing of the application shall follow the same steps identified above in the Sufficiency Review and Referral Distribution (2nd Referral) process, the 2nd Referral and Staff Response process and the Applicant’s Response to 2nd Referral process. The only exception shall be that for the 3rd Referral, and for any subsequent referrals thereafter, the referral agencies shall have 14 calendar days to respond in writing to the referral. (orig. 8-27-13; am. 7-17-18)

The response from the Case Manager will include an opinion as to whether or not the case should proceed forward for Determination or if revised documents should be submitted for a subsequent referral process. (orig. 8-27-13; am. 7-17-18)

9. Final Documents:
The final documents shall be comprised of the stamped and signed plans and other final documents as identified by the Case Manager. (orig. 8-27-13)

If the applicant has not consented to a later determination date based on the time constraints of this process, the applicant shall have 3 calendar days for a Minor Floodplain Development Permit or 10 calendar days for a Major Floodplain Development Permit to address, in writing, any issues identified by the Case Manager or any referral agency and submit the final documents for the tentatively scheduled determination. The applicant will be deemed to have consented to a later determination date if the resubmittal is not received within the 10-calendar day period. (orig. 8-27-13; am. 7-17-18)

The applicant shall have a maximum of 180 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 180 calendar day maximum response deadline for additional 180 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 8-27-13; am. 7-17-18)

10. Determination:
The Case Manager shall have 5 calendar days to review the Final Documents and shall approve, conditionally approve or deny the permit. The applicant may appeal the Case Manager’s decision as described in The Board of Adjustment Section. (orig. 8-27-13)

G. Limitations
1. Permit Limitations: The permit shall be limited to work shown on the approved plans. At any time during the plan review or in the event unforeseen conditions arise during completion of the project; the County may require revision of the plans as necessary to ensure compliance with the performance standards. (orig. 8-27-13)
2. Amendments: Amendments to the approved plans are subject to the same procedures as initial applications except as specifically provided for in this section. An amendment to approved plans shall comply with requirements of this section. (orig. 8-27-13)

H. Minor Floodplain Development Permit Criteria and Submittal Requirements

Application for a Minor Floodplain Development Permit shall be made in accordance with the requirements of this District on forms furnished by Planning and Zoning and may include: (am. 7-17-18)

1. Minor Floodplain Development Permit Application Criteria:
   a. The Minor Floodplain Development Permit applies to development that does not obstruct, impede or interfere with the flow of storm water in natural drainageways, unimproved channels or watercourses, or improved ditches, channels or canals in such a manner as to cause flooding where it would not otherwise occur. If the obstruction is a result of work without a permit, a Minor Floodplain Development Permit process will be required to remove the obstruction. (orig. 7-17-18; am. 12-17-19)
   b. The Minor Floodplain Development Permit applies to any development within a Zone A SFHA where the proposed obstruction(s) has a cross-sectional area equal to or less than 20 square feet at or below BFE or estimated BFE and is not a primary structure. If there are multiple obstructions on the property, Planning and Zoning Staff may make a determination as to whether they have a cumulative or individual obstruction (orig. 7-17-18)
   c. The Minor Floodplain Development Permit applies to any development within the District not within the SFHA where the proposed obstruction(s) has a cross-sectional area equal to or less than 32 square feet measured 4 feet in height from existing grade and is not a primary structure. If there are multiple obstructions on the property, Planning and Zoning Staff may make a determination as to whether they have a cumulative or individual obstruction (orig. 7-17-18)
   d. The Minor Floodplain Development Permit applies to the removal of all structures within the Zone A SFHA, within the District not within the SFHA, and Zone AE SFHA when the original floodplain study did not incorporate the impacts of the structure(s) into the analysis. (orig. 7-17-18)

2. Minor Floodplain Development Permit Submittal Requirements
   a. The site plan may include the following as determined by Planning and Zoning:
      1. A neat and legible drawing of the proposed site layout showing the required information at a scale of one (1) inch to fifty (50) feet or larger. (orig. 7-17-18)
      2. Topographic mapping (existing and proposed at 2-foot maximum contour intervals). (orig. 7-17-18)
      3. Location of existing and proposed buildings, utility locations, storage of materials, fences, retaining walls, drainage facilities. (orig. 7-17-18)
      4. Location of floodplain, and/or flood-prone boundaries. (orig. 7-17-18)
      5. Cut and fill limits and volumes. (orig. 7-17-18)
      6. Cross sectional Area and area of land disturbance. (orig. 7-17-18)
      7. North arrow and scale. (orig. 7-17-18)
      8. Vicinity map. (orig. 7-17-18)
      9. Building and utility elevations. (orig. 7-17-18)
   b. Substantial Improvements shall be tracked for all floodplain development permits within the SFHA. Applicant shall submit a cost estimate of the proposed improvements associated with all existing and/or proposed structures. Applicant shall also provide the assessed value of the structure to be improved. The assessed value of the structure may be obtained from the assessor’s office. (orig. 7-17-18)
   c. A detailed narrative of work to be performed. (orig. 7.17.18)

I. Major Floodplain Development Permit Criteria and Submittal Requirements

Application for a Major Floodplain Development Permit shall be made in accordance with the requirements of this District on forms furnished by Planning and Zoning and may include, but are not limited to:

1. Major Floodplain Development Application Criteria:
a. There is any proposed encroachment into Zone AE SFHA and/or regulatory floodway. (orig. 7-17-18)

b. Any development within the Zone A SFHA that has a total cumulative cross-sectional area of proposed obstruction greater than 16 square feet at or below BFE or estimated BFE and is a primary structure. If a BFE cannot be estimated, assume depth of flooding of 4 feet. (orig. 7-17-18)

c. Any development within the District not within the SFHA that has a total cumulative cross-sectional area of proposed obstruction greater than 32 square feet measured 4 feet in height from existing grade and is a primary structure. If a BFE cannot be estimated, assume depth of flooding of 4 feet. (orig. 7-17-18)

2. Major Floodplain Development Permit Submittal Requirements
   a. The site plan shall include all of the following, as applicable: (orig. 5-27-03; am. 7-17-18)
      (1) A neat and legible drawing of the proposed site layout showing the required information at a scale of one (1) inch to fifty (50) feet or larger. (orig. 5-27-03)
      (2) The sheet size shall be 24" by 36" with the long dimension horizontal unless the Case Manager approves an alternative format. A title block shall be located in the lower right-hand margin shall include the name address and contact information of the engineer, date of preparation and revision dates, sheet page number. (orig. 5-27-03; am. 7-17-18)
      (3) Topographic mapping (existing and proposed at 2-foot maximum contour intervals). (orig. 5-27-03)
      (4) Location of existing and proposed buildings, utility locations, storage of materials, fences, retaining walls, drainage facilities. (orig. 5-27-03)
      (5) Location of floodway, floodplain, and/or flood-prone boundaries. (orig. 5-27-03; am. 8-27-13)
      (6) Location of well and onsite wastewater treatment systems. (orig. 5-27-03; am. 7-17-18)
      (7) Cut and fill limits and volumes. (orig. 5-27-03)
      (8) Area of land disturbance.
      (9) North arrow and scale. (orig. 5-27-03)
      (10) Vicinity map. (orig. 5-27-03)
      (11) Building and utility elevations. (orig. 5-27-03)
      (12) Three sets of building plans and specifications to demonstrate compliance with the applicable Performance Standards. (orig. 5-27-03; am. 8-27-13)
      (13) Grading, Erosion, and Sediment Control Plan in accordance with the Land Disturbance section of this regulation. (orig. 7-17-18)

b. Floodplain Study
   The floodplain study shall be prepared by a professional engineer, registered in the State of Colorado. A Floodplain Study will be required when one of the three criteria as listed in Section I.1 have been met. The Floodplain Study shall include: (orig. 5-27-03; am. 7-17-18)
      (1) Location and description of property and surrounding properties. (orig. 5-27-03; am. 7-17-18)
      (2) Discussion of the proposed scope of work in the District. (orig. 5-27-03; am. 7-17-18)
      (3) Discussion of compliance or deviation from regulations in this section and Storm Drainage Technical Criteria Manual. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
      (4) Discussion of methodology and design criteria presented. (orig. 5-27-03)
      (5) Calculations supporting hydrology flow rates. (orig. 5-27-03)
      (6) Calculations supporting hydraulics and floodplain, floodway limits and elevations for both existing and proposed conditions. (orig. 5-27-03)
      (7) Calculations supporting mitigation proposal and demonstrating compliance this section. (orig. 5-27-03)
(8) Cross-sections: (2 minimum) Showing existing and proposed stream channel, stream thalweg, floodplain and floodway adjoining each side of the channel, cross-sectional area to be occupied by the building (if applicable), high water information, cut and fill limits and elevations, building floor elevations including basements (if applicable). (orig. 5-27-03; am. 7-17-18)

(9) Channel profile: showing channel thalweg, existing 100-year water surface profile, proposed 100-year water surface profile, driveway, road or street crossings if applicable. (orig. 5-27-03; am. 7-17-18)

(10) Proposed development in the SFHA or Jefferson County Designated Floodplains should not increase velocities on adjacent properties. Planning and Zoning may allow the increased velocities provided it can be adequately demonstrated that the increased velocities will not adversely affect adjacent properties or structures. (orig. 8-27-13)

(11) Construction Drawings: Required unless otherwise determined by Planning and Zoning. Construction drawings shall include grading, erosion, and sediment control measures and all applicable details. (orig. 5-27-03; am. 7-17-18)

(12) Design Calculations: Required for floodplain, floodways, elevation or flood-proofing, construction materials, crawlspace construction and openings, utility elevations or flood-proofing, anchoring, and design of hydrostatic and hydrodynamic loads as required to certify compliance with this section. Design certification shall be in accordance with the latest Building Code and FEMA requirements. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

J. Post Construction Certifications

1. The following applicable post construction certifications are required no later than 30 calendar days after the non-building related development construction is complete and/or prior to final building inspection. No Certificate of Occupancy shall be issued on any new or substantially improved building within this District until the required Elevation Certificate or Floodproofing Certificate, construction certificate and as-built drawings are submitted and accepted by the Planning and Zoning Division. Non-compliance with the standards in this section will be enforced as a Zoning Violation, as specified in the Enforcement and Administrative Exceptions Section of this Zoning Resolution. The cost of completion of all required post construction certifications and as-built drawings and shall be borne entirely by the applicant. (orig. 8-27-13)

a. For Minor Floodplain Development Permits, post construction certification consists of notification from the applicant stating that the work has been completed per the approved plan. (orig. 7-17-18)

b. For all new or substantially improved buildings within the completed Elevation Certificate or Floodproofing Certificate for Non-Residential Structures shall be submitted to demonstrate compliance with this section and requirements of FEMA. (orig. 8-27-13; am. 7-17-18)

c. For Major Floodplain Development Permits, any grading within the Floodplain Overlay District as defined in this section and/or development within the regulatory floodway, as-built drawings and/or certifications by a licensed engineer in the State of Colorado as allowed by Planning and Zoning must demonstrate that the requirements in this Section and per the approved plans, have been fulfilled and development was constructed in conformance with the approved plan. (orig. 8-27-13; am. 11-24-15; am. 7-17-18)

d. For all new or substantially improved buildings within the District an engineer’s or architect’s construction certification shall be submitted and accepted by the Planning and Zoning Division. The construction certification must certify that the anchoring, construction materials, and utility construction were constructed as specified in the approved plans. Construction certification shall be in accordance with the applicable Building Code. (orig. 8-27-13; am. 7-17-18)

e. Once the applicable post construction documents are received by either Planning and Zoning or Transportation and Engineering, the inspector may conduct a site visit to verify the completed work prior to final acceptance of the Floodplain Development Permit. (orig. 8-27-13; am. 11-24-15; am. 7-17-18)

2. The work associated with the permit shall be completed within two (2) years of the date of permit issuance, unless an extension has been granted by Planning and Zoning or Transportation and Engineering. A request for an extension shall be submitted in writing no later than ten (10) calendar days prior to the expiration of the permit. Planning and Zoning or Transportation and Engineering may grant an extension
to the permit up to one additional year. Only one extension shall be permitted for the completion of construction activities. Additional extensions may be granted by Planning and Zoning and/or Transportation and Engineering to allow the establishment of permanent erosion and sediment control measures. (orig. 8-27-13; am. 7-17-18)

K. Performance Standards

1. Permitted Uses and Restricted Activities
   a. All land use activity except the uses specified below shall be permitted within this District to the same extent that they are permitted by an underlying zone district so long as all of the standards and requirement of this section are met. Building and lot standards, including minimum area, height and setback requirements, shall conform to those of the underlying zone district. (orig. 1-10-75; am. 2-11-80; am. 9-19-89; am. 5-27-03; am. 8-27-13)
   b. No solid or extremely hazardous materials are permitted within this District. (orig. 1-10-75; am. 5-31-88; am. 5-27-03; am. 8-27-13)
   c. Sufficiently hazardous materials are permitted in this District only if the materials are securely stored three feet (3) above the BFE. (orig. 5-27-03; am. 8-27-13)

2. Culverts within the District shall be designed in accordance with the Storm Drainage Design and Technical Criteria. (orig. 10-1-13; am. 1-14-14; am. 8-27-13; ex. 4-1-14; am. 7-17-18)

3. Whenever a Stream Alteration Activity is known or suspected to increase or decrease the Designated BFE in excess of 0.3 vertical feet, a LOMR showing such changes shall be obtained in order to accurately reflect the changes on FEMA’s regulatory floodplain map for the stream reach. It should be noted that a LOMR is based on as-built conditions. A Conditional Letter of Map Revision (CLOMR) is required if there is an increase of 0.5 feet or higher resulting from the proposed project located in a Zone AE without a floodway. If there is development within a Zone AE with a floodway a CLOMR is required if the proposed project shows any increase (0.00’). (orig. 8-27-13; am. 7-17-18)

4. When BFE data has not been provided in accordance with this section, the Floodplain Administrator shall obtain, review and reasonably utilize the BFE data and Floodway data available from a Federal, State, or other source, to administer the provisions of this regulation. (orig. 8-27-13; am. 7-17-18)

5. For SFHAs that do not have a regulatory Floodway, no new construction, substantial improvements, or other development (including cut or fill) shall be permitted, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and proposed development, will not increase the water surface elevation of the designated base flood elevation more than 0.5 foot at any point within the community, unless the applicant first applies for and obtains a CLOMR from FEMA. (orig. 8-27-13; am. 7-17-18)

6. Anchoring
   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the building and can resist the hydrostatic and hydrodynamic loads. (orig. 5-31-88; am. 5-27-03; am. 7-17-18)
   b. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. Specific requirements include: (orig. 5-31-88; am. 5-27-03)
      (1) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side. (orig. 5-27-03)
      (2) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side. (orig. 5-27-03)
      (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds. (orig. 5-27-03)
      (4) Any additions to the manufactured home shall be similarly anchored. (orig. 5-27-03)

7. Construction Materials and Methods
a. All new construction including substantial improvements, non-substantial improvements, or remodeling, any of which that occur less than two (2) feet above the BFE or estimated BFE, shall be constructed with flood damage resistant materials and utility equipment resistant to flood damage. For BFE’s that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-31-88; am. 5-27-03; am. 8-27-13; am. 7-17-18)

b. All new construction including substantial improvements, non-substantial improvements, or remodeling, any of which that occur less than two (2) feet above the BFE or estimated BFE, shall be constructed using methods and practices that minimize flood damage. For BFE’s that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-31-88; am. 5-27-03; am. 8-27-13; am. 7-17-18)

c. All new construction including substantial improvements, non-substantial improvements, or remodeling, any of which that occur less than two feet above the BFE or estimated BFE, shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding. For BFE’s that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-31-88; am. 5-27-03; am. 8-27-13; am. 7-17-18)

8. Utilities

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. (orig. 5-27-03)

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. (orig. 5-27-03)

c. Onsite Wastewater Treatment Systems shall be located outside the SFHA and Jefferson County Designated Floodplains. (orig. 5-27-03; am. 8-27-13)

9. Development Standards

a. Developments shall comply with all the requirements of this section of this Zoning Resolution, Land Development Regulation and the Jefferson County Storm Drainage Design and Technical Criteria. (orig. 5-27-03; am. 7-11-06; am. 8-27-13; am. 7-17-18)

b. All subdivision proposals, including the placement of manufactured home parks, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a floodplain or flood-prone area, the proposal shall minimize flood damage. (orig. 8-27-13)

c. BFE data shall be generated for subdivision proposals and other proposed development within the SFHA that include the placement of manufactured home parks or subdivisions that have greater than fifty (50) lots or include a total of five (5) acres or greater. (orig. 8-27-13)

L. Specific Construction Standards

1. Properties with a Letter of Map Revision Based on Fill (LOMR-F)

   A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property that has been issued a LOMR-F, if the lowest floor elevation is less than two (2) feet above the BFE that existed prior to the placement of fill. (orig. 8-27-13)

2. Residential Buildings

   New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to at least two (2) feet above the BFE. (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am 8-27-13; am. 7-17-18)

3. Nonresidential Buildings for All Public or Private Industrial, Commercial, Recreational, and Institutional Uses for Major Floodplain Development Permits. (am. 7-17-18)

   a. New construction or substantial improvement of any nonresidential building shall have the lowest floor, including basement, elevated to at least two (2) feet above the BFE; or (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 8-27-13; am. 7-17-18)

   b. The structure is floodproofed with the following conditions:

      (1) Be floodproofed to at least two (2) feet above the BFE; (orig. 8-27-13)
(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and (orig. 8-27-13)

(3) Be certified with a FEMA Floodproofing Certificate to ensure the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. (orig. 8-27-13)

4. Accessory Buildings and Agricultural Buildings (for example barns, detached garages, sheds)
   a. Accessory Structures Requiring a Building Permit: (orig. 5-27-03)
      (1) New construction or substantial improvement of nonresidential accessory buildings and agricultural buildings shall either have the lowest floor (including basement) elevated to two (2) feet above the level of the BFE or estimated BFE. For BFE’s that cannot be estimated, assume a depth of flooding of four (4) feet; or (orig. 5-27-03; am. 8-27-13; am. 7-17-18)
      (2) Together with attendant utility and sanitary facilities, the entire building shall: (orig. 5-27-03)
         (a) Be floodproofed to at least two (2) feet above the BFE; (orig. 5-31-88; am. 5-27-03; am. 8-27-13)
         (b) For structures within the SFHA, have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and (orig. 5-31-88; am. 5-27-03; am. 7-17-18)
         (c) For structures within the SFHA, be certified with a FEMA Floodproofing Certificate to ensure the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. (orig. 5-31-88; am. 5-27-03; am. 8-27-13; am. 7-17-18)

   b. Accessory Structures Not Requiring a Building Permit (orig. 5-27-03)
      Together with attendant utility and sanitary facilities, the entire building shall: (orig. 5-27-03)
      (1) Be anchored to resist floating; (orig. 5-27-03)
      (2) Be built of flood resistant materials; (orig. 5-27-03)
      (3) Be documented by the applicant that the methods of construction are in accordance with the standards of practice for meeting the provisions of this paragraph. (orig. 5-27-03; am. 8-27-13)

5. Openings in Enclosures Below the Lowest Floor
   All new construction and substantial improvements with fully enclosed areas below the lowest floor, shall be designed to meet or exceed the following minimum criteria: (orig. 5-27-03)
   a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; (orig. 5-27-03)
   b. The bottom of all openings shall be no higher than one (1) foot above grade; (orig. 5-27-03)
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; (orig. 5-27-03)

6. Below-Grade Residential Crawlspace Construction
   New construction and substantial improvement of any below-grade crawlspace shall conform to the following requirements: (orig. 5-27-03)
   a. Have the interior grade elevation, that is below BFE, no lower than two (2) feet below the lowest adjacent grade; (orig. 5-27-03; am. 7-17-18)
   b. Have the height of the below grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four (4) feet at any point; (orig. 5-27-03)
   c. Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood; (orig. 5-27-03)
   d. Meet the provisions of paragraph K. above (orig. 5-27-03)

7. Manufactured Homes
   Manufactured homes shall be anchored in accordance with the section and all manufactured homes or
those to be substantially improved shall conform to the following requirements: (orig. 5-27-03; am. 8-27-13)

a. Require that manufactured homes that are placed or substantially improved on a site be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two (2) feet above the BFE and is securely anchored. These requirements shall apply to the following manufactured home scenarios: (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 8-27-13)

   (1) Outside of a manufactured home park or subdivision (orig. 5-27-03)
   (2) In a new manufactured home park or subdivision (orig. 5-27-03)
   (3) In an expansion to an existing manufactured home park or subdivision, or (orig. 5-27-03)
   (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two (2) feet above the BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (orig. 5-27-03; am. 8-27-13)

b. Require that manufactured homes to be placed on sites in existing manufactured home parks or subdivisions, that are not subject to the provisions above, be elevated to comply with one of the following provisions: (orig. 5-27-03)

   (1) The lowest floor of the manufactured home is a minimum of two (2) feet above the BFE, or (orig. 5-27-03; am. 8-27-13)
   (2) The manufactured home chassis is supported by reinforced piers or other equivalent foundation elements that are no less than three (3) feet in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. (orig. 5-27-03)

8. Recreational Vehicles

   All recreational vehicles placed on properties within the SFHA or Jefferson County Designated Floodplain shall:
   a. Be on the property for fewer than 180 consecutive calendar days; and (orig. 8-27-13)
   b. Be licensed, operable and ready for highway use, or (orig. 8-27-13)
   c. Meet the permit requirements of section and the elevation and anchoring requirements for "manufactured homes" in the section above. (orig. 8-27-13)

   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.

9. Critical Facilities

   Critical Facilities are identified by Jefferson County Emergency Management and the Planning and Zoning Division. The following criteria are applicable to Critical Facilities:
   a. New Critical Facilities shall be located outside the SFHA or Jefferson County Designated Floodplains. (orig. 8-27-13)
   b. Substantially improved or additions to an existing Critical Facilities shall be constructed with at least three (3) feet above the BFE. (orig. 8-27-13)
   c. Ingress and egress for new Critical Facilities shall, to the extent practicable, have continuous non-inundated access to a public roadway during a 100-year flood event. (orig. 8-27-13)

10. Fencing

   Fences may be permitted in the District depending on the type of fence. Open fences, such as split rail or three strand wire, will not obstruct flows to the same degree as a solid fence, such as privacy fences. In certain scenarios fencing, such as solid fencing constructed perpendicular to the direction of flow, will not be permitted in the District. (orig. 8-27-13; am. 7-17-18)

   a. Open fences may be permitted in the District, including the regulatory floodway without a Floodplain Study upon determination by Planning and Zoning of no adverse impact. (orig. 8-27-13; am. 11-24-
b. Chain-link, barbwire, or other similar type fencing materials are considered a solid fence for the purpose of this regulation due to the potential for debris accumulation. (am. 11-24-15; am. 7-17-18)

c. A solid fence is not permitted in the regulatory floodway unless a Floodplain Study is submitted with a Major Floodplain Development permit. (orig. 11-24-15; am. 7-17-18; am. 12-17-19)

d. A solid fence having an obstruction which exceeds the cross-sectional area as defined in the Minor Floodplain Development Permit section of this regulation will require a Major Floodplain Development Permit application and floodplain study. The purpose of the floodplain study is to demonstrate no adverse impact. A solid fence that is not in the regulatory floodway and is approximately parallel to flows or in a backwater area does not require a floodplain study. (orig. 7-17-18)

e. The fence must not adversely affect drainage or create debris build-up. (orig. 8-27-13)

f. All fence construction, including replacement fences, shall comply with this section. (orig. 8-27-13)

11. Utilities

Utilities may be permitted in the District depending on the size of the obstruction. Monopoles and other similar poles which support utility equipment fall under this category. (orig. 12-17-19)

a. An above ground utility is not permitted in the regulatory floodway unless a Floodplain Study demonstrating no adverse impact is submitted when a Major Floodplain Development permit is approved. (orig. 12-17-19)

b. A utility having an obstruction which exceeds the cross-sectional area as defined in the Minor Floodplain Development Permit section of this Regulation will require a Major Floodplain Development Permit application and Floodplain Study. The purpose of the Floodplain Study is to demonstrate no adverse impact. A utility that is not in the regulatory floodway and is approximately parallel to flows or in a backwater area does not require a Floodplain Study. (orig. 12-17-19)

c. A utility having an obstruction that is less than 2 feet in width and is not within the regulatory floodway are permitted in the District, and will require a Minor Floodplain Permit. (orig. 12-17-19)

d. The utility must not adversely affect drainage or create debris build-up. (orig. 12-17-19)

e. All utilities, including replacement of existing utilities, shall comply with this section. (orig. 12-17-19)

12. Specific Standards for Zone A, Zone AO, Zone AH, Zone D and Jefferson County Designated Flood-prone areas.

In all SFHAs where BFE data is not available: (orig. 5-27-03; am. 8-27-13)

a. All new construction and substantial improvements must either meet the specific standards outlined above, or for A or AO zones, the top of the bottom floor including basement and/or crawlspace must be elevated above the highest adjacent grade as shown below. (orig. 5-27-03)

(1) Zone AO – at least two (2) feet higher than the depth number shown on the FIRMS if no number is shown it must be at least three (3) feet above grade. For BFE’s that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

(2) Zone A – If a BFE can be estimated, top of bottom floor shall be two (2) feet above the estimated BFE. If a BFE cannot be estimated, BFE should be assumed a minimum of four (4) feet above grade and top of bottom floor shall be two (2) feet above the assumed BFE. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

b. For A, AH and AO zones all new construction and substantial improvements must have adequate drainage paths around buildings to guide floodwaters around and away from proposed buildings. (orig. 5-27-03)

c. For Jefferson County Designated floodplains that do not have BFE’s assume a depth of flooding of four (4) feet. (orig. 7-17-18)

d. For all proposed development and construction within fifty (50) feet of the thalweg of a Major Drainageway in Zone D or Jefferson County Established Flood-prone areas: (orig. 5-27-03; am. 8-27-13)
(1) A Floodplain Development Permit shall be required if the proposed development is within fifty (50) feet of the thalweg of a Major Drainageway in Zone D or a Jefferson County Designated Flood-prone area. For BFE’s that cannot be estimated, assume a depth of flooding of four (4) feet. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

(2) If the development is determined to be in a flood-prone area the development must meet the applicable standards for floodproofing. (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

M. Floodways

The following provisions apply to the regulatory floodway: (orig. 5-27-03; am. 7-17-18)

1. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless it has been demonstrated through hydrological and hydraulic analyses prepared by a registered Colorado professional engineer, demonstrates no increase in flood levels during the occurrence of the base flood discharge. (orig. 5-27-03; am. 8-27-13; am. 11-24-15)

2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section. (orig. 5-27-03; am. 8-27-13)

N. Alteration of a Watercourse within the SFHA

The following provisions apply to alterations of a watercourse in the SFHA:

1. Channelization and flow diversion projects shall analyze the 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. Dependent of the complexity of the project and material to be encountered, a detailed analysis of sediment transport and overall channel stability may be required to assist in determining the most appropriate design. (orig. 8-27-13)

2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain. (orig. 8-27-13)

3. Any channelization or other stream alteration activity proposed by an applicant 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. (orig. 8-27-13)

4. Any alteration of a watercourse shall be designed and sealed by a registered Colorado professional engineer or Certified Professional Hydrologist. (orig. 8-27-13)

5. All activities within the SFHA shall meet all applicable Federal, State and Jefferson County floodplain requirements and regulations. (orig. 8-27-13)

6. Within the regulatory floodway, stream alteration activities shall not be constructed unless the applicant demonstrates through a Floodplain Study, 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 applicant first applies for and receives approval from FEMA for a CLOMR and Floodway revision. (orig. 8-27-13; am. 7-17-18)

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished. (orig. 8-27-13)

8. Notification of adjacent local governments, Colorado Water Conservation Board, and Urban Drainage Flood Control District, if the altered portion of the watercourse is within Urban Drainage Flood Control District. (orig. 5-27-03)

9. Prior to any alteration or relocation of a watercourse, the applicant must submit evidence of such notification to FEMA. This notice must certify that the flood carrying capacity within the altered or relocated portion of the watercourse has been and will be maintained. (orig. 5-27-03; am. 8-27-13)

O. Modification to the Floodplain Overlay District

1. The District may be amended through any one of the following actions: (orig. 10-13-09; am. 8-27-13)
   a. Director of Planning and Zoning Action: The Director of Planning and Zoning may adopt revised District boundaries based on one of the following documents: (orig. 10-13-09; am. 8-27-13; am. 3-3-15)
      (1) A Flood Insurance Rate Map (FIRM) (orig. 10-13-09)
      (2) A Letter of Map Revision (LOMR) (orig. 10-13-09)
(3) A Letter of Map Amendment (LOMA) (orig. 10-13-09)
(4) A Letter of Map Revision Based on Fill (LOMR-F) (orig. 10-13-09)
(5) Flood Hazard Area Delineation (FHAD) or Hydrologic Evaluation and Floodplain Reports: The associated maps may be adopted in accordance with the following provisions: (orig. 10-13-09; am. 8-27-13)
   a. If the study area affects an area that is currently not identified as a SFHA or a Jefferson County Designated Floodplain, the associated maps may be adopted to the existing District boundary. (orig. 10-13-09; am. 8-27-13)
   b. If the study area affects an area that is SFHA or a Jefferson County Designated Floodplain, then a separate layer to the Floodplain Overlay District may be adopted to allow the County to provide the best available information. If the FHAD or Hydrologic Evaluation and Floodplain Report are subsequently approved through FEMA or CWCB, and adopted by the County in accordance with this section, then the separate layer will be removed. (orig. 10-13-09; am. 8-27-13)
(6) Updated and/or revised GIS data used to define the Jefferson County Designated Flood-prone map. (orig. 8-27-13)
   The amendment of the District boundary for maps identified in numbers 2 through 4 above will only be approved by the Director of Planning and Zoning if it is determined that the revised floodplain map has been issued based on construction that is consistent with an applicable Conditional Letter of Map Revision (CLMR) or any County approved construction plan. In addition, the Director of Planning and Zoning will not approve a change to the District boundary for maps identified in numbers 2 through 5 above, if it is determined that the notification of affected property owners has not been completed in accordance with the notification requirements. (orig. 10-13-09; am. 8-27-13; am. 3-3-15)
   If the Director of Planning and Zoning does not approve an amendment to the District boundary based on the requirements of this section, then the revised floodplain map may be taken to the Board of County Commissioners for adoption in accordance with paragraph b. below. (orig. 5-31-88; am. 12-17-02; am. 5-27-03; am. 10-13-09; am. 8-27-13)
   b. Board of County Commissioner Action: The Board of County Commissioners may approve changes to District boundaries by approval of a rezoning application. The rezoning application can either be specifically for the adoption of a floodplain or flood-prone map or it may be in conjunction with a rezoning application for a proposed development. (orig. 10-13-09; am. 8-27-13)
   (1) Adoption of revised floodplain or flood-prone map: The Board of County Commissioners may adopt revised District boundaries when presented with the following types of floodplain or flood-prone documents. (orig. 10-13-09; am. 8-27-13)
      a. Documents approved by FEMA: (orig. 10-13-09; am. 8-27-13)
         (a-1) Flood Insurance Rate Map (FIRM) (orig. 10-13-09)
         (a-2) Letter of Map Revision (LOMR) (orig. 10-13-09)
         (a-3) Letter of Map Amendment (LOMA) (orig. 10-13-09)
         (a-4) Letter of Map Revision Based on Fill (LOMR-F) (orig. 10-13-09)
      b. Jefferson County Designated Floodplain maps: These maps may be adopted as a separate layer to the District to allow the County to provide the most current floodplain information to its citizens and to apply appropriate floodplain regulations. If the floodplain limits of a Jefferson County Designated Floodplain map are subsequently approved through FEMA or CWCB, and adopted by the County in accordance with this section, then the separate layer will be dissolved. (orig. 10-13-09; am. 8-27-13)
      c. Flood Hazard Area Delineation (FHAD) or Hydrologic Evaluation and Floodplain Reports: The associated maps may be adopted in accordance with the following provisions: (orig. 10-13-09; am. 8-27-13)
         (c-1) If the study area affects an area that is currently not identified as a SFHA or a Jefferson County Designated Floodplain, the associated maps may be adopted to...
the existing District boundary. (orig. 10-13-09; am. 8-27-13)

(c-2) If the study area affects an area that is SFHA or a Jefferson County Designated Floodplain, then a separate layer to the District may be adopted to allow the County to provide the best available information. If the FHAD or Hydrologic Evaluation and Floodplain Report are subsequently approved through FEMA or CWCB, and adopted by the County in accordance with this section, then the separate layer will be removed. (orig. 10-13-09; am. 8-27-13)

(2) Conditional adoption of revised floodplain limits with a rezoning application: During a rezoning process the applicant may desire to show proposed or corrected District limits, or BFEs, to accommodate development. Under this circumstance the Board of County Commissioners may provide conditional rezoning approval for the alteration. A Floodplain Development Permit will be required with the rezoning application. The conditions of approval shall include, but are not limited to, the conditions in the following notes that must be placed on the Official Development Plan based on the appropriate situation: (orig. 5-27-03; am. 10-13-09; am. 8-27-13; am. 7-17-18)

(a) The following Official Development Plan note shall be used for District changes based on proposed floodplain alterations in conjunction with any development: (orig. 5-27-03; am. 8-27-13)

The Floodplain Overlay District will be modified to be consistent with the Letter of Map Revision (LOMR) that is approved by the Federal Emergency Management Agency provided all of the following conditions have been satisfied: (orig. 5-27-03)

(a-1) Submission of an approved final Floodplain Study that meets the requirements of the Zoning Resolution and Land Development Regulation (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

(a-2) Submission of a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency to the County prior to Final Plat approval (orig. 5-27-03; am. 10-13-09; am. 8-27-13)

(a-3) Submission of an effective Letter of Map Revision (LOMR) from the Federal Emergency Management Agency to the County prior to issuance of any building permits (orig. 5-27-03; am. 8-27-13; am. 7-17-18)

(a-4) Compliance with the applicable maintenance requirements of this section (orig. 5-27-03; am. 10-13-09; am. 8-27-13)
Section 38 - Geologic Hazard Overlay District

A. Intent and Purpose

This District is intended to promote the public health, safety and welfare of the citizens of Jefferson County; minimize the risk of loss of life and property; encourage and regulate prudent land use; permit only such uses that will minimize the danger to the public health, safety, welfare and property; reduce the demands for public expenditures for relief and protection of structures and facilities permitted in this District and regulate buildings and structures so as to minimize the hazard to the public health or property. (orig. 1-20-76; am. 6-15-76; am. 9-7-82; am. 12-17-02)

B. General Provisions and Restrictions

1. Geologic Hazard District Overlays Other Zone Districts

   The Geologic Hazard (G-H) Overlay Zone District shall overlay that portion of any other zone district, including Planned Development Zone Districts, located in the geologic hazard area. The regulations of this District shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zone district or other overlay district. When the regulations of this District conflict with any provision of the underlying zone district, the provisions of the Geologic Hazard Overlay District shall control; otherwise, the provisions of any underlying district shall remain in full force and effect. (orig. 1-20-76; am. 9-7-82)

2. Boundaries

   This District shall encompass those general areas depicted on Geologic Hazard Overlay District Zoning Maps, more particularly defined by legal descriptions appearing in the Board of County Commissioner resolutions Rezoning property to Geologic Hazard Overlay Zone District. The boundaries of the Geologic Hazard Overlay Zone District may be amended through the County's Rezoning process when appropriate, based on site-specific geologic information. (orig. 1-20-76; am. 9-7-82; am. 12-17-02)

3. Hazard Description

   Properties shall be classified according to 4 types of hazards. (orig. 9-7-82)

   a. Slope Failure Complex

      A geologic hazard which means a combination of more than one of the following geologic hazards: (orig. 9-7-82)

      (1) Landslide (orig. 9-7-82)

      (2) Rockfall (orig. 9-7-82)

      (3) Mudflow (orig. 9-7-82)

      (4) Creep (orig. 9-7-82)

   b. Landslide Area

      A geologic hazard which means a mass movement where there is a distinct surface rupture or zone of weakness which separates the slide material from more stable underlying material. (orig. 9-7-82)

   c. Rockfall Area

      A geologic hazard which means the rapid free-falling, bounding, sliding, or rolling of large masses of rock or individual rocks. (orig. 9-7-82)

   d. Subsidence Area
A process characterized by downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals, or by man-made phenomena such as underground mining. (orig. 9-7-82)

4. Restrictions

Unless authorized under the provisions of the "Permitted Uses and Activities" or "Provisional Uses" portions of this section, the following activities or uses are prohibited within the Geologic Hazard Overlay Zone District: (orig. 9-7-82)

a. Permanent or temporary structures and buildings, including mobile homes and trailers but not including signs, fences, corrals or other open facilities for the containment of livestock. (orig. 9-7-82)

b. Physical improvements or modifications, such as roads, bridges, bikeways, excavation or fills, solid or liquid waste disposal, utilities, or underground bulk storage of fuels. (orig. 9-7-82)

c. Other land use activities that significantly increase the danger from the geologic hazard. (orig. 1-20-76; am. 9-7-82; am. 12-28-82)

d. Restrictions a. through c. shall not apply to legal mining operations or accessory activities. (orig. 9-7-82)

C. Permitted Uses and Activities

1. The following uses and activities are permitted:

a. All land uses permitted by an underlying zone district, so long as the same are not in conflict with the use limitations as set forth in paragraph B.4. above. (orig. 1-20-76; am. 9-7-82)

b. Any land use activity permitted in an underlying zone when authorized by a Plat approved by the Board of County Commissioners subsequent to the inclusion of said property within the Geologic Hazard Overlay Zone District. (orig. 9-7-82)

D. Provisional Uses

1. The County may authorize, in writing, certain uses, which are permitted in the underlying zone district, and specified below, providing that plans and design criteria have been approved by the County as having reasonably mitigated the potential danger to persons and property of the geologic hazard, and that necessary permits are obtained from the County prior to starting any earthwork, construction or installation. (orig. 9-7-82; am. 12-17-02)

a. Roads, bridges, bikeways and similar improvements. (orig. 9-7-82)

b. Excavations or fills. (orig. 9-7-82)

c. Utilities, above or below ground. (orig. 9-7-82)

d. Energy collection devices, such as windmills or solar collectors. (orig. 9-7-82)

e. Structures exclusively for livestock. (orig. 9-7-82)

f. Structures exclusively for bulk storage, such as silos. (orig. 9-7-82)

g. Park or recreational uses without occupied structures or buildings. (orig. 9-7-82)

h. Accessory out buildings and garages. (orig. 9-7-82)

i. Underground bulk storage of fuels. (orig. 9-7-82)

2. Under certain conditions as contained in the Board of Adjustment Section of this Zoning Resolution, the Board of Adjustment may permit by Special Exception those uses allowed in underlying zone districts, but prohibited by the provisions of paragraph B.4. above and not provided for in paragraph D.1. above. (orig. 1-20-76; am. 9-7-82; am. 12-17-02; am. 7-11-06)
E. Building And Lot Standards

Building and lot standards, including height, minimum area, and setback requirements, shall conform to those of the underlying zone district. (orig. 1-20-76; am. 9-7-82)

F. Warning and Disclaimer

The Geologic Hazard Overlay Zone District represents only those hazardous areas known to the County at the present time, and should not be construed to include all possible potential hazard areas. The provisions of this District do not in any way assure or imply that areas outside its boundaries, or land uses permitted within its boundaries, will be free from the possible adverse effects of geologic hazards. (orig. 1-20-76; am. 9-7-82; am. 12-17-02)
Section 39 - Wildfire Hazard Overlay District

(orig. 1-27-76; am. 2-6-84; am. 7-5-97; am. 12-17-02; am. 7-11-06; am. 4-20-10)

A. Intent and Purpose of District

This District is intended to promote the public health, safety and welfare of the citizens of Jefferson County, minimize the risk of loss of life and property in Wildfire Hazard Overlay Zone District; encourage and regulate prudent land use in the Wildfire Hazard Overlay Zone District so as not to increase the danger to the public health, safety and property; reduce the demands for public expenditures for relief and protection of structures and facilities permitted in the Wildfire Hazard Overlay Zone District; regulate buildings and structures so as to minimize the hazard to public health, safety, welfare, and to public or private property. (orig. 1-27-76; am. 12-17-02)

B. General Provisions

1. Boundaries

The boundaries of the Wildfire Hazard Overlay Zone District shall be as they appear on the official recorded Wildfire Hazard Overlay Zone District Maps as adopted by the Board of County Commissioners and kept on file with the Planning and Zoning Department. The boundary lines on the map shall be determined by the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and the actual field conditions, the conflict shall be settled according to the "Mapping Conflicts" portion of this Section. (orig. 1-27-76; am. 12-5-95)

2. Wildfire Hazard District Overlays Other Zone Districts

The Wildfire Hazard Overlay District shall overlay that portion of any other underlying zone district, including Planned Development Zone Districts, which is applicable to the Wildfire Hazard Overlay Zone District. The regulations of this District shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zone district. When the regulations of this district conflict with any provision of the underlying zone district, the provisions of this overlay district shall control. Any underlying zone district shall remain in full force and effect to the extent that its provisions do not conflict with the provisions of this District. (orig. 1-27-76)

3. Warning and Disclaimer of Liability

The degree of protection from potential wildfire hazards intended to be provided by this regulation is considered reasonable for regulatory purposes, and is based on current forestry and wildfire mitigation research. This regulation is intended to reduce the risks, costs, and impacts from wildfire. Nonetheless, wildfire is capricious and unpredictable. Thus damage may occur to persons and property although structures and land uses may be properly permitted within the provisions of the Wildfire Hazard Overlay District. (orig. 1-27-76; am. 12-5-95)

C. Use Regulation

All land uses shall be permitted within the Wildfire Hazard Overlay District to the same extent that they are permitted by an underlying zone district, so long as the same are not in conflict with any of the provisions as set forth herein. (orig. 1-27-76; am. 12-5-95)

D. Building Permits

1. No Building Permit may be issued for any new structure, the replacement of an existing structure, or an addition to a structure until written evidence has been submitted by a County qualified forester stating that the following have been satisfied: (orig. 12-5-95; am. 6-18-02; am. 12-17-02; am. 3-3-15; am. 01-18-22)

   a. Defensible space and associated fuel break thinnings have been created around the structure, or a wildfire mitigation site plan has been reviewed and a special exception granted by the Board of Adjustment for the property for which a Building Permit has been requested. (orig. 12-5-95; am. 01-18-22)
b. Access standards as specified in the General Provisions and Regulations Section of this Zoning Resolution have been satisfied. (orig. 12-5-95; am. 7-11-06)

2. Where the property owner chooses to submit a wildfire mitigation site plan for review by the Board of Adjustment, a Building Permit shall not be issued until such time as the wildfire mitigation site plan has been reviewed and a Special Exception granted by the Board of Adjustment. (orig. 12-5-95)

3. Design Standards

a. The standards and criteria governing the design of defensible space and associated fuel break thinnings shall be contained in the Colorado State University’s Cooperative Extension Fact Sheet 6.302 and will be administered, with flexibility, by a qualified wildfire interface fire specialist from a current list provided by Jefferson County Planning and Zoning. (orig. 12-5-95; am. 6-18-02)

b. The standards and criteria contained in the Transportation Design and Construction Manual shall govern the design and construction of all roadways in this overlay district, including private roads and driveways. (orig. 12-5-95; am. 12-17-02; am. 11-24-15; am. 11-24-15)

4. Defensible Space Certification Procedures

a. An applicant who has obtained a Defensible Space permit shall be deemed to be in compliance with the initial defensible space review when an initial inspection has been completed by entities deemed qualified by the Director of Planning and Zoning to conduct such inspections. Upon receipt of the initial inspection, the Planning and Zoning Department may issue the Building Permit. A final inspection shall be completed by entities deemed qualified before a Certificate of Occupancy can be issued for the newly created structure or addition. The cost of inspection and certification shall be borne entirely by the Building Permit applicant. (orig. 12-5-95; am. 6-18-02; am. 12-17-02; am. 3-3-15)

b. A denial of a certificate of completion may be appealed to the Board of Adjustment. The written appeal must be received by the secretary of the Board of Adjustment within 30 calendar days of the date of denial. (orig. 12-5-95; am. 12-17-02)

E. Mapping Conflicts

In all cases, a person contesting the location of the Wildfire Hazard Overlay District boundary or the severity of conditions at a specific location within the Wildfire Hazard Overlay District shall be given a reasonable opportunity to present their case to the Director of Planning and Zoning, and shall submit forestry and topographic evidence to support such contests. The Director of Planning and Zoning shall not allow deviations from the boundary line as mapped or change the mitigation requirements recommended by the Colorado State Forest Service and Jefferson County Emergency Management unless the forestry and other related technical evidence clearly and conclusively establish that the mapped location of the boundary line is incorrect or that the hazard conditions as determined by the Colorado State Forest Service or Jefferson County Emergency Management are in error. The Director of Planning and Zoning must make a finding that any deviations approved as a result of this subsection do not present a significant hazard to public health, safety or to property at the specific contested location within the Wildfire Hazard Overlay Zone District. (orig. 12-5-95; am. 12-17-02; am. 3-3-15)

F. Qualifications

The following criteria have been established as meeting the alternative qualifications for the defensible space program. A person with these qualifications shall be termed a wildfire interface fire specialist. A certification letter must be submitted by the applicant prior to the issuance of a Building Permit in order to be in compliance with the provisions of this Section. (orig. 6-18-02)

1. Minimum Qualifications (orig. 6-18-02)

Bachelor’s degree in Forestry or a closely related field and two years wildland/urban interface firefighting experience, or successful completion of the following National Wildfire Coordinating Group Classes: (orig. 6-18-02)
S-130 Basic Wildland Firefighting
S-190 Basic Fire Behavior
S-215 Fire Operations in the Wildland/Urban Interface
S-290 Intermediate Wildland Fire Behavior
S-390 Introduction to Wildfire Behavior Calculations

National Fire Protection Association (NFPA) workshop "assessing wildfire hazards in the home ignition zone" (or equivalent) and five years wildland/urban interface firefighting. (orig. 6-18-02)

2. The applicant must submit a letter from a qualified Wildfire Interface Fire Specialist, certifying that the defensible space work undertaken on the property meets the standards and criteria governing the design of defensible space and associated fuel break thinning as described in the Colorado State University's Cooperative Extension Fact Sheet 6.302. (orig. 6-18-02)

G. Maintenance of Defensible Space and Associated Fuel Break Thinning

Defensible space and fuel break thinning work must be completed and maintained to the standards described in the Colorado State University's Cooperative Extension Fact Sheet 6.302. The responsibility for maintaining defensible space and associated fuel break thinning lies with the landowner. Noncompliance with defensible space maintenance standards will be enforced as a Zoning Violation, as specified in the Enforcement and Administrative Exceptions Section of this Zoning Resolution. (orig. 6-18-02; am. 7-11-06)
Section 40 - Dipping Bedrock Overlay District

(orig. 4-11-95; am. 7-2-97; am. 12-17-02; am. 7-11-06; am. 5-20-08; am. 4-20-10)

A. Intent and Purpose

This district is intended to promote the public health, safety and welfare of the citizens of Jefferson County; reduce the risk to property, and encourage and regulate prudent land use by the following methods: (orig. 4-11-95; am. 12-17-02)

1. Reduce the impacts to structures of hazards associated with development on dipping claystone bedrock (orig. 4-11-95)

2. Require nonstructural uses such as agriculture and open space within areas that, given the associated hazards, are not suitable for occupied structures (orig. 4-11-95)

3. Restrict the uses that are particularly vulnerable to dipping claystone bedrock hazards to alleviate hardship and reduce the demands for public expenditures (orig. 4-11-95)

4. Require permitted land uses in dipping claystone bedrock areas, including public facilities which serve such uses, to protect property by providing for detailed geologic and engineering investigations and the avoidance of or mitigation of the hazards associated with such land uses (orig. 4-11-95)

5. Regulate the area in which, or the manner in which, structures may be constructed to prevent damage to property (orig. 4-11-95)

6. Designate, delineate and describe areas that could be adversely affected by dipping claystone bedrock, and to inform individuals purchasing or developing property of the possible hazards associated with the purchase or development of such property (orig. 4-11-95)

B. General Provisions

1. Dipping Bedrock Overlays Other District

   a. The Dipping Bedrock Overlay District shall overlay that portion of any other zone district located in the designated dipping bedrock area. The regulations of this district do not supersede the permitted and special uses set forth in the underlying zone district. The regulations shall be construed as supplementary to the regulations imposed on the same lands by any underlying zone district or other overlay district. When the regulations of this district conflict with any provision of the underlying zone district, the provisions of the Dipping Bedrock Overlay District shall control; otherwise, the provisions of any underlying district shall remain in full force and effect. (orig. 4-11-95; am. 4-20-10)

   b. The application section below is established to insure that development proposals and building permit applications, that are located within the Dipping Bedrock Overlay District, demonstrate to the extent practicable that they have been designed in accordance with the Intent and Purpose provisions of this section above. (orig. 4-11-95; am. 4-20-10)

2. Boundaries

   The boundaries of the Dipping Bedrock Overlay District shall be as they appear on the official recorded Dipping Bedrock Area Map as adopted by the Board of County Commissioners and kept on file in Planning and Zoning. The boundary lines on the map shall be determined by the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, or where detailed investigations show that hazardous conditions are not significant throughout the designated area, the conflict shall be settled according to the Mapping Conflicts, provisions of this section. (orig. 4-11-95; am. 12-17-02; am. 4-20-10)

C. Application
1. All rezoning and Special Use applications submitted after the adoption of this Resolution, which propose structures not exempted in the "Permitted Uses and Activities" portion of this section, and which fall within the Designated Dipping Bedrock Area shall be required to submit a Geologic and Geotechnical Report in accordance with the Geologic and Geotechnical section of the Land Development Regulation. The County Engineering Geologist may defer the submittal of the report to a subsequent development process or to the building permit process, if he/she determines that the information required for the subsequent process or building permit will sufficiently provide recommendations for foundation design, floor slab, pavement design and site grading. (orig. 4-11-95; am. 4-20-10)

2. All Plat, Site Development Plan, Exemption and Minor Adjustment applications which propose structures not exempted in the Permitted Uses and Activities portion of this section, and which fall within the Designated Dipping Bedrock Area shall be subject to the following Requirements: (orig. 4-20-10)

   a. Detailed grading plans shall be submitted which show overburden soil or fill at least ten (10) feet thick beneath the anticipated level of the bottom of the structure foundation(s) and the top of bedrock. For purposes of this section, the bottom of the structure foundation is defined as the bottom of footing/pad or bottom of grade beam, whichever is applicable. If deep (pier) foundations are proposed, the Director of Planning and Zoning may require review of such plans by the Engineering Advisory Board. (orig. 4-11-95; am. 12-17-02; am. 3-3-15)

   OR

   b. If ten (10) feet of overburden or fill are not proposed, detailed engineering plans shall be submitted to the Engineering Advisory Board. The alternate mitigation plans shall contain the information necessary to determine that potential hazards can be adequately mitigated by other methods. The recommendations of the Engineering Advisory Board shall be forwarded to the County Engineering Geologist for a determination of the appropriate mitigation measures. (orig. 4-11-95; am. 4-20-10)

      (1) Review of alternate mitigation methods by the Engineering Advisory Board is not required if the County Engineering Geologist determines that the following conditions are met. (orig. 4-11-95; am. 12-17-02; am. 4-20-10)

         (a) The proposed methods are proven and have become the "standard of practice" by engineers who have substantial knowledge and expertise in the methods used to identify, investigate, mitigate and/or remediate damages due to dipping claystone bedrock. (orig. 4-11-95)

         (b) The proposed methods have been previously reviewed by the Engineering Advisory Board and have been approved for similar site conditions. (orig. 4-11-95)

3. Foundation plans submitted with Building Permit applications for structures which fall within the Designated Dipping Bedrock Area shall either:

   a. Depict the minimum separation required between the foundation and bedrock as identified above in this section; or (orig. 4-11-95; am. 12-17-02; am. 10-13-09; am. 4-20-10)

   b. Comply with the minimum foundation design requirements outlined in the Building Code. (orig. 4-11-95; am. 12-17-02; am. 10-13-09; am.4-20-10)

   Note: Foundation plans shall be prepared and signed by a professional engineer, specializing in the field of structural engineering, and registered in the State of Colorado. The engineer shall have substantial knowledge and expertise in the methods used to identify, investigate, mitigate, and remediate damages due to dipping claystone bedrock. At the discretion of the Chief Building Official, any such plans may be subject to review by the Engineering Advisory Board and/or the Board of Review. (orig. 4-11-95; am. 4-20-10)

4. Drainage Improvements, including, but not limited to swales, ponds, culverts, and storm sewer pipes, shall have overburden of fill not less that 5 feet thick beneath the bottom of the drainage improvement. (orig. 10-25-05)

D. Engineering Advisory Board
The recommendations of the Engineering Advisory Board shall not be binding on the County Engineering Geologist, the Planning Commission, the Board of County Commissioners, the Chief Building Official or the Board of Review. Each official or board may impose any conditions it deems necessary to mitigate the hazard caused by dipping bedrock. (orig. 4-11-95; am. 4-20-10)

E. Permitted Uses and Activities

The following uses and activities are permitted without the restrictions established by this section: (orig. 4-11-95)

1. Structures exclusively for livestock (orig. 4-11-95)
2. Accessory outbuildings and garages (orig. 4-11-95)
3. All uninhabited structures (orig. 4-11-95)
4. Additions to buildings where the existing building was constructed or issued a Building Permit before the adoption of this section and where the footprint of the addition does not exceed fifty (50) percent of the original building footprint. (orig. 4-11-95; am. 10-13-09)

F. Warning and Disclaimer of Liability

The degree of protection from potential hazards from dipping claystone bedrock intended to be provided by this regulation is considered reasonable for regulatory purposes, and is based on accepted geologic and scientific methods of study, as of April 11, 1995, the effective date of this Resolution. This regulation is intended to reduce the risks, costs and impacts from dipping bedrock hazards. Unforeseen or unknown conditions such as climate, ground water, irrigation or drainage may contribute to future damage to structures and land uses though properly permitted within the provisions of the Dipping Bedrock Overlay District. This regulation does not imply that areas outside the Designated Dipping Bedrock Area boundaries or land uses permitted within such areas will be free from the impact of expansive soils and bedrock hazards. (orig. 4-11-95)

G. Mapping Conflicts

In all cases, a person contesting the location of the Designated Dipping Bedrock Area boundary or the severity of conditions at a specific location within the Designated Dipping Bedrock Area shall be given a reasonable opportunity to present their case to the Director of Planning and Zoning and shall submit geotechnical and geologic evidence to support such contests. The Director of Planning and Zoning shall not allow deviations from the boundary line as mapped or non-permitted land uses within the boundary areas unless technical and geological evidence clearly and conclusively establish that the map location of the line is incorrect, or that the designated hazard conditions do not present a significant hazard to public health, safety or to property at the specific location within the hazard area boundary for the particular proposed land use. (orig. 4-11-95; am. 12-17-02; am. 3-3-15)

H. Review Fees

All reviews costs for the Engineering Advisory Board shall be borne by the applicant in an amount established by the Board of County Commissioners. (orig. 4-11-95; am. 12-17-02)
A. Intent and Purpose

This District is intended to promote the public health, safety and general welfare of the citizens of Jefferson County by regulating land uses in order to maintain ground water resources. This District was established to address water resources in the fractured rock environment. (orig. 7-11-07; am. 4-30-13)

B. General Provisions

1. Mountain Ground Water Overlay District

The Mountain Ground Water Overlay District shall overlay that portion of other zone districts located in this District. The regulations of this District shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zone district or other overlay district. When the regulations of this District conflict with any provision of the underlying zone district, the provisions of the Mountain Ground Water Overlay District shall control. (orig. 7-11-07; am. 4-30-13)

2. Boundaries

The boundaries of the Mountain Ground Water Overlay District (fractured crystalline rock) shall be as they appear on the official recorded Mountain Ground Water Overlay Map adopted by the Board of County Commissioners and kept on file with Planning and Zoning. The boundary lines on the map shall be determined by the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, the conflict shall be settled according to the "Mapping Conflicts" portion of this Resolution. (orig. 7-11-07)

C. Applicability

All Building Permit, Rezoning, Site Development Plan, Special Use and Platting applications within the Mountain Ground Water Overlay District, and not served by a water district, shall be subject to the provisions of this Resolution: (orig. 7-11-07; am. 4-20-10)

1. Building Permit

Demonstrate compliance with the Four Hour Well Yield Test requirements to verify adequacy of water. If an alternative water source is proposed, detailed plans shall be submitted for review. The plans shall contain the information necessary to determine if the proposed source is a viable sustainable water source. (orig. 7-11-07; am. 4-20-10; am. 4-30-13)

2. Rezoning, Special Use, Site Development Plan or Platting Applications

Demonstrate compliance with the Intent and Purpose of this District by providing well water supply information in accordance with the Water Supply Section of the Land Development Regulation. If an alternative water source is proposed, detailed plans shall be submitted for review. The Plans shall contain the information necessary to determine if the proposed source is a viable sustainable water source. (orig. 7-11-07; am. 4-20-10; am. 4-30-13, am. 12-9-14)

D. Requirements

1. Four Hour Well Yield Test

It shall be demonstrated that an adequate water supply is available for the proposed uses by meeting the requirements of the Four Hour Well Yield Test. The well yield test shall include pumping for a minimum of 4 hours or longer and shall be in compliance with Rule 12.2 in the Colorado Water Well Construction Rules (2 CCR 402-2). The yield of a well shall be determined as a stabilized production rate where the withdrawal rate and the drawdown do not change by more than 10% during the last hour of the test. The data from the well yield test shall be presented on the Colorado Well Construction and
Test Report (Form GWS-31), Pump Installation and Test Report (Form GWS-32), and/or the Supplemental Test Report (Form GWS-39) or similar as necessary. The following shall be included: (orig. 7-11-07; am. 4-30-13)

a. Proof of a valid well permit or decreed water right that allows the uses, demand, and amount of water being sought in the application. (orig. 7-11-07)

b. A scaled site plan of the proposed structure and the location of the well and the Onsite Wastewater Treatment System (OWTS), if applicable. (orig. 7-11-07; am. 4-30-13)

c. Evidence of sufficient storage if the well yield rate is less than 1 gallon per minute. Storage shall be accomplished with either a cistern or well volume, and shall be based upon the proposed daily water demand. For residential structures a minimum of 300 gallons of storage is required. (orig. 7-11-07; am. 4-30-13)

2. The well yield test applicable to a property shall only be valid for 3 years, unless Planning and Zoning determines that the hydrogeologic or land use conditions have not changed since the time of the last test. (orig. 4-30-13)

E. Permitted Uses and Activities

The following uses and activities are permitted without the restrictions established by this Resolution: (orig. 7-11-07)

1. Building permits for accessory structures that do not increase water usage or the number of bedrooms, where permitted by the underlying zone district. (orig. 7-11-07, am. 12-9-14)

2. Additions to buildings or changes in use that do not increase the number of bedrooms, the amount of water used, or change the type of use currently allowed by an existing well permit. (orig. 7-11-07; am. 4-30-13)

3. Building permits to rebuild structures destroyed by flood, fire or other natural disasters and that does not increase the number of bedrooms, the amount of water used, or change the type of use currently allowed by an existing well permit. (orig. 7-11-07)

F. Warning and Disclaimer

The degree of protection to ground water and a renewable and reliable potable water supply, intended to be provided by this regulation is considered reasonable for land-use regulatory purposes, and is based on accepted geologic, engineering, and hydrologic methods of study, as of the effective date of this Resolution. This regulation does not address the water resources outside of the Mountain Ground Water Overlay District. (orig. 7-11-07)

G. Mapping Conflicts

In all cases, a person contesting the location of the Mountain Ground Water Overlay District boundary shall be given a reasonable opportunity to present their case to the Director of Planning and Zoning and shall submit appropriate technical evidence to support such contests. The Director of Planning and Zoning shall not allow deviations from the boundary line as mapped or non-permitted land uses within the boundary areas, unless appropriate technical evidence clearly and conclusively establishes that the map location of the line is incorrect. (orig. 7-11-07; am. 3-3-15)

H. Variance Process

The variance and waiver provisions for each application shall follow the applicable process. (orig. 7-11-07)
Section 42 - Drilling and Production of Oil and Gas

(orig. 10-17-83; am. 8-25-86; am. 7-11-06; am. 7-11-07; a.m. 5-20-08; am. 4-20-10)

A. Applicability and Restrictions

1. The standards and procedures of this section apply to oil and gas drilling and production in the following zone districts: (orig. 10-17-83)
   a. Industrial-One, Industrial-Two, Industrial-Three, Industrial-Four and Mineral Conservation. (orig. 10-17-83)
   b. Agricultural-One, Agricultural-Two and Agricultural-Thirty Five - except where located within a subdivision platted and recorded in the records of the Clerk and Recorder. (orig. 10-17-83; am. 12-17-02; am. 09-16-14)
   c. Planned Development- if the Official Development Plan allows for the drilling and production of oil and gas. (orig. 09-16-14)
   d. Any zone district or property for which a Special Use has been approved to allow for the drilling and production of oil and gas. (orig. 09-16-14)

2. No use may occur, and no Building Permit may be issued until the procedures and standards in this section have been satisfied as evidenced by a written approval of the Site Plan Application by the Director of Planning and Zoning. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)

3. Upon approval of the application subsequent operations shall be in conformance with the site plan and all standards contained in this section. (orig. 10-17-83)

B. Procedures

1. An applicant shall submit a Site Plan Application in accordance with submittal and documentation requirements as specified by the Director of Planning and Zoning. (orig. 10-17-83; am. 12-17-02; am. 5-20-08; am. 12-21-10)

2. The Director of Planning and Zoning shall approve, conditionally approve or deny the application within 12 working days after the receipt of a completed application. An application shall be approved if it is complete in form, has all the required information and meets all the applicable standards set forth in this section. Otherwise, it shall be denied. If an application is not acted on within the specified time period, it shall be considered approved. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)

3. Any approval or denial shall be in writing with the reasons for denial specifically identified. Annotations on the site plan shall be considered sufficient detail of the reasons for denial. (orig. 10-17-83)

4. If an application is denied, the applicant may request in writing, within 5 working days after the denial, a reconsideration of the decision by the Director of Planning and Zoning. The request for reconsideration shall state the specific reasons or changes for the reconsideration. The Director of Planning and Zoning shall act upon the request within 10 working days of its receipt. No appeal to the Board of Adjustment shall be permitted unless a request for reconsideration was previously filed and denied. Failure to act shall be constituted as denial. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)

5. If the total land disturbance, including pad site(s) and access roads, will exceed 10,000 square feet, a Notice of Intent is required. (orig. 5-20-08)

6. If drilling has not been initiated within 1 year after the approval of the application, the approval is automatically rescinded. An extension may be granted by the Director of Planning and Zoning for a maximum of 1 year upon written request by the applicant, prior to the expiration of the original 1-year period, subject to the finding that the plan is in compliance with all standards. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)

C. Appeals
1. If the Director of Planning and Zoning denies the application upon reconsideration, the applicant may appeal to the Board of Adjustment. Written appeals of the decision of the Director of Planning and Zoning must be received by the Secretary to the Board of Adjustment within 30 days of the date of denial upon reconsideration. (orig. 10-17-83; am. 3-3-15)

2. The review by the Board of Adjustment shall be limited to whether or not the decision of the Director of Planning and Zoning was contrary to or violated this section. (orig. 10-17-83; am. 12-17-02; am. 12-21-10)

D. Minor Variation

1. Upon specific request, the Director of Planning and Zoning may approve a minor variation to the Site Plan Application, subject to the following findings: (orig. 10-17-83; am. 12-17-02; am. 5-20-08; am. 12-21-10)
   a. Strict application of the standard would result in peculiar, exceptional or undue hardship on the applicant due to unusual topographical or physical conditions of the property which make implementation of the standard exceptionally or peculiarly difficult. (orig. 10-17-83)
   b. No substantial determent to the public good nor harm the general purpose of this Zoning Resolution will be caused thereby. (orig.5-20-08)

E. Amendments

Amendments are subject to the same procedures as initial applications. (orig. 10-17-83)

F. Standards

1. General
   a. Offensive or noxious odors, fluids, gases, dust or glare shall be confined to the subject parcel or the leasehold premises and shall not impact any occupied structures or dwellings. (orig. 10-17-83; am. 09-16-14)
   b. Junk, refuse, trash or abandoned material shall not be disposed of on-site. (orig. 10-17-83)
   c. Any hazardous or toxic material shall be securely contained, stored and removed in accordance with applicable State or Federal regulations. On-site disposal is prohibited. (orig. 10-17-83)
   d. Operations shall be in accordance with the Colorado Oil and Gas Conservation Act (Title 34, Article 60, C.R.S. 1973), or as amended, and all pursuant rules, regulations and procedures. (orig. 10-17-83; am. 12-17-02)
   e. All drilling and production operations, including derricks, retaining pits, vacuum pumps, storage tanks, vehicle parking, structures, machinery and ancillary equipment shall meet the Colorado Oil And Gas Conservation Commission setback rules and regulations. (orig. 10-17-83; am.3-26-13; am. 09-16-14)
   f. The owners(s) and operator(s) shall be responsible for prevention and prompt removal of spills involving waste materials, oil and toxic or hazardous materials. (orig. 10-17-83)
   g. A copy of a valid insurance policy, issued by a corporate insurer licensed in the State of Colorado, shall be provided. Such insurance shall be of sufficient amount to: (orig. 10-17-83)
      (1) Provide for payment for all damages or injury to persons or property resulting from the drilling, operation or maintenance of the proposed well and other structures, machinery or appurtenances used in conjunction with it. (orig. 10-17-83)
      (2) Provide for payment to control and/or eliminate any hazardous or dangerous event or condition, including a blowout; and provide for payment for injury or damages to persons, equipment or agencies responding to same event or condition. (orig. 10-17-83)
      (3) Contain no exclusion from coverage of contamination or pollution of surface or subterranean streams, water-courses, lakes or public or private water supplies. (orig. 10-17-83)
h. All mud/retaining pits shall be removed and reclaimed within 60 days of completion of the well. (orig. 5-20-08)

2. Visual
   a. The drilling site, production site and access roads shall be located, designed and constructed to minimize the removal of trees and shrubs and the amount of surface disturbance. (orig. 10-17-83)
   b. Avoid excavation, structures or equipment in sensitive areas such as ridges, hilltops, scenic or other areas of special visual quality. (orig. 10-17-83)
   c. Integrate the location and design of structures and site improvements with the natural color, form and texture of the surrounding area. (orig. 10-17-83)
   d. Screen structures or equipment from off-site view. Methods may include, but are not limited to: (orig. 10-17-83)
      (1) Existing and/or replanted vegetation. (orig. 10-17-83)
      (2) Existing and/or artificially created land forms. (orig. 10-17-83)
   e. Glare from site lighting or gas flaring shall not impact on nearby residences, excepting those whose owners are a party to the oil/gas lease. (orig. 10-17-83)

3. Air and Water Quality and Noise
   Operators shall conform to all current State and Federal regulations and standards concerning air quality, water quality, and noise. (orig. 10-17-83)

4. Wildlife and Historic Resources
   a. No habitat deterioration is to occur where threatened or endangered species or critical habitats exist, as defined by the Colorado Division of Wildlife. (orig. 10-17-83)
   b. All activity in an archaeological or historic resource area, as identified in the Jefferson County Comprehensive Land Use Plan, shall provide for the preservation of the resource or provide for the completion of necessary study and work as specified by the Office of the State Archaeologist before any aspect of development begins. Should a resource be uncovered during operations those operations shall be suspended pending recommendation of the State Archaeologist. (orig. 10-17-83; am. 5-20-08)

5. Hazards
   a. For areas of potential wildfire hazard, as identified by the Jefferson County Wildfire Hazard Overlay District, abate fireline intensities through fuelbreaks or other equally effective means around structures or areas of activity. Recommended practices for grass/shrub lands include the following: (orig. 10-17-83; am. 5-20-08)
      (1) Fuelbreaks of a width 3-4 times the height of adjacent vegetation. (orig. 10-17-83)
      (2) Re-vegetation to short grasses. (orig. 10-17-83)
   b. Drilling or production operations shall not cause the acceleration of geologic processes such as erosion, sedimentation or gravitational movement of earth and/or rock material to the point that such processes become a hazard or nuisance to life or property. (orig. 10-17-83)
   c. Activities or structures proposed within a floodplain not overlay zoned (F-P) shall be carried out in a manner that does not increase flood hazards upstream or downstream, nor reduces the efficiency with which flood waters are carried through the site. (orig. 10-17-83)
   d. All operations shall be: included within a fire district, or; be under contract with a fire district for protection services, or; be provided with private fire protection. If private fire protection is used, the following conditions shall be met: (orig. 10-17-83)
(1) A fire protection plan shall be provided, specifying types of equipment, response time, number and capabilities of personnel available, planned actions for probable emergency events, and any other pertinent information. (orig. 10-17-83)

(2) The fire protection plan shall be submitted for review to the public fire protection district in closest proximity to the proposed drilling site, or that district providing service to the general area. Such submittal shall take place prior to Site Plan Application to the County. (orig. 10-17-83)

(3) Said plan shall provide for a level of protection at least equal to that provided by the reviewing public fire protection district. (orig. 10-17-83)

e. Prior to Site Plan Application, the proposal shall be reviewed by the public fire protection district of jurisdiction or as provided in 5.d. above, indicating degree of conformance to applicable sections of the National and Uniform Fire Codes and other rules, ordinances or regulations. (orig. 10-17-83)

6. Access

a. Ingress and egress points shall be located and improved in order to: (orig. 10-17-83)

   (1) Assure adequate capacity for existing and projected traffic volumes. (orig. 10-17-83)

   (2) Provide efficient movement of traffic. (orig. 10-17-83)

   (3) Minimize hazards to highway users and adjacent property and human activity. (orig. 10-17-83)

b. All applicable permits or approvals shall have been obtained, including: (orig. 10-17-83)

   (1) Access or driveway permits to State or County roads. (orig. 10-17-83)

   (2) Construction within State or County highways. (orig. 10-17-83)

   (3) Overweight or oversize loads. (orig. 10-17-83)

c. All weather access roads, suitable to handle emergency equipment, shall be provided to within 150 feet of any structure, improvement, or activity area. (orig. 10-17-83)

7. Reclamation

a. Reclamation shall be carried out on all disturbed areas and achieve the following objectives: (orig. 10-17-83)

   (1) Final soil profiles designed to equal or reduce soil erosion potentials over stable pre-operation conditions. (orig. 10-17-83)

   (2) Restoration or enhancement of pre-existing visual character through planting of local or adaptive vegetation. (orig. 10-17-83)

b. Final land forms shall be stable. (orig. 10-17-83)

c. Minimize disturbance of soil cover. (orig. 10-17-83)

d. Maintain an abandoned site until reclamation has been completed and revegetation permanently established. (orig. 10-17-83)

e. Reclamation shall be initiated as soon as weather and growing conditions permit after the abandonment of the well or installation of production equipment and shall be completed no more than 1 year later. (orig. 10-17-83)

8. Drainage and Infiltration

a. Stream boundaries and alignment should be preserved in a natural undisturbed state whenever possible. When disruption or re-routing of these areas is unavoidable, rehabilitation shall imitate the
form and vegetative character that would occur under long term natural processes. (orig. 10-17-83)
b. Roads or other improvements obstructing drainages shall provide for culverts sized for storm flows as
determined by Planning & Zoning. (orig. 10-17-83; am. 12-17-02; am. 5-20-08)
Section 43 - County Gravel Mining, Crushing and Stockpiling

(Orig. 12-17-02; Am. 7-11-06; Am. 7-11-07; Am. 5-20-08; Am. 4-20-10)

A. Open Mining

If the County of Jefferson shall acquire title to or lease any property for purposes of the open mining of gravel, no open mining of gravel shall be commenced until the Board of County Commissioners shall have approved, after 30 days notice and public hearing, the following plans which shall be prepared and recommended by the Public Works Division: (Orig. 3-23-76; Am. 8-6-80)

1. Operational Plan
   a. Time of operation. (Orig. 3-23-76)
   b. Land use compatibility. (Orig. 3-23-76)
   c. Dust and noise control. (Orig. 3-23-76)
   d. Traffic and haul routes. (Orig. 3-23-76)
   e. Water pollution and erosion control. (Orig. 3-23-76)
   f. Extraction plan. (Orig. 3-23-76)
   g. Aesthetics. (Orig. 3-23-76)

2. Reclamation Plan
   a. Final grading. (Orig. 3-23-76)
   b. Landscaping. (Orig. 3-23-76)
   c. Clean up. (Orig. 3-23-76)
   d. Correct damage. (Orig. 3-23-76)
   e. Maintenance plan. (Orig. 3-23-76)

3. The Jefferson County Public Works Division shall make quarterly reports to the Board of County Commissioners regarding compliance with the plans approved by the Board of County Commissioners for each County-owned or County-leased gravel operation in the County. (Orig. 3-23-76; Am. 8-6-80)

B. Crushing and Stockpiling

County crushing and stockpiling shall be subject only to the State of Colorado Air Pollution Control Commission controls and approval of location by the Board of County Commissioners. (Orig. 3-23-76)

C. Exceptions

The excavation and crushing of gravel within a County road right-of-way shall not be considered "open mining" for purposes of this Zoning Resolution. (Orig. 3-23-76)
Section 44 - Mining Site Plan Review

A. Prior to commencement of any mining activity or topographical alterations, a site plan must be submitted to Planning and Zoning which demonstrates that the mine and all accessory operations will comply with the requirements of the ODP and other County regulations. (orig. 6 1 93; am. 6-29-04; am. 5-20-08)

B. The site plan or accompanying reports and documentation shall include the following. (orig. 6 1 93)

1. Evidence of the existence of a water supply which complies with all State and County laws and regulations. (orig. 6 1 93)
2. Sewage disposal provisions which comply with all State and County laws and regulations. (orig. 6 1 93)
3. Provisions for adequate water supply and emergency access for fire suppression and evidence of compliance with applicable fire codes. (orig. 6 1 93)
4. A Phase III drainage report consistent with the Storm Drainage Design and Technical Criteria Manual. (orig. 6 1 93; am. 12-17-02)
5. A plan for circulation which demonstrates compliance with all County and State Highway or road access requirements. (orig. 6 1 93)
6. Evidence that the area will be free from such radiation levels as the State Health Department has determined to be hazardous to the public health. (orig. 6 1 93)
7. Plans consistent with the requirements or restrictions in the ODP depicting areas to be mined, fencing, lighting source and type, building locations, access, outdoor storage locations and provisions, sign locations, buffer areas, process plant location and screening, stockpile locations and screening, storage of blasting supplies, sediment ponds, monitoring stations, permanent conveyors and associated maintenance roads, and overhead utility lines. (orig. 6 1 93)
8. Reclamation plans and after use site design plans, including landscaping, consistent with the requirements of the ODP and the Colorado Mined Land Reclamation Board Permit. (orig. 6 1 93)
9. A final operational mine plan consistent with the ODP depicting method of mining, bench orientation, direction of mining and concurrent reclamation plans. (orig. 6 1 93)
10. Detailed plans for all monitoring required by the ODP, including the location of monitoring stations, frequency of monitoring and criteria for monitoring. (orig. 6 1 93)
11. All state and federal permits required for the mining operation. (orig. 6 1 93)

C. The site plan shall be reviewed by Planning and Zoning for conformance with the ODP and other County regulations. (orig. 6 1 93; am. 12-17-02; am. 12-21-10; am 5-21-19)

1. Upon receipt of a site plan, Planning and Zoning shall cause notice of filing of the site plan to be posted on the property, which shall indicate that there is a 60 day period commencing on the date of posting to submit written comments to Planning and Zoning concerning the site plan. (orig. 6 1 93; am. 12-17-02; am. 12-21-10; am 5-21-19)

2. After the close of the comment period, the Director of Planning and Zoning shall determine whether the site plan conforms to the requirements herein and may request such changes as are deemed necessary to render the plan in conformance. (orig. 6 1 93; am. 12-17-02; am. 12-21-10)

D. After approval of a site plan, the Director of Planning and Zoning may approve minor modifications to the site plan so long as such modifications are consistent with the overall intent of the ODP and do not result in adverse impacts that were not considered at the time of zoning approval. (orig. 6 1 93; am. 12-17-02; am. 12-21-10; am 5-21-19)
Section 45 – Covid-19 Regulations

(Orig. 2-9-21)

A. Intent and Purpose
In response to the COVID-19 pandemic and associated public health orders, these regulations will enable business owners in unincorporated Jefferson County to apply to modify their operations and provide temporary outdoor seating areas and temporary structures adjacent to their businesses (Orig. 2-9-21)

B. Application
These Covid-19 Regulations shall apply to all eating and drinking establishments and commercial service establishments operating within unincorporated Jefferson County. All improvements installed under this program are temporary and must be removed no later than 30 days after the Board of County Commissioners adopts a resolution indicating that for the purpose of these COVID-19 Regulations the public health emergency has ended. (Orig. 2-9-21)

C. Termination
Section 45 shall automatically be repealed on the date the Board of County Commissioners adopts a resolution indicating that for the purposes of these COVID-19 Regulations, the public health emergency has ended. (Orig. 2-9-21)

D. Definitions
- **Eating and Drinking Establishment**: A retail establishment offering food, beverages, or alcoholic beverages for on-premises consumption. (Orig. 2-9-21)
- **Temporary Outdoor Seating Area**: An area not currently approved for outdoor seating of an eating and drinking establishment, used to temporarily expand seating capacity of the eating and drinking establishment to operate in an outdoor setting adjacent to their business. (Orig. 2-9-21)
- **Commercial Service Establishment**: A commercial establishment that provides services, rather than physical products, such as lesson-based businesses, fitness centers and similar uses. (Orig. 2-9-21)
- **Temporary Structure**: A structure without a foundation used to temporarily expand the operating capacity of an Eating and Drinking Establishment or Commercial Service Establishment. (Orig. 2-9-21)

E. Hours of Operation
Temporary Outdoor Seating Areas shall close by: (Orig. 2-9-21)
- **10 p.m.** on Sundays thru Thursdays; and
- **11 p.m.** on Fridays and Saturdays

F. Allowed Uses
1. Temporary Outdoor Seating Areas shall only be used for sit-down consumption of food or beverages or customer pick-up and carry-out of food and beverages. (Orig. 2-9-21)
2. Temporary Structures shall only be used to help maintain existing operations of commercial service establishments. (Orig. 2-9-21)

G. Prohibited Uses
Temporary Outdoor Seating Areas cannot be used for activities that would promote congregating, involve shared equipment, or amplify sound, including but not limited to: (Orig. 2-9-21)
- Live music
- Music over speakers
- Video monitors to display movies, sports, television shows, etc.
- Loudspeaker call systems
- Outdoor games
- Standing areas, except a waiting area for customers that follows social distancing guidelines is permitted.
- Generators

H. Temporary Structures Allowed and Configuration Requirements

1. Only Temporary Structures and furnishings are allowed, these include: (orig. 2-9-21)
   a. Tents and shade structures: (orig. 2-9-21)
      i. Tents/shade structures with side walls and greater than 400 square feet require a permit from the local Fire Protection District. (orig. 2-9-21)
      ii. Tents/shade structures without side walls and greater than 700 square feet require a permit from the local Fire Protection District. (orig. 2-9-21)
      iii. Multiple small tents/shade structures located close together may count as a single larger structure, as determined by the local Fire Protection District. (orig. 2-9-21)
      iv. Tents must be open from floor to ceiling on at least two non-adjacent sides, two adjacent sides open with no roof, or have no walls with a ceiling/roof during hours of operation to allow adequate ventilation for health and safety concerns. (orig. 2-9-21)
   b. Other temporary structures without foundations. (orig. 2-9-21)
   c. Tables, benches, chairs, temporary railings, and other temporary furnishings that are constructed of smooth, non-absorbent materials or finished in a manner that makes them smooth, non-absorbent and easily cleanable. (orig. 2-9-21)

2. No food or drink preparation areas/fixtures are allowed in Temporary Outdoor Seating Areas due to health and sanitation concerns. (orig. 2-9-21)

3. If the applicant will serve alcohol in the Temporary Outdoor Seating Area, the applicant must incorporate a method, in the design of the area, to ensure alcohol does not leave the area. Examples include railings, freestanding delineator posts, traffic cones and planters. Enclosures or other barricades that restrict the free egress of persons within the outdoor seating area must be approved by the local fire protection district to ensure adequate egress paths are maintained. (orig. 2-9-21)

4. Any temporary electrical equipment and wiring must be listed for outdoor or all-weather use. Power strips and multi-lug devices must have overcurrent protection. (orig. 2-9-21)

5. Any wiring that requires adding a circuit will require an Electrical Permit. (orig. 2-9-21)

6. Any lighting installed must be shielded and downcast so as to not cast light onto adjacent properties. (orig. 2-9-21)

7. A single temporary Banner Sign of up to 50 square feet may be placed in the Temporary Outdoor Seating Area without a permit. Note that existing regulations allow commercial properties to place up to 8 temporary Ground Signs of up to 8 square feet each without permits. (orig. 2-9-21)

I. Limitations and Restrictions

1. All public health orders and guidelines must be followed including but not limited to all executive orders of the Governor as well as public health orders issued by the Colorado Department of Public Health and the Environment (CDPHE) and Jefferson County Public Health. (orig. 2-9-21)

2. Eating and Drinking Establishments may not share Temporary Outdoor Seating Areas or Temporary Structures. (orig. 2-9-21)

3. The capacity/occupancy of the Temporary Outdoor Seating Area and/or Temporary Structure when combined with the capacity/occupancy of the indoor seating area under the then-current public health order may not exceed the original occupancy of the Eating and Drinking Establishment or Commercial Service Establishment. (orig. 2-9-21)
4. Written permission from the property owner to use the area proposed for the Temporary Outdoor Seating Area and/or Temporary Structure must be provided. (orig. 2-9-21)

6. Temporary Outdoor Seating Areas and Temporary Structures are exempted from setback requirements of the Zoning Resolution. (orig. 2-9-21)

7. Temporary Outdoor Seating Areas may occur on hard surfaces such as concrete, pavement and pavers. (orig. 2-9-21)
   a. Dust control measures must be implemented for unpaved parking areas where temporary outdoor seating areas are located. (orig. 2-9-21)

8. Temporary Outdoor Seating Areas may occur on grassy areas. (orig. 2-9-21)
   a. Any pest control measures applied in these areas must be done by a licensed pest control operator. (orig. 2-9-21)

9. Temporary Outdoor Seating Areas shall be kept clean, and any food or litter on the ground shall be cleaned up as soon as possible to minimize pests or wildlife. (orig. 2-9-21)

10. No American with Disability Act parking spaces may be used for temporary outdoor seating areas. (orig. 2-9-21)

11. The total amount of parking spaces converted to temporary outdoor seating area may not exceed 50% of the required amount of parking for the eating and drinking establishment. (orig. 2-9-21)

12. No fire department access or equipment shall be blocked or obstructed by temporary outdoor seating areas or other features. This includes emergency fire lanes, fire hydrants, fire department connections, fire alarm panel access, etc. (orig. 2-9-21)

13. Building entrances and exits shall not be blocked by any elements of the temporary outdoor seating areas. (orig. 2-9-21)

J. Permits and Licenses

1. Local Fire Protection Districts may have additional requirements or require additional permits. All applications will be forwarded to the local Fire Protection District for their notice. It is the responsibility of the applicant to contact their local Fire Protection District prior to operating a temporary outdoor seating area. (orig. 2-9-21)

2. Any permanent improvements or modifications to existing structures may require Building Permits. (orig. 2-9-21)

3. Temporary Structures that will be erected for more than 180 days shall comply with Section 3103 of the 2018 International Building Code. (orig. 2-9-21)

4. Fences over 42 inches in height require a fence permit. (orig. 2-9-21)

5. Businesses that have a liquor license will need to submit additional documentation to modify their existing liquor license with the County and the State. (orig. 2-9-21)

K. Submittal Requirements

1. The following items shall be submitted for a Temporary Outdoor Seating Area Permit Application: (orig. 2-9-21)
   a. Point of contact information including name, address, phone numbers and email address. (orig. 2-9-21)
   b. Number of restroom facilities and fixtures currently available. (orig. 2-9-21)
      (1) Number of restroom facilities and fixtures when meeting social distancing requirements. (orig. 2-9-21)
      (2) Location of additional toilet facilities, if provided, including temporary toilet and handwashing stations. (orig. 2-9-21)
   c. Description of proposed outdoor seating, including: (orig. 2-9-21)
(1) Size of proposed outdoor seating area. (orig. 2-9-21)
(2) Number of tables and indication of spacing to meet social distancing requirements. (orig. 2-9-21)
(3) Occupancy of existing eating and drinking establishment (pre-COVID). (orig. 2-9-21)
(4) Occupancy of indoor portion of Eating and Drinking Establishment with social distancing measures in place. (orig. 2-9-21)
(5) Proposed occupancy of the Temporary Outdoor Seating Area and/or Temporary Structure. (orig. 2-9-21)
(6) General description of Temporary Outdoor Seating Area and/or Temporary Structure. (orig. 2-9-21)
(7) Dust mitigation plan if proposed for unpaved surfaces, other than grassy areas. (orig. 2-9-21)

2. The following items shall be submitted for both Temporary Outdoor Seating Area Permit Applications and Temporary Structure Applications: (orig. 2-9-21)
   a. Acknowledgment of limitations related to public health orders. (orig. 2-9-21)
   b. Identification of wastewater treatment used (Public Sanitation/Septic System). (orig. 2-9-21)
   c. Details of method to ensure alcohol does not leave the area. To include height of any fencing/railings/etc., composition of materials, and explanation of how alcohol will be controlled to ensure it does not leave the premises. (orig. 2-9-21)
   d. Site Plan Map including: (orig. 2-9-21)
      (1) Vicinity map (Google Maps or similar). (orig. 2-9-21)
      (2) Location of proposed Temporary Outdoor Seating Area and/or Temporary Structure. (orig. 2-9-21)
      (3) Diagram of the currently liquor-licensed premises. (orig. 2-9-21)
      (4) Layout of proposed Temporary Outdoor Seating Area and/or Temporary Structure, with dimensions:
         i. Tables, tents, etc. (orig. 2-9-21)
         ii. Proposed route of servers to Temporary Outdoor Seating Area and kitchen. (orig. 2-9-21)
         iii. Location of existing emergency access. (orig. 2-9-21)
         iv. Location of fire hydrants and fire extinguishers. (orig. 2-9-21)
   e. Parking Plan Map, including: (orig. 2-9-21)
      (1) Existing parking spaces. (orig. 2-9-21)
      (2) Proposed parking spaces. (orig. 2-9-21)
      (3) ADA spaces clearly identified. (orig. 2-9-21)
   f. Liquor License Modification Application, if applicable (Payment should be made directly to the State). (orig. 2-9-21)
   g. Written permission from property owner to use space for temporary outdoor seating area. (orig. 2-9-21)
   h. Additional submittal items may be required to further protect the health, safety, and welfare of the public as the COVID-19 situation changes and/or as the County receives feedback from fire departments, health officials, public, and other government agencies. (orig. 2-9-21)
Definitions

Words used in present tense, include future. Words used in singular number, include plural. Words used in plural number, include singular. The word "building" includes "structure." The word "shall" is mandatory, not directory. For purposes of this Resolution, certain words and terms are defined as follows: (orig. 5-6-46)

ABANDONED: A situation which exist where something is discarded, unused, inactive or nonfunctional and no one lays claim, possession or ownership over it. (orig. 12-17-02; am. 7-1-03)

ABANDONED - STRUCTURE: A structure left on a property where no reasonable use of the structure exists, such structure presents a hazard to the health, safety or welfare of any individual should it be occupied or such structure is beyond repair and is unsafe for occupancy and cannot meet applicable building code requirements. (orig. 12-17-02; am. 7-1-03)

ABANDONED - VEHICLE: A vehicle left on a street/road, right-of-way or property without the consent of the owner and where such vehicle cannot be operated, license plates or other identifying marks have been removed, damage exists so extensively as to make the value of the vehicle junk or an attempt has been made to notify the vehicle owner and no effort occurs to remove such vehicle. (orig. 12-17-02; am. 10-13-09)

ABATEMENT: To substantially nullify the danger posed by a hazard by means including, but not limited to, modification of the hazard and/or the structure affected. (orig. 3-23-76)

ACCELERATED SOIL EROSION: The increased loss of the land surface that occurs as a result of man's activities. In cases where the occurrence of accelerated soil erosion is questionable, natural and construction related erosion volumes shall be calculated by the Revised Universal Soil Loss Equation (or the most recent version as published by the Natural Resources Conservation Service or the Soil and Water Conservation Society) and the Wind Erosion Equation developed by the Natural Resources Conservation Service. (orig. 9-24-91; am. 3-23-99)

ACCESSORY AREA (RESIDENTIAL): The area in square feet of a building or portion of a building not included in the livable space of the primary dwelling unit. This includes, but is not limited to, garages (attached or detached), sheds, barns, coops, greenhouses, and detached living space. (orig. 07-17-18)

ACCESSORY BUILDING: A subordinate building, or portion of a main building, the use of which is incidental to that of the main building on the same lot. This includes detached garages, workshop, sheds, barns, coops, greenhouses, and detached living space. (orig. 5-6-46, am. 07-17-18)

ACCESSORY DWELLING UNIT: A separate, complete housekeeping unit limited to two (2) bedrooms, kitchen, sleeping area, and full bathroom facilities, which is in a detached building or an attached extension to an existing single family detached dwelling. Such a dwelling unit shall be developed in accordance with the standards set forth in the Accessory Uses section of this Resolution. (orig. 12-5-06; am. 8-23-11; am. 12-9-14, am. 07-17-18)

ACCESSORY EQUIPMENT: Equipment whose use is incidental to that of the principal building on the same lot. (orig. 7-23-02)

ADEQUATE VEGETATIVE COVER: A permanent vegetative ground cover which is mature enough to prevent accelerated soil erosion and to survive severe weather conditions. (orig. 9-24-91)

ADULT ARCADE: See definition under Sexually Oriented Business (am. 07-17-18)

ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE: See definition under Sexually Oriented Business. (am. 07-17-18)

ADULT CABARET: See definition under Sexually Oriented Business. (am. 07-17-18)

ADULT MOTEL: See definition under Sexually Oriented Business. (am. 07-17-18)

ADULT MOTION PICTURE THEATER: See definition under Sexually Oriented Business (am. 07-17-18).

ADULT THEATER: See definition under Sexually Oriented Business. (am. 07-17-18)

AGRICULTURE: Farming, ranching, animal husbandry, and horticulture. (orig. 07-17-18)

AGRICULTURAL EQUIPMENT: Equipment used on a farm or ranch for planting, growing, and harvesting agricultural products, or for raising or breeding livestock. (orig. 07-17-18)

AGRICULTURAL PRODUCTS: Plant or animal products in a raw or unprocessed state that are derived from the science and art of agriculture. (orig. 07-17-18)
AMATEUR RADIO: A communications service for the purpose of self training, intercommunications and technical investigations carried out by amateurs. Amateurs are those persons interested in radio technique solely with a personal aim and without pecuniary interest. (orig. 6-29-04)

ANTENNA: A transmitting and/or receiving device used in telecommunications that radiates or captures radio signals. (orig. 6-7-94)

ARCHAEOLOGICAL RESOURCE: Any significant evidence of human activity from historic and prehistoric periods including, but not limited to, occupation sites and work areas, evidence of farming, hunting, gathering, burials and other funeral remains and aboriginal artifacts and structures. This definition also includes, for the purpose of convenience, paleontological specimens and sites. (orig. 07-17-18)

ASCE: American Society of Civil Engineers. (orig. 5-21-19)

AVERAGE DAILY TRAFFIC (ADT): The existing or projected total traffic volume during a given time period at a given location divided by the number of days in that time period. (orig. 10-13-09)

AVIGATION EASEMENT: A property right acquired from a landowner which protects the use of airspace above a specified height and imposes limitations on use of the land subject to the easement. (orig. 07-17-18)

BARN: A building used exclusively for the housing and care of horses or other permitted livestock, and for the storage of feed, hay, other farm crops, and farm or equine equipment. Barns may not be used for a garage or as a storage shed for items not associated with livestock or farm crops. (orig. 8-23-11, am. 07-17-18)

BASEMENT: Any area of the building having its floor subgrade (below ground level). (orig. 5-31-88; am. 9-19-89)

BED & BREAKFAST: An overnight lodging establishment which is a residential dwelling unit, in which the innkeeper resides, or which is a building designed for but not necessarily occupied as a single family residence that is next to, or directly across the street from the innkeeper’s residence, and in either circumstance, in which:
1. lodging accommodations are provided for a fee; (orig. 8-23-11)
2. at least one meal per day is provided at no charge other than the fee for lodging accommodations; (orig. 8-23-11)
3. there are no more than five sleeping rooms available. (orig. 8-23-11)

BEDROOM: A room in a dwelling containing a door, closet and egress. Rooms meeting this criteria are considered bedrooms even if labeled differently on floor plans. (orig. 07-17-18)

BERM: See definition under Landscaping. (am. 07-17-18)

BREWPUB: A restaurant that includes the brewing of beer as an accessory use. The area used for brewing, including bottling, kegging, and packaging, shall not exceed 25 percent of the total floor area of the premises. (orig. 10-13-09)

BUFFER AREA: A transition zone or land area intended to serve as a means to physically separate one land use from another. (orig. 11-12-96)

BUFFERING: The installation of plant materials, fencing, landforms, or a combination thereof, between two or more land uses, buildings, lots or parcels of land, or adjacent rights-of-way, which is intended to eliminate or minimize negative impacts between the adjoining land uses lots or parcels and/or rights-of-way. (orig. 11-12-96)

BUILDABLE LAND AREA: That area of a site where a building or other improvements can occur excluding such areas as, but not limited to required setbacks, wetlands, water bodies, excessive slope, floodplain, easements, hazardous areas, etc. These areas where building improvements cannot occur may be defined as non-buildable or non-disturbance areas. (orig. 07-17-18)

BUILDING: A structure having a roof supported by columns or walls. (orig. 5-6-46)

BUILDING ARTICULATION: Emphasis given to architectural elements on a building (windows, balconies, and entries) that create a variety of patterns or rhythms, dividing a large structure into smaller, identifiable pieces. (orig. 7-23-02)

BUILDING ENVELOPE: That portion of a lot where building construction requiring a building permit will be permitted. (orig. 07-17-18)

BUILDING – HEIGHT OF: The vertical distance from grade plane to the average height of the highest roof surface. (orig. 5-6-46; am. 7-23-02; am 5-20-08)
BUILDING SITE: A legally created parcel of land occupied or designed to be occupied by a main building and the accessory buildings or structures customarily incidental to such main buildings, including the open spaces required by this Resolution and such open spaces as are arranged and designed to be used in connection with such buildings. A building site may or may not be the land shown as a lot on a duly recorded plat. (orig. 7-1-03)

BUILDING – STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, floor joists or roof joists. (orig. 5-6-46; am. 12-17-02)

CAMP: Land under single ownership and management having tents, buildings, or other shelters (not including recreational vehicles or mobile homes) for recreational or educational purposes and accommodating six or more persons for two or more days, or portions thereof. (orig. 5-5-46, am. 12-17-02, am.8-23-11)

CAMPGROUND: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, travel trailers, tent trailers, or tents for temporary dwelling, lodging, or sleeping purposes wherein sites are offered for the use of the public or members of any organization. (orig. 8-23-11)

CAMPING: The use of a temporary shelter, such as a tent, car, trailer or mobile home to live in. In most zone districts camping is limited to 2 weeks out of the year. (orig. 07-17-18)

CATTERY: Any building, structure or open space devoted in its entirety or in part to the raising, boarding or harboring of 4 or more adult cats. (orig. 11-15-65)

CERTIFICATE OF COMPLIANCE: A written document issued by Planning and Zoning or the Board of County Commissioners certifying compliance with certain land development restrictions or conditions. (orig. 07-17-18)

CHANNEL: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuous or periodic flowing water. (orig. 1-10-75)

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings on a portion of a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive land areas. (orig. 8-23-11)

COMMERCIAL MINERAL DEPOSIT: A natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and where it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation. (orig. 8-25-86; am. 12-17-02)
COMMERCIAL-TYPE VEHICLE: Any vehicle or equipment which falls into one or more of the categories listed below:

1. truck tractor; (orig. 5-20-08)
2. semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures; (orig. 5-20-08)
3. vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply commercial or delivery trucks. (orig. 5-20-08, am. 8-23-11)
4. other vehicles or trailers designed or used to transport commodities, merchandise, produce, freight, animals, or passengers for a fee; (orig. 5-20-08)
5. tow trucks; (orig. 5-20-08)
6. commercial hauling trucks; (orig. 5-20-08)
7. vehicle repair service trucks; (orig. 5-20-08)
8. vehicles with blades attached for plowing or grading; (orig. 5-20-08)
9. construction vehicles, such as bulldozers, backhoes, dump trucks, and similar vehicles; (orig. 5-20-08)
10. vehicles similar to those described above that are not ordinarily used for personal transportation. (orig. 5-20-08)

COMMODITY: An article or substance produced or refined to be sold or used. (orig. 07-17-18)

COMMON USABLE AREA: Includes permanent areas on the ground, or a roof, balcony, deck, porch, or terrace, which are designed and accessible for the passive or active outdoor use for the residents or guests within a particular development for recreation. This can include plazas, community gardens, parks, permanent outdoor dining areas, courtyards, green roofs and communal amenities. For the purpose of this section, “green roof” means a roof that is partially or completely covered with vegetation. Required sidewalks, buffers or parking lot landscaping shall not qualify as usable open space. (orig. 2-26-13; am. 9-24-13)

COMMUNAL AMENITY: Recreational components that are provided for the active use of all residents within the development such as permanent outdoor barbeque areas, bicycle paths, children’s play areas, putting greens, recreation buildings and/or clubhouses, swimming pools, tennis, baseball or handball courts, or similar improvements as allowed by Planning and Zoning. (orig. 2-23-13; am. 9-24-13)

CRAFT BREWERY: a production facility with a manufacturer or wholesaler license issued under § 12-47-401, et seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq., C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where malt liquors are manufactured on the premises, that may include a tap room that is less than or equal to thirty percent of the total floor area of the facility or one thousand square feet, whichever is greater. The annual production of the facility shall not exceed 100,000 barrels. (orig. 6-12-12)

CRAFT DISTILLARY: facility with a manufacturer or wholesaler license issued under § 12-47-401, et seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq., C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where spirituous liquors are manufactured on the premises, that may include a tasting room that is less than or equal to thirty percent of the total floor area of the facility or one thousand square feet, whichever is greater. The annual production of the facility shall not exceed 50,000 proof gallons. (orig. 6-12-12)

CRAFT WINERY: a use with a manufacturer or wholesaler license issued under § 12-47-401, et seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq., C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where vinous liquors are manufactured on the premises, that may include a tasting room that is less than or equal to thirty percent of the total floor area of the facility or one thousand square feet, whichever is greater. The annual production of the facility shall not exceed 100,000 gallons. (orig. 6-12-12)

CREEP: A geologic hazard meaning the slow, gradual, more or less continuous deformation sustained by soil and rock materials under gravitational stresses. (orig. 3-23-76)

CUL-DE-SAC: A non-through or dead-end local street/road with special features (bulb) for turning around of vehicles. (orig. 4-7-69; am. 10-13-09)

DAY-CARE HOME – SMALL: A dwelling in a Residential Zone District or a Planned Development in which residential uses are allowed on the property, where care is provided for up to six (6) children from birth to
eighteen years of age with no more than two (2) children under two years of age. Care also may be provided for no more than two (2) additional children of school age attending full-day school. School-age children include children six years of age and older who are enrolled in the first grade or above. Residents of the home under twelve years of age who are on the premises for supervision are counted against the approved capacity. (orig. 07-17-18)

DAY-CARE HOME – LARGE: A dwelling in a Residential Zone District or a Planned Development in which residential uses are allowed on the property where care is provided for seven (7) to twelve (12) children. Child care may be provided to children from birth to eighteen years of age. The provider needs an assistant when the nine or more children are present. Care may not be provided to more than two (2) children under two years of age. (orig. 07-17-18)

DEVELOPMENT AREA: The overall area of a specific project including all parcels, lots, and tracts of land. Included in this area are all building areas, parking areas, open space and drainage tracts, and other similar development entities. (orig. 5-20-08)

DEBRIS: waste building materials, packaging, rubble, concrete, asphalt, wood, cardboard, metals, bricks, dirt, rocks, vegetative or woody land clearing/landscaping materials, and other inert waste. (orig. 07-17-18)

DIRECTOR OF PLANNING AND ZONING: "Director of Planning and Zoning" shall mean the Jefferson County Director of Planning and Zoning or his/her appointed designee (orig. 3-3-15).

DISABILITY: "Disability" or "Disabled individual" shall mean a physical or mental impairment which substantially limits one or more of such person’s major life activities as more particularly defined by Federal law. (orig. 03-29-16)

DETACHED LIVING SPACE: A detached building that provides living quarters for guests and (a) contains no kitchen or cooking facility; (b) is clearly subordinate and incidental to the principal residence on the same building site; and (c) is not rented or leased, whether compensation be direct or indirect. Detached living space with bedrooms may not have a wet bar. (orig. 4-20-10, am. 07-17-18)

DEVELOPER: Any subdivider, applicant, person, firm, partnership, joint venture, association or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of lands which are subject to the provisions of this Regulation. (orig. 07-17-18)

DIP OF SURFACE: The angle that a stratum or similar geological feature makes with a horizontal plane (slope of ground). (orig. 07-17-18)

DWELLING: A building designed for occupancy by one (1) or more families, as further defined below. (orig. 07-17-18)

1. SINGLE-FAMILY DETACHED: A detached building designed for occupancy by not more than one (1) family from month to month or for a term longer than a month. This single structure is located on a parcel, lot, or tract of land. (orig. 5-6-46; am. 12-17-02; am. 4-4-06; am. 5-20-08)

2. SINGLE-FAMILY ATTACHED: An attached building designed for occupancy by not more than 1 family from month to month or for a term longer than a month. This structure is located on a parcel, lot, or tract of land and is connected to another structure located on a separate parcel, lot, or tract of land. (orig. 5-6-46; am. 11-15-65; am. 12-17-02; am. 5-20-08)

3. DUPLEX: A detached building designed for occupancy by 2 families living in separate units; from month to month or for a term longer than 1 month. This single structure is located on a parcel, lot, or tract of land. (orig. 5-20-08)

4. TWO-FAMILY: A single-family attached unit constructed as a pair of attached units in which each unit is located on a separate parcel, lot, or tract of land, and each unit is designed for occupancy by not more than 1 family from month to month or for a term longer than 1 month. (orig. 5-20-08, am. 8-23-11)

5. TOWNHOME: A single-family attached unit constructed in a group of 3 or more attached units in which each unit is located on a separate parcel, lot, or tract of land, and each unit is designed for occupancy by not more than 1 family from month to month or for a term longer than 1 month. (orig. 5-20-08, am. 8-23-11)

6. MULTI-FAMILY: A detached building or group of buildings designed for occupancy by more than 2 families living in separate units from month to month or for a term longer than 1 month. (orig. 5-6-46; am. 12-17-02; am. 5-20-08)
7. **RENTAL - LONG TERM**: A dwelling or portion thereof that is available for use or is used for accommodations of occupants paying a fee or other compensation for a period of 30 or more consecutive days. (orig. 12-9-14)

8. **RENTAL - SHORT-TERM** A single family detached dwelling or portion thereof that contains not more than 5 bedrooms, that is used for, or advertised and available for use for, accommodations or lodging of guests paying a fee or other compensation, for a period of fewer than 30 consecutive days. (orig. 1-1-12; am. 7-17-18)

**EARTH MATERIALS**: The inanimate constituents which compose or make up the planet earth's crust. (orig. 8-25-86)

**EARTH TONE COLORS**: In general, subdued colors typical of the muted native grasses, woods, rocks, and soil of the high Colorado foothills and Jefferson County's natural setting. (orig. 07-17-18)

**ENGINEER**: A person possessing specialized knowledge in the applicable area, registered as a professional engineer in the State of Colorado pursuant to Title 12, Article 25, C.R.S., as amended. (orig. 07-17-18)

**ENGINEERING GEOLOGY**: The discipline of applying geological data, techniques and principles to the study of naturally occurring rock and soil materials or subsurface fluids. The purpose is to assure that construction, operation and maintenance of engineering structures and the development of ground water resources are recognized, adequately interpreted and presented for use to the engineering practice. (orig. 6-15-76)

**ENVIRONMENTAL ASSESSMENT**: An evaluation of the environmental condition of the property which is included in the proposed development and may consist of an Environmental Questionnaire and Disclosure Statement, Phase I Environmental Site Assessment, Phase II Environmental Site Assessment, Phase III Environmental Site Assessment and remediation as specified in this Regulation. (orig. 07-17-18)

**ENVIRONMENTAL PROFESSIONAL**: A person possessing sufficient training and experience necessary to conduct an environmental assessment and from the information generated by such activity having the ability to develop conclusions regarding recognized environmental conditions in connection with the property in question. A person's status as an environmental professional may be limited to the type of assessment to be performed or to specific segments of the assessment for which the professional is responsible. (orig. 07-17-18)

**EVERGREEN**: A plant with foliage that persists and is green year-round. (orig. 7-23-02)

**FACADE**: The exterior wall of a building. (orig. 7-23-02)

**FAMILY**: One or more persons related by blood, marriage or adoption, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding 6, living and cooking together as a single housekeeping unit, though not related by blood, marriage or adoption, shall be deemed to constitute a family. Family shall not include more than one registered sex offender, unless related by blood, marriage or adoption. (orig. 5-6-46; am. 6-26-79, am. 2-1-00)

**FARM**: A parcel of land which is used to produce agricultural products that originate from the land's productivity. (orig. 07-17-18)

**FARMING**: The cultivation of land for agriculture, pasturage, ranching or raising of livestock. (orig. 5-6-46, am. 07-17-18)

**FENCE**: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth. (orig. 07-17-18)

1. **CLOSED**: A fence that is a minimum of 90 percent opaque. (orig. 11-12-96, am. 07-17-18)
2. **HEIGHT**: The total height of fence is measured from the top of the fence to the lowest grade immediately adjacent to the fence unless the fence is placed on a retaining wall or a berm. Fence posts and or pillars which support the fence material may extend eight (8) inches above the height of the fence material. If a fence is erected on or within 4 feet of the back of wall (B.O.W), the height of the fence and retaining wall are combined to calculate the total fence height. If the fence is erected on a berm, the height of the berm and the fence are combined to calculate the total fence height. (orig. 7-1-03)

3. **OPEN**: A fence that is a maximum of 25 percent opaque. (orig. 11-12-96)

4. **MATERIALS**: Those materials which are specifically manufactured and/or produced as fencing components. All other materials must be specifically approved by the Director of Planning and Zoning. (orig. 11-12-96; am. 12-17-02; am.3-3-15)

FENESTRATION: For the purpose of this regulation, fenestration shall be defined as the design and placement of windows in a building. (orig. 10-13-09)

FITNESS CENTER: A facility with equipment or space for exercising, physical training or improving physical fitness. (orig. 5-21-19)

FIXED WIRELESS: Wireless radio communications service between specified fixed points. Currently associated primarily with wireless broadband internet access and data transmission and as a connection to cell sites. (orig. 6-29-04)

FLAT ROOF: A roof with a pitch of no greater than two inches vertical to twelve inches horizontal (1:6). (orig. 7-23-02)

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source. Definitions listed hereafter, items 1 – 42, are related to Floodplains only. (orig. 5-31-88; am. 9-19-89; am. 10-13-09, am. 07-17-18; am. 5-21-19)

1. **ALTERATION OF WATERCOURSE**: Alterations are made to the channels of rivers, streams or drainageways, usually to improve drainage, relocate the channel, or to increase its flood carrying capacity. The altered or relocated watercourse must have the same or greater capacity as the original watercourse. (orig. 8-27-13)

2. **AS BUILT DRAWINGS**: An investigation and survey performed by a Professional Engineer or a Professional Land Surveyor to determine or confirm the development activity outside of any building, including but not limited to elevations, channel improvements, drainage flow paths, and dimensions of all drainage structures. (orig. 5-27-03)

3. **BASE FLOOD**: A flood having a one percent chance of being equaled or exceeded in any given year. (orig. 5-31-88; am. 12-17-02; am. 5-27-03)

4. **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/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. (orig. 8-27-13)
5. **CONDITIONAL LETTER OF MAP REVISION (CLOMR):** FEMA's comment on a proposed project that would, upon construction, 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 Elevation (BFE) or the Special Flood Hazard Area (SFHA). The letter does not revise an effective National Flood Insurance Premium (NFIP) map, it indicates whether the project, if built as proposed, would be recognized by FEMA. (orig. 10-13-09)

6. **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. (orig. 8-27-13)

7. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, cutting, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (orig. 5-31-88; am. 12-17-02; am. 5-27-03; am. 10-13-09; am. 8-27-13)

8. **DISTRICT:** The Floodplain Overlay District that includes SFHA Areas identified by FEMA that includes Zones A, AE, AH, AO; areas that are in FEMA Zone D and are within 50 feet of the thalweg of a Major Drainageway; Jefferson County Designated Floodplain map and Designated Flood-prone map. (orig. 07-17-18)

9. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A mobile home park or subdivision in which the construction of facilities to serve the lots was completed prior to the effective date of the Floodplain Overlay District. (orig. 5-27-03; am. 5-20-08; am. 10-13-09)

10. **EXPANSION OF 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. The facilities shall include utilities, streets/roads and either final site grading or concrete pads. (orig. 5-27-03; am. 5-20-08; am. 10-13-09)

11. **EXTREME HAZARDOUS MATERIALS:** Any of the following or similar materials: acetone, ammonia, benzene, calcium, carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, prussic acid, magnesium, nitric acid, oxides of nitrogen, phosphorus, potassium, sodium, lithium, and sulfur. (orig. 5-27-03)

12. **FEMA:** Federal Emergency Management Agency. (orig. 12-17-02)

13. **FLOOD HAZARD AREA DELINIATION (FHAD):** A study completed and published by the Urban Drainage and Flood Control District, which documents the flood hazard area of the 100-year floodplain. (orig. 10-13-09)

14. **FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Emergency Management Agency Administrator has delineated both the areas of special flood hazards and the risk premium zones. (orig. 5-31-88; am. 9-19-89; am. 12-17-02; am. 5-27-03; am. 10-13-09)

15. **FLOOD INSURANCE STUDY:** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate maps, and the water surface elevation of the base flood. (orig. 5-31-88; am. 12-17-02; am. 5-27-03; am. 8-27-13)

16. **FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, (2) The unusual and rapid accumulation or run-off of surface waters from any source. (orig. 5-31-88)

17. **FLOOD PROOFING:** Completely sealing the exterior of a building to prevent the entry of floodwaters. Flood-proofing seals all openings below the flood level and relies on the walls of the building to hold water out. (orig. 5-31-88; am. 5-27-03)

18. **FLOOD ZONES:** The FIRM for the County has identified several different flood zones that have slightly different requirements. An explanation of the flood zones that have different standards defined is provided below: (orig. 5-27-03)

   a. **FEMA Zone A** – Zone A is the flood insurance rate zone that corresponds to areas subject to inundation by the 1-percent-annual chance flood event determined by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no Base Flood Elevations or depths are shown within this zone. (orig. 5-27-03; am 10-13-09)

   b. **FEMA Zone AE** – Zone AE is the flood insurance rate zone that corresponds to areas subject to
inundation by the 1-percent-annual chance flood event determined by detailed methods. BFES are shown in the AE Zone. (orig. 10-13-09)

c. **FEMA Zone AH** – Zone AH is the flood insurance rate zone that corresponds to the areas of 100-year shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. (orig. 5-27-03)

d. **FEMA Zone AO** – Zone AO is the flood insurance rate zone that corresponds to the areas of 100-year shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. The depth should be averaged along the cross section and then along the direction of flow to determine the extent of the zone. Average flood depths derived from the detailed hydraulic analyses are shown within this zone. In addition, alluvial fan flood hazards are shown as Zone AO on the FIRM. (orig. 5-27-03)

e. **FEMA Zone D** – The Zone D is the flood insurance rate zone that corresponds to areas where there are possible but undetermined flood hazards. In areas designated as Zone D, no analysis of flood hazards has been conducted. A Floodplain Development Permit shall be required if the proposed development is within Zone D and fifty (50) feet of the thalweg of a major drainage way. (orig. 5-27-03; am. 10-13-09; am. 8-27-13)

f. **FEMA Zone X** – The Zone X is the flood insurance rate zone that corresponds to areas determined to be outside of the 500-year floodplain. (orig. 10-13-09)

19. **FLOODPLAIN DEVELOPMENT PERMIT**: A permit that is required for any development activity within the Floodplain Overlay District. (orig. 5-27-03)

20. **FREEBOARD**: The vertical distance in feet above a predicted water surface elevation. Freeboard is 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 of culverts and the increased runoff due to urbanization of the watershed. (orig. 8-27-13)

21. **HIGHEST ADJACENT GRADE**: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (orig. 8-27-13)

22. **HISTORIC STRUCTURE**: Any structure that is:

   a. 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; (orig. 8-27-13)

   b. 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; (orig. 8-27-13)

   c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (orig. 8-27-13)

      (1) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by the approved state program as determined by the Secretary of the Interior or; (orig. 8-27-13)

      (2) Directly by the secretary of the interior in states without approved programs (orig. 8-27-13)

23. **LAND USE ACTIVITY**: Any activity including but not limited to the construction and/or placement of structures, buildings, trailers, mobile homes, streets/roads, bridges, fences, fill materials, junk, refuse, solid waste disposal facilities, or other obstructions within the boundaries of the 100-Year Floodplain. (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 10-13-09)

24. **LETTER OF MAP AMENDMENT (LOMA)**: A letter from FEMA stating that an existing structure or parcel of land that has not been elevated by fill (natural elevation) would not be inundated by the base flood. (orig. 10-13-09)

25. **LETTER OF MAP REVISION (LOMR)**: Letter from the Federal Emergency Management Agency that revises base flood elevations, flood insurance rate zones, flood boundaries, or floodways as shown on an effective flood insurance rate map. (orig. 12-17-02)

26. **LETTER OF MAP REVISION-BASED ON FILL (LOMR-F)**: When fill has been placed on a property to raise the lot or building site to an elevation that is above the BFE, FEMA can revise the FIRM or Flood
Hazard Boundary Map (FHBM) by letter to remove the raised area from the SFHA. This is a man-made change to the floodplain. (orig. 10-13-09)

27. **LOWEST FLOOR**: The lowest level of the enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of 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. (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 8-27-13)

28. **MANUFACTURED HOME**: A building, transportable in one or more sections and assembled on-site, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "Recreational Vehicle". (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 5-20-08; am. 10-13-09)

29. **NEW CONSTRUCTION**: Structures for which the start of construction commenced on or after August 5, 1986, and includes any subsequent improvements to such structures. (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 8-27-13)

30. **NEW MANUFACTURED HOME PARK OR SUBDIVISION**: A manufactured home park or subdivision for which the construction of facilities to serve the lots (including at a minimum, the installation of utilities, the construction of streets/roads, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Floodplain Overlay District. (orig. 5-27-03; am. 5-20-08; am. 10-13-09)

31. **REGULATORY FLOODWAY**: A channel of a river or other watercourse and the adjacent land areas reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. As of 2011, per the requirements of the Colorado Water Conservation Board, the designated height is 0.5 feet. (orig. 07-17-18; am. 12-17-19)

32. **SPECIAL FLOOD HAZARD AREA (SFHA)**: The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the NFIP’s floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. (orig. 10-13-09; am. 8-27-13)

33. **START OF CONSTRUCTION**: The date of Floodplain Development Permit approval for a building in the Floodplain Overlay District. (orig. 5-27-03)

34. **STREAM ALTERATION ACTIVITY**: Any manmade activity within a stream or floodplain that alters the natural channel, geometry, or flow characteristics of the stream. (orig. 8-27-13)

35. **STRUCTURE**: A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home. (orig. 8-27-13)

36. **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. (orig. 8-27-13)

37. **SUBSTANTIAL IMPROVEMENT**: Any repair, reconstruction, rehabilitation, addition or other improvement of a building (regardless of date of initial construction of existing building), the cost of which equals or exceeds 50 percent of the market value of the building located within the Special Flood Hazard Area (SFHA) either: (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvements shall be counted cumulatively for a period of 5 years from the Start of Construction date of the first approved building permit. The period of 5 years shall begin with the proposed floodplain development permit and go back the previous 5 years. For the purposes of this definition, the term does not include either: (1) any improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or, (2) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places provided that the alteration will not preclude the buildings designation as a historic building. (orig. 5-31-88; am. 9-19-89; am. 5-27-03; am. 10-13-09; am. 6-18-13; am. 8-27-13, am. 07-17-18)

38. **SUFFICIENTLY HAZARDOUS MATERIALS**: Any of the following or similar materials: acetylene gas containers, gasoline, charcoal, coal dust, lumber/buoyant items, matches and sulfur products, and petroleum products (unless buried and constrained). (orig. 5-27-03)

39. **THALWEG**: The line defining the lowest point along the length of the drainageway or valley. (orig. 5-27-03; am. 8-27-13)
40. **VARIANCE**: A grant or relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.) (orig. 8-27-13)

41. **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) of the CWCB Rules and Regulations is presumed to be in violation until such time as that documentation is provided. (orig. 8-27-13)

FOOT-CANDLE: See definition under Lighting. (am. 07-17-18)

FORMAL APPLICATION: A complete submittal package, including fees, containing the type and completeness of documents adequate to pass the Sufficiency Review, which allows a case to begin the First (1st) Referral period. (orig. 5-21-19)

FREESTANDING TELECOMMUNICATIONS FACILITY: See definition under telecommunication. (am. 07-17-18)

FUELING STATION: Each side of a fuel pump that allows an automobile to be fueled. (orig. 07-17-18)

FULLY SHIELDED: See definition under Lighting. (am. 07-17-18)

GARAGE – PRIVATE: An accessory building or an accessory portion of a main building, designed for shelter or storage of motor vehicles which are owned or operated by the occupants of the main building only. (orig. 5-6-46)

GARAGE – PUBLIC: A garage, other than a private garage, used for the housing or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale. (orig. 5-6-46)

GEOLOGIC HAZARD: A geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. This includes, but is not limited to, landslide, rockfall, slope failure complex, mudflow and creep. (orig. 3-23-76)

GEOLOGIST: A person possessing specialized knowledge in the applicable area, meeting the definition of professional geologist as defined in the Colorado Revised Statutes. (orig. 07-17-18)

GLASS REFLECTANCE: Is measured as reflectance-out using average daylight or solar criteria. Should either criteria have a reflectance-out of greater than 30%, a mirror glass window in the Mountains is defined as not meeting this standard. (orig. 7-23-02)

GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building. (orig. 7-23-02, am. 07-17-18)
GRADING PERMIT AREA: Any area in which grading activities are allowed to occur. (orig. 9-24-91; am. 12-17-02)

GREENBELT: Landscaped or natural open areas devoid of building and structures. (orig. 07-17-18)

GROSS FLOOR AREA (GFA): The total area of a building or structure expressed in square feet and measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall not include: vehicular parking and loading areas within the structure; or any space where the floor-to-ceiling height is less than six (6) feet (orig. 7-23-02; am. 07-17-18)

GROSS LEASABLE AREA (GLA): GLA is the total floor area designed for the tenants' occupancy and exclusive use (including, but not limited to, basements, kitchens, restrooms, decks, patios, storage rooms, private corridors, stairways, mezzanines and upper floors), expressed in square feet and measured from the centerline of interior walls or other interior tenant partitions and from outside wall faces. GLA does not include public or common areas such as public restrooms, corridors, stairwells, elevators, lobbies or mall areas, nor does it include mechanical rooms, equipment and/or machine rooms or mechanical chases. (orig. 7-27-78; am. 12-17-02; am. 07-17-18)

GROUND COVER: See definition under Landscaping. (am. 07-17-18)

GROUP HOMES: A state licensed residential care facility per Section 30-28-115, C.R.S. Groups homes for the aged and for the mentally ill shall not be located within 750 feet of another such group home, unless otherwise provided for by the County. (orig. 07-17-18)

1. GROUP HOME FOR THE AGED: A residential facility for the exclusive use of not more than 8 persons 60 years of age or older, per Section 30-28-115, C.R.S. (orig. 6-14-88; am. 12-17-02; am. 5-25-04, am. 07-17-18)

2. GROUP HOME FOR THE DEVELOPMENTALLY DISABLED: A state licensed residential facility for the exclusive use of up to 8 persons with developmental disabilities, as that term is defined in Section 25.5-10.5-202, C.R.S. Previously referenced as mentally ill. (orig. 5-25-04, am. 07-17-18)
3. **GROUP HOME FOR MENTALLY ILL PERSONS**: A state licensed residential care facility for the exclusive use of up to 8 persons with mental illness as that term is defined in Section 27-65-102, C.R.S. (orig. 6-14-88; am. 07-17-18)

**GROUP LIVING FACILITY**: A state licensed facility for housing residents in a group home which includes a residential treatment center, community residential home, home for social rehabilitation, assisted living residence, personal care boarding home, communal home, specialized group facility, receiving home for more than 4 foster home residents, residential child care facility, or shelter for domestic violence. (orig. 2-1-00; am. 5-25-04)

**HAZARDOUS MATERIALS**: Flammable or explosive materials, petroleum or petroleum based products, oil, crude oil, methane gas or synthetic gas usable for fuel, volatile organic compounds (VOC), radioactive materials, or hazardous toxic or dangerous waste, substance or related materials and includes, without limitations, the following: (orig. 07-17-18)

1. Those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or listed as "hazardous material" or "hazardous waste" as defined by the Environmental Protection Agency at 40 CFR Part 302, and amendments thereto and replacements therefor; (orig. 07-17-18)
2. Such substances, materials or wastes as are regulated by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, et seq.) as amended and any successor statute or orders, regulations, directions or requirements thereunder; (orig. 07-17-18)
3. Such substances, materials or wastes as are regulated by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.) as amended and any successor statute or orders, regulations, directions or requirements thereunder (including, but not limited to PCB's, asbestos and radon); (orig. 07-17-18)
4. Any "hazardous waste" as defined by the Colorado Waste Act, Section 25-15-101, C.R.S. as amended, and any successor statute or any regulations promulgated thereunder; and
5. Any "regulated substances" as defined by the Underground Storage Tank Law, Section 8-20.5-101, C.R.S. as amended, and any successor statute or regulations promulgated thereunder; or (orig. 07-17-18)
6. Such hazardous or toxic substances, materials or wastes that are regulated under any other applicable County, municipal, state or federal law, rule, ordinance, direction or regulation. (orig. 07-17-18)

**HIGH VOLTAGE ELECTRIC TRANSMISSION TOWERS**: High-voltage electric transmission towers are those that support high-voltage electric transmission lines. A high-voltage electric transmission line is a power line that carries high voltage between a generating plant and a substation. High voltage lines do not include local distribution and service lines. (orig. 6-29-04)

**HIGHEST ADJACENT GRADE**: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (orig. 5-31-88)

**HIGHLY ERODIBLE SOILS**: Soils in Wind Erosion Groups 1, 2, 3 and 4 and/or where the soil erodibility factor K is greater than or equal to .37. (orig. 9-24-91)

**HISTORICAL RESOURCE**: Sites, districts, structures or other evidence of human activities existing for more than 50 years which represent facets of history in the locality, state or nation which have been officially included in the National or State Register of Historic Places or in the Jefferson County inventory of historical sites. (orig. 07-17-18)

**HOME FOR SOCIAL REHABILITATION OR ADJUSTMENT**: A residential treatment facility, licensed or certified by the state if applicable, providing room, board, and counseling or other rehabilitation services to persons with addictions to drugs or alcohol or with other disabilities (not qualified as developmentally disabled or mentally ill), or to pre-releases or parolees from a state correctional facility. (orig. 6-14-88)

**HOME OCCUPATION**: An occupation or profession that is clearly a customary, secondary, and incidental use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood. Such use must conform with the restrictions set forth in the Home Occupations section or the Board of Adjustment section of this Zoning Resolution. (orig. 5-6-46; am. 6-2-58; am. 11-15-65; am. 8-7-74; am. 12-17-02; am. 3-26-13, am. 07-17-18)

**HOSPITAL**: See definition under Medical Facilities (am. 07-17-18)

**JUNK**: Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys and bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery
of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used automobiles in nonoperable condition, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition. (orig. 11-15-65)

JUNK YARD: An open area where any waste, junk, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" also includes an auto wrecking yard for the storage or keeping of 1 or more inoperable motor vehicles, (except where otherwise specifically permitted) but does not include uses established entirely within enclosed buildings. (orig. 11-15-65)

KENNEL- PRIVATE: Any building, structure or open space devoted in its entirety or in part, to the raising, or harboring of adult dogs, cats or other household pets owned by the owner of the property. (orig. 11-15-65, am. 07-17-18)

KENNEL- PUBLIC: Any building, structure or open space devoted in its entirety or in part, to the boarding, breeding, raising, grooming, or training of 4 or more adult dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain. This includes doggie day care facilities. (orig. 11-15-65, am. 07-17-18)

KEY FACILITIES: Major installations including, but not limited to those required for airports, public utilities, arterial highway interchanges and mass transit systems. (orig. 07-17-18)

KITCHEN: An area set aside for the purpose of preparing food and cleaning dishes, and typically consisting of a sink, counters, refrigerator and a cooking appliance. (orig. 07-17-18)

LABORATORY: A building or a portion of a building devoted to the experimental study or science of the testing and analysis of chemicals, drugs, explosives, minerals, etc. (orig. 11-15-65)

LABORATORY – MEDICAL OR DENTAL: A building or a portion of a building devoted to the use of providing bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists and where no fabrication is conducted on the premises, except the custom fabrication of dentures. (orig. 11-15-65)

LAMP: See definition under Lighting. (am. 07-17-18)

LAND DISTURBANCE ACTIVITY: Any activity that increases the rate of erosion, including but not limited to clearing, grading, excavation, demolition activities, or other activity that exposes soil. (orig. 10-12-04)

1. ADEQUATE VEGETATIVE COVER: A uniform vegetative cover with a density of at least 70 percent of pre-disturbance levels. (orig. 10-12-04)

2. BEST MANAGEMENT PRACTICE (BMP): A physical, structural or managerial practice or device that prevents or reduces erosion or sedimentation. (orig. 10-12-04)

3. DISTURBED AREA: That area of the land’s surface disturbed by any activity including but not limited to clearing, grading, excavation, demolition or other activities that exposes soil. (orig. 10-12-04)

4. EROSION: The process by which the ground is worn away by the action of wind, water, gravity, or a combination thereof. (orig. 9-24-91)

5. GRADING: Any stripping, excavating, filling, or stockpiling of the land surface, or any combination thereof. "Grading" shall not include the excavation and hauling of a commercial mineral deposit or construction material for commercial purposes. (orig. 8-25-86, am. 9-24-91)

6. IMPERVIOUS SURFACE: Any surface that water runs across as opposed to infiltrating, including, but not limited to, streets/roads/driveways, parking/loading areas, treated surfaces, walkways, roof surfaces and patios. (orig. 10-12-04)

7. MAINTENANCE: Activity to maintain the original purpose of the facility, including the original line, grade and/or hydraulic capacity. (orig. 10-12-04)

8. PERMANENT EROSION CONTROL MEASURES: Those controls which are installed or constructed to control soil erosion and which are maintained after completion of the project including, but not limited to, silt fence, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds and de-watering structures. (orig. 9-24-91; am. 10-12-04)

9. RECEIVING WATER: A river, lake, stream, drainage ditch or other watercourse into which stormwater, wastewater or treated effluent is discharged. (orig. 10-12-04)
10. RUNOFF: The flowing of water across the ground surface. Runoff includes, but is not limited to, stormwater, yard watering, and sump pump activity. (orig. 10-12-04)

11. SEDIMENTATION: The transport and deposition of earthen material dislodged by wind and water erosion. (orig. 10-12-04)

12. SENSITIVE AREA: North Table Mountain, South Table Mountain, Green Mountain, the Hogback, floodplain overlay zones, geologic overlay zones, areas within slopes greater than 20 percent, and sites where proposed cuts/fills exceed 5 feet. (orig. 10-12-04)

13. TEMPORARY BMP'S: Those temporary BMP's such as, but not limited to, silt fence, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds and de-watering structures, to be installed and regularly maintained until the site is sufficiently stabilized. (orig. 10-12-04)

14. TEMPORARY EROSION CONTROL MEASURES: Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is effective including, but not limited to, silt fence, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds and de-watering structures. (orig. 9-24-91; am. 10-12-04)

LANDSCAPE ARCHITECT: A person who engages in the practice of landscape architecture in the State of Colorado. (orig. 07-17-18)

LANDSCAPED AREA: See definition under Landscaping. (am. 07-17-18)

LANDSCAPING: The following definitions clarify terms related to Landscaping. (orig. 07-17-18)

1. BERM: A mound or embankment of earth, typically 2 to 6 feet in height. (orig. 11-12-96; am. 7-23-02, reloc. 07-17-18)

2. MULCH: Rock, gravel, or non-living organic matter, such as bark chips, chopped wood products, pole shaving, and other similar materials used for the purpose of retaining soil moisture, retarding weed growth, and stabilizing soils. (orig. 7-23-02; reloc. 07-17-18)

3. NATIVE GRASS: An indigenous grass or grass mix that spreads naturally. (orig. 7-23-02, reloc. 07-17-18)

4. GROUND COVER: A low-growing perennial and/or evergreen plant, other than turf, which grows or spreads in such a manner as to provide continuous plant coverage. Such plants are typically shorter than 18 inches, and may include herbs, ivies, ornamental grasses, perennials, spreading evergreens, succulents, vines, and wildflowers. Mulches, tree and shrub canopies, and stone are not considered ground cover by themselves but may be used with ground cover as part of the complete landscape design. (orig. 7-23-02, reloc. 07-17-18)

5. LANDSCAPED AREA: An area that is devoted to and maintained for the growing of plant material or mulch. The area may be designed and vegetated in a manner that is substantially altered from its natural condition, or it may be an area left in its natural vegetated state so long as minimum planting requirements are met. The area may be land serving as spatial separation between allowed structures on the same property or to adjacent properties, drainageways, detention ponds, perimeter areas, internal landscaped islands of parking lots, artwork, landscaped plazas, and landscaped medians (within or outside the right-of-way) at least 4 feet wide. Features such as, but not limited to, streets/roads, utility distribution and/or transmission lines, parking spaces, driveways, open decks, and landscaped rights-of-way may cross or be located in such areas but shall not be credited towards any required landscaped area. (orig. 11-12-96; am. 7-23-02; am. 10-13-09; am. 07-17-18)

6. SHRUB: A multi-stemmed, deciduous, evergreen, or coniferous woody plant with a mature height between 3 and 15 feet. (orig. 7-23-02; reloc. 07-17-18)

7. STRIPPING: Any activity which removes or significantly disturbs the vegetative cover of an area including clearing and grubbing operations. (orig. 9-24-91; reloc. 07-17-18)

8. TOPSOIL: The soil on the surface which, prior to disturbance, supported plant life and which includes the "A" horizons. (orig. 9-24-91; reloc. 07-17-18)

9. TREE: A single-stemmed, deciduous, evergreen or coniferous woody plant having a mature height of at least 15 feet. Types of trees are as follows: (orig. 7-23-02; reloc. 07-17-18)

   a. Coniferous Tree: Evergreens or cone-bearing deciduous whose foliage is needle-like, scale-like or awl-like. (orig. 7-23-02; reloc. 07-17-18)

   b. Ornamental Tree: A deciduous or coniferous tree that is planted for its decorative value rather than for shading. (orig. 7-23-02; reloc. 07-17-18)
c. **Shade Tree**: A deciduous tree of 15 feet tall at maturity with a wide canopy and high bottom-branch scaffold planted to provide shade. (orig. 7-23-02; reloc. 07-17-18)

**LANDSLIDE**: A geologic hazard which means a mass movement where there is a distinct surface of rupture or zone of weakness which separates the slide materials from more stable underlying material. (orig. 3-23-76)

**LATTICE TOWER**: See definition under Telecommunication. (am. 07-17-18)

**LEGAL NONCONFORMING USE**: The use of land, premises, buildings or structures which was lawful at the time of the effective date of this Resolution or any amendment thereto, and which fails to comply with the use regulations applicable to the district in which the property is located as set forth in this Resolution. (orig. 5-11-93)

**LETTER OF CREDIT**: A letter issued by a bank to serve as a guarantee for payments made to a specific person under specific conditions. (orig. 07-17-18)

**LIGHTING**: The following definitions clarify terms related to Lighting. (orig. 07-17-18)

1. **FOOT-CANDLE**: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. (orig. 7-23-02; reloc. 07-17-18)

2. **FULLY SHIELDED**: A method of construction and/or manufacture which does not allow any light dispersion to shine above the horizontal plane running through the lowest point on the fixture and which limits the illumination 90 degrees above nadir to a maximum of 2.5% and 80 degrees above nadir to a maximum of 10% of the maximum illumination in any lateral angle around the light fixture. (orig. 7-23-02; reloc. 07-17-18)

3. **LAMP**: The light source. (orig. 7-23-02; reloc. 07-17-18)

4. **LUMINAIRE**: A complete lighting unit consisting of a lamp or lamps together with the parts or attachments designed to distribute, control, or direct the light (reflectors, refractors, diffuser, lens), protect the lamps (housing), and connect the lamps to the power supply (ballast). A luminaire does not include the pole or the building mounting devices. (orig. 7-23-02; reloc. 07-17-18)

**LIVESTOCK**: Domestic animals of types customarily raised or kept on farms or ranches for profit or other productive purposes. (orig. 11-15-65)

**LONG TERM RENTAL**: See definition under Dwelling. (am. 07-17-18)

**LOT**: A parcel of land recorded in the Clerk and Recorders office via a subdivision plat or a parcel described by metes and bounds, upon which buildings or structures may be constructed. May also be described as a parcel, tract, or block in some instances. (orig. 5-6-46; am. 12-17-02; am. 7-1-03; am. 07-17-18)

**LOT**: A parcel of land recorded in the Clerk and Recorders office via a subdivision plat or a parcel described by metes and bounds, upon which buildings or structures may be constructed. May also be described as a parcel, tract, or block in some instances. (orig. 5-6-46; am. 12-17-02; am. 7-1-03; am. 07-17-18)

1. **CORNER**: A lot of which at least 2 adjacent sides abut for their full length upon a street/road. (orig. 5-6-46; am. 10-13-09, am. 07-17-18)
2. **FLAG**: A lot which connects to a street/road by a narrow appendage as shown in the figure above. (orig. 7-1-03; am. 07-17-18)
3. **INTERIOR**: A lot other than a corner lot. (orig. 5-6-46; am. 07-17-18)

4. **THROUGH**: An interior lot abutting on more than 1 street/road or corner lot abutting on more than 2 streets/roads. (orig. 5-6-46; am. 10-13-09; am. 07-17-18)

**LOT LINE**: The property line bounding the lot.

1. **FRONT**: May be one of the following, in sequence of priority:
   a. As defined on a plat.
   b. Where the main route of vehicular access first crosses onto the property. For properties that have a street/road traversing the parcel, and access is taken from this street/road, that street/road shall be the front lot line. (orig. 5-6-46; am. 7-1-03, am. 07-17-18; am. 5-21-19)
   c. Interior Lot: The boundary line between a lot and a street/road.
      Corner Lot: If vacant, the boundary line between a lot and the narrowest frontage dimension on a street/road. If built on, the boundary line between a lot and the street/road toward which the principal entrance to the main building faces.
      Through Lot: The boundary line between a lot and any adjacent street/road. In this situation, there may be more than one front lot line.
      Flag Lot: The boundary line between a lot and street/road. (orig. 5-20-08; am. 10-13-09, am. 07-17-18)

2. **REAR**: That boundary line of a lot which is most nearly opposite the front lot line of such lot, other than a through lot. In the case of a triangular shaped lot, a rear lot line may not exist. (orig. 5-6-46; am. 7-1-03)

3. **SIDE**: Any boundary line of a lot, other than a front lot line or rear lot line. (orig. 5-6-46)
LOW POWER TELECOMMUNICATIONS FACILITY: See definition under Telecommunications. (am. 07-17-18)

LOW POWER TELECOMMUNICATIONS FACILITY ACCESSORY BUILDING: See definition under Telecommunications. (am. 07-17-18)

LUMINAIRE: See definition under Lighting. (am. 07-17-18)

MAJOR REPAIRS OF PUBLIC IMPROVEMENTS: Major repairs are as defined in the County Road Acceptance Criteria portion of the Policies and Procedures Manual. (orig. 07-17-18)

MANUFACTURED HOME: A pre-constructed building unit or combination of pre-constructed building units that:
1. includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the residential site of the completed home;
2. is designed and used for residential occupancy in either temporary or permanent locations;
3. is constructed in compliance with the “National Manufactured Housing Construction and Safety Standards Act of 1974”, 42 U.S.C. sec. 5401 et seq., as amended;
4. does not have motive power;
5. is not licensed as a vehicle; and
6. is eligible for a certificate of title pursuant to part 1 of article 29 of title 38 of the Colorado Revised Statutes (orig. 11-15-65; am. 11-4-03; am. 5-20-08; am. 07-17-18)

MEAN SEA LEVEL: The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations are shown. (orig. 5-31-88)

MEDICAL FACILITIES:
1. **FREE STANDING EMERGENCY ROOM**: A walk-in medical facility offering emergency care and may service ambulance patients. Typically, these facilities are open 24 hours a day and treat both urgent and emergent medical conditions. Patient stays more than 24 hours are not permitted. Medical personnel and diagnostic equipment is available as it would be in a hospital-based emergency room. (orig. 07-17-18)
2. **HOSPITAL**: An institution that provides physical or mental health services, inpatient or overnight accommodations, and medical or surgical care for the sick or injured. The institution typically includes related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices, which are integral parts of the facilities. (orig. 10-31-06; reloc. 07-17-18)
3. **MEDICAL OFFICE**: An office building where physicians, and similar personnel provide treatment and examination of patients solely on an outpatient basis. This includes chiropractic and urgent care offices and excludes hospitals and emergency rooms. (orig. 10-31-06, reloc. 07-17-18)
4. **URGENT CARE**: Walk-in medical facility focused on the delivery of outpatient care outside of a traditional emergency room. Urgent care centers primarily treat injuries or illnesses requiring immediate care, but not serious enough to require an emergency room visit. Patient stays more than 24 hours are not permitted. (orig. 07-17-18)

**METAL STORAGE CONTAINER – STORAGE OF FIREWORKS**: Closed steel container, without wheels, engine or liquid fuel, placed flat on the ground, and locked that is constructed of a minimum 10 gauge steel for all parts, including walls, floors and doors.  (orig. 2-5-02; am. 07-17-18)

**MINERAL**: An inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. This definition does not include surface or subsurface water, geothermal resources, or natural oil and gas together with other chemicals recovered therewith, but does include shale. (orig. 8-25-86)

**MINI-STRUCTURE**: Any detached accessory structure, excluding garages or structures housing automobiles, that is used as a storage shed, playhouse or similar use, and that is exempt from the requirement of a building permit under the current Building Code in use by Building Safety. Such structures are no larger than 200 square feet, and less than 14 feet high at the peak. (orig. 6-14-88; am. 12-17-02; am. 7-1-03; am. 5-25-04; am 07-17-18)

**MINING - OPEN**: The mining of any natural mineral deposit by removing the overburden lying above such deposit and mining directly from the deposits thereby exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging. (orig. 1-13-75; am. 12-17-02)

**MINING OPERATION**: The development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operation and the disposal of refuse from underground and in situ mining. The term includes the following operations on affected lands: Transportation; concentrating; milling; evaporation; and other processing. The term does not include the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe, or the extraction of geothermal resources. (orig. 8-25-86)

**MIXED USE**: A project or single building which includes both primary non-residential and primary residential uses, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated for the use of shared vehicular and pedestrian access and parking areas. (orig. 2-26-13)

**MOBILE HOME**: A Manufactured Home built prior to the adoption of the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. sec. 5401 et seq., as amended. (orig. 11-15-65, am. 11-4-03; am. 5-20-08)

**MOBILE HOME PARK**: A parcel of ground which allows for the renting or leasing of two or more mobile homes or recreational vehicles in specifically defined spaces on a parcel of ground. (orig. 11-15-65; am. 11-4-03; am. 5-20-08)

**MOBILE HOME SPACE**: A plot of ground within a mobile home park designed for the accommodation of one mobile home or recreational vehicle together with its accessory structures including carports or other off-street parking areas, patios, patio covers, awnings and similar appurtenances (orig. 11-4-03; am. 5-20-08)

**MONOPOLE**: See definition under Telecommunication. (am. 07-17-18)

**MOUNTAINS**: That area of the County lying west of the mountain front, as depicted by the bold line on the map below. Such line is described as a generalized 6,400 foot elevation contour line. (orig. 7-23-02; am. 10-13-09)
MUDFLOW: A geologic hazard which means a flowing mass of predominantly fine-grained earth material possessing a high degree of fluidity during movement. (orig. 3-23-76)

MULCH: See Landscaping Materials. (am. 07-17-18)

MYLARS: Plastic material on which the plat is reproduced. It shall be a minimum of 0.003 inches in thickness, black line and have a matte finish on both sides. (orig. 07-17-18)

NATIVE GRASS: See Landscaping Materials. (am. 07-17-18)

NOISE: Any sound which is unwanted, or which causes or tends to cause an adverse psychological or physiological effect on human beings. (orig. 07-17-18)

Decibel: A logarithmic (dimensionless) unit of measure often used in describing the amplitude of sound. (orig. 07-17-18)

• **L25**: Occurs no more than 25 percent of a specific time frame. (orig. 07-17-18)
•  **L0:** Does not occur at any time during a specific time frame. (orig. 07-17-18)

**NON-BUILDABLE AREA:** A designated area where building structures requiring a permit are not allowed. (orig. 07-17-18)

**NON-DISTURBANCE AREA:** A designated area that shall not be disturbed unless otherwise noted on the applicable zoning. (orig. 07-17-18)

**NONCONFORMING USE – LEGAL:** See definition for Legal Nonconforming Use. (orig. 5-11-93)

**NUDITY OR STATE OF NUDITY:** See definition under Sexually Oriented Business. (am. 07-17-18)

**NUDE MODEL STUDIO:** See definition under Sexually Oriented Business. (am. 07-17-18)

**OFFICE:** A room, group of rooms, or a structure that is used for conducting a business, profession, government or service industry. Including but not limited to the following types of offices: (orig. 10-31-06)

1. **PROFESSIONAL:** An office where someone trained, licensed, or by way of other legal authorization offers a service to the public. (orig. 10-31-06)

2. **MEDICAL:** An office building where physicians, and similar personnel provide treatment and examination of patients solely on an outpatient basis. This includes chiropractic and urgent care offices and excludes hospitals and emergency rooms. (orig. 10-31-06)

3. **DENTAL:** An office building where dentists, orthodontists, and similar personnel provide treatment and examination of patients on an outpatient basis. (orig. 10-31-06)

**OIL AND GAS DRILLING:** Any operation utilizing equipment which advances a borehole into substrata for the purpose of discovery, development, and/or production of oil or gas. (orig. 10-17-83)

**OIL AND GAS PRODUCTION:** Any operation which utilizes equipment or facilities, including the wellhead and borehole, for the purpose of containment, preparatory separation, transportation, and marketing of oil or gas which has been extracted from wells which penetrate the substrata of land. Oil and gas production shall not be construed to mean the refining of petrochemicals, crude oil, natural gas, or any other hydrocarbon. (orig. 10-17-83)

**OPEN SPACE:** There are three categories of open space that may be considered during development of a property. These categories or definitions do not assume Jefferson County Open Space ownership, rather the open space may be owned and managed by either public or private entities. Streets/roads and utility distribution and/or transmission lines may cross such areas. Land areas designated for open space uses shall be identified graphically and in writing on all appropriate documents as to their purpose and function. The same area may fulfill more than one purpose or function. Development amenities which are accessible to the public and/or the residents of a development may be credited toward any open space requirement provided they fulfill the function and purpose of the required open space. Other use areas such as a maintenance building or private clubhouse may not be so credited. The Director of Planning and Zoning shall have the authority to determine the function of any such designated areas as allowed under the Enforcement and Administrative Exceptions section of this Zoning Resolution. The three categories are: (orig. 7-27-78; am. 11-12-96; am. 10-13-09; am. 3-26-13; am. 3-3-15; am. 7-17-18)

1. **Natural Area:** Any land area, water body or water course which is primarily left in its undisturbed natural condition. (orig. 11-12-96)

2. **Open Area:** Any land area which remains primarily open but upon which minimal structures such as, but not limited to, restrooms, open pavilions, directional signs and impervious areas (such as parking areas and streets/roads) may be located. Such land areas are designed to incorporate natural areas or altered land areas that are revegetated and are intended to serve as extensive buffers between land uses or to create and/or preserve views and vistas. Parking areas and streets/roads are not credited toward any required open area. (orig. 11-12-96; am. 10-13-09)

3. **Recreational Area:** Any land area, water body or water course which in whole or part is altered for active and/or passive recreational uses such as, but not limited to, trail corridors, ball fields, picnic areas, sitting and walking areas, or multi-use private recreational areas such as playgrounds. (orig. 11-12-96)

**OTARD – OVER THE AIR RECEPTION DEVICE:** See definition under Telecommunications. (am. 07-17-18)

**OUTDOOR VENDING MACHINE:** A mechanical device located on the outside of a building that provides a product or service to the public for compensation. (orig. 07-17-18)

**OWNERS AND ENCUMBERANCES REPORT:** Information identifying the last recorded owner, legal description and recorded deeds of trust or mortgages of a particular real property address available from
public records. (orig. 07-17-18)

PARAPET: The extension of the main walls of a building above the roof level. (orig. 7-23-02)

PARKS: Parks include parks, recreation areas or open space areas. (orig. 07-17-18)

PARTIAL RELEASE: A decrease in the guarantee collateral for non-warranted public improvements as a result of the completion, either for the entire development or within a phase, of a major work category. (orig. 07-17-18)

PEEP BOOTH: See definition under Sexually Oriented Business. (am. 07-17-18)

PERSON: An individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity. (orig. 7-8-97)

PERSONAL WIRELESS SERVICES: See definition under Telecommunications. (am. 07-17-18)

PHASE: A delineated geographical area, as indicated on a map, outlining one (1) contiguous, functional, self-contained area of development or a grouping of specific improvements global to the development. All phases shall be approved by Transportation and Engineering or Planning and Zoning. (orig. 07-17-18)

PLAINS: That area of the County lying east of the mountain front, as depicted by the bold line on the map shown in the “Mountains” definition. Such line is described as a generalized 6,400 foot elevation contour line. (orig. 7-23-02; am. 10-13-09)

PLANNING ENGINEER: The Jefferson County Planning Engineer or alternate as designated by the Planning Engineer or the Director of Planning and Zoning. (orig. 07-17-18)

PLAT: A map(s) or plan(s) complete with all written provisions located thereon prepared in compliance with this Regulation and which is submitted to the County for the purpose of obtaining approval thereof and recordation. (orig. 07-17-18)

PORCH – UNENCLOSED: A porch which is open to the atmosphere on at least 2 sides. (orig. 5-6-46)

PRIVATE MARIJUANA CLUB: An assembly of persons; other than at a residence, for the purpose of the consumption or transfer of marijuana or marijuana products, or the on-premise cultivation of marijuana, whether such use is the primary intended purpose of the assembly or is incidental to other reasons for assembly thereon. A hospice, as defined in C.R.S. 25-3 -103.7, shall not be considered to be a private marijuana club. (orig. 4-14-14)

PUBLIC OR SEMIPUBLIC USES: Land on which is constructed a building(s) or structure(s) within which members of the general public shall congregate, including, but not limited to churches, private schools, theaters, amusement parks and golf courses. (orig. 07-17-18)

PUBLIC IMPROVEMENT GUARANTEE

A public improvement guarantee shall be one or some combination of the following types of collateral: (orig. 07-17-18)

Deposited Collateral: A guarantee secured by an irrevocable letter of credit or cash escrow. (orig. 07-17-18)

Plat Restriction Collateral: A guarantee secured by a plat restriction or by some other separate instrument. (orig. 07-17-18)

Intergovernmental Agreement Collateral: An improvement agreement between a municipal, quasi-municipal corporation or other governmental entity, authorized to complete the required public improvements, and the County, complete with evidence satisfactory to Jefferson County of available funds for said public improvements by the contracting governmental entity. (orig. 07-17-18)

RANCH: A parcel of land which is used for grazing livestock. (orig. 07-17-18)

RECREATION – COMMERCIAL: See definition under Recreational Facility. (am. 07-17-18)

RECREATION FACILITIES:

1. CLASS I: Facilities for sports and recreational activities that do not involve organized events which include motorized equipment, firearms or animals. All buildings housing such activities or accessory to the activity may not exceed a combined total of 5,000 square feet. (orig. 9-11-90; am. 12-17-02)

2. CLASS II: Facilities for sports and recreational activities that do not involve organized events which include motorized equipment, firearms or animals, except that golf carts accessory to a golf course and private motorized boats not involved in organized racing are allowed. All buildings housing such activities or
accessory to such activities may not exceed a combined total of 15,000 square feet. (orig. 9-11-90; am. 12-17-02)

3. CLASS III: Facilities for the purpose of sports and recreational activities including those that involve organized events which include the use of motorized equipment, firearms, and/or animals. There is no building size limitation except as may be designated elsewhere in this Zoning Resolution or other applicable regulations. (orig. 9-11-90; am. 12-17-02)

4. COMMERCIAL: Recreation facilities operated or owned by a commercial enterprise, open to the general public or members for a fee in return for the provision of some recreational activity. (orig. 9-11-90, am. 07-17-18)

5. PUBLIC: Recreation facilities operated or owned by a governmental entity or nonprofit organization. (orig. 9-11-90, am. 07-17-18)

RECREATION – PUBLIC: See definition under Recreational Facility. (am. 07-17-18)

RECREATIONAL ACTIVITIES: Passive and active activities undertaken by people of all ages for enjoyment, relaxation, health, or social interaction. Active recreation typically requires a constructed facility, such as soccer, softball, tennis and may include a recreation center with indoor courts, swimming pools, ice rinks and space for exercise classes. Passive recreation utilizes existing natural resources with minimal impact, such as hiking, cross country skiing, and bird watching. (orig. 07-17-18)

RECREATIONAL VEHICLE: A vehicular or portable unit mounted on a chassis and wheels, designed and constructed to be installed with or without a permanent foundation for human occupancy as a residence, not more than 12 feet in width, nor more than 40 feet in length and containing no more than 400 square feet in total floor area. Total width of said unit including all tip-outs, slide-outs, hinged extensions, or solid frames shall not exceed 12 feet. The term "recreation vehicle" shall include travel trailers, camping trailers, truck campers, and motor homes. (11-4-03)

RECYCLING TRANSFER STATION:

Type I: A facility designed to collect, compact, sort, bundle and/or temporarily store recyclable resources. (orig. 9-11-90)

Type II: A facility designed to collect, sort and/or temporarily store recyclable resources for on-site reprocessing or treatment and which transforms such resources into reusable materials. (orig. 9-11-90)

REDUCTION: A decrease in the guarantee collateral as a result of the completion, acceptance and warranty of all public improvements within a County-approved phase. (orig. 07-17-18)

REGISTERED ASSOCIATION: Any association registered with Planning and Zoning. (orig. 07-17-18)

REGISTERED SEX OFFENDER: Any person who is required to register their place of residence with the Sheriff's Department or other local law enforcement agency in accordance with article 22 of title 16, C.R.S., as amended. (orig. 2-1-00)

REMEDIATION: The action or measures taken, or to be taken, to lessen, clean-up, remove or mitigate the existence of hazardous materials existing on the property to such standards, specifications or requirements as may be established or required by federal, state or County statute, rule or regulation. (orig. 07-17-18)

RESTAURANT: An establishment whose primary use is the sale, preparation, service and for consumption of food and beverages. (orig. 10-31-06)

1. CARRY OUT: A restaurant where food is packaged in disposable containers to leave the premises for consumption. (orig. 10-31-06; reloc. 07-17-18)

2. DRIVE-IN: A restaurant and adjoining parking area where food and beverages are served for consumption outside the confines of the principal building, primarily in vehicles parked upon the premises. (orig. 10-31-06)

3. FAST CASUAL: A restaurant that does not offer full table service, but promises a higher quality of food with fewer frozen or processed ingredients than other fast food restaurants. It is an intermediate concept between fast food and casual dining, and typically priced accordingly. (orig. 07-17-18)

4. FAST FOOD/QUICK SERVE: A restaurant whose design and principal method of operation includes various combinations of the following attributes: (am. 07-17-18)

   a. 45% or more of the floor area is devoted to food preparation, employee workspace, and customer service area; (orig. 5-20-08)
b. If a chain or franchised restaurant, standardized floor plans are used over several locations; (orig. 5-20-08)

c. Customers pay for food before consuming it; (orig. 5-20-08)

d. A self-service condiment bar is provided; (orig. 5-20-08)

e. Trash receptacles are provided for self-service bussing; (orig. 5-20-08)

f. Furnishing plan indicates hard-finished, stationary seating arrangements; (orig. 5-20-08)

g. Most main course food items are prepackaged rather than made to order; (orig. 5-20-08)

h. A permanent menu board is provided from which to select and order food; and (orig. 5-20-08)

i. A drive-through with external menu board is provided. (orig. 10-31-06)

5. **SIT DOWN**: A restaurant where a customer is normally provided with an individual menu and served food or beverages by a restaurant employee at the same table or counter where the food is consumed. (orig. 10-31-06; reloc. 07-17-18)

6. **SPECIALTY**: A restaurant which primarily sells a single specialty type food or beverage that is not considered a meal. The sale of other types of food, beverages, or merchandise is incidental to the sale of the specialty food or beverage. Food and beverages are for customer consumption within the restaurant or adjoining patio area. Specialty restaurants include but are not limited to coffee shops and donut shops. (orig. 10-31-06)

7. **TAP ROOM**: an incidental use associated with and on the same premises as a brewery, where guests may sample the manufacturer’s products and consume other nonalcoholic beverages. (orig. 6-12-12; reloc. 07-17-18)

8. **TASTING ROOM**: an incidental use associated with and on the same premises as a winery or distillery, where guests may sample the manufacturer’s products and consume other nonalcoholic beverages. (orig. 6-12-12; reloc. 07-17-18)

9. **TAVERN**: Any establishment serving alcoholic beverages in which the principal business is the sale of alcoholic beverages at retail for consumption on the premises and where sandwiches and light snacks are available for consumption on the premises, as defined by Section 12-47-103, C.R.S., as amended. (orig. 5-6-46; reloc. 07-17-18)

10. **VINTNER’S RESTAURANT**: A restaurant that includes the manufacturing of wine as an accessory use. The area used for the manufacturing of wine, including bottling and packaging, shall not exceed 25 percent of the total floor area of the premises. (orig. 10-13-09; reloc. 07-17-18)

ROADS: Shall be public or private rights-of-way within the Mountains of the County. (orig. 12-17-02; am. 10-13-09)

ROADWAY CLASSIFICATION: A classification given to a particular street/road based on traffic volumes, geographic location, existing land use and anticipated growth. Classifications include freeways, parkways, principal arterials, minor arterials, major collectors, collectors and locals. Streets/roads are classified in the Jefferson County Major Thoroughfare Plan and in the Jefferson County Transportation Design and Construction Manual (JCRDCM). The JCRDCM identifies specific geometric requirements for streets/roads based on classification and other specific design requirements. (orig. 10-13-09; am. 11-24-15)

ROCKFALL: A geologic hazard which means the rapid free-falling bounding, sliding, or rolling of large masses of rock or individual rocks. (orig. 3-23-76)

ROOF AND/OR BUILDING MOUNTED TELECOMMUNICATIONS FACILITY: See definition under Telecommunications. (am. 07-17-18)

RUBBISH: junk, trash or garbage. (orig. 5-20-08)

SANITARY LANDFILL: A solid waste disposal site and/or facility at which the final deposition of municipal-type solid waste is accomplished by methods employing compaction of the waste and covering with earth or other suitable material, in compliance with all applicable State laws and State Department of Health and County regulations, including the issuance of a Certificate of Designation allowing operation of said facility. (orig. 9-11-90)

SCREENING: A method of visually obscuring or obstructing the view of abutting land uses, storage areas, buildings or structures, from an adjacent or nearby use or an adjacent Right-of-Way, by the installation and
maintenance of fencing, walls, berms, vegetation or a combination thereof. (orig. 11-12-96; am. 7-23-02; am. 7-1-03)

SCREENING OF ACCESSORY EQUIPMENT: Accessory equipment is screened when a wall taller than the equipment to be screened is constructed around the said equipment or when the equipment is screened in accordance with the overall site design. Equipment is screened in accordance with the overall site design when the elements of landform, vegetation or structures such as fences are taller than the equipment to be screened. (orig. 7-23-02)

SECTORIZED PANEL ANTENNAS: See definition under Telecommunications. (am. 07-17-18)

SEMI-NUDE: See definition under Sexually Oriented Business. (am. 07-17-18)
SETBACK LINE: The distance between a building or structure measured perpendicular from the closest point of such building or structure to a lot line. An open fire escape, stairway, chimney or one-story unenclosed porch may encroach into a setback as specified in the regulations governing an applicable zone district. Window wells and counterforts are not required to meet setbacks. (orig. 5-6-46; am. 7-1-03; am. 7-17-18; am. 5-21-19)

SEXUAL ENCOUNTER ESTABLISHMENT: See definition under Sexually Oriented Business. (am. 07-17-18)

SEXUALLY ORIENTED BUSINESS: A business or commercial establishment that is in all or in part an adult arcade, adult bookstore, adult novelty store or video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy. (orig. 7-8-97)

1. ADULT ARCADE: An establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (orig. 7-8-97; reloc. 07-17-18)

2. ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for use off-premises books, magazines, periodicals or other printer matter, or photographs, films, motion pictures, video cassettes, slides, CD-ROMs, or other visual, digital or electronic representations, or novelty items, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Principal business purpose shall mean having as a substantial or significant portion of its stock in trade the items listed herein or having at least 250 square feet of floor space occupied by the display of such items. (orig. 7-8-97; am. 12-17-02; reloc. 07-17-18)

3. ADULT CABARET: A nightclub bar, restaurant, pop shop, or similar commercial establishment, regardless of whether it serves food or alcoholic beverages, which features any of the following. (orig. 7-8-97; reloc. 07-17-18)
a. Persons who appear nude or in a state of nudity. (orig. 7-8-97; reloc. 07-17-18)
b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities. (orig. 7-8-97; reloc. 07-17-18)
c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (orig. 7-8-97; reloc. 07-17-18)

4. ADULT MOTEL: A motel, hotel, or similar commercial establishment which offers the following. (orig. 7-8-97; reloc. 07-17-18)
   a. Public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television. (orig. 7-8-97; reloc. 07-17-18)
   b. Sleeping room(s) for rent for a period of time less than 10 hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours. (orig. 7-8-97; reloc. 07-17-18)

5. ADULT MOTION PICTURE THEATER: A commercial establishment where films, motion pictures, video cassettes. slides or similar photographic reproductions that are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas are regularly shown for any form of consideration. (orig. 7-8-97; reloc. 07-17-18)

6. ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities. (orig. 7-8-97; reloc. 07-17-18)

7. NUDITY OR STATE OF NUDITY: Un clothed or partially clothed so as to expose any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals. (orig. 7-8-97; reloc. 07-17-18)

8. NUDE MODEL STUDIO: Any place where a person appears in a state of nudity or displays specified anatomical areas in exchange for money or any form of consideration to be sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons. The term "Nude Model Studio" does not apply to the following. (orig. 7-8-97; reloc. 07-17-18)
   a. A college, junior college, or university supported entirely or partly by taxation. (orig. 7-8-97; reloc. 07-17-18)
   b. A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (orig. 7-8-97; reloc. 07-17-18)
   c. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, and where, in order to participate in a class, a student must enroll at least 3 days in advance of the class, and where no more than one nude model is on the premises at any one time. (orig. 7-8-97; reloc. 07-17-18)

9. PEEP BOOTH: A viewing room of less than 150 square feet of floor space. (orig. 7-8-97; reloc. 07-17-18)

10. SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices. (orig. 7-8-97; am 4-4-06; reloc. 07-17-18)

11. SEXUAL ENCOUNTER ESTABLISHMENT: A business or commercial establishment that, as one of its primary business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity. A motel, hotel, or other similar establishment will not be classified as a "sexual encounter establishment" merely by virtue of the fact that it offers private rooms for rent. (orig. 7-8-97; reloc. 07-17-18)

12. SPECIFIED ANATOMICAL AREAS: As used herein means and includes any of the following. (orig. 7-8-97; reloc. 07-17-18)
a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola. (orig. 7-8-97; reloc. 07-17-18)

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (orig. 7-8-97; reloc. 07-17-18)

13. SPECIFIED SEXUAL ACTIVITIES: As used herein means and includes any of the following. (orig. 7-8-97; reloc. 07-17-18)

a. The fondling or other intentional erotic touching of human genitals, pubic region, buttock, anus, or female breast. (orig. 7-8-97; reloc. 07-17-18)

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy. (orig. 7-8-97; reloc. 07-17-18)

c. Masturbation, actual or simulated. (orig. 7-8-97; reloc. 07-17-18)

d. Human genitals in a state of sexual stimulation, arousal, or tumescence. (orig. 7-8-97; reloc. 07-17-18)

e. Excretory functions as part of or in connection with any of the activities set forth in paragraphs 1 through 4 above. (orig. 7-8-97; am. 12-17-02; reloc. 07-17-18)

SHELTER FROM DOMESTIC VIOLENCE: A facility providing temporary housing for persons who are displaced from their habitual residence as a result of domestic violence. (orig. 6-14-88)

SHORT-TERM RENTAL: See definition under Dwelling. (am. 07-17-18)

SHRUB: See definition under Landscaping. (am. 07-17-18)

SIGN: Any man-made object or device or part thereof, situated outdoors or indoors with the intent to be viewed outdoors, which object or device or effect produced is primarily used to advertise, announce, identify, declare, demonstrate, display, instruct, direct, or attract attention by any means of communication, including but not limited to words, letters, figures, designs, fixtures, colors, motion, illumination, sound, and/or projecting images, and is visible from public or private roads and/or the air. (orig. 7-20-81; am. 6-14-88; am. 2-06-18)

1. ACCESSORY BUILDING WALL SIGN: A Wall Sign on an accessory building, which includes, but is not limited to, garden centers, car washes, and fuel pumping canopies. (orig. 2-06-18)

2. BANNER SIGN: A temporary Sign which is constructed of cloth, canvas, fabric, or other light material, with or without frames and is securely attached to a wall. (orig. 10-13-09; am. 9-29-15; am. 2-06-18)

3. BILLBOARD: Billboards are Signs larger in size than otherwise permitted and typically located along State Right-of-Way and major arterial roadways. (orig. 7-20-81; am. 2-06-18)

4. BUILDING FRONTAGE: One exterior wall containing the primary entrance to a building. (orig. 7-20-81; am. 9-29-15)

5. CAUTIONARY SIGNS: Signs indicating a danger or Signs warning of a hazard ahead that may not be readily apparent to the vehicle or pedestrian. (orig. 2-06-18).

6. COMMERCIAL SIGN: A Sign containing a message advertising the manufacture, sale or availability of products, accommodations, services, attractions, or activities, or that are intended to attract attention to a business or to products, property, accommodations, services, or activities that are offered or exist for sale or for hire. (orig. 2-06-18)

7. ELECTRONIC MESSAGE CENTER: A Sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments (orig. 2-06-18).

8. ENTRY FEATURE SIGN: A Ground Sign located at the entry to a residential subdivision or commercial development. (orig. 2-06-18)

9. EXTERNAL ILLUMINATION: Illumination of a Sign that is affected by an artificial source of light not contained within the Sign itself intended to cast light on the Sign to make the Sign content visible at night. (orig. 2-06-18)

10. GRADE: The average elevation of the ground directly below the Sign where such Sign or device is located on a lot, parcel or tract of land. (orig. 7-20-81; am. 9-29-15; reloc. 2-06-18)

11. GROUND SIGN: A Single or Double-Faced Sign suspended or supported by uprights or braces anchored in the ground so that the bottom edge of the Sign Face is on the ground or no more than 6 feet above
Grade. This type of Sign shall not be attached or affixed in any way to any part of a building. (orig. 7-20-81; am. 10-31-06; am. 5-20-08; am. 2-06-18)

a. SINGLE-FACED: A Sign that is comprised of a single display surface. (orig. 9-29-15; am. 2-06-18)

b. DOUBLE-FACED: A Sign that is comprised of two separate display surfaces as a part of the same Sign Structure. The interior angle between display surfaces shall not greater than 60 degrees. (orig. 9-29-15; am. 2-06-18)

12. HALO Illumination SIGN: A Sign where the light source is concealed behind an opaque face and the rays of illumination are projected against the surface behind the Sign forming a silhouette or halo effect. (orig. 2-06-18)

13. INTERNAL ILLUMINATION: Illumination of a Sign from a source within the Sign which makes the Sign content visible at night by mean of light being transmitted through a translucent material but the source of the illumination is not visible. (orig. 2-06-18)

14. NON-COMMERCIAL SIGN: A Sign containing a message that is not a Commercial Sign. (orig. 2-06-18)

15. OFF-PREMISE SIGN: A Commercial Sign advertising a land use, business, product or service not located or available as the primary business, product or service upon the premises whereon the sign is located. (orig. 2-06-18)

16. POLE SIGN: A Sign that is mounted on a pole(s) that extends at least 6 feet above Grade to the bottom of the Sign. (orig. 10-31-06; am. 2-06-18)

17. PORTABLE SIGN: An A-frame Sign or sandwich board Sign. (orig. 2-06-18)

18. PROJECTING SIGN: A Sign other than a Wall Sign which projects from a wall, is a minimum of 8 feet above Grade as measured to the lowest edge of the Sign, and is supported by a wall of a building. (orig. 7-20-81; am. 2-06-18)

19. RIGHT-OF-WAY SIGN: A Sign located in the State or County right-of-way. (orig. 2-06-18)

20. ROOF SIGN: A Sign mounted on a roof of a building or structure and that projects above the top walk or edge of the building or structure with a flat roof, the eave line of a building or structure with a gambrel, gable or hip roof, or the deck line of a building or structure with a mansard roof. (orig. 7-23-02; am. 2-06-18)

21. SIGN COPY: Any graphic, word numeral, symbol, insignia, text, ample, model or device. (orig. 2-06-18)

22. SIGN FACE: The area made available by the Sign Structure for displaying the message, or which is intended to draw attention to the message. (orig. 2-06-18)

23. SIGN PERMIT: A permit issued by Planning and Zoning for the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion, or demolition of any Sign. (orig. 7-20-81; am. 2-06-18)

24. SIGN STRUCTURE: Sign Structure shall mean any supports, uprights, braces and framework of the Sign which does not include any portion of the Sign message. (orig. 7-20-81; am. 2-06-18)
25. **WINDOW SIGN AREA**: The glass portion of a window, door, or a space providing visual access to the interior of a building. The Window Sign Area shall be calculated by each windowpane or panel. A group of windowpanes or panels may be considered one (1) window if they are adjoining or are not separated by more than 6 inches. The Window Sign Area cannot exceed 25% of the window area in which they are displayed. (orig. 2-06-18)

26. **WALL SIGN**: A Sign attached to, painted on, or erected against a wall of a building or structure which extends no more than 18 inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building and does not exceed the height of the building upon which it is mounted. (orig. 7-20-81)

27. **WINDOW SIGN**: Any Sign that can be seen on or through a window. (orig. 2-06-18)

**SLOPE FAILURE COMPLEX**: A geologic hazard which means a combination of more than one of the following geologic hazards. (orig. 3-23-76)
1. Landslide (orig. 3-23-76)
2. Rockfall (orig. 3-23-76)
3. Mudflow (orig. 3-23-76)
4. Creep (orig. 3-23-76)

**SLOPED ROOFS**: A sloped roof with a pitch greater than 2 inches vertical to 12 inches horizontal (1:6). (orig. 7-23-02; am. 12-17-02)

**SOLAR ENERGY CONVERSION SYSTEM**: A system whose purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. (orig. 07-17-18)

**SPECIAL EVENT**: A temporary activity or use which is not a permitted use in the underlying zone district or the Planned Development. (orig. 2-13-01; am. 12-17-02; am. 5-21-19)

**SPECIFIED ANATOMICAL AREAS**: See definition under Sexually Oriented Business. (am. 07-17-18)

**STORMWATER QUALITY STRUCTURES**: Permanent or post construction stormwater quality structures or controls; also known as structural best management practices, including but not limited to grass buffers, grass swales, porous pavement, porous pavement detention, porous landscape detention, extended detention basins, sand filter extended detention basins, constructed wetlands basins, retention ponds, constructed wetlands channels, and hydrodynamic separation units. (orig. 7-11-06)

**STREET**: Shall mean public or private rights-of-way within the Plains of the County. (orig. 5-6-46; am. 12-17-02)

**STREET CLASSIFICATION**: See Road Classification definition.

**STREETSCAPE**: The elements which lie within and adjacent to a public right-of-way that relate to the physical appearance of a street/road and the adjoining area which, as a group, define its character. They include, but are not limited to building facades, street/road furniture, landscaping, pedestrian walkways, off-street and on-street parking provisions, placement and design of awnings and marquees, signs and lighting. (orig. 11-12-96; am. 10-13-09)

**STRIPPING**: See definition under Landscaping. (orig. 9-24-91; am. 07-17-18)

**STRUCTURE**: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone, telegraph or electric power lines, walks, driveways, and streets/roads. (orig. 5-6-46; am. 6-6-50; am. 6-2-58; am. 10-13-09)

**SUBDIVIDER**: See "Developer". (orig. 07-17-18)

**SUB-EXCAVATION**: The removal and recompaction of on-site soils according to Jefferson County or AASHTO specifications. Jefferson County’s specifications take precedence where described. (orig. 07-17-18)

**SUPERLOT**: A non-residential lot that can be divided administratively through an administrative County process.

**TAP ROOM**: See definition under Restaurant.(orig. 6-12-12; am. 07-17-18)

**TASTING ROOM**: See definition under Restaurant (orig. 6-12-12; am. 07-17-18)

**TAVERN**: See definition under Restaurant (orig. 5-6-46; am. 07-17-18)
TELECOMMUNICATIONS: Any origination, creation, transmission, emission, storage-retrieval, or reception of signs, signals, writing, images, sounds, or intelligence of any nature, by wire, radio, television, optical, or other means. (orig. 07-17-18)

1. FREESTANDING TELECOMMUNICATIONS FACILITY: A telecommunication facility that consists of a stand-alone support structure, antennas, and associated equipment. (orig. 6-7-94, reloc. 07-17-18)

2. LATTICE TOWER: A guyed or self-supporting, three or four sided, open, steel frame structure used to support telecommunications equipment. (orig. 6-7-94; reloc. 07-17-18)

3. LOW POWER TELECOMMUNICATIONS FACILITY: An unmanned facility consisting of equipment for the reception, switching and/or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but not limited to the following. (orig. 6-7-94, reloc. 07-17-18)
   a. Point-to-point microwave signals. (orig. 6-7-94; reloc. 07-17-18)
   b. Signals through FM radio translators. (orig. 6-7-94; reloc. 07-17-18)
   c. Signals through FM radio boosters under 10 watts effective radiated power (ERP). (orig. 6-7-94; reloc. 07-17-18)
   d. Cellular, Enhanced Specialized Mobile Radio (ESMR) and Personal Communications Networks (PCN). (orig. 6-7-94; reloc. 07-17-18)

4. LOW POWER TELECOMMUNICATIONS FACILITY ACCESSORY BUILDING: An unmanned building used to house equipment related to a communication facility. (orig. 6-7-94, reloc. 07-17-18)

5. MONOPOLE: A structure composed of a single spire used to support telecommunications equipment. (orig. 6-7-94; reloc. 07-17-18)

6. OTARD – OVER THE AIR RECEPTION DEVICE: Telecommunications equipment used on a residential consumer’s premise which are specifically exempt by federal regulation from local regulatory restriction. These include such equipment as satellite receiver dish less than one meter in diameter. (orig. 6-29-04; reloc. xx-xx-x)

7. PERSONAL WIRELESS SERVICES: Personal wireless services include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services 47 U.S.C.§332(c)(7)(C)(i). Commercial mobile services are defined in Section 332 of the Communications Act and the FCC’s rules, and include cellular telephone services regulated under Part 22 of the FCC’s rules, SMR services regulated under Part 90 of the FCC’s rules, and PCS regulated under Part 24 of the FCC’s rules (47 C.F.R. §20.9). (orig. 6-29-04; reloc. 07-17-18)

8. ROOF AND/OR BUILDING MOUNTED TELECOMMUNICATIONS FACILITY: A telecommunications facility that is supported entirely by a building other than a building accessory to a telecommunications facility. (orig. 6-7-94; reloc 07-17-18)

9. SECTORIZED PANEL ANTENNAS: An array of antennas, generally rectangular in shape that are used to transmit and receive telecommunications signals. (orig. 6-7-94; reloc. 07-17-18)

10. SMALL WIRELESS FACILITY: A wireless facility that meets both of the following qualifications:
   a. Each antenna could fit within an enclosure of no more than three cubic feet in volume; and (orig. 5-21-19)
   b. All other wireless equipment associated with the wireless facility, whether ground- or pole-mounted, is cumulatively no more than 28 cubic feet in volume. (orig. 5-21-19)

11. TELECOMMUNICATION TOWER: A monopole or lattice structure used to support antennas for transmitting or receiving radio frequencies. (orig. 5-11-93)

12. WHIP ANTENNA: A single antenna that is cylindrical in shape. (orig. 6-7-94; reloc. 07-17-18)

TEMPORARY LIVING QUARTERS: Mobile home or self-contained Recreational Vehicle (RV) in which residential occupancy may be allowed through an Administrative Exception or Board of Adjustment process. (orig. 12-17-02)

TEMPORARY SHELTER FOR THE HOMELESS: A facility providing, without charge, temporary housing for indigent persons with no regular home or place of residence, for a period not to exceed 90 days. (orig. 6-14-88)

TOPSOIL: See definition under Landscaping.(orig. 9-24-91; am. 07-17-18)
TOTAL IMPERVIOUS AREA: That area which does not readily allow water to infiltrate into the ground including, but not limited to such surfaces as buildings, concrete and asphalt surfaces, gravel surfaces with compacted subgrade, rock surfaces, and landscaped areas with plastic underlining. (orig. 07-17-18)

TRACT: A designation applied to a parcel of land where such land serves as open space, drainage, landscaping, common area or as otherwise identified on a recorded subdivision plat; or where such land may be subject to further subdivision as specified in the Land Development Regulation. (orig. 7-1-03)

TRAVEL TRAILER: Any coach, cabin, or other vehicle or structure, intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle. (orig. 8-5-57; am. 7-23-02, 11-4-03)

TRASH OR GARBAGE: Refuse, waste, worthless or discarded material, worn or used items having little or no value, and material no longer usable for its original intended purpose. (orig. 5-20-08)

TRASH TRANSFER STATION: A solid waste facility designed to compact, sort and/or temporarily store municipal-type refuse prior to delivery to a permanent disposal site, or shipment to others for reuse and/or processing into new products. (orig. 9-11-90)

TURF: An irrigated, low-growing, manicured drought-resistant grass or grass mix that spreads naturally to form a continuous sod mat that requires regular moving. Turf does not include ornamental grasses which grow in clumps or decorative bunch grasses. (orig. 7-23-02)

UNDERLYING ZONING: This term encompasses all zoning districts, including Planned Development, other than overlay zone districts. (orig. 6-15-76)

VETERINARY HOSPITAL: A place where animals or pets of all types are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use and need not be enclosed within the main building. (orig. 4-7-69)

1. VETERINARY HOSPITAL (SMALL ANIMAL, ENCLOSED): A place where small animals or pets (dogs, cats, birds and the like) are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use. All uses shall be enclosed within a soundproof building which emits no objectionable odor. (orig. 4-7-69)

VINTNER’S RESTAURANT: See definition under Restaurant.(orig. 10-13-09; am. 07-17-18)

VISION CLEARANCE TRIANGLE: The Vision Clearance Triangle shall be in accordance with the Vision Clearance Triangle provision of the Transportation Design and Construction Manual (orig. 7-1-03; am. 10-13-09; am. 11-24-15).

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies. (orig. 5-31-88)

WATERCOURSE: A channel, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake which carries or contains storm run-off and flood water. (orig. 1-10-75; am. 6-15-76)

WEEDS: Any useless, troublesome or injurious plant, including all vegetation which has grown to maturity or to a height in excess of 12 inches, but shall not include flower gardens, shrubbery, vegetable gardens, small grain plots and pastures used for feed, fodder or forage, provided the same are adequately weeded and maintained. (orig. 7-6-04)

WET BAR: A small bar in a dwelling equipped with a small sink for the cleaning of glasses. A wet bar may have up to 20 square feet of counter space, and be equipped with a dishwasher and small refrigerator (mini fridge). Wet bars that exceed these limitations may be approved by the Director of Planning and Zoning. (orig. 07-17-18; am. 12-17-19)

WHIP ANTENNA: See definition under Telecommunications. (orig. 6-7-94; am. 07-17-18)

WILDFIRE HAZARD: A wildfire phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health, safety or property. (orig. 07-17-18)

WIND ENERGY CONVERSION SYSTEM: A system whose purpose is to harvest energy by transforming wind energy into another form of energy using mechanical means. (orig. 07-17-18)

YARD: That portion of a lot or parcel of land which extends open and unobstructed from the ground upward, except as allowed by this Zoning Resolution, from a structure to the lot line, for a depth or width specified by the applicable regulations for the standard zoning district or planned development. (orig. 5-6-46; am. 11-12-96)
1. **FRONT**: That portion of a lot lying between a public street/road and nearest parallel front setback line of such lot. (orig. 5-6-46; am. 10-13-09)

2. **SIDE**: That portion of a lot lying between a side lot line and the nearest parallel side setback line of such lot. (orig. 5-6-46; am. 07-17-18)

3. **REAR**: That portion of a lot lying between the rear lot line and the rear setback line of such lot. (orig. 5-6-46; am. 07-17-18)