

ZONING RESOLUTION

JACKSON COUNTY, COLORADO

As amended to 616174, 5/1/75, 12/29/75, 6/28/76, 4/12/77, 10/2/78, 7/11/79, 9/27/82, 11/16/84, 8/30/91, 6/17/97, 5/23/05, 9/15/2008, 11/30/2017, 12/19/2019, 11/23/2020

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ZONING RESOLUTION AND MAP (AS AMENDED)
JACKSON COUNTY, COLORADO

A RESOLUTION AND MAP ESTABLISHING ZONING DISTRICTS IN JACKSON COUNTY, COLORADO, REGULATING THE USES OF BUILDINGS, STRUCTURES AND LAND; THE LOCATION, HEIGHT AND SIZE OF BUILDINGS, MOBILE HOMES, TRAILERS AND STRUCTURES; THE SIZE OF LOTS, YARDS AND OTHER OPEN SPACES AND THE PERCENTAGES OF EACH THAT MAY BE OCCUPIED; THE DENSITY AND DISTRIBUTION OF POPULATION; PROVIDING FURTHER A DESCRIPTION OF TERMS, PENALTIES PRESCRIBED, PROCEDURES FOR AMENDMENT, METHODS OF ADMINISTRATION AND ENFORCEMENT, AND ESTABLISHMENT OF A BOARD OF ADJUSTMENT. BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF JACKSON COUNTY, COLORADO:

ARTICLE I. GENERAL PROVISIONS

SECTION 1. TITLE. This Resolution shall be known as the "ZONING RESOLUTION AND MAP OF JACKSON COUNTY, COLORADO" and may be so cited and pleaded.

Hereafter it shall be referred to as the Resolution.

SECTION 2. PURPOSE. To promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the County by: lessening congestion in streets and roads; securing safety from fire, flood and other dangers; classifying land uses and the distribution of land development and utilization; providing adequate light and air; protecting the tax base; securing economy in governmental expenditures; fostering agricultural and other industries; protecting and enhancing orderly development, urban and non-urban; preventing the overcrowding of land, facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and preserving productive agricultural and ranching land.

Reiterating the studies and the approval of Jackson County's adopted Long Range Comprehensive Plan, cattle raising, hay production, good grazing lands and abundant water are the elements that make ranching the basic, permanent industry in Jackson County. High altitude, shallow soils and short growing seasons rule out nearly all other agricultural land uses which makes preservation of our hay lands and prime grazing areas of utmost importance.

The foreseeable needs and demands for beef worldwide grows yearly as the population increases, and therefore, the vital, limited lands and water for hay and cattle production in Jackson County must be protected from encroachment by developments detrimental to the county's livestock industry and permissive uses for other purposes must be critically weighed by the

Planning Commission and the County Commissioners as to the effect the new developments applied for would have on the county's basic industry, the economy of the county, its need for orderly development, and the carrying capacity of the land involved.

Likewise, the Planning Commission and the County Commissioners shall examine each new land use development application, not only for its effect on the livestock industry, but also as to its effect on the critical winter feeding areas of wildlife which is one of the heritages of Jackson County, and preservation of wildlife herds from losses due to lack of critical winter feeding areas is essential.

In addition, reasonable consideration has been given to the physiographic and other natural characteristics of the districts, and their individual suitability for particular uses, with a view to conserving the values of natural resources for the general welfare and encouraging the most appropriate uses of land throughout the County.

SECTION 3. AUTHORITY. This resolution is authorized by Title 30, Article 28, Colorado revised Statutes, 1973, as amended, and Title 29, Article 20, Colorado Revised Statutes, 1973, as amended, and is hereby declared to be in accordance with all provisions thereof.

SECTION 4. INTERPRETATION AND VALIDITY. These regulations shall be held to be the minimum requirement for carrying out the purposes set forth herein, but where the provisions of this Resolution impose more stringent or higher requirements, regulations, restrictions or limitations than any other law or resolution, this Resolution shall govern. Any and all parts of this Resolution shall be considered severable from the whole. Should any section, clause or provision thereof be declared invalid by any Court, the same shall not affect the validity of any other part not so declared.

SECTION 5. ZONING MAP. The Zoning Map and any amendments thereto is incorporated and hereby declared a part of this Resolution. An official map shall be filed at the Office of the County Clerk and shall be kept current, showing all amendments within ten (10) days of their adoption. Unless otherwise indicated, zoning boundaries shall be the center line of streams, streets, roads or alleys; lot lines of platted subdivisions; railroad right-of-way boundaries; on the boundary lines of incorporated areas; or on section lines or sections thereof.

SECTION 6. USES BY RIGHT, CONDITIONAL USES, AND SPECIAL USES. The uses permitted in each zoning district correspond to the unique characteristics of that district. Each

zoning district is intended to be consistent with and have the least possible adverse effect on use of the land as it is related to its physical-cultural environment. Uses are restricted to the ability of the land to support particular types of uses. In each zoning district the uses allowed, whether declared by right, condition or special permit must be in close harmony with the district's physical characteristics. In districts where the capability of the land to support development is greater, a wider range of uses by right is permitted. In all districts care is taken to allow for potential development under reasonable controls. All allowable uses require different controls and safeguards.

ARTICLE II. DEFINITIONS

Certain words and terms are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural; words in the plural number include the singular; the work "building" includes the word "structure", but neither applies to a trailer house or mobile home; the word "person" includes individuals, corporations or nonentities; the word "lot" includes "plot" or "parcel"; the words "occupied" or "used" include "intended, arranged or designed to be used or occupied", the word "shall" is mandatory.

Accessory Building: a subordinate building or portion of a principal building, customarily incidental to the principal building or use on the same lot or premises.

Accessory Use: a use naturally and normally incidental to, subordinate to, and exclusively devoted to promoting the principal use.

Affected Land: the area of land from which any amount of overburden has been removed, or upon which any amount of overburden has been deposited, or both. This term also includes the disturbed surface of an area where a mining operation is being or will be conducted, including but not limited to: on-site private ways, roads, and railroad lines; land excavations; development drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings', ponds or dumps; work, parking, storage or waste discharge areas; areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from or are used in such operations, are situated.

Aspect: the cardinal direction the land surface faces.

Avalanche: a mass of snow or ice and other material which may become incorporated therein as such mass moves rapidly down a mountain slope.

Bed and Breakfast Activities: commercial lodging in the European tradition conducted within a dwelling principally by the inhabitants thereof which is clearly incidental to and secondary to the primary use of the dwelling for dwelling purposes, does not change the character thereof, and can ordinarily be conducted in a dwelling without disruption to the habitation thereof.

Building: a permanent structure with a roof supported by columns or walls and expressly excluding trailer houses, mobile homes with or without wheels, and contrivances similarly constructed.

Building Height: the vertical distance measured in feet or stories, allowing a maximum of ten (10) feet per story. Measurements shall not include parapets, cupolas, domes, chimneys, ventilators, skylights, water tanks, cornices, antennas, or mechanical appurtenances usually present above roof level.

Campground: An area used for setting up a camp or holding a camp meeting. Modern campgrounds can have running water, electricity, shower facilities and cooking facilities. The campgrounds can also be more of a primitive setting without utilities. The campgrounds can be utilized as a base for hunting, recreation or relaxation purposes.

Club: any membership organization catering exclusively to members and their guests on premises and buildings used for recreational or athletic purposes including golf, which are not conducted primarily for gain, excluding such snack bars, restaurants, bars, dining rooms, merchandising or commercial activities as are required for the common purposes of such club.

Commercial Meat Processing Facilities: a building or group of buildings and associated facilities and structures utilized for processing and rendering domestic and game animals, poultry and fish into usable and edible products for the consumption and use by the general and private individuals.

Commercial Mineral Deposit: a natural mineral deposit for which extraction by an extractor is or will be commercially feasible and regarding which 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.

Commercial Storage Units: a building or group of buildings divided into separate partitioned

spaces, each of which can be secured by lock, for the purpose of commercially renting storage space for the storage of personal property, goods and other chattel, including automobiles, boats, RV's, snowmobiles, OHV's or other motorized or non-motorized vehicles.

Common Open Space: common open space shall mean a parcel or parcels of land, an area of water, or a combination of land and water within the site designated for a PUD, designed and intended primarily for the use or enjoyment of residents, occupants, and owners of the PUD.

Comprehensive Master Plan: the effective land use plan prepared by the Planning Commission which indicates the general locations recommended for the various functional classes of public works, places, and structures and for the general physical development of the unincorporated part of the County of Jackson and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

Condominium: a building comprised of air space units under separate ownership and the undivided interests in common elements associated therewith.

Condominium Unit: an individual air space unit together with the interest in the common elements appurtenant to such unit.

Corrosive Soil: soil which contains soluble salts which may produce serious detrimental effects in concrete, metal, or other substances that are in contact with such soil.

Crown Coverage: proportion of the ground covered by tree foliage or crowns as viewed vertically from above. Usually expressed as a percent of the total land area being examined, using visual estimates.

Development: any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

Dude Ranch: a working ranch with an accessory use for the lodging or boarding of guests who take part in recreational activities on or adjacent to the ranch.

Dump: any facility or site where solid waste is disposed of which is not a sanitary landfill or other regulated facility for disposal of hazardous waste. Such use of land is prohibited anywhere in the County.

Dwelling: a building or portion thereof used for residential (human) occupancy.

Dwelling, Multiple-family: a detached building containing three or more dwelling units with accessory use facilities limited to an office, laundry, recreational facilities, and off-street parking.

Dwelling, Single-family: a detached principal building other than a mobile home designed for or occupied exclusively by one family as an independent living unit.

Dwelling, Two-family: a detached building designed for or occupied by two families living independently of each other.

Dwelling Unit: any building, or part thereof, or any mobile home having bath and kitchen facilities and designed to be occupied as a living place for one family and physically separate from other rooms or dwelling units. The term shall not include a boarding house, club, hotel, lodge or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint.

Expansive Soil and Rock: soil and rock which contains clay and which expands to a significant degree upon wetting and shrinks upon drying.

Extractor: any person who extracts commercial mineral deposits for use in the business of selling such deposits or for use in another business owned by the extractor or any department or division of federal, state, county, or municipal government which extracts such deposits.

Factory Built Housing: any dwelling unit or component thereof designed primarily for residential occupancy, either permanent or temporary, including a modular home, mobile home, independent mobile home or other movable structure which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. Any factory built housing bearing an insignia of approval from the State Housing Division of Colorado, indicating unit was built to Uniform Building Code Standards, and sometimes referred to as a "modular Home" shall be treated as a single-family dwelling. Other factory-built housing, bearing a HUD seal of approval from the State Housing Division after June 15, 1976, or an insignia from the State Housing Division issued prior to June 15, 1976, but after February 1, 1972, indicating the unit was built to ANSI standards and not to Uniform Building Code standards, shall be regulated as a mobile home. If any questions arise regarding the status of any modular or mobile home, the applicant for a building permit or independent mobile home permit shall obtain verification from the Director of the Division of Housing, Department of Local Affairs, 1313 Sherman Street, Denver, Colorado, 80203, (303) 866-2033, of the correct classification for the particular factory-built unit.

Family: an individual, two or more persons related by blood or marriage, or an unrelated group

not to exceed five (5) persons which may occupy a single dwelling unit.

Fire Chimney: a steep, narrow drainage or ravine which generally confines smoke and heat along with natural convection currents and thus causes rapid, upward increases in fire spread and intensity.

Firesafe: a combination of structural provisions, changes or adjustment to lands, properties and structures subject to wildfire primarily for the reduction of fire damage to lands, properties, structures and contents of buildings in a wildfire hazard area.

Flare-ups: any sudden but brief acceleration of fire spread or intensification in burning or flame length, usually of short duration involving only a small area, but which may cause ignition of crown fires. This is sometimes referred to as "touch-out".

Flood Hazard Area: one or more of the following: flood hazard initial control area, flood hazard control area, flood influence zone, floodway zone, low hazard zone.

Flood Hazard Zone: that area, either inside or outside of the floodplain, in which development may significantly increase the base flood elevation, the extent of the floodplain, or the extent of the floodway as determined by the governing body of this jurisdiction.

Floodplain: an area in and adjacent to a stream, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current, and foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property.

Floodproofing: a combination of structural provisions, changes, or adjustments of lands, properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures, and contents of buildings in a flood hazard area.

Floodway Zone: the channel of a stream and those portions of the adjoining floodplain which are reasonably required to carry and discharge the floodwater of an intermediate regional flood. In the context of these regulations, it is the floodplain less the low hazard zone, if any such low hazard zone has been designated or otherwise regulated under these regulations. If no low hazard zone has been so designated or regulated, then the terms "floodplain" and "floodway zone" shall be synonymous.

Floor Area: the horizontal area on all levels or stories of any building measured from the outside

walls, but excluding courts, porches, cellars, balconies, garages and carports. The floor area of a building or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Fuel: vegetation, debris or other substances that will support combustion.

Fuelbreak: a strategically located strip of land, variable in width, on which the vegetation has been modified to reduce the rate of fire spread so that fire suppression forces can be utilized in relative safety to control a wildfire. The term may include provisions for all-wheel-drive access. Greenbelt, open space, forest openings, riding and hiking trails, and underground utility easements may also be incorporated within fuelbreaks.

Fuel Modification: the manipulation of vegetation to reduce fire spread and/or intensity.

Geologic Hazard: a geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to: avalanches, landslides, rockfalls, mudflows, unstable or potentially unstable slopes, seismic effects, radioactivity, and ground subsidence.

Geologic Hazard Area: an area which contains or is directly affected by a geologic hazard.

Ground Subsidence: a process characterized by the downward displacement of surface material caused by natural phenomena such as removal or underground fluids, natural consolidation, or dissolution of underground minerals or by man-made phenomena such as underground mining.

Home Occupation: any commercial use conducted within a dwelling principally by the inhabitants thereof which is clearly incidental to and secondary to the primary use of the dwelling for dwelling purposes, does not change the character thereof, and can ordinarily be conducted in a dwelling without disruption to the habitation thereof and does not occupy more than 50% of the total floor area of the dwelling.

Ignition Source: any device or method which can ignite a fire.

Implement Storage Yard: a yard, lot, groups of adjacent lots or other open space without a roof, enclosed by a fence or otherwise, which is primarily designed, used or intended for the temporary or permanent storage of implements or machinery.

Independent Mobile Home: a mobile home which has a functioning toilet and bath or shower. For definition of mobile home, see "Factory Built Housing".

Intermediate Regional Flood: a type of flood, including the water surface elevation and

territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one percent chance of being equaled or exceeded during any one year. The term is used interchangeably with a one percent flood or a one hundred year flood.

Junk Yard: a building, structure, or parcel of land, or any portion thereof, used for the collecting, storage, sale, or exchange of glass, waste paper, rags, scrap metal, or other similar material or for the collecting, dismantling, storage, salvage, or demolition of machinery or other materials, whether or not such materials are sold or exchanged. The term specifically includes "private", "residential", or "non-commercial" junk yards.

Ladder Fuels: fuels arranged between two separate fuel strata, such as between the forest floor and tree canopies, which provide vertical continuity and thereby easy fire spread in a vertical direction.

Landslide: a mass movement where there is a distinct surface of rupture or zone of weakness which separates the slide material from more stable underlying material.

Limited Impact Commercial Uses and Facilities: commercial facilities and associated commercial uses conducted on a parcel of land, principally by the owner and the family thereof, which are clearly incidental to and secondary to the primary use of the lands, do not change the character thereof, can ordinarily be conducted on the parcel of land without disruption to the use thereof, and do not cater to a total of more than one hundred fifty (150) paying clients in any one year's time.

Limited Impact Recreation Facilities: a building or group of buildings and other structures and/or facilities devoted to limited impact recreation uses that are occupied or used by no greater than a total of fifty (50) paying tourists, vacationers, and/or clients in any one year's period of time, and that provide recreational facilities for either members of the general public or to private groups.

Limited Impact Recreation Uses: commercial recreational uses conducted on a parcel of land, principally by the owner and the family thereof, which are clearly incidental to and secondary to the primary use of the lands for residential purposes, do not change the character thereof, can ordinarily be conducted on the parcel of land without disruption to the habitation thereof, and do not cater to a total of more than fifty (50) paying clients in any one year's time.

Lodge: a building or group of buildings devoted exclusively to the temporary housing of tourists or vacationers, together with the appurtenances normally incident thereto, catering either to members of the general public or to private groups and including, at the discretion of the Board of County Commissioners, associated stores, shops, souvenir stands, night clubs, taverns, gasoline filling stations, and similar commercial enterprises. Includes "resort" and "motel".

Lot: a parcel of land occupied or designated to be occupied by one or more buildings and respective uses customarily incident thereto, arranged so as to fulfill the requirements of this Resolution and facing upon a public street. A lot may or may not coincide with plots on a subdivision plat.

Lot Area: the total horizontal area, measured in square feet, within the boundaries of a lot.

Lot Frontage: the horizontal distance between side property lines along the side of a lot facing a street.

Low Flood Hazard Area: that area of the floodplain in which the waters of an intermediate regional flood will not attain a maximum depth greater than one and one-half feet.

Mineral: an inanimate constituent of the earth including, but not limited to, coal, oil and natural gas, oil shale, sand, gravel, quarry aggregate, limestone, in either solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural, or industrial purposes.

Mineral Resource Area: an area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools, or otherwise, as to be capable of economic recovery. The term may include, but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claims with the intention of mining. The term also includes an area of oil and gas or geothermal resource development if such area has been identified by the state oil and gas conservation commission for designation.

Mining: the process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools, or other concentrations in the earth's

crust. This term also includes the preliminary treatment of such ore or building stone.

Mobile Home: see "Factory Built Housing".

Mobile Home Park: a yard, lot, parcel of land or any portion thereof designed to be used as a mobile home park where three (3) or more mobile homes may be placed and used as a temporary or permanent residence by one or more persons, regardless of whether or not a charge is made for such accommodation. Independent mobile homes as covered in Section 4, ARTICLE IV, SPECIAL EXCEPTIONS AND CONDITIONS are excluded from this definition.

Modular Home: see "Factory Built Housing".

Motel: see "Lodge".

Mudflow: a flowing mass of predominately fine grained earth material possessing a high degree of fluidity during movement.

Non-Conforming Use: a use of buildings or land which was lawfully existing at the time this Resolution became effective but failing to meet all of the requirements of this Resolution applicable to the zoning district in which it is located.

No Wildfire Hazard: a lack of timber density and vegetation or fuels such as open water, bare rock, cultivated fields.

One Hundred Year Flood: an intermediate regional flood.

One Percent Flood: an intermediate regional flood.

Open Mining: the mining of natural mineral deposits by removing any amount of overburden lying above such deposits, 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.

Operator: any person, firm or corporation engaged in or controlling any operation.

Overburden: all of the earth and other materials which lie above natural mineral deposits and which are disturbed from their natural state in the process of mining.

Outdoor Advertising Device: any visible contrivance or structure, mobile or immobile, in any shape, form or size, the purpose of which is to advertise, announce or otherwise attract attention to any service, product, campaign, etc. Commonly referred to as a "billboard".

Parking Space: space within a building or private or public parking area, exclusive of drives, turning areas or loading spaces, that is at least ten (10) feet wide, twenty (20) feet long and seven

(7) feet high.

Planned Unit Development (PUD): development of land in a manner which allows, in conformance with Article IV, Section 1 of the Resolution, the following: variety of uses, in addition to those ordinarily allowed by right or by condition in the designated district, for which land may be developed in order to allow for uniqueness and overall flexibility of development in special instances as may be approved by the County Commissioners.

Prohibited Use: a use or particular form of use which this Resolution does not permit in any district, or in a particular district or districts.

Public Hearing: a hearing instituted by any body of local government after the required publication of notice is given.

Public Meeting: a meeting which the general public may attend to voice their sentiments on a general or particular land use application.

Ranch: a parcel of land and appurtenances thereto suitable for the production of livestock and/or cultivation of the soil and used primarily for that purpose, which produces agricultural goods and products for sale in sufficient quantities so that its primary use is as a ranch rather than a rural residence and which is actively managed and worked by the owner and/or operator and his family. The income from the production of said agricultural goods and products shall be sufficient by itself to pay for all necessary ranch-related expenses and reasonable living expenses. A parcel of land 640 acres or larger shall be presumed to be a ranch; a parcel of less than 640 acres shall be presumed not to be a ranch, but said presumption may be rebutted upon presentation of reasonable proof that the parcel does in fact meet all of the above criteria.

Ranching: animal husbandry; cultivation of the soil for food products or other useful or valuable growths of the field or garden; harvesting and transporting of hay, grain, livestock and other agricultural products; but shall not include fertilizer manufacture, canning of foodstuffs, meat packing or similar operations that are primarily manufacturing or industrial in nature.

Ranch Recreation Facilities: a building or group of buildings and other structures and/or facilities devoted to ranch recreation uses that are occupied or used by no greater than a total of fifty (50) paying tourists, vacationers, and/or clients in any one year's period of time, and that provide recreational facilities for either members of the general public or to private groups.

Ranch Recreation Uses: commercial recreational uses conducted on a working ranch, principally by the owners and/or operators and their families thereof, which are clearly incidental to and secondary to the primary use of the lands for ranching purposes, do not change the character thereof, can ordinarily be conducted on a working ranch without disruption to the operation thereof, and do not cater to a total of more than fifty (50) paying clients in any one year's time.

Radioactivity: a condition related to various types of radiation emitted by natural radioactive minerals that occur in natural deposits or rock, soils, and water.

Reclamation: the rehabilitation of affected land by means of replanting, soil stabilization, water resource restoration, and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Recorder Mineral Right: those mineral rights which have been officially recorded or registered with the Colorado Secretary of State or the Clerk and Recorder of the local jurisdiction in which the right is located.

Recreation: outdoor leisure time activity including skiing, hiking, hunting, fishing, boating, swimming, horseback riding, sightseeing, driving for pleasure, camping, picnicking, golf, court games, and similar activities.

Refuse: all waste material directly connected with the cleaning, classification, milling, smelting, refining, and preparation of substances mined.

Resort: see "Lodge".

Rockfall: the relatively free falling or precipitous movement of a newly detached segment of bedrock of any size from a cliff or other very steep slope.

Sanitary Landfill: a facility which presents no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility and which is in compliance with regulations adopted pursuant to the Solid Waste Disposal Act, 42 U.S.C. 3251 et. seq., as amended by P.L. 94-580, October 21, 1976, and with Colorado Department of Health regulations adopted pursuant to C.R.S. 30-20-101 et. seq., (1973), whichever are more stringent.

Seismic Effects: direct and indirect effects caused by a natural earthquake or a man-made phenomenon.

Set-Back: the minimum horizontal distance between the exterior boundary of a lot and the front, side, or rear wall of any building thereon or any projection thereof, exclusive of steps and

unenclosed porches. Enclosed porches shall be considered part of the building.

Sign: any words, lettering, figures, numerals, phrases, emblems, devices, designs, pictures, trade marks or trade names, by which anything is made known, advertised or announced by any individual, firm, association, corporation, profession, business, or governmental body, and which are visible from any public street or right-of-way.

Significant Impact: any material effect on the surrounding community that potentially endangers health, safety, economy, or resources. It includes, but is not limited to, affected land as a result of the extraction of a mineral deposit, a significant increase in the cost of providing any governmental services, a measurable increase in air and water pollution, a measurable increase in noise or obnoxious odor around residential or potential residential areas, and contribution to or initiation of congested traffic patterns.

Slash: vegetative debris left after cutting or clearing operations in forest or brush areas, which requires treatment to reduce wildfire hazard.

Slope: the gradient of the ground surface measured in percent.

Special Use: a use allowed in the indicated zoning district only upon approval of the Board of County Commissioners. Approval may be granted or denied in accordance with the basic purposes and intent of this Resolution. If granted, certain conditions and standards may be imposed.

Spotting: a fire spreading as a result of sparks or embers carried ahead by the wind and starting new fires.

Stream: any natural channel or depression through which water flows either continuously, intermittently or periodically, including any artificial modification of the natural channel or depression.

Structure: any combination of roof and supporting walls or columns.

Structure Alteration: any addition to or subtraction from any building, including walls, columns, beams, girders, foundations, porches, garages, rooms, doors, and windows.

Timber Density: the spacing between tree stems in a forest stand.

Topsoil: the layer at the surface of the earth which has been so modified and acted upon by physical, chemical and biological agents that it will support rooted plants necessary to achieve reclamation goals.

Trailer, Trailer Court: see Mobile Home and Mobile Home Park.

Underground Mining: mining activity which occurs primarily beneath the surface of the ground.

Unstable or Potentially Unstable Slope: an area susceptible to a landslide, a mudflow, a rockfall, or accelerated creep of slope-forming materials.

Use: the purpose for which any land, lot, structure or building is designed, maintained, intended or occupied.

Use by Right: a use which is allowed by right in any given zoning district without application to the Board of County Commissioners for approval, but subject to building permit, water, sanitation, and like requirements.

Variance: a limited exception to zoning requirements in individual cases to avoid extreme hardship.

Wildfire: an uncontrolled fire burning in vegetation, structures, or other improvements.

Wildfire Behavior: the probable action of wildfire under given conditions of fuels, weather and topography.

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 and safety or to property. Classified as:

Low Hazard: a timber density of less than 35% conifer coverage. Fuels include, but are not limited to, grasses and brush, other than oak, sage or snow brush ceanothus, aspen, cottonwood, willow, open conifer stands and deadwood contacting the ground.

Medium Hazard: either a timber density of 35-55% conifer crown coverage with a slope of less than 30%, including, but not limited to, fuels of medium density conifer stands with a surface fuel mainly of herbage and litter, and some patches of reproduction and deadwood; or a timber density of less than 35% conifer crown coverage with fuels including, but not limited to, grasses and brush other than oak, sage or snow brush ceanothus, aspen, cottonwood, willow, open conifer stands, deadwood contacting the ground and the presence of either slash or ladder fuels or a slope factor.

High Tree Hazard: either a timber density of greater than 55% conifer crown coverage or a timber density of 50-55% with a slope factor of 35% or greater including, but not

limited to, fuels of dense conifer stands with any surface fuels and medium density stands with severe brush hazard fuels or much deadwood from blow down, bug kill, or logging; or it means a timber density of 35-55% conifer crown coverage including, but not limited to, fuels of medium density of reproduction and deadwood with a slope factor of less than 30% in the presence of slash and ladder fuels or a slope factor of greater than 30% if slash and ladder fuels are not present.

Severe Brush Hazard: a timber density of less than 35% conifer crown coverage with nearly continuous coverage of high brush or conifer saplings. The fuel is dense to moderately dense flammable vegetation over 2 feet high including Gambel oak (in fall), big sagebrush, conifer reproduction, abundant litter and/or herbaceous fuels and the possible presence of scattered conifer stands.

Yurt: A circular domed structure of skin or fabric stretched over a lattice framework. Used as a means of shelter, lodging and recreational activities.

ARTICLE III. DISTRICTS, MAP AND TABLE OF ZONING DISTRICTS

To carry out the purpose of this Resolution, as defined in Article I, Jackson County is hereby divided into the following respective zoning districts. The reclassification of zoning districts shall be in accord with the Plan for Future Land Use of the Jackson County Comprehensive Plan.

R - Ranching	MRE - Mountain Residential Estate
UR - Urban Residential	FO - Forestry and Open
RR - Rural Residence	FRS - Forest Resort
FR - Forest Recreation	NA - Neighborhood Accommodation
C - Commercial	B - Business
I - Industrial	BP - Business Park

ZONING DISTRICTS, THE USES PERMITTED THEREIN, AND THE REGULATIONS AND RESTRICTIONS PERTAINING THERETO, ARE DEFINED AND SET FORTH IN THE "TABLE OF ZONING DISTRICTS" WHICH IS HEREBY INCORPORATED AND MADE A PART OF THIS RESOLUTION.

ARTICLE IV. SPECIAL EXCEPTIONS AND CONDITIONS

SECTION 1. PLANNED UNIT DEVELOPMENT

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

The PUD is further intended to allow for such development of a site without the customary zoning regulations, subject to the PUD and Subdivision Regulations set forth herein. It is intended to promote higher economic uses and development of the land while protecting unique environmental and ecological assets; and furthermore to allow for special residential, commercial and recreational developments in which various uses and structures may be grouped in appropriate relationships to each other, to common open space, and to common facilities.

- 2) Authority - This section is authorized by Title 24, Article 67, Colorado Revised Statutes 1973, as amended, and is hereby declared to be in accordance with all provisions thereof.
- 3) Permitted Uses - A PUD may include the uses allowed by right, and the conditional uses allowed, in the zoning district in which said PUD is located. In addition, the PUD may include the following uses, separate or in combination, subject to the density and design standards designated below:

Single, double, and multi-family residences

Sale or rental of commercial goods or services

Recreational facilities

Offices

Convention facilities

Eating and drinking places in connection with recreational uses

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

Lodging places, including motels, hotels, lodges, dormitories

Schools

Churches

Industrial uses-development as an industrial park

- 4) General Standards for the PUD - The following general standards shall be observed regarding planning, design, and construction of the PUD:
 - a) The PUD shall be designed in a manner such that wherever possible it protects the environmental assets of the area including considerations of elements such as plant and wildlife, streams and storm drainage courses, scenic vistas, ranching and agriculture interests.
 - b) The PUD design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards, in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must meet with the approval of the Colorado Geological Survey before a special use permit may be issued.
 - c) Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space as set forth in the Zoning Resolution and Subdivision Resolution. Setbacks and lot widths shall be as required by the Zoning Resolution to provide adequate access and fire protection and to insure proper ventilation, light, air, and snow melt between buildings.
 - d) PUD plans shall be coordinated with appropriate public agencies as set forth in SECTION VI of the Subdivision Resolution.
 - e) The PUD's relationship to its surroundings shall be considered in order to avoid adverse effects to the development caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy.
 - f) The PUD shall cover not less than twenty (20) acres.
- 5) Requirements Regarding Site - The following requirements shall be observed regarding the site of the PUD:
 - a) The developer shall provide within the PUD both public water and sewer

facilities. The sewage system shall consist of a central collection system and secondary sewage treatment and disinfection facilities as approved by the Colorado Department of Public Health and Jackson County. As a temporary measure until such facilities become available, the developers shall provide within the PUD both potable water and sewage treatment facilities which meet standards of the Colorado Department of Public Health and Jackson County.

- b) The developer shall provide within the PUD a storm drainage system of sufficient capacity as will carry off all predictable surface run-off within the PUD area.
- c) Planned open spaces with the PUD, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, or by conveyances or dedications.
- d) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PUD fail to maintain the common open space in reasonable order and condition in accordance with the plan, the County may serve written notice upon such organization or upon the residents of the PUD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the County may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said thirty (30) days or any extension thereof, the County, in order to preserve the taxable values of the properties within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall

not vest in the public any right to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the County shall, upon its initiative or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PUD, to be held by the board designated by the County, at which hearing such organization or the residents of the PUD shall show cause why such maintenance by the County shall not, at the election of the County, continue for a succeeding year. If the board designated by the County shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the County shall cease to maintain such common open space at the end of said year. If the board designated by the County shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the County may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the County shall be paid by the owners of properties within the PUD that have a right of enjoyment of the common open space, and any unpaid assessments to the Board of County Commissioners and County Treasurer for collection, enforcement, and remittance of general property taxes.

6) Requirements Regarding Density and Design

a) The following requirements shall be observed in regard to the specified densities and uses in the PUD:

- (i) Common Open Space - A minimum of twenty-five percent (25%) of the total PUD area shall be devoted to open air recreation or other usable public open space, "Usable public open space" shall be defined as open area designed and developed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, gardens, parks, an area of water, and walkways. The term shall not include space devoted to streets and parking and

loading

areas.

- (ii) Residential Density - The overall average net density of the total residential area shall not exceed five (5) dwelling units (single or two family) per acre. "Net residential area shall mean the area devoted to residential uses, and the term shall not include streets and parking areas, or required usable open space areas.
 - (iii) Density of Other Uses - The overall average net density of the total area devoted to all other permitted uses shall not exceed a floor-to-land area ratio of 2:1. "Net density" shall apply to the area devoted to uses excluding streets, street rights-of-way, and required usable open space.
- b) The maximum height of buildings shall be twenty-five feet (25') for single family dwellings and thirty-five feet (35') for all other structures, or as recommended by the Planning Commission and approved by the County Commissioners in relation to the following characteristics of the proposed building:
- (i) Its geographical location;
 - (ii) The probable effect on surrounding slopes and mountainous terrain;
 - (iii) Adverse visual effects to adjacent sites or other areas in Jackson County;
 - (iv) Potential problems for adjacent sites caused by shadows, loss of air circulation, or closing of view;
 - (v) Influence on general vicinity, with regard to extreme contrast, vistas and open space;
 - (vi) Uses within the proposed building;
 - (vii) Fire prevention measures.
- c) Parking spaces shall be provided in the PUD according to the following:
- (i) All dwelling units of any density including single family dwellings, multiple family dwellings, condominiums, apartment houses, townhouses or other similar types of dwelling units--at least two (2) spaces per dwelling unit.
 - (ii) Hotels, motels and lodges - one (1) space per unit plus additional parking

as may be required for business, auditorium or other uses or activities as described in this section.

- (iii) Commercial, business or industrial uses - one (1) space per 300 square feet of floor area.
- (iv) Churches, auditoriums, and other facilities housing seated audiences - one (1) space per every four (4) seats
- (v) Outdoor or mixed facilities and combinations of any permitted uses - sufficient number of spaces that will, in the determination of the Planning Commission and the County Commissioners, make reasonable and adequate provision for the highest expected volume of users. Such determination may be based upon the following:
 - (a) The designed capacity of such facilities;
 - (b) An overall plan for concentration or concentrations or parking with appropriate consideration of designed landscaping, and relation to surroundings;
 - (c) Trade-off, or alternating use of parking area(s) by uses occurring during different hours, seasons, or days.
- d) Circulation - Circulation shall be determined by review of each PUD. The PUD must have an adequate internal street circulation system as set forth in the Subdivision Resolution. Public streets must serve all PUD's; provided however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or loading berths or service courts.
- e) Signs - The following signs shall be permitted in the PUD:
 - (i) One sign, located on the premises, advertising that property for sale, lease, or rent. The sign may not exceed six (6) square feet.
 - (ii) One first party sign identifying the property, its occupants, and use, of a size not to exceed fifteen (15) square feet, and not extending more than three (3) feet beyond the exterior wall of the structure.

(iii) One sign limited in content to the name of the resident and address of the premises provided that the sign does not exceed two (2) square feet in area, and that no more than one (1) sign is placed on the frontage for each applicable use of land, or one (1) for each dwelling unit, whichever is greater.

(iv) Flashing, blinking, or animated signs shall not be permitted in the PUD.

f) Easements - Easement rights at least ten feet (10) wide shall be provided where necessary for public utilities, such as electric light, gas, water, sewer, drainage, telephone and other such services in such manner as also to allow for utility extensions to and from areas of present and future development. Utility lines shall be buried; the cost of which shall be borne by the developer.

7) Procedure

a) Pre-Application Conference - A pre-application conference shall be held with the Planning Commission in order for the applicant to become acquainted with PUD procedures and related County requirements.

b) Approval for a Special Use Permit and Sketch Plan Submission-Prior to issuance of any special use permit, the developer shall obtain the approval of the Planning Commission and the County Commissioners of a Sketch PUD Plan. The Sketch PUD Plan shall be submitted in accordance with requirements of Section V, Sketch Plan, of the Subdivision Resolution and shall include all the information required therein plus the following:

(i) Proposed land uses, including the locations, acreage, and densities to be devoted to specific uses.

(ii) Proposed building locations, or suitable design criteria sufficient to assure the Planning Commission and the County Commissioners that the purpose and intent of this Section shall be upheld.

(iii) Proposed areas which are to be conveyed, dedicated, or reserved as common open areas, and as sites for schools and other public buildings.

(iv) Proposed grading and drainage pattern.

(v) The internal traffic and circulation systems, off-street parking areas,

service areas, loading areas, and major points of access to public rights-of-way.

- (vi) Relation of the proposed development to the surrounding area.
- (vii) Areas subject to a 100 year flooding cycle.
- (viii) A general landscape plan.
- (ix) The proportion of land to be left in a natural condition as major common open space, stated in terms of acreage or square footage, as well as the ratio of common open space in areas to be developed stated on a square feet per unit basis.
- (x) Proposed building heights.
- (xi) Economic feasibility report or market analysis of the proposed development.
- (xii) Other information or qualified opinions deemed necessary because of special geological, hydrological, traffic, design, siting, or other problems of the proposed development.
- (xiii) An explanation of the objectives to be achieved by the PUD, including building descriptions, sketches or elevations as may be required to describe the objectives.
- (xiv) A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
- (xv) A description of snow removal methods or techniques to be utilized.
- (xvi) A description of the proposed method of providing ongoing (permanent) maintenance of all non-private buildings, facilities, areas and thoroughfares.
- (xvii) Copies of special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the PUD and any of its common park areas.
- (xviii) Additional pertinent information as may be required by the Planning Commission and the County Commissioners.

- (xix) The Applicant may submit any other information or exhibits he deems pertinent that will aid in evaluating his proposed PUD.
- c) A copy of the Sketch PUD Plan shall be submitted to the Planning Commission for study and comment.
 - d) The County Commissioners shall consider the Sketch PUD Plan at a meeting within sixty (60) days after the formal filing of the Sketch PUD Plan at which time the findings of the Planning Commission shall also be considered.
 - e) Based on the purposes, standards, and requirements of this Section, the County Commissioners may grant or deny the special use. The County Commissioners may impose additional conditions or changes in the plan in order to comply with the purposes of this Resolution. If the special use permit is issued, the subject area shall be designated and shown on the official zoning map as a PUD district.
 - f) Permits for construction in a PUD shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the County Commissioners, which may approve or deny the change. No substantial modification, removal or release of the provisions of the PUD by the County Commissioners shall be permitted except upon a finding by the County Commissioners, following a public hearing, that the modification, removal or release is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the development or the public interest and is not granted solely to confer a special benefit upon any person.
 - g) Authorization of a special use permit shall be void after one (1) year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the County Commissioners may extend authorization for an additional period on request.
 - h) Before granting a special use permit for the PUD, the County Commissioners shall require that the applicant provide commitment of credit, bond, or certified check for all or part of the proposed improvements, as set forth in the

Subdivision Resolution.

- 8) Approval of Stage Development Plans - At the time of submission of the Sketch PUD Plan, the developer will submit plans of any development to be done in stages and the schedule of completion of the stages. Each stage of development is required to go through the steps of Sketch PUD Plan, Preliminary PUD Plan and Final PUD Plan.
- 9) Approval of Preliminary PUD Plan - Following the approval of the Sketch PUD Plan and the issuance of a special use permit by the County Commissioners, a preliminary PUD Plan will be submitted in accordance with requirements of Section VI, Preliminary Plan of the Subdivision Resolution and shall include the following:
 - a) The information required in Section VI, Preliminary Plan of the Subdivision Resolution.
 - b) Information required in the Sketch PUD Plan.
 - c) Additional pertinent information as may be required by the Planning Commission and the County Commissioners.
- 10) Approval of Final PUD Plan - Following the approval of the Preliminary PUD Plan, the Final PUD Plan will be submitted in accordance with requirements of Section VII, Subdivision Plat of the Subdivision Resolution and shall include the following:
 - a) The information required in Section VII, Subdivision Plat of the Subdivision Resolution.
 - b) The information required in the Preliminary PUD Plan.
 - c) Additional pertinent information as may be required by the Planning Commission and the County Commissioners.
- 11) Review and Approval of PUD Plans - Procedures to be followed with respect to review and approval of a PUD Plan shall be the same as Section IV, Procedure of the Subdivision Resolution.
- 12) Conformance with Subdivision Regulations - Any area proposed as a PUD shall be subject to the requirements of the Jackson County Subdivision Resolution. Where any requirements for a PUD are more stringent than those of the Subdivision Resolution, the provisions for a PUD shall govern.

- 13) Failure to Meet Development Schedule - If the applicant has not begun construction in the PUD within one (1) year from the approval of the Final PUD Plan or otherwise has failed to meet the approved development schedule, the Planning Commission can and shall initiate proceedings to remove the PUD district from the zoning map. The zoning regulations applicable before the approval of the Sketch PUD Plan shall then be in effect. The Planning Commission may extend the development schedule for good cause shown by the applicant.
- 14) Variance - The County Commissioners may grant variances from the PUD regulations where it can be demonstrated that the foregoing provisions create an undue hardship; that there are unique physical circumstances or conditions involved which are peculiar to the affected property; that a variance, if granted, will not alter the essential character of the area, or substantially or permanently impair the appropriate use or development of adjacent property. In granting any variance, the County Commissioners may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Resolution.
- 15) Fees for PUD Application - The Board of County Commissioners shall by Resolution establish fees which shall be paid by the PUD applicant upon submission of the various stage plans for review by the Planning Commission and Board of County Commissioners.

Section 2. OBJECTIONABLE AND OBNOXIOUS INDUSTRIAL USES

- 1) Any industrial use which may be obnoxious or dangerous by reason of smoke, vibration, odor, fumes, noise, dust, the storage or use of combustibles or explosives shall be denied a building permit for such use - including expansion of an existing use, until the location of said use, which may be in any zone, is recommended for approval by the Planning Commission and the County Commissioners to the Board of Adjustment.
- 2) Transmission lines and conduits of all types shall be denied a building permit until such time as the location of said facility shall be recommended by the Planning Commission and approved by the County Commissioners. The responsibility for securing the building permit shall be that of the utility company.

- 3) Mines, sand and gravel, and other extractive operations shall be subject to the following provisions:
 - a) That such use does not create any danger to safety in surrounding areas, does not cause water pollution and does not destroy visual amenities or create offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property in which such use is located. Upon the discretion of the Planning Commission or the County Commissioners a written explanation may be required indicating methods to be used to minimize smoke, odors, dust, and similar environmental problems which might result from the operation of the proposed use.
 - b) Unless otherwise provided by Colorado law, permits for commercial mineral extractive operations, excluding sand and gravel extractive operation affecting less than 10 acres and extracting less than 70,000 tons of mineral overburden or combination thereof during any calendar year, may only be granted if a satisfactory general rehabilitation plan for the land has been submitted prior to the start of operations and implemented thereafter.
 - (i) the plan for site rehabilitation shall be submitted to and approved by the Planning Commission and the County Commissioners before a special permit may be issued.
 - (ii) the applicant shall furnish a bank commitment of credit, bond, or a certified check in favor of Jackson County, in an amount calculated by the County Commissioners to secure the site restorations in a workmanlike manner, and in accordance with specifications and construction schedule established or approved by the appropriate engineer. Such commitment, bond or check shall be payable to and held by the County Commissioners.
 - c) Truck traffic to and from such uses shall not create hazards or nuisance to areas elsewhere in the County nor shall it unduly damage public roads.
- 4) Water Pollution - No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install

safeguards acceptable to the Building Inspector, the Colorado Department of Public Health and the local health authority and in compliance with the laws of the Environmental Protection Agency before operation of the facilities may begin. All percolation tests or ground water resource tests as may be required by the Colorado Department of Public Health and the local health authority must be met before operation of the facilities may begin.

SECTION 3. MINIMUM LOT AREA. Minimum lot area as prescribed in the Table of Zoning Districts shall be increased as may be necessary to conform to the Individual Sewage Disposal System Regulations of Jackson County, as promulgated by the Jackson County Board of Health, copies of which are available for inspection at the Jackson County Courthouse.

Any plot of land less than the minimum lot area are requirements in any particular zone that was subdivided prior to May 30, 1972, may be developed, or resold in its entirety and developed, and is exempt from the minimum lot requirements as long as any development is in compliance with current County and State water, sewer, and pollution regulations and requirements and all other existing building and zoning regulations and requirements.

SECTION 4. INDEPENDENT MOBILE HOMES.

- 1) The definition of an independent mobile home is a vehicular type contrivance, primarily of a metal construction, with wheels or from which wheels have been removed, or which has been transported without wheels, which is used as a permanent residence for occupancy by one or more persons, and which has a functioning toilet and bath or shower.
- 2) It shall be unlawful for any person to occupy, locate, or use an independent mobile home within the zoned territory of Jackson County, outside a mobile home park, unless the following conditions are met:
 - a) An independent mobile home permit shall be required. All applications for independent mobile home permits shall be made to the Building Inspector who shall determine that the proposed independent mobile home is in full conformance with this Resolution and of any regulations adopted pursuant thereto, and of any other applicable legal requirements. No independent mobile home permit shall be transferable.

- b) All applications for independent mobile home permits shall be accomplished by drawings to scale showing area and dimensions of the tract of land, the location of water and sewer lines, and the location and dimension of fences.
- c) The fees for the issuance of independent mobile home permits shall be set by Resolution of the Board of County Commissioners and shall be payable to Jackson County.
- d) No independent mobile home shall be changed in use nor any new independent mobile home be occupied or used without having obtained a Certificate of Occupancy from the Building Inspector.
- e) No alterations or additions may be made to any independent mobile home unless in conformity with this Resolution.
- f) Each independent mobile home site shall contain a minimum lot size as contained in Article IV, Section 3.
- g) Each independent mobile home site shall abut on a driveway or other clear area with unobstructed access to a public road.
- h) No independent mobile home shall be located closer than ten (10) feet from any building and all minimum setback requirements and minimum lot frontage requirements of the Resolution shall be complied with.
- i) The water supply for each independent mobile home must be approved by the Colorado State Department of Public Health. All water piping shall be constructed and maintained in accordance with State and local law.
- j) The sewage disposal system for each independent mobile home must conform to the Individual Sewage Disposal System Regulations of Jackson County, copies of which are available for inspection at the Jackson County Courthouse.
- k) Independent mobile homes using gas, kerosene, gasoline or fuel oil for heating or cooking purposes shall have the stoves therein properly vented with flues of adequate size and construction; and with the exception of a supply container for the independent mobile home, no gasoline, kerosene, or fuel oil shall be stored within fifty (50) feet of the independent mobile home. Every connection between a liquefied petroleum gas container and its appliances shall be of metal pipe or

tubing. No liquefied petroleum gas container shall be permitted inside any independent mobile home. All independent mobile homes shall comply with the regulations of the Colorado State Department of Public Health, relating to and controlling carbon monoxide poisoning in trailers.

SECTION 5. STORAGE OF VACATION TRAILERS. The storing of unoccupied mobile home or house cars classed as "Vacation Trailers" shall be lawful if stored in an inconspicuous place.

SECTION 6. TEMPORARY MOBILE STRUCTURE.

- 1) The definition of a temporary mobile structure is a vehicular type contrivance, with wheels or from which wheels have been removed, or which has been transported without wheels and which is used as a temporary structure for occupancy for one or more persons. Removal of wheels, establishment of foundation, patios, porches or other additions shall not convert a mobile structure into a "building" or "dwelling" within the definitions set forth herein.
- 2) The period constituting temporary shall be twelve (12) months. If the reason for the original authorization of a temporary mobile structure permit is still in effect after twelve (12) months, the applicant may apply to the Building Inspector and the Board of Adjustment for the consideration of an extension of the permit period. There will be no additional charge for an extension of the permit if the temporary mobile structure has not been moved from the original site.
- 3) The use of a temporary mobile structure shall be for economic reasons such as a temporary lumber crew or a temporary highway crew.
- 4) It shall be unlawful for any person to occupy, or use, for a period of more than 60 days, a temporary mobile structure within the zoned territory of Jackson County, outside a mobile home park, unless the following conditions are met:
 - a) A temporary mobile structure permit shall be required. All applications for temporary mobile structure permits shall be made to the Building Inspector who shall determine that the proposed temporary mobile structure is in full compliance with this Resolution and of any regulations adopted pursuant thereto and of any other applicable legal requirements. No temporary mobile structure permit shall

be transferable.

- b) All applications for temporary mobile structure permits shall be accompanied by drawings to scale showing area and dimensions of the tract of land, the location of water and sanitation facilities, and the location and dimension of fences and/or boundaries.
- c) The fee for the issuance of temporary mobile structure permits shall be set by Resolution of the Board of County Commissioners and payable to Jackson County.
- d) No temporary mobile structure shall be changed in use nor any new temporary mobile structure be occupied or used for a period of more than 60 days without having obtained a Certificate of Occupancy from the Building Inspector.
- e) No alterations or additions may be made to any temporary mobile structure unless in conformity with this Resolution.
- f) Each single temporary mobile structure site shall contain a minimum of one (1) acre gross. In the case of a work camp for temporary mobile structures, the temporary mobile structures shall be located no closer than twenty-five feet (25') from any other temporary mobile structures with no more than two (2) temporary mobile structures located on one (1) acre.
- g) Each temporary mobile structure site shall abut on a driveway or other clear area with unobstructed access to a public highway.
- h) No temporary mobile structure shall be located closer than fifty feet (50') from any building, ten feet (10') from any fence, and set back at least twenty-five feet (25') from any road.
- i) The water supply for each temporary mobile structure must meet the requirements of the Colorado State Department of Public Health.
- j) Temporary mobile structures using gas, kerosene, gasoline or fuel oil for heating or cooking purposes shall have the stoves therein properly vented with flues of adequate size and construction; and with the exception of a supply container for the temporary mobile structure, no gasoline, kerosene or fuel oil shall be stored within fifty feet (50') of the temporary mobile structure. Every connection between a liquefied petroleum gas container and its appliances shall be of a metal pipe or

tubing. No liquefied petroleum gas container shall be permitted inside any temporary mobile structure. All temporary mobile structures shall comply with the regulations of the Colorado State Department of Public Health, relating to and controlling carbon monoxide poisoning in trailers.

SECTION 7. SANITATION FACILITIES. For the purposes of this Zoning Resolution an approved sewage disposal system must satisfy the requirements of the Individual Sewage Disposal System Regulations of Jackson County, copies of which are available for inspection at the Jackson County Courthouse.

SECTION 8. MODULAR HOMES. A modular home shall require a building permit as set forth in ARTICLE VIII, SECTION 2 of this Resolution. The fee for a building permit shall be based on the actual cost of the modular home plus any additions or other construction.

9. CONDITIONAL AND SPECIAL USES ALLOWED BY PERMIT ONLY

1) Conditional and special uses as designated under the Zoning Districts may be allowed only following review and recommendation by the Planning Commission and written permission of the County Commissioners as follows:

a) Conditional Uses shall be permitted by the County Commissioners, provided that such use complies with and meets all the conditions and safeguards indicated for that particular use under this Resolution, and upon satisfactory demonstration that all such conditions as may be imposed by the County Commissioners, in order to comply with the purposes and intent of the Resolution, are met.

b) Special Uses may be granted or denied at the discretion of the County Commissioners, whose determination shall be based upon the proposed activity's consistency with the purposes, standards and requirements under this Resolution and, where applicable, standards and guidelines established to govern the particular Special Use. In granting permission for a Special Use, the County Commissioners may impose conditions if such conditions are necessary in order to insure compliance with the purposes, standards, requirements, and intent of this Resolution. The County Commissioners may authorize one or more designated County officials to act on behalf of the County Commissioners in granting particular special uses upon compliance with terms and requirements including

conditions, set forth in a resolution by the County Commissioners authorizing such action. Upon the determination by such official that a permit requested under such procedure should be denied, the request shall not be denied by such official but shall be referred to the County Commissioners for consideration.

2) Procedure for Conditional or Special Use Permits

- a) Application for a conditional or a special use permit shall be submitted in writing to the County Commissioners, along with such evidence as may be necessary to demonstrate compliance with the conditions and requirements set forth for the particular use according to this Resolution.
- b) The County Commissioners shall study and review the application and accompanying evidence before taking action on the application. In addition, before ruling on the application, they shall:
 - (i) Submit a copy of the application and accompanying data to the Planning Commission for study and review.
 - (ii) If deemed necessary for the public interest by the Board of County Commissioners upon review of the application, hold a public hearing on

the application as indicated in Section 9.3 below.

- c) The County Commissioners' study of the application shall include consideration of all the following:
 - (i) Information submitted by or for the applicant;
 - (ii) Information submitted for the Public Hearing;
 - (iii) Comments by the Planning Commission, and any additional qualified opinions.
- d) The County Commissioners shall rule on the application as follows:
 - (i) In the case of a conditional use application, such application shall be granted upon the conditions as indicated in Section 9.1(a) above.
 - (ii) In the case of a special use application, such application may be granted or denied as indicated in 9.1 above.

3) Public Notice and Hearing - Before granting a conditional use or special use permit, the County Commissioners may hold a public hearing on the matter, and notice of such

hearing shall be published in a newspaper of general circulation within Jackson County at least seven (7) days prior to the hearing date. In addition, written notice shall be mailed at least seven (7) days prior to the hearing date, to the applicant and to owners of properties adjacent to the property in question. Failure to mail such a notice due to clerical omission shall not affect the validity of any hearing or determination of the County Commissioners.

- 4) Regulation of Conditional Uses - All conditional uses allowed by permit only shall conform to the regulations as set forth for the district in which they have been permitted. In addition, such uses shall conform to any supplementary regulations such as those designated for particular uses under this Resolution.
- 5) Regulation of Special Uses
 - a) Planned Unit Development (PUD)

All Planned Unit Developments shall conform to the regulations set forth in Article IV, Section 1, of this Resolution.
 - b) All other special uses allowed by permit only shall conform to the regulations as set forth for the district in which they have been permitted. In addition, such uses shall conform to any supplementary regulations such as those designated for particular uses in Article IV, Section 2 of this Resolution.
- 6) Fees for Conditional Use Applications - An application fee in an amount set by Resolution of the Board of County Commissioners shall be submitted with the application for conditional use permit. The fee shall be payable to Jackson County.
- 7) Fees for Special Use Applications - An application fee in an amount set by Resolution of the Board of County Commissioners shall be submitted with the application for a special use permit. The fee shall be payable to Jackson County.
- 8) Performance Bonds Required for Some Conditional and Special Uses -
 - a) Extractive Operations. Before any special use permit shall be issued for an extractive operation, the applicant shall furnish evidence of compliance with Article IV, Section 2.3(b) of this Resolution.
 - b) Planned Unit Development (PUD). Before any special use permit shall be issued for a PUD, the County Commissioners shall require that the applicant furnish

evidence of a bank commitment of credit in favor of Jackson County, or bond or a certified check as required in Article IV, Section 1.6(h) of this Resolution. In the event that the PUD is to be developed by stages, the County Commissioners may require such commitment, bond or check at the stage or stages when appropriate.

- c) Development in designated or regulated mineral resource areas, geologic hazard areas, wildfire areas, flood hazard areas, the Board of Commissioners of Jackson County may require such financial guarantees as may be necessary, in its discretion to effect the regulations set forth in Article X.

SECTION 10. DESIGN REVIEW

- 1) The following regulations shall apply in the Mountain Residential Estate (MRE) District, The Forestry and Open (FO) District, the Forest Resort (FRS) District, the Neighborhood Accommodation (NA) District, the Business (B) District, and the Business Park (BP) District of Jackson County. These requirements do not alter the uses by right allowed within said zoning districts of Jackson County; however, said uses by right are subject to these requirements and/or regulations.
- 2) Design Review Regulations:
 - a) Definitions
 - (i) Aspect: The directional (in terms of the cardinal points of a compass) facing of the slope of a particular area or piece of land.
 - (ii) Boat House: A structure used for the storage of boats and water craft only. These structures may not be used for human habitable use for any length of time.
 - (iii) Cover type: In relation to any piece of land, the kind of vegetation or lack of said on land.
 - (iv) Disturbance: Any modification to a natural landform including recontouring, excavation and the removal of vegetative cover.
 - (v) Mitigate: To neutralize or compensate for the physical impacts of a man-made development upon a particular land area or piece of land such that the land will function as it did before the development took place.
 - (vi) Public Roadway: Any vehicular thoroughfare that is dedicated and

maintained for public use by a Federal, State, County, or municipal jurisdiction or homeowner's association.

- (vii) Public use: Any use for which the general public is allowed access.
- (viii) Riparian: Lands adjacent to streams, creeks, lakes and other waterways whether intermittent or constantly flowing.
- (ix) Structures: Anything constructed or erected such as buildings, mobile homes, fences, etc., which requires location on the ground or attached to something having a location on the ground. Excluded are docks, posts, pilings, other boat mooring devices, headgate and other structures necessary for agricultural, public (municipal, etc.) and private water diversion facilities.

b) Design Criteria

Introduction

This section specifies the various design criteria to be used when developing construction plans and documents for all building types within the MRE, FO, FRS, NA, B, and BP Districts of Jackson County. General categories such as building locations, site, etc. are subdivided into various elements. It is the intent of these standards to foster sensitive and creative solutions to design problems rather than pose a rigid architectural formula to follow in developing building plans. The key element of design that is to be stressed is the achievement of "harmony", "blending", and "appropriateness" of building form and texture in relation to the natural, surrounding environment. In short, structures are to be as unobtrusive as possible in the natural settings in which they are constructed. Additionally, the protection and perpetuation of a panoramic mountain or other scenic views within these zoning districts is required in the interest of enjoyment, environmental enrichment and maintenance of a major economic asset for residents and visitors alike. The landscape provides a resource which must be conserved. To that end, these regulations have been instituted by Jackson County.

(i) Applicable Regulations

- (a) Zoning Requirements - Development proposals and structures must meet all requirements of the Jackson County Zoning

Resolution. In a case where the Design Review Regulations are in conflict with other zoning regulations, the more restrictive regulations shall apply.

- (b) Subdivision and Planned Unit Development proposals and structures must meet all requirements of the Jackson County Subdivision Resolution and the more restrictive regulations shall apply.
- (c) Building Code - The regulations contained in the Uniform Building Code as amended and adopted by Jackson County will also apply to all structures. In addition, these regulations will also apply to all structures that are either residential, agriculture, commercial/office or light industrial in nature.

(ii) Site Planning

(a) General Provisions

(1) Physical Setting of Development

- a. The proposed development shall be located, sited and designed to protect and enhance the visual quality of the surrounding environment. In addition to the design criteria contained herein, environmental site planning and architectural design information is available from the U.S. Forest Service.
- b. In areas of existing high visual quality, the proposed development shall be unobtrusive in nature and carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surroundings are maintained to the maximum extent practicable.
- c. In areas where the visual quality has been degraded by alterations of the natural landform and vegetation, signs and billboards that block views and create visual clutter, and development that is mediocre in design and out of character with the surrounding environment, the new development

shall serve to restore the area to a high visual quality.

- d. Structures, when viewed from various angles, should conform to foreground contours in shape and scale while blending in with middle ground and background landform to the greatest extent possible. All designs are to be conceived utilizing current principles and practices of environmental design, landscape design and building architecture. All development shall be sited and designed to minimize the impacts of light and glare on adjacent properties and the community at large.
- e. Except where it would make property unbuildable (given the constraints of other County regulations) structures shall not be located in open grasslands where they would be highly visible, but shall be clustered near hills, forests, and other natural terrain features, or existing development to the greatest extent possible. In addition, development on hilltops and ridges shall not be obtrusive from public roadways. In riparian and lake shoreline areas, development shall be subordinate to the natural form of the waterway by being located near groves of trees, rock outcroppings, or other natural features and set back from the edge of the waterway or waterbody a minimum of one-hundred (100) feet.

(2) Alteration of Natural Landforms

- a. No development or its support facilities (such as road or utility expansions) shall be permitted where grading, cutting or filling are required that would alter the appearance of natural landforms, without a revegetation plan that restores the disturbed land to as near a natural looking state as possible.
- b. The proposed development shall minimize the visual

destruction of natural landforms caused by cutting, filling, grading or vegetation removal. The development shall be concentrated on level areas so hillsides can be left undisturbed. Necessary road and utility expansion should be routed along natural topographic contours.

- c. Where the alteration of natural landforms is permitted during construction, the topography shall be restored to as close to the natural contours as possible, and the area shall be planted with vegetation common to the area.
- (3) Scale - Any proposed development shall be of compatible scale to the surrounding area or shall be of a scale which will enhance the quality of the area that has been degraded by existing development. The development proposal shall provide for:
- a. Structures should be located so that they do not tower above ridge lines, and do not compete with the visual dominance of the hillsides, open meadow, lake waters, or other features of the natural terrain.
 - b. In developed areas, structures shall generally conform with the character of the surrounding area, or enhance the area if it has already been degraded.
- (4) Landscaping
- a. Forest Portions of the Site: The development proposal shall strive to place structures under tree cover to the greatest extent possible and developments shall protect existing vegetation. Plants common to the region shall be used as the predominant revegetation material.
 - b. Meadows or Low Bush Covered Portions of the Site-screening techniques are to be used for purposes of maintaining, to the greatest extent possible, the original pastoral setting when viewed from public roadways and

observation points.

(b) Site Preparation

(1) Grading and excavation - All topsoil should be stored and then replaced on the surface after grading is complete and before landscaping is begun. The graded area should be kept to a minimum practical size for equipment movement taking care to retain as much natural vegetation as possible; however, allowing for removal of vegetation to reduce wildfire hazard. No grading or excavation will be allowed other than that required for buildings, roads, landscaping and utilities.

(2) Electric Utilities and Communication Facilities-To minimize the visual degradation of the landscape caused by power and communication lines and towers, the following principals shall be applied to any proposed development:

- a. Utility distribution and transmission facilities shall be designed as coordinated system to avoid duplication.
- b. Non-reflective cables, poles, and guy wires shall be used for all electric communication lines.
- c. Television antennas, ham radio operation masts, roof mounted FM dipole aerials, and other facets of wirescape must be located in an unobtrusive manner.
- d. All proposed major public utility facilities shall be located and constructed to:
 - (i) Maximize the use of federal and state owned land.
 - (ii) Minimize damage to private land owners over which the line passes and adjacent to the proposed line.
 - (iii) Minimize side effects such as wildlife habitat disruption, low level radiation, noise and other health hazards on humans and wildlife.

- (iv) Avoid paralleling of major transportation routes unless adequate natural screening or other means of camouflage are available.
- (v) Cross any such transportation routes at as close to a right angle as possible.
- (vi) Mitigate the "tunnel" effect of clearing vegetation that is visible from a population concentration or public roadway by means of minimizing clear cut widths and other established landscape techniques. In all cases a revegetation plan must accompany permit application.
- (vii) By-pass historic and archeological sites.
- (viii) Minimize conflict with existing and planned land uses.

(3) Sewer, Water and Gas Lines -

- a. Utility lines shall be designed as a coordinate system to avoid duplication.
- b. All distribution facilities and service connections shall be placed underground.
- c. All proposed utility facilities shall be located and constructed to:
 - (i.) Minimize damage to private and public lands; all development proposals must be accompanied by a revegetation plan.
 - (ii.) Mitigate the "tunnel" effect of clearing vegetation that is visible from a population concentration or public roadway by means of minimizing clear cut widths and other established landscape techniques.
 - (iii.) By-pass historic and archeological sites.
 - (iv.) Minimize conflict with existing and planned land uses.

(4) Drainage - All buildings must have an adequate drainage slope, minimum five percent (5%), away from foundation walls or incorporate a french drain. Generally, water should be directed away from buildings, driveways, paths, play areas, or other high use areas.

(c) Site activities

(1) Trash storage - All trash storage areas shall be aesthetically screened from public view. Storage areas must be well drained but located out of drainage courses and must be inaccessible to animals either by fencing or through the use of suitable containers.

(2) Snow Storage (Single Family Dwelling Units and Multi-family Dwellings of five (5) units or less exempted). A snow removal and storage plan must accompany development proposals. Storage sites must be well drained and preferably located in a sunny well-drained spot.

(3) General Storage and Service Activities - All general storage areas shall be aesthetically screened from public view. All service activities and facilities shall be provided within the boundaries of the individual building parcel which it serves. All propane gas tanks are to be screened with vegetation or other natural land features.

(4) Transportation and Parking Facilities (Single Family Dwelling Units and Multi-family Dwelling Units of five (5) units or less exempted). The proposed development shall minimize the number of access roads and individual parking areas. Development access roads shall be combined, with the intent of minimizing intersections on public roadways. Traffic loops shall be used to the maximum extent possible. All access roads shall be

visually screened from public roadways to the greatest extent possible. All parking facilities are to be landscaped, preferably with evergreen varieties and large shrubs. Parking design should facilitate use, snow removal, drainage, emergency access and must be screened or buffered from public roadways. Use of vegetative islands within parking areas are encouraged. Underground parking must be either integrally connected to a habitable building or covered and landscaped. Street alignments should be designed in such a way as to facilitate solar gain for frontage buildings.

(d) Building Location

- (1) Site Characteristics - The building should be located and subsequently designed to minimize disturbances of the site and blend into the surrounding natural environment.
- (2) Energy Conservation - Siting of buildings should take advantage of a south facing orientation for solar heat gain to the greatest extent possible.
- (3) Setbacks - Setbacks for buildings are required for aesthetic purposes along public roadways and for water quality reasons along or around water bodies of any kind. Specifically, setbacks found in the specific zoning tables for MRE, FO, FRS, NA, B and BP Districts shall apply and in applicable cases are superseded by the following:
 - a. Except within the Business (B) and Business Park (BP) District, all structures will be located no closer than one hundred fifty feet (150') from the edge of a State Highway right-of-way unless this restriction renders the site unbuildable or unless it can be proven that visual quality will be maintained if located closer than one

hundred fifty feet (150') to said State Highway.

- b. All structures (excluding boathouses on lands adjacent to a lake) shall be located no closer than one-hundred feet (100') from the high water mark of any lake, stream, creek, river, or ditch.
- c. All docks, moorings, pilings and posts to be built in any lakebed must have prior special permit approval from the applicable agency having jurisdiction.

(iii) Architecture

(a) Residential

- (1) Roofs - Allowed roofing materials include:

Shake Singles and imitations

Treated wooden shake shingles

Earth-Tone composition shingles

Dark, non-reflective metal roofing

- (2) Exposed facades and sidings: Building architecture is to be compatible with location and the pastoral environment, rustic in nature, rough textured and harmoniously colored to blend in with the surrounding vegetative cover. In forested areas, all exterior materials shall be of natural wood or materials having deep earth hues such as dark browns, greens and rusts. In grassland, or sagebrush areas, all exterior materials shall be of the same earth and vegetative tones as the predominant colors of the site. Highly reflective surfaces and colors are not allowed. Types of sidings or wall materials not allowed by way of example are: corrugated metal sidings, reflective metal, painted (unclad) masonite siding, asbestos shingles or panels, asphalt shingles or panels, bare sealed or unsealed plywood panels, poured or block concrete of the unexposed aggregate variety, precast concrete panels, and white stucco plaster walls.

- (3) Windows - Outwardly reflective windows or coatings thereon are discouraged.
- (4) Lighting - Exterior lighting shall be minimized. Any outside lighting fixtures shall match the style of the structure it serves. Security lights on buildings or streets shall be of a subdued luminescence.
- (5) Foundations - Foundations may be exposed no more than thirty-six (36) inches above ground level. Exception: foundations and building walls constructed of native stone. Exposed portions must be painted an appropriate earth tone color or faced with native or imitation stone, brick, or wood.
- (6) Fences and Screens - Fences are to be constructed of stone or wood in a style appropriate to the building architecture and surrounding natural environment. They shall maintain an open (as in the split rail fence) appearance if extended at considerable length beyond the edge of a structure. Sturdy construction is to be used throughout. The use of plain concrete block or other metal or plastic materials of a bright or reflective aspect or color is prohibited. Barbed wire is allowed for purposes of restraining livestock only. Chain-link or welded wire type materials for dog pens are allowed not to exceed seventy-five (75) perimeter feet per animal and only when such pens are screened from public view. Chain-link fences for purposes of property definition or other uses on residential lots are discouraged.
- (7) Outbuildings - No more than two outbuildings allowed with each single family residence not to exceed five hundred (500) square feet each. In addition, livestock shelter barns, boathouses and detached garages shall also be allowed.
- (8) Mailboxes and Residence Signs - Mailboxes visible from the public roadways shall be of nonreflective wood or metal

construction and shall be located in an unobtrusive manner.

Owner identification and sale or rental signs are not to exceed six (6) square feet in size.

- (9) Retaining walls - Retaining walls are intended to be an attractive addition to the overall design of the site plan and the structures on it. They should be made of natural wood or stone of low elevation where lateral loads are minimal. Adequate drainage from the earth bank must be provided by weep holes, lateral drains, or other techniques capable of mitigating buckling caused by water pressure and frost action. Retaining walls in excess of four (4) feet in height must be designed by a professional engineer, reinforced throughout and independently supported. Poured or concrete block of the uncolored or unexposed aggregate type is not allowed unless faced with a stone or wooden veneer.

(b) Commercial/Office and Light Industrial

- (1) Roofs - Same as residential
- (2) Exposed Facades and Siding - Same as residential
- (3) Ornamentation - Same as residential
- (4) Foundations - Same as residential
- (5) Building type - Building architecture is to be compatible with the pastoral mountain environment, rustic in nature, harmoniously colored or natural wood finished or suitable wood substitutes.
- (6) Fences and Screens - Regulations for residential apply with the following exception: Oxidized, anodized or earth tone colored chainlink fences for storage, security or other uses are allowed in Commercial/Office and light industrial areas including around sewage lagoons and other hazardous public utilities.
- (7) Mailboxes - Same as residential
- (8) Retaining walls - Same as residential.

- (9) Parking - Parking facilities, where practical, shall be consolidated for joint use by surrounding businesses and neighbors. The parking facility shall be attractively designed and buffered with landscaping, berms or other attractive screening materials and shall to the maximum extent possible be visually screened.

(c) Agriculture

- (1) Only structures which do not substantially impair or detract from the scenic, natural, historic, pastoral, and fish and wildlife values of the area and which are necessary for ranching or dude ranching, such as dwellings, barns, storage buildings, fences, corrals, recreational facilities, irrigation facilities, roads and utilities shall be permitted.
- (2) Buildings are to be of a ranch-type character with log or other rustic exterior with harmoniously colored or natural wood finish and nonreflective surfaces.
- (3) Minimum setback of new buildings is to be 150 feet (150') from State Highway.
- (4) No signs, billboards, or advertising devices, other than those advertising agricultural products produced on the property where the device is located, except a property identification sign and one sale or rental sign not to exceed six (6) square feet in area and harmonious in design and color with the surroundings shall be permitted.
- (5) Structures and improvements, including fences, must be maintained in usable condition or removed. Those recognized as having historic or aesthetic value may remain regardless of condition.
- (6) Roads must be designed, located, and constructed to minimize aesthetic impact and soil movement.

- (7) Agricultural practices must be accomplished in a manner which does not degrade water quality or result in accelerated soil erosion.
- (iv) View Maintenance
 - (a) View Regulations
 - (1) General Provisions - No development including the associated buildings, fences, paved areas, signs and landscaping can block views of the surrounding lakes or mountains or diminish the visual quality of scenic areas.

ARTICLE V. NON-CONFORMING USES

SECTION 1. EXISTING USES. Except as provided in this Article, the lawful use of land or buildings existing on the effective date of this Resolution, though the same not conform to the provisions thereof, may be continued as a "non-conforming use", including, in the case of Mobile Home Parks, expansion to the limits of land ownership existing at the time of passage of this Resolution.

SECTION 2. STRUCTURAL ALTERATIONS. A non-conforming use shall not be structurally altered or enlarged in any way to increase its area or degree of non-conformance. Repairs and maintenance necessary to keep the building in good condition, or as may be required by law or other Resolution, are permitted.

SECTION 3. ABANDONMENT. Whenever a non-conforming use has been discontinued for a period of twelve (12) consecutive months or more, any future use shall be in conformity with the provisions of the resolution.

SECTION 4. DESTRUCTION. Any non-conforming building or structure that is destroyed by fire, accident or act of God to the extent of more than fifty (50) percent of its replacement cost at the time of destruction, shall not be reconstructed except as a conforming use.

SECTION 5. BUILDINGS IN PROGRESS. Any building or structure which is under construction prior to the effective date of this Resolution may be completed and used as planned, providing construction is diligently pursued to completion.

SECTION 6. EXISTING SUBDIVISIONS. Where existing platted subdivisions have been filed with the County Clerk as of the effective date of this Resolution, and existing lot areas make impossible conformance with the density standards set forth in Article IV, such lots and subdivisions shall not be rendered non-conforming. All subdivisions not filed as of the effective date of this Resolution, and all future subdivisions within the County shall conform to these standards.

ARTICLE VI. SIGNS AND ADVERTISING DEVICES

SECTION 1. R DISTRICT, MRE DISTRICT AND NA. For advertising the sale, rental or lease of any building, lot or premises, one (1) unanimated, non-illuminated sign for each unit being so advertised not exceeding twenty (20) square feet. For each dwelling unit, one (1) name plate not exceeding one (1) square foot. For announcing or identifying ranches, commercial enterprises, public buildings, churches, schools, parks and recreation areas, one (1) unanimated sign, lighted by direct methods, and not exceeding thirty (30) square feet.

SECTION 2. UR DISTRICT, FO DISTRICT AND FRS DISTRICT. For each dwelling unit, one (1) name plate not exceeding one (1) square foot. For advertising the sale, rental or lease of a building or premises one (1) unanimated, non-illuminated sign not exceeding five (5) square feet. For commercial enterprises, public buildings, schools and churches, one (1) announcement sign, unanimated, lighted by direct methods and not exceeding eighteen (18) square feet.

SECTION 3. FR DISTRICT. Same as R, excepting that commercial enterprises may identify their premises with two (2) signs, unanimated, lighted by direct methods and not exceeding twenty (20) square feet per sign.

SECTION 4. I DISTRICT AND C DISTRICT, B DISTRICT AND BP DISTRICT. Same as R except that commercial and industrial establishments may identify their premises with two (2) animated, flashing or non-flashing neon signs not exceeding forty (40) square feet per sign.

SECTION 5. RR DISTRICT. Same as for R District.

SECTION 6. THIRD PARTY ADVERTISING. Third party advertising devices, signs, billboards, lights, beacons or other attention getting devices are allowed in the various Zoning Districts of Jackson County as set forth in SIGNS AND ADVERTISING DEVICE for commercial

enterprises providing the sign or other attention device is approved as to location placement and size of the advertising device by the affected landowner.

SECTION 7. SIGNS NOT IN COMPLIANCE. All signs and advertising devices constructed for the purposes dealt with by Sections 1 through 5 of this Article, but not in compliance with the provisions thereof are prohibited, provided, however, that this Section does not apply to signs of governmental bodies or agencies or to service clubs.

ARTICLE VII. BOARD OF ZONING ADJUSTMENT

SECTION 1. MEMBERS: TERM. The Board of Adjustment shall consist of five (5) members, not more than two of who may at any time be members of the Jackson County Planning Commission. Each member shall serve for five (5) years, provided however that of the first appointed Board one member shall serve for one (1) year, one member for two (2) years, one member for three (3) years, one member for four (4) years and one member for five (5) years. The Board of County Commissioners shall fix per diem compensation for the members of the Board of Adjustment. Any member may be removed for cause by the Board of County Commissioners upon written charges and after public hearing. Vacancies shall be filled for unexpired terms in the same manner as original appointments. The Board of County Commissioners shall not appoint alternate members or associate members to the Board of Adjustment.

SECTION 2. MEETINGS: RECORDS. Regular meetings of the Board shall be held once a month and at such other times as the Board or the Chairman may determine. The Chairman, or in his absence the Vice Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The secretary shall keep minutes of all proceedings, showing the vote of each member upon each question, or the absence of a member or a failure to vote, which shall be filed immediately in the office of the County Clerk and made a matter of public record.

SECTION 3. APPEALS: RECORDS: HEARING. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the County affected by any decision of the Building Inspector. Such appeal shall be taken within fifteen (15) days of the action appealed from, by filing with the officer from whom the appeal is taken and with the Board

a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all matters constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest.

SECTION 4. POWERS: DUTIES: JURISDICTION: The Board of Adjustment shall have the following powers and duties:

- 1) To hear and decide appeals where it is alleged there is error in any order requirement, decision or determination by the Building Inspector in the enforcement of this Resolution or any other Resolution adopted pursuant thereto.
- 2) To authorize upon appeal in specific cases such variance from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Resolution will result in unnecessary hardship, so that the spirit of the Resolution shall be observed and substantial justice done.
- 3) To adopt any rules or procedures necessary to transact the Board's business or expedite its functions, so long as not inconsistent with the provisions of this Resolution.
- 4) To interpret this Resolution, including any uncertainty as to boundary location, or meaning or wording, so long as not contrary to the purpose and intent of this Resolution.
- 5) To grant a variance from the provisions of this Resolution only where all of the following conditions are found to exist.
 - a) That an unnecessary and unreasonable hardship will be imposed if the provisions of this Resolution are literally enforced.
 - b) That the circumstances creating the hardship were not created by the applicant, were in existence on the effective date of this Resolution, are not the result of general conditions in the district, and cannot be reasonably corrected.
 - c) That the variance, if granted, will not diminish the value, use or enjoyment of adjacent properties nor curtail desirable light, air and open space in the neighborhood.
 - d) That the variance, if granted, will not be directly contrary to the intent and purpose of this Resolution.

- 6) To do, perform, or fulfill any other power specifically set forth in Title 30, Article 28, Section 118, Colorado Revised Statutes 1973, as amended. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant.

SECTION 5. PROCEDURE. The Board shall fix the time and hold a public hearing on all applications and appeals with the following special conditions required:

- a) Notice of the hearing shall be published in a newspaper of general circulation within the County at least thirty (30) days prior to the hearing.
- b) Where the application is for a variance to the Resolution, the Building Inspector shall cause notice of said hearing to be posted on the premises for which the variance is sought at least thirty (30) days prior to the hearing and on a sign large enough to be clearly read from the primary public right-of-way adjoining.
- c) All appeals and applications for variance shall be made to the Board in writing and on a form prescribed by the Board and available at the office of the County Clerk. Every appeal shall designate (1) the provision of the Resolution being contested, (2) the grounds upon which the appeal is brought and (3) the relief sought to be granted.
- d) All applications for a variance shall be accompanied by a fee in an amount set by Resolution of the Board of County Commissioners, payable to Jackson County.
- e) Any citizen attending the public hearing shall have the right to testify, offer witnesses, cross examine and be represented by counsel. Legal rules of evidence shall not apply.

SECTION 6. APPEALS FROM BOARD DECISIONS. Notification of Board decisions shall be made not later than ten (10) days following the hearing on the issue awaiting such decision, in writing to the Building Inspector and the applicant. Any appeal from the decision of the Board may be made to the court, as provided by law within ninety (90) days following the date of notification of the Board's decision.

ARTICLE VIII. ADMINISTRATION: ENFORCEMENT: PENALTY

SECTION 1. BUILDING PERMITS. No building or other structure shall be erected, constructed, reconstructed, installed, altered, or changed in use within the unincorporated area of the County without a building permit therefore from the Jackson County Building Inspector who shall determine that the proposed building or structure is in full conformance with this Resolution, except in those instances where a variance has been granted by the Board of Adjustments; provided however, that the requirements of this section shall not apply to accessory buildings or non-residential structures used for the sole purpose of providing shelter for agricultural implements, farm products, livestock, or poultry.

- 1) Applications. All applications for building permits shall be accompanied by two (2) sets of the following drawings to scale that conform to the Uniform Building Code specifications and are prepared by a qualified person; provided however, the Jackson County Building Inspector may waive the submission of plans, calculations, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with the building code:

- a) Plot Plan

- (i) Scale - 1" = 20' or 1/16" = 1'0" minimum
- (ii) Lot, block, subdivision name and filing
- (iii) Dimensions of plot and north point
- (iv) Dimensions of front, rear and side yards
- (v) Location and dimensions of garage, carport and all other accessory buildings.
- (vi) Location and size of walks, driveways and approaches
- (vii) Location and size of steps, terraces, porches, fences and retaining walls
- (viii) Location and dimensions of easements
- (ix) Electrical feeders to swimming pool and accessory buildings or structures
- (x) Size, length, location and material of all water, sanitary sewer, storm and gas lines
- (xi) All meter locations

- b) Floor Plan

- (i) Scale 1/4" = 1'0" minimum

- (ii) Floor plan of each floor and of basement, if any
 - (iii) Plan of all attached terraces and porches, and of garage or carport
 - (iv) If dwelling is of crawl space type, provide separate foundation plan with details
 - (v) Direction, size and spacing of all floor and ceiling framing members, girders, columns and piers
 - (vi) Location of all partitions and indications of door sizes and direction of door swing
 - (vii) Location and size of all permanently installed construction equipment such as kitchen cabinets, closets, storage shelving, plumbing fixtures, water heaters, etc.
 - (viii) Location and symbols of all electrical equipment, including switches, outlets, fixtures, panel locations, etc.
 - (ix) Area in square feet (outside dimensions)
 - (x) Electrical load: demand factors used, computed load, conduit and feeder sizes
- c) Exterior Elevations
- (i) Scale $1/4" = 1'0"$ Elevations, other than main elevation which contain no special details may be drawn at $1/8" = 1'0"$
 - (ii) Front, rear and both side elevations, and elevations of any interior courts
 - (iii) Windows and doors - indicate size unless separately scheduled or shown on floor plan. Door hardware schedule
 - (iv) Wall finish materials where more than one type is used
 - (v) Depth of wall footings, foundations, or piers, if stepped or at more than one level, all dimensioned from finished grade
 - (vi) Finish floor lines
 - (vii) Finish grade lines at buildings
- d) Details and Sections
- (i) Sections through exterior wall showing all details of construction from footings to highest point of roof. Where more than one type of wall material

is used, show each type. Scale 3/8" = 1'0" minimum

- (ii) Section through any portion of dwelling where rooms are situated at various levels or where finished attic space is proposed. Scale 1/4" = 1'0" minimum
 - (iii) Section through stair wells, landings and stairs, including headroom clearances and surrounding framing. Scale 1/4" = 1'0" minimum
 - (iv) Elevation and section through fireplace. Scale 3/8" = 1'0" minimum
 - (v) Sections and details of all critical construction points or special structural items. Scale as necessary to provide information 3/8" = 1'0" minimum
- 2) Fee All applications for building permits shall be accompanied by a fee in an amount set by Resolution of the Board of County Commissioners and payable to Jackson County.
 - 3) Modular Homes. A building permit shall be required for a modular home. The fee for the permit shall be based on the actual cost of the module(s) plus any additions or other construction.
 - 4) Posting Requirement. Before any building permit shall be effective, the permittee or his agent shall post, at a point on the construction premises and visible from a public right-of-way, unless otherwise authorized by the Jackson County Building Inspector, identification in such form as the Jackson County Building Inspector directs, in order that the construction may be easily identified as one for which a building permit has been obtained. Such building permit identification shall remain displayed until such time as a certificate of occupancy is issued. Any departure from plans and specifications upon which a building permit is based shall invalidate the building permit, unless written approval for such change is obtained from the Jackson County Building Inspector.
 - 5) Inspections. All construction or work for which a permit is required shall be subject to inspection by the Building Inspector. It shall be the duty of the person doing the work authorized by a permit to notify the Building Inspector that such work is ready for inspection. Every request for inspection shall be filed at least one working day before such inspection is desired. Such request may be in

writing or by telephone at the option of the Building Inspector. It shall be the duty of the person requesting any inspections required to provide access to and means for proper inspection of such work. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Inspector. The Building Inspector, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with this code:

- a) FOUNDATION INSPECTION: To be made after trenches are excavated and forms erected and when all materials for the foundations are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
- b) CONCRETE SLAB OR UNDER-FLOORING INSPECTION: To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is poured or floor sheathing installed, including the subfloor.
- c) FRAME INSPECTION: To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes, and ducts are approved.
- d) LATH AND/OR GYPSUM BOARD INSPECTION: To be made after all lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.
- e) FINAL INSPECTIONS: To be made after finish grading and the building is complete and ready for occupancy

No work shall be done on any part of the building or structure beyond point indicated in each successive inspection without first obtaining the approval of the Building Inspector. Such approval shall be given only after an inspection shall have been made of each successive step in the

construction as indicated by each of the inspections required above.

SECTION 2. BUILDING CODE. The Uniform Building Code, 1982 Edition, as amended, or per local amendment, is hereby incorporated by reference as though set forth fully herein, and further shall be the Building Code for all unincorporated areas of Jackson County. All applications for building permits shall be governed by the provisions of the Building Code provided, however, that decisions on such applications are not in conflict with the provisions of this Resolution. A copy of the Building Code is available for public inspection in the office of the Jackson County Administrator.

In addition, the Residential Building Energy Conservation Act of 1977, CRS 6-7-101 et. seq. (1973) and Energy Conservation Standards for Non-residential Buildings, CRS 29-12-101 et. seq. (1973) and regulations adopted pursuant thereto are hereby adopted and made a part of this Resolution.

SECTION 3. BUILDING INSPECTOR. Pursuant to CRS 30-28-114 (1973) as amended, there is hereby created and established the position of County Building Inspector, which may be filled by one or more persons, who shall enforce this Resolution by the issuance and withholding of building permits. The powers and duties of the Building Inspector shall be the following:

- 1) To issue building permits that are in harmony with the provisions of this Resolution and all other codes and Resolutions pursuant thereto or hereinafter enacted.
- 2) To enter upon any premises at any reasonable time and make all inspections necessary to the performance of his duties.
- 3) To order work stopped by written notice served on the proper person, firm or corporation when such work is being done contrary to the provisions of this Resolution.
- 4) To request the Sheriff of Jackson County to issue a summons and complaint to any violator who fails to correct any violation of this Resolution within thirty (30) days after written notice of any violation is given.

SECTION 4. CERTIFICATE OF OCCUPANCY. No person shall hereafter change the use of any land, building, or mobile home without first obtaining a Certificate of Occupancy from the Building Inspector. Such certificate shall be issued within two (2) working days of the date that the Building Inspector is notified that the building or land is ready for occupancy.

SECTION 5. VIOLATION AND PENALTY. Failure to comply with all the provisions of this

Resolution, unless a variance or other exception has been authorized by the Board of County Commissioners, constitutes a misdemeanor under the laws of the State of Colorado, that, upon conviction, is punishable by a fine of not more than one hundred dollars (\$100) or by imprisonment in the County Jail for not more than ten (10) days, or by both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense.

It shall be the responsibility of the County Attorney to enforce the provisions of the Resolution. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is proposed to be used in violation of any provisions of this Resolution, or amendment or revision thereto, the County Attorney, in addition to other remedies, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use. Such action may also be initiated by the District Attorney or by any owner of real estate within the County.

SECTION 6. DERELICTION OF DUTY; WAIVER. No oversight or dereliction of duty by any officer, employee, or agent of the County shall authorize or excuse any violation of this Resolution or constitute waiver of any provision thereof. No legal or equitable rights shall be acquired under any invalid building permit or invalid certificate of occupancy.

The Board of County Commissioners shall not have the power or authority to alter, amend, or waive any provision of this Resolution other than in conformity with the procedures set forth in Article IX.

SECTION 7. COMPLAINTS. Any person aggrieved by a violation or apparent violation of this Resolution may file written or oral complaint and take whatever action is appropriate. Failure of the Building Inspector to act shall constitute a dereliction of duty, from which the person so aggrieved may appeal directly to the Board of Zoning Adjustments.

ARTICLE IX. AMENDMENTS

SECTION 1. WHEN ALLOWED. Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and after consideration and recommendation by the County Planning Commission, the Board of County Commissioners may amend any

portion of this Resolution on the application of any person, the County Planning Commission, or officer of the County.

SECTION 2. FEE AND FORMS. Application for amendments shall be made on such forms as the Jackson County Board of County Commissioners shall prescribe, which shall be filed with the County Clerk, accompanied by a fee in an amount set by Resolution of the Board, and shall contain the following information:

- a) Description of the area to be rezoned and requested new classification, or such other amendment as may be requested.
- b) Sketch showing the boundaries of the area to be rezoned, including indication of existing zoning on all adjacent sides of the area.
- c) A statement of justification for rezoning, including changing area conditions, errors in original zoning; conformance to the Comprehensive Plan or any updating thereof; peculiar suitability of area to the proposed use.
- d) Time schedule of any contemplated new construction or uses.
- e) Effect of the proposed new zoning on adjacent areas and the community at large.

If the amendment application is not for rezoning but concerns some other provision or restriction of the Resolution, the application shall set forth the need and justification for such amendment.

SECTION 3. PUBLIC HEARING. Before any amendment to this Resolution is enacted a public hearing shall be held, notice of which shall be published in a newspaper of general circulation in the County at least thirty (30) days prior to the date thereof. Any citizen attending such hearing shall have the same rights set forth in Article VII, Section 5(e).

SECTION 4. ADOPTION. The adoption of any proposed amendment shall require a favorable vote of a majority of the Board of County Commissioners, who shall act only after having received a recommendation regarding such amendment from the County Planning Commission. Failure of the Commission to make a recommendation within thirty (30) days following the public hearing shall be construed as a recommendation to adopt the proposed amendment.

ARTICLE X. DEVELOPMENT IN DESIGNATED OR REGULATED MINERAL RESOURCE AREAS, GEOLOGIC HAZARD AREAS, WILDLIFE HAZARD AREAS, AND FLOOD HAZARD AREAS, ALLOWED BY SPECIAL USE PERMIT ONLY

SECTION 1. COMMON PROVISIONS. For the purpose of eliminating the duplication in the regulations set forth in this Article X, in order to promote the efficient process of special use permits required to engage in any development or activity in designated or regulated Mineral Resource Areas, Geologic Hazard Areas, Wildlife Hazard Areas, or Flood Hazard Areas within Jackson County, this Section sets forth certain common and consolidated procedures.

- 1) Any person applying to the Board of County Commissioners of Jackson County for a special use permit to engage in development or activity in designated or regulated Mineral Resource Areas, Geologic Hazard Areas, or Flood Hazard Areas shall obtain an application from the office of the Jackson County Administrator. A single special use permit application shall be submitted for a development or activity proposed in a subject area affected by two or more designated areas regulated in this Article, provided such proposed use is allowed in the zoning district in which the designated areas are located.
- 2) Applicability - The regulations of this Section apply to all applications for special use permits to engage in development in all designated or regulated mineral resource areas, geologic hazard areas, wildfire hazard areas, or flood hazard areas within Jackson County. Any person seeking to engage in development in any designated or regulated mineral resource area, geologic hazard area, wildfire hazard area, or flood hazard area in Jackson County shall obtain a special use permit pursuant to these regulations before seeking any other permit, rezoning, or other action by this jurisdiction.
- 3) Relationship of Regulations to Other Requirements - Nothing in the regulations of this Article shall be construed as exempting an applicant for a permit from any other requirement of this jurisdiction or other state or federal laws and regulations. To the extent that the requirements of these regulations of this Article differ from any other applicable requirements, the more restrictive requirements shall apply.
- 4) Permit Required -
 - a) No person shall engage in any development or activity in any designated or regulated mineral resource area, geologic hazard area, wildfire hazard area, or flood hazard area without a special use permit issued by the Board of County Commissioners of Jackson County. Special use permits to engage in a development or activity in a designated or regulated mineral resource area,

geologic hazard area, wildfire hazard area, or flood hazard area shall be limited to those users of the land permitted in the zoning district in which the mineral resource area, geologic hazard area, wildfire hazard area, or flood hazard area is located.

- b) If an applicant submits sufficient evidence to the Board of County Commissioners of Jackson County that no commercially extractable mineral deposit, geologic hazard, wildfire hazard, or flood hazard exists on the subject property, the Board of County Commissioners of Jackson County may waive the requirements of this subsection 1.4 paragraph upon an official finding that no commercially extractable mineral deposit, geologic hazard, wildfire hazard, or flood hazard exists.

5) Specific Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas in Jackson County Subject to Regulation -

- a) All areas within Jackson County that are subject to regulation or designation under this Article are described in subsection 1.5c below. Any and all property not so described has not been designated or regulated under this Article.
- b) Having considered the intensity of current and foreseeable development pressures and the guidelines for land use in mineral resource areas and geologic hazard areas promulgated by the Colorado Geological Survey, the guidelines for land use in wildfire hazard areas promulgated by the Colorado State Forest Service, and the model regulations for flood hazard areas promulgated by the Colorado Water Conservation Board, the mineral resource areas, geologic hazard areas, wildfire hazard areas, and flood hazard areas described in subsection 1.5c below are designated Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas and are subject to regulations hereby adopted by this jurisdiction.
- c) The location and boundaries of the mineral resource areas, geologic hazard areas, wildfire hazard areas, and flood hazard areas designated and subject to regulation under this resolution shall be as they appear on the current official recorded Mineral Resource Area Maps, Geologic Hazard Area Maps, Wildfire Hazard Area Maps, and Flood Hazard Area Maps as adopted by the Board of County

Commissioners of Jackson County and kept on file for public inspection in the office of the Jackson County Clerk and Recorder, Jackson County Courthouse, Walden, Colorado, and in the office of the Jackson County Administrator, 404 Fourth Street, Walden, Colorado. Official recorded Mineral Resource Area Maps, Geologic Hazard Area Maps, Wildfire Hazard Area Maps, and Flood Hazard Area Maps adopted by the Board of County Commissioners of Jackson County are hereby incorporated into this Resolution, and said maps and all amendments thereto shall be as much a part of this Resolution as if fully set forth and described herein. The boundary lines on said maps shall be determined by the use of the scale appearing on the map.

- d) Where interpretation is needed as to the exact location of the boundary of a designated or regulated mineral resource area, geologic hazard area, wildfire hazard area, or flood hazard area and where there appears to be conflict between a mapped boundary and actual field conditions, the Board of County Commissioners of Jackson County shall make the necessary determination of the boundary. Any person contesting the location of the boundary shall be given a reasonable opportunity to present his case to the Board of County Commissioners and shall submit technical evidence to support such contest. The Board shall not allow deviations from the boundary line as mapped or non-permitted land uses within the boundary areas unless technical evidence clearly and conclusively establishes 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.
- 6) Procedural Requirements -
- a) The procedure concerning special use permit applications, application fees, public hearings, application review, and issuance of special use permits is set forth in Article IV, Section 9.
 - b) Upon receipt by the Board of County Commissioners of Jackson County, a completed special use permit application to engage in development or activity in a Mineral Resource Area shall be forwarded to those agencies noted in subsection

2.4, a)(vii) below.

- c) Upon receipt by the Board of County Commissioners of Jackson County of a special use permit application to engage in development or activity in a Mineral Resource Area, all persons owning mineral rights which would be affected by the proposed permit shall be given adequate and proper notice of the public hearing in addition to those persons notified as set forth in Article IV, Section 9.3. Failure to mail such notice due to clerical omissions shall not affect the validity of any hearing or determination of the County Commissioners.

7) Waiver of Submission Requirements -

- a) The Board of County Commissioners of Jackson County may waive any part but not all of the submission requirements imposed by this Article upon petition of the applicant that full compliance with the submission requirements would be unreasonably burdensome for the applicant and that the proposed development will have an unsubstantial impact on the surrounding area. Such a waiver may be granted, after due consideration by the Board of County Commissioners of Jackson County and the Jackson County Planning Commission, upon a written determination that the information to be submitted is sufficient for the Board of County Commissioners to arrive at a permit decision in full compliance with the law and these regulations and that the proposed development will have an unsubstantial impact on the surrounding area.
- b) A public hearing may be held by the Board of County Commissioners of Jackson County prior to rendering a decision on applicant's petition as provided for in subsection 1.7a above.

SECTION 2. DEVELOPMENT IN MINERAL RESOURCE AREAS, ALLOWED BY SPECIAL USE PERMIT ONLY

- 1) Purpose and Intent - The purpose and intent of the regulations contained in this section shall be to:
 - a) Protect and administer mineral resource areas in such a manner as to permit the extraction and exploration of minerals therefrom, unless extraction and exploration would cause significant danger to public health and safety;

- b) Permit development in mineral resource areas which will not interfere with the extraction and exploration of minerals;
 - c) Give preference to existing or requested uses other than mineral extraction if the economic value of the minerals present is of less value than those other uses;
 - d) Accomplish extraction and exploration of minerals from any area in a manner which causes the least practicable environment disturbance and reclaim such surface areas disturbed thereby in accordance with the provision of 34-32-101, et seq., or 34-40-101, et seq., CRS 1973, whichever is applicable;
 - e) Prevent landslides, floods, or erosion due to mineral extraction operations.
 - f) Preserve access to and extraction of mineral resources according to a rational plan for extraction of such resources;
 - g) Provide, during the mining process and after the mining operations have been completed, for the reclamation of land subject to surface disturbance by mining and thereby conserve natural resources, aid in the protection of wildlife, aquatic, historic, and archaeological resources, and establish recreational, residential, and industrial sites;
 - h) Extract commercial mineral deposits according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the state;
 - i) Protect and perpetuate the taxable value of the property; and
 - j) Protect and promote the health, safety, and general welfare of the people of this state.
- 2) Land Use in Designated or Regulated Mineral Resource Areas -
- a) The following land uses shall be considered compatible and allowable uses in a designated or regulated mineral resource area, provided said uses of the land are permitted in the zoning districts in which the mineral resource area is located:
 - (i) Exploration and extraction of minerals subject to the permit requirements of this section;
 - (ii) Agricultural uses such as general farming, grazing, forestry, sod farming, and wild crop harvesting;

- (iii) Public and private recreational uses not requiring permanent structures such as parks, natural swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, and hunting, fishing, skiing and hiking areas;
 - (iv) Public or private uses not involving erection of permanent structures which would preclude permanently the extraction of commercial mineral deposits.
- b) The following uses of the land shall be prohibited uses in a designated or regulated mineral resource area:
- (i) Uses which would permanently preclude present or future access to or the extraction of mineral deposits by an operator, unless upon a finding of the Board of County Commissioners of Jackson County, based on sufficient technical or other evidence submitted to said Board, the value of such uses outweighs the economic value of the minerals affected by the uses.
 - (ii) Uses which will create a significant impact on the surrounding community, unless it is determined that those impacts will be alleviated through the use of mitigation techniques which include, but are not limited to, the following:
 - a) Measures which will lessen potential dangers to health, safety, economy, or resources to an acceptable level.
 - b) Measures which will offset increased costs of providing any governmental services;
 - c) Measures which will insure that air and water pollution resulting from development will meet applicable federal and state standards;
 - d) Measures which will contain noise and/or obnoxious odors within the development;
 - e) Measures which will prevent hazardous traffic patterns resulting from development of the site.
- 3) Applicant's Submission Requirements -
- a) All applicants seeking to engage in development subject to these regulations in a mineral resource area shall submit to the Board of County Commissioners of

Jackson County, as a minimum, four copies of the following information, maps, reports, or data:

- (i) Name and address of the applicant.
 - (ii) When applicable, the name, address, and phone number of the corporation's registered agent.
 - (iii) The legal and layman's description of the proposed development site.
 - (iv) An index map showing the general location of the permit area and its relationship to surrounding topographic and cultural features. A standard USGS quadrangle map would usually be adequate for an index map.
 - (v) Ownership of the surface of the area of land to be affected.
 - (vi) Ownership of the mineral rights affected.
 - (vii) A topographic map or maps showing location, nature and density of the proposed development or land use change.
 - (viii) Aerial photographs, when available, or reasonable scale and of a date which reasonably portrays the current condition of the area to be covered by the permit application. The area to be covered by the permit shall be outlined on the aerial photograph.
 - (ix) Type and location of mineral resources on or under the property.
 - (x) An analysis of the commercial feasibility of extracting the mineral resource.
 - (xi) A map or maps portraying the geologic conditions of the area with particular attention given to the mineral resource deposit. If appropriate or needed, subsurface geologic cross sections shall also be utilized to portray such conditions at depth. If possible, the geologic maps shall be at the same scale and in the same format as the development plan maps.
 - (xii) An analysis of the fiscal impacts on local services and facilities.
 - (xiii) A statement that the developer will comply with all relevant Federal, State and local requirements existing at the time the plan is to be implemented.
 - (xiv) Descriptive material showing the relationship of the proposed development to existing comprehensive plans for the area involved.
- b) Applicants seeking to engage in development of a mineral resource area without

the intention of exploration or extraction of minerals also shall submit to the permit authority, as a minimum, four copies of the following information, maps, reports, or data:

- (i) If the development is a subdivision, data equivalent to that required for a Sketch Plan by the Jackson County Subdivision Regulations.
 - (ii) Evidence that the development plan will present no obstacle to extraction of the mineral resource on or under the subject property or evidence that the proposed development will be greater economic value than the minerals present.
- c) Applicants seeking to engage in development of a mineral resource area with the intention of exploration or extraction of minerals shall also submit to the Board of County Commissioners of Jackson County, as a minimum, four copies of the following information, maps, reports, or data:
- (i) Ownership of the substance to be mined.
 - (ii) The source of the applicant's legal right to enter and mine on the land affected.
 - (iii) Method of extraction and processing.
 - (iv) Plan for transportation of extracted material.
 - (v) Time and duration of extraction.
 - (vi) Number of permanent and temporary employees anticipated.
 - (vii) Detailed description of the method of operation to be employed.
 - (viii) The size of the area or areas to be worked at any one time.
 - (ix) The timetable giving the periods of time which will be required for the various stages of the operation.
 - (x) Anticipated traffic volumes and flows related to the development.
 - (xi) An analysis of any potential health hazards occasioned by the development and a plan for mitigation thereof.
 - (xii) An analysis of any potential safety hazards occasioned by the development and a plan for mitigation thereof.
 - (xiii) A description of wildlife occurrence on and in the vicinity of the

application area including a narrative that describes:

- (a) Wildlife occurrence in the area; and,
- (b) Seasonal occurrence of the major species; and,
- (c) The presence of endangered species listed on either federal or state lists; and,
- (d) The impact of the operation on the wildlife with regard to displacement of wildlife and extent of replacement of suitable habitat for the post-operational wildlife that might inhabit the area.

(xiv) A narrative, supplemented with diagrams and text, of the water resources on and in the vicinity of the application area shall be submitted. Such narrative shall include:

- (a) Both surface and subsurface resources; and,
- (b) A description of the impact of the operation on the quality and quantity of water resources; and,
- (c) Demonstration of water right ownership to supply any necessary water requirements for operations or impoundments, whether temporary or permanent; and,
- (d) Data required for other permits which would fulfill these requirements may be submitted.

(xv) Accompanying the permit application, every operator shall submit a reclamation plan and map.

- (a) The reclamation plan shall be based upon provisions for, or satisfactory explanations of, all general requirements for the type of reclamation proposed to be implemented by the operator. The plan shall be based upon the advice of technically trained personnel experienced in that type of reclamation on mined lands and upon scientific knowledge from research in reclaiming and utilizing mined lands. Reclamation shall be required on all the affected lands.
- (b) The reclamation plan shall include:
 - (1) A narrative describing which of the approved uses the operator

proposes to achieve in the reclamation of the affected land, why each use was chosen, and the amount of acreage accorded to each;

- (2) A narrative describing how the reclamation plan will be implemented to meet performance standards;
 - (3) A proposed timetable indicating when and how the various stages of the mining and reclamation plan shall be implemented;
 - (4) A narrative describing how the reclamation plan shall rehabilitate the surface disturbances affected by the mining operation. The narrative shall include, but not be limited to the following factors: natural vegetation, wildlife, water, air and soil resources.
- (c) The map accompanying the reclamation plan shall include all of the land to be affected by all phases of the total scope of the mining operation. It shall indicate the following:
- (1) The expected physical appearance of the area to be mined and the area of land affected, correlated to the timetable.
 - (2) Portrayal of the proposed final land use for each portion of the affected lands.
- (d) The operator's estimated costs of each of the following segments of the reclamation process, including where applicable: backfilling, grading, highwall reduction, topsoiling (if done), planting, revegetation establishment, and administrative costs.
- (e) The application shall also include maps showing the following information:
- (1) Identification of adjacent underground mining and adjacent surface owners;
 - (2) Name and location of all creeks, surface water, water wells, roads, railroads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land within two

hundred feet of all boundaries of such area;

- (3) Total area to be involved in the operation including the area to be mined and the area of land affected;
 - (4) Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application;
 - (5) General type, thickness, and distribution of soil over the area covered by the permit application; for purposes of this paragraph, soil type shall mean the soil series and the texture, pH, and conductivity of the upper six inches of the soil;
 - (6) Type, character, and density of present vegetation occurring in the area covered by the permit application;
 - (7) Depth and thickness of the mineral resource to be mined and the thickness and type of the overburden to be removed;
 - (8) Topography and any aquifers of the area to be covered by the permit application, both before and after the mining operations occur, shall be shown by cross-section.
- d) Applications for development in mineral resource areas designated or regulated shall include such additional information or data as may be required by this jurisdiction.
- e) Map requirements - unless otherwise specified above, the following map standards will be adhered to:
- (i) Maps will be in compliance with national map accuracy standards as promulgated by the U.S. Bureau of the Budget;
 - (ii) Topographic maps will have a contour interval of 20 feet or less;
 - (iii) Map scale shall be on a scale sufficiently detailed to meet the objectives of this regulation but, in no case less detailed than 1 inch = 500 feet.
 - (iv) All maps shall show a true north arrow, section corners, contour interval, and the appropriate land grid, the name of the person who prepared the map, the map scale, with bar scale in English and metric units, and the date the map

was prepared.

(v) One of the four copies of each map shall be reproducible form (mylar, sepia, clear film positive).

f) Qualifications of Investigators:

(i) All geologic maps, and reports prepared under these regulations, shall be prepared by or under the responsible direction of and signed by a professional geologist as defined by 34-1-201, et seq., CRS 1973.

(ii) All engineering work prepared under the requirements of these regulations shall be prepared by or under the responsible charge of a registered professional engineer as defined in 12-25-101, et seq., CRS 1973. Such engineer shall also be experienced and competent in the engineering specialty required to meet the objectives of this regulation.

4) Approval of Permit Application -

a) The Board of County Commissioners of Jackson County may approve an application for a permit to engage in development in a mineral resource area only if all of the following criteria are met:

(i) All of the provisions of the permit application procedure have been complied with;

(ii) The proposed development in a mineral resource area can be accommodated within the financial capacity of the area to sustain such growth and development;

(iii) The use is a permitted use under the applicable provisions of subsection 2 of the Section 2;

(iv) Mineral exploration or extraction will not cause significant danger to public health and safety;

(v) Structures designed for human occupancy and sites designed for human use shall be constructed so as to prevent danger to human life or property;

(vi) Manmade changes shall not initiate or intensify hazardous conditions within a mineral resource area;

(vii) Consideration shall be given to recommendations from the Colorado

Geological Survey, the Colorado Division of Mines, and the Colorado Land Reclamation Board concerning the proposed development in the designated mineral resource area if said recommendations are received prior to the permit decision. Consideration shall also be given to recommendations from the Colorado Oil and Gas Conservation Commission for development in designated mineral resource areas which involve oil and gas or geothermal resources if said recommendations are received prior to the permit decision.

(viii) Nonconflicting open space uses such as agriculture, grazing, greenbelt, and recreation are incorporated into the development plan to the greatest practicable extent; such maximization of open space uses shall be in addition to other required mitigation procedures;

(ix) The burdens imposed upon local government services and facilities are sufficiently offset by increases in the tax base and local economy or by direct compensation from the developer;

(x) Potential health and safety hazards are reasonably mitigated.

b) The Board of County Commissioners may approve an application for a permit to engage in extraction and exploration of minerals in a mineral resource area only if all the criteria in subsection 2, 4a above and the following criteria insuring the least practicable environmental disturbance will be met:

(i) Where topsoil is removed, sufficient arable soil shall be set aside, for respreading over the excavated area;

(ii) All access roads to public highways, roads, or streets or to adjoining residential structures and necessary for the mining operation, shall be paved or otherwise treated to minimize fugitive dust conditions on all parts of such access roads which are located within one-fourth mile of the public highway, road, street, or adjoining residential structure;

(iii) Mining and grading shall not affect the drainage or stream flow of water in a manner that would impair or be detrimental to existing water rights and to existing water quality;

- (v) Mining operations shall be conducted in such manner as to conform, where applicable, to all rules and regulations of the Colorado Water Quality Control Commission and the State Engineer, and to minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated off-site areas, and to the quality and quantity of water in surface and ground water systems both during and after mining operations by:
 - (a) avoiding acid or other toxic mine drainage by such measures as, but not limited to, the prevention or removal of water from contact with toxic producing deposits, the treatment of drainage to reduce toxic contents which adversely affect downstream water upon being released to water courses; and
 - (b) conducting mining operations so as to prevent additional contributions of suspended solids to stream flow or runoff outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding, where at all feasible, channel deepening and/or widening in operations requiring the discharge of water; and,
 - (c) if the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source has been affected by contamination, diminution interruption proximately resulting from mining, the operator shall be responsible for correcting the problem; and,
 - (d) where applicable, restoring recharge capacity of the mined area to approximate pre-mining condition; and,
 - (e) such other actions as the Board of County Commissioners of Jackson County may prescribe.
- (vi) Erosion and saltation of the affected area, surrounding property, and water courses shall be controlled;
- (vii) Extraction operations at any one time, shall be confined to the minimum area necessary to carry out such activity. Back filling and grading of the

- disturbed area shall be completed as soon as feasible after the mining process;
- (viii) All debris, acid-forming materials, saline materials, toxic materials, materials constituting a fire hazard or materials not conducive to vegetation growth and establishment shall be disposed of in such a manner as to prevent contamination of ground and surface waters to prevent sustained combustion, and to prevent inhibition of vegetation growth and establishment;
 - (ix) All aspects of the mining plan shall maximize the safety and protection of wildlife on the mine site, at processing sites, and along all access roads to the mine site;
 - (x) The operator shall place spoil materials, stockpiles, and other materials resulting from any aspect of mining operations in such a location and manner as to protect all on- and off-site areas and persons working on or off the site from slides or damage, including air or water pollution.
- c) The Board of County Commissioners of Jackson County may approve an application for a permit to engage in extraction and exploration of minerals in a mineral resource area only if all the criteria in subsections 2.4a and 2.4b above, and the following criteria insuring adequate reclamation in accordance with 34-40-105, CRS 1973, will be met:
- (i) All final grading of the area of land affected shall produce a gentle undulating topography or other such topography as is consistent with the proposed land use of the area as stated in the reclamation plan, provided, however, such grading shall create a topography that is reasonable in view of the public interest in physically attractive surroundings;
 - (ii) Grading shall be done in a manner as to control erosion and siltation of the affected area, surrounding property and water courses. The Board of County Commissioners of Jackson County may require terracing to conserve moisture and control water erosion on all graded slopes during the process of current grading. Terraces may be installed in such a manner as not to

prohibit vehicular access or revegetation procedures. Terraces shall be installed at varying intervals, as determined by climatic conditions, spoil, topsoil or topsoil substitute composition and texture, slope, steepness, and slope length. Suggested terrace installation intervals shall be submitted in the reclamation plan;

- (iii) The operator shall not use excavated areas for the deposition of foreign materials such as trash, industrial wastes, fly ash and other materials not naturally occurring or commonly found in the earth in the mined area, unless tests and analyses on the materials and the method of disposal have been demonstrated, prior to permit approval or by permit amendment, that such disposal would not have any adverse or detrimental effect on ground water, surface water, soil stability, revegetation or other reclamation requirements, or pose a threat of combustion;
- (iv) The operator shall place spoil materials, stockpiles, and other materials resulting from any aspect of mining or reclamation operations in such a location and manner as to protect all on- and off-site areas and persons working on or off the site from slides or damage, including air and water pollution;
- (v) Spoil surfaces shall be left roughened in final contour grading to eliminate slippage zones that may develop between the deposited topsoil and heavy textured spoil surfaces. The operator shall take all measures necessary to assure the stability of topsoil on graded slopes;
- (vi) The operator shall establish on the regraded areas and all other lands affected by the mining operation, a diverse, effective, and permanent vegetative cover native to the area of land to be affected and capable of self-regeneration and plant succession without dependence on irrigation, soil amendments or fertilizer, at least equal in extent of cover to the natural vegetation of the area prior to any mining. As a method of preparing the land for establishment of native species, introduced species may be utilized on a temporary basis. On a permanent basis, the operator shall use introduced species in lieu of native

species only for certain specific post-mining land uses approved by the Board of County Commissioners of Jackson County or when native seeds or plant materials are not available. These post-mining land uses are limited to long-range, intensive agriculture (including grazing), recreational, industrial, or residential developments. In the case of residential, industrial, and recreational developments, compatibility with land use plans and demonstrated evidence of intent to actually develop these post-mining land uses are required;

(vii) As a temporary measure, the operator may use an immediate application of mulch to affected lands that do not have any other permanent or temporary cover established when the grade or length of any slope presents a likelihood of deposition of sediment into any surface waters. Permanent elimination of such sedimentation threat must then be carried out at the earliest opportunity;

(viii) The operator shall employ methods of weed control whenever invasion of a reclaimed area by annual, biennial, or perennial weed species seriously threatens the continued development of the desired vegetation. Weed control methods shall also be used whenever the inhabitation of the reclaimed area by weeds threatens further spread of serious weed pests to nearby areas where the presence of such weeds would be clearly undesirable;

(ix) Plans to create a body of water as part of a reclamation plan must conform, where applicable, to the rules and regulations of the Colorado Water Quality Control Commission and the State Engineer. The Board of County Commissioners of Jackson County shall consult with such agencies concerning compliance with such rules and regulations. The operator shall provide, where applicable, evidence of such approvals by the above mentioned agencies. In addition, the plan must meet the approval of the Board of County Commissioners. Violation of applicable federal, state, and local laws in the areas of water quality and water

resources may constitute grounds for revocation or suspension of a permit issued under this regulation;

- (x) Permanent water impoundment may be created only when it is adequately demonstrated to the Board of County Commissioners of Jackson County that:
 - (a) The intended impoundment has a subsequent beneficial use and is consistent with the overall land use plan; and,
 - (b) The size of the impoundment is adequate for its intended use; and,
 - (c) The impoundment dam or other structures of similar function, if such a structure is to be constructed, will be so designed as to achieve necessary stability with an adequate margin of safety; and,
 - (d) The quality of impounded water will be suitable on a permanent basis for its intended use, and that discharges from the impoundment will not degrade the water quality in the receiving stream. Evidence of a point source permit must be presented to the Board of County Commissioners; and,
 - (e) The level of water will be reasonably stable for its intended use; and,
 - (f) Final grading of access and below water slopes will provide adequate safety for proposed water users throughout the duration of the life of the impoundment and/or the life of its planned use; and,
 - (g) Such water impoundments will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding land owners for agricultural, industrial, recreational, or domestic use; and
 - (h) Rights for adequate water to fulfill his requirements are owned, leased, or under option by the operator or the land owner.
- (xi) Whenever the chosen land use allows for any degree of protection and/or augmentation of wildlife habitat, the operator shall consult with the Division of Wildlife regarding the reclamation plan. The proposed reclamation plan shall provide for protection of existing wildlife habitat and/or the improvement of additional suitable wildlife habitat that

fulfills the subsequent beneficial use of the land;

- (xii) Wildlife habitat management and creation shall be directed toward encouraging the maximum practicable diversity of both game and non-game species, and the encouragement of a maximally integrated ecosystem capable of withstanding all reasonable expectable climatic extremes for the reclaimed land;
- d) The Board of County Commissioners of Jackson County may impose such conditions and require such financial guarantees as may be necessary, in its discretion, to effect these regulations.
- 5) The Board of County Commissioners of Jackson County shall deny the permit if the development does not meet any one of the criteria set out in subsections 2.3 and 2.4 of these regulations.

SECTION 3. DEVELOPMENT IN GEOLOGIC HAZARD AREAS, ALLOWED BY SPECIAL USE PERMIT ONLY.

1) Purpose and Intent - The purpose and intent of the regulations contained in this section shall be to:

- a) Minimize significant hazards to public health and safety or to property in a designated geologic hazard area;
- b) Promote safe use of geologic hazard areas;
- c) Reduce the impact of geologic hazards on life and property by:
 - (i) Prohibiting certain land uses which are dangerous to life or property in geologic hazard areas;
 - (ii) Restricting the land uses which would be hazardous to the public health and safety or property in geologic hazard areas;
 - (iii) Restricting the land uses which are particularly vulnerable to geologic hazards so as to alleviate hardship and reduce the demands for public expenditures for relief and protection.
 - (iv) Requiring land uses permitted in geologic hazard areas, including public facilities which serve such uses, to be protected from geologic hazards by providing for geologic hazard investigation and the avoidance of or

mitigation of such hazard impacts at the time of initial construction.

- d) Protect geologic hazard area occupants or users from the impacts of geologic hazards which may be caused by their own, or other, land use and which is or may be undertaken without full realization of the danger by:
 - (i) Regulating the area in which, or the manner in which, structures designed for human occupancy may be constructed so as to prevent danger to human life or property within such structures;
 - (ii) Designating, delineating and describing areas that could be adversely affected by geologic hazards so as to protect individuals from purchasing or improperly utilizing lands for purposes which are not suitable.
- e) Protect the public from the burden of excessive financial expenditures from the impacts of geologic hazards and relief by:
 - (i) Regulating land uses within geologic hazard areas so as to produce a pattern of development or soundly engineered manner of construction which will minimize the intensity and/or probability of damage to property and loss of life or injury to the inhabitants or the users of geologic hazard areas.
 - (ii) Regulating the cutting, filling, or drainage changes and other man-made changes which could initiate or intensify adverse conditions within geologic hazard areas.
 - (iii) Encouraging such uses as agriculture, grazing, greenbelt, open space and recreation within geologic hazard areas.

2) Land Use in Designated or Regulated Geologic Hazard Areas -

- a) The following land uses shall be considered compatible and allowable uses in a designated or regulated geologic hazard area; provided said uses of the land are permitted in the zoning district in which the geologic hazard area is located.
 - (i) Agricultural uses such as general farming, grazing, truck farming, forestry, sod farming and wild crop harvesting;
 - (ii) Industrial-commercial uses such as loading areas, parking areas not requiring extensive grading or impervious paving, and storage yards for

equipment or machinery easily moved are not subject to geologic hazard damage.

(iii) Public and private recreational uses not requiring permanent structures designed for human habitation such as parks, natural swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges and hunting, fishing, skiing and hiking areas, if such uses do not cause concentrations of people in areas during periods of high hazard probability.

b) The following uses of the land shall be prohibited uses in a designated or regulated geologic hazard area, unless such mitigating techniques as specified in subsection 3.2 c below are utilized:

(i) Land uses which are dangerous to life or property in designated areas of geologic hazard are prohibited.

(ii) Permanent structures designed for human habitation or causing concentrations of people in designated geologic hazard areas during period of high hazard probability are prohibited.

(iii) Building structures or any type development involving winter use in a designated avalanche area shall be prohibited.

(iv) Any type development where slope failure would result in more than minimal damage shall be prohibited.

(v) Any type development in a designated rockfall-prone area shall be prohibited.

(vi) Any type development in a designated mudflow area shall be prohibited.

(vii) Any type development in a designated unstable or potentially unstable slope area shall be prohibited.

(viii) Any type development in designated seismic areas astride known active faults shall be prohibited.

(ix) Any type development in a designated radioactive area shall be prohibited.

(x) Any type development in designated areas of extremely hazardous, localized

ground subsidence shall be prohibited.

c) Land uses which are generally prohibited in a designated geologic hazard area may be permitted if the following mitigation techniques specified in this section are carried out for uses within each type of geologic hazard area indicated:

(i) Avalanche areas

(a) Artificial release of avalanche by explosive control or artillery shall not be considered an acceptable mitigation technique for areas of potential human occupancy.

(b) Structures designed to support the snow in the starting zone may be acceptable mitigation technique if detailed technical data shows this to be viable.

(c) Structural control in the run-out zone may be an acceptable mitigation technique if supported by proper technical evidence. Structural control includes, among others, avalanche deflecting and arresting structures and direct protection structures for individual buildings.

(ii) Landslide areas

(a) Correction of adverse conditions through engineered design and professional engineer or geologist, of the physical extent, seriousness, and causes of geologic problems. Those methods may involve, among others: refraining from removing natural support material in the area immediately beneath or adjacent to the slide area; addition of artificial support to the area in the form of rock or earth-fill buttressing, retaining walls or cribbing, concrete slurry, rock bolting and reinforced pilings; permanently improve and control surface and subsurface drainage; stabilize the slide area by chemical treatment, bridging weak zones, removal of unstable material, and avoidance of loading on unstable areas.

(iii) Rockfall areas

(a) Decrease of rockfall hazard to an acceptable level may be a mitigation technique if supported by qualified technical evidence. Methods may involve, among others:

- (1) Stabilization of rocks by bolting, gunite application (cementing), outright removal of unstable rocks (scaling), cribbing, or installation of retaining walls;
 - (2) Slowing or diverting the moving rocks by rock fences, screening, channeling and dams, or by concrete barriers or covered galleries; or
 - (3) Physical barriers against rock impact around vulnerable structures.
- (iv) Mudflow areas
- (a) Correction of adverse conditions through engineered design and construction may be an acceptable mitigation technique if supported by proper technical evidence. This may include channelization, diversion dikes, special foundations, and other means.
- (v) Unstable or potentially unstable slopes
- (a) Engineered design and construction can be used in areas where instability is moderate and is amendable to remedial engineering. Applicable techniques are contained in subsection 3.2ciiia of this section.
- (vi) Expansive and corrosive soil areas
- (a) Engineered design and construction based on data obtained from an exploratory program involving geotechnical operations performed on site and in the laboratory can be used to mitigate expansive or shrink-swell hazardous soil conditions.
 - (b) Proper site drainage and site landscaping may also be an acceptable mitigation technique for expansive soil conditions when performed and utilized in conjunction with engineered design and construction.
 - (c) Protective coatings on building materials, or the use of materials developed to be highly resistant to corrosion may be

used to mitigate hazardous corrosive soil conditions.

(vii) Seismic areas

- (a) Special engineered designs and construction may be an acceptable mitigation technique in areas astride known active faults where avoidance is impossible or impractical. Such designs and construction shall be supported by proper technical evidence.
- (b) Engineered design and earthquake resistant construction according to the Uniform Building Code in effect under these regulations.

(viii) Radioactive areas

- (a) Potential hazards may be removed by relocating mine wastes, mill tailings piles, and other radioactive sources.

(ix) Ground substance

- (a) Under certain conditions careful engineering and geologic studies and corrective engineered construction may allow certain types of development to be carried out.

These mitigation techniques are meant to be minimum standards and may be superseded by more stringent requirements if warranted by local conditions.

3) Applicant's Submission Requirements -

- a) All applicants seeking to engage in development subject to these regulations in a geologic hazard area shall submit to the Board of County Commissioners of Jackson County, as a minimum, four copies of the following information, maps, reports, or data:
 - (i) Name and address of the applicant;
 - (ii) When applicable, the name, address and phone number of corporation's registered agent;
 - (iii) The legal description and location in laymen's terms of the proposed development site.

- (iv) An index map showing the general location of the permit area and its relationship to surrounding topographic and cultural features. A standard USGS quadrangle map would usually be adequate for an index map.
 - (v) Ownership of the surface of the area of land to be affected.
 - (vi) A topographic map or maps showing location, nature and density of the proposed development or land use change.
 - (vii) A map or maps portraying the geologic conditions of the area with particular attention given to the appropriate designated geologic hazard. If appropriate or needed, subsurface geologic cross sections shall also be utilized to portray such conditions at depth. Specific requirements of such map or maps listed below in the appropriate subsection 3.3 b. If possible, the geologic maps shall be at the same scale and in the same format as the development plan maps..
 - (viii) A geologic report explaining the above maps and cross sections with particular emphasis on evaluating and predicting the impact of such geologic or hazardous conditions on the proposed land use changes and developments. It shall also include recommended mitigating procedures to be employed in meeting the purposes of this Regulation. Specific requirements of such report are listed below in the appropriate subsection of 3.3 b.
 - (ix) The applicant, in narrative, pictorial or graphic form shall explain the nature, density and intensity of the proposed development or land use change, and shall explain mitigation procedures which will be needed and are planned to carry out the objectives of this Resolution.
 - (x) The geological reports required by 30-28-133, CRS 1973, need not be duplicated to meet the requirements of this Regulation.
 - (xi) A map or written statement explaining the existing zoning of the property.
- b) Additional requirements for the various types of geologic hazards are as

follows:

- (i) Applications for development in an avalanche hazard area shall also include, but not be limited to, the following information or data:
 - (a) Location of buildings
 - (b) Building type, arrangement, and proportion
 - (c) Building stability and strength
 - (d) Areal extent of the run-out zone
 - (e) Impact pressure distribution within the run-out zone
 - (f) Type of avalanche reaching various parts of the run-out zone
 - (g) Avalanche frequency
 - (h) Avalanche discharge
 - (i) Avalanche flow depth
 - (j) Summary of the information noted above on a map with a scale of one inch equals fifty feet or larger, with accurate topographic details.
 - (k) Report which presents the necessary explanatory text, data tabulation, and other essentials for further work or governmental review.
 - (l) Mitigation techniques that will be employed, and documentation of previous effectiveness.
 - (m) Past occurrences of avalanche
- (ii) Application for development in a landslide hazard area shall also include, but not be limited to, the following information or data:
 - (a) Type of landslide
 - (b) Rate of movement
 - (c) Volume of material involved in the landslide
 - (d) Mechanism(s) responsible for initiation and movement
 - (e) Slope gradient
 - (f) Location of buildings
 - (g) Building type, arrangement, and proportion

- (h) Grading plan
 - (i) Surface and subsurface drainage
 - (j) Recommended design and construction procedures
 - (k) Summary of the information noted above on a map with a scale of one inch equals fifty feet or larger, with accurate topographic details.
 - (l) Report which presents the necessary explanatory text, data tabulation, and other essentials for further work or governmental review.
 - (m) Mitigation techniques that will be employed, and documentation of previous effectiveness.
 - (n) Past occurrences of landslides.
- (iii) Applications for development in a rockfall hazard area shall also include, but not be limited to, the following information or data:
- (a) Detailed description of the type of rockfall involved.
 - (b) Slope gradient on and adjacent to the site.
 - (c) Aspect
 - (d) Climatologic data regarding freeze-thaw cycles.
 - (e) Jointing data with special consideration given to water percolation.
 - (f) Specific rock types involved.
 - (g) Talus or colluvial slopes adjacent to the rockfall hazard area.
 - (h) Cause of rockfall in the designated area including, but not limited to, removal of support, ground shaking, ice wedging, and jointing.
 - (i) Summary of the information noted above on a map with a scale of one inch equals fifty feet or larger, with accurate topographic details.
 - (j) Report which presents the necessary explanatory text, data tabulation, and other essentials for further work or governmental

review.

- (k) Mitigation techniques that will be employed, and documentation of previous effectiveness.
 - (l) Past occurrences of rockfall.
- (iv) Applications for development in a mudflow hazard area shall also include, but not be limited to, the following information or data:
- (a) Drainage basin study including all stream channels upstream from the site.
 - (b) Sediment yield study with data regarding superficial materials, vegetative cover, topography, and erosion potential of areas upstream from the site.
 - (c) Climatologic data including precipitation data for short duration, intense rainstorms, and snow melt runoff characteristics.
 - (d) Geologic map with topography overlaid showing mudflow deposits.
 - (e) Volume and mass of potential mudflows on the site.
 - (f) Summary of the information noted above on a map with a scale of one inch equals fifty feet or larger, with accurate topographic details.
 - (g) Report which presents the necessary explanatory text, data tabulation, and other essentials for further work or governmental review.
 - (h) Mitigation techniques that will be employed including specific geologic evaluations and engineering designs associated with the site and its development.
 - (i) Documentation of previous effectiveness of the technique.
 - (j) Past occurrences of mudflow.
- (v) Applications for development in an unstable or potentially stable slope area shall also include, but not be limited to, the following information or data:

- (a) Description of soil conditions on the site.
 - (b) Building locations.
 - (c) Building weights both dead load and live load.
 - (d) Services of the buildings, or the purposes for which they are being built.
 - (e) Physical soils data information obtained from exploratory programs involving geotechnical operations performed on site and in the laboratory.
 - (f) Recommended design and construction procedures.
 - (g) Summary of information noted above on a map with a scale of one inch equals fifty feet or larger, with accurate topographic details.
 - (h) Report which presents the necessary explanatory text, data tabulation, and other essentials for further work or governmental review.
 - (i) Mitigation techniques that will be employed, and documentation of previous effectiveness.
- (vii) Applications for development in a potential or actual ground subsidence area shall also include, but not be limited to, the following information or data:
- (a) Amount of material removed or materials subject to volume decrease.
 - (b) Interval between the ground surface and the location of void space or materials subject to volume decrease.
 - (c) In poorly consolidated aquifers, the effect of pore fluid withdrawal.
 - (d) In wind deposited silt (loess) areas, and areas of predominately fine-grained colluvial soils, the amount of wetting the area is subjected to and its effect.
 - (e) In areas of soluble materials, the effect of wetting.

- (f) In areas of underground mining, data requiring air shafts, haulage ways, faults, rooms and pillars, and final mine maps.
 - (g) Building locations.
 - (h) Building type, arrangement, and proportion.
 - (i) Pertinent historic, geologic, and hydrologic factors of the area.
 - (j) Logs of wells which were spaced according to the geologic conditions of the site and character of the surface land use.
 - (k) Summary of the information noted above on a map with a scale of one inch equals fifty feet or larger, with accurate topographic details.
 - (l) Report which presents the necessary explanatory text, data tabulation, and other essentials for further work or governmental review.
 - (m) Mitigation techniques that will be employed, and documentation of previous effectiveness.
 - (n) Past occurrences of ground subsidence.
- (viii) Applications for development in geologic hazard areas not noted above, but which may be designated or regulated shall include such information or data as may be required by this jurisdiction.
- c) Map Requirements - Unless otherwise specified above, the following map standards will be adhered to:
- (i) Maps will be in compliance with national map accuracy standards as promulgated by the U.S. Bureau of the Budget.
 - (ii) Topographic maps will have a contour interval of 20 feet or smaller.
 - (iii) Map scale shall be on a scale sufficiently detailed to meet the objectives of this regulation but, in no case, less detailed than
1 inch = 500 feet.
 - (iv) All maps shall show a true north arrow and shall show section corners and the appropriate land grid
 - (v) One of the four copies of each map shall be in reproducible form (mylar,

sepia, clear film positive).

d) Qualifications of Investigators

- (i) All geologic maps, and reports prepared under this Regulation shall be prepared by or under the responsible direction of and signed by a professional geologist (as defined by Chapter 51, Article 3, CRS 1963 as amended) who also has a minimum of two years experience in the specialty of "engineering geology".
- (ii) All engineering work prepared under the requirements of this Regulation shall be prepared by or under the responsible charge of a registered professional engineer as defined in Chapter 51, Article 1, CRS 1963 as emended. Such engineer shall also be experienced and competent in the engineering specialty required to meet the objectives of this Regulation.

4) Approval of Permit Application - The Board of County Commissioners of Jackson County may approve an application for a permit to engage in development of geologic hazard areas only if all of the following criteria are met:

- a) All of the provisions of the permit application procedure have been complied with.
- b) Provision is made for the long-term health, welfare, and safety of the public from geologic hazards to life, property, and associated investments.
- c) The proposed development will not create an undue financial burden on existing or future residents of the area or community.
- d) Structures designed for human occupancy and sites designed for human use shall be constructed so as to prevent danger to human life or property.
- e) Permitted land uses, including public facilities which serve such uses shall avoid or mitigate geologic hazards at the time of initial construction using the techniques set forth in subsection 3.2 c of this regulation.

- f) Man-made changes shall not initiate or intensify adverse natural conditions within a geologic hazard area.
 - g) Consideration has been given to recommendations by the Colorado Geological Survey concerning the proposed development in the designated geologic hazard area if said recommendations are received by the time of permit decision.
 - h) Provision is made for disclosure, prior to sales, of all geologic hazards and mitigation procedures undertaken and for attaching a delineation and description of the geologic hazard and mitigation measures to all deeds, titles, and recorded documents involving a transfer of ownership of the subject land.
 - i) Open space uses such as agriculture, grazing, greenbelt, and recreation are incorporated into the development plan to the greatest practicable extent. Such maximization of open space uses shall be in addition to other required mitigation procedures.
 - j) The Board of County Commissioners of Jackson County may impose such conditions and require financial guarantees as may be deemed necessary, in its discretion, to effect these regulations.
- 5) Permit Denial - The permit shall be denied if the development does not meet any one of the criteria in subsection 3.4 of these regulations.

SECTION 4. DEVELOPMENT IN WILDLIFE HAZARD AREAS, ALLOWED BY SPECIAL USE PERMIT ONLY

- 1) Purpose and Intent - The purpose and intent of the regulations contained in this section shall be to:
- a) Facilitate the administration of wildlife hazard areas by establishing requirements which must be met before development in such areas is permitted.
 - b) Establish requirements which are designed to minimize significant hazards to public health and safety or to property in wildfire hazard areas in which human activity is to take place.
 - c) Require that authorized developments have adequate roads for service by fire

trucks, fire fighting personnel, and other safety equipment and that fuel breaks and other means of reducing conditions conducive to fire be provided.

- d) Promote proper land use within wildfire hazard areas.
- e) Protect the public against the costs which may be incurred when unsuitable development occurs in wildfire hazard areas.
- f) Preserve and maintain forestry and other natural resources.
- g) Conserve natural conditions of air, water, land, vegetation, wildlife and open spaces for the education, recreation, and general welfare of the public.

2) Provisions Common to All Types of Wildfire Hazard Areas

- a) The provisions of this subsection 4.2 apply to all wildfire hazard areas shown on the map or maps described in subsection 1.5c above.
- b) All new development, new construction, substantial improvement, use fill, encroachment, alteration, fuel modification or treatment on or over any portion of a wildfire hazard area shall be designed to:
 - (i) prohibit building any structures on slopes of 30% or greater;
 - (ii) prohibit building any structure within a fire chimney;
 - (iii) not constitute a source of probable ignition of fires;
 - (iv) not increase the potential intensity or duration of a wildfire or adversely affect wildfire behavior or fuel conditions so as to cause foreseeable damage to others wherever located;
 - (v) not cause soil erosion or adverse impacts on wildlife and existing vegetation beyond a specified level necessary to accomplish modifications required by these regulations or recommended by the Colorado State Forest Service; and not violate existing federal and state water quality and air quality standards;
 - (vi) provide reasonable fire protection and suppression facilities;
 - (vii) provide for keeping developed areas continuously free of slash; and,
 - (viii) consider the following factors: slope, aspect, dominant wind patterns, fuel conditions and any combination of these factors and demonstrate what precautions or steps have been or will be taken to avoid, eliminate, or reduce the wildfire hazard, or otherwise provide for maximum fire prevention and

safety.

- c) All uses, new development, new construction and substantial improvements which are intended for or allow for human occupation, habitation or congregation, shall be in accordance with the standards contained in the Wildfire Safety Guidelines and Standards for Subdivision and Developments, September 1974, Colorado State Forest and the Uniform Building Code 1973 Edition, and any subsequent amendments thereto.

3) Low Hazard Areas -

- a) The provisions of this subsection 4.3 apply to each low hazard area shown on the map or maps described in subsection 1.5c above.
- b) No person shall engage in any development or activity in any low hazard area without a permit.
- c) All schools, hospitals, nursing homes, churches and other similar uses intended or principally designed for the occupation, habitation or congregation of children, handicapped persons, elderly persons, or invalids, shall:
 - (i) be separated from natural fuels by a strip, 12 to 14 feet wide around the development; and,
 - (ii) provide for adequate fire prevention measures, including fuel modification and/or fuel treatment; fire suppression systems, including fuel breaks, firesafe structures and property; fire protection plans, including service roads for fire fighting and safety equipment and any other measures or plans recommended by the Colorado State Forest Service.

4) Medium Hazard Areas -

- a) The provisions of this subsection 4.4 apply to each medium hazard area shown on the map or maps described in subsection 1.5c above.
- b) No person shall engage in any development or activity in any medium hazard area without a permit.
- c) All uses in a medium hazard area intended or designed principally for, or that allow for the occupation, habitation, or congregation of people shall:
 - (i) be permitted only in Medium Hazard Areas which have been modified to

reduce the wildfire hazard rating of the proposed development site to one of low hazard.

- (ii) if deemed necessary by the Board of County Commissioners of Jackson County, have any modifications prescribed and any subsequent work supervised by a graduate forester with at least two years fire experience in the Rocky Mountain area.
- (iii) have a recommendation for approval of necessary modifications from the Colorado Forest Service.

5) High Tree Hazard Area -

- a) The provisions of this subsection 4.5 apply to each severe tree hazard area shown on the map or maps described in subsection 1.5c above.
- b) No person shall engage in any development or activity in any severe brush hazard area without a permit.
- c) All uses intended or designed principally for, or that allow for the occupation, habitation or congregation of people shall be prohibited from a severe brush hazard area.
- d) All roadways intended or designed principally for, or that allow for public vehicular, pedestrian or equestrian traffic shall:
 - (i) be permitted only in severe brush hazard areas which have been modified to prevent the stoppage or entrapment of the roadway users and ensure the safety of persons and property using the roadway from wildfire and reduce the wildfire danger to surrounding areas by appropriate fuel modifications along the side of the roadway to a distance recommended by the Colorado State Forest Service.
 - (ii) if deemed necessary by the Board of County Commissioners of Jackson County, have any modifications prescribed and any subsequent work supervised by a graduate forester with at least two years fire experience in the Rocky Mountain area.
 - (iii) have a recommendation for approval of necessary modifications from the Colorado State Forest Service.

- 7) Applicant's Submission Requirements - An application for a permit to develop in a wildfire hazard area shall be accompanied by four (4) copies of the following documents and information:
- a) A map or maps showing location, nature and density of the proposed development or land use change. Such maps shall be on a scale sufficiently detailed to meet the objectives of this Regulation, but in no case, shall be less detailed than 1 inch = 500 feet. The applicant shall also explain in narrative, pictorial, or graphic form, the nature, density and intensity of the proposed development of land use change proposed.
 - b) A map or maps portraying the existing wildfire conditions of the area with particular attention given to the Designated Hazard Conditions and the slope, aspect, topographic and vegetation (living and dead) conditions. Such maps shall be on a scale sufficiently detailed to meet the objectives of this Resolution, but in no case, less detailed than 1 inch = 500 feet. Such maps shall be signed by the professional forester preparing them.
 - c) A map or maps and associated narrative showing:
 - (i) the procedures proposed to reduce conditions of wildfire hazard;
 - (ii) the fire protection plan for the proposed use; and,
 - (iii) all fire suppression facilities which are necessary to meet the objectives of this regulation. The above maps may be produced in the form of overlays to be used in conjunction with the wildfire condition maps required in Section 4.7 a.
 - d) A wildfire hazard report explaining the wildfire conditions and mitigating procedures shown on the above maps. This report shall also provide an analysis of climatic conditions which may affect the intensity of the hazard or the season of hazard existence, including the dominant wind patterns during the fire season. Potential ignition sources on or adjacent to the area must be identified and analyzed.
 - e) Other permit information required by the Board of County Commissioners of Jackson County.

- f) A list of alternative uses for the wildfire hazard area under consideration.
 - g) All maps and reports prepared under this Regulation shall be prepared by or under the direction of and signed by a professional forester. Such maps and reports will be accompanied by documents which attest to graduation of the forester from an accredited College of Forestry and verify a minimum of two years of fire suppression experience in the Rocky Mountain Area.
- 8) Approval of Permit Application - The Board of County Commissioners of Jackson County may approve an application for a permit to engage in development in a wildfire hazard area only if the application complies with all of the following requirements and criteria:
- a) The applicant has submitted all information required by subsection 4.7 of these regulations;
 - b) The development will not violate any of the applicable prohibitions, restrictions, or design standards set out in these regulations;
 - c) The development will not otherwise violate the purposes and intent of these regulations;
 - d) Any development in which residential activity is to take place will be designed so as to minimize significant hazards to public health and safety or to property;
 - e) Any authorized developments will have adequate roads for service by fire trucks, fire fighting personnel and other safety equipment, such developments will also have firebreaks and other means of reducing conditions conducive to fire;
 - f) All precautions required to reduce or eliminate wildfire hazards will be provided for at the time of initial development;
 - g) The development will adhere to the Guidelines and Criteria for Wildfire Hazard Areas promulgated by the Colorado State Forest Service;
 - h) The applicant will adhere to the recommendations of the Colorado State Forest Service upon review of a proposed development in a wildfire hazard area; and,
 - i) The Board of County Commissioners of Jackson County may impose such conditions and require such financial guarantees as may be necessary, in its discretion, to effect these regulations.

- 9) Denial of a Permit Application - The Board of County Commissioners shall deny the permit if the development does not meet any one of the requirements and criteria set out in subsection 4.8 of these regulations.

SECTION 5. DEVELOPMENT IN FLOOD HAZARD AREA, ALLOWED BY SPECIAL USE PERMIT ONLY

- 1) Purpose and Intent
- a) The purpose of these regulations is to facilitate the administration of flood hazard and flood hazard influence areas by establishing requirements which must be set before development in such areas is permitted.
 - b) The requirements established by these regulations are designed to minimize significant hazards to public health and safety or to property in flood hazard areas, to encourage open space activities such as agriculture, recreation, and mineral extraction, and to ensure that any combination of these activities are conducted in a mutually compatible manner.
 - c) The purpose of these regulations shall be accomplished by prohibiting the building of structures in floodway zones of floodplains and by requiring that structures permitted in low hazard zones of floodplains are designed in terms of the availability of flood protection devices, proposed intensity of use, effects on the acceleration of floodwater, potential significant hazards to public health and safety or to property, and other impact of such development on downstream communities such as the creation of obstructions during floods.
 - d) All activities which, in time of flooding, would create significant hazards to public health and safety or to property shall be prohibited and shallow wells, solid waste disposal sites, and septic tanks and sewage disposal systems shall be protected from inundation by floodwater.
 - e) These regulations are intended to contribute to social and economic goals by:
 - (i) Diverting unwarranted and unwise development away from flood prone and flood related erosion prone areas, as those terms are defined in federal regulations;
 - (ii) Encouraging flood and flood related erosion control and damage abatement

efforts through public and private means;

- (iii) Deterring the unnecessary or improper installation of public utilities and public facilities in flood prone and flood related erosion prone areas; and,
- (iv) Requiring construction and land use practices that will reduce flooding resulting from surface runoff, improper drainage, or inadequate storm sewers, and reduce the potential for flood related erosion.

f) The goals of these regulations of flood hazard areas are to permit only that development of flood prone areas which:

- (i) Is appropriate in light of the probability of flood damage and the need to reduce flood losses;
- (ii) Is an acceptable social economic use of the land in relation to the hazards involved; and,
- (iii) Does not increase the danger to human life.

2) Flood Hazard Initial Control Areas -

- a) The provisions of this subsection 5.2 apply to each flood hazard initial control area shown on the map or maps described in subsection 1.5c above.
- b) The Board of County Commissioners of Jackson County finds and declares that:
 - (i) Within each such flood hazard initial control area one or more flood hazards exist, but that the flood hazard's specific extent has not yet been determined.
 - (ii) The flood hazard is of such significance that before any proposed development may be permitted in any portion of such area, public health, safety and welfare require that a determination must be made as to whether the site of the proposed development or activity is located in a floodway zone, a low hazard zone, or a flood influence zone.
- c) No person shall engage in any development in any such flood hazard initial control area without a special use permit issued by the Board of County Commissioners of Jackson County. Upon receipt of an application for a special use permit, the Board of County Commissioners shall cause a determination to be made as to whether the site for the proposed development is located in a floodway zone, a low hazard zone, or a flood influence zone. The Board of County Commissioners

shall promptly take such action as may be appropriate and practical. Any application for a special use permit to conduct a development in a flood hazard initial control area shall not be considered complete or be accepted unless and until it is accompanied by the results of any studies needed to determine whether the proposed development is located in a floodway zone, a low hazard zone, or a flood influence zone.

- d) At the discretion of the Board of County Commissioners of Jackson County, the necessary studies referred to in subsection 5.2c of these regulations may be financed by this jurisdiction, the applicant for a permit, or otherwise.
- e) Upon completion of the study of the area, the Jackson County Administrator shall inform the applicant in writing whether the site of his proposed development or activity lies within:
 - (i) a floodway zone, in which case further processing of the application shall be governed by subsection 5.3 below.
 - (ii) a low hazard zone, in which case further processing of the application shall be governed by subsection 5.4 below.
 - (iii) a flood influence zone, in which case further processing of the application shall be governed by subsection 5.5 below.
 - (iv) None of the above, in which case none of the provisions of this section 5 shall have any further applicability to such application.

3) Floodway Zones -

- a) The provisions of this subsection 5.3 apply to each floodway zone shown on the map or maps described in subsection 1.5c above.
- b) No person shall engage in any development or activity in any floodway zone without a permit.
- c) No development, new construction, substantial improvement, use, fill, encroachments, construction, or alteration on or over any portion of a floodway shall be permitted which alone, or cumulatively with other such activities, is designed so that it would cause or result in any of the following:
 - (i) The storage or processing of materials that in times of flooding are

buoyant, flammable, explosive, or otherwise potentially injurious to human, animal, or plant life.

- (ii) The disposal of garbage or other solid waste materials.
- (iii) The human occupation of structures, either fixed or mobile, for residential purposes, either permanent or temporary.
- (iv) Substantial solid debris being carried downstream by floodwater.
- (v) Any obstruction which would adversely affect the efficiency of or restrict the flow capacity of a designated floodplain so as to cause foreseeable damage to others, wherever located.
- (vi) Any increase in flood heights during the recurrence of the intermediate regional flood discharge.
- (vii) The location of any portion of a new mobile home park, or any expansion to an existing mobile home park, and the location of any new mobile structure not in a mobile home park.

4) Low Hazard Zones -

- a) The provisions of this subsection 5.4 apply to each low hazard zone shown on the map or maps described in subsection 1.5c above.
- b) No person shall engage in any development in any low hazard zone without a permit.
- c) Except as may be provided elsewhere in these regulations, development in the low hazard district shall be designed so that:
 - (i) The development prescribed in subsections 5.3ci and 5.3cii shall not be allowed in the low hazard zone.
 - (ii) Such development shall not cause an enlargement of the floodplain so as to cause damages to or on lands other than those owned by the developer.
 - (iii) Any residential or nonresidential building or structure, whether fixed or mobile, designed for human occupancy or the storage of property, and occupying a space greater than one hundred square feet, shall be

- constructed, located, or improved so that any external wall shall be not less than fifteen (15) feet from the stream side of the low hazard zone.
- (iv) The lowest floor of any such building or structure shall be not less than one foot above the maximum water elevation of the computed intermediate regional flood, unless such building or structure has been adequately floodproofed to or over one foot above said maximum water elevation.
 - (v) In the event that the floodwaters in a low hazard zone can be expected to attain a velocity greater than three (3) feet per second at any point where the proposed development is to occur, additional floodproofing shall be required sufficient to withstand such water velocity.
- d) A permit to engage in development or conduct an activity in low hazard zones may be issued by the Board of County Commissioners of Jackson County only if the following design and performance standards are met:
- (i) With respect to new construction or substantial improvements, be designed so that the proposed construction (including prefabricated homes) is anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (ii) Be consistent with the need to minimize flood damage.
 - (iii) Be designed so that all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - (iv) Be designed so that adequate drainage is provided so as to reduce exposure to flood hazards.
 - (v) Be designed so that new or replacement water supply systems and sanitary sewage systems minimize or eliminate infiltration of floodwater and provide for on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during or subsequent to flooding.
 - (vi) Be designed so that all utility and sanitary facilities attendant to new

construction and substantial improvements of residential and non residential structures shall be floodproofed to or above the level of the intermediate regional flood in accordance with the standards for completely floodproofed structures contained within sections 210.2.1 FP1 or 210.2.2 FP2 of the U.S. Army Corps of Engineers publication entitled "Flood Proofing Regulations", June, 1972, GPO: 19730-505-026 Edition or any subsequent edition thereto.

(vii) Be designed so that all new mobile home parks or expansions to existing mobile home parks, new mobile structures not in a mobile home park, and existing mobile home parks where the repair, reconstruction or improvement of streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvement has commenced, contain:

- (a) Ground anchors for tie downs sufficient to secure the mobile structures in the event of an intermediate regional flood as required in accordance with the Mobile Home Manufacturers Association standards or standards determined by the administrator of HUD;
- (b) Stands or lots elevated on compacted fill or on piers, so that the lowest floor of the home will be at or above the 100 year flood level;
- (c) Adequate surface drainage and easy access for a hauler; and,
- (d) In the instance of elevation on piers, lots large enough to permit steps, pier foundations placed on stable soil no more than ten (10) feet apart and steel reinforcement for piers more than six (6) feet high.

(viii) Be designed so that mobile structures moving into existing mobile home parks, where concrete pads for the placement of mobile homes are in existence and where streets and utility connections are in existence, contain:

- (a) Ground anchors for tie downs sufficient to secure the mobile structures in the event of an intermediate regional flood as required in accordance with the Mobile Home Manufacturers Association standards or standards determined by the administrator of HUD; and,
- (b) An evacuation plan indicating alternate vehicular access and escape routes filed with disaster preparedness authorities.

5) Flood Influence Zones -

- a) The provisions of this subsection 5.5 apply to each flood influence zone shown on the map or maps described in subsection 1.5c above.
- b) Development within the flood influence zone shall not be permitted if there is significant increase resulting from the development in flood elevation or floodplain area in this or any other jurisdiction provided that the development may be permitted if it is designated so as to include adequate drainage facilities to store and convey any increased flow of surface waters sufficient to eliminate said prescribed effect.

6) Applicant's Submission Requirements - Unless waived in writing by the Board of County Commissioners of Jackson County, the following minimum information, maps, reports, and data shall be submitted by all applicants seeking a special use permit to engage in development in any flood hazard area(s).

- a) Four (4) copies of a plan certified by a professional engineer registered in the State of Colorado, locating the proposed development with respect to the following:
 - (i) The boundaries of the designated or regulated flood hazard area(s) as well as the boundaries of the floodplain within the flood hazard area and the boundaries of the floodway zone, low hazard zone, and flood influence zone.
 - (ii) The existing zoning of the property.
 - (iii) The nature of the proposed activity or development.
 - (iv) Building floor elevations.

- (v) Proposed flood proofing measures.
 - (vi) Specifications for building construction and materials, filling, dredging, channel changes, storage of materials, water supply systems, and sanitary facilities.
 - (vii) Descriptions of any construction activity which would affect the hydraulic capacity of the floodway.
- b) Four (4) copies of the following maps or drawings:
- (i) A map showing the stream and channel, the designated flood hazard area, the floodplain, the floodway and the low hazard districts as well as the flood influence district, as appropriate, surrounding the channel, the area to be occupied by the proposed development, and all available flood elevation studies, water surface elevations, and base flood elevations.
 - (ii) A map with surface view showing elevations or contours of the ground, pertinent structures, fill or storage elevations, size, location and spacial arrangement of all proposed and existing structures on the site; location and elevation of streets, water supply systems, sanitary facilities, and soil types.
 - (iii) Drawings showing the profile of the bottom of the channel at the thalweg and the water surface profiles described in (i) above. The elevations of fill and structures must be shown.
- c) The applicant shall submit the elevation (in relation to mean sea level) of the lowest floor (including basement) of the structure and, where the lowest floor is below grade on one or more sides, the elevation of the floor immediately above.
- d) The applicant shall submit evidence satisfactory to the Board of County Commissioners of Jackson County that the applicant has made adequate coordination with upstream, downstream, or adjacent communities adversely affected by any development, fill, encroachment, or alteration or relocation of a watercourse.

- e) Where flood proofing is utilized for a particular structure in accordance with these regulations, a registered professional engineer or architect shall detail methods of floodproofing and certify that the floodproofing methods are reasonably adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100 year flood.
- f) The applicant shall submit such other material as may be required by the Board of County Commissioners of Jackson County in order to determine if appropriate design and performance standards have been met.

7) Map Requirements -

- a) All maps required shall be of a scale sufficiently detailed to allow the Board of County Commissioners to determine whether the proposed development and the topographic features of the land meet the requirements of these regulations. In no event shall the scale of maps be less than one inch equals 500 feet.
- b) All maps required shall show existing topographic contours of no greater than two (2) foot intervals.
- c) All maps prepared by private contractors or consultants shall meet the following standards of accuracy: ninety percent (90%) of the contour lines must be within one-half contour interval.
- d) All maps submitted by an applicant seeking a permit to develop a specific site shall show existing (dashed lines) and finished (solid lines) elevation contours of the site at an interval of no greater than one (1) foot within a designated flood hazard area.

8) Additional Permit Provisions -- Mobile Homes -

- a) In the event that any special use permit under these regulations will allow a mobile structure to be located in a floodplain, the terms of the permit shall require that the fact that the mobile structure is being located in a floodplain must be disclosed to the mobile structure and/or lot purchaser or lessee in the purchase contract, deed, or lease.

9) Approval of Permit Application -

- a) The Board of County Commissioners may approve an application for a permit to engage in development in a flood hazard area only if the application complies with the following requirements:
 - (i) The applicant has submitted all information required by subsection 5.6 of these regulations.
 - (ii) The development will not violate any of the applicable prohibitions, restrictions, or design standards set out in these regulations; and,
 - (iii) The development will not otherwise violate the purposes and intent of these regulations.
- b) The Board of County Commissioners also shall consider at least the following factors:
 - (i) Human safety;
 - (ii) Importance of diverting future development to areas not exposed to flooding;
 - (iii) Possible reservation of flood prone areas for open space purposes;
 - (iv) Possible adverse effects of floodplain development on other flood prone areas;
 - (v) Need to encourage floodproofing to reduce the flood hazard;
 - (vi) Need for flood warning and emergency preparedness plans;
 - (vii) Need to provide alternative vehicular access and escape routes to be utilized when normal routes are blocked or destroyed by flooding;
 - (viii) Need to establish minimum flood proofing and access requirements for schools, hospitals, nursing homes, penal institutions, fire stations, police stations, and other public or quasi-public institutions already located in the flood prone area to enable them to withstand flood damage, and to facilitate emergency operations;
 - (ix) Need to improve local drainage and to control any increased runoff that might increase the danger of flooding elsewhere in the area;
 - (x) Need to coordinate local plans with neighboring floodplain area management and conservation programs;

- (xi) Possibilities of acquiring land or land development rights for public purposes consistent with effective floodplain management;
 - (xii) State and local water pollution control requirements;
 - (xiii) The need for requiring subdividers to furnish delineations of limits of floodways before approving a subdivision;
 - (xiv) Need to prohibit any drainage, alteration, or relocation of a watercourse, except as part of an overall drainage basin plan; and
 - (xv) Need to assure consistency between state, area-wide, and local comprehensive plans (particularly the land use element thereof) and floodplain area management and conservation programs.
- c) The Board of County Commissioners of Jackson County may impose such conditions and require such financial guarantees as may be necessary, in its discretion, to effect these regulations.
- 10) The Board of County Commissioners of Jackson County shall deny the permit if the development does not meet any one of the criteria set out in subsection 5.9 of these regulations.

TABLE OF ZONING DISTRICTS

RANCHING (R) DISTRICT

Uses by Right -

Ranching, farming and general agriculture
Single family dwelling units or independent mobile home
related to an individual ranch or farmstead
Home Occupations
Ponds and reservoirs
Accessory uses and structures related to ranching,
farming and general agriculture
Sand and Gravel extractive operation affecting less than 10 acres and
extracting less than 70,000 tons of mineral, overburden, or
combination thereof during any calendar year
Ranch Recreation Uses
Ranch Recreation Facilities
Limited Impact Recreation Uses
Limited Impact Recreation Facilities
Bed and Breakfast Activities

Conditional Uses - By Permit Only

Public utilities
Camping areas
Churches and related uses
Schools
Dairies
Animal Hospital and kennel
Riding stables and academies
Dude ranch

Special Uses - By Permit Only

Single family dwelling units or independent mobile home NOT
related to an individual ranch or farmstead (also referred to as
"Seasonal Homes")
Mobile Home Park
Golf courses, swimming pools, tennis courts, parks, recreation lands
and wildlife preserves (public or private)
Commercial mining, including sand and gravel extractive operation

RANCHING (R) DISTRICT - Cont'd

affecting 10 acres or more and extracting 70,000 tons or more of mineral, overburden, or combination thereof during any calendar year, and all other mineral extractive operations, including the exploration for, milling, refining, or mixing for shipment of said materials

Commercial feed lots

Commercial forestry and lumbering

Resort and recreation facilities

Commercial Meat Processing Facilities

Limited Impact Commercial Uses and Facilities

Commercial Storage Units

Planned Unit Development (PUD)

Sanitary land-fill

Electrical transmission lines of 69KV or more

Development in Mineral Resource Areas, Geologic Hazard Areas, Wildlife Hazard Areas, and Flood Hazard Areas

Minimum Lot Area Dwellings - Three (3) acres

Resort and recreation facilities - 2,000 square feet per unit;
minimum of 2 1/2 acres

Minimum Floor Area Dwellings - 500 square feet per unit

No minimum on resort and recreation facilities

Maximum Building Height 3 stories

Minimum Lot Frontage Dwellings - 100 feet

Resort and recreation facilities - 150 feet

Minimum Front Setback Dwellings and all accessory buildings - 30 feet

Resort and recreation facilities - 50 feet

Minimum Side Setback Dwellings and all accessory buildings - 20 feet

Minimum Rear Setback Dwellings and all accessory buildings - 25 feet

Minimum Off-Street Parking All dwellings - 1 space per dwelling unit

Resort and recreation facilities - 1 space per unit

Other Regulations See Article IV - Special Exceptions and Conditions

TABLE OF ZONING DISTRICTS

URBAN RESIDENTIAL (UR) DISTRICT

<u>Uses by Right</u>	One family and two family dwellings Accessory structures Home occupations Public parks and playgrounds
<u>Conditional Uses - By Permit Only</u>	Schools Churches and related uses Public Utilities Athletic facilities Golf courses and Public Recreation Buildings Public buildings for services and protection
<u>Special Uses - By Permit Only</u>	Independent Mobile Homes Mobile Home Parks Nursing Homes Child Day Care Center Electrical Transmission Lines of 69KV or more Development in Mineral Resource Areas, Geologic Hazard Areas, Wildlife Hazard Areas, and Flood Hazard Areas
<u>Minimum Lot Area</u>	Single family - 6,000 square feet Two Family - 9,000 square feet
<u>Minimum Floor Area</u>	Single family - 875 feet Two family - 1,400 square feet
<u>Maximum Building Height</u>	Principal building - 2 1/2 stories Accessory building - 1 1/2 stories
<u>Minimum Lot Frontage</u>	Single family - 50 feet Two family - 75 feet
<u>Minimum Front Setback</u>	Principal building - 25 feet Accessory building - 60 feet (attached garage excepted)
<u>Minimum Side Setback</u>	Principal building - 6 feet Corner lots - 10 feet on side street Accessory building - 10 feet

URBAN RESIDENTIAL (UR) DISTRICT - Cont'd

Minimum Rear Setback Principal building - 30 feet

 Accessory Building - 25 feet

Minimum Off-Street Parking - 1 space per dwelling unit

 Churches, public buildings, clubs 1 space per each 8 fixed seats
 or 3 spaces per each 100 square feet of floor area

Other Regulations

All public buildings shall have the following minimum setbacks:

 Front - 20 feet

 Side - 10 feet

 Rear - 20 feet

 See Article IV - Special Exceptions and Conditions

TABLE OF ZONING DISTRICTS

RURAL RESIDENCE (RR) DISTRICT

<u>Uses by Right -</u>	Single family dwellings Accessory structures Home Occupations Park and Playgrounds Ranching, farming and general agriculture Accessory uses and structures related to ranching, farming and general agriculture
<u>Conditional Uses - By Permit Only</u>	Public Utilities Schools Churches Community centers, other public buildings
<u>Special Uses - By Permit Only</u>	Independent Mobile Homes Electrical Transmission lines of 69KV or more Development in Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas
<u>Minimum Lot Area</u>	Dwellings - Three (3) acres
<u>Minimum Floor Area</u>	Dwellings - 500 square feet per unit
<u>Maximum Building Height</u>	3 stories
<u>Minimum Lot Frontage</u>	100 feet
<u>Minimum Front Setback</u>	50 feet
<u>Minimum Side Setback</u>	20 feet
<u>Minimum Rear Setback</u>	25 feet
<u>Minimum Off-Street Parking</u>	1 space per dwelling; churches and public buildings 1 space per each 8 fixed seats or 3 spaces per each 100 square feet of floor area
<u>Other Regulations</u>	All public buildings shall have the following minimum setbacks: Front - 20 feet Side - 10 feet Rear - 20 feet See Article IV - Special Exceptions and Conditions

TABLE OF ZONING DISTRICTS

FOREST RECREATION (FR) DISTRICT

Uses by Right - Ranching, farming, general agriculture
Single family dwelling units or independent mobile homes related to an individual ranch or farmstead
Sand and gravel extractive operations affecting less than 10 acres and extracting less than 70,000 tons of mineral, overburden, or combination thereof during any calendar year

Special Uses -
By Permit Only Single and Two family dwellings
Seasonal dwelling
Public utilities
Churches
Mobile home parks
Swimming pools, golf courses, tennis courts, parks, recreation lands and wildlife preserves
Commercial mining, including sand and gravel extractive operation affecting 10 acres or more and extracting 70,000 tons or more of mineral, overburden, or combination thereof during any calendar year, and all other mineral extractive operations, including the exploration for, milling, refining, or mixing for shipment of said materials
Commercial timber harvesting operations
Planned Unit Development (PUD)
Electrical transmission lines of 69KV or more
Independent mobile homes
Condominiums
Riding stables and academies
Commercial recreational uses
Lodges and motels
Development in Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas

Minimum Lot Area Dwellings - Three (3) acres

Condominiums - 2,500 square feet per unit
Lodges, resorts, motels - 1,500 square feet per unit
Eating and drinking places, store, shops - 2,500 square feet

Minimum Floor Area Dwellings - 500 square feet per unit
Condominiums - 500 square feet per dwelling unit
No other minimums

FOREST RECREATIONAL (FR) DISTRICT - (Cont'd)

<u>Maximum Building Height</u>	4 stories
<u>Minimum Lot Frontage</u>	Dwellings - 100 feet Lodges, resorts, motels, condominiums - 150 feet No other minimums
<u>Minimum Front Setback</u>	Dwellings, lodges, resorts, motels, condominiums and all accessory buildings - 30 feet No other minimums
<u>Minimum Side Setback</u>	Dwellings, lodges, resorts, motels, condominiums and all accessory buildings - 20 feet
<u>Minimum Rear Setback</u>	All buildings - 25 feet
<u>Minimum Off-Street Parking</u>	Dwellings - 1 space per dwelling unit Lodges, resorts, motels, etc. - 1 space per unit Eating and drinking places - 1 space per 6 each fixed seats Other commercial establishments - 3 spaces per each 100 square feet of floor area
<u>Other Regulations</u>	See Article IV - Special Exceptions and Conditions

TABLE OF ZONING DISTRICTS

COMMERCIAL (C) DISTRICT

Uses By Right -

Agricultural equipment, sales and service
Appliance, furniture, mail order, cleaning, laundry, photographer, shoe, and shoe repair store
Appliance repair
Auditorium, theaters, recreation centers
Automotive sales and service
Auto service, garages and accessory stores
Banks, insurance, real estate, investment offices
Book, novelty, variety, hobby, toy, music store
Bus, train, airline ticket offices, terminals
Charitable social services
Civic, youth, social and fraternal organizations
Dwelling unit, provided it is occupied by the owner, operator, or caretaker of the permitted use
Governmental and public utility offices
Hotel, motel, restaurant, bar and lounge
Indoor entertainment facilities
Liquor, drug, food, department, antique, clothing, hardware store
Data processing, employment, advertising and collection agencies
Printing, photocopying, blue-printing services
Radio and TV studio
Sporting goods, camera store
Used merchandise
Accessory uses and structures
Such other uses which because of character of the business is compatible with uses listed above

Conditional Uses -
By Permit only

Public Utilities
Churches and related uses
Schools and other public facilities
Automobile parking lots

Special Uses -
By Permit only

Animal clinic
Outdoor eating and drinking establishments

Mortuaries
Electrical Transmission lines of 69KV or more
Development in Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas

COMMERCIAL (C) DISTRICT - (Cont'd)

Minimum Lot Area No minimum lot area is required. However, no Commercial District shall be built upon, for any purpose after August 30, 1991, unless it is to be served by a central collection system and secondary sewage treatment and disinfection facilities as approved by the Colorado Department of Public Health and the local health department or is otherwise served by an on-site individual sewage disposal system that has been designed by a registered professional engineer licensed by the State of Colorado.

Maximum Building Height For all structures - 35 feet or as may be approved subject to considerations of height, bulk and placement of surrounding buildings, visual amenities, view, the style and character of the structure within the immediate urban setting or other such physical or aesthetic appeal.

Minimum Lot Frontage Dwellings - 100 feet
Lodges, resorts, motels - 150 feet
No other minimum

Minimum Front Setback 50 feet

Minimum Side Setback None for Uses by Right
Conditional Uses - 20 feet
Special Uses - 20 feet

Minimum Rear Setback 25 feet

Minimum Off-Street Parking Dwellings - 2 spaces
Hotels, motels & lodges - 1 space per unit plus additional parking as may be required for business, auditorium, etc.
Commercial & business uses - 1 space per 300 square feet of floor space
Churches, auditoriums & other facilities housing seated audiences
1 space per every 4 seats
Outdoor or mixed facilities & combinations of any permitted uses - sufficient number of spaces that will make reasonable & adequate provision for the highest expected volume of users

Other regulations See Article IV - Special Exceptions and Conditions

TABLE OF ZONING DISTRICTS

INDUSTRIAL (I) DISTRICT

<u>Uses By Right -</u>	Any kind of scientific research, manufacturing, compounding, storage of products or raw materials, fabrication, assembling, processing or treatment of products, distribution center, food and beverage processing or other similar types of use, but <u>not</u> including junk yards Accessory uses and structures, including parking Commercial sales uses and facilities associated with on-site uses by right Commercial storage units and/or facilities Park facilities
<u>Conditional Uses - By Permit Only</u>	Dwelling unit, provided it is occupied by the owner, caretaker or operator of the permitted use Public Utilities
<u>Special Uses - By Permit Only</u>	Junk Yards Airports Electrical transmission lines of 69KV or more Development in Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas,, and Flood Hazard Areas
<u>Minimum Lot Area</u>	No minimum
<u>Minimum Floor Area</u>	No minimum
<u>Maximum Building Height</u>	50 feet - 4 stories. Shall not apply to cupolas, domes, chimneys, ventilators, skylights, water tanks, antennas, cornices or mechanical appurtenances usually present above roof level
<u>Minimum Lot Frontage</u>	50 feet
<u>Minimum Front Setback-</u>	No minimum, except that all loading docks shall be considered a part of the building when on the front and shall have a 50 ft. setback for loading and unloading of vehicles
<u>Minimum Side Setback-</u>	Any building - 25 feet
<u>Minimum Rear Setback</u>	-Any building - 30 feet

INDUSTRIAL (1) DISTRICT - (Cont'd)

Minimum off-street parking - 1 space for each 3 employees plus 1 space for each vehicle operated from or on the premises

Other Regulations - Open, outside storage of farm implements, machinery, lumber, raw materials shall be fenced with chain link type wire fencing not less than five (5) feet in height or suitable substitute as determined by the Board of Adjustment except that junk yards shall be screened from view by a fence of solid material at least 6 ft. in height

See Article IV - Special Exceptions and Conditions

TABLE OF ZONING DISTRICTS

MOUNTAIN RESIDENTIAL ESTATE (MRE) DISTRICT

Uses By Right -

Ranching, farming and general agriculture
Single Family and multi-family dwellings of five (5) units or less
Accessory uses and structures related to ranching, farming and general agriculture
Hospitals, medical/dental offices and clinics
Swimming pools
Parks
Golf courses, tennis courts, ice skating rinks
Planned Unit Development (PUDs)
Subject to subdivision approval and PUD regulation approval
Home occupations
Private greenhouses
Farm and garden buildings
Day care centers
Non-profit and charitable organizations, excluding churches
Marinas
Radio stations
Government buildings
School buildings within North Park R-1 District
Theaters
Electrical transmission lines of less than 69KV

Special Uses - By Permit Only

Lodges
Motels
Condominiums
Dude ranches
Riding stables and academies
Modern campgrounds
Shooting and archery ranges and clubs
Private or other public schools
Churches
Ponds and reservoirs
Commercial fishing
Commercial outfitters and guide service facilities
Racetracks
Ski areas
Commercial greenhouses and nurseries
Commercial poultry farms and fur farms
Commercial forestry and lumbering

Commercial mineral extractive and exploratory operations, including milling, refining, or mixing for shipment of said materials

Bus stops

Electrical transmission lines of 69KV or more and other public utility lines and facilities

Development in designated Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas

Minimum Lot Area (Sq. ft. unless indicated as acres)

- A. For Single Family Dwelling Units or Multi-Family Dwelling Units of five (5) units or less:
 - 1. On subdivided land not served by central water supply system and sewage facilities: 3 acres or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
 - 2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 1 acre or larger if required by on-site percolation tests and other requirements of the Colorado Department of Public Health and the local health authority.
 - 3. On subdivided land served by both a central water supply system and central sewage collection system and secondary sewage treatment and disinfection facilities: 1/2 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
- B. For Hotel/Motel/Lodge and other commercial recreational facilities:
 - 1. On subdivided land not served by central water supply system and sewage facilities: 5 acres or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
 - 2. On subdivided land served by either a central water supply system and secondary sewage treatment and disinfection facilities: 2 1/2 acres or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
- 3. On subdivided land served by both a central water supply

MOUNTAIN RESIDENTIAL ESTATE (MRE) DISTRICT - (Cont'd)

system and central sewage collection system and secondary sewage treatment and disinfection facilities: 1 1/2 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.

- C. Other Uses: Same as Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less.

Minimum Required Lot Area - (Sq. Ft.) per dwelling unit, condominium unit, or rooming/living unit for temporary or permanent human occupancy.

- A. All uses: 1500 sq. ft.

Minimum Required Usable Open Space - (Sq. Ft.) per dwelling unit, condominium unit, or rooming/living unit for temporary or permanent human occupancy, excluding rights-of-way, streets, and parking areas.

- A. All uses: 1200 sq. ft.

Minimum Front Yard Setback - All principal buildings and uses and all accessory buildings and uses from property line.

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 50 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 100 feet
- C. Uses other than Single Family Dwelling Unit, Multi-family Dwelling Units and Commercial Recreational Facilities and Uses: 50 feet

Minimum Side Yard Setback - All principal buildings and uses and all accessory buildings and uses from all property lines.

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 20 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 150 feet

MOUNTAIN RESIDENTIAL ESTATE (MRE) DISTRICT - (Cont'd)

- C. Uses other than Single Family Dwelling Units, Multi-family Dwelling Units, and Commercial Recreational Facilities and Uses: 20 feet

Minimum Rear Yard Setback - All principal buildings and uses and all accessory buildings and uses from property lines.

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 20 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 50 feet
- C. Uses other than Single Family Dwelling Units, Multi-family Dwelling Units, and Commercial Recreational Facilities and uses: 20 feet

Other Required Setbacks - All principal buildings and uses and all accessory buildings and uses.

- A. All uses: 100 feet from the mean identifiable high water mark of all streams, rivers, creeks, natural lakes and other natural water courses.
- B. Detached, private garages or accessory buildings: setback not less than ten (10) feet from any dwelling unit.

Minimum Lot Width

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 140 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 500 feet
- C. Uses other than Single Family Dwelling Units, Multi-family Dwelling Units, and Commercial Recreational Facilities and Uses: 140 feet

Maximum height of all principal uses and buildings -

- A. All uses: 35 feet

Maximum height of accessory buildings and uses -

- A. All uses: 35 feet

Minimum Floor Area per unit -

MOUNTAIN RESIDENTIAL ESTATE (MRE) DISTRICT - (CONT'D)

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 960 sq. ft. per dwelling unit
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 300 sq. ft. per unit

Floor Area Ratio

(total floor area divided by total lot area) -

Total floor area is the combined total square footage of all levels or stories of any building, measured from the outside walls but excluding courts, porches, cellars, and underground parking areas. The total lot area is the total horizontal area, measured in square feet, within the boundaries of a lot and may include parking areas, easements and roadways.

- A. All uses: .25

Other Regulations -

- A. All permitted uses subject to Article IV. SPECIAL EXCEPTIONS AND CONDITIONS, Section 10. Design Review Regulations.
- B. The following information or evidence must be submitted by the applicant prior to the issuance of building permits for any type of structure in this Zoning District:
 - 1. Evidence satisfactory to the county that the applicant has a legal access for ingress and egress to the building tract from a public roadway or highway.
 - 2. Evidence of a source of a domestic water supply.
 - 3. Evidence of a right-of-way to the building tract for utilities.

TABLE OF ZONING DISTRICTS

FORESTRY AND OPEN (FO) DISTRICT

Uses by Right

Ranching, farming and general agriculture
Single family and multi-family dwellings of five (5) units or less
Accessory uses and structures related to ranching, farming and general agriculture
Hospitals, medical-dental offices and clinics
Lodges
Swimming pools
Theaters
Parks
Golf courses, tennis courts, ice skating rinks
Planned Unit Developments (PUDs)
Subject to subdivision approval and PUD regulation approval.
Home occupations
Private greenhouses
Farm and garden buildings
Day care centers
Non-profit and charitable organization facilities, excluding churches
Modern campgrounds
Radio stations
Dude ranches
Riding stables and academies
Commercial fishing
Commercial outfitters and guide service facilities
Electrical transmission lines of less than 69KV

Conditional Uses - By Permit Only

School buildings within North Park R-1 District
Private or other public schools

Special Uses - By Permit Only

Animal kennels
Motels, hotels
Ponds and reservoirs
Condominiums
Commercial forestry and lumbering
Bus stops
Racetracks
Ski areas
Electrical transmission lines of 69KV or more, and other public utility lines and facilities
Development in designated Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas

FORESTRY AND OPEN (FO) DISTRICT - (Cont'd)

Commercial mineral extractive and exploratory operations, including milling, refining, or mixing for shipment of said materials

Temporary Use -
By Permit Only

Timber thinning and clearing

Minimum Lot Area (Sq. ft. unless indicated as acres)

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less;
 - 1. On subdivided land not served by central water supply system and sewage facilities: 3 acres or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
 - 2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 30,000 sq. ft. or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
 - 3. On subdivided land served by both a central water supply system and sewage collection system and secondary sewage treatment and disinfection facilities: 15,000 sq. ft. or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
- B. For Hotel/Motel/Lodge and other commercial recreational facilities:
 - 1. On subdivided land not served by central water supply system and sewage facilities: 3 acres or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
 - 2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 2 acres or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.

FORESTRY AND OPEN (FO) DISTRICT - (Cont'd)

3. On subdivided land serviced by both a central water supply system and central sewage treatment and disinfection facilities: One (1) acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum (sq. ft.) per unit requirements set forth below.
- C. Other Uses: Same as Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less.

Minimum Required Lot Area - Square feet per dwelling unit, condominium unit, or rooming/living unit for temporary or permanent human occupancy.

- A. All uses: 1500 sq. ft.

Minimum Required Usable Open Space - (Sq. ft.) per dwelling unit, condominium unit, or rooming/living unit for temporary or permanent human occupancy, excluding rights-of-way, streets, and parking areas.

- A. All uses: 1000 sq. ft.

Minimum Front Yard Setback - All principal buildings and uses and all accessory buildings and uses from property line.

- A. For Single Family Dwelling Units or Multi-family Dwelling units of five (5) units or less: 40 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 75 feet

Minimum Side Yard Setback - All principal buildings and uses and all accessory buildings and uses from property line.

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 20 feet
- B. For Hotel/Motel/Lodge and other commercial Recreational Facilities and Uses: 100 feet
- C. Uses other than Single Family Dwelling Unit, Multi-family Dwelling Units, and Commercial Recreational Facilities and Uses: 20 feet

Minimum Rear Yard Setback - All principal buildings and uses and all accessory buildings and uses from property lines.

FORESTRY AND OPEN (FO) DISTRICT - (Cont'd)

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 20 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 25 feet
- C. Uses other than Single Family Dwelling Unit, Multi-family Dwelling Units, and Commercial Recreational Facilities and Uses: 20 feet

Other Required Setbacks-All principal buildings and uses and all accessory buildings and uses.

- A. All uses: 100 feet from the mean identifiable high water mark of all streams, rivers, creeks, natural lakes and other natural water courses.
- B. Detached, private garages or accessory buildings: setback not less than ten (10) feet from any dwelling unit.

Minimum Lot Width

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 140 sq. ft. per unit
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 300 feet
- C. Uses other than Single Family Dwelling Unit, Multi-family Dwelling Units, and Commercial Recreational Facilities and Uses: 140 feet

Maximum Height of all Principal Uses and Buildings

- A. All uses: 35 feet

Maximum Height of Accessory Buildings and Uses

- A. All uses: 35 feet

Minimum Floor Area Per Unit

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 960 sq. ft. per unit
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 300 sq. ft. per unit

Floor Area Ratio

(total floor area divided by total lot area)
Total floor area is the combined total square footage of all levels or stories of any building, measured from the outside walls, but excluding

FORESTRY AND OPEN (FO) DISTRICT - (Cont'd)

courts, porches, cellars, and underground parking areas. The total lot area is the total horizontal area, measured in square feet, within the boundaries of a lot and may include parking areas, easements and roadways.

A. All uses: .33

Other Regulations

- A. All permitted uses subject to Article IV. SPECIAL EXCEPTIONS AND CONDITIONS, Section 10. Design Review Regulations.
- B. The following information or evidence must be submitted by the applicant prior to the issuance of building permits for any type of structure in this Zoning District.
 - 1. Evidence satisfactory to the county that the applicant has a legal access for ingress and egress to the building tract from a public roadway or highway.
 - 2. Evidence of a source of domestic water supply.
 - 3. Evidence of a right-of-way to the building tract for utilities

TABLE OF ZONING DISTRICTS

FOREST RESORT (FRS) DISTRICT

<u>Uses by Right</u>	Ranching, farming and general agriculture Single family and multi-family dwellings of five (5) units or less Accessory uses and structures related to ranching, farming and general agriculture Hospitals, medical/dental offices and clinics Swimming pools Parks Golf courses, tennis courts, ice skating rinks Planned Unit Developments (PUDs) Subject to subdivision approval and PUD regulation approval. Home occupations Private greenhouses Farm and garden buildings Day care centers Non-profit and charitable organization facilities, excluding churches Radio stations Theaters Lodges Motel, Hotels Condominiums Bus Stops Electrical transmission lines of less than 69KV
<u>Conditional Uses - By Permit Only</u>	Government buildings School buildings within North Park R-1 District
<u>Special Uses - By Permit Only</u>	Ponds and reservoirs Dude ranches Riding stables and academies Racetracks Commercial outfitters and guide service facilities Shooting and archery ranges and clubs Electrical transmission lines of 69KV or more, and other public utility lines and facilities Development in designated Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Floor Hazard Area Commercial mineral extractive and exploratory operations, including milling, refining, or mixing for shipment of said materials
<u>Temporary Use</u>	Timber thinning and clearing

FOREST RESORT (FRS) DISTRICT - (Cont'd)

by Permit Only

Minimum Lot Area (Sq. Ft. unless indicated as acres)

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less:
 - 1. On subdivided land not served by central water supply system and sewage facilities: 1 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
 - 2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 20,000 sq. ft. or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
 - 3. On subdivided land served by both a central water supply system and sewage collection system and secondary sewage treatment and disinfection facilities: 10,000 sq. ft. or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
- B. For Hotel/Motel/Lodge and other commercial recreational facilities:
 - 1. On subdivided land not served by central water supply system and sewage facilities: 1 1/2 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
 - 2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 3/4 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
 - 3. On subdivided land served by both a central water supply system and central sewage collection system and secondary sewage treatment and disinfection facilities: 1/3 acre or larger if required by on-site percolation tests or other

FOREST RESORT (FRS) DISTRICT - (Cont'd)

requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum (sq. ft.) per unit requirements set forth below.

- C. Other Uses: Same as Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less.

Minimum Required Lot Area - Square feet per dwelling unit, condominium unit, or rooming/living unit for temporary or permanent human occupancy.

- A. All uses: 750 sq. ft.

Minimum Required Usable Open Space - Square feet per dwelling unit, condominium unit, or rooming/living unit for temporary or permanent human occupancy, excluding rights-of-way, streets, and parking areas.

Minimum Front Yard Setback - All principal buildings and uses and all accessory buildings and uses from property line.

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 30 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 50 feet
- C. Uses other than Single Family Dwelling Unit, Multi-family Dwelling Units, and Commercial Recreational Facilities and uses: 30 feet

Minimum Side Yard Setback - All principal buildings and uses and all accessory buildings and uses from all property lines.

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 10 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 50 feet
- C. Uses other than Single Family Dwelling Unit, Multi-family Dwelling Units, and Commercial Recreational Facilities and uses: 10 feet

Minimum Rear Yard Setback - All principal buildings and uses and all accessory buildings and uses from property lines.

FOREST RESORT (FRD) DISTRICT - (Cont'd)

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 20 feet
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 20 feet
- C. Uses other than Single Family Dwelling Units, Multi-family Dwelling Units, and Commercial Recreational Facilities and uses: 20 feet

Other Required Setbacks - All principal buildings and uses and all accessory buildings and uses.

- A. All uses: 100 feet from the mean identifiable high water mark of all streams, rivers, creeks, natural lakes and other natural water courses.
- B. Detached, private garages or accessory buildings: setback not less than ten (10) feet from any dwelling unit.

Minimum lot width A. For all uses: 100 feet

Maximum height of all principal uses and buildings

- A. All uses: 35 feet

Maximum height of accessory buildings and uses

- A. All uses: 35 feet

Minimum floor area per unit

- A. For Single Family Dwelling Units, or Multi-family Dwelling Units of five (5) units or less: 960 sq. ft.
- B. For Hotel/Motel/Lodge and other commercial recreational uses: 300 sq. ft.

Floor Area Ratio

(total floor area divided by total lot area) -

Total floor area is the combined footage of all levels or stories of any building, measured from the outside walls, but excluding courts porches, cellars, and underground parking areas. The total lot area is the total horizontal area, measured in square feet, within the boundaries of a lot and may include parking areas, easements and roadways.

- A. All uses: .6

Other Regulations

- A. All permitted uses subject to Article IV. SPECIAL EXCEPTIONS AND CONDITIONS, Section 10. Design Review Regulations.
- B. The following information or evidence must be submitted by the applicant prior to the issuance of building permits for any type of structure in this Zoning District:
 - 1. Evidence satisfactory to the county that the applicant has a legal access for ingress and egress to the building tract from a public roadway or highway.
 - 2. Evidence of a source of a domestic water supply.
 - 3. Evidence of a right-of-way to the building tract for utilities.

Shooting and archery ranges and clubs

Electrical transmission lines of 69KV or more, and other public utility lines and facilities

Commercial mineral extractive and exploratory operations, including milling, refining, or mixing for shipment of said materials

Development in designated Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas

TABLE OF ZONING DISTRICTS

NEIGHBORHOOD ACCOMMODATIONS (NA) DISTRICT

<u>Uses By Right</u>	Ranching, farming and general agriculture Single family and multi-family dwellings of five (5) units or less Accessory uses and structures related to ranching, farming, and general agriculture Lodges Motels Barber shop Beauty shop Drug store Grocery store Laundry Liquor store Swimming pools Parks Golf courses, tennis courts, ice skating rinks Planned Unit Developments (PUDs) Subject to subdivision approval and PUD regulation approval Home occupations Riding stables and academies Private greenhouses Farm and garden buildings Day Care centers Non-profit and charitable organizations, excluding churches Electrical transmission lines of less than 69KV Bus stops
<u>Special Uses - By Permit only</u>	Ponds and reservoirs Condominiums Churches Commercial outfitters and guide service facilities
<u>Temporary Use- By Permit Only</u>	Timber thinning and clearing
<u>Minimum Lot Area -</u>	(Sq. Ft. unless indicated as acres)
	A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 1. On subdivided land not served by central water supply system and sewage facilities: 3 acres or larger if required by on-site percolation tests or other requirements of the Colorado

NEIGHBORHOOD ACCOMMODATIONS (NA) - (Cont'd)

- Department of Public Health and the local health authority.
2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 1 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
 3. On subdivided land served by both a central water supply system and central sewage collection system and secondary sewage treatment and disinfection facilities: 1/2 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority.
- B. For Hotel/Motel/Lodge and other commercial recreational facilities:
1. On subdivided land not served by central water supply system and sewage facilities: 3 acres or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
 2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 2 acres or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
 3. On subdivided land served by both a central water supply system and central sewage collection system and secondary sewage treatment and disinfection facilities: 1 1/2 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
- C. Other Uses: Same as Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less.

Minimum Required Lot Area - (Sq. Ft.) per dwelling unit, condominium unit, or rooming/living unit for temporary or permanent human occupancy.

NEIGHBORHOOD ACCOMMODATIONS (NA) DISTRICT - (Cont'd)

- A. All uses: 1500 sq. ft.

Minimum Required Usable Open Space - (Sq. Ft.) per dwelling unit, condominium unit, or rooming/living unit for temporary or permanent human occupancy, excluding right-of-way, streets, and parking areas.

- A. All uses: 1200 sq. ft.

Minimum Front Yard Setback - All principal buildings and uses and all accessory buildings and uses from all property lines.

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 20 feet from property line or 320 feet from any State Highway, whichever is greater.
- B. For Hotel/Motel/Lodge and other commercial uses: 150 feet from the property line or 450 feet from any State Highway, whichever is greater.
- C. Uses other than Single Family Dwelling Units, Multi-family Dwelling Units, and Commercial Uses: 20 feet from property line or 320 feet from any State Highway, whichever is greater.

Minimum Side Yard Setback - All principal buildings and uses and all accessory buildings and uses from all property lines.

- A. For Single Family Dwelling units or Multi-family Dwelling Units of five (5) units or less: 20 feet
- B. For Hotel/Motel/Lodge and other commercial uses: 150 feet from the property line and 450 feet from any State Highway, whichever is greater.
- C. Uses other than Single Family Dwelling Units, Multi-family Dwelling Units, and Commercial Uses: 20 feet from property line or 320 feet from any State Highway, whichever is greater.

Minimum Rear Yard Setback - All principal buildings and uses and all accessory buildings and uses from property lines.

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 20 feet
- B. For Hotel/Motel/Lodge and other commercial uses: 50 feet
- C. Uses other than Single Family Dwelling Unit, Multi-family Dwelling Units, and Commercial Uses: 20 feet

NEIGHBORHOOD ACCOMMODATIONS (NA) DISTRICT - (Cont'd)

Other Required Setbacks - All principal buildings and uses and all accessory buildings and uses.

- A. All uses: 100 feet from the mean identifiable high water mark of all streams, rivers, creeks, natural lakes and other natural water courses.
- B. Detached, private garages or accessory buildings: Setback not less than ten (10) feet from any dwelling unit.

Minimum Lot Width-

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 140 feet
- B. For Hotel/Motel/Lodge and other commercial uses: 500 feet
- C. Uses other than Single Family Dwelling Units, Multi-family Dwelling Units, and Commercial Uses: 140 feet

Maximum Height of all Principal Uses and Buildings

- A. All uses: 35 feet

Maximum Height of Accessory Buildings and Uses

- A. All uses: 35 feet

Minimum Floor Area - per unit

- A. For Single Family Dwelling Units or Multi-family Dwelling Units of five (5) units or less: 960 sq. ft. per dwelling unit
- B. For Hotel/Motel/Lodge and other commercial uses: 300 sq. ft. per unit

Floor Area Ratio -

(Total floor area divided by total lot area)
Total floor area is the combined square footage of all levels or stories of any building, measured from the outside walls, but excluding courts, porches, cellars, and underground parking areas. The total lot area is the total horizontal area, measured in square feet, within the boundaries of a lot and may include parking areas, easements and roadways.

- A. All uses: .25

Other Regulations - A. All permitted uses subject to Article IV. SPECIAL EXCEPTIONS AND CONDITIONS, Section 10. Design Review Regulations.

- B. The following information or evidence must be submitted by the applicant prior to the issuance of building permits for any type of structure in this Zoning District:
1. Evidence satisfactory to the county that the applicant has a legal access for ingress and egress to the building tract from a public roadway or highway.
 2. Evidence of a source of a domestic water supply.
 3. Evidence of a right-of-way to the building tract for utilities.

TABLE OF ZONING DISTRICTS

BUSINESS (B) DISTRICT

Uses by Right

Accounting offices
Accessory uses and structures
Appliances and appliance repair
Antique stores
Art stores
Art gallery
Automobile parking areas and garages
Auditorium
Auto wash and polish service
Bowling alleys
Bar and lounge
Banks, insurance, real estate, investment offices
Bookstores, variety, hobby, toy, music stores
Bus, train, airline ticket offices, terminals
Bakeries
Barber and beauty shops
Billiard parlors
Business PUD's
Catalog sales operations
Charitable social organizations
Civic, youth,, social and fraternal organizations
Clothing stores
Collection agencies
Camera shops
Cleaning and dyeing establishments
Cabinet making and carpentry shops
Drive-in financial institution
Drive-in restaurants
Drug stores
Data processing, employment, advertising agencies
Florists
Furniture stores
Gasoline filling station
Government and public utility offices
Grocery stores
Hotels, motels
Handicraft products shop
Hardware and paint stores
Hospitals
Liquor store

BUSINESS (B) DISTRICT - (Cont'd)

Medical and dental offices and clinics
Novelty, curio and souvenir shops
Printing, photocopying, blue printing services
Professional offices
Photography studio
Restaurants
Sporting goods stores
Shoe and shoe repair stores
Theaters
Upholstery shops
Arcade and video amusement centers
Library
Museum

Special Uses -
By Permit Only

Dwelling Unit, provided it is occupied by the owner, operator, or caretaker of the permitted use
Electrical transmission lines greater than 69KV
Utilities, including water storage and treatment, and sewage treatment facilities
Development in designated Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas

Temporary Use -
By Permit Only

Carnivals

Christmas tree sales
Circuses
Seasonal produce sales
Auctions
Timber thinning and clearing

Minimum Lot Area -

(Sq. ft. unless indicated as acres)

- A. All uses:
1. On subdivided land not served by central water supply system and sewage facilities: 1 1/2 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements.
 2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 3/4 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health

BUSINESS (B) DISTRICT - (Cont'd)

and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.

3. On subdivided land served by both a central water supply system and central sewage collection system and secondary sewage treatment and disinfection facilities: No minimum unless required by the Colorado Department of Public Health and/or the local health authority.

Minimum Front Yard Setback - All principal buildings and uses and all accessory buildings and uses from property line.

- A. All uses: 10 feet

Minimum Side Yard Setback - All principal buildings and uses and all accessory buildings and uses.

- A. All uses: if there is no side yard, the side wall of the building shall be constructed of four (4) hour fire resistant material. If there is a side yard, it shall be at least five (5) feet. Where a lot side yard setback requirements of that district shall apply.

Minimum Rear Yard Setback - All principal buildings and uses and all accessory buildings in the Business District is adjacent to another zoning district, the and uses from property lines.

- A. All uses: 15 feet - Where a lot in the Business (B) District is adjacent to another zoning district, the standards of the more restrictive district shall apply.

Other Required Setbacks - All principal buildings and uses and all accessory buildings and uses.

- A. All uses: 100 feet from the mean identifiable high water mark of all streams, rivers, creeks, natural lakes and other natural water courses.
- B. Detached, private garages or accessory buildings: setback not less than ten (10) feet from any dwelling unit.
- C. Gasoline Pumps: Twenty (20) feet from any street or road right-of-way.

Maximum Height of all Principal Uses and Buildings -

- A. All uses: 35 feet

Maximum Height of Accessory Buildings and Uses

- A. All uses: 35 feet

- Other Regulations - A. All permitted uses subject to Article IV. SPECIAL EXCEPTIONS AND CONDITIONS, Section 10. Design Review Regulations.
- B. The following information or evidence must be submitted by the applicant prior to the issuance of building permits for any type of structure in this Zoning District.
 1. Evidence satisfactory to the county that the applicant has a legal access for ingress and egress to the building tract from a public roadway or highway.
 2. Evidence of a source of a domestic water supply.
 3. Evidence of a right-of-way to the building tract for utilities.

TABLE OF ZONING DISTRICTS

BUSINESS PARK (BP) DISTRICT

Uses by Right

Accounting offices
Accessory uses and structures
Agricultural equipment, sales and service
Animal clinic
Appliances and appliance repair
Auctions
Automobile parking areas
Auto accessory parts and repair
Auto body shop
Auto sales and service, not including auto salvage or wrecking
Auto service station and garages
Auto wash and polish service
Bar and lounge
Banks, insurance, real estate, investment offices
Blacksmith shops
Bottling works
Business PUDs
Subject to PUD regulation approval
Campground
Catalog sales operations
Churches
Cleaning and dyeing establishments
Canvas Products (fabrication)
Coal businesses
Cabinet making and cabinetwork shops
Contractor's yard
Drive-in restaurants
Date processing, employment, advertising agencies
Drive-in financial institutions
Frozen food lockers
Feed and Seed stores
Food processing (retail and wholesale)
Furniture stores
Gasoline filling stations
Government and public utility storage and staging yards
Grocery stores
Greenhouses, for retail sales
Hardware and paint stores
Heavy equipment (sales, supplies and storage)
Laundromats, self-service
Liquor stores

BUSINESS PARK (BP) DISTRICT - (Cont'd)

Lodge
Lumber yard
Motor freight depot and storage
Machine shops
Manufacture of handcraft products
Printing, photocopying, blue printing services
Plumbing shops
Private vocational technical school
Radio and television stations, sales and repair shops
Roofing shops
Restaurants
Self-storage units/mini warehouses
Shoe and shoe repair stores
Storage warehouses
Stands for sale of agricultural products
Theaters
Tinsmith shop
Used merchandise shops
Upholstery shop
Yurt

Special Uses -

Electrical transmission lines of 69KV or more

By Permit Only

Fuel sales (wholesale) and storage
Dwelling unit, provided it is occupied by the owner, operator, or caretaker of the permitted use
Utilities, including water storage and treatment, and sewage treatment facilities
Utility substation
Development in designated Mineral Resource Areas, Geologic Hazard Areas, Wildfire Hazard Areas, and Flood Hazard Areas

Temporary Uses

By Permit Only

Carnivals
Christmas tree sales
Circuses
Seasonal produce sales
Timber thinning and clearing

Minimum Lot Area (Sq. Ft. unless indicated as acres.)

- A. All Uses
1. On subdivided land not served by central water supply system and sewage facilities: 1 1/2 acre or larger if required by on-site percolation tests or other requirements

BUSINESS PARK (BP) DISTRICT - (Cont'd)

of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.

2. On subdivided land served by either a central water supply system or central sewage collection system and secondary sewage treatment and disinfection facilities: 3/4 acre or larger if required by on-site percolation tests or other requirements of the Colorado Department of Public Health and the local health authority or as may be required by minimum area (sq. ft.) per unit requirements set forth below.
3. On subdivided land served by both a central water supply system and central sewage collection system and secondary sewage treatment and disinfection facilities: No minimum unless required by the Colorado Department of Public Health and/or the local health authority.

Minimum Front Yard Setback - All principal buildings and uses and all accessory buildings and uses from property line.

- A. All uses: 10 feet

Minimum Side Yard Setback - All principal buildings and uses and all accessory buildings and uses.

- A. All uses: if there is no side yard, the side wall of the building shall be constructed of four (4) hour fire resistant material. If there is a side yard, it shall be at least five (5) feet. Where a lot in the Business Park District is adjacent to another zoning district, the side yard setback requirements of that district shall apply.

Minimum Rear Yard Setback - All principal buildings and uses and all accessory buildings and uses from property lines.

- A. All uses: 15 feet - Where a lot in the Business Park (BP) District is adjacent to another zoning district, the standards of the more restrictive district shall apply.
- A. All uses: 100 feet from the mean identifiable high water mark of all streams, rivers, creeks, natural lakes and other natural water sources.

Other Required Setbacks- All principal buildings and uses and all accessory buildings and sources.

- B. Detached, private garages or accessory buildings: setback not less than ten (10) feet from any dwelling unit.

BUSINESS PARK (BP) DISTRICT - (Cont'd)

- C. Gasoline pumps: Twenty (20) feet from any street or road right-of-way.

Maximum Height of all Principal Uses and Buildings -

- A. All uses: 35 feet

Maximum Height of Accessory Buildings and Uses -

- A. All uses: 35 feet

- Other Regulations -
- A. All permitted uses subject to Article IV. SPECIAL EXCEPTIONS AND CONDITIONS, Section 10. Design Review Regulations.
 - B. The following information or evidence must be submitted by the applicant prior to the issuance of building permits for any type of structure in this Zoning District.
 1. Evidence satisfactory to the county that the applicant has a legal access for ingress and egress to the building tract from a public roadway or highway.
 2. Evidence of a source of a domestic water supply.
 3. Evidence of a right-of-way to the building tract for utilities.

